

# Challenges on Securitization of Fisheries Crime Become Transnational Organized Crime

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## Abstract

The securitization process of fisheries crime becomes one of Transnational Organized Crime will face hard challenges at the United Nations Secretary-General Assembly (UNSGA). This is based on similar previous agenda on the securitization of Illegal Unreported Unregulated Fishing (IUU Fishing). As fisheries crime and IUUF has similarity, the failure in defining IUU Fishing should be a lesson for securitizing fisheries crime. This paper will analyze those challenges for securitizing fisheries crime in United Nations as a new type of Transnational Organized Crime. Data in this paper was gathered from interviews with several expert stakeholders, especially from Indonesia that was concerned about fisheries crime issues and texts. This paper will use Indonesia's point of view as a referent object in the fisheries crime issue. Data will be analyzed using Critical Discourse Analysis. The result is fisheries crime has not yet met the requirement to be the new Transnational Organized Crime due to the complex securitization process. Other reasons such as national interests, exploitation of the sea law, and profits from fish will also be a challenge in the securitization process. Although, several discussions related to fisheries crime issues are good for the securitization process and further discussion at the international level. The conclusion is fisheries crime might not be one of the new Transnational Organized Crimes. This paper will contribute to the pool of studies on fisheries crime issues.

**Keywords:** Securitization, Fisheries Crime, Transnational Organized Crime, Indonesia

## I. INTRODUCTION

Fisheries crime is a complex multi-sector crime. This crime requires coordination between countries to tackle it (Vrancken et al., 2019). Even though countries are aware of this crime fisheries crime has not been included in the TOC list. To include it in the TOC list takes a long and complex process called securitization. This political process will raise ordinary issues to become a threat that needs to be tackled together. The construction of fisheries crime threats needs to be built to get a common view between countries. This common view among countries

can lead to collective political action (Opp, 2012). To build that construction, it is necessary to politicize or dramatize how fisheries crime impact could threaten the survival of a country. Such as economic loss that comes from potential revenue and income through taxes (*Evading the Net: Tax Crime in the Fisheries Sector*, 2013), duties also growth through economic legitimate investments and employment (UNODC, 2011). It also affects environmental damage (Knudsen, 2016), and impacts local communities (Isaacs & Witbooi, 2019). Countries that are harmed by fisheries crime can politicize this issue by

claiming to threaten its survival. By constructing this threat, states expected to see this beyond crime but as a security matter (Stølsvik, 2019). There are several obstacles in the process of securitizing fisheries crime at the international level. Starting from the limited function of each securitization actor, different national interests, and the domestic conditions of each country. Domestic conditions also influence how the state will act at the international level (Barkin et al., 2018).

It is important to realize that a state with a big-scale fishing industry might not willing to support this securitization or even deny it due to their national interest (McCauley et al., 2018), while the small-scale fishing industry suffers from marine overexploitation (Knudsen, 2016). On the other hand, a race for profit will lead actors in the fishing industry to face both profits from fishing and also exploitative-abusive act (Tickler et al., 2018). However, this paper believed that fisheries crime has a chance to become one of the Transnational Organized Crime (TOC) (Vrancken et al., 2019).

In the case of illegal fishing, which is one part of fisheries crime, also seen as a threat that harms both state and people. This is because the country has lost the potential of marine wealth (from fish) that they should be able to take advantage of. Countries that depend on fish resources can understand that this is a big loss for them. Indonesia is one of the countries that also feel threatened by this loss (Chapsos & Hamilton, 2018).

Indonesia must propose a discussion related to fisheries crime at the United Nations Secretary-General Assembly (UNSGA). Why is it important to bring this agenda to UNSGA? Because UNSGA has functions and powers that are required to support fisheries crime securitization (*Model United Nations / General Assembly*, n.d.). Although the resolution produced by UNSGA is non-legally binding, the political advantage gained is the formation of a common view that can be used as a common standard to identify fisheries crime (Rul, 2016). Considering that the securitization process requires a long political process, the common

view that is used as a common standard can be significant for drafting laws based on the agreed norms. Support from other countries is also needed to facilitate the securitization process. Collective action is also needed as a basis for collective legitimization in an international organization to identify fisheries crime as a threat (Claude, 1966).

## II. LITERATURE REVIEW

Several articles also discuss fisheries crime. However, it is believed that this paper will contribute to adding more studies to the pool of fisheries crime research. This paper is based on ongoing research. There are two theoretical frameworks used in this paper.

### a. Security

Security study has grown rapidly since the end of the second world war. In the beginning the study focus on a traditional issue such as the military threat from other states. Scholars criticize this as too military and state-centric. Waltz said that "*military power is not the only source of national security, and military threats are not the only dangers that state face*" (Waltz, 1991). The redefining concept of security adds a new approach to how we identify what kind of threat, who is threatened by it, and how we deal with it.

A security study later grows into a widening and deepening security introduced by Buzan (Buzan et al., 1998). This opens the possibility to look into a non-traditional threat that also endangers state and humans in international security. As we see that non-traditional threats also become popular with the rise of some TOC cases. As for in Asia, states face threats more from non-traditional security such as migrants, piracy, arms, and drug trafficking, or even health issues (Anthony et al., 2016)

Traditional and non-traditional security has different threat to face, and this condition leads to the evolution of security study (Buzan & Hansen, 2009). Due to the threat difference, states also have a different perceptions of how to face or consider the threat. This causes some issues in non-traditional security is might not having enough attention from big powers.

Therefore, Indonesia should not rely on its interest in big powers to change the game (Rosyidin, 2017).

Adding fisheries crime to the TOC list is something that sooner or later needs to be done. States need to respond to the changing trend in global crime as an evaluation of the Palermo Convention (Standing, 2010). This convention indicates that states have the willingness to cooperate against the incoming threat from TOC. This convention can be used as a basis for the same spirit in fighting fisheries crime.

### ***b. Securitization***

Securitization theory originated by the Copenhagen School (Buzan et al., 1998), believes that constructing or promoting the level of a threat from a normal (non-security) situation becomes a security issue by politicizing it. The Politicization of a normal or a non-politized issue can be done by doing speech acts to dramatize the incoming threat from crime. In this case, securitization of fisheries crime means politizing or dramatizing incoming threats from fisheries crime.

A state could declare itself in a danger by a threat and try to securitize the issue from a normal issue into a security issue. For example, how migrant crises in the Middle East affect European countries' policies toward refugees (Jakešević & Tatalović, 2016). In Austria, migrant issues bring the problem into the relationship between the economic and political as of the seasonal worker scheme discourse in the country (Horvath, 2014). Other discourses on migrant issues were constructed by politicians such as the fear of immigrants, being invaded, or losing their identity (Iov & Bogdan, 2017). In Slovenia, incoming refugees from the Middle East were constructed as a threat to their national security. Therefore Slovenia intended to securitize the migration issue (Malesic, 2017). Australia also responds to transnational migration flow by preventing their arrival at the border (Humphrey, 2014).

