

## Indonesia's Collaboration with ILO to Protect Fishing Vessel Crews via Ship to Shore Rights

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### ABSTRACT

*ILO bersama International Organization for Migration (IOM) dan United Nations Development Program (UNDP) dengan pendanaan Uni Eropa, meluncurkan program Ship to Shore Rights South East Asia (S2SR). Program ini bertujuan untuk memperkuat kerangka hukum, melindungi hak-hak buruh, dan memberdayakan pekerja di sektor perikanan serta pengolahan makanan laut di Asia Tenggara. Pelindungan hak-hak awak kapal perikanan menjadi isu yang sangat penting, terutama mengingat kondisi kerja yang keras dan risiko tinggi yang dihadapi oleh pekerja di sektor ini. Tulisan ini menganalisis dinamika kerjasama antara pemerintah Indonesia dan ILO dalam pelaksanaan program S2SR, serta dampaknya terhadap kondisi sosial dan ekonomi awak kapal perikanan di Indonesia. Penelitian ini menggunakan pendekatan kualitatif deskriptif dengan teknik pengumpulan data melalui studi kepustakaan dan wawancara. Melalui analisis ini, peneliti akan mengeksplorasi efektivitas kerjasama Indonesia dan ILO dalam melindungi awak kapal perikanan melalui program S2SR. Pendekatan ini juga menggunakan teori triangular cooperation untuk memahami keterkaitan antara pihak-pihak yang terlibat. Dengan demikian, penelitian ini diharapkan dapat memberikan wawasan mendalam mengenai implementasi program dan dampaknya bagi para pekerja, serta rekomendasi untuk perbaikan kebijakan yang lebih baik di sektor perikanan.*

**Kata Kunci:** Kerjasama, ILO, Ship to Shore Rights South

### 1. Introduction

Seafaring can be said to be a difficult, dirty and dangerous job in poor working conditions offshore and vulnerable to exploitation. They contribute greatly to the global supply chain of the seafood industry. Unfortunately, their poor working conditions are the result of overlapping regulations, little access to skills development, and a lack of supervision. Some AKP are forced to endure excessive

working hours, poor accommodation and limited access to clean water and healthy food. They are also at risk of injury and accidents due to a lack of workplace safety equipment that does not meet international labor standards. Many cases of abandonment of fishing vessel crew have been reported. This neglect includes difficulties in repatriation followed by unpaid salaries, violence, death and even human trafficking (Nur, 2021). Human Rights Watch has reported that a number of AKP from various Asian countries have become victims of modern slavery (Human Rights Watch, 2021). Today, modern slavery is a scourge that affects every region of the world. The latest Global Estimates show that 50 million people are living in modern slavery in 2021 (Anti-Slavery International, 2021). Of these people, 28 million are in forced labor and 22 million are trapped in forced marriage. The number of people in modern slavery has increased significantly in the last five years.

Protection of fishing vessel crew (AKP) needs to be carried out to ensure the safety and welfare of AKP. The Indonesian government, through the Coordinating Ministry for Maritime Affairs and Investment, has received many reports regarding cases of fishing vessel crew which were reported in the complaint g-form on *website* [maritim.go.id](http://maritim.go.id). Reported cases include unpaid salaries, difficulty in repatriation, physical violence and exploitation. This happens to AKPs who work on fishing vessels at home and abroad.

Some examples of AKP neglect cases that were reported to the Coordinating Ministry for Maritime Affairs and Fisheries include the MT ASIAN GRACE case in Jeju, Korea, namely an Indonesian AKP that was abandoned by the ship owner in order to finance a trial at the Indian High Court regarding a case of violence committed by his superiors. The case of MV UNIPROFIT in Taiwan which experienced difficulties in repatriation and salaries were not paid. The Nambuk Ho case in Busan, Korea was that 6 (six) AKP tried to escape by swimming, one person died and the others were arrested by Korean immigration. In the case of the Timor Leste-flagged FV DOX, AKP was stranded at the Port of Berbera due to non-payment of salaries and difficulty in repatriation. In the case of Hsinlong 01 with

the Fiji flag, AKP experienced physical violence 2 (two) times and has not yet received clarity regarding repatriation.

From the cases above, it can be seen that protecting AKP is not an easy job, this is due to the lack of clear or detailed information about their actual numbers. The unavailability of appropriate statistics has led to difficulties in monitoring and protecting their rights in accordance with international labor standards. BP2MI through the Migrant Worker Protection Law regulates the recruitment and placement of migrant workers, including AKP. However, on the other hand, the Ministry of Transportation also regulates the recruitment and placement process for commercial seafarers and AKP. This causes overlap in AKP placement data. Most AKPs have inadequate skills due to a lack of practical training such as fishing drills and simulations. This results in limited understanding of their roles and job descriptions, shipboard language and how to use occupational health and safety equipment, including risk and hazard prevention. Employment agencies claim that current AKP competency standards have been set too high, as most job candidates in the sector have low levels of education. Meanwhile, competency standards will provide job protection, even though indirectly there are signs of misuse of competency standard certification. It is very important to adapt competency standards to industry needs.

