



Webinar on the Opportunities and Challenges of the Ratification of C188

Indonesia

Co-hosted by The Indonesian Ministry of Foreign Affairs, the Permanent Mission of Indonesia in Geneva, and the International Labour Office in Geneva

Presentation by Ship to Shore Rights South East Asia

4 March 2021

▶ C188 and Indonesia

- ▶ Patchwork of national legislation regulating working conditions and fisher's rights which sets up the foundations for C188 compliance
- ▶ National laws including Law 39/2003 on Manpower, Law 1/1970 on Work Safe, Law 16/1964 on Fisheries Profit Sharing System, 31/2004 and 45/2009 Fisheries Law; Law 17/2008 on Shipping
- ▶ Ministerial regulations including MMAF Regulation 42/2016 on Fishing Work Agreements
- ▶ Other legislation on social security, OSH, recruitment and placement
- ▶ *More than 20 pieces of legislations considered in the 2019 gaps analysis*

▶ C188 and Indonesia

- ▶ National legislation contains elements that are consistent with C188
- ▶ Requirement that all fishers must have a work agreement, health certificate, and a first aid kit is mandatory on board vessels.
- ▶ Recognition of fishers' rights to receive adequate accommodation, food and water on board, and to safe job placements.
- ▶ Right to occupational safe and health and accident prevention.
- ▶ Right to social security

▶ C188 and Indonesia

- ▶ National legislation contains elements that are inconsistent with C188
 - ▶ Certain exemptions from the requirement of fishers' work agreements
 - ▶ No clearly delineated responsibilities between fishing vessel owner/operators, skippers, and recruiters
 - ▶ Lack of progressively more stringent regulations for larger vessels in key areas including medical care and OSH
 - ▶ Lack of clear designation of competent authority in relation to the regulation of recruitment and placement services for fishers.

▶ C188 and Indonesia

- ▶ Many areas of ambiguity or partial consistency with C188
- ▶ Key definitions are not quite aligned (e.g. fishing vessel, skipper)
- ▶ No clear designation of competent authorities and their specific responsibilities in relation to fishers
- ▶ Lack of clarity in some areas or absence of clear requirements: e.g. safe manning standards, repatriation, recruitment and placement

Areas to prioritize

▶ Designation of authorities and clear responsibilities

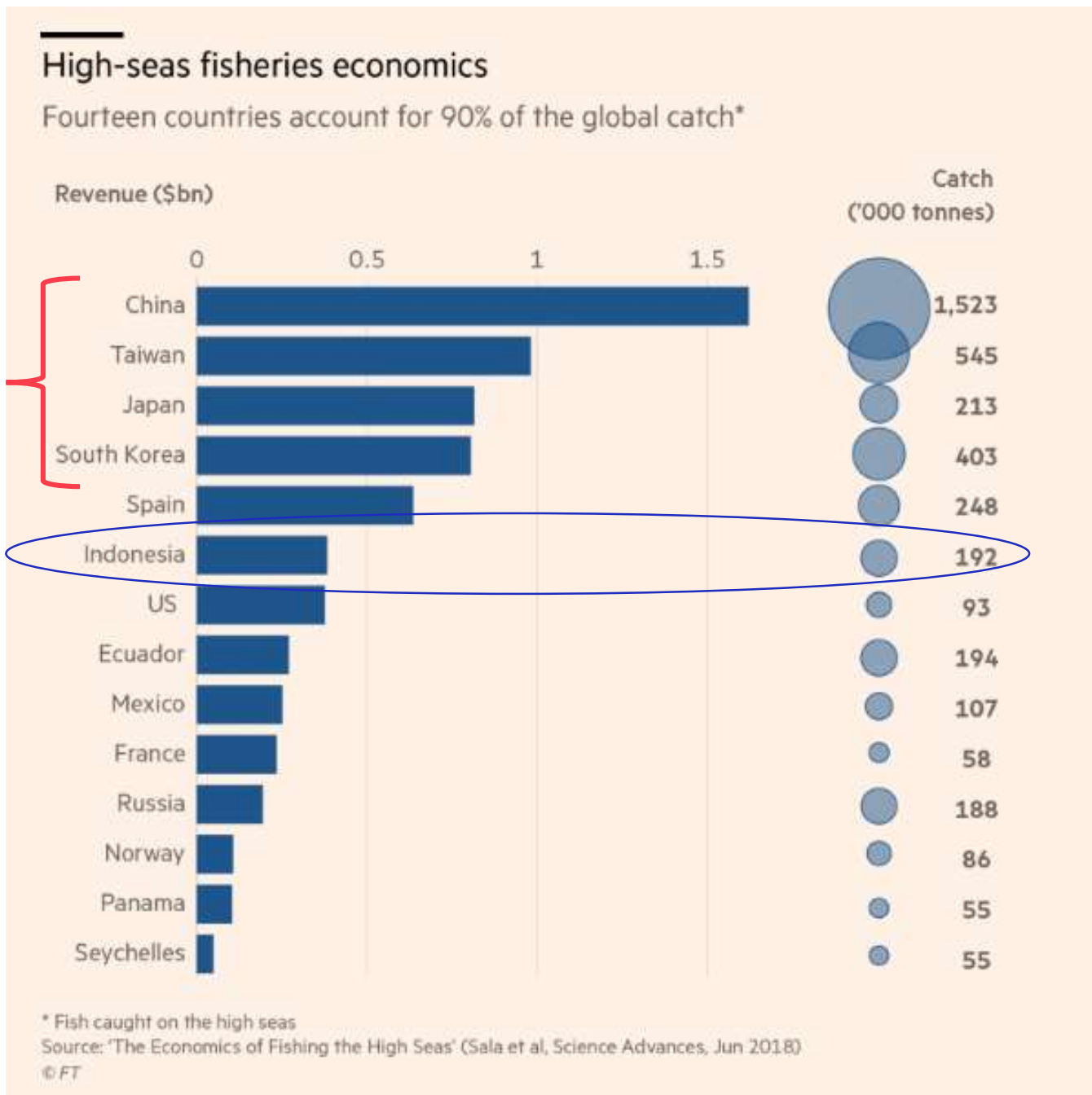
- ▶ Lead authority on achieving compliance C188
- ▶ Licensing and regulation of recruitment agencies placing migrant fishers abroad
- ▶ Inspection and enforcement powers in relation to work conditions on board Indonesian fishing vessels
- ▶ Port State authority in relation to work conditions on board foreign flagged vessels

