Burning and/or Sinking Foreign Fishing Vessels
Conducting Illegal Fishing in Indonesia

Some Obligations and Loopholes

Zaki Mubarok Busro
PhD Candidate, Australian National Centre for Ocean Resources and Security, University of Wollongong
jbusro@gmail.com

Indonesia's abundant marine resources attract not only Indonesian fishermen but also nationals from other countries who fish in maritime zones under Indonesia's national jurisdiction. When these national and foreign fishermen undertake unauthorized fishing operations in Indonesian waters, they are guilty of illegal fishing under Indonesian law. The Minister of Marine Affairs and Fisheries, Susi Pudjiastuti revealed national data on the illegal operations of foreign vessels and stated that on some days, “over 70 vessels of 50 to 70 gross tons entered Indonesian waters”.1 According to the Ministry of Marine Affairs and Fisheries (MMAF) Indonesia suffers annual losses amounting to around Rp. 101 trillion (US$ 8.8 million) due to illegal fishing activities including not only losses of tax revenue for the State and income for local fishermen but also the abuse of fuel subsidies.2 Illegal fishermen use fuel allocated for authorized Indonesian fishermen and subsidized by the Indonesian Government.3 In order to avoid paying taxes on harvests, illegal fishermen will use counterfeit licenses. These fishermen also employ destructive fishing gears leading to the decline of catch for local fishermen.4

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3 Ibid.
4 Ibid.
In responding to this matter, Indonesian authorities have committed to eradicating illegal fishing by imposing tough measures such as burning and/or sinking illegal fishing vessels. Between January and April 2014, the Indonesian maritime police seized sixteen ships illegally fishing in Indonesian waters; eight of these were Vietnam-flagged vessels. Before Minister Susi Pudjiastuti assumed her post in 2014, MMAF had confiscated 130 Thai fishing vessels between 2007 and April 2014. Between 2007 and 2012, MMAF sunk 33 of 38 seized illegal foreign vessels. Most of these were Vietnam-flagged fishing vessels caught fishing in Natuna Island waters.

After Minister Susi assumed leadership of MMAF in 2014, the number of vessels being confiscated by the State and sunk increased significantly. From 2014 to April 2016, a total of 176 illegal foreign fishing vessels were sunk, including FV “VIKING”, a notorious stateless fishing vessel sought worldwide by INTERPOL and by 13 countries. By flag, the greatest number of fishing vessels seized and sunk were from Vietnam (63), followed by the Philippines (43), Thailand (21), Papua New Guinea (2), and one vessel each from Belize and China. This State practice article provides an overview of Indonesia’s legal framework on the practice of burning and/or sinking illegal foreign fishing vessels.

Legal Perspective

Within the ambit of domestic legal instruments, marine resource management in Indonesia is covered through a complex regulatory system. Providing the framework for Indonesia’s marine laws and regulations, the 1945 Constitution of Article 33(3) reads “Land and water and natural resources therein shall be controlled by the State and shall be utilized for the greatest