Compared to work on land, labor inspection in the fisheries sector requires innovation, integrated policies and specific standard operating procedures. There are three international conventions that regulate the protection and welfare of AKP, including the STCW-F1995 Convention which regulates training standards, certification and guard service for fishing vessel crews, the ILO Work in Fishing Convention 2007 (No. 188) regulates PKL standards and protection standards. AKP, and the Cape Town Agreement (CTA) which is an agreement on international fishing vessel safety standards. Of the three international conventions, only STCW-F1995 has been ratified through Presidential Regulation Number 18 of 2019 concerning Ratification of the International Convention on Standards of Training Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (International Convention on

Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel Fishing Boat Crew, 1995) (PERPRES No. 18, 2019). Meanwhile, ILO Convention C188 and CTA have not been ratified. The legal framework in force in Indonesia is still considered weak because it still does not have regulations governing AKP protection standards because Indonesia has still not ratified the ILO Convention C188. In connection with this, there needs to be an attitude from the Indonesian Government to protect the welfare of AKP. The Indonesian government needs to establish coordination and cooperation between stakeholders in order to protect Indonesian AKP who work in kapal asing. In addition, it is necessary to establish partnerships with relevant stakeholders in the regional and international communities to promote bilateral agreements with countries where Indonesian fishing crews work. The stakeholders in question include international organizations at regional to international levels.

One of the international organizations responsible for supervising and protecting migrant workers, including AKP, is the International Labor Organization (ILO). As an international organization working in the field of employment, the ILO is responsible for handling AKP problems. The ILO is an international organization under the auspices of the United Nations which works specifically on employment issues. In the UN structure, the ILO is included in the Specialized *Agency* which specifically regulates labor and has a tripartite structure that gives workers, employers and the government an equal voice to promote decent work for all women and men (About the ILO, 2019). The ILO's position as a body under the auspices of the UN influences the urgency in resolving various labor issues in the world. In collaboration with its 187 member countries, the ILO strives to ensure that these labor standards are respected both in principle and in practice.

The ILO together with the International Organization for Migration (IOM) and the United Nations Development Program (UNDP) with funding from the European Union formed a program called Ship to Shore Rights South East Asia (S2SR) which aims to strengthen the legal framework, protect labor rights, and empowering

workers in the fisheries and seafood processing sectors in the Southeast Asia region (Asia, 2020). The program is focused on protecting the rights of migrant workers and addressing issues such as forced labor, illegal recruitment practices, limited information, and human trafficking. S2SR will promote labor migration laws, policies, practices and services that respond to labor needs in the fisheries and seafood processing sectors. This program will address protection gaps in the migration process, including through fair recruitment, as well as increase access to safe, orderly and regular migration by addressing exploitation, forced labor and human trafficking. S2SR will improve support services to migrant workers and strengthen their representation. It will also promote innovative, rights-based and safe solutions to manage labor migration and ensure decent working conditions. Weak regulations and the absence of a regulatory framework governing the protection of AKP, followed by the large number of reported cases of AKP neglect have created an urgency for the Indonesian Government to consider implementing the S2SR program in Indonesia.

The S2SR program first implemented in Thailand and funded by the European Union (2016-2020) implemented by the ILO in Thailand has promoted protecting the rights of migrant workers and addressing forced labor in the region. The project evaluation recommended expanding the S2SR project to Southeast Asian countries that have export-focused fisheries and seafood sectors, including Indonesia. The 4-year S2SR project started in 2020. This project will build on Thailand's achievements. It aims to promote orderly and safe labor migration and decent work for all migrant workers in the fisheries and seafood processing sectors in Southeast Asia. The ILO also promotes the S2SR program to several other countries in Southeast Asia, namely Vietnam, the Philippines, Cambodia, Myanmar and Laos. The S2SR program is running well at regional level. The ILO has carried out several agendas at regional level including: *Steering Committee and Program Management, Communications and Visibility Plan, Monitoring and Evaluation, Regional Coordination*, as well as *Research and Strategies* (3rd NPAC Meeting, Indonesia).

The ILO promotes the Ship to Shore Rights South East Asia program to the Indonesian Government through related ministries/institutions including the Coordinating Ministry for Maritime Affairs and Investment, the Ministry of Manpower, the Ministry of Maritime Affairs and Fisheries, the Ministry of Transportation, and other related institutions and has resulted in an agreement to carry out a breakthrough effort to improve employment protection for Indonesian workers in the fisheries sector. This program has been implemented in Indonesia since the first quarter of 2021. Several activities have been implemented, several commitments have been agreed and many other collaboration possibilities are open in the near future.

