

# **‘IUU Fishing as Transnational Organized Crime’ Discourse: A Policy Argumentation Analysis**

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## **Abstract**

The problem of illegal, unreported, and unregulated fishing (IUU Fishing) is a constant day-to-day challenge for an archipelagic state like Indonesia. However, recent developments by the Indonesian government to make high-profile initiatives through its ‘sink-the-vessels’ policy and later proposing to the international community that IUU Fishing be categorized as a form of Transnational Organized Crime (TOC) presents an interesting state of maritime affairs in the Pacific region. Contrary to the common preconception that such an assertive policy would diverge from Indonesia's more roundabout way of doing things, the policy proved to be successful with relatively minor backlash. It is this counterintuitive puzzle that the research seeks to expound through a text-based, qualitative policy argumentation analysis applying a combination of the Toulmin-Dunn model of argumentation and Scriven's seven-step argument analysis framework in order to investigate the structures of policy arguments and the types of justification used in the learning and implementation process of Indonesia's ‘IUU Fishing as TOC’ policy. Findings suggest that understanding the logic behind the arguments that actors use to define and portray certain policies is important in formulating effective and sustainable policy strategies.

**Keywords:** policy – discourse – policy argumentation analysis – Indonesia – IUU fishing – fisheries crime – transnational organized crime

## Introduction

Since appointed as Indonesian Minister of Maritime Affairs and Fisheries (MMAF) in October 2014, Susi Pudjiastuti has taken a firm stance towards eliminating illegal, unreported, and unregulated (IUU) Fishing in Indonesian waters. Notable among efforts to crackdown on IUU fishing is Indonesia's relentless show of 'sink-the-vessels' policy, where authorities visibly sink illegal, foreign-built fishing vessels operating in Indonesian waters. Between October 2014 and December 2015 alone, 157 foreign vessels were seized and 121 of them were blown up and sunk (CEA, 2016:19). Although the practice of sinking vessels is not new, the way in which it is carried out is done in a much more high-profile and publicly transparent manner. It is evident that Indonesia's uncompromising stance on IUU Fishing is successful in restoring the country's fish biomass index and catch levels, which has led Minister Pudjiastuti to receive widespread recognition from the international community, including most recently, the Peter Benchley Ocean Award for Excellence in National Stewardship in May 2017, which was awarded for "courageously and audaciously blowing up and sinking more than 200 illegal fishing boats caught poaching – a strong deterrent to organized crime efforts that have invaded and overfished Indonesia's biologically rich waters for years."

Beyond this, the Indonesian government is also persistently advocating for IUU Fishing to be categorized as a Transnational Organized Crime (TOC) at the international level. An 11-month analysis and evaluation (ANEV) in 2015-2016 of 1,132 foreign-built fishing vessels operating in Indonesia uncovered that the *modus operandi* of IUU fishing broadly involved multiple kinds of crime, including overfishing, tax fraud, forging vessel licensing documents, narcotics and human trafficking, money laundering, and more. Following the compliance audit and the First International Symposium on Fish CRIME in Cape Town, 12-13 October 2015, the Indonesian government has continued to push IUU fishing as a form of TOC to emphasize its seriousness and promote more commitment and concrete measures by states in enhancing international cooperation on the issue.

With Indonesia's acclaimed success in enforcing the law and reforming fisheries governance already yielding confident results, it raises questions about why the government is directing its efforts in shifting the policy focus from IUU fishing as a legal-administrative problem of law enforcement to IUU fishing as a crime. This article seeks to observe this shift by investigating the argument underpinning Indonesia's current approach to tackling 'IUU fishing as TOC'. In addition to understanding the logic behind the arguments used to define and portray the 'IUU Fishing as TOC' policy, the second objective of the study is to understand how the logic behind the 'IUU fishing as TOC' policy argument is being constructed to fit into wider social practices.

To do this, the research employs a theory of policy argumentation combining Stephen Toulmin's informal logic of practical argumentation as adapted by William Dunn for analyzing policy argumentation; and Michael Scriven's seven step model for argument analysis. The research seeks to focus on comparative moments to understand discursive changes that are rather close in time. Thus, a purposeful selection of three primary texts was done based on the time under study (between October 2014-October 2016) and their key function as nodes within the intertextual web of official discourse.

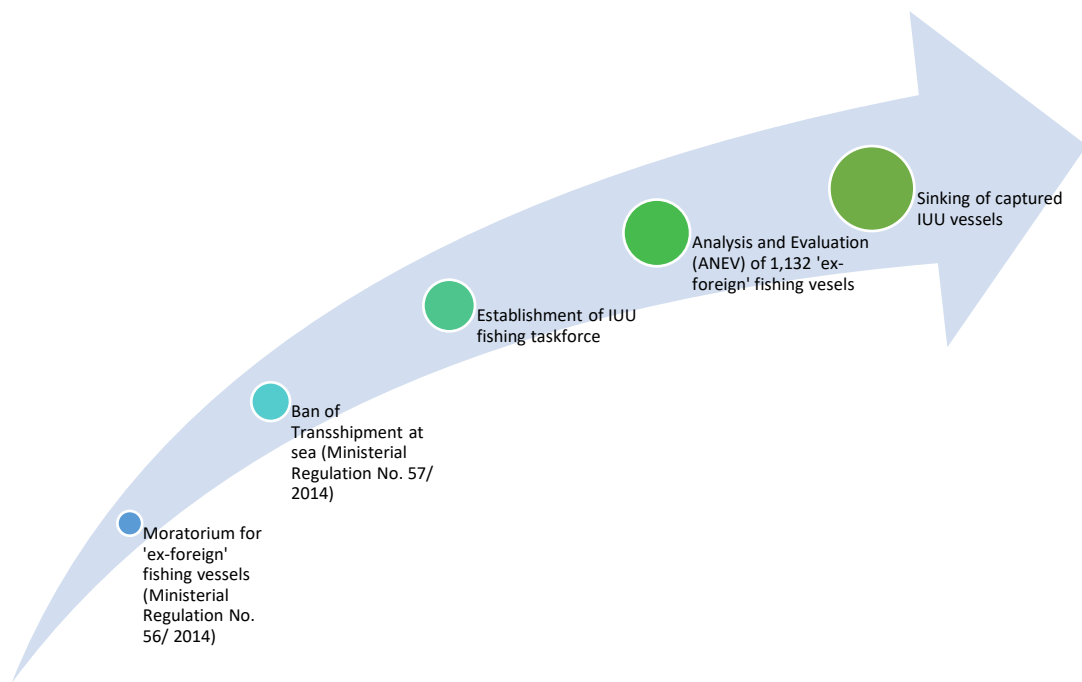
The sections of this article are organized as follows. The first section presents a sequential overview of Indonesia's key policies on IUU fishing under Minister Susi Pudjiastuti throughout her first year in office, from October 2014 to October 2016. This is followed by an elaboration of when the discourse shifted from IUU fishing to transnational organized fisheries crime, and how the two approaches differ. The third section details the policy argumentation framework used to comprehend this shift in discourse, and the reasons for the selection of the texts to be used in the analysis. The fourth section applies the policy argumentation framework to analyze the shift in argument concerning Indonesia's current approach to tackling IUU fishing as transnational organized crime. The article ends by concluding that deeper understanding of the logic behind certain policy arguments is required to more openly engage in an exploration of the different concerns throughout the development of a discourse, which is essential to formulating effective and sustainable policy strategies.