Besides migration issues, food security can also become a securitization topic. This refers to a moment of the world food crisis in the 1970s.

Colombia's governance put food security becomes a 'national priority' issue (Nussio & Pernet, 2013).

The cases above indicate that states can declare a threat based on their interest. This led to the securitization of certain issues which is considered a threat to their national security. The condition also applied to every state that feels endangered by fisheries crime. However, the securitization of fisheries crime is not domestic level but international.

In this paper, fisheries crime is believed to have threatened both the economy and the environment. Based on these two threats, it is very reasonable to say that securitization is morally required and could be considered a beneficial policy (Bamidele, 2013). It could prevent a further threat from economic loss and also the damaging environment. This paper believes that these two threats will be crucial to Indonesia's survival.

Several actors are expected to involve in this securitization process. They are the securitizing actor who securitizes issue by declaring a referent object survival or existentially threaten. Functional actor who significantly influences decisions on the security issue. Referent objects who are existentially threatened have the right to claim survival (Buzan et al., 1998).

***Tabel I Fisheries Crime Securitization Actor Comparison Between Domestic and International***

<b>Role</b>	<b>Domestic Level</b>	<b>International Level</b>
Securitizing Actor	Government (state)	United Nations (UN)
Functional Actor	Non-Government Organizations (NGO), Scientists,	Interpol, Greenpeace, International Non-Government Organization (INGO), State, etc
Referent Object	Fisherman, Corporation	States such as Indonesia, etc

Source: Author

Indonesia needs to face the reality that they have a different role in securitization at the international level. While the system might not always go in Indonesia's interest, rather than influenced by other actors. Therefore, Indonesia needs to think about how they could affect the securitization process by sounding how fisheries crime threatens their existential.

### c. *Speech act Theory*

The securitization process needs a speech act to promote or raise incoming threats. This will change the construction of how we see the spectrum of threats. From a normal threat to a security threat that can harm both state and human security. All three actors are involved in the speech act for the securitization process (Buzan et al., 1998).

In this paper, the first actor will be the referent object. States that are endangered by fisheries crime believed as states that support or promote the securitization of fisheries crime. Indonesia has also can claim as a referent object based on several events related to fisheries crime in their territory. This condition has become Indonesia's government concern since the first President Jokowi's administration.

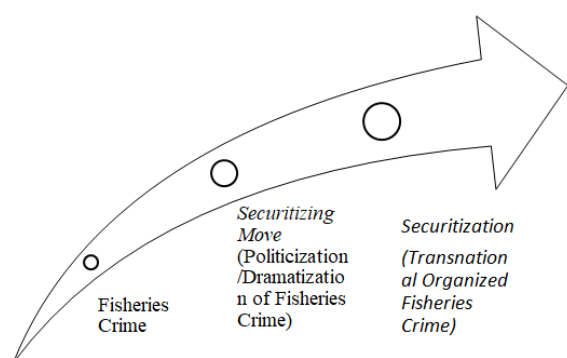
Illegal fishing, which is part of fisheries crime, has contributed to great profit loss for Indonesia's economic sector. With a potential income from the ocean economy of around IDR 70 trillion, Indonesia only receives around IDR 230 billion (Suherman et al., 2020). In practice, this illegal fishing is also equipped with dangerous equipment that could harm the environment (Sander et al., 2014). In further effect, the environmental damage could endanger the coastal people community. Without good nutrition, the community's nutritional growth will be disrupted.

Fisheries crime also threatens the people that work as fishermen in the fishing fleet. Unfortunately, Indonesian workers suffer from slavery practices in the fishing industry. This slavery case has resulted in several people losing their lives and being buried in Benjina, Indonesia. International Organization for Migration (IOM) mention the Benjina case as

one of the biggest case involving slavery in the 21<sup>st</sup> century ("Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry," 2016). The victim of this slavery not only Indonesian workers but also from other states in that region such as Thailand, Myanmar, Laos, and Cambodia (Chapsos & Hamilton, 2018).

Indonesia needs to construct those impacts to convince other states member how fisheries crime could harm their existence. Other referent objects also could use based on their own experience combating fisheries crime. As a referent object, Indonesia could use speech acts both domestically and internationally. On the domestic level, this speech act could be seen by how the government released a public statement through the media over and over. While at the international level the speech act could be used in the international forum, international symposiums, regional forums, multilateral meetings, etc. Getting attention from the audience or raising the number of audiences that are concerned about the issue will be a big step toward the securitization process.

The second actor will be the Securitizing Actor, that believed to be the one who securitizes the issue by declaring something on behalf of the Referent Object that is threatened existentially. In this case, United Nations will be the securitizing actor to declare war on fisheries crime. To be recognized as the new TOC at the UN, it needs several steps, the first is examining or testing the concept/definition, the second is negotiating/lobbying and the last will be voting. The third actor will be the Functional Actor, who can affect the dynamics of the issue. This Functional Actor can significantly influence the decision in the field of security. For example, Interpol can be a Functional Actor that affects the process of investigation or cooperation among states. Environmental organizations also could affect policymaking on waste, etc.



**Diagram I**

How Speech Act Used in Securitization Process of Fisheries Crime. Source: Authors

If the securitization process by doing a speech act is successful, the crime will be transformed or raised the level from a common crime to a serious crime. This condition requires different treatment than common crime and will allow exceptional action to battle the crime such as firepower use. This paper will analyze the challenges in securitizing the move process of fisheries crime. While the process is still ongoing, discussion related to the de-securitization process of fisheries crime will unlikely come in a short time.

### III. METHOD

This paper uses a qualitative approach with Critical Discourse Analysis (CDA) to examine the securitization process of fisheries crime through the speech act. CDA is used to capture the interrelationship and especially to draw out and describe the practices and conventions in and behind the texts that reveal political and ideological investment. It is based on assumption that power relations are discursive or in other words, transmitted and practiced through discourse (Machin & Mayr, 2012).

This paper will analyze data from texts and interviews. Texts are taken from Indonesia agreements related to marine and fisheries from 2014-2019. Indonesia conducted several agreements during the first administration of President Joko Widodo. These documents will represent Indonesia's interest as a referent object in the securitization process of fisheries crime. This paper also uses interviews based on personal communication as data to support the

analysis. Interviewers are stakeholders from Indonesia and also from UN members of the UN International Law Commission.