▶ Areas to prioritize

▶ National coordination

- ▶ Joint efforts in implementation
- ▶ Remedy inconsistent national regulations and clarify ambiguities
- ▶ Regulate areas where currently there is no clear legislation
- ▶ Link C188 standards to protection of Indonesian fishers abroad

C188 can protect Indonesian fishers on Indonesian vessels and on the global fleet



Ship to Shore Rights South East Asia: *a partner on the road to ratification and implementation*

Objective

- ▶ To promote regular and safe labour migration among South East Asian countries.

Duration

- ▶ 4 years: 1 August 2020 – 31 July 2024

Budget

- ▶ EUR 10 million

Countries of action: 7

- ▶ Including **Indonesia**

Existing tools for Indonesia specifically

- ▶ C188 gaps analysis (in English, executive summary in Bahasa):

tinyurl.com/C188gapsID

- ▶ C188 facts and myths infographics (in English and Bahasa):

tinyurl.com/C188facts



- ▶ **Indonesia and the Work in Fishing Convention, 2007 (No. 188): a comparative analysis**



Mitos 2
K188 memperlakukan semua kapal sama. Hal itu tidak adil!

Fakta 2
K188 berlaku bagi semua kapal ikan komersial tanpa memandang ukuran dan lokasi penangkapannya.
Tapi, ukuran itu penting!
Persyaratan lebih ketat untuk:
Kapal yang lebih panjang dari 24m atau Kapal yang berlayar lebih dari 3 hari
K188 tidak berlaku bagi nelayan yang menangkap ikan untuk memenuhi kebutuhan sehari-hari.

Mitos 3
K188 membuat pemilik kapal harus renovasi yang mahal!

Fakta 3
K188 tidak mengharuskan renovasi kapal yang mahal.
Ketentuan akomodasi kapal tangkap perikanan di Lampiran 3 K188 HANYA berlaku bagi kapal GARU atau kapal yang sedang direnovasi.
Untuk kapal berukuran lebih panjang dari 24 meter, K188 memiliki standar yang lebih ketat. Contohnya, tinggi ruang utama minimum dan luas lantai minimum per orang untuk tidur.



International
Labour
Organization



► **Website: shiptoshorerights.org**

Email: shiptoshorerights@ilo.org

Mi Zhou
Chief Technical Advisor, ILO
zhoumi@ilo.org