### **A chronological overview of Indonesia's policies on IUU fishing**

Since Indonesian President Joko Widodo (colloquially known as Jokowi) was elected in July 2014, a series of reforms have been catalyzed in the country's maritime and fisheries policies. Since the president's articulation of Indonesia's new strategic doctrine to become a Global Maritime Axis, Jokowi's administration has been working hard to revive the country's maritime culture, strengthen its marine-based economy, and become a maritime power of influence in the world. A key part of this vision is protection of marine natural resources and fisheries to ensure a sustainable marine-based economy.

Indonesia is an archipelagic nation with more than 17,000 islands with five major islands: Sumatra, Java, Kalimantan, Sulawesi, and Papua. Its marine fisheries area covers 3.1 million square kilometers of archipelago waters and territorial waters, and 2.7 million square kilometers of the Indonesian Exclusive Economic Zone (EEZ) waters (sixth largest EEZ in the world). Indonesia is split by the equator, making the country almost entirely tropical in climate. It comes as no surprise that Indonesian fisheries are among the largest and most productive in the world, ranking second after China in marine fisheries production (FAO, 2016: 11). Unfortunately, Indonesia's high-seas fish stocks are threatened by the rampant practice of IUU fishing. Overfishing and destructive fishing practices have resulted in a loss of productivity with cascading effects on the ecosystem. The government has stated that IUU fishing by foreign vessels in Indonesian waters costs the country US\$20 billion (IDR 240 trillion) in state losses per year.

From the outset, Minister Susi Pudjiastuti spearheaded long-term reforms of marine resources and fisheries governance in Indonesia. The most visible among her efforts being the public sinking of illegal foreign vessels, a moratorium on IUU fishing by foreign-owned and foreign-made fishing vessels, and a ban of transshipment at sea.



**Figure 1: Law enforcement efforts to prevent and combat IUU fishing in Indonesia**  
(source: Yunus Husein, 2015)

Under the MMAF leadership, Indonesia has become more assertive to take on bold measures to address the issue of IUU fishing. However bold, the measures undertaken by Indonesia during the first year (2014-2015) mainly employed a legal-administrative perspective where the focus was to enhance coordination among navy, water police, coast guards, and financial intelligence unit, as well as imposing administrative sanctions based on findings from the analysis and evaluation (ANEV) compliance audit.

#### *Moratorium of ex-foreign fishing vessels*

As mandated by Ministerial Regulation No. 56/PERMEN-KP/2014, the government of Indonesia imposed a one year moratorium on all foreign built fishing vessels (or ex-foreign fishing vessels) weighing more than 30 gross tons (GT) each. This moratorium allowed the ministry to review 1,132 fishing permits to evaluate whether they are misused. Ministerial Regulation No. 56 was issued on November 3, 2014 and expired on October 31, 2015. Following the investigation, all foreign vessels were required to deregister, or in other words and leave Indonesian waters. Many of the vessels came from China, Thailand, Taiwan, Japan, and the Philippines.

#### *Ban of transshipment at sea*

Transshipment is the practice of transferring catches in the middle of the sea by a fishing boat to a transport vessel for delivery to designated ports or fish processing units. This practice has been blamed as the cause of widespread poaching on the high seas because through transshipment, transport vessels are able to take their catch and ship directly overseas without

having to go through the processes in Indonesia (*The Jakarta Post*, 29 September 2016). Minister Pudjiastuti wasted no time in imposing a total ban on transshipment through the issuance of Ministerial Regulation No. 57/ 2014 on November 12, 2014, and remains in effect until today. This ban applied to all fishing companies, including those that have never engaged in IUU fishing practices. The ban on transshipment has disrupted the flow of supply to local fish-processing industries because delivery is no longer efficient and fails to meet the demand for raw materials from the local industry. This is particularly the case in areas where fisheries are the backbone of their economy, such as in Maluku and North Sulawesi.

#### *Task Force on Prevention and Eradication of IUUF*

Between 2014-2016, Indonesia has established two task forces on illegal fishing. The first is the ministerial task force for the prevention and eradication of illegal, unreported, and unregulated (IUU) fishing that assists the Minister of Maritime Affairs and Fisheries in monitoring, evaluating, and improving the current maritime and fisheries system. This task force supported the moratorium and temporary fishing license ban, and took the lead in conducting the ANEV for 1,132 ex-foreign vessels. In short, the task force monitors law enforcement practices on IUU fishing and worked at developing integrated enforcement guidelines on IUU fishing.

While the second task force to combat illegal fishing is established through a presidential decree, and would report directly to Indonesian President Joko Widodo. This new task force indicates that Indonesia is serious in stepping up its maritime law enforcement. The presidential task force on the eradication of IUU fishing has authority to take action on illegal poachers and other perpetrators of related crimes in Indonesian waters. The task force conducts regular patrol to detect IUU fishing activities, and leads joint enforcement efforts between MMAF, navy, police, coastguards, and public prosecutors to address illegal fishing on-site. Or in other words, this task force has the authority to sink any foreign fishing vessels as they see fit without having to wait for months to pursue the matter in a court of law.

#### *Analysis and Evaluation (ANEV) of 1,132 ex-foreign fishing vessels in Indonesia*

Following the moratorium, the MMAF carried out a compliance audit or what was known as Analysis and Evaluation (ANEV) towards 1,132 ex-foreign fishing vessels distributed in 33 base ports throughout Indonesia. The results revealed the 100 percent of the vessels audited were found to be in violation of the law. A total of 769 vessels were found to engage in serious violations, while 363 engaged in average violations. Based on the ANEV results, the government implemented the administrative sanctions accordingly – 291 vessel licenses were revoked, 61 licenses suspended, and 95 received warnings (Husein, 2015)

#### *Indonesia's 'sink-the-vessels' policy*

To create a deterrent effect, Minister Pudjiastuti sank more than 200 foreign boats between November 2014 – August 2016, and still continues until today. The practice of sinking ships itself is not new for Indonesia; it is mandated by Law No. 45/ 2009 concerning Fisheries.

Law No. 45/ 2009, Article 69 (4) states that: *“the investigator and fisheries inspector vessel may conduct specific action such as burning down and/or sinking foreign-flagged fisheries vessels based on sufficient initial evidence.”*

And Article 76A states that: *“any object and/or tool used for and/or resulting from fisheries crime may be confiscated for the state or destroyed subsequent to the approval of the chief of a district court.”*

In other words, by sinking non-compliant vessels, the minister is only doing her job. However, the more high-profile manner in which it is done, is new for Indonesia; it shows that the country’s ‘war on illegal fishing’ is not mere rhetoric. Prior to Pudjiastuti’s openly transparent way in sinking ships, perhaps not many people knew of the policy. The decision received much praise both from the domestic and international, and successfully created the deterrent effect it intended to.

