

Indonesian Responsibility for High Seas Fisheries: A Legal Analysis

Reviewer : Syarif A. Savirra
Number of page : 243 pages
Author : Melda Kamil Ariadno
Publisher : LAP Lambert Academic Publishing



Indonesian Responsibility
for High Seas Fisheries

LAMBERT
ACADEMIC PUBLISHING

Tuna, a typical high seas fish, is categorized as “highly migratory species” under the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Tuna fisheries known had been run since 2000 BC thus considered among the oldest in the world, with further development on the fisheries towards industrial kind during 1940’s and 1950’s due to growing demand of canned tuna. Spread widely in subtropical and tropical waters, tuna fisheries are also part of Indonesian fisheries with five species’ listed as main important species (yellowfin tuna, bigeye tuna, southern bluefin tuna, albacore tuna and skipjack tuna).

Indonesia as a Member State of UNCLOS is bound to the regulation of high seas fishing under the convention. The UNCLOS itself encouraged the establishment of regional fishery management organizations (RFMOs) for the purpose of sustainable high seas fishing. Indonesia which at first ignored the oversight of several big RMFOs regarding fishing management policies for water surrounding Indonesia, by Law No. 21 of 2009 ratified the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea (10 December 1982) relating to Conservation and Management of Straddling Fish Stocks Agreement also had become a member of The Convention for the Conservation of Southern Bluefin Tuna (CCSBT) and the Indian Ocean Tuna Commission (IOTC) with pending membership in the Western and Central Pacific Fisheries Commission (WCPFC).

Indonesia commitment in sustainable high seas fisheries indeed should not stop only on ratification of legal instruments and membership in RMFOs, but also on the enforcement of what regulated under

the Conventions which Indonesia are bound to. This book offers the writer's perspective towards the needs of Indonesia to ensure its high seas fisheries responsibilities are well implemented in national level.

The writer started her analysis by assessing the principles contained in Law No. 31 of 2004 as amended by Law No. 45 of 2009. Both Laws have recognized the applicability international law in the area outside Indonesian waters, as stated as "outside the Indonesian fishing management area." The elucidation of the Law further explains that the phrase means on the high seas. Under Law No. 31 of 2004, fish management is aimed at achieving both national prosperity and the conservation of resources. The stipulation of the objective itself has been much clearer than the one used by Law No. 9 of 1985 as it was too general and ambiguous to be interpreted, according to an international consultant to FAO, Gillett.

Even so, the national Laws themselves was not enough for the international community to prove Indonesia's commitment on maintaining sustainable high seas fisheries due to non-compliant of Indonesian fishermen in high seas also no corrective measures taken by Indonesian government at that time. International pressure became more serious for Indonesia's economic interest in high seas fisheries, which led to Indonesia's decision on their membership in the RMFOs. The membership itself brought not only advantages they could obtain, but also huge consequences for Indonesia to bear in terms of adjusting their national policies to be more sync with the RMFOs.

To observe the best recommendation for Indonesia to comply with their international responsibility, the writer carefully assessed what Indonesia actually needed by learning other fellow countries' experiences and practices, focusing on Philippines and Thailand. The lesson learnt was taken to create what the writer called as necessary strategies for Indonesia for the purpose of management of high seas fisheries. The strategies itself include identification of social and institutional potentials, business and infrastructure development, legal enforcement and others. As there is already a Ministry for Marine Affairs and Fisheries regulation concerning this issue (Ministerial Regulation No. PER.03/MEN/2009 regarding Fishing and/or Transporting Fish on the High Seas), it still lacks provisions on the comprehensive management of

high seas on several points. The writer further attempted to provide a solution by presenting a sample draft in order to give a broad picture of such comprehensive Government Regulation regarding utilization of High Seas Fishing.

Through this book, Indonesia clearly has been proven to have massive interests in high seas fisheries, especially relating to tuna and tuna-species like. The writer's dedications to develop a better framework for Indonesian high seas fisheries are well presented through comprehensive policy studies and attentive comparison to which the writer thought depicted a close situation to what Indonesia faced during the writing of this book. This book may be a beneficial reference for those who wish to examine about the development of high seas fisheries policy in Indonesia.