

Handling of Illegal, Unreported and Unregulated (IUU) Fishing

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Abstract

This research aims are to discuss the maritime diplomacy practice between Indonesia and Malaysia. Problem within the territory of those respective countries, through cooperative maritime diplomacy approach. Thus, by using this design, this study tried to develop the building block of anti-IUU Fishing practiced cooperation between Indonesia – Malaysia. This research used a qualitative approach with descriptive research methods and research techniques using literature study. The result showed that Indonesia – Malaysia maritime diplomacy practice in bilateral framework has not been being the focus in tackling such IUU Fishing. The issue of IUU Fishing is a real threat for both countries, which can affect the economic and security matters. The IUU Fishing activity is transnational which do not have a space for unilateral maritime safety approach. In short, both Indonesia and Malaysia should take a serious measurement through cooperative maritime diplomacy to tackle IUU Fishing problem.

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Penelitian ini bertujuan untuk membahas praktek diplomasi maritim antara Indonesia dan Malaysia. Masalah di wilayah mereka masing-masing negara, melalui pendekatan diplomasi maritim kooperatif. Dengan demikian, dengan menggunakan desain ini, penelitian ini mencoba mengembangkan blok bangunan anti-IUU Fishing dipraktekkan kerjasama antara Indonesia - Malaysia. Penelitian ini menggunakan pendekatan kualitatif dengan metode penelitian deskriptif dan teknik penelitian

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menggunakan studi literatur. Hasil penelitian menunjukkan bahwa Indonesia - Malaysia praktik diplomasi maritim dalam rangka bilateral belum menjadi fokus utama dalam menanggulangi IUU Fishing tersebut. Isu IUU Fishing sebenarnya adalah ancaman nyata bagi kedua negara, yang dapat mempengaruhi masalah ekonomi dan keamanan. Kegiatan IUU Fishing adalah transnasional pada dasarnya, yang tidak memiliki ruang untuk pendekatan keamanan maritim unilateral. Singkatnya, baik Indonesia dan Malaysia harus mengambil pengukuran yang serius melalui diplomasi maritim kooperatif untuk mengatasi IUU Fishing masalah.

Introduction

Data from the Ministry of Maritime Affairs and Fisheries in 2006 indicates that the potential of Indonesian fishery reached at 6:26 million tons per year. Of the overall potential of these, about 4.4 million tons around 12 nautical miles' Indonesian territory, while 1.86 million tons were in the Exclusive Economic Zone (EEZ) of Indonesia (Amir, 2013). Based on calculations made by the authorities of Malaysia, Malacca Strait region has a potential of 380,000 tons of fish per year valued at RM 1.2 million or nearly equivalent. 4 trillion.

Sovereignty issues began to emerge when the world's nations agreed on international maritime law

(United Nations Convention on the Law of the Sea, UNCLOS) in 1982 and became effective since 1994.

Basically, UNCLOS governs four maritime zone which is owned by the countries in the world, namely the territorial sea (12 miles of shoreline), additional zones (24 miles of shoreline), the exclusive economic zone (200 miles of shoreline), and the open sea beyond the EEZ (Liss, 2010). With the division of international maritime zoning the sea no longer be used freely. Fishermen no longer can engage in fishing in the territorial waters of the jurisdiction without the permission of the country concerned.

Problems are more often polemical is the presence of large fishing boats with sophisticated

technologies originating from outside these two countries are fishing illegally in the maritime region of Indonesia and Malaysia.

Internationally, illegal fishing is known as Illegal, Unreported, and Unregulated (IUU) Fishing. IUU fishing refers to fishing activities which are illegal in the protected waters, fishing without a valid license, fraud reports on the arrest, arrests outside the quota are allowed, and the use of prohibited fishing gear.

The presence of large ships with sophisticated technologies from outside the region generated a lot of losses. With the specification of physical and proprietary technologies, large ships with sophisticated technologies from outside the region can catch fish with a very large number, including the schools of fish that are migrating on the high seas (Liss, 2010).