### *Modus operandi in IUU fishing and fishery-related crimes*

One of the main findings of the ANEV were the various *modus operandi* in IUU fishing. The taskforce found at least 15 different *modus operandi* in IUU fishing (Husein, 2015):

1. Falsifying transfer of ownership documents
2. Double flagging and double registered vessels
3. Fishing without the proper licenses
4. Altering a vessel’s name
5. Sailing without port and seaworthiness clearance
6. Employ foreign captain and seamen
7. Deactivating VMS and AIS
8. Illegal transshipment at sea
9. Falsifying logbook record
10. Absence of health certificate and export declaration
11. Violating fishing grounds
12. Using prohibited fishing gear and tools
13. Marking down of a vessel’s GT
14. Not partnering with a fish processing unit
15. Not landing the catch on the designated port

Apart from the above list of fisheries crimes, the compliance audit also found patterns of fisheries-related crimes on the high seas, including tax fraud, smuggling of gas and illegal fuel, money laundering, forced labor, child labor, human trafficking, smuggling of endangered wildlife, and more.

### *The need for a multidisciplinary legal approach in marine and fisheries*

The multiple crimes found to constitute the practice of IUU fishing has made it imperative for Indonesia to better understand the problems and challenges it faces. Thus, based on the ANEV in 2015, Indonesia sees that current deficiencies in law-enforcement must be addressed through

a multi-door approach or multidisciplinary legal approach in marine and fisheries, apart from the inevitable requirement to improve fisheries management, such as improving the vessel registration system, capacity for port state controls, catch and trade reporting documentation, and intensifying the national surveillance system of the seas.

Presently, Indonesia still applies a conventional, single-door approach to law enforcement in marine and fisheries affairs. There are statutory limitations to this approach, and thus makes it imperative to apply the use of other regulations to capture IUU fishing practices. This is possible because the crime challenges faced are multiple and cross-sector in nature. Thus, based on the ANEV results, the MMAF through the Indonesian Task Force on Anti-IUU Fishing propose to broaden the perspective by covering multi-legal disciplines through multiple law enforcers and institutions, aiming for a synergy between them to better target IUU fishing vessels. This multi-disciplinary approach allows illegal fishing to be covered through various different legal angles, including immigration law, labor law, taxation law, sea transportation law, human trafficking and human rights law, anti-money laundering law, environmental law, anti-corruption law, oil and gas law, and more.

### **IUU Fishing as Transnational Organized Crime: a shift in discourse**

On October 23-24, 2015, Indonesian President Joko Widodo and US President Barack Obama sign a Memorandum of Understanding (MOU) on Maritime Cooperation to deepen their understanding on maritime affairs covering a range of fields, including maritime security, maritime economy, marine resources and fisheries conservation, maritime safety and navigation, marine science and technology and other areas. Both countries also affirmed the need to combat and deter IUU fishing, and firmly committed to jointly identify “actions to strengthen bilateral cooperation and build capacity to combat IUU fishing”<sup>1</sup>

Not long after, at the 2<sup>nd</sup> INTERPOL – UNEP International Environmental Compliance and Enforcement Conference, on November 16-17, 2015 in Singapore, Minister Pudjiastuti called on the international community to recognize IUU fishing as a form of transnational organized crime (TOC). The minister believed that such recognition would allow governments to have better access to the tools needed to implement cooperation initiatives for eradicating IUU fishing (Salim, 2015). The 11-month ANEV compliance audit emphasized that nearly all vessels under the audit were involved in multiple kinds of crimes related to fisheries from license forging to drugs trafficking. Since the INTERPOL-UNEP Conference, Indonesia has been consistently advocating for IUU fishing to be categorized as TOC in a number of regional and international fora, including among them the Second International Symposium on FishCRIME in October 2016 in Yogyakarta, the World Ocean Summit in February 2017 in Bali, and most recently at the UN Ocean Conference in June 2017.

While the call to recognize IUU fishing as TOC is not in any direct opposition to efforts already being undertaken, the time of its official announcement by Minister Pudjiastuti during the conference came as a surprise because it stands somewhat differently to the official presentation

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<sup>1</sup> The White House, “Joint Statement by the United States of America and the Republic of Indonesia” <<https://obamawhitehouse.archives.gov/the-press-office/2015/10/26/joint-statement-united-states-america-and-republic-indonesia>>

made by Yunus Husein at the FishCRIME Symposium just one month earlier calling for a multidisciplinary legal approach to address the various *modus operandi* involved in IUU fishing. Both instances discussed the problem of crimes related to fisheries, and each official statement emphasized a slightly different approach – the former legal/administrative, and the latter crime/security.

Minister Pudjiastuti's acclaimed success in enforcing Indonesia's fisheries laws in the first year (2014-2015) is evident in an increase of fish biomass throughout the archipelago's waters. This success aligns with Indonesia's vision of reviving its maritime economy. With Indonesia's fisheries law enforcement already yielding evident results, a puzzle is presented concerning why Indonesia is directing its resources advocating for IUU fishing to be categorized as a Transnational Organized Crime (TOC) at the regional and international levels, instead of focusing on law enforcement efforts already underway using the proposed multidisciplinary legal approach and directing more efforts domestically on the fishermen and the local fish-processing industry to build the foundation for a maritime-based economy. It is this logic underpinning the shift in 'IUU fishing as TOC' policy argument that this study seeks to expound through an argumentation and policy discourse analysis.

### **A policy argumentation analysis framework**

In adopting the view that policy wording is argumentation, the study assumes that written and verbal policy are supposed to make logically reasoned claims (Des Gasper, 2000: 1). Whereas policy analysis is essentially an assessment and preparation of arguments in which ideas about values/objects/priorities are combined with claims about facts and cause-effect relations in order to generate an assessment of past and future public decisions (Des Gasper, 2000: 1). In short, there is a combination of normative and empirical considerations that need to be taken into account in policy argumentation analysis.

To analyze and assess the structures and meanings in the aforementioned policy arguments, this study uses a policy argumentation framework. This framework combines a tabular version of the Toulmin-Dunn model for policy arguments, complemented by Michael Scriven's seven-step exploratory approach to investigate structures and meanings without preconceived notions about what the components are in a given text and their linkages, and Frank Fischer's logical structure of policy evaluation to elaborate on the normative line and practical reasoning of an argument through four interrelated discourses at various levels.

#### *Scriven's seven-step model for argument analysis*

Scriven's model is a flexible approach to explore an argument's content and structure in systematic yet separate steps. Content is the meanings within an argument, while structure is the relation between links and their respective roles, e.g. the relation of conclusions to grounds, warrants, and rebuttals. The figure below outlines Scriven's step-wise analysis of argument specification and argument evaluation.



