

CHAPTER IV

THE AGREEMENT OF IUU FISHING AND THE RESPOND FROM THAILAND

In this chapter the writer will explain the agreement of IUU fishing between Indonesia and Thailand, and the effort of Thailand to making the respond of Thailand to cooperate with Indonesia in develop their regulation of control the fishing vessel.

A. The agreement of IUU fishing

Agreement of IUU fishing is agreement that conducted by two or more regime, this is usually done in a form of cooperation which can conclude a law, routine patrol or sharing information.

In order to prevent, inhibit and destroy IUU Fishing, Indonesia has conducted coordination and cooperation between states, through cooperation agreements such as the agreement in the form of a memorandum of understanding (MoU) or a letter of intent (LoI) with several countries including Australia, Vietnam, and Malaysia.

This cooperation, among others, is related to data exchange, transfer of technologies, coordinated patrols, researches and human resources development through education and training, and participation in the efforts to prevent, deter, and eliminate IUU fishing practices.

In 2008, together with the other 10 states in Southeast Asia (Australia, Brunei Darussalam, Cambodia, Malaysia, Papua New Guinea, The Philippines, Singapore, Thailand, East Timor, and Vietnam), Indonesia agreed on the adoption of Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices Including Combating IUU Fishing in the Southeast Asia Region, and has continued its implementation up until now. Indonesia has become the Secretariat of RPOA, starting in 2008 until now. In addition, also in the same year, Indonesia and ASEAN member states committed themselves in preventing and combating IUU fishing through the establishment of ASEAN Fisheries Consultative Forum (AFCF). AFCF is an ASEAN consultation forum for fishery for which Indonesia was appointed to be the Secretariat for IUU fishing. And this MoU are included:

a. Cooperation with Australia related to fisheries surveillance and law enforcement for combating illegal fishing, signed July 17, 2009;

b. Cooperation with the Socialist Republic of Vietnam on fisheries signed on October 27, 2010;

c. Cooperation with Malaysia regarding the guidance for law enforcement officers of both countries in handling the fishermen who catch fish in the border region, signed on January 27, 2012. (Ministry of Marine Affairs and Fisheries of Republic Indonesia Decree Number KEP. 50/MEN/2012, 2012)

After European Union threatened to sanction Thailand over illegal, unregulated and unreported (IUU) fishing if not immediately solve the problem. Indonesia agreed to form a joint task force with Thailand to tackle the issue and

praised Thailand's efforts to regulate and monitor its fishing a fleet, saying by the Thai government is truly committed to solving the problem. Seafood exports are a major earner of foreign exchange for Thailand, reeling in about \$7 billion last year, and Thailand's private-sector fishing fleet is one of the largest in the Asia-Pacific region. But the industry has been plagued by problems with IUU fishing and human trafficking. Since assuming power last May, the government of Prime Minister Prayut Chan-o-cha has taken more steps to combat both problems than any of its predecessors. But the long years of inaction and the regional nature of the issues mean that it will take time, cooperation and sustained commitments before IUU fishing and human trafficking can be truly eradicated. (Amazing Thailand organization, 2015)

The proposal to form a joint task force to address IUU fishing was made by Prime Minister Prayut to Indonesian President Joko Widodo on the sidelines of the Asian-African leaders summit in Jakarta in April 2015. The two countries are expected to sign a memorandum of understanding to cooperate on fisheries in coming days. (Parameswaran, 2015)

Here is the result of the negotiation between Indonesia and Thailand in initiative to sign the Memorandum of Understanding:

1. In drafting a Memorandum of Understanding between Republic of Indonesia and the Kingdom of Thailand on cooperation in fisheries issue. The scope of cooperation as outlined in the MOU include the prevention deter and eliminate illegal fishing, lack of reporting and

access control by stage of the bilateral, regional and multilateral measures to promote the state-owned ports to deter and eliminate illegal fishing, lack of reporting and access control. Sharing of data and information concerning the import / export of fishery products, registration of fishing vessels as requested and boosting investment in fisheries.