Therefore, Indonesia and Malaysia have felt the loss because of the presence of such large ships. The presence of large ships with sophisticated technologies from outside the region generated a lot of

losses. With the specification of physical and proprietary technologies, large ships with sophisticated technologies from outside the region can catch fish with a very large number, including the schools of fish that are migrating on the high seas (Liss, 2010). Consequently, Indonesia and Malaysia have felt the loss because of the presence of such large ships.

Based on data released by the FAO Fisheries and Aquaculture Department, Indonesia suffered a loss of US \$ 23 billion because of nearly 30 per cent of IUU fishing took place in the waters of Indonesia. The Ministry of Maritime and Fisheries estimates that Indonesia suffered a loss of 30 billion rupiahs annually because of the IUU Fishing. However, greater losses estimated at more than 50 trillion rupiahs if it included the possibility of tax revenue and environmental damage.

Malaysia face the threat of over-fishing in its territorial waters and a decrease in the quality of the fishery ecosystem resources. The decline in ecosystem quality due to the

use of prohibited fishing gear such as poisons and explosives that occurred around the Sulu Sea (Basiron, 2012). Meanwhile, the problem of illegal fishing in Malaysia comes from fishermen in Thailand and Indonesia.

Non-traditional security issues referring to the challenges that threaten the survival and well-being of humans and originating from the non-military sector (Anthony, 2010: 1). Parties who have non-traditional security threats can be any group, community or country (Teriff, et. al., 1999: 116).

The ideal solution to deal with the threat of non-traditional security is to develop a cooperative approach in security cooperation between countries (Ruland, 2005), to create certainty (reassurance) southwest deterrence and prevention rather than reaction (Hodley, 2006). Forms of security cooperation Indonesia and Malaysia to address IUU fishing is the ASEAN Maritime Forum (AMF). The aim is to encourage cooperation in the maritime field through multilateral mechanisms in Southeast Asia.

This study aims to assess the

practice of maritime diplomacy between Indonesia and Malaysia. To understand the diplomatic category, the next part of this study to elaborate cooperative maritime diplomacy as an analytical framework for assessing the cooperation between Indonesia and Malaysia as the littoral states in the handling of IUU Fishing.

IUU Fishing

Illegal, Unreported and Unregulated fishing has had a major role in the overexploitation of global fish populations (Nielsen, 2012). Illegal fishing and Unreported impact on exploitation that inhibits the recovery of fish populations and marine ecosystems (Agnew, 2009). Illegal fishing is a practice that violates the rules on the waters of a country without an official permit, flags, and other marks (Sumaila, 2006). Illegal, Unregulated, Unreported Fishing (IUU) issues related to fishing activities which are not in accordance with applicable law (Cordes, 2015).

Diplomacy Maritime Cooperative

Security strategy to address

non-traditional threats such as IUU Fishing empirically indistinguishable three options, namely unilateral, bilateral or trilateral, and multilateral (Sjaastad, 2007: 6-12). Coordination between countries can be realized through maritime diplomacy. Referring to Le Mière (2014), maritime diplomacy is the governance of international relations using State maritime assets which consist of three categories: cooperative maritime diplomacy, persuasive and coercive. The concept of soft power raised by Nye (2004), Le Mière (2014) mentions

cooperative maritime diplomacy is the country's efforts to support its soft power with hard power assets. As for the specific purpose is to build a coalition, support through institutional strengthening (capacity building), joint training, alignment of technology as well as building trust (confidence building) (Le Mière, 2014). Figure 1 shows the relationship of practice implementation of maritime diplomacy cooperative and goal achievement.