Argument Specification	Argument Evaluation
1. Clarify meanings (of terms), e.g. one way to do this is by identifying praise-criticism language	5. Criticize and check the strength of logic and premises (stated and unstated)
2. Identify conclusions, stated and unstated	6. Consider other relevant arguments and possible counterarguments (rebuttals)
3. Identify components and portray structure	7. Conduct and overall evaluation of the logic and strength of the argument
4. Formulate unstated assumptions	

**Figure 2: Scriven's seven-step model for argument analysis**

### *The Toulmin-Dunn model of policy argumentation*

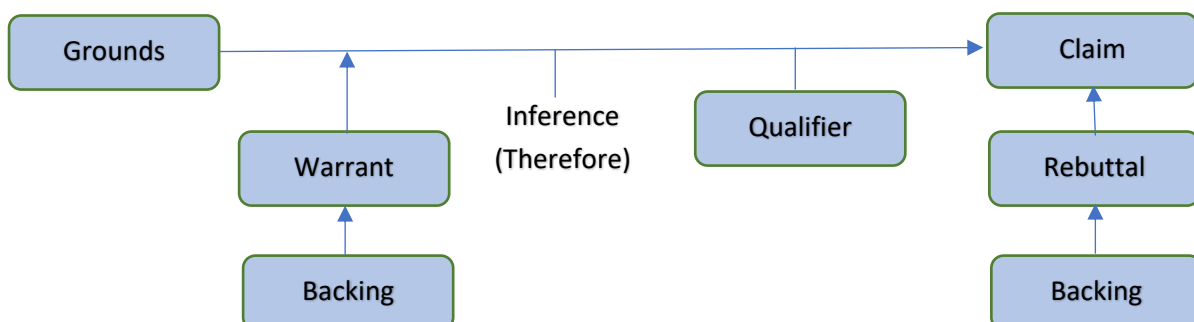
The Toulmin model of argumentation is a serviceable approach for policy discourse analysis. It was developed by Stephen Toulmin (1958), and later adapted by William Dunn (1981) to highlight how policy arguments have structure and the range of justification types used. The Toulmin-Dunn model helps us to see that arguments have distinct components, they are diverse, and often have layers of structures.

Based on this model, there are three central elements in an argument:

- the *Claim*, which is the proposed conclusion
- *Grounds*, or general principle supporting the claim
- the *Warrant*, a linking statement for the inference; often the warrant can be a rule or principle relevant for more than one case

The three components above correspond to the classical syllogism where a *conclusion* typically follows from a *general principle* and a contingent *premise*. Apart from the three components above, the Toulmin-Dunn model also has other elements for analyzing layered practical argumentation that are not found in classical syllogism. These elements are:

- a *backing statement* to justify the warrant
- a *Qualifier* to modulate the strength of the conclusion through exceptions or a degree of uncertainty, e.g. words like 'unless', 'perhaps', and 'probably'
- *Rebuttal* or counter-considerations that may concern any of the elements in an argument



**Figure 3: Toulmin-Dunn diagram for policy arguments**

To identify the elements in an argument, the first step in the T-D diagram is to identify the main claim in the upper righthand corner, and then identify the other elements from there. However, the Toulmin-Dunn model also has limitations, most obvious among them being the risk of losing focus in analyzing complex arguments because of the diagrammatic layout that oversimplifies the multiple steps and multiple diagrams, which is usually required when breaking down complex arguments. The diagram is also often misused as a template with too much weight being given on the pre-specified labels instead of the meanings, thus misleading the analysis.

Therefore, in agreement with Des Gasper (2000), this study uses Gasper and George's tabular presentation of the T-D diagram to be able to break texts into multiple arguments. The first step in using a tabular T-D format is preparing an argument specification procedure that concentrates on meanings, which in this case is Scriven's step-wise argument specification prior to conducting argument analysis.

### *Selection of Texts*

A selection of three texts was taken from the time under study (between October 2014-October 2016). This includes key texts that function as nodes within the intertextual web of official discourse as well as contemporary general material (Hansen, 2006: 82). The texts chosen for analysis in chronological order are:

1. Husein, Yunus. "The actions taken by Indonesia to combat IUU fishing and the challenges that remain for further combating fisheries crime", as published in the *Record of the First International Symposium on FishCRIME*, October 12-13, 2015, Cape Town, South Africa
2. Pudjiastuti, Susi. "Protecting our waters from fisheries crime", *The Jakarta Post*, June 14, 2016 (opinion article)
3. Witular, Rendi A. "Shortage in fish supply for industry not national-level problem", *The Jakarta Post*, September 29, 2016 (interview article with MMAF Acting Director General of Fishing, Zulficar Mochtar)

All three texts can be considered primary texts as they are based on official statements, interviews, and presentation or speeches by the relevant authorities, in addition to Text 2 and 3 also being part of the wider media discourse.

Text 1 is delivered by the Deputy Head of the IUU fishing taskforce and published in the *Record of the First International Symposium on FishCRIME*, a symposium hosted by the South African Department of Agriculture, Forestry, and Fisheries, and funded by the Norwegian Ministry of Trade, Industry, and Fisheries. The symposium took place on 12-13 October 2015, which presents an interesting timeframe because it coincided with the completion of the one year moratorium on ex-foreign fishing vessels and the compliance audit on 1,132 fishing vessels, the findings of which were reported in detail during Indonesia's presentation at the symposium.

Text 2 is a primary text because although it is a media article, it is an opinion piece written by Minister Pudjiastuti herself, which also happens to be an abridged version of her speech at the 25<sup>th</sup> session of the Commission on Crime Prevention and Criminal Justice in Vienna on May 23,

2016. The text also clearly articulates the shift in argument from IUU fishing law enforcement to fisheries crime.

Text 3 is an interview with the acting Director General of Fishing at the MMAF, and published in one of the nation's few English language daily newspapers. The interview itself presents an interesting account as it concerns recent criticisms to the government's unprecedented crackdown on IUU fishing. Due to the rigid moratorium and ban on transshipment, a recent report by Bank of Indonesia (BI) sees these anti-IUU policies as the main cause in supply shortage for the local fishing industries in Maluku and North Sulawesi (Bank Indonesia, 2016).

All three texts were selected because they fulfilled the three criteria of general material: (1) clearly articulates identity and policy, (2) widely read and attended to, and (3) has formal authority to define a political position (Hansen, 2006: 83-85)

### **A policy argumentation analysis of Indonesia's 'IUU fishing as transnational organized crime' discourse**

This section applies the argumentation analysis framework above to observe the structures of argument and conceptual premises concerning Indonesia's current policy to tackling IUU fishing as transnational organized crime. The general steps undertaken in this research to conduct argument specification for each of the texts are as follows:

- a) Identify the different elements in the text
- b) Examine the language in each part to clarify meanings of terms
- c) Identify the claims/conclusions
- d) Formulate unstated assumptions, which are *italicized* in the figures below
- e) Portray cause-effect chain by using a table to show the structure and relations between the different parts – and this is done more than once to attain a coherent picture (see Figures 4, 5, and 6). Subsequently, apply George's tabular version of the Toulmin-Dunn format to record the structure and show the implied policy claims about the desirability and feasibility of action (see Tables 1, 2, and 3)

#### *Text 1*

Husein, Yunus. **"The actions taken by Indonesia to combat IUU fishing and the challenges that remain for further combating fisheries crime"**, as published in the *Record of the First International Symposium on FishCRIME*, October 12-13, 2015, Cape Town, South Africa