2. According to the Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia has issued a ministerial regulation on suspension of the fishing license for a period of six months from November 3, 2014 and it will effective until April 30, 2015 it is on the entrepreneurs fishery of Thailand to make a fishing in Indonesia water in form of joint venture with private section of Indonesian. The regulation of joint venture is the fishing vessel from Thailand must withdraw registration and citizenship as Indonesian vessel fishing first in order to get permission fishing in Indonesian water and Thai's vessel should use Indonesian crew in working on the vessel.
3. Indonesia wishes to support information exchange for the withdrawal of fishing vessels registered in Thailand's fisheries sector with Indonesia. Including data export aquatic products from Indonesia.
4. Thailand offer to obtain details about the process of inspection according to the Ministry of Marine Affairs Fisheries No. 56/2014 dated November 3, 2014 relating to the cancellation of the licenses and proposals of other conservation measures. According to the Regulation

No. 2/2015 dated January 8, 2015 regarding the ban on use of trawl and seine fishing in the waters in Republic of Indonesia water, by offering support for Indonesia to consider other measures such as demarcation and fishery conservation area including determining the appropriate mesh size with a period of change (transition period) to the operators.

5. Indonesian President emphasized that Indonesia has a policy to classify the fishing boats that venture legalization of the illegal fishing boats and will support the fishing vessel that is required by law only.
6. Indonesian President acknowledged the proposal of Thailand to support the Fish Marketing Organization in help entrepreneurs in the fisheries cooperation with Thailand and Indonesia correctly, including Thai government intent to state the cooperation between the two countries to help them control and supervision to prevent illegal fishing, unreported and unregulated (IUU Fishing). (Ministry of Agriculture and Cooperatives of Thailand, 2015)

B. The respond from Thailand government

The Thai government attaches high priority in combating IUU fishing and has integrated cooperation from all sectors including the public, private and civil society, to tackle the problem of Illegal, unreported and unregulated fishing (IUU). Several concrete results can be summarized as follows:

On 3 November 2015, the Cabinet has approved the Fisheries Management Plan (FMP) to combat IUU fishing. Significant measures include

reducing the fishing capacity by removing IUU fishing vessels from the fishery industry and prevent them from returning to business. Thailand realizes that the combat against illegal fishing requires close collaboration with international partners, both governmental, intergovernmental and non-governmental organizations. The government also created MoUs on fisheries and labour have been signed or in process of negotiation with many countries. On fishery, as of now the government has already signed an MOU on Fisheries with Fiji. Negotiations are still ongoing with Indonesia.

Even though Thailand and Indonesia still process their MoU about how to combat the problem but Thailand effort to reform the way to fight against and prevent IUU fishing toward this contain below;

1. Thailand's Reform of Fishing License Regime

These reforms of fishing license regime could control the fisher in Thai water also include to the vessel the fleet oversea are as well. Every Thai-flagged fishing vessel wishing to operate in foreign waters need to obtain an overseas fishing license from the Department of Fisheries. To be eligible for the license, the vessels need to adhere to strict rules and fulfill all requirements designed to strengthen the monitoring of commercial fishing vessels operating in foreign waters. Key requirements for obtaining an overseas fishing license include:

a. Vessels are allowed to fish only in the water under the jurisdiction of a coastal state with which Thailand has signed a MoU on fisheries cooperation. The cooperation between Thailand, as the flag state, and the coastal state where Thai-

flagged vessels operate, will ensure effective monitoring of Thailand's overseas fishing fleet.

b. If the vessels wish to operate in the high seas, they can only do so in the areas under the control of a regional fisheries management organization (RFMO) or international organization of which Thailand is a member.

c. Vessels are required to have an "IMO number", a ship identification number assigned by the International Maritime Organization (IMO) under the International Convention for the Safety of Life at Sea (SOLAS Convention). The use of the IMO number improves the transparency and monitoring of the Thai fleet fishing internationally.

d. Vessels need to have valid sanitation certificates, and have in place arrangements to secure the health, safety and welfare of the crew.

e. Vessels must be equipped with VMS and must not use prohibited fishing gears.