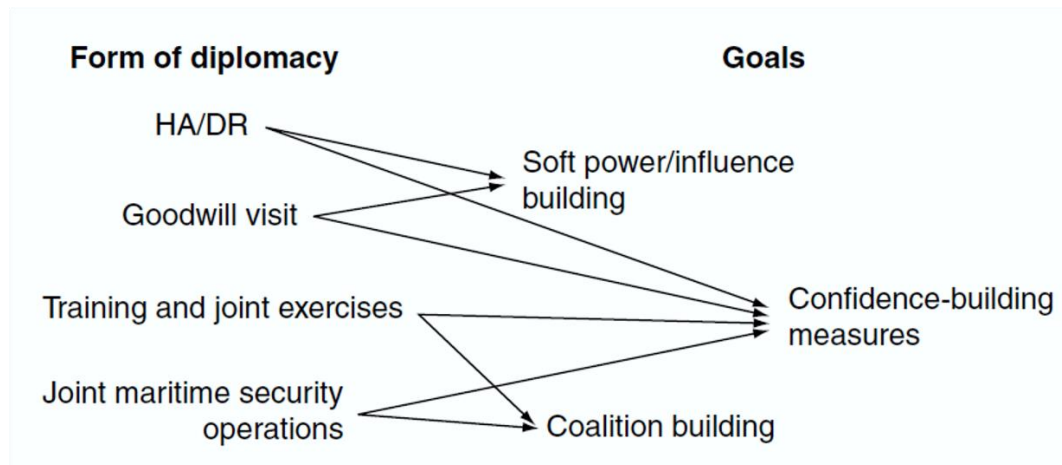


Figure 1. Form of Diplomacy Maritime Cooperative and objective (Source: Le Mière, 2014).

Furthermore, Le Mière (2014) also identifies some of the basic characteristics of diplomacy maritime cooperation, namely: (1) the involvement of all parties is voluntary, (2) use of equipment that can carry out

coercive measures, (3) the exchange of personnel on an ongoing basis, and (4) the similarities between the political objectives to be achieved.

Research Methods

This research used a qualitative approach with descriptive research methods and research techniques make use of literature to examine cooperation between Indonesia and Malaysia in the handling of IUU fishing in the territorial waters of the two countries through a cooperative approach to maritime diplomacy. By using this design, this study sought to establish the initial knowledge (building blocks) of the practice of anti-IUU Fishing cooperation between Indonesia and Malaysia.

Result and Discussion

Fisheries Sector Profile and Problems IUU Fishing in Indonesia

More than 13,000 islands located in the tropical region along the equator making Indonesia the world's largest fish producer. Fishing grounds in Indonesia covering an area of 3.1 million km², as well as the Exclusive Economic Zone (EEZ) with an area of 2.7 million km². Results fishing Indonesia reached more than 5 million MT (Metric Tons, 1 MT = 1000 kg) in 2012. In 2012 it was also reported that the results of Indonesian fishing

increased by 1.68 percent from the previous year (Retnowati and Satria, 2013).

In 2008, Indonesia together with 10 Southeast Asian countries agreed to adopt Regional Plan of Action to promote the practice of responsible fishing, including the fight against IUU fishing practices in the region. In 2008 Indonesia and the other ASEAN member countries are committed to prevent and combat IUU fishing by establishing the ASEAN Fisheries Consultative Forum (AFCF). In an international cooperation mechanism handling the problem of IUU fishing, in January 2012 Indonesia have agreed on cooperation with Malaysia on guidelines for law enforcement officials of both countries when addressing the fishermen who conduct fishing in the border region (CTF RI, 2012).

Fisheries Sector Profile and Problems IUU Fishing in Malaysia

Region Malaysian waters, an area capture fisheries sector includes a coastline of 4,492 km² and an area of 453 186 km², located in the Exclusive Economic Zone (EEZ). After the

declaration of the EEZ in 1980, Malaysia's waters are available for exploitation and management of fishery sector increased significantly from 47,000 to 160,000 square miles of the sea.