### IV. RESULTS AND DISCUSSION

The securitization process at the international level goes through a complex stage. Before reaching the securitize stage, issues need to be on a discussion agenda at the United Nations Secretary-General Assembly (UNSGA). However, many processes must be passed before entering the discussion agenda at UNSGA. To put certain issues on the agenda, they need to be politicized.

The securitization agenda from fisheries crime is certainly an important thing for countries that become a referent objects to this crime. This multi-sectoral crime is considered very detrimental economically and also causes environmental damage. The damage can have a long and disruptive impact on marine ecosystems. In the long term, this means a reduced stock of food in the sea.

Meanwhile, fish is one of the important commodities for domestic consumption or export for the country. It has economic value that can contribute to the country's income. Fish consumption has a big contribution to meeting the food needs in regions such as Asia which has a large population (Food and Agriculture Organization, 2014).

Fish are also an important source of nutrients for humans. Products based on fish, fish stores, markets, and other potential work related to the fishing industry become a source of employment for people in developing countries (Food and Agriculture Organization, 2016). In Indonesia, the fishing industry is growing to respond to these needs and opportunities.

However, challenges come from activities that are not in the line with the spirit to create sustainable fisheries. The threat starts from IUU Fishing. The International community considers it a big threat to creating sustainable fisheries (Food and Agriculture Organization, 2018). Therefore in this paper, IUU Fishing is considered the basis of complex fisheries crimes. This can be seen from the element of illegal

fishing contained in IUU Fishing as well as linking it to fisheries crime.

This paper will open the discussion on the securitization process of fisheries crime from the previous process of IUU Fishing securitization in UNSGA. This also will show the connection between IUU Fishing and fisheries crime that the researcher believed had an almost similar crime.

#### ***a. The Failure of Securitization on IUU Fishing***

Before the fisheries crime was put on the list of a campaign by the UNODC, there was an IUU Fishing crime that once got attention from international society. The securitization of IUU Fishing at that time might not be widely recognized even though it did happen three times (2008, 2011, and 2014). Based on the UNSGA resolution on December 5<sup>th</sup>, 2008 number 63/112 on sustainable fisheries paragraph 59 as the first attempt, UNSGA resolution on December 6<sup>th</sup>, 2011 number 66/68 on sustainable fisheries paragraph 60 as the second attempt and attempt based on UNSGA resolution on December 9<sup>th</sup>, 2014 on sustainable fisheries paragraph 82 as the third.

It is mentioned that:

*“Notes the concerns about possible connections between international organized crime and illegal fishing in certain regions of the world, and encourages States, including through the appropriate international forums and organizations, to study the causes and methods of and contributing factors to illegal fishing to increase knowledge and understanding of those possible connections, and to make the findings publicly available, bearing in mind the distinct legal regimes and remedies under international law applicable to illegal fishing and international organized crime”* (United Nations General Assembly, 2009), (United Nations General Assembly, 2012)

From the text, it can be analyzed that states did not agree with illegal fishing as an organized crime yet. But they do suggest further study on the issue. One spokesperson from Indonesia

Coordinating Ministry for Maritime and Investments Affairs explained:

*“Indonesia's struggle to address this crime in an international forum has hit the wall. The Unreported and Unregulated concept from IUUF seems to be domestic administration issues that should be handled domestically rather than requesting international cooperation. And we do realize that. Even the term illegal fishing that Indonesia claim as a TOC also still a debatable concept. The forum did not buy it”* (Mr. Lokita, personal communication, May 27<sup>th</sup>, 2018).

From the UNSGA res 63/112 paragraph 59 and Lokita's statement we could see that event the forum did not 'buy' the issue, but they do expect further study. We can see this from the statement 'possible connection between international organized crime and illegal fishing in certain regions of the world'. This is the lifeline for the referent object of IUUF such as Indonesia struggling in an international forum for the securitization process.

The second attempt was based on the UNSGA resolution on December 6<sup>th</sup>, 2011 number 66/68 on sustainable fisheries paragraph 60, and the third attempt was based on the UNSGA resolution on December 9<sup>th</sup>, 2014 on sustainable fisheries paragraph 82. It is mentioned that:

*“Notes the concerns about possible connections between international organized crime and illegal fishing in certain regions of the world, and encourages States, including through the appropriate international forums and organizations, to study the causes and methods of and contributing factors to illegal fishing to increase knowledge and understanding of those possible connections, and to make the findings publicly available, and in this regard takes note of the study issued by the United Nations Office on Drugs and Crime on transnational organized crime in the fishing industry, bearing in mind the distinct legal regimes and remedies under international law applicable to illegal fishing and international organized crime”* (United Nations General Assembly, 2015)

From the text above we can see that IUU Fishing is still not conceptually accepted in the forum. The almost same conclusion on the crime and only illegal fishing that catch the attention of the forum even with the term 'possible connection between organized crime and illegal fishing in certain regions of the world'. This indicates that even referent objects like Indonesia claim as a victim or harmed by the crime, but other states might not share the same opinion. This indicates that no stepping forward for the securitization process. As Lokita said in an interview:

*“Forget it (IUU Fishing as a TOC), it is done! We have reached a dead-end, the concept did not sell (accepted) in the international forum”.* (Mr. Lokita, personal communication, May 27<sup>th</sup>, 2018)

From the text based on the second (also the third) attempt, and also Lokita's statement, the researcher concludes that Indonesia failed to bring this IUU Fishing concept to an international forum to address this crime as a TOC and it has reached the final. However, there is one sentence that needed to be reviewed as a hope or a lifeline for the securitization process. This indication showed from the second last sentence of the text that UNODC started to take a more important step in the securitization process. The researcher believed that this sentence is the first step for illegal fishing entering UNODC that later campaigned as a fisheries crime. This is what the researcher called the connection between IUU Fishing and fisheries crime. This part will be explained later in this paper.

