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Balancing Trade and Sustainability: An Analysis of Sustainable Fisheries Management under the Indonesia-EFTA Comprehensive Economic Partnership Agreement

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Abstract

As trade in fish between Indonesia and the European Free Trade Association (EFTA) States intensifies under the Indonesia-EFTA Comprehensive Economic Partnership Agreement (IE-CEPA), it becomes paramount to harmonize international trade with sustainable fisheries management. This study delves into this crucial nexus, employing descriptive and analytical legal research methodologies. It scrutinizes the sustainable development

provisions embedded within the IE-CEPA, examining how these trade regulations align with and support sustainable fisheries management principles. The study further investigates the compliance of Indonesia with these rules, focusing on the protection of marine fishery resources, the suppression of Illegal, Unreported, and Unregulated (IUU) fishing, and the promotion of sustainable fishing practices that safeguard fish stocks and marine ecosystems. Ultimately, this research underscores the potential for a positive synergy between trade liberalization and environmental stewardship, ensuring the long-term viability of fishery resources while fostering economic growth for both Indonesia and EFTA States.

KEYWORDS *IE-CEPA, international trade, sustainability, fisheries management*

Introduction

On 1st November 2021, the Comprehensive Economic Partnership Agreement (CEPA) between Indonesia and the European Free Trade Association (EFTA) States comprising of Iceland, Liechtenstein, Norway and Switzerland, came into effect (IE-CEPA). This trade agreement seeks to enhance dealing in goods and services, investment, intellectual property rights, competition, government procurement, sustainable development, legal and horizontal provisions, along with a section on cooperation and capacity building.[1]

The purpose of the IE-CEPA, as stipulated in Article 1 (1) of the agreement, is to establish a comprehensive economic partnership, including a free trade area. This partnership is based on trade relations between market economies that aims to contribute to the harmonious development and expansion of world trade and to spur prosperity and sustainable development. The IE-CEPA can thus help Indonesia to achieve the economic sovereignty mandated in Article 33 of the Constitution. The objective of the provision "to spur prosperity and sustainable development" directly aligns with the ultimate goal of Indonesian economic sovereignty, which is derived from the 1945 Constitution's mandate to achieve the maximum welfare of the people. As a tool for welfare, the agreement is not an

[1] EFTA, "EFTA-Indonesia Comprehensive Economic Partnership Agreement enters into force," 1 November 2021, accessed September 26, 2024, https://www.efta.int/media-resources/news/efta-indonesia-comprehensive-economic-partnership-agreement-enters-force

end in itself but an instrument chosen by a sovereign nation to achieve economic growth. By establishing this Comprehensive Economic Partnership (CEP), Indonesia aims to increase exports, attract investment, and create jobs, thereby enhancing national prosperity.

The relevance of IE-CEPA to Indonesia's economic sovereignty is its dual objective: not only fostering economic growth but also managing the national economy in accordance with economic democracy, sustainability, and environmental principles, as mandated by Article 33 of the Constitution. To this end, the agreement addresses the relationship between trade and sustainable development, committing the parties to enhancing trade as a catalyst for inclusive economic growth and poverty alleviation while promoting sustainable development in all its dimensions, including the need to strengthen social development. The chapter on Trade and Sustainable Development includes specific commitments to implementing Multilateral Environmental Agreements (MEAs), International Labor Standards, Sustainable Forest Management, and the Sustainable Management of Fisheries and Aquaculture.

One of specific obligations under the IE-CEPA is the implementation of effective and responsible management of fisheries and aquaculture in order to ensure long-term sustainability. This provision, which aims to preserve marine ecosystems, commits the parties to implementing effective and transparent measures against Illegal, Unreported, and Unregulated (IUU) fishing. The agreement also promotes sustainable aquaculture and the use of the Catch Documentation Schemes of Food and Agriculture Organization (FAO).[2]

The inclusion of these specific rules is a direct response to pressing global issues that threaten fishery resources. The sustainability of global fisheries is severely undermined by overfishing, habitat destruction, and the broader consequences of

[2] Frank Asche, Marc F. Bellemare, Cathy Roheim, Martin D. Smith, Sigbjørn Tveteras, "Fair enough? Food security and the international trade of seafood," *World Development* 67 (March 2015): 151–60. https://doi.org/10.1016/j.worlddev.2014.10.013. *See also* Kangshun Zhao, Steven D. Gaines, Jorge García Molinos, Min Zhang, "Effect of trade on global aquatic food consumption patterns," *Nature Communications volume 15*, no. 1412 (February 2024):1-10. https://doi.org/10.1038/s41467-024-45556-w.

industrial fishing. Therefore, the commitment of IE-CEPA align with global solutions focused on ecosystem-based management, stronger enforcement against IUU fishing, innovative monitoring technologies, and the elimination of harmful subsidies.

According to the FAO, the global production of aquatic animals attained a new high of 185 million tons (live weight equivalent) across the world in 2022 and the aggregate export value of all aquatic products reached a record high of USD 195 billion in the same year.[3] Over time, trade policy has significantly impacted the fishing sector. Thus, the fisheries-related provisions under the CEPA seek to mitigate any adverse impact of trade liberalization on fishery resources and marine ecosystems.[4] These include the obligation to implement sustainable fisheries management to enhance the capability of states to conserve fish stocks and preserve marine ecosystems for food security.[5] Therefore, this study aims to analyze the commitment of Indonesia towards sustainable fisheries management. Significantly, it intends to assess the extent to which the IE–CEPA accommodates the sustainable fisheries management in Indonesia.

Several previous studies have examined trade, sustainable development, and global fishing. Xu *et al.*,[6] in their article on "the impacts of international trade on global sustainable development, examine the impact of international trade on the United Nations

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[3] FAO, *the State of World Fisheries and Aquaculture 2024 – Blue Transformation in action*, (Rome: FAO, 2024). https://doi.org/10.4060/cd0683en

[4] Emma Will, Maria Pettersson, Jesper Stage, "Trade in fisheries services under the WTO and GATS framework." *NRF – Natural Resources Forum: A United Nations Sustainable Development Journal* 44, Issue 2, Special Issue on Oceans (July 2020): 161-175. https://doi.org/10.1111/1477-8947.12199

[5] Intan Innayatun Soeparna, "The nexus between the WTO fisheries subsidies rules and food security in Indonesia," *Journal of International Trade Law and Policy* 22, no. 3 (December 2023): 135-149. https://doi.org/10.1108/JITLP-05-2023-0029. *See also* Antaya March, Pierre Failler, "Small-scale fisheries development in Africa: Lessons learned and best practices for enhancing food security and livelihoods," *Marine Policy* 136 (February 2022): 104925. https://doi.org/10.1016/j.marpol.2021.104925

[6] Zhenci Xu, Yingjie Li, Sophia N. Chau, Thomas Dietz, Canbing Li, Luwen Wan, Jindong Zhang, Liwei Zhang, Yunkai Li, Min Gon Chung, Jianguo Liu, "Impacts of international trade on global sustainable development," *Nature Sustainability* 3 (July 2020): 964–971. https://doi.org/10.1038/s41893-020-0572-z

Sustainable Development Goals (UNSDGs)", reveals that while trade positively influences nine environment-related SDG targets globally, it creates a disparity between developed and developing nations. Developed countries generally see improved SDG target scores through trade, while developing countries often experience a decline. Notably, without trade, the score of SDGs from developed countries would likely be lower than those of developing countries. Furthermore, long-distance trade has a more significant impact than neighboring trade, benefiting developed countries more, while negatively affecting developing countries. The research underscores the necessity for improved accounting and management of virtual resources embedded in trade to ensure balanced and sustainable development for all nations. Meanwhile, Bellmann *et. al.*,[7]in their article "Global trade in fish and fishery products: An overview," elaborate on the critical role of global fish trade in achieving sustainable fisheries. They outline current trade flows, future trends, and trade policies (tariffs, non-tariff measures, and subsidies) in major fishing countries. Finally, they review recent developments in international regulations governing fish trade at various levels.

Willis *et. al.*,[8] in their article "The human cost of global fishing," explain that fishing, a vital source of global protein and livelihoods, is far more dangerous than previously understood, with fatality rates significantly underreported. Their research reveals that the industry claims tens of thousands of lives annually, disproportionately affecting vulnerable communities. This high human cost stems from the risky conditions fishers face to meet global food demands. Addressing this crisis requires international cooperation to improve data collection, implement policy changes, and ultimately reduce the unacceptable loss of life in the fishing industry.

In the article of "Global trade network patterns are coupled to fisheries sustainability", Elser *et. al.*,[9] discovered that seafood trade

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[7] Christophe Bellmann, Alice Tipping, U. Rashid Sumaila, "Global trade in fish and fishery products: An overview," *Marine Policy* 69 (July 2016): 181-188. https://doi.org/10.1016/j.marpol.2015.12.019

[8] Sam Willis, Despoina Andrioti Bygvraa, Md. Sazedul Hoque, Emily S. Klein, Cagri Kucukyildiz, Joseph Westwood-Booth, Eric Holliday, "The human cost of global fishing," *Marine Policy* 148 (February 2023): 105440. https://doi.org/10.1016/j.marpol.2022.105440

[9] Laura G. Elsler, Maartje Oostdijk, Jessica A. Gephart, Christopher M. Free,

networks with distinct, tightly-knit groups of countries, rather than extensive, interconnected trade, are associated with healthier fish stocks. They argue that the structure of these networks, specifically high modularity, is more crucial for sustainability than the sheer volume or duration of trade. By examining global seafood trade data and fish stock assessments, the authors determined that fisheries sustainability is linked to the organization of trade networks. Specifically, networks with strong internal connections within country clusters, but limited connections between those clusters, promote healthier fish populations. This finding underscores the need for fisheries management to prioritize trade network structure and foster collaboration between trade and fisheries authorities. Temple *et al.*[10], in their article "Illegal, unregulated and unreported fishing impacts: A systematic review of evidence and proposed future agenda," conducted a systematic review of IUU fishing, emphasizing the need for stronger, data-driven policies. They found that while the economic and environmental consequences of IUU fishing are widely recognized, the social impacts remain poorly understood, and efforts to combat it are underfunded. To improve management, they propose a four-part research agenda focused on goal setting, risk assessment, cost estimation, and policy evaluation.