In 2011, the catches in Malaysia reached more than 1.6 tons with economic value estimated at RM 9.8 billion. The contribution of the fisheries sector to the Gross Domestic Product (GDP) by 1.1 percent. Malaysian fisheries sector results derived from fish catch which accounted for 82.43 percent. Malaysian fisheries sector is able to generate more than 1.3 million tons of fish, valued at RM 6.94 billion. More than 1 million tons of fish (RM 5.70 billion) came from fishing in the territorial waters of the beach. Meanwhile, the fish catch in the sea area in produce 287 140 tons of fish, valued at RM 1:23 billion.

In 2011, the number of Malaysian fisheries sector workforce amounted to 134.110 fishermen who work on more than 53,000 fishing vessels licensed. Of the total work force of the fisheries sector, more than 80,000 (60.06 percent) of labor involved in traditional fishing sector and more than 53,000 (39.94 percent) of labor involved in the commercial fishing sector.

Malaysia managing fishery resources by implementing a system of zoning area. For Zone A, all licensed fishing vessels with a size of less than 40 GRT. For Zone B, all licensed fishing vessels in addition to the size-40 GRT up and using commercial fishing. For Zone C, all licensed fishing vessels in addition to the size-70 GRT and over and using commercial fishing-operate. And for Zone C2, the whole fishing vessels authorized to operate..

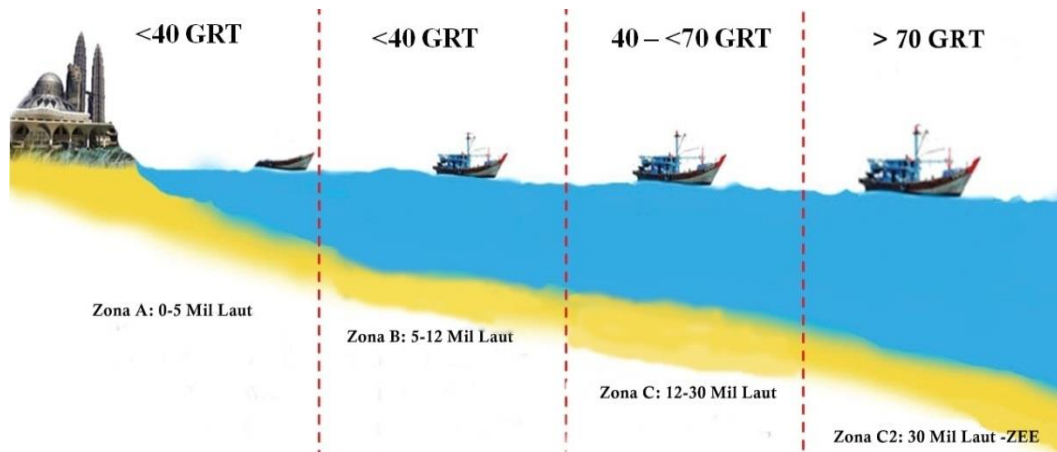


Figure 2. Zoning Area System Fishery Resources Malaysia (Source: Malaysia's NPOA-IUU Fishing, Department of Fisheries Malaysia, 2013).

Cooperation Anti-IUU Fishing Indonesia and Malaysia

Anti-IUU Fishing Cooperation between Indonesia and Malaysia are generally summarized in cooperation at the sub-regional Southeast Asia (trilateral mechanism) and regional (multilateral mechanism), as shown in Figure 4.3. Since 2012 Indonesia and Malaysia agreed to guide law

enforcement to deal with the fishermen fishing in the border region (CTF RI, 2012). Trilateral cooperation and multilateral anti-IUU Fishing involving Indonesia and Malaysia under the ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain (FCG / ASSP, 2014)..



Figure 3. Cooperation Anti-IUU Fishing Indonesia and Malaysia (Source: Modification of the ASEAN Guidelines for Preventing the Entry of Fish and Fishery Products from IUU Fishing Activities into the Supply Chain (ASEAN, 2014)).