But another fact that is interesting for the researcher is the question of why the forum did not buy this IUUF concept? Why does Indonesia need to convince the forum? For these questions, the researcher interviewed the second informant of this research named Anirrudha Rajpurt, a member of the UN Commission on International Law. Rajpurt provides a good answer to see the connection of why Indonesia struggling with the securitization process. Rajpurt explained that:

*“UN is nothing more than a secretariat, what matters in the UN's (decision) making process or law-making process is the states.*

*The UN does not make law, the state that makes the law. (If there) has to be some law which criminalized IUU Fishing in any manner, that law has to be made by the state; then either (through) conference of state parties, the member states of UN get together to make the law and then say we would not allow IUU Fishing or IUU Fishing would prevail system violation of international law.”* (Mr. Rajpurt, personal communication, November 22<sup>nd</sup>, 2018)

From Rajpurt statement we could see that without support from the international regime, there will be no international law or rule or treaty toward issues such as IUUF. If Indonesia wishes to have international regime support, then it needs a common understanding, the same way to see the problem, a threat that could harm other states. This is a fundamental construction that needs to be promoted by referent objects like Indonesia in the international forum. Unfortunately, the concept of IUUF did not convince the forum to see it as a common threat that needs international cooperation to handle. As it is mentioned before in Lokita's statement, IUUF seems to be a domestic issue rather than an international one. Rajpurt also expresses almost the same thought on this. He even questioned the urgency to make an international regulation on IUUF as it is a domestic issue. In the interview, he stated that:

*“Do we need it? Is it not for the country to prosecute it? (IUU Fishing) is pretty much domestic law frame. The state can always make the law and anybody who does fishing in another (territorial illegally) or violate (the law which certain countries make), the country can prosecute the person.”* (Mr. Rajpurt, personal communication, November 22<sup>nd</sup>, 2018)

The researcher believed that even if it fails, it has reached something important in the securitization process. The fact that this issue was brought into the international forum, and discussed at the UN, we could say that it is part of the speech act needed to promote the issue. Another fact is that UNODC has to pun illegal fishing in one of their discussion and research on

the phenomena. This is an important thing in the securitization process because UNODC is part of the securitization process as the functional actor. UNODC could affect the dynamic of the illegal fishing issue including campaigning it. This is also the starting point that several years later illegal fishing transforms into fisheries crime. The first step for the fisheries crime securitization process as the researcher mentioned before (look at diagram I).

***b. Fisheries Crime Campaign as an Act of Securitization***

UNODC started the campaign on fisheries crime in 2017. According to the UNODC definition, fisheries crime is an ill-defined legal concept referring to a range of illegal activities in the fisheries sector. These activities – frequently transnational and organized in nature – include illegal fishing, document fraud, drug trafficking, and money laundering (UNODC).

Fisheries crime still has a connection with IUUF. According to the North Atlantic Fisheries, Intelligence Group mentioned that there is a serious offense in fisheries value chains and they are document forgery, registration or identity fraud, food fraud, document fraud, insurance fraud, money laundering, tax crime, corruption and bribery, trafficking in persons, smuggling and illegal fishing (Nordic Council of Minister, 2017). Research on the topic by Chapsos and Hamilton also reaches a hypothesis that the two crimes are linked to one another (Chapsos & Hamilton, 2018).

Fisheries crime describes as a more complex and dynamic crime. With more common TOC included in the definition such as money laundering and drug trafficking, it has revealed how fisheries crime also needs international cooperation rather than one state trying to make a domestic law or administration to solve it. Having fisheries crime campaigned by the UNODC is surely a good step. Rajpurt statement also indicates the importance of having UNODC on this issue. He stated that:

*"The UNODC can pretty much campaign (it) but again, it is for the state to decide whether they wanted a treaty on that. You*

*have this whole stuff treaty state of provision of conventional law on transnational crime, for corruption, for cooperation and all those things .... even if you are prosecuting under the domestic law, you do not have the possibility of trying to get access to the accused person beyond your jurisdiction because the best you can do is, catch the man who's on the boat but not the real culprit .... For that, I see the point, for that you would need a treaty which has a provision on cooperation, prosecution, punishment, and cooperation for enforcement of this kind of decision."*

(Mr. Rajpurt, personal communication, November 22<sup>nd</sup>, 2018)

The securitization process of fisheries crime needs an international audience and also functional actors. The more audience involvement in the forum the better chance for a speech act to construct the idea for the audience. Therefore a symposium on fisheries crime also contributes to the process of securitization. This symposium was initiated and held by referent objects in fisheries crime issues such as South Africa, Indonesia, Austria, and also Denmark. The first international symposium on fisheries crime in 2015 was held in South Africa attended by 29 states including the UK, USA, Norway, Germany, Nigeria, etc. In this symposium, some key points of fisheries crime did explain well such as fishing vessels problem, service vessels that are linked in the catching and loading fish process, human rights (tricked, trapped, trafficked), illegal trading of the fish, corruption, global business, respecting no law, and connected agencies (*Fish Crime Symposium*, 2015).

Meanwhile, the summary of the second international symposium on fisheries crime held by Indonesia provides a better look at the relationship between fisheries crime and TOC. For this, the researcher would like to highlight some crucial points. The first theme of the symposium was "*Transnational organized crime in the fisheries value chain and the critical role of criminal law enforcement in addressing fisheries crime*". The key finding of the second



international symposium on fisheries crime is believed to be related to the securitization process. The text stated that there was a strong consensus that political buy-in and leadership are essential in successfully addressing transnational organized fisheries crime along the value chain. Moreover, it said to achieve this there is a need for continuous dialogue and awareness-raising of the existence and nature of the transnational organized fisheries crime and the need for a coordinated and multidisciplinary law enforcement response (Justice, 2017). Those lines indicated that the forum did agree to raise the level of threat and how to face this fisheries crime more seriously.

With the campaign on fisheries crime at the international forum getting more intense over the years, this shows that the securitization process of fisheries crime through the speech act in the international forum did work and had a good response. At least based on the sustainability and involvement of the audience. The fourth international symposium on fisheries crime was held in Denmark in 2018. This fourth symposium was attended by representatives of 62 states (*Fish Crime Symposium Agenda on Fisheries Crime*, 2018). This number of attendance has doubled since the first symposium.

**Table II** List of Attendance in International Symposium on Fisheries Crime 2018

No	State	No	State	No	State	No	State	No	State
1	Angola	16	Finland	31	Malaysia	46	Senegal	61	Uruguay
2	Australia	17	France	32	Maldives	47	Seychelles	62	Vietnam
3	Austria	18	Gabon	33	Mauritius	48	Singapore		
4	Belgium	19	Gambia	34	Mexico	49	Somalia		
5	Benin	20	Germany	35	Myanmar	50	South Africa		
6	Bulgaria	21	Ghana	36	Namibia	51	South Korea		
7	Cambodia	22	Greenland	37	Nepal	52	Spain		
8	Cameroon	23	Guinea-Bissau	38	Netherlands	53	Sri Lanka		
9	Canada	24	Hong Kong	39	New Zealand	54	Sweden		
10	Cote d'Ivoire	25	Iceland	40	Nigeria	55	Taiwan		
11	Denmark	26	Indonesia	41	Norway	56	Tanzania		
12	Djibouti	27	Ireland	42	Palau	57	Thailand		
13	Ecuador	28	Kenya	43	Peru	58	Togo		
14	Faroe Islands	29	Kiribati	44	Philippines	59	United Kingdom		
15	Fiji	30	Liberia	45	Sao Tome and Principe	60	United States		

Source: Handbook of Fish Crime Symposium Agenda 2018

This showed that the securitization process by politicizing the issue has raised awareness of the