This research distinguishes itself from previous works by specifically analyzing how the inter-regional trade agreement under the Indonesia-EFTA CEPA can support sustainable fisheries management in Indonesia. The key contribution is the exploration of non-trade elements, demonstrating the necessity of integrating marine conservation with trade agreements. By aligning with UNSDG 14 (Life below Water), this study seeks to create a pathway for Indonesia, as a developing country, to implement robust marine environmental protections while simultaneously achieving its national development objectives in trade.

Junfu Zhao, Eden Tekwag, Elaine M. Bochniewiczh, Alfredo Giron-Navai and Andrew F. Johnson, "Global trade network patterns are coupled to fisheries sustainability," *PNAS Nexus* 2, Issue 10 (October 2023): 301. https://doi.org//10.1093/pnasnexus/pgad301

[10] Andrew J. Temple, Daniel J. Skerritt, Philippa E.C. Howarth, John Pearce, Stephen C. Mangi, "Illegal, unregulated and unreported fishing impacts: A systematic review of evidence and proposed future agenda," *Marine Policy* 139 (May 2022): 105033. https://doi.org/10.1016/j.marpol.2022.105033

Methods

In term of research methods, this study employed a mixed-methods approach, combining descriptive and analytical legal research to investigate sustainable development rules, specifically focusing on sustainable fisheries management within the framework of CEPA between Indonesia and the EFTA States. A statute-based approach was utilized to examine the implementation of international commitments on sustainable fisheries management by Indonesia. Thus, recognizing the effort of Indonesia to maintain sustainable fishing practices through agreements like CEPA to regulate fishing activities. Furthermore, the research involved a thorough evaluation of secondary materials obtained through extensive library research and referenced the latest literature to ensure comprehensive and current information and sources.

The structure of this research begins with an introduction that establishes the context and objectives. In the results and discussion section, it elaborates on the sustainable development rules under the IE-CEPA, outlining the commitments within the agreement. Furthermore, the research delves into the sustainable fisheries management principles under the IE-CEPA, exploring the specific principles guiding fisheries management within the agreement. The analysis then shifts to examine how Indonesia implements its international commitments regarding sustainable fisheries management, scrutinizing the application of relevant laws and regulations and the strategies employed by the country to uphold these commitments. Following this, the research continues to investigate how trade rules within the agreement should correlate with the sustainable management of fisheries. Finally, the conclusion summarizes the key findings and insights derived from the preceding sections.

Result & Discussion

A. Sustainable Development Rules under IE – CEPA

Sustainable development was articulated in 1987 by the Bruntland Commission as "development that meets the

requirements of the present without jeopardizing the capacity of future generations to satisfy their own needs."[11] The Bruntland definition of sustainable development emphasizes four key elements: Firstly, it requires us to consider the long-term impact of our actions, ensuring future generations are not disadvantaged. Secondly, it accepts the necessity of limitations on the use of natural resources, recognizing that these resources are finite and must be managed responsibly to prevent depletion. Thirdly, it acknowledges the importance of intergenerational justice, which involves the fair division of rights and responsibilities between generations. This means that present and future generations should have equal opportunities to benefit from natural resources and a healthy environment.[12] Finally, it encourages policies and practices that holistically address economic, social, and environmental goals, ensuring they work together harmoniously.

Since 2000, the United Nations (UN) has incorporated the notion of sustainable development into its global objectives through the establishment of the Millennium Development Goals (MDGs). The MDGs offer a comprehensive concept of development that encompasses the elimination of poverty, improvement of health and education, preservation of the environment and promotion of gender equality. The Sustainable Development Goals (SDGs) were officially approved at the United Nations Conference on Sustainable Development in Rio de Janeiro in 2012. These goals aim to cover the whole sustainability agenda by establishing a coherent set of 17 universally applicable objectives.[13]

The UN Agenda 2030 mandates that sustainable development must achieve an equilibrium between the economic, social, and environmental aspects.[14] The economic component encompasses

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[11] UNGA, *Report of the world commission on environment and development: Our common future* (Oslo: United Nations Publication, 1987).

[12] Tomislav Klarin, "The Concept of Sustainable Development: From its Beginning to the Contemporary Issues," *Zagreb International Review of Economics & Business* 2, no. 1 (May 2018): 67-94. https://doi.org/10.2478/zireb-2018-0005

[13] United Nations (UN), "The 17 Goals" (2015), accessed June 1, 2024, https://sdgs.un.org/goals

[14] Huck Winfried, *Sustainable Development Goals: Article-by-Article Commentary*, (London: Bloomsbury Academic, 2022), pp. 1-88. *See also* Justice Mensah, "Sustainable Development: Meaning, History, Principles,

the essential structures and processes required for economic growth including international trade. Global trade, specifically imports and exports, has the potential to enhance a nation's overall economic growth.[15] Thus, it is crucial for attaining the SDGs and has been demonstrated to stimulate inclusive economic prosperity and alleviate poverty.[16]

The most effective approach to strengthen the consensus on the incorporation of sustainable development measures by several countries seems to be built upon smaller alliances and partnerships.[17] Furthermore, the increasing prevalence of nationalism and regionalism in certain regions of the world that are shifting towards a decentralized economic structure, motivates countries to explore alternate trading systems. Hence, there is a growing prevalence of bilateral, regional or inter-regional trade agreements. The Free Trade Agreement (FTA) has gained growing significance in the global trade system at both bilateral and inter-regional levels.[18] The large number of FTAs that specifically tackle

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Pillars, and Implications for Human Action: Literature Review," *Cogent Social Sciences* 5, no. 1 (September 2019): 1653531. https://doi.org/10.1080/23311886.2019.1653531

[15] Andrea Sujová, Ľubica Simanová, Václav Kupčák, Jarmila Schmidtová, Adriana Lukáčiková, "Effects of Foreign Trade on the Economic Performance of Industries—Evidence from Wood Processing Industry of Czechia and Slovakia," *Economies* 9, Issue 4 (November 2021): 180. https://doi.org/10.3390/economies9040180. *See also* Md Reza Sultanuzzaman, Hongzhong Fan, Elyas Abdulahi Mohamued, Md Ismail Hossain, Mollah Aminul Islam, "Effects of Export and Technology on Economic Growth: Selected Emerging Asian Economies," *Economic Research-Ekonomska Istraživanja* 32, no. 1 (August 2019): 2515–2531. https://doi.org/10.1080/1331677X.2019.1650656

[16] Yu Zhu, Shahid Bashir, Mohamed Marie, "Assessing the Relationship between Poverty and Economic Growth: Does Sustainable Development Goal Can be Achieved?," *Environmental Science Pollution Research*, no. 29 (January 2022): 27613–27623. https://doi.org/10.1007/s11356-021-18240-5

[17] Julie Gilson, "Sustainable Development and the Environment in EU and Japanese Free Trade Agreements: Embedding Anthropocentric Narratives," *Environmental Politics* 33, no. 4 (November 2023): 727–48. https://doi.org/10.1080/09644016.2023.2274750.

[18] Katrin Kuhlmann, Tara Francis, Indulekha Thomas, Malou Le Graet, Mushfiqur Rahman, Fabiola Madrigal, Maya Cohen, Ata Nalbantoglu, "Reconceptualising Free Trade Agreements through a Sustainable Development Lens," *SSRN electronic journal* (July 2020): 1-88. http://dx.doi.org/10.2139/ssrn.3723995

social and development concerns has led many countries to reassess their strategies towards international trade. The FTA provides governments with significant authority to control public interest, thereby offering important prospects for harmonization and promotion of sustainable development.[19]

The New Generation of FTA (NG-FTA) is a more advanced variant of FTA that is being implemented by certain countries.[20] The NG-FTA concentrates on a particular form of FTA that extends beyond the elimination of import tariffs and trade barriers. It also includes non-trade measures, such as environmental protection and labor standards.[21] The proliferation of FTAs that address non-trade issues, such as social and development issues, has prompted numerous countries to revise their approaches to international trade.[22]

The IE-CEPA recognizes the significance of the relationship between trade and sustainable development, which is addressed under the Chapter 8 of Trade and Sustainable Development (TSD). The TSD is a cornerstone of trade commitment toward the sustainable development agenda. The chapter consists of rules on sustainable development such as: 1) Right to Regulate and Levels of Protection; 2) Upholding Levels of Protection in the Application and Enforcement of Laws, Regulations or Standards especially in Labor and Environment; 3) Sustainable Economic Development; 4) Social Development; 5) International Labor Standards and Agreements; 6) Multilateral Environmental Agreements and Environmental

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19 Emily Hush, "Where No Man Has Gone Before: The Future of Sustainable Development in the Comprehensive Economic and Trade Agreement and New Generation Free Trade Agreements,"*Columbia Journal Of Environmental Law* 43, no. 1 (November 2019): 94 – 178. https://doi.org/10.7916/cjel.v43i1.3741

20 Boguszewski Mariusz, "New generation free trade agreements as a driver of institutional change: A case of Vietnam," *Stosunki Międzynarodowe – International Relations* 58, (May 2022): 42–68. https://doi.org/10.12688/stomiedintrelat.17489.2

21 Michelle Limenta, "Toward an ASEAN-EU FTA: examining the trade and sustainable development chapter in the prospective Indonesia-EU CEPA," *Legal Issues of Economic Integration* 49, no. 2 (March 2022): 191–216. https://doi.org/10.54648/LEIE2022009.