Shown in Figure 4 above, Indonesia and Malaysia are involved in two trilateral mechanism of non-IUU Fishing. The first trilateral cooperation mechanism is Malaysia, Singapore and Indonesia (MALSINDO). MALSINDO through cooperation, the three countries involved do collaborative patrol and air patrol to join the “Eye in the Sky” in the framework of the implementation of monitoring the activities of anti-piracy and anti-IUU fishing in the territorial waters of the Strait of Malacca.

The second is a trilateral mechanism of cooperation between Indonesia, Malaysia and the Philippines. Cooperation these three countries aimed at combating IUU fishing practices in the region of the Sulu Sea and Sulawesi Sea. One form of implementation of this cooperation was the participation of the three countries in the Sulu-Sulawesi Marine Eco-Regional Initiatives is a program of the World-Wide Fund for Nature (WWF), participation in the Regional Plan of Action to Promote Responsible Fishing Practices and Combating Illegal, Unreported and Unregulated

Fishing (RPOA -IUU), and the implementation of the joint patrol.

Meanwhile, multilateral cooperation, anti-IUU Fishing involving Indonesia and Malaysia is ASEAN Wildlife Enforcement Network (ASEAN-WEN). ASEAN-WEN is a network of law enforcement in the wild the greatest in the world, involving the police, customs and environment of all ASEAN countries.

ASEAN-WEN is designed to combat the illegal wildlife trade, as a proactive action ASEAN countries in addressing the high rates of extinction and wildlife trade in the region. ASEAN-WEN has facilitated an increase in capacity, coordination and collaboration of law enforcement agencies in member countries. ASEAN-WEN has a network of offices to the Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES) offices, Interpol, the Department of Fisheries and Wildlife, United States, the US Justice Department, and the institutions of international environmental.

Multilateral cooperation is the

second Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security (CTI-CFF), which involved six countries, namely Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands, and Timor Leste. CTI-CFF aims to maintain the sustainability of marine and coastal resources. To support the idea of CTI-CFF, ASEAN member countries to implement policies to tackle regional issues, including climate change mitigation efforts and the fight against IUU fishing in the region.

Multilateral cooperation third is to build a Regional Plan of Action to Promote Responsible Fishing Practices Including Combating Illegal, Unreported and Unregulated Fishing in Southeast Asia (RPOA-IUU). This collaboration was followed by eight ASEAN member countries which aims to improve and strengthen the management of the fisheries sector in each line.

Various work programs in RPOA-IUU includes the conservation of fish resources and their habitats, the management of fishing capacity, and

anti-IUU Fishing in the South China Sea, Sulu Sea and Sulawesi Sea (Celebes Sea) and the Arafura Sea and the Timor Sea.

The fourth multilateral cooperation is the Sulu-Sulawesi Marine Eco-region (SSME). Territorial waters in the Sulu Sea and Sulawesi Sea is regarded as the center of world marine diversity, even touted as the Apex of the Coral Triangle. To address the various threats to the biodiversity and productivity of fisheries in the region and the Sulu Sea and the Celebes Sea, Indonesia, Malaysia, and the Philippines have formed eco-region conservation plan in 2004.

The fifth multilateral cooperation is the Regional Strategies Action Program (RSAP) of the Sulu-Celebes Sea Sustainable Fisheries Management Project in 2013, driven by Indonesia, Malaysia, and the Philippines. This joint program is one of the work plan for monitoring, control and surveillance (monitoring, control, surveillance, MCS) with a target of strengthening the rule of law of the sea through cooperation and

information exchange in 2020. Activity in the framework of the implementation of RSAP includes RPOA IUU fishing in the region SSME, improve the coordination of bilateral and multilateral IUU-Fishing in SSME, and adopted the MCS activities relevant to the SSME Comprehensive Actions Plan (SSME-CAP) on sustainable fisheries.