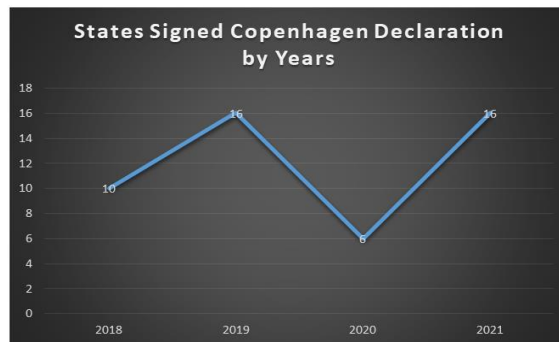
issue. Not only UNODC but also other functional actors that could affect the dynamic of

fisheries crime issues such as Interpol, The Organization for Economic Cooperation and Development (OECD), International Labour Organization (ILO), The Food and Agriculture Organization of the United Nations (FAO), African Union (AU), Association South East Asian Nations (ASEAN, and also the European Union (EU) (Stølsvik, 2019).

But the question is, will it become a new TOC on the international security agenda? Will it transform from fisheries crime to a Transnational Organized Crime or Transnational Organized Fisheries Crime? For these, the researcher believed that the securitization process will not reach the top due to some challenges that will break the process. This is based on some findings through interviews, texts, and also previous studies on the issue.

**c. Copenhagen Declaration and State's Interests**

The securitizing process of fisheries crime at the international level also through a series of symposiums. The symposium series was named International Symposium on Fish Crime and were attended by various countries. The symposium discussed various problems related to fisheries around the world. The Symposiums play a crucial role in the securitizing move process. The first Symposium was held in South Africa (2015), the second was held in Indonesia (2016), the third in Austria (2017), and the last in Denmark (2018). The last symposium was attended by 62 countries (*Fish Crime Symposium Agenda on Fisheries Crime*, 2018). The last symposium successfully promoted a non-legally binding declaration named Copenhagen Declaration (The International Declaration on Transnational Organized Crime in the Global Fishing Industry, 2018). Since it was declared in 2018, many countries have started to join in signing the declaration.

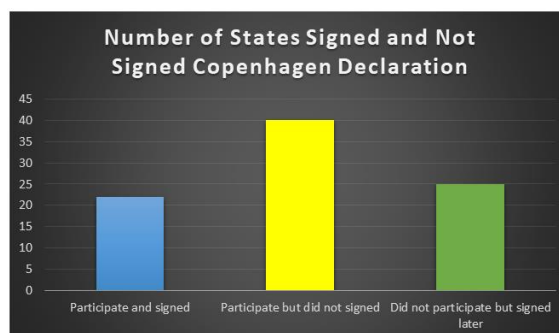


**Diagram II**

Source: <https://bluejustice.org/copenhagen-declaration/>

Copenhagen Declaration refers to a shared spirit to eradicate a crime called Transnational Organized Crime in the Global Fishing Industry instead of fisheries crime. This can be seen as part of the terminology formulation process that occurs at the symposium.

There are several interesting things that researcher found from the Copenhagen Declaration, namely the division of countries into three groups. The first group consists of 22 countries that attended the Symposium in 2018 and sign the declaration. The second group consists of 40 countries that attended but did not sign. The first and second groups consist of 62 countries that attended the Symposium in Denmark. The last group is countries that are not on the list of the 62 countries that attended the last symposium. This group consists of countries that joined and signed the Copenhagen Declaration after the symposium was held. The number of the last group still possibly increases over time.



**Diagram III**

Source: <https://bluejustice.org/copenhagen-declaration/>

The difference between the first (sign) and the second (not sign) groups indicates the different interests and perspectives on sustainable fisheries management. Signed countries considered the importance of the Copenhagen Declaration and decide to sign while some refused. The signing of the Copenhagen Declaration also indicates that countries support the securitization process. While other parties seem to be an obstacle in the securitization process.

In his paper, Barkin explained that countries that have advanced ship industries will be less supportive of policies that lead to sustainable fisheries at the international level (Barkin et al., 2018). Barkin's explanation indicates that there are countries that do not want rules at the international level that aim to limit them from exploiting the sea. This limitation is against their interest.

For example, in 2017 a delegation for International Symposium on Fish Crime from China stated that they rejected the expansion meaning of the IUU Fishing (*FishCRIME 2017 » FishCRIME*, n.d.). This statement was given by Wang Xiaodu China Ambassador for Yellow Sea Affairs Ministry of Foreign Affairs. In his statement, Xiaodu stated that China basically agrees with eradicating maritime Transnational Crime, supports sustainable fisheries, and firmly rejects IUU Fishing. However, the next slide stated that all parties need to have a correct understanding of IUU Fishing and reject the expansion meaning of the IUU Fishing concept. Because the essence of IUU Fishing is a management problem, therefore it should be distinguished from criminal problems or in other words IUU fishing  $\neq$  criminal activities. Another point is to avoid excessive use of force in the law enforcement process. Furthermore, Xiaodu in his PowerPoint stated that catching fish in the disputed waters should not be considered as IUU Fishing.

This statement indicates a spirit that is contrary to the securitization process of fisheries crime. Xiaodu seems to want the discussion to remain at the level of IUU Fishing, even though IUU Fishing has failed in the previous securitization.

Securitization of fisheries crime against China's national interest. For that, they are trying to hinder the securitization process from reaching its peak.

#### ***d. Indonesia's effort in the securitization process***

As mentioned before, this paper uses Indonesia's point of view on the securitizing process of fisheries crime. This paper believed that Indonesia has a strong interest in raising this issue at the international level. Indonesia also become a victim of fisheries crime activities. Starting from illegal fishing to slavery occurs in Indonesia's territorial waters. So how do economic and environmental threats from fisheries crime affect Indonesia? It is related to the loss of potential profits caused by serious offenses in the fisheries value chain. As well as environmental damage due to destructive fishing activities.

Indonesia experiences economic and environmental losses caused by fishing activities. This loss makes Indonesia worthy to consider IUU Fishing and fisheries crime as a threat to their national security. Indonesia suffered a loss of around US\$ 3 billion from illegal fishing. Also, the impact of destructive fishing gear damaging marine ecosystems is around 65%. This loss is estimated to cause around US\$ 20 billion. Other crimes included in fisheries crime such as trafficking in humans are estimated to generate a profit of US\$ 150 billion (Chapsos & Hamilton, 2018).

Corporations are also included as a preparator in fisheries crime. Indonesia suffered several losses due to criminal acts by corporations such as fuel used by an unauthorized fishing vessel, reduction of Non-Tax State Revenue, local fishing opportunities reduced, a threat to the sustainability of fish resources, and the catch generally taken abroad that caused the foreign exchange and reduced opportunities for added value from the processing industry, economic loss by retribution paid at Indonesian shipping rate, and stolen fish production by volume and value (Ningsih et al., 2018).