22 Arne Melchior, *Free Trade Agreements and Globalisation: In the Shadow of Brexit and Trump*, (London: Springer Nature, 2018), pp. 37-48. https://doi.org/10.1007/978-3-319-92834-0

Principles; 7) Sustainable Forest Management and Associated Trade; 8) Sustainable Management of Fisheries and Aquaculture and Associated Trade and; 9) Sustainable Management of the Vegetable Oils Sector and Associated Trade.[23]

The inclusion of sustainable development within the IE-CEPA is driven by several key reasons. For instance, in terms of environmental protection, the exceptional biodiversity of Indonesia, characterized by vast rainforests and unique ecosystems, is under threat from deforestation, illegal logging, and unsustainable practices.[24] Climate change is also a key driver, both Indonesia and EFTA states are acutely aware of its dangers. Indonesia, with its extensive archipelagic geography, is particularly vulnerable to rising sea levels and extreme weather events.[25] Furthermore, resource depletion, driven by the overexploitation of natural resources such as timber, minerals, and fisheries, can have significant long-term negative impacts on both economies and the environment.[26]

To support economic growth, both Indonesia and EFTA states recognize that promoting sustainable practices can create new economic opportunities, such as ecotourism, renewable energy, sustainable fisheries and agriculture.[27] This relates to market access when many developed countries, including those in EFTA,

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[23] The EFTA-Indonesia Comprehensive Economic Partnership Agreement, 1 November 2021, https://www.efta.int/trade-relations/free-trade-network/indonesia, accessed 21 June 2024.

[24] Maskun, Hasbi Assidiq, Nurul Habaib Al Mukarramah, Siti Nurhaliza Bachril, "Threats to the sustainability of biodiversity in Indonesia by the utilization of forest areas for national strategic projects: A normative review," *2nd Biennial Conference of Tropical Biodiversity, IOP Conference Series: Earth and Environmental Science 886* (Makasar, August 2021): 012071. https://doi.org/10.1088/1755-1315/886/1/012071

[25] Ria Tri Vinata, Masitha Tismananda Kumala, Cita Yustisia Serfiyani, "Climate change and reconstruction of Indonesia's geographic basepoints: Reconfiguration of baselines and Indonesian Archipelagic Sea lanes," *Marine Policy* 148 (February 2023): 105443. https://doi.org/10.1016/j.marpol.2022.105443.

[26] Jie Huo, Chen Peng, "Depletion of natural resources and environmental quality: Prospects of energy use, energy imports, and economic growth hindrances," *Resources Policy* 86, Part A (October 2023): 104049. https://doi.org/10.1016/j.resourpol.2023.104049

[27] Ahmad Bathaei, Dalia Štreimikienė, "Renewable Energy and Sustainable Agriculture: Review of Indicators," *Sustainability* 15, no. 19 (September 2023): 14307. https://doi.org/10.3390/su151914307

increasingly prioritize imports from countries with strong environmental and social standards, consequently, meeting these standards can significantly improve market access for Indonesian products.[28]

Indonesia and the EFTA States recognize their shared responsibility to tackle critical environmental challenges like climate change, resource depletion, and biodiversity loss, which includes the protection of marine and fishery resources. This environmental stewardship is given concrete legal force through Article 8(9) of the IE-CEPA, which focuses on the sustainable management of fisheries and aquaculture. This provision acts as the central pillar for cooperation, transforming a general vision into specific, actionable obligations.

Specifically, under this article, both parties commit to:

(a) Implement comprehensive policies to combat illegal, unreported, and unregulated (IUU) fishing and related crimes. This includes excluding products derived from IUU fishing, forced labor, or human trafficking from their trade flows.
(b) Promote the development of sustainable and responsible aquaculture.
(c) Utilize the FAO's Voluntary Guidelines for Catch Documentation Schemes to ensure traceability.
(d) Contribute to the objective of 2030 Agenda for Sustainable Development regarding the reform of fisheries subsidies.

Furthermore, the parties commit to fully complying with long-term conservation measures by effectively implementing the international fisheries and aquaculture agreements to which they are a party into their own domestic laws and practices. To ensure these goals are met, the agreement also mandates cooperation on the sustainable management of fisheries and aquaculture. This will occur through bilateral arrangements and within international forums like Regional Fisheries Management Organizations, particularly by facilitating the exchange of information to combat IUU fishing activities.

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[28] Rizal Budi Santoso, Dwi Fauziansyah Moenardy, "Indonesia's Economic Diplomacy In Indonesia-EFTA Comprehensive Economic Partnership Agreement (IE-CEPA)," *Indonesian Journal of International Relations* 7, Issue 2 (September 2023): 271-290. https://doi.org/10.32787/ijir.v7i2.456

B. Sustainable Fisheries Management Principles under the IE-CEPA

Article 8 (9) of the IE-CEPA pertains to the relationship between trade and sustainable fisheries management and aquaculture. In this article, the parties acknowledge the importance of preserving marine resources and ecosystems and the role of trade in achieving these goals. They commit to implementing transparent policies to combat IUU fishing and fisheries crime, promoting sustainable aquaculture and employing the FAO's Catch Documentation Schemes, including the UN SDG 14 which places an emphasis on the conservation and sustainable use of oceans, seas and marine resources for the purpose of sustainable development.[29] The parties are bound to these mandates by this framework. They also commit to complying with long-term conservation measures and cooperating on sustainable fisheries and aquaculture management through bilateral agreements and multilateral fora.

The effective implementation of trade agreements can play a significant role in advancing the objectives of SDG 14, provided that such agreements incorporate policies and actions conducive to marine conservation and sustainable use. Within the multilateral trading system, a key topic of discussion is how to ensure sustainable fisheries trade. World Trade Organization (WTO) rules mandate that member countries certify fish products. This certification confirms that the fish were harvested using methods designed to maintain healthy fish populations. Further, WTO members must follow the subsidy regulations outlined in the Agreement on Fisheries Subsidies (AFS) and the food safety standards of the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). These measures collectively aim to safeguard the future of fisheries resources.[30] In the context of specific agreement such as the Convention on

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[29] The EFTA-Indonesia Comprehensive Economic Partnership Agreement, 1 November 2021, https://www.efta.int/trade-relations/free-trade-network/indonesia , accessed 21 June 2024.

[30] Wen Chiat Lee, K. Kuperan Viswanathan, "Trade and Sustainability of ASEAN Fisheries Resources," *Journal of Economics and Sustainability* 1, no 1 (January 2019): 31-43. https://e-journal.uum.edu.my/index.php/jes/article/view/12535

International Trade of Endangered Species of Wild Fauna and Flora (CITES), strict trade regulations targeting specific marine species have significantly reduced illegal fishing, enabling population recovery in some areas.[31]

The growing demand for seafood in global trade is also driving the expansion of aquaculture. The growth of aquaculture is directly linked to the international trade in seafood.[32] Sustainable aquaculture practices are critical for ensuring that this trade supports, rather than undermines, marine conservation efforts. As global demand for seafood increases, placing pressure on wild fish stocks, sustainable aquaculture offers a viable pathway to supplement seafood supplies and reduce the burden on ocean fisheries.[33] Therefore, trade agreements, exemplified by IE-CEPA, is not solely addressing the dynamics of fish supply and demand; it also incorporates provisions that actively promote marine conservation, recognizing the role of sustainable aquaculture in achieving this balance.

The rule on sustainable fisheries and aquaculture is mandated by the United Nations Ocean Conference in 2022. It urges all governments to establish policy direction through the following initiatives : (1) Improving the management of marine resources, including marine spatial planning and its harmonization; (2) Improving conservation, rehabilitation and increasing community

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[31] Valsamis Mitsilegas, Elena Fasoli, Fabio Giuffrida, Malgosia Fitzmaurice, "Chapter 2 Environmental Crime at the International Level: Criminalisation of Illegal Trade in Wildlife under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)," *The Legal Regulation of Environmental Crime*, (Leiden: Brill | Nijhof, 2022), pp. 7-54. https://doi.org/10.1163/9789004506381_003

[32] Taryn M. Garlock, Frank Asche, James L. Anderson, Håkan Eggert, Thomas M. Anderson, Bin Che, Carlos A. Chávez, Jingjie Chu, Nnaemeka Chukwuone, Madan M. Dey, Kevin Fitzsimmons, Jimely Flores, Jordi Guillen, Ganesh Kumar, Lijun Liu, Ignacio Llorente, Ly Nguyen, Rasmus Nielsen, Ruth B. M. Pincinato, Pratheesh O. Sudhakaran, Byela Tibesigwa, Ragnar Tveteras, "Environmental, economic, and social sustainability in aquaculture: the aquaculture performance indicators," *Nature Communications* 15, no. 5274 (June 2024): 1-9. https://doi.org/10.1038/s41467-024-49556-8

[33] Moch Faisal Karim, Jassinda Almira, "NGO and Global Voluntary Standards in Sustainable Seafood: The Case of Aquaculture Stewardship Council (ASC) in Indonesia," *The Journal of Environment & Development* 32, Issue 2 (February 2023): 165-191. https://doi.org/10.1177/10704965231158568

resilience to disasters in the coast and sea, including the addition of areas of marine conservation, institutional strengthening and management effectiveness; (3) Controlling IUU fishing and destructive activities at sea; (4) Strengthening the role of human resources, marine science and technology, and maritime culture and; (5) Increasing productivity, optimizing capacity and continuity of fishery production, including a proportional allocation of fish resources, as well as the provision and development of efficient and environmentally friendly fishing technology. Thus, national fisheries policies should guarantee the implementation of sustainable fisheries management principles.[34]