The sixth multilateral cooperation is the Regional Fisheries Management Organizations (RFMOs). RFMOs is an international organization established by the countries which have fishing interests in the region. RFMOs that manage migratory fish species, among others, is the Conservation of Southern Bluefin Tuna (CCSBT), the Indian Ocean Tuna Commission (IOTC), and Western and Central Pacific Fisheries Commission (WCPFC). RFMOs serves as an advisory body and has managerial authority, to make technical provisions, and control functions.

Analysis of Maritime Diplomacy Indonesia-Malaysia Cooperative in Handling IUU Fishing

Cooperative maritime diplomacy is a form of international cooperation. In the international system is anarchic, no power authoritative, and self-help become an obstacle to realizing cooperation (Jervis 1978; Waltz 1979; Grieco 1988; Mearsheimer 1994), as well as their consideration of the advantages and possible violations of agreements between countries (Grieco 1988; Mearsheimer 1994).

Diplomacy cooperative maritime possible because of the similarity of interests and the minimal number of actors involved in the framework of cooperation (Axelrod and Keohane 1985; Oye 1985). Maritime persuasive diplomacy prioritizes the interests of achieving recognition of the maritime forces of a country and build the prestige of a country (Le Miere, 2014). While maritime coercive diplomacy to put forward a bid to deter (to Deter) and forced (to compel) other countries with maritime assets (Le Miere, 2014).

Diplomacy maritime cooperative emphasis on equality between the actors involved who have

a common interest to be achieved through maritime cooperation. The actor expansion in line with the role of non-military Constabulary, Navy, institutions and other maritime security (Till 2004). To strengthen the diplomacy needs to be an exchange of personnel for the creation of mutual trust (Holst, 1983).

Malacca Strait security cooperation agreement in the form of Malacca Strait Patrols (MSP) was formed in 2004, consists of Malacca Strait Sea Patrol (MSSP), air patrol Eyes-in-the-SKY (EIS) and Intelligence Exchange Group (IEG). Since 2015, Indonesia, Malaysia and Singapore have started a cooperative maritime diplomacy becomes relatively more effectively done for issues that are considered as national security priorities such as hijacking and piracy at sea (Zheng 2015).

Use of Equipment Coercive Diplomacy Maritime Cooperative in Indonesia and Malaysia in Handling IUU Fishing

IUU Fishing become the focus of the government, especially regarding economic and

environmental aspects of illegal fishing (Buzan & Waever 1998; Emmers 2004). Minister Pudjiastuti once stated that, “Indonesia is starting a war against illegal fishing ... We're going to chase, catch and sink any illegal fishing vessels” (Hutton, 2014). From 2006 until 2016, registered MMEA has captured around 925.300 foreign trawlers, 300 of which came from Indonesia, and 7.368 crewmembers (NAMED 2016).

The use of coercive instruments in the context of maritime cooperative diplomacy Indonesia and Malaysia to address IUU fishing is still not effective. A few factors cause, among others: (1) lack of assets coercive usable, (2) the alleged involvement of the two countries in the perpetuation of IUU Fishing, and (3) the lack of coordination mechanisms between institutions that are responsible for maritime security in both countries.

From the aspect of the coercive capability that can be used in cooperative maritime diplomacy to address IUU fishing, both Indonesia and Malaysia are still faced with the

problem of lack of assets that can be used relative to the operating area. Navy recorded operating 11 frigate and corvette 18 while RMN operate 10 frigates and four corvettes (Anon 2015) to operate approximately one hundred vessels (Collin 2016). But of that number can only run mostly operating near shore (inshore and coastal duties) (Collin 2016).

While having the capability BAKAMLA ship patrolling offshore (offshore patrol vessels) only amounted to 19 vessels, consisting of three large vessels measuring over 40 meters and 15 catamaran boats measuring 12 to 15 meters (Top 2015). In the Medium-Term Development Plan (Plan) 2015-2019 BAKAMLA targets to have at least 30 vessels, consisting of vessels measuring 16 meters by 14 units, vessels measuring 80 meters by 10 units and ship measuring 110 meters four units (Sucipto, 2016).

