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Accelerator Lab

Indonesia's Fishing Industry: Main Features and Labour-related Issues in Law and Practice

**Capacity Building Programme with MOM, MMAF and MOT
Labour Inspection and Forced Labour Detection on board
fishing vessels**

22-23 September 2022, Benoa, Bali



Main features of Indonesia's fishing industry

- ▶ Indonesia is one of the largest fish producers in the world. In 2020, marine capture production in Indonesia was estimated to be about **7.7 million tons**
- ▶ The wild marine capture fisheries sector employs approximately **2.1 million workers**. Additionally, over 3.1 million workers are involved in the processing and marketing of fisheries products

In 2019, 104 active fishing companies were recorded and scattered over 7 provinces



Main features of Indonesia's fishing industry

Fishing Fleet

The Indonesian fishing fleet comprises an **estimated 935 000 FV** of which 96% are less than 10 GT and the remaining 4% consist of medium-size vessels between 10 and 30 GT and industrial vessels more than 30 GT (2019, MMAF).

About **33 000 tuna FV** are currently operating within Indonesian waters (DIVA-tuna)

Indonesia is **operating a DWF fleet** (tuna) in the Indian, Pacific and Southern oceans in the areas of competence of IOTC (586 PS-LL), WCPFC (12 PS) and CCSBT (202 LL)



Flag State Responsibility Labour and Human rights in fishing industry

- ▶ □ Article 94.3(b) of the LOSC provides that “Every State shall take measures for ship flying its flag as are necessary to ensure safety at sea with regard to: ... the manning of ships, **labour conditions** and the training of crews, taking into consideration the applicable international instruments”
- ▶ □ Uncovering and exposure of **human rights abuses** on board FV operating within Indonesian waters prompted the Indonesian Government to take measures:
 1. Requirement for fishing companies to implement a HR system (HR policy, HR due diligence and a remediation mechanism)
 2. Temporary moratorium on “ex-foreign FV”. This ban was lifted in 2021 and require these vessels to be manned by an entire Indonesian crew and captain.
 3. Ban on transshipment within Indonesian waters

▶ **Law on Manpower No. 13/2003** – general application – no specific regulations on fisheries sector

Law No. 17/2008 on Shipping – applies to all vessels, including FV and provides for basic conditions of employment (salary, working hours, rest periods, accommodation, food & drink, health care, accident insurance)

Law No. 7/2016 on Protection and Empowerment of fishers, fish farmers and salt farmers – prohibits vessel owners to employ any fisher w/o a work agreement.

MMAF Regulation No. 33/2021 on MCS and Manning of FV **provides the basic conditions of employment on board FV**: minimum age (18), certification (skills), medical certificate, work agreement, working hours, rest period, remuneration system, leave, OSH risks, repatriation. Work agreements to be approved by harbourmasters.

What are the issues/gaps that need to be addressed?

- ▶ 1. Determine **under which legislation** national labour standards for FV should be defined, labour law, shipping law or fisheries law. Ensure coherent and comprehensive legal framework (avoid overlaps) - Laws & Regs Harmonization Team
2. Ability and capacity of the Indonesian Govt to **implement and ensure adequate compliance** with the national labour standard as defined in Reg 33 of 2021 and crew requirements on board ex-foreign FV. Promotion of decent work on board FV.
3. Agree on a **transitional period** with the industry to allow vessel owners to comply with Reg 33 of 2021 (action plan). Change and compliance cannot happen overnight
4. Currently, there is no national labour standard for **small-scale fishing vessels** (96% of the fleet)

What are the issues and gaps that need to be addressed?

- ▶ 5. Consider **limiting the number of consecutive days** that a fisher can spend at sea without taking shore leave (e.g. tuna long liners), making reporting of change of crew **mandatory**, and prohibiting **at-sea transfer of crew** on to another vessel

6. Ensure adequate implementation of, and compliance with, national labour standard on board **Indonesian DWF vessels** (tuna fishing fleet)

7. Need to develop a **clear national/provincial strategy for labour inspections of FV** based on risk assessment (high-risk vessels) and on cooperation between relevant national administrations (implementation). Port-side and at-sea inspections.

8. Improve **transparency** in the recruitment of crew for Indonesian fishing vessels

9. **Protection of migrant fishers** on board Indonesian FV

Thank you for your attention