Sustainable fisheries management principles are based on the idea that fishing activities can be managed and carried out for an extended of time or even indefinitely. Thus, a primary goal of fisheries management is to ensure the long-term sustainability of marine resources.[35] Sustainability issues will definitely emerge over the availability of fisheries resources.[36] However, the key concern is not only about the availability of fish, catch levels or biomass, but also encompasses all facets of fisheries, including the development of ecological environments, social and economic frameworks, fisheries societies, fisheries resources and management institutions.[37] There are four essential components of sustainable fisheries: the first is marine ecological sustainability which involves preserving and enhancing the resilience and health of ecosystems.[38]

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[34] *The United Nations Ocean Conference*, Altice Arena, Lisbon, Portugal, 27 June - 1 July 2022, accessed August 12, 2024, https://www.un.org/en/conferences/ocean2022?form=MG0AV3

[35] Marina Cucuzza, Joshua S. Stoll, Heather M. Leslie, "Evaluating the theoretical and practical linkages between ecosystem-based fisheries management and fisheries co-management," *Marine Policy* 126 (April 2021): 104390. https://doi.org/10.1016/j.marpol.2020.104390

[36] UNCTAD, *Sustainable Fisheries: International Trade, Trade Policy and Regulatory Issues*, (UNCTAD/WEB/DITC/TED/2015/5), (Geneva: UNCTAD, 2016), accessed August 18, 2024. https://unctad.org/publication/sustainable-fisheries-international-trade-trade-policy-and-regulatory-issues

[37] Honghong Liu, Daomin Peng, Hyun-Joo Yang, Yongtong Mu, Yugui Zhu, "Exploring the evolution of sustainable fisheries development: Focusing on ecological, environmental and management issues," *Ecological Informatics* 75 (July 2023): 102004. https://doi.org/10.1016/j.ecoinf.2023.102004.

[38] Rebecca V. Gladstone-Gallagher, Judi E. Hewitt, Jasmine M.L. Low, Conrad

The second is socioeconomic sustainability which focusses on ensuring long-term socioeconomic welfare.[39] Fisheries management considers the complex social and ecological systems within which fisheries operate, recognizing fishers as part of dynamic coastal communities. This holistic approach prioritizes both ecological sustainability and the socioeconomic well-being of fishing communities.[40] The third is community sustainability which aims to sustain communities as valuable human systems.[41] The fourth is institutional sustainability which pertains to managing financial, administrative and organizational capabilities.[42] Significantly, sustainable fisheries management is a crucial element in achieving sustainable fisheries.[43] Three elements must be combined for this to happen: an institutional framework to support the implementation of this strategy, a legislative and policy framework reflecting sustainability principles, and a regional or international framework to guarantee the conservation and management of transboundary natural resources.[44]

A. Pilditch, Fabrice Stephenson, Simon F. Thrush, Joanne I. Ellis, "Coupling marine ecosystem state with environmental management and conservation: A risk-based approach," *Biological Conservation* 292 (April 2024): 110516. https://doi.org/10.1016/j.biocon.2024.110516

39 Md Monirul Islam, Makidul Islam Khan, Gouri Mondal, Most Nilufa Yeasmin, Aparna Barman, "Social sustainability in Bangladesh marine fisheries management: A case from Hatiya fishing community," *Heliyon* 10, no. 14 (July 2024): e34124. https://doi.org/10.1016/j.heliyon.2024.e34124

40 Alfredo Giron-Nava, Vicky W. Y. Lam, Octavio Aburto-Oropeza, William W. L. Cheung, Benjamin S. Halpern, U. Rashid Sumaila, Andrés M. Cisneros-Montemayor, "Sustainable fisheries are essential but not enough to ensure well-being for the world's fishers," *Fish and Fisheries* 22, Issue 4 (July 2021): 812-821. https://doi.org/10.1111/faf.12552

41 Natasha Stacey, Emily Gibson, Neil R. Loneragan, Carol Warren, Budy Wiryawan, Dedi S. Adhuri, Dirk J. Steenbergen, Ria Fitriana, "Developing sustainable small-scale fisheries livelihoods in Indonesia: Trends, enabling and constraining factors, and future opportunities," *Marine Policy* 132 (October 2021): 104654. https://doi.org/10.1016/j.marpol.2021.104654

42 Anthony Charles, *Sustainable Fishery Systems*, 2nd edition, (London: Wiley, 2023), pp. 4. ISBN: 978-1-119-51179-3

43 Geir Huse, Åsmund Bjordal, Harald Loeng, Kari Østervold Toft, Reidar Toresen, "Commitments to sustainable fisheries: Empty words or reality?," *Marine Policy* 124 (February 2021): 104360. https://doi.org/10.1016/j.marpol.2020.104360

44 Abdullah Al Arif, *Sustainable Fisheries Management and International Law: Marine Fisheries in Bangladesh and the Bay of Bengal*, (London: Taylor & Francis, 2021), pp. 12. ISBN 9781032190181.

At the institutional level, the term sustainable fisheries management can be understood as referring to fishing practices and regulations that adhere to relevant international agreements and effectively apply those agreements.[45] The relevant international agreements, guidelines and best practices on sustainable fisheries management must agree with several international fisheries instruments. The UN has been pivotal in promoting the adoption of various international mechanisms for fisheries management and conservation, either directly or through its specialized agency, the FAO.[46]

Indonesia is strategically positioned to leverage its national policies to meet the EFTA's high sustainability standards for fisheries and aquaculture. This is achieved by incorporating international sustainable fisheries management instruments into domestic law, a commitment reinforced by Article 8(9) of the agreement. Key national policies focus on combating Illegal, Unreported, and Unregulated (IUU) fishing, ensuring responsible fisheries, and utilizing standards from the Food and Agriculture Organization (FAO). This alignment provides a dual benefit: it allows Indonesia to solidify its reputation as a global leader in sustainable seafood production while simultaneously gaining preferential market access to the EFTA states. The following section outlines Indonesia's national policies that reflect its commitment to these international standards.

C. Indonesia under International Commitment on Sustainable Fisheries Management

International fisheries standards provide a valuable framework for countries to adopt sustainable fisheries management practices within their own waters. Therefore, national policy frameworks must be consistent with these international norms.[47] In addition to the

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[45] Lei Zhang, "Global Fisheries Management and Community Interest," *Sustainability* 13, no. 15 (July 2021): 8586. https://doi.org/10.3390/su13158586

[46] Abdullah Al Arif, *An Introduction to International Fisheries Law Research*, (November/December 2022), accessed September 2024, https://www.nyulawglobal.org/globalex/International_Fisheries_Law1.html

[47] James Harrison, "International transparency obligations in fisheries

fisheries provisions included in the IE-CEPA, the change in fish stock statuses and fisheries outcomes could be related to changes in domestic regulations unrelated to trade issues.[48] The following section is the implementation of Indonesia under international commitments on sustainable fisheries management.

1. United Nations Convention on the Law of the Sea (UNCLOS) 1982

UNCLOS 1982[49], ratified in Indonesia through Law No. 17/1985[50], profoundly influences Indonesian fisheries management. A cornerstone of this Convention, as outlined in Article 56, grants coastal states, including Indonesia, sovereign rights within their Exclusive Economic Zones (EEZs), encompassing the exploration, exploitation, conservation, and management of living resources. Article 61 mandates that coastal states conserve and manage these resources sustainably, ensuring harvesting practices do not jeopardize long-term stock viability. Furthermore, Article 73 empowers coastal states to combat IUU fishing within their EEZs. This framework emphasizes sustainable fisheries management, necessitating measures to prevent overfishing, protect vulnerable species, and minimize environmental impact.[51] Thus, UNCLOS establishes the legal framework governing all activities in the oceans and seas, and it plays a crucial role in balancing the economic interests of states with the imperative to conserve marine

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conservation and management: Inter-state and intra-state dimensions, " *Marine Policy* 136 (February 2022): 104105. https://doi.org/10.1016/j.marpol.2020.104105.

48 Basak Bayramoglu, Estelle Gozlan, Clément Nedoncelle, Thibaut Tarabbia, "Trade Agreements and Sustainable Fisheries [Accords commerciaux et pêche durable]," *HAL Open Science*, (November 2023): 1-60. https://hal.inrae.fr/hal-04101044v2.

49 *United Nations Convention on the Law of the Sea*, Dec. 10, 1982, 1833 U.N.T.S. 397.

50 Republic of Indonesia, "Undang-undang (UU) Nomor 17 Tahun 1985 tentang Pengesahan United Nations Convention on The Law of The Sea (Konvensi Perserikatan Bangsa-Bangsa tentang Hukum Laut)," Pub. L. LN. 1985/ No.76, TLN. No. 3319, accessed 12 August 2024. https://peraturan.bpk.go.id/Details/46968.

51 Simi KK, "Marine Biodiversity Management under the UNCLOS: Scope and Challenges in the era of blue Economy Policy," *GLS Law Journal* 5, no. 2. (July 2023): 102-112. https://doi.org/10.69974/glslawjournal.v5i2.109

resources.[52]

The Indonesian government has enacted various regulations and policies to manage its fisheries sustainably, in line with UNCLOS provisions. The process which began with Law No. 31 of 2004 concerning Fisheries that was revised by Law No. 45 of 2009.[53] In 2023, the regulations governing fisheries were modified by Law No. 6 of 2023 on Job Creation, specifically in Article 27.[54] This article elucidates that the conservation of fish resources incorporates initiatives to protect and exploit fish resources, including habitats, species and genetic diversity. The objective is to ensure the sustained presence, accessibility and quality of fish resources, as well as their diversity and value.