The improved fisheries oversight is designed to deter and eliminate IUU fishing and slavery at sea in Thailand's overseas fishing fleet. This is a major step in the Thai Government's effort to find lasting solutions to deep-rooted problems in the fisheries sector. (Royal Thai Embassy, 2016)

2. Stricter control on Thailand's overseas fishing fleet.

Thai authorities have taken decisive actions to strengthen control of Thailand's overseas fishing fleet, and bolster law enforcement against illegal fishing and labor malpractices in the overseas fishing industry.

a. Stricter rules and requirements for the issuance of overseas fishing license (required for every Thai-flagged fishing vessel wishing to operate internationally):

1). Vessels are allowed to fish only in the water under the jurisdiction of a coastal state with which Thailand has signed a MoU on fisheries cooperation. The cooperation between Thailand, as the flag state, and the coastal states where Thai vessels operate, will ensure effective monitoring of the Thai overseas fleet.

2). If the vessels wish to operate in the high seas, they can only do so in the areas under the control of a regional fisheries management organization (RFMO) or international organization of which Thailand is a member.

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4). Vessels need to have valid sanitation certificates, and have in place arrangements to secure the health, safety and welfare of the crew.

5). Vessels must be equipped with VMS and must not use prohibited fishing gears.

b. A temporary ban on at-sea transshipment of aquatic animals has been introduced.

1). The Department of Fisheries prohibits Thai-flagged vessels from engaging in any transshipment of fish at any sea outside Thai waters for a period of 180 days (ending in June 2016). The ban may be extended if necessary.

2). The ban, introduced pursuant to Section 87 of the Royal Ordinance on Fisheries, is designed to eliminate the possibility of transshipment of IUU fish by Thai-flagged vessels operating in high seas and territorial waters of foreign states. The measure is also expected to prevent illegal at-sea transfer of seamen between fishing vessels.

3). Exception to the ban is made only in cases where the vessel is given authorization in accordance with the regulations of the coastal state where the transshipment takes place, or where such transshipment is under the supervision of a relevant international organization, or where there is a qualified fisheries observer on board to monitor the transshipment.

c. The Royal Ordinance specifies that every Thai-flagged fishing vessel operating outside Thai waters must have a fisheries observer stationed on board to ensure that fishing operation complies with international standards and fisheries regulations.

1). The observer's main tasks are to observe the fishing operation, collect data and the specimen of aquatic animals caught by the vessel for traceability purposes, and submit a summary report to the competent official. In addition, the presence of the observer helps to deter illegal labor practices on board.

2). The first batch of observers (20 of them) completed their training in December 2015 while the second batches of observers are being trained. The Department of Fisheries has been preparing operating manuals and report forms, and formulating necessary rules and regulations to ensure the effectiveness of the observer program. (Royal Thai Government, 2016)

Thailand and Indonesia has a good relation both of them always keep meeting for negotiated and sharing information , During 10-11 February 2016, Mr. Don Pramudwinai, Minister of Foreign Affairs, paid an official visit to the Republic of Indonesia at the invitation of H.E. Mrs. Retno Lestari Priansari Marsudi, Minister of Foreign Affairs of the Republic of Indonesia. Mr. Don Pramudwinai attended a meeting with the Minister of Foreign Affairs of Indonesia to discussed bilateral issues. Both sides were pleased with the strengthened relations between Thailand and Indonesia and agreed to further promote exchange of high-level visits.

Minister of Foreign Affairs also met and discussed with H.E. Mrs. Susi Pudjiastuti, the Minister of Maritime Affairs and Fisheries of Indonesia on the cooperation in the fishery sector. Both parties expressed their interests in solving the issue of Illegal, Unregulated and Unreported (IUU) fishing. The Thai side

proposed that both sides set a definite guideline and timeframe to move forward cooperation in fishery sector. In the short term, the Thai side will invite high-level officials from Indonesia to co-chair the first Joint Working Group Meeting on Fisheries Cooperation and further promote exchanges between relevant Thai and Indonesian businesses and government officials, while expediting the signing of MOU on Fisheries cooperation.

In the long term, both sides agreed to promote investment in industrial fishery sector to create sustainable fishing supply-chain and businesses. The Minister of Maritime Affairs and Fisheries recognized the efforts by the Thai Government and expressed her willingness to cooperate with Thailand to solve the problem in a sustainable manner. The Minister of Foreign Affairs also expressed his appreciation to the Indonesian Government for facilitating the repatriation of 1,800 Thai fishermen in Indonesia. (Minister of Foreign Affairs of The Kingdom of Thailand, 2016)