

ABSTRACT

The ambiguities of the international fisheries legal framework and the illegal, unreported, and unregulated fishing (IUU fishing) definition leads Indonesia to be portrayed as reluctant to implement and comply with international fisheries management and conservation. This is because Indonesia allows its small-scale fishers to conduct mass unreported and unregulated fishing in Indonesia's waters and in the exclusive economic zone (EEZ). Some scholars also question whether Indonesia's recent blow-up and sink IUU fishing vessels policy complies with international law. On the other hand, Indonesia suffers great loss because of IUU fishing due to its geographic situation and limited capacity to guard its waters and EEZ. Additionally, limitations inherent in the international fisheries legal framework hamper Indonesia's efforts to combat IUU fishing. Indonesia's experience demonstrates the adverse impacts of the ambiguities in international fisheries legal framework on developing states. However, study on this issue is scarce. Indeed, research in this area predominately focuses on supporting the implementation of the existing international fisheries management and conservation measures, even though history has revealed these measures were developed and proposed by the United States to be adopted in the international fisheries legal framework largely to support the United States' own fisheries interests.

Employing TWAIL theory to recognise the practice of hegemony in international law, this thesis analyses the ambiguities in the international fisheries legal framework and the IUU

fishing definition, which facilitates the hegemony of developed states in international fisheries management and conservation, and challenges Indonesia's efforts to combat IUU fishing. To do so, it analyses the historical context of the development of the international fisheries legal framework, using key law and policy texts, including those related to the international fisheries legal framework, as well as Indonesia's regulations and policies to combat IUU fishing. It also examines Indonesia's enforcement measures directed at combating IUU fishing in order to explore the gap between the international fisheries legal framework and Indonesia's fisheries law enforcement framework.

This study finds that both the ambiguity of provisions in the international fisheries legal framework and the ambiguity of IUU fishing definition facilitate the hegemony of the developed states against developing states in accessing and managing fisheries. This study provides a valuable contribution towards the improvement of Indonesia's policy and measures to combat IUU fishing, and fills the gap in the international academic discussion pertaining to the inequality between developed and developing states in fisheries conservation and management.