

ABSTRACT

The precautionary approach for management and conservation of fisheries resources, in particular straddling fish stocks and highly migratory fish stocks provides conservation and management measures to the coastal States, fishing States and regional fisheries management organizations, for the sustainable utilization of fishery resources. The purpose of this study is to analyze the implementation of the precautionary approach by regional fisheries management organizations, in particular the Commissions for the Conservation of Southern Bluefin Tuna and the state practice of Indonesia.

This study analyzes the international legal documents such as Agreement for the Implementation of the Provision of the 1982 UNCLOS Relating to the Conservation and Management of Straddling fish Stocks and Highly Migratory Fish Stocks 1995 (UNFSA 1995); Code of Conduct for Responsible Fisheries (CCRF 1995), and the Convention for the Conservation of Southern Bluefin Tuna (CCSBT 1993). This study utilizes the comparative approach by analyzing the state practices of Australia and Canada in implementing the precautionary approach.

This study has three findings. First, CCSBT adopts the precautionary approach to increase the likelihood of the spawning stock rebuilding by three quota blocks until 2035 (Management Procedure or Bali Procedure). Second, Australia and Canada have implemented the precautionary approach incorporate into their legal frameworks and national policies. Third, Indonesia has no formal adoption of the precautionary approach into incorporates. This research recommends the precautionary approach incorporates into the legal framework and national fisheries policy in Indonesia.

Key words: precautionary approach; limit reference points and target reference points, management procedure.