## **2. Conceptual Framework**

### **a) Triangular Cooperation**

To answer the problem formulation above, the author will use the Triangular Cooperation theory. The triangular is a basic shape in geometry and one of the strongest and most stable structures in existence. They are also at the heart of innovative ways of collaborating to achieve the Sustainable Development Goals (SDGs). Triangular cooperation occurs when countries, international organizations, civil society, the private sector, private philanthropy and other parties work together in groups of three or more, to jointly create flexible, cost-effective and innovative solutions to achieve the SDGs. There are various ways to rotate and form triangles, so triangular cooperation can actually take several forms. Some people argue that a triangle implies a hierarchy with one partner at the top, and therefore prefer to call it “trilateral” cooperation. Others consider flat triangles and describe horizontal collaboration. In the past there was a general understanding that triangular cooperation needed to include:

- 1) *The beneficiary partner*, request support to address specific development challenges,

- 2) *The pivotal partner*, often has proven experience in dealing with these issues, and shares his or her resources, knowledge, and expertise to help others do the same; And
- 3) *The facilitating partner*, helps connect partners, supports collaboration financially and technically.

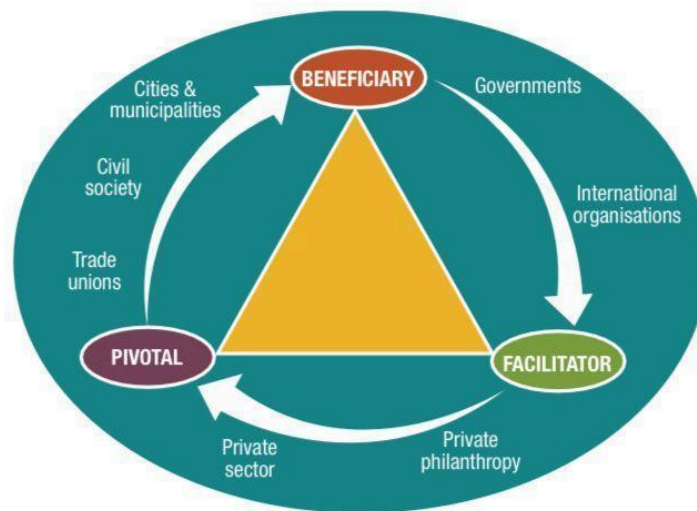


Figure 1. Triangular Cooperation Scheme

In dealing with the neglect of the Indonesian AKP, a Triangular Cooperation has been carried out with the European Union as The Pivotal Partner which has proven experience and shares resources, knowledge and expertise to fund the Ship to Shore Rights South East Asia (S2SR) program. ILO as The Facilitating Partner assisting in technical facilitation in implementing the S2SR program in Southeast Asia, especially Indonesia which plays a role as The Beneficiary Partner who asked for support to overcome the problem of AKP neglect which is a development challenge in line with national development priorities and needs.

### 3. Methodology

This research is a type of qualitative research that uses a descriptive approach. According to Sugiyono, qualitative methods are often referred to as naturalistic research methods because research is carried out naturally (*natural*

*setting*) (Sugiyono, 2009). Meanwhile, descriptive research is research with methods to describe research results. However, Sugiyono also explained that this depiction was not used to draw general research conclusions. Descriptive qualitative research aims to facilitate readers' understanding of the research content by describing problems using words and images, not using numbers. The author chose this method because this research does not require statistical data processing or other forms of calculation.

This research uses data collection techniques in the form of literature studies and interviews. The data that will be collected in this research is primary data in the form of interviews with related sources. According to Sugiyono, an interview is a meeting of two people to exchange information and ideas through questions and answers, so that meaning can be constructed on a particular topic. Interviews were conducted directly by researchers in the form of questions and answers with resource persons who acted as informants to obtain the data needed in the research. Interviews will be conducted with parties related to the topics raised in this research. On the other hand, secondary data obtained through study data collection techniques are carried out by collecting relevant or appropriate data needed for research from books, scientific articles, news and other credible sources that can be trusted and are also in accordance with the research topic being conducted so that later the research results can be accounted for.

#### **4. Results and Discussion**

##### **a) The Role of Each Partner in Ship to Shore Rights South East Asia Cooperation**

Migration of labor within and from Southeast Asia has a positive impact on economic growth and development for both sending and receiving countries. Migrant workers make significant contributions to key sectors that are economically and socially important to the countries in this region.

However, ensuring decent working conditions and protecting the rights of migrant workers in these sectors remains a challenge. In recent years, momentum for change has been achieved, with governments and social partners taking steps to improve labor migration regulations and working conditions in these sectors.

The European Union (EU) has demonstrated a strong commitment to enhancing the rights and working conditions of migrant workers in the fisheries and seafood processing sectors through various initiatives, notably the "Ship to Shore Rights South East Asia" (S2SR) project. This project, launched on August 1, 2020, and running until July 31, 2024, is a multi-country, multi-year initiative by the EU and the United Nations (UN), implemented by the International Labor Organization (ILO) in collaboration with the International Organization for Migration (IOM) and the United Nations Development Program (UNDP). Its primary goal is to promote regular and safe labor migration and decent work for all migrant workers in the fisheries and seafood processing sectors in Southeast Asia. Southeast Asian countries are among the world's largest producers and exporters of fish and seafood products, and migrant workers make significant contributions to these sectors. The program will address the nature of work in the fisheries and seafood processing sectors, as well as the barriers and risks within the migration system that can lead to unsafe migration, lack of decent work, abuse, and human trafficking for forced labor.

The initiative aims to empower migrant workers and their communities by enhancing their representation and access to information about their