**Figure 4: Informal structure diagram to identify cause-effect chains for Text 1**

POSITED CAUSES	POSITED DATA	POSITED EFFECTS (earlier stages)	POSITED EFFECTS (later stages)	POSITED POLICY IMPLICATIONS
[1a] <i>Illegal, unreported, and unregulated</i> -IUU fishing	[1] In 2014, Indonesia established a Task Force to prevent and combat IUU fishing		[15] <i>Unsustainable fishing, depleted fisheries stock, shortage in supply</i>	

			<i>for growth of fisheries sector</i>	
<b>[2a]</b> Patterns of illegal activity ( <i>related to IUU fishing</i> )	<b>[2]</b> In 2015, (Indonesia) undertook an official 'Analysis and Evaluation' (ANEV) of ex-foreign fishing vessels in order to crack down on illegal activity	<b>[4]</b> As a result of the ANEV, 15 business-, 245 fishing-, and 31 reefer licenses were revoked and 35 fishing- and 26 reefer licenses were suspended, and others received warnings		<b>[7]</b> To eliminate patterns of illegal activity, Indonesia must better understand and address the challenges it faces.
	<b>[3]</b> The ANEV discovered that 100% of the ex-foreign fishing vessels had violated the law - out of 1,132 vessels, 769 had engaged in serious violation and 363 in average violation	<b>[5]</b> Since 2014, Indonesia has sunk 96 IUU fishing vessels		
	<b>[6]</b> Throughout these processes (ANEV), site visits to various parts of Indonesia have found patterns of: employment of foreign crews, flag hopping of vessels, smuggling of gas, forced labour, and deactivation of VMS.			
<b>[8]</b> Presently, 3 law enforcement agencies responsible for addressing IUU fishing (police, navy, and maritime and fisheries ministry) lack coordination and lack the ability to detect, respond, and punish.	<b>[10]</b> Indonesia has many laws that govern the various effects of fisheries and related crimes, including: fisheries, conservation, Indonesian EEZ, and human rights law.			
<b>[9]</b> There are challenges dealing with corruption within the bureaucratic and judiciary systems				
<b>[11]</b> Modus operandi of IUU fishing activities broadly involving overfishing, tax fraud, money laundering, human trafficking and more	<b>[12]</b> The issues of forced labour, human smuggling, and worker exploitation are very real in Indonesia.			<b>[11a]</b> It is imperative for the Indonesian authorities to take a multidisciplinary legal or multi-door approach (versus the single door approach of the past)
<b>[13]</b> Deficiencies of law enforcement ( <i>legal problem</i> )				<b>[14]</b> Indonesia created a roadmap to move forward and improve governance, detailing: the need to improve VMS,

				capacity for port state controls, catch/trade reporting documentation, surveillance system, take a multi-disciplinary legal approach, improve inclusion of human rights traceability, and cooperation on a national, regional, and international level.
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**Table 1: Argumentative structure of “Indonesian approach to tackling fisheries crime” main claims using George’s tabular version of Toulmin-Dunn diagram**

	I PROPOSE THAT [CLAIM]	GIVEN THAT [DATA]	AND SINCE THE RULE/ PRINCIPLE THAT [WARRANT]	UNLESS [REBUTTAL]
1	Indonesia must better understand and address the challenges it faces to eliminate patterns of illegal activity [related to IUU fishing] ( <i>subsidiary claim</i> )	(1) Findings from ANEV discovered that 100% of the ex-foreign fishing vessels had violated the law - out of 1,132 vessels, 769 had engaged in serious violation and 363 in average violation. (2) Throughout site visits to various parts of Indonesia have found patterns of: employment of foreign crews, flag hopping of vessels, smuggling of gas, forced labor, and deactivation of VMS.	<i>Indonesia will suffer a decline in fish stocks and state losses from the fisheries sector if IUU fishing remains rampant and unsustainable.</i>	<i>The problem and the way it is being addressed is proven to be effective and that the problem will gradually be solved.</i>
2	It is imperative for the Indonesian authorities to take a multidisciplinary legal or multi-door approach to address the broad modus operandi of IUU fishing activities ( <i>main claim</i> )	(8) Presently, the 3 law enforcement agencies responsible for addressing IUU fishing (police, navy, and maritime and fisheries ministry) <b>lack coordination and lack the ability to detect, respond, and punish.</b> (9) There are challenges dealing with <b>corruption</b> within the bureaucratic and judiciary systems. (13) <b>Deficiencies of law enforcement.</b> (11) Modus operandi of IUU fishing activities broadly involving overfishing, tax fraud, money laundering, human trafficking, and more.	<i>Addressing these issues through the conventional (single-door) law enforcement approach is ineffective.</i>	<i>The proposed action to shift efforts in combating IUU fishing from single-door to multi-door approach fails test of feasibility, efficacy, etc. in comparison to the current single-door law enforcement approach, of which includes sinking vessels, revoking and suspending licenses.</i>

## Text 2

Pudjiastuti, Susi. “**Protecting our waters from fisheries crime**”, *The Jakarta Post*, June 14, 2016 (opinion article)

**Figure 5: Informal structure diagram to identify cause-effect chains for *Text 2***

POSITED CAUSES	POSITED DATA	POSITED EFFECTS (earlier stages)	POSITED EFFECTS (later stages)	POSITED POLICY IMPLICATIONS
<b>[2]</b> The ocean and its wildlife are essential resources for our economy, livelihood, and way of life. Yet, human action has affected them.	<b>[3]</b> In the last few decades, IUU fishing has depleted the world's fish stocks by 90.1 percent. In Indonesia alone, it causes around US\$20 billion in state losses per year			<b>[1]</b> The government must act to protect Indonesian waters from fisheries crime
	<b>[4]</b> IUU fishing has also affected the economy of our small-scale fishermen. The number of fishermen decreased in just 1 decade, from 1.6 million people in 2003 to only 800,000 in 2013.	<b>[5]</b> IUU fishing is a major problem for sustainable fisheries management, the ecosystem, and society		<b>[6]</b> The government imposed a one-year moratorium on all ex-foreign fishing vessels between November 2014-October 2015, and conducted investigation on 1,100 ex-foreign fishing vessels.
<b>[7]</b> Ex-foreign fishing vessels are big in size and have sophisticated equipment	<b>[7b]</b> (ex-foreign) vessels also engaged in license duplication, that may be used for up to 10 vessels	<b>[7a]</b> Ex-foreign fishing vessels have the extensive capacity to exploit Indonesia's marine and fisheries resources, making them a major cause of depletion of resources		
	<b>[8]</b> From the audit, several violations and criminal offences were found, including the employment of foreign crew members, fishing outside of permitted grounds, use of destructive fishing methods and equipment, turning off transmitters during operations at sea, illegal transshipment of catches offshore while in return smuggling people and goods to the country.			<b>[14]</b> The government publicly disclosed the crimes when it imposed the one year moratorium and investigative audit.