2. The FAO's Code of Conduct for Responsible Fisheries

Under the FAO Code of Conduct for Responsible Fisheries, states and users of living aquatic resources are obligated to promote responsible fishing practices, prevent overfishing and rehabilitate fish populations to preserve aquatic ecosystems. They must use the best available scientific evidence, traditional knowledge and precautionary principles to ensure sustainable fisheries management. Countries must also implement selective fishing techniques, protect critical habitats, integrate fisheries interests into broader coastal management plans and enforce conservation measures effectively. Moreover, they must foster cooperation, make decisions transparently and actively involve stakeholders in the process. They must establish legal and institutional frameworks conducive to the long-term conservation of

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[52] Ana Olivert, "The Role of UNCLOS in Upholding Maritime Order and Global Ocean Governance: A New Global Order for the Oceans through Leadership and Pressure Points," *Maritime Affairs: Journal of the National Maritime Foundation of India* 18, Issue 1, (June 2022): 26–41. https://doi.org/10.1080/09733159.2022.2091571

[53] Republic of Indonesia, "Undang-undang (UU) Nomor 45 Tahun 2009 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan," Pub. L. LN. 2009/ No. 154, TLN NO. 5073, accessed 23 September 2024, https://peraturan.bpk.go.id/Search?keywords=undang-undang+perikanan

[54] Republic of Indonesia, "Undang-undang (UU) Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja menjadi Undang-Undang," Pub. L. LN.2023/No.41, TLN No.6856, accessed 23 September 2024, https://peraturan.bpk.go.id/Details/246523/uu-no-6-tahun-2023

fisheries that are grounded in scientific evidence and designed to meet both present and future sustainability needs.[55]

International cooperation is essential in the case of shared fish stocks; hence, states should engage with both domestic and international stakeholders to promote responsible practices. Additionally, states must safeguard artisanal fisheries, promote aquaculture to enhance food security and regulate fishing capacity to avoid excessive exploitation while ensuring environmental sustainability. Data collection, research and international information sharing are crucial for informing fisheries management decisions; therefore, a precautionary approach should be adopted when scientific data is insufficient. Lastly, states must implement emergency conservation measures to protect aquatic resources from natural or significant threats.

In Indonesia, the conservation of marine fishery resources was sustained by several legislations. It began with the enactment of Law No.27 of 2007 which amended by Law No.1 of 2014 concerning the Management of Coastal Zones and Small Islands.[56] Currently, Article 18 of Law No. 6 of 2023, the Job Creation Law, updates the definition of coastal and small island conservation. It clarifies that conservation includes all efforts to protect, preserve, and responsibly utilize these areas and their ecosystems to guarantee the ongoing presence, accessibility, and sustainability of their resources.[57] The initiative to safeguard coastal regions and small islands primarily emphasizes the conservation of coastal resources, encompassing pollution mitigation, biodiversity preservation, natural

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[55] FAO, Code of Conduct for Responsible Fisheries (Rome, FAO. 1995): pp. 1-40. ISBN 92-5-103834-5. Available online at https://www.fao.org/4/v9878e/v9878e00.htm

[56] Republic of Indonesia, "Undang-undang (UU) Nomor 1 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 27 Tahun 2007 Tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil," Pub. L. LN.2014/No. 2, TLN No. 5490, accessed 21 August 2024, https://peraturan.bpk.go.id/Details/38521/uu-no-1-tahun-2014

[57] Republic of Indonesia, "Undang-undang (UU) Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja menjadi Undang-Undang," Pub. L. LN.2023/No.41, TLN No.6856, accessed 23 September 2024, https://peraturan.bpk.go.id/Details/246523/uu-no-6-tahun-2023

hazard management and environmental evaluation.[58] Government intervention is essential to tackle the loss of biodiversity in marine resources and to advance sustainable development and conservation initiatives.[59]

The Indonesian government enacted Government Regulation No. 60 of 2007 to conserve fisheries resources and maintain biodiversity.[60] The regulation mandates a range of actions, including the sustainable management of ecosystems, species, and genetics, with a focus on responsible fishing methods and the use of environmentally friendly equipment. This regulation promotes sustainable fishing practices and the use of less harmful fishing gear to ensure the long-term health and diversity of these resources.[61]

To ensure sustainable fishing, the government is strengthening its enforcement of environmental rules, particularly through Ministry of Marine Affairs and Fisheries (MMAF) Regulation No. 18 of 2021, which regulates fishing gear in national and international waters.[62] Thus, to protect both people and the marine

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58 Edwin A. Hernández-Delgado, "Coastal Restoration Challenges and Strategies for Small Island Developing States in the Face of Sea Level Rise and Climate Change," *Coasts* 4, no. 2, (April 2024): 235-286. https://doi.org/10.3390/coasts4020014

59 Delphi Ward, Jessica Melbourne-Thomas, Gretta T. Pecl, Karen Evans, Madeline Green, Phillipa C. McCormack, Camilla Novaglio, Rowan Trebilco, Narissa Bax, Madeleine J. Brasier, Emma L. Cavan, Graham Edgar, Heather L. Hunt, Jan Jansen, Russ Jones, Mary-Anne Lea, Reuben Makomere, Chris Mull, Jayson M. Semmens, Janette Shaw, Dugald Tinch, Tatiana J. van Steveninck, Cayne Layton, "Safeguarding marine life: conservation of biodiversity and ecosystems," *Reviews in Fish Biology and Fisheries* 32 (March 2022): 65–100. https://doi.org/10.1007/s11160-022-09700-3

60 Republic of Indonesia, "Peraturan Pemerintah (PP) Nomor 60 Tahun 2007 tentang Konservasi Sumber Daya Ikan," Pub. L. LN. 2007 No. 134, TLN No. 4779, accessed 12 October 2024, https://peraturan.bpk.go.id/Details/4783/pp-no-60-tahun-2007

61 Paula Satizábal, "The unintended consequences of 'responsible fishing' for small-scale fisheries: Lessons from the Pacific coast of Colombia," *Marine Policy* 89 (February 2018): 50 - 57. http://doi.org/10.1016/j.marpol.2017.12.005.

62 The Ministry of Marine Affairs and Fisheries, "Peraturan Menteri Kelautan dan Perikanan Nomor 18 Tahun 2021 tentang Penempatan Alat Penangkapan Ikan Dan Alat Bantu Penangkapan Ikan Di Wilayah Pengelolaan Perikanan Negara Republik Indonesia Dan Laut Lepas Serta Penataan Andon Penangkapan Ikan," BN 2021/ NO 628, accessed 24

environment, the government forbids fishing practices that use unsafe equipment or technologies, such as explosives, toxins, and electricity, which can lead to extinction and ecological damage.

3. The FAO's Voluntary Guidelines for Catch Documentation Schemes

The FAO has established the Voluntary Guidelines for Catch Documentation Schemes (VGCDS) to combat IUU fishing. These international guidelines provide a framework for countries and organizations to implement Catch Documentation Schemes (CDS), which are systems that trace fish products from capture to market. By verifying the legality of catches throughout the supply chain, the VGCDS helps ensure that seafood originates from legal, reported, and regulated fishing activities, thus promoting sustainable fisheries management and preventing the trade of illegally caught fish.[63]

Coastal states and other parties must ensure that CDS are risk-based, reliable, simple, clear, and transparent; thus, adhering to international law while avoiding creating trade barriers. CDS should be non-discriminatory, minimize trade barriers and provide equivalent outcomes for similar circumstances in line with international agreements such as the WTO regulations and the UNCLOS. Such schemes should only be implemented within effective fisheries management regimes to ensure the accuracy and verifiability of information throughout the supply chain. The use of secure electronic systems reduces the risk of falsification and supports developing states in implementing these measures. States must collaborate multilaterally to develop CDS; thus, ensuring objective risk assessments, legal compliance and verification of catch certificates by competent authorities. CDS should clearly define species, stocks, product types and exemptions, involve relevant states in fishing operations, validate catches, monitor trade and incorporate additional elements as necessary to achieve their goals.

The implementation of CDS requires all fishers to maintain a

October 2024, https://peraturan.bpk.go.id/Details/190258/permen-kkp-no-18-tahun-2021

[63] FAO, *Voluntary Guidelines for Catch Documentation Schemes* (Rome: FAO, 2017). https://www.fao.org/iuu-fishing/international-framework/voluntary-guidelines-for-catch-documentation-schemes/en/

fishing logbook. According to MMAF Regulation No. 33 of 2021 concerning Fishing Logbooks, Vessel, and Fisheries Monitoring. The fishing logbook is a daily record prepared by the captain or fishermen detailing the fishing activities and daily operations of the fishing vessels. This logbook aims to collect fisheries data and information regarding fishing activities to facilitate optimal and sustainable management, and conserve and safeguard fisheries resources.[64] This regulation aligns with Government Regulation No. 11 of 2023, which introduces a quota-based fisheries system. This system divides fishing areas and sets catch quotas, controlling fishing activities through limits on vessels, individual quotas, target species, gear specifications, fishing duration, and landing ports. To enforce these quotas, monitoring is intensified through increased patrols, advanced vessel tracking technology, and strict penalties for violations.[65]Individual quota-based fisheries have proven beneficial in preventing overfishing and promoting fish stock recovery, ensuring long-term sustainability.[66]

4. International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing (IPOA-IUUF) 2001

The IPOA-IUUF is a guideline for counties to combat IUU fishing.[67] States must formulate national plans that align with international action plans, particularly the Code of Conduct for Responsible Fisheries, and collaborate to prevent their nationals from engaging in or supporting IUU activities, such as through