Similar conditions also experienced by the MMEA. Since established in 2005, MMEA, which has a total strength of about 190 ships, only with the ability to operate two

ships offshore patrol.

The lack of defense capability and security of maritime Indonesia and Malaysia is compounded by the military activities of the two countries that have tended to complicate efforts to address IUU fishing effectively. Navy has a long history of handling illegal fishing is “spasmodic and selective” (Heazle & Butcher, 2007) financed from outside the official government budget (Rieffel & Pramodhawardani 2007; Ruland et al, 2013).

The tendency is receptive to acts of bribery committed by fishermen doing illegal fishing in Indonesian waters (Heazle & Butcher, 2007). Such measures have helped create foreign and domestic ships to more boldly breaking the rules in force (Heazle & Butcher, 2007). Additionally, unhealthy competition in the procurement and use of assets and human resources (Hamid et al, 2016).

Exchange of personnel in the Maritime Diplomacy Indonesia-Malaysia Cooperative in Handling IUU Fishing

Maritime diplomacy in dealing with IUU fishing cooperative agreed on the existence of satellite and radar data exchange between the two countries to prevent and deal with IUU Fishing (Suryowati, 2016). Military exchanges in a joint training program routinely assessed manages to be one factor driving the stronger back brotherliness between Indonesia and Malaysia (Liow, 2006). The program is carried out as an implementation agreement trilateral maritime security in the maritime borders three countries (Sapiie, 2016).

Conclusion

Based on the above explanation can be concluded that the practice of maritime diplomacy Indonesia - Malaysia in bilateral scope has not been a major focus in the handling of IUU Fishing. The problems that occurred in both countries regarding IUU fishing is a real threat. IUU Fishing provides the threat of economic loss and security caused by the IUU fishing activities. IUU fishing activity that cuts across the state does not give space for maritime security approach that is

unilateral. In other words, it is becoming common interest for Indonesia and Malaysia to conduct maritime cooperation through cooperative diplomacy to address the issue of IUU fishing.

Cooperation carried out so far in the form of multilateral cooperation involving several countries. Diplomacy maritime cooperation in the handling of IUU fishing between the two countries are still difficult to be realized due to several factors such as different political interests, lack of assets that can be used in the operating area, the activity of both countries in terms of personnel, the budget is minimal, and the limitations of the equipment in the handling of IUU Fishing.

The lack institution with overall responsibility to regulate the problem of IUU fishing in both countries, resulting in a lack of coordination for cooperation. Indonesia and Malaysia both have 12 authorized institutions in maritime security which resulted in the snatch competition each institution's budget. This creates duplication of roles,

functions, and jurisdictional overlap in the realization of the field. However, Indonesia and Malaysia are still involved in multilateral cooperation through the government such as the ASEAN-WEN, CTI-CTF, RPOA-IUU, SSME, RSAP, and RFMOs in managing the threat of the sea, and made several personnel exchanges within the framework of diplomacy maritime in addressing IUU Fishing, although co-operation has been carried out yet intensely for handling IUU fishing does not exist. This is because IUU fishing has not been a threat. Acts of piracy and piracy at sea, as well as institutional weaknesses in the two countries complicate the process of confidence building measures for the handling of IUU Fishing.

Recommendation

There are some suggestions that can be linked in this study. *First*, it is necessary to build a common interest to address IUU fishing is a real threat to both countries. Threats in the form of security and the economy due to IUU fishing, given the vastness of the waters of Indonesia and Malaysia. *Second*, the need to maximize

equipment use every State to deal with IUU fishing and the exchange of personnel in joint activities. So, expect a positive impact on regional maritime security. *Third*, provide space on the institutions that have full responsibility for the handling of IUU fishing waters around Indonesia - Malaysia. It is expected to provide a shared commitment for each country to focus on the handling of IUU fishing in both countries

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