	<b>[12]</b> Many vessels committing IUU fishing employ forced labor or trafficked persons or smuggled weapons.	<b>[9]</b> There are also many violations of law arising from IUU fishing activities	<b>[10]</b> IUU fishing activities <u>have definitely</u> led to fisheries crimes and other fisheries-related crimes. <i>(stated assumption)</i>	<b>[17], [18], [19]</b> To tackle these issues, the government has: (1) established a taskforce consisting of 5 government agencies to combat illegal fishing, especially fisheries crimes and fisheries-related crimes through integrated enforcement and promoting policy reform by developing a strategic roadmap to improve Indonesia's fisheries governance; (2) the issuance of human rights protection policy in captured fisheries businesses; and (3) amending national fisheries laws with a purpose to produce a legal regime that is consistent with the principles for responsible and sustainable fisheries management and UN Convention against Transnational Organized Crime.
	<b>[13]</b> Fishing vessels involved in TOFC also engage in other illegal activities, such as money laundering, bribery, drug trafficking, human trafficking, tax fraud, smuggling illegal goods and smuggling endangered species.		<b>[11]</b> Transnational organized crime in the fishing industry is now in fact growing in to a complex and dangerous activity and is associated with other crimes. <i>(stated assumption)</i>	
	<b>[16]</b> Numerous violations of law were found, including forged vessel documents, immigration papers and employment permits, raising the flags of many states, smuggling and illegally trading goods, wildlife, and drugs.		<b>[15]</b> Pursuant to the audit, over 1,000 people working in the fisheries industry were identified as victims of human trafficking in Benjina and Ambon in Maluku.	
	<b>[21]</b> These crimes involve big business players, high ranking profiles, political backup, a huge amount of money, and committed in more than one country	<b>[20]</b> Combating fisheries crimes is not easy	<b>[22]</b> Transnational organized fisheries crime (TOFC) are a criminal phenomenon <i>(stated assumption)</i>	<b>[23]</b> Combating fisheries crime necessitates international cooperation, including with relevant international organizations, is crucial.
			<b>[24]</b> By putting fisheries crimes and fisheries-related crimes in the same basket with TOC, the former will receive proper attention <i>(stated assumption)</i>	
			<b>[25]</b> By putting fisheries crimes and fisheries-related crimes in the same basket with TOC, it will promote commitment and concrete measures to be taken by states and enhance close international cooperation to combat these crimes effectively <i>(stated assumption)</i>	

**Table 2: Argumentative structure of “Protecting our waters from fisheries crime” main claims using George’s tabular version of Toulmin-Dunn diagram**

	<b>I PROPOSE THAT [CLAIM]</b>	<b>GIVEN THAT [DATA]</b>	<b>AND SINCE THE RULE/ PRINCIPLE THAT [WARRANT]</b>	<b>UNLESS [REBUTTAL]</b>
<b>1</b>	<p>[6] The government imposed a one-year moratorium on all ex-foreign fishing vessels between November 2014-October 2015, and conducted investigation on 1,100 ex-foreign fishing vessels; and [14] During the time it imposed the moratorium and audit, the government publicly disclosed the crimes.</p>	<p>[3] In the last few decades, IUU fishing has depleted the world's fish stocks by 90.1 percent. In Indonesia alone, it causes around US\$20 billion in state losses per year; [4] IUU fishing has also affected the economy of our small-scale fishermen. The number of fishermen decreased in just 1 decade, from 1.6 million people in 2003 to only 800,000 in 2013; [7b] ex-foreign vessels also engaged in many law violations such as license duplication, that may be used for up to 10 vessels</p>	<p>[2] The ocean and its wildlife are essential resources for our economy, livelihood, and way of life. Yet, human action has affected them. [5] IUU fishing is a major problem for sustainable fisheries management, the ecosystem, and society; [7] Ex-foreign fishing vessels are big in size and have sophisticated equipment, [7a] Thus, ex-foreign fishing vessels have the extensive capacity to exploit Indonesia's marine and fisheries resources, making them a major cause of depletion of resources <i>(stated assumption)</i></p>	<p><i>(past and completed policy; no rebuttal)</i></p>
<b>2</b>	<p>[17], [18], [19] To tackle these issues, the government has: (1) established a taskforce consisting of 5 government agencies to combat illegal fishing, especially fisheries crimes and fisheries-related crimes through integrated enforcement and promoting policy reform by developing a strategic roadmap to improve Indonesia's fisheries governance; (2) the issuance of human rights protection policy in captured fisheries businesses; and (3) amending national fisheries laws with a purpose to produce a legal regime that is consistent with the principles for responsible and sustainable fisheries management and UN Convention against Transnational Organized Crime.</p>	<p>[8] From the audit, several violations and criminal offences were found, including the employment of foreign crew members, fishing outside of permitted grounds, use of destructive fishing methods and equipment, turning off transmitters during operations at sea, illegal transshipment of catches offshore while in return smuggling people and goods to the country, and, [12], [13], [16]</p>	<p>[9] There are also many violations of law arising from IUU fishing activities</p>	<p><i>This current, ongoing policy - legal (law enforcement) approach fails to make progress in combating IUU fishing and fisheries crimes</i></p>
<b>3</b>	<p>[1] The government must act to protect Indonesian waters from fisheries crime, through [23] international cooperation, including with relevant international organizations, is crucial.</p>	<p>[21] These crimes involve big business players, high ranking profiles, political backup, a huge amount of money, and committed in more than one country</p>	<p>[20] Combating fisheries crimes is not easy; [25] By putting fisheries crimes and fisheries-related crimes in the same basket with TOC, it will promote commitment and concrete measures to be taken by states and enhance close international cooperation to combat these crimes effectively</p>	<p><i>The proposed action to shift efforts in combating IUU fishing from a legal to criminal perspective, and calling for international cooperation fails to bring attention, commitment effective</i></p>



			(stated assumption); because [24] fisheries crime will receive proper attention (stated assumption)	<i>measures to combat the crimes.</i>
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### Text 3

Witular, Rendi A. “**Shortage in fish supply for industry not national-level problem**”, *The Jakarta Post*, September 29, 2016 (interview article with MMAF Acting Director General of Fishing, Zulficar Mochtar)

**Figure 6: Informal structure diagram to identify cause-effect chains for Text 3**

POSITED CAUSES	POSITED DATA	POSITED EFFECTS (earlier stages)	POSITED EFFECTS (later stages)	POSITED POLICY IMPLICATIONS
[1] Expansive crackdown on illegal fishing	[3] The processing industry, particularly in Bitung, North Sulawesi, and Muara Baru in Jakarta have lodged complaints over raw material shortages.	[2] A shortage of raw materials has struck the local fish-processing industry. Whereas [7a] the volume of fish caught by small-scale fishermen in Bitung has more than doubled after the crackdown.	[4] Shortage in fish supply for industry not national-level problem ( <i>rebuttal</i> )	
	[5] The ministry conducted ANEV of 1,132 ex-foreign fishing vessels, and all have found to be violating regulations, so the MMAF has terminated their operations. Many of these ex-foreign vessels used to operate in Bitung, Ambon and Tual in Maluku, and Merauke in Papua - notorious locations for IUU fishing activities; [6] In the past, many fish processing units (UPIs) received their raw materials from ex-foreign vessels.	[7] With vessels no longer operational, supply of raw materials to UPIs has been cut because [7b] there has been a disconnection between supply from the fishermen to the industry.	[10] Alternatively, the government could facilitate the industry's supply via imports ( <i>but then this would be somewhat in contrast to the government's goal for seafood sovereignty - rebuttal</i> )	[9] The government must upgrade the fishermen's capacity to cope with industry demand; and [9a] the government must push UPIs to sit together with the fishermen to work out an amicable partnership

	<b>[8]</b> The fishing industry operates without any season limitation, and based on consistent quality and quantity standards they have to meet continuously, while <b>[8a]</b> traditional fishermen only sail for 9 months in a year with catch of various sizes			
<b>[11]</b> The industry's installed capacity is too big.	<b>[12]</b> In Bitung, there are 54 UPIs, but in practice they used to run at only 50 percent capacity.	<b>[12a]</b> We do not know the exact amount of their orders, and thus should not comply with their demands ( <i>stated assumption</i> ) as it is impossible to fulfill 100 percent of their capacity anyway.		<b>[12]</b> There needs to be a verification of the industry's claims/ confirmed orders ( <i>concerning the amount of orders and supply that they need</i> )
<b>[13]</b> The UPIs have long depended on the ex-foreign vessels, and now they have to adjust the way they source their material by partnering with small fishermen		<b>[13a]</b> The problem in Bitung is an isolated case; it does not occur in most other areas ( <i>stated assumption</i> )		<b>[16]</b> The government has relaxed the transshipment regulation to allow transportation vehicles to deliver catches to UPIs in local ports only, but <u>not</u> for illegal delivery to other countries.
<b>[14]</b> Bitung is an IUU hotspot - it deserves special treatment (or consideration)	<b>[14a]</b> A lot of the fish from Bitung have been illegally shipped to General Santos (Philippines), despite strict supervision. <b>[14b]</b> Many vessels under 30 GT transship their catches in the middle of the sea to General Santos	<b>[14c]</b> Benefiting from Indonesia's IUU fishing crackdown, General Santos fisheries industry is peaking again after a plunge last year ( <i>stated assumption</i> )	<b>[15]</b> The crackdown on IUU fishing in Bitung has caused supply interruption to other areas such as Muara Baru (Jakarta) ( <i>stated assumption</i> )	<b>[17]</b> The government will <u>not</u> revise the regulation on transshipment for overseas delivery, the use of foreign vessels, and the negative investment list for fishing business.
			<b>[16]</b> We are suspicious that these problems only occur in specific places, but blown up as though it is a national-level problem ( <i>rebuttal</i> ) - refer to <b>[4]</b>	<b>[17a]</b> The government will revise regulation to allow limited transshipment to local ports, harmonization and simplification of the different regulations in fishing business, including fishing vessel requirements.
<b>[18]</b> <i>There is a need to increase supply of raw materials for the industry (unstated assumption)</i>	<b>[18a]</b> Some of the 1,132 nationalized vessels have received 'clear status' from the audit	<b>[18b]</b> With clear status, the vessels expect to be allowed to re-operate in Indonesian waters	<b>[19a]</b> The minister's policy to prohibit the use of foreign vessels has saved the majority of fishermen with vessels below 10 GT, which make up 90 percent of all vessels in Indonesia), local shipyards are now also flourishing, and there has been an increase in the demand for new	<b>[19]</b> Cleared, ex-foreign vessels still have to deregister (pay all the taxes then leave the country) because they are of foreign-origin, and the government has prohibited the use of any foreign-made fishing vessels.

			fishing vessel licenses last year, so this is all for the greater public good (unstated assumption in italic).	
			<b>[20]</b> Even if the vessels were bought in early 1980s or through an open and fair bidding process upheld by Indonesian courts, they are still barred from permanent use in Indonesian waters because we are traumatized <i>that they will continue to violate the law and engage in IUU fishing. (unstated assumption in italic)</i>	<b>[20a]</b> All foreign vessels are off-limits in Indonesian waters, hence they must deregister or face the consequences of being turned into rumpon (blown up and sunk into artificial reefs).

**Table 3: Argumentative structure of “Shortage in fish supply for industry not national-level problem” main claims using George’s tabular version of Toulmin-Dunn diagram**

	I PROPOSE THAT [CLAIM]	GIVEN THAT [DATA]	AND SINCE THE RULE/ PRINCIPLE THAT [WARRANT]	UNLESS [REBUTTAL]
<b>1</b>	<b>[9]</b> The government must upgrade the fishermen's capacity to cope with industry demand; and <b>[9a]</b> the government must push UPIs to sit together with the fishermen to work out an amicable partnership	<b>[3]</b> The processing industry, particularly in Bitung, North Sulawesi, and Muara Baru in Jakarta have lodged complaints over raw material shortages; <b>[5]</b> The ministry conducted ANEV of 1,132 ex-foreign fishing vessels, and all have found to be violating regulations, so the MMAF has terminated their operations. Many of these ex-foreign vessels used to operate in Bitung, Ambon and Tual in Maluku, and Merauke in Papua - notorious locations for IUU fishing activities; <b>[6]</b> In the past, many fish processing units (UPIs) received their raw materials from ex-foreign vessels.	<b>[1]</b> Expansive crackdown on illegal fishing; <b>[2]</b> A shortage of raw materials has struck the local fish-processing industry. But <b>[7a]</b> the volume of fish caught by small-scale fishermen in Bitung has more than doubled after the crackdown; <b>[7]</b> With vessels no longer operational, supply of raw materials to UPIs has been cut because <b>[7b]</b> there has been a disconnection between supply from the fishermen to the industry.	<b>[4]</b> Shortage in fish supply for industry not national-level problem; <b>[10]</b> Or the government wants to go less-stringent and facilitate the industry's supply via imports

2	<p><b>[12]</b> The government must verify the industry's claims/ confirmed orders (<i>concerning the amount of orders and supply that they need</i>);</p>	<p><b>[8]</b> The fishing industry operates without any season limitation, and based on consistent quality and quantity standards they have to meet continuously, while <b>[8a]</b> traditional fishermen only sail for 9 months in a year with catch of various sizes; <b>[12]</b> For example in Bitung, there are 54 UPIs, but in practice they used to run at only 50 percent capacity.</p>	<p><b>[11]</b> The industry's installed capacity is too big; <b>[12a]</b> We do not know the exact amount of their orders, and thus should not comply with their demands (stated assumption) as it is impossible to fulfill 100 percent of their capacity anyway; <b>[19a]</b> The minister's policy to prohibit the use of foreign vessels has saved the majority of fishermen with vessels below 10 GT, which make up 90 percent of all vessels in Indonesia), local shipyards are now also flourishing, and there has been an increase in the demand for new fishing vessel licenses last year, <i>so this is all for the greater public good (unstated assumption in italic).</i></p>	
3	<p><b>[16]</b> The government must not relax the regulation for illegal delivery to other countries; <b>[17]</b> The government must not revise the regulation on transshipment for overseas delivery, the use of foreign vessels, and the negative investment list for fishing business; <b>[17a]</b> The government must revise regulation to allow limited transshipment to local ports, harmonization and simplification of the different regulations in fishing business, including fishing vessel requirements.</p>	<p><b>[14a]</b> A lot of the fish from Bitung have been illegally shipped to General Santos (Philippines), despite strict supervision. <b>[14b]</b> Many vessels under 30 GT transship their catches in the middle of the sea to General Santos;</p>	<p><b>[14]</b> Bitung is an IUU hotspot - it deserves special treatment (or consideration); <b>[14c]</b> If crackdown is relaxed, other places will take advantage from Indonesia's IUU fishing crackdown, e.g. General Santos fisheries industry is peaking again after a plunge last year (stated assumption); <b>[15]</b> The crackdown on IUU fishing in Bitung has caused supply interruption to other areas such as Muara Baru (Jakarta) (stated assumption)</p>	<p><i>[16] These problems only occur in specific places, but blown up as though it is a national-level problem - also [4]</i></p>
4	<p><b>[19]</b> Cleared, ex-foreign vessels still have to deregister (pay all the taxes then leave the country) because they are of foreign-origin, and the government has prohibited the use of any foreign-made fishing vessels; <b>[20a]</b> All foreign vessels are off-limits in Indonesian waters, hence they must deregister or face the consequences of being turned into rumpon (blown up and sunk into artificial reefs).</p>	<p><b>[18a]</b> Some of the 1,132 nationalized vessels have received 'clear status' from the audit</p>	<p><b>[18b]</b> With clear status, the vessels expect to be allowed to re-operate in Indonesian waters; <b>[18]</b> <i>There is a need to increase supply of raw materials for the industry (unstated assumption);</i> <b>[20]</b> Even if the vessels were bought in early 1980s or through an open and fair bidding process upheld by Indonesian courts, they are still barred from permanent use in Indonesian waters because we are traumatized <i>that they will continue to violate the law and engage in IUU fishing. (unstated assumption in italic)</i></p>	

In total, there are nine arguments in Tables 1, 2, and 3. It goes without question that the issue of IUU fishing and violations in fisheries-related activities constitute an issue of primacy for Indonesia. Thus, these challenges must be addressed if Indonesia is to ensure sustainable fisheries as a pillar in building the country's maritime-based economy. However, the question concerning *how* this will be attained, is still underexplored.

To begin a preliminary state of this inquiry, there are four main claims from the analysis this section seeks to discuss:

1. It is imperative for the Indonesian authorities to take a multidisciplinary legal approach to address the broad *modus operandi* of IUU fishing activities given the current three law enforcement agencies responsible for addressing IUU fishing (police, navy, and MMAF) lack coordination, lack the ability to detect, respond, and punish. Furthermore, the challenges of corruption within the bureaucratic and judiciary systems makes addressing these issues through the conventional, single-door law enforcement approach ineffective (Text 1, Argument #2)
2. To combat IUU fishing and crimes related to IUU fishing activities, the Indonesian government has taken a legal-administrative approach to strengthen law enforcement efforts through establishing an IUU taskforce, promoting policy reform, issuing a human rights protection policy for fisheries business, and amending national fisheries law to produce a legal regime consistent with the principles of sustainable fisheries and UNCTOC (Text 2, Argument #2).
3. The government must protect Indonesian waters from fisheries and fisheries-related crimes by putting fisheries and fisheries-related crimes in one basket as Transnational Organized Crime because this will generate the proper attention needed to promote commitment and concrete measures by states, as well as enhance close international cooperation to combat these crimes effectively (Text 2, Argument #3).
4. Given the crackdown on all ex-foreign fishing vessels in Indonesian waters, the government must upgrade the local fishermen's capacity to cope with industry demands and push local fish-processing industries to work out an amicable partnership with the fishermen to address the shortage of raw materials and reconnect the supply from the fishermen to the industry (Text 3, Argument #1)

First, if we scrutinize the title of Text 1, "*The actions taken by Indonesia to combat IUU fishing and the challenges that remain for further combating fisheries crime*", it is interesting to note how IUU fishing and fisheries crime are separated as two different issues; the former being considered as 'having been done' or ongoing, whereas the latter 'still yet to be done'. This suggests that there is a shift from the former to the latter. In the first argument by the IUU fishing task force above (Text 1, Argument #2) is that to address the challenges of various crimes related to fisheries, Indonesia needs to take a multi-disciplinary legal approach and policy reform initiatives. In essence, this proposes a legal-administrative solution to the problem based on the findings of the ANEV compliance audit.

However, in the second and third claims (Text 2, Argument #2) and (Text 2, Argument #3), there is a clear shift in approach to addressing the issue. The claim (Text 2, Argument #2) shows how domestically Indonesia is trying to align its regulations towards the UNCTOC, and the claim (Text

2, Argument #3) notes Indonesia's assertive diplomatic efforts to promote IUU fishing and fisheries-related crimes as a form of Transnational Organized Crime, firmly believing that by doing so will open doors of opportunities and resources needed to combat these crimes through international cooperation.

The question that remains for the layperson is whether applying a crime perspective to the issue and 'blanketing' everything under the TOC label will better address the illegality aspects of IUU fishing? Is it necessary when there are already existing international instruments for IUU fishing under the International Plan of Action to Deter, Prevent, and Eliminate IUU fishing (IPOA-IUU)? Or will it blur the focus of what could be better-targeted solutions? The study has reason to believe that although not entirely damaging, the Indonesian government's choice to direct efforts towards shifting the IUU fishing debate from a problem of law enforcement to a problem of organized crime at the international level, deters the focus from concentrating its resources to build upon the law enforcement efforts over the past couple years. Following the successful crackdown by Minister Pudjiastuti, the next question is about who will take to the seas and fill the now-empty space that used to be the place for foreign vessels? Who will capitalize on this economic advantage? How can Indonesia support its fishermen to be triumphant in the seas?

Certainly, there are efforts underway to support local fishermen. However, we have reason to doubt that more attention could have been provided in a timelier manner (*The Jakarta Post*, 29 September 2016). The amount of human resources, energy, and time a country has is limited, and what it decides to focus on will be the direction in which it gears its resources. In the claim mentioned in (Text 3, Argument #1), it is evident that if the government does not quickly direct its resources to prioritize reconnecting local fishermen with industry demands for raw materials, it will only be a matter of time before the crackdown in IUU fishing results in collateral damage to the local fisheries-based economy.

## Conclusion

The discussion in this article provides content analysis for a particular policy argument. The aim is to understand the logic and conceptual premises behind certain policies. The Toulmin-Dunn format offers a dynamic picture of argumentation that incorporates the use of a normative warrant, backing, and rebuttal. Indonesia's proposal to bring the IUU fishing issue as a transnational organized crime issue hinges on the premise that a crime/security framework will generate the attention needed to promote commitment and concrete measures by states, as well as enhance closer international cooperation. It remains questionable whether such an approach is viable or effective.

The findings and analysis presented here are limited to the first phase of research – an attempt to question the structures of arguments and conceptual premises used in the Indonesian government's "IUU fishing as Transnational Organized Fisheries Crime (TOFC)" policy discourse. In the subsequent phase, the study aims to further evaluate Indonesia's IUU fishing policy through analyzing the logic of practical discourse and understanding the rational processes related to human reason about particular policy decisions. This will allow people to more openly engage in an exploration of the different concerns throughout the development of a discourse, which is essential to formulating effective and sustainable policy strategies.

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