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[64] Kementerian Kelautan dan Perikanan, "Peraturan Menteri Kelautan dan Perikanan Nomor 33 Tahun 2021 tentang Log Book Penangkapan Ikan, Pemantauan Di Atas Kapal Penangkap Ikan Dan Kapal Pengangkut Ikan, Inspeksi, Pengujian, Dan Penandaan Kapal Perikanan, Serta Tata Kelola Pengawakan Kapal Perikanan," BN 2021/ NO 968, accessed 25 October 2024, https://peraturan.bpk.go.id/Details/190283/permen-kkp-no-33-tahun-2021

[65] Republic of Indonesia, "Peraturan Pemerintah (PP) Nomor 11 Tahun 2023 tentang Penangkapan Ikan Terukur," Pub. L. LN.2023/No.36, TLN No.6853, accessed 25 October 2024, https://peraturan.bpk.go.id/Details/244907/pp-no-11-tahun-2023

[66] Trevor A. Branch, "How do individual transferable quotas affect marine ecosystems?," *Fish and Fisheries* 10, no.1, (February 2009): 39-57. http://doi.org/10.1111/j.1467-2979.2008.00294.x

[67] FAO, *International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing*, (Rome: FAO, 2001) pp. 1- 24. https://openknowledge.fao.org/handle/20.500.14283/y1224e

flagged vessels. Sanctions should be imposed on IUU fishing vessels and individuals and state funding should be denied to them. Nations must also implement access schemes, maintain comprehensive vessel records, install effective monitoring systems and ensure the training of all fishers. Cooperation among states is critical for sharing information about authorized vessels as well as for the acquisition and verification of fishing activity data. Flag states are responsible for monitoring catch reporting and transshipment activities and hence must authorize vessels to prevent IUU fishing. Coastal states must regulate and control fishing within their waters to prevent unauthorized fishing activities. Port states are duty-bound to notify foreign fishing vessels about port entry procedures and must prohibit IUU vessels from landing or transshipping fish.[68]

Indonesia is strengthening its fight against IUU fishing by enforcing stricter regulations on vessel registration and licensing. As stipulated in Law No. 6 of 2023, all fishing vessel operators must obtain the required fishing and business licenses to operate legally within Indonesian fisheries control areas, the EEZ, and the high seas.[69] Significantly, strict legislation to combat IUU fishing can contribute to sustainable fisheries through effective enforcement, which prevents overfishing, promotes responsible management, and ultimately leads to a more resilient and productive marine environment.[70] Moreover, the requirement to register vessels and obtain fishing licenses aims to monitor fishing-related activities, including transshipment, by providing a traceable record of vessel movements and catch data, which strengthens the ability of

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[68] Lonna Bethel, Henning Jessen, Johan Hollander, "Implementing the Port State Measures Agreement to combat illegal, unreported and unregulated fishing in the Caribbean," *Marine Policy* 132 (October 2021): 104643. https://doi.org/10.1016/j.marpol.2021.104643.

[69] Republic of Indonesia, "Undang-undang (UU) Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja menjadi Undang-Undang," Pub. L. LN.2023/No.41, TLN No.6856, accessed 23 September 2024, https://peraturan.bpk.go.id/Details/246523/uu-no-6-tahun-2023

[70] Mary Ann Palma-Robles, Martin Tsamenyi, W. Edeson, *Promoting sustainable fisheries: The international legal and policy framework to combat illegal, unreported and unregulated fishing* Vol. 6, (Leiden: Martinus Nijhoff Publishers, 2010), pp. 4-22.

authorities to identify and intercept illegal fishing operations.[71]

5. Regional Fisheries Management Organization (RFMO)

To protect migratory fish populations, countries are obligated to work with Regional Fisheries Management Organizations (RFMOs), as outlined in international agreements like UNCLOS. This cooperation requires member states to follow RFMO regulations to maintain sustainable fisheries, prevent trade sanctions, and harmonize their national laws with international standards. Additionally, they must actively fight illegal fishing and support monitoring efforts.

Since 2007, Indonesia has participated in the Indian Ocean Tuna Commission (IOTC), which oversees tuna fishing in the Indian Ocean, a commitment formalized through Presidential Regulation No. 9 of 2007.[72] Indonesia is also a permanent member of the Commission for the Conservation of Southern Bluefin Tuna (CCSBT), which manages southern Bluefin tuna populations.[73] Indonesia participates in tuna management through several commissions: it is a permanent member of the Western and Central Pacific Fisheries Commission (WCPFC) since 2013, having been a non-permanent member since 2004, and a cooperating non-member of the Inter-American Tropical Tuna Commission (IATTC) since 2013.[74]

6. WTO Agreement of Fisheries Subsidies

The WTO Agreement on Fisheries Subsidies (AFS) is a major step towards ocean sustainability within trade agreement. It prohibits harmful subsidies that contribute to IUU fishing, the overfishing of

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[71] Barbara Hutniczak, Claire Delpeuch, Antonia Leroy, "Closing gaps in national regulations against IUU fishing," *OECD Food, Agriculture and Fisheries Papers,* (Paris: OECD Publishing, 2019). https://doi.org/10.1787/9b86ba08-en.

[72] Republic of Indonesia, "Peraturan Presiden (Perpres) Nomor 9 Tahun 2007 tentang Pengesahan Agreement For The Establishment Of The Indian Ocean Tuna Commission (Persetujuan Tentang Pembentukan Komisi Tuna Samudera Hindia)," Pub. L. LN 2007/ No. 41, accessed 25 October 2024, https://peraturan.bpk.go.id/Details/68790/perpres-no-9-tahun-2007

[73] Republic of Indonesia, "Peraturan Presiden (Perpres) Nomor 109 Tahun 2007 tentang Pengesahan Convention For The Conservation Of Southern Bluefin Tuna (Konvensi tentang Konservasi Tuna Sirip Biru Selatan)," Pub. L. LN. 2007/No. 148, accessed 26 October 2024, https://peraturan.bpk.go.id/Details/42188/perpres-no-109-tahun-2007

[74] Aryuni Yuliantiningsih, "The Participation of Indonesia in Regional Fisheries Management Organizations (RFMOs): The Legal and Globalization Perspectives," *UNIFIKASI: Jurnal Ilmu Hukum* 6, no. 2 (December 2019): 137-145. https://doi.org/10.25134/unifikasi.v6i2.1943

depleted stocks, and unregulated fishing in international waters. The objective of AFS is to protect fish stocks and the marine environment by addressing the negative impact of harmful subsidies on overfishing. The AFS combats unsustainable fishing by prohibiting subsidies in several key areas. Article 3.1 bans subsidies to those involved in IUU fishing, Article 4 prohibits subsidies for fishing overfished stocks to support international conservation efforts, and Article 5.1 restricts subsidies for fishing outside a coastal state's jurisdiction or the competence of a relevant regional fisheries management organization (RFMO/A).[75] In short, Articles 3, 4, and 5.1 work together to restrict subsidies linked to IUU fishing, the exploitation of overfished stocks, and unregulated fishing activities in international waters.[76] Unlike, the prohibition of harmful subsidies, WTO members are permitted, under Article 4.3 of the FSA, to provide subsidies specifically aimed at rebuilding overfished stocks to ecologically sustainable levels. This provision allows for subsidies that contribute to the enhancement of fish population sustainably. Therefore, through MMAF Regulation No. 2 of 2021[77], the Indonesian government continues to provide financial assistance to fishers, aiming to improve their livelihoods while promoting the long-term health of marine fisheries.[78]

Article 2 of the regulation outlines four categories of government assistance to support the fisheries sector. These include: 1) Insurance Premium Assistance: covering life and business insurance for small-scale fishers and related industries to mitigate occupational risks; 2) Vessel Repair and Construction Support: programs, including engine repair aid for small vessels (under 5 GT per Regulation of the Director General of Capture Fisheries No. 179

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[75] WTO, "Agreement on Fisheries Subsidies," WT/MIN(22)/33 WT/L/1144, 22 June 2022, Ministerial Decision of 17 June 2022, accessed 10 March 2025, https://www.wto.org/english/tratop_e/rulesneg_e/fish_e/fish_e.htm

[76] Mitchell Lennan, Stephanie Switzer, "Agreement on Fisheries Subsidies," *The International Journal of Marine and Coastal Law* 38, no. 1 (January 2023): 161-177. https://doi.org/10.1163/15718085-bja10116

[77] Kementerian Kelautan dan Perikanan Indonesia, "Peraturan Menteri Kelautan dan Perikanan Nomor 2 Tahun 2021 tentang Penyaluran Bantuan Pemerintah di Lingkungan Kementerian Kelautan dan Perikanan," BN 2021/ NO 20, accessed 10 March 2025, https://peraturan.bpk.go.id/Details/165797/permen-kkp-no-2-tahun-2021

[78] Intan Innayatun Soeparna, Ankiq taofiqurohman, "Transversal Policy between the Protection of Marine Fishery Resources and Fisheries Subsidies to Address Overfishing in Indonesia," *Marine Policy* 163 (May 2024): 106112. https://doi.org/10.1016/j.marpol.2024.106112

of 2023 on Technical Instructions for Fishing Vessel Engine Assistance[79]), designed to improve the sustainability and well-being of the small-scale fishing industry facing challenges like inadequate equipment and bad weather; 3) Fuel Conversion Subsidies: providing free equipment and LPG cylinders (as per Presidential Regulation No. 71 of 2021 on the Supply, Distribution and Pricing of LPG for Small-scale Fishing Vessels and Water Pump Machine for Farmers[80]) to help fishers transition from fuel oil to LPG, reducing both environmental impact and operational costs; and 4) Marine Resource Monitoring Assistance: supplying equipment like boats to empower fishing communities to participate in monitoring and managing marine resources, in line with Law No. 31 of 2004 on Fishery.