This condition is unfavorable for Indonesia, which is experiencing a positive trend as a

producer of marine fish. Not only at the regional level but also at the international level.

**Tabel III. Marine Capture Fisheries: Major Producer Countries**

2012 Ranking	Country	Continent	2003	2011	2012	Variation	
						2003-2012	2012-2012
			(Toones)			(Percentage)	
1	China	Asia	12.212.188	13.536.409	13.869.604	13.6	2.4
2	Indonesia	Asia	4.275.115	5.332.862	5.420.247	27.0	1.7
3	United States of America	Americas	4.912.627	5.131.087	5.107.559	4.0	-0.5
4	Peru	Americas	6.053.120	8.211.716	4.807.923	-20.6	-41.5
5	Russian Federation	Asia/Europe	3.090.798	4.005.737	4.068.850	31.6	1.6
6	Japan	Asia	4.626.904	3.741.222	3.611.384	-21.9	-3.5
7	India	Asia	2.954.796	3.250.099	3.402.405	15.1	4.7
8	Chile	Americas	3.612.048	3.063.467	2.572.881	-28.8	-16.0
9	Viet Nam	Asia	1.647.133	2.308.200	2.418.700	46.8	4.8
10	Myanmar	Asia	1.053.720	2.169.820	2.332.790	121.4	7.5
11	Norway	Europe	2.548.353	2.281.856	2.149.802	-15.6	-5.8
12	Philippines	Asia	2.033.325	2.171.327	2.127.046	4.6	-2.0
13	Republic of Korea	Asia	1.649.061	1.737.870	1.660.165	0.7	-4.5
14	Thailand	Asia	2.651.223	1.610.418	1.612.073	-39.2	0.1
15	Malaysia	Asia	1.283.256	1.373.105	1.472.239	14.7	7.2
16	Mexico	Americas	1.257.699	1.452.970	1.467.790	16.7	1.0
17	Iceland	Europe	1.986.314	1.138.274	1.449.452	-27.0	27.3
18	Morocco	Africa	916.988	949.881	1.158.474	26.3	22.0
<b>Total 16 major countries</b>			<b>58.764.668</b>	<b>63.466.320</b>	<b>60.709.384</b>	<b>3.3</b>	<b>-4.3</b>
<b>World total</b>			<b>79.674.875</b>	<b>82.609.926</b>	<b>79.705.910</b>	<b>0.0</b>	<b>-3.5</b>
<b>Share 18 major countries (percentage)</b>			<b>73.8</b>	<b>76.8</b>	<b>76.2</b>		

Source: ("Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry," 2016)

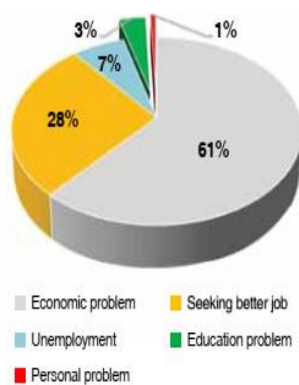
This research will try to categorize the threats resulting from fisheries crime against Indonesia into several parts. *First*, is the threat that attacks the economic sector. This threat results in the loss of potential profit that can be generated from fishing activities. The researcher believes that the economic sector is the main reason for Indonesia to take the threat of fisheries crime seriously. And not only for Indonesia but also for other countries that suffered from fisheries crime. Corporations that are considered to be a contributor to state income cause the state to lose money. Crimes such as bribery, falsification of documents, forgery of permits, tax evasion, and so on are also committed by corporations both in the ship's country of origin and in the destination country. With all those loopholes, vessel owners act more aggressively in catching fish to get more income by using destructive fishing gear

(Standing, 2015). If this continues, the damage to the marine environment will be a further threat to Indonesia.

The *second* threat is environmental damage. This condition will certainly disrupt the stability and sustainability of catching fish. Even though the trend for tuna from Indonesia is in good condition. To maintain this stability and sustainability, Indonesia relies on small fishing vessels. This is considered to be able to avoid overexploitation by catching fish massively and causing environmental damage in practice (Sunoko & Huang, 2014). Sustainability-based management plays an important role in supporting the Indonesian economy from fishing. This has even made Indonesia known as an exporter of tuna, a type of fish that has a high commodity value in the international market. It is not surprising that Indonesia then

implemented a moratorium on a fishing licenses for foreign vessels (Khan et al., 2018). Relying on small fishing vessels and a moratorium on fishing permits are two policies that are considered to be able to maintain the sustainability of catching fish for small fishermen in Indonesia. This will certainly be beneficial for the fulfillment of the food and nutrition needs of the people in Indonesia's sustainability.

The *third* threat is related to food. This threat is closely related to the lower class of society, including fishermen in Indonesia. Although the Indonesian government has taken a series of policies to combat fisheries crime, the fact that fishermen also contribute to this crime become something unusual. Urgent economic needs and lack of education make Indonesian fishermen sometimes sell their catch to foreign fishing vessels (Chapsos et al., 2019). It is intended that fishermen get money quickly and fulfill other needs. For this reason, it is necessary to pay attention to and empower the living conditions of fishermen.



**Diagram IV.** Reasons why Indonesia trafficking victims work in the foreign fishing industry

Source: ("Report on Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry," 2016)

Working as a fisherman should be considered a promising job and able to ensure the availability of food supplies for people on the coast of Indonesia (Stacey et al., 2021). Unfortunately, the fishing industry is currently dominated by developed countries. As a result, the benefits of

the food and nutrients contained in fish are enjoyed by developed countries (McCauley et al., 2018).

The *fourth* is a personal threat. This threat relates to the safety of fishermen or crew members who work on foreign ships and workers who work in marine fish processing. The Benjina case is a clear signal of how slavery practice in the modern fishing industry threatens the worker. Even in one working day, the majority of a crew members can be employed for 16-20 hours per day. This is a meaningful lesson for Indonesia and other countries (Chapsos & Hamilton, 2018). Fishermen and laborers have a big role in the chain of the fishing industry. Starting from being a crew member to working in a factory that processes fish catch. On average, these marine fish products (65-70%) come from developing countries including Indonesia. In practice, these workers (including child laborers) are then forced to work (Nakamura et al., 2018). Cases of slavery-like this are very difficult (or even impossible) to investigate without transparency and traceability. As a result, the caught fish can be sold by the actors to get more profit (Tickler et al., 2018).