By implementing international instruments on sustainable fisheries into national policy, Indonesia is fulfilling its obligations under Article 8(9) of the IE-CEPA. This demonstrates that the agreement does not impose foreign values but instead reinforces and provides international support for Indonesia's existing national priorities. It effectively elevates a domestic goal into a shared, internationally recognized commitment.

The role of IE-CEPA as a support mechanism for Indonesia is backed by a detailed, practical plan: the Memorandum of Understanding (MoU) on Economic Cooperation and Capacity Building. Signed alongside the main agreement, this MoU acts as the operational guide for implementing the commitments made in Chapter 9 of the CEPA, ensuring that promises of cooperation are turned into concrete actions.

Article 4 of the MoU specifies exactly how this support will be delivered in the fisheries and aquaculture sector. The areas of cooperation include:

a) Knowledge and Technology Transfer: Sharing information, expertise, and new technologies, as well as coordinating

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79 Kementerian Kelautan dan Perikanan Indonesia, "Keputusan Menteri Kelautan dan perikanan Nomor 179 Tahun 2023 tentang Petunjuk Teknis Bantuan Kapal Penangkap Ikan Tahun 2023," Kepmen, accessed 11 March 2025, https://jdih.kkp.go.id/Homedev/DetailPeraturan/5739

80 Republic of Indonesia, "Peraturan Presiden (Perpres) Nomor 71 Tahun 2021 tentang Perubahan atas Peraturan Presiden Nomor 38 Tahun 2019 tentang Penyediaan, Pendistribusian, dan Penetapan Harga Liquefied Petroleum Gas untuk Kapal Penangkap Ikan bagi Nelayan Sasaran dan Mesin Pompa Air bagi Petani Sasaran," Pub. L. LN.2021/No.171, accessed 11 March 2025, https://peraturan.bpk.go.id/Details/174749/perpres-no-71-tahun-2021

efforts to combat illegal (IUU) fishing.

b) Technical Assistance: Offering capacity building and direct technical support, especially for small-scale fisheries, to help them meet international standards.
c) Industry Development: Working together to develop modern, sustainable seafood processing methods and high-quality safety management systems.
d) Research and Expertise: Promoting joint scientific research and facilitating the exchange of experts and government officials.
e) Market and Investment Promotion: Actively promoting investment in Indonesia's seafood industry and boosting trade by organizing fairs, exhibitions, and visits to production facilities.

Therefore, the focus relationship between Indonesia and the IE-CEPA is best understood as a strategic partnership, not a one-way imposition of standards. The agreement acts as a catalyst, providing the international framework, economic incentives, and technical support necessary to accelerate Indonesia’s own domestic sustainability goals. The relationship is solidified through the Memorandum of Understanding (MoU) on Capacity Building. This turns the legal commitments of the CEPA into a tangible, cooperative partnership. It proves the agreement is not just about rules, but about results. The MoU provides the "how-to" guide for improvement, offering Indonesia practical support through: a) Technical assistance for small-scale fisheries; b) Knowledge transfer on new technologies from world leaders like Norway and Iceland; c) Joint research and development programs.

D. The Relationship between Trade in Fish under the IE-CEPA and Sustainable Fisheries Management

The IE-CEPA is designed to boost economic ties by increasing trade, encouraging investment, and expanding market access. By lowering or eliminating tariffs, the agreement makes Indonesian products more competitive in the EFTA market. It also moves beyond simple trade by facilitating technology and knowledge sharing to enhance Indonesia's production capabilities, ensuring

that this economic growth is built on a foundation of sustainable trade.[81]

A fundamental principle woven into the IE-CEPA's sustainability requirement under chapter 8 is the preservation of each nation's sovereign "right to regulate." This is explicitly codified in Article 8(2) and is a cornerstone of modern, progressive trade agreements. In essence, it confirms that the trade agreement does not override the authority of each country to govern itself and protect its citizens and environment. This principle recognizes that a "one-size-fits-all" approach to sustainability is impractical and unjust. It affirms that each Party—whether it's Indonesia or EFTA States—can determine its own path and priorities for achieving sustainable development. This includes the sovereign right to:

1) Set Unique Protection Levels: Establish its own specific standards for environmental quality and labor rights that are appropriate for its unique economic, social, and ecological context.
2) Create and Modify Laws: Freely adopt new domestic laws or modify existing ones to meet evolving challenges and public policy goals without fear of violating the trade agreement.

This flexibility is crucial given the vast differences between the parties. Indonesia, a developing tropical archipelago, faces different challenges and has different priorities than the high-income, developed nations of the EFTA bloc. While the IE-CEPA protects the right to set one's own standards, it is not a license to abandon them for a competitive advantage. The agreement includes another critical principle known as "non-derogation." This principle means that a country cannot weaken or fail to enforce its own environmental or labor laws in a way that encourages trade or investment.

In terms of the requirement for sustainable fisheries management, the relationship between the flexibility given by Article 8(2) of the IE-CEPA (the right to regulate for each party) is a delicate balance between national autonomy and global responsibility. In

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[81] Carissa Amanda Siswanto, Wishnu Kurniawan, Dita Birahayu, "Indonesia's Participation in IE-CEPA: An Obligation Or Policy?" *Jurnal Penelitian Hukum De Jure* 23, no. 2 (June 2023): 255 – 272. http://dx.doi.org/10.30641/dejure.2023.V23.255-272

essence, while Article 8(2) recognizes the authority of each party to set its own levels of protection and manage fisheries within its waters, this right is not absolute. It is intrinsically linked to and constrained by the duty to ensure the long-term conservation and sustainable use of those resources.

At the heart of this dynamic is the concept of state sovereignty over natural resources. This principle grant state parties the primary right to explore, exploit, conserve, and manage the living marine resources within their waters. This "right to regulate" allows a nation to determine who can fish, what they can catch, the methods they can use, and the overall level of fishing activity. This authority is crucial for national economic development, food security, and the livelihoods of coastal communities. However, this sovereign right is coupled with significant responsibilities under the international commitment to sustainable fisheries management, as mandated in Article 8(9) of the IE-CEPA. Thus, the right to regulate the level of protection in marine and fisheries is a fundamental aspect of state sovereignty, but it is not a license for unsustainable practices. The obligation underlined in Article 8(9) of the IE-CEPA highlights that this right is inextricably linked to the duty to conserve and manage marine life for present and future generations. The requirement for sustainable fisheries management, therefore, does not negate the right to regulate but rather shapes and directs it, ensuring that national interests are pursued in a manner that is compatible with the long-term health and productivity of the world's oceans.

The right to regulate of both parties, as recognized in Article 8(2) of the IE-CEPA, is directly exercised through its fisheries export controls. These controls are the specific tools and regulations for a country implementation to prove its seafood products meet certain standards before they can be sold internationally. However, the design and strictness of these controls are shaped by the sustainability commitments mandated in Article 8(9). Thus, to fulfill its obligations under Article 8(9) of the IE-CEPA, Indonesia's export controls must align with the high standards set by the importing EFTA countries. As a trading partner, Indonesia has invested heavily in fisheries reform to meet these requirements. For instance, the Ministry of Marine Affairs and Fisheries (KKP) has established key export control mechanisms like the *Sertifikat Hasil Tangkapan Ikan*

(SHTI), a catch certification system designed to ensure traceability and prove the legality of wild-caught fish. This specific mechanism is supported by a broader legal framework, including a robust Anti-IUU fishing policy based on Fisheries Law No. 45 of 2009, which was strengthened by the creation of the anti-IUU Task Force 115 under a 2015 Presidential Decree. On the international front, the commitment of Indonesia to the Port State Measures Agreement (PSMA) allows it to block IUU vessels from its ports, while the more recent implementation of a quota-based fishing system in 2023 aims to limit fishing to sustainable levels. Furthermore, the effectiveness of these export controls is contingent upon adherence to international standards. This means that Indonesia's Sanitary and Phytosanitary (SPS) regulations must conform with the relevant World Trade Organization (WTO) agreements.

The growth of certified aquaculture provides another key pathway for Indonesia to meet the high standards of the EFTA states. For instance, the Indonesian Good Aquaculture Practices (IndoGAP) certification acts as a national standard that facilitates exports by assuring the global market that products are responsibly farmed and acceptable for import. Complementing this, producers must also adhere to national standards for Good Fish Farming Practices (*Cara Budidaya Ikan yang Baik* - CBIB), which focus specifically on minimizing food safety risks. Together, these certifications demonstrate a comprehensive approach to ensuring that Indonesia's farmed seafood is both sustainable and safe, directly aligning with the stringent requirements of EFTA markets.[82]

However, the increase in volume and revenue of exports products, including fish from Indonesia to EFTA States is primarily driven by trade liberalization and enhanced market access.

The data below indicates a slightly increase in live fish export from Indonesia to EFTA States (Iceland and Switzerland except for Norway and exclude Liechtenstein) following the implementation of the CEPA.