Seeing these threats, it is reasonable for Indonesia to identify fisheries crime as Transnational Organized Crime (Yuliantiningsih et al., 2018). A series of policies to overcome this condition were also taken during the administration of President Joko Widodo. At the domestic level, President Jokowi conducts securitization to respond to IUU Fishing (Isnurhadi, 2017). To support this policy a series of diplomatic efforts are directed at the maritime sector to tackle illegal fishing (Yanti et al., 2013), and build Indonesian maritime security (Harry et al., 2016).

To support President's Jokowi's administration, the Indonesian Ministry of Foreign Affairs Policy Review and Development Agency also shared its views on the importance of maritime security. Indonesia needs to actively participate in forums related to maritime affairs to serve as the securitization of IUU Fishing (Cassidy et al., 2016). President Jokowi also issued Presidential Regulation No. 16 of 2017 which become the

White Paper for Indonesia's Marine Policy. This paper consists of 7 policy pillars which include: *first*, marine resource management and human resource development. *Second*, defense, law enforcement security, and safety at sea. *Third*, sea governance and institutions. *Fourth*, economy, infrastructure, and welfare improvement. *Fifth*, marine space management and marine space protection. *Sixth*, maritime culture. *Seventh*, maritime diplomacy. In addition to these 7 policy pillars, there are also 76 main policies to support Indonesia as the Global Maritime Axis (Kemenko Kemaritiman, 2017).

This series of policies made Indonesia shift in its foreign policy. Indonesia, which previously followed the flow of international politics, is now starting to play its role in building regime rule (Alvian et al., 2017). Rosyidin also expressed the same thing, that Indonesia should be able to play a bigger role on the international political stage (Rosyidin, 2017).

At the international level, Indonesia is trying to participate in the securitization process of fisheries crime. In this process, Indonesia actively cooperates with partners, both state and non-state actors. in the agreement, Indonesia invites its partners to participate in fighting crimes such as IUU Fishing, sharing information about passing ships, and even trying to break to

supply chain of fisheries products resulting from illegal activities.

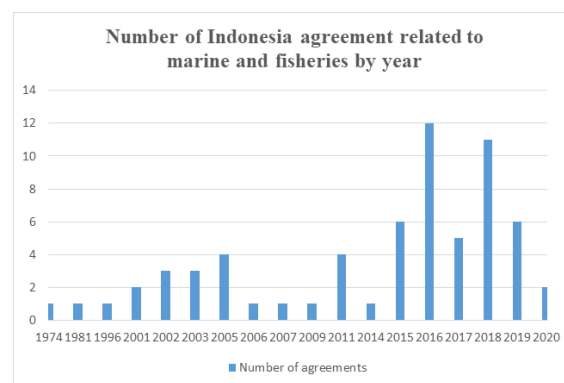


Diagram V

Source: Data collected through treaty.kemlu.go.id and email

According to the data gathered in this research, there were 65 agreements made by Indonesia related to marine and fisheries issues from 1974 to 2020. There was a significant increase in the number of collaborations between Indonesia and partners between 2014-2019 with a total of 37 agreements. Indonesia also tries to cooperate through agreements with actors from other regions. It indicates how Indonesia try to protect their interest related to marine and fisheries and promote those issues internationally at the same time. This fisheries crime is not only a matter of domestic, or regional but international.

**Tabel IV.** List of Indonesia Partners in Agreement Related to Marine and Fisheries Under Jokowi First Administration From 2014-2019

No	Type of Agreement	Year	Partner	Description
1	MOU	2015	Sudan	State Actor
2	Joint Communiqué	2015	Sudan	State Actor
3	MOU	2015	Norway	State Actor
4	Joint Communiqué	2015	Australia	State Actor
5	MOU	2015	Norway	State Actor
6	Joint Communiqué	2015	Papua New Guinea	State Actor
7	MOU	2016	Hungaria	State Actor
8	Joint Communiqué	2016	Timor Leste	State Actor
9	MOU	2016	Republic of Korea	State Actor
10	Joint Communiqué	2016	Russian Federation	State Actor
11	Joint Communiqué	2016	New Zealand	State Actor

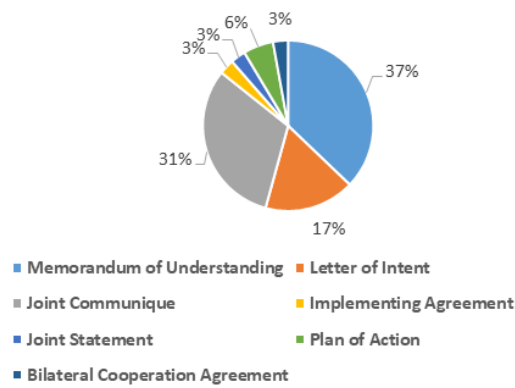
12	Joint Communiqué	2016	Republic of Palau	State Actor
13	Plan of Action	2016	US	State Actor
14	Letter of Intent	2016	Netherland	State Actor
15	Letter of Intent	2016	Netherland	State Actor
16	Joint Communiqué	2016	India	State Actor
17	Joint Declaration	2017	Australia	State Actor
18	Joint Communiqué	2017	Sri Lanka	State Actor
19	Letter of Intent	2017	Japan	State Actor
20	Joint Statement	2017	Poland	State Actor
21	Letter of Intent	2017	France	State Actor
22	Joint Communiqué	2018	Bangladesh	State Actor
23	Joint Declaration	2018	Republic of Korea	State Actor
24	Implementing Agreement	2018	Republic of Korea	State Actor
25	MOU	2018	Republic of Chile	State Actor
26	Bilateral Cooperation Agreement	2018	Denmark	State Actor
27	Joint Communiqué	2018	Vietnam	State Actor
28	MOU	2018	Mozambique	State Actor
29	Letter of Intent	2018	Norway	State Actor
30	Plan of Action	2018	Namibia	State Actor
31	Letter of Intent	2018	The Centre Scientific de Monaco (Monaco)	Non-State Actor
32	MOU	2019	Environmental Defense Fund (US)	Non-State Actor
33	MOU	2019	UK and Northern Ireland	State Actor
34	MOU	2019	UAE	State Actor
35	MOU	2019	Marine Stewardship Council (UK)	Non-State Actor
36	MOU	2019	Sustainable Fisheries Partnership Foundation (US)	Non-State Actor
37	MOU	2019	UK	State Actor

Source: Data collected through [treaty.kemlu.go.id](http://treaty.kemlu.go.id) and email

From Table IV, it can be seen that the cooperation carried out by Indonesia collaborates with partners from various regions in the world. There are several types of agreements ranging from Memorandum of Understanding (MOU), Letter of Intent, Plan of Action, Joint Communiqué, Implementing

Agreement, Bilateral Cooperation Agreement, to Joint Statement. These agreements were made during the first term of President Joko Widodo's administration from 2014 to 2019.

**Types of International Agreements Related to Marine and Fisheries**

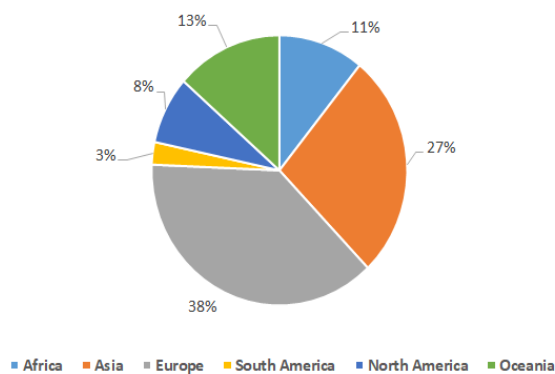


**Diagram VI**

Source: Data collected through treaty.kemlu.go.id and email

In the next data, the researcher tries to present the origin of the region from countries that collaborate with Indonesia regarding marine and fisheries. From the data, it can be seen that some European region countries have the same interest in collaborating with Indonesia on marine and fisheries. Followed by Asia, Oceania, Africa, North America, and South America. This indicates that fisheries crime also happens in other regions.

**Indonesian Partners in International Agreements Regarding Marine and Fisheries by Region**



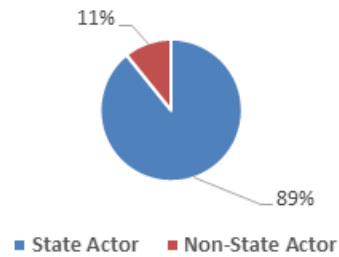
**Diagram VII**

Source: Data collected through treaty.kemlu.go.id and email

Meanwhile, the actors who collaborate with Indonesia related to marine and fisheries are dominated by state actors than non-state actors with a total of 33:4. This indicates that the

discussion regarding fisheries crime issues at the international level is dominated by state interest. In other words, the advantages and disadvantages in making a decision (supporting/not fisheries crime securitization process) will be considered based on the state domestic condition of the fisheries industry.

**Actors Involved in International Agreements Regarding Marine and Fisheries**



**Diagram VIII**

Source: Data collected through treaty.kemlu.go.id and email

From the discussion above, it can be seen that Indonesia has also made a securitizing move from the securitization of fisheries crime by establishing several agreements. These collaborations are expected able to increase awareness. It is also expected to form a joint commitment with partner countries to eradicate fisheries crime or other crimes in the fisheries industry chain.

**e. Challenges in Fisheries Crime Securitization Process**

The *first* challenge for fisheries crime securitization is the same challenge faced by IUUF, the definition. The researcher believed that the definition will be the first stumbling block for the securitization process in the international forum. This argument is based on the definition of fisheries crime by UNODC which according to the researcher still an unconvincing concept. The words used by UNODC to describe fisheries crime as an '*ill-defined concept*' somehow prove the incapability or uncertainty to address the crime properly in the international forum. Moreover, fisheries



crime definition by UNODC somehow overlaps with some other TOCs such as money laundering, corruption, drug trafficking, or even slavery. The fact that the fisheries crime definition overlaps with other TOCs would raise the question of why would we need a new law while we can use the old one? The question on rather we need a new law on fisheries crime or we could use the old one just like Rajput question before, "*do we need it*"?

Based on an interview with Lokita in 2019, the informant argued pessimistically on fisheries crime definition. He stated:

*"We did not fully support fisheries crime since we believed it will not fly.... When you said fisheries crime, you have to come up with the definition. When you try to define it, that will be a long debate. Just like when international society agreed to form environmental crime.... So, you have to prepare a clear definition of what are we going to consider fisheries crime. Is it going to be a definition or just a list of crimes?.... Yes, so why we have to put all those crimes into a new definition?"* (Mr. Lokita, personal communication, December 18<sup>th</sup>, 2019)

However, the researcher believed that the fisheries crime campaign by UNODC did make an impact on the fisheries crime securitization process. The campaign has gained attention and concern from the audience. This showed by the increasing number of audiences in the international forum. The speech act in the international forum with a bigger audience will help the process of the securitizing move.

The *second* challenge is national interest and also the race for fish profit. Fish is a crucial resource in the world. It also has a good price on the market which is why people start to catch the fish. With the growing population, the need to feed all those populations also increase within. See how Sierra Leon expects income, nutrition, and also the source of employment from the fisheries sector (Seto et al., 2017). Or how exploitation of the sea to gain profit from fish in certain regions of the world (Belhabib et al., 2019). Developing countries struggling with

their small-scale fishing to make living for the people (Knudsen, 2016). On the other hand, developing countries dominate the fishing industry (McCauley et al., 2018). Gaining mass profit from the fishing industry by overexploitation risks the environment (Coll et al., 2008). Not only from fish overexploitation but also the labor slavery (Nakamura et al., 2018), and (Tickler et al., 2018).

The *third* challenge will be the nonexistence of law. Without clear law that has a legal binding for the member of the states to obey the rule, this kind of crime will still be going. Legal binding regulation is needed to make the interconnection between states to hunt the criminal organization. Lokita stated that mostly that we catch are ship captains and their crews. It is never reaching the mastermind that hiding somewhere.

*"If we want to eliminate it, we have to hit the top. The funder (and) the mastermind. But we never did."* (Mr. Lokita, personal communication, December 18<sup>th</sup>, 2019)

Other difficulties come from the investigation process. States might still do the investigation on illegal activities when it comes to their jurisdiction (Vrancken, 2019). This condition might work to prevent the activities or the selling process of fish caught, but it does not help with the environmental damage caused when the fishing process especially on the high seas.

There are three steps of the decision-making process that consist of testing definition, negotiation/lobby, and voting. The national interest factor and absence of law will be a difficult task in the second and third steps of the decision-making process. Domestic sources will affect how states react to fisheries crime securitization (Barkin et al., 2018). States will unlikely to support this legally binding policy when they have a good fishing industry and ship durability to exploit the sea.

## V. CONCLUSION

This paper believes that the securitization process might not put fisheries crime into a new type of Transnational Organized Crime in the next couple of years. Since the securitization process depends on state interest either to be

bound by the new rule or not. In this case, state interest also provides other obstacles. Bigger states exploit this condition to fulfill their need for fish profit. With a better fishing industry, this condition benefits more to their income. While for a small state, this might be considered "unfair fishing". They need to keep this condition so they could exploit it to get more profit.

A further study is needed to analyze the position of referent objects toward fisheries crime definition by UNODC. Either they support the definition or just use it to raise awareness or concern by other states. Other studies are also important such as finding a new concept to address the crime. Based on experience from the past, referent objects might take a shift or reposition toward the fisheries crime concept.

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