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[82] Debora Prihatmajanti, Diana Rakhmawati, Setiawan, Dwi Putri Wigiani, Ajrun Chabib M.D. Purwadi, Idham A Nasrullah, “Pedoman Cara Budidaya Ikan yang Baik Bagian I: Pedoman bagi Petugas CBIB dan Pembudidaya ikan”, Kementerian Kelautan dan Perikanan, (Jakarta: KKP, 2022)

TABLE 1. Indonesian Fish (live fish) Export to EFTA States 2021 – 2023

Country	2021 Export (Kg)	2022	2023
Iceland	1,334	727	1,329
Liechtenstein	-	-	-
Norway	763	737	360
Switzerland	5,830	10,515	10,002

Sources: UN Comtrade Database, "Indonesia live fish export to EFTA States 2021-2023" [data set], accessed 14 September 2025 https://comtradeplus.un.org/

TABLE 2. Indonesian Fish (live Fish) Export Revenue to EFTA States 2021 – 2023

Country	2021 Export (USD)	2022	2023
Iceland	24,428	13,560	17,093
Liechtenstein	-	-	-
Norway	12,130	9,542	3,002
Switzerland	475,173	361,974	410,744

Sources: UN Comtrade Database, "Indonesia live fish export to EFTA States 2021-2023" [data set], accessed 14 September 2025 https://comtradeplus.un.org/

According to available data, fish products constitute significant exports of all parties involved. However, the increased demand for fish products may exacerbate pressure to harvest unsustainably, which would result in overfishing and the depletion of fish and marine resources.[83]

[83] Abdulrahman Ben-Hasan, Yvonne Sadovy de Mitcheson, Miguel A. Cisneros-Mata, Érica Antunes Jimenez, Moslem Daliri, Andrés M. Cisneros-Montemayor, Rekha J. Nair, Sangeetha A. Thankappan, Carl J. Walters, Villy Christensen, "China's fish maw demand and its implications for fisheries in

The relationship between trade networks and marine population sustainability is complex. Trade networks can drive rapid, sequential overexploitation of different marine species, as one depleted population is replaced by another within the network. In fisheries, lacking regulation and plagued by illegal activity, a surge in seafood exports, driven by higher prices, can lead to excessive fishing and severe depletion of fish stocks.[84] Consequently, it is essential for the parties involved to avert a fisheries crisis resulting from inadequate management practices. Several factors contribute to ineffective fisheries management, including unrestricted access to fishery resources, challenges in determining the sustainable utilization rate of fish stocks, the expenses associated with monitoring and enforcing fisheries management systems, and the absence of a singular and universal solution to fisheries management issues.[85] Therefore, the relationship between fish trade in the IE-CEPA and sustainable fisheries management is that, although the IE-CEPA offers potential trade benefits, issues related to enforcement and compliance with sustainable fisheries regulations must be addressed to ensure the long-term success of the agreement. To overcome these challenges, effective implementation of sustainable fisheries management measures outlined in the agreement is crucial for all parties.

Under the IE-CEPA, the parties are obliged to combat IUU Fishing by augmenting monitoring and surveillance through new technologies and offering training for fisheries inspectors, law enforcement personnel, and fishermen. As mandated by Chapter 9 of the IE-CEPA, the parties have signed the Memorandum of Understanding (MoU) on Economic Cooperation and Capacity

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source countries," *Marine Policy* 132 (October 2021): 104696. https://doi.org/10.1016/j.marpol.2021.104696

84 Laura G. Elsler, Maartje Oostdijk, Jessica A. Gephart, Christopher M. Free, Junfu Zhao, Eden Tekwag, Elaine M. Bochniewiczh, Alfredo Giron-Navai and Andrew F. Johnson, "Global trade network patterns are coupled to fisheries sustainability," *PNAS Nexus* 2, Issue 10 (October 2023): 301. https://doi.org//10.1093/pnasnexus/pgad301

85 Julie Urquhart, Tim G. Acott, David Symes, Minghua Zhao (eds.), "Introduction: Social Issues in Sustainable Fisheries Management", *Social Issues in Sustainable Fisheries Management*, MARE: Publication Series, Vol. 9 (Dordrecht: Springer, 2014), pp. 1-20. https://doi.org/10.1007/978-94-007-7911-2_1

Building, ensuring that promises of cooperation are turned into concrete actions. Therefore, it is essential to implement robust Monitoring, Control, and Surveillance (MCS) systems. These systems can help detect and deter such activities by providing accurate and real-time data on fishing activities. The parties can invest in advanced technology such as satellite tracking and electronic reporting systems to enhance transparency and accountability in fisheries management.[86] Additionally, capacity-building programs can support Indonesia in strengthening its enforcement capabilities and complying with international regulations

Cooperation among states under the IE-CEPA is vital for sharing information and resources to combat IUU fishing effectively. International and regional organizations, such as the FAO and RFMOs, can also play a crucial role in facilitating collaboration and ensuring that member states adhere to agreed-upon measures. Establishing clear legal frameworks and harmonizing national fisheries legislation with international standards can further support enforcement and compliance efforts.[87] In addition, empowering local communities and engaging stakeholders in decision-making processes can also foster a sense of responsibility and ownership, leading to better compliance with regulations.[88]

The IE-CEPA also encourages trade practices that contribute to sustainable fisheries management. One example is the adoption of eco-labelling and certification programs, such as the Marine Stewardship Council (MSC) certification.[89] MSC certification sets

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[86] Iwao Fujii, Yumi Okochi, Hajime Kawamura, "Promoting Cooperation of Monitoring, Control, and Surveillance of IUU Fishing in the Asia-Pacific," *Sustainability* 13, no. 18 (September 2021): 10231. https://doi.org/10.3390/su131810231

[87] Kathleen Auld, Raphael Baumler, Deukhoon Peter Han, Francis Neat, "The collective effort of the United Nations Specialised Agencies to tackle the global problem of illegal, unreported and unregulated (IUU) fishing," *Ocean & Coastal Management* 243 (September 2023): 106720. https://doi.org/10.1016/j.ocecoaman.2023.106720.

[88] Shekar Bose, "Law Enforcement, Compliance, and Fisheries Sustainability," In: Jawad, L.A. (eds), *The Arabian Seas: Biodiversity, Environmental Challenges and Conservation Measures*, (Cham: Springer, 2021). https://doi.org/10.1007/978-3-030-51506-5_35

[89] Mohamad Zreik, "Synergizing trade and sustainability: advancing SDG 14 through international trade Dynamics," *Marine Development* 2, no. 13 (May

stringent standards for sustainable fishing, incentivizing fishery improvements globally. Fisheries meeting MSC standards gain access to new markets and often command premium prices, creating a strong economic incentive for sustainable practices. This not only helps maintain fish populations but also safeguards the broader marine ecosystem by minimizing bycatch and habitat impact. By empowering consumers to make informed choices, these programs drive market demand towards sustainably sourced seafood.[90]

The international fish trade is crucial for the export and development strategies of developing countries such as Indonesia. The export benefits provide significant income for fishing communities in that country while the EFTA states act as key importers. Thus, trade policies among the IE-CEPA members could exert considerable influence. The trade strategy established under Article 8 (9) of the agreement could foster synergies between the international trade in fish, fish products and fisheries services as well as sustainable development. This provision could positively impact sustainable development by establishing common rules for fisheries conservation. It also maintains adequate policy flexibility for the parties to establish legislative frameworks that could enhance adherence to international fishing agreements and management measures. Sustainable trading practices of marine resources governed by the IE-CEPA are vital to ensure the long-term health of marine ecosystems while fostering economic development, and include various approaches, from legal frameworks to market-based efforts, with each contributing significantly to the promotion of sustainable practices in the marine industry.

The increase in the fish trade under the IE-CEPA encourages Indonesia and the EFTA states to follow stringent sustainability rules which are designed to preserve marine ecosystems while boosting trade revenues. The agreement stipulates that trading activities must meet specific environmental standards to ensure

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2024*)*: 1-14. https://doi.org/10.1007/s44312-024-00025-2

[90] Angel Peiró-Signes, Lluís Miret-Pastor, Marival Segarra-Oña, "Effects of green certification and labelling on the Spanish fisheries industry," *Aquaculture Reports* 17 (July 2020): 100396. https://doi.org/10.1016/j.aqrep.2020.100396

that fish stocks are maintained at sustainable levels. As trade increases, it becomes essential to follow these rules to prevent overexploitation of marine resources. The agreement also includes capacity-building initiatives to train fishers in sustainable practices, promote techniques that minimize environmental impact and ensure the long-term viability of fish populations. Moreover, it emphasizes regular monitoring and enforcement to ensure compliance with sustainability standards. This helps manage fish populations effectively even as trade volumes grow. The relationship between the increased fish trade and sustainable management under the IE-CEPA exemplifies how international trade agreements can simultaneously support economic and environmental goals and foster a sustainable future for the fishing industry.

Conclusion

The role of the IE- CEPA in accommodating sustainable fisheries management in Indonesia is related to effective measures to balance the trade in fish, fish products and fisheries services with sustainable development in general. The agreement presents an advanced framework for a Free Trade Agreement that addresses non-trade issues and emphasizes the significance of conserving and sustainably managing marine resources and ecosystems. Article 8 (9) of the agreement mandates the adoption of trade-related policies that facilitate the gradual transition of the fishing industry towards more environmentally sustainable methods of capturing fish, harvesting and production by incorporating international fisheries regulations into domestic law.

Indonesia is adopting international fisheries regimes to guarantee the conservation and management of fisheries resources by integrating them into its related legal, policy, and institutional frameworks. These regulations cover the protection of marine biodiversity, fisheries quotas and the prevention of IUU fishing, which are central to the sustainability of fisheries.

In conclusion, Article 8 (9) of the IE-CEPA aims to mitigate the risks associated with the fish trade that could undermine fisheries management by intensifying the pressure to engage in sustainable harvesting practices by maintaining healthy fish populations,

minimizing damage to the marine environment, and ensuring the long-term viability of the fishing industry. The parties involved in the agreement must establish an effective trading policy that fosters incentives for sustainable practices and contributes to the preservation of marine resources for future generations. It also serve as a mechanism to enable Indonesia, a developing country, to engage in legitimate marine environmental protection initiatives without undermining its national development objectives. Consequently, the fisheries-related provisions outlined in the IE-CEPA are designed to alleviate the detrimental effects of trade liberalization on fishery resources and marine ecosystems. It will achieve a balance between trade and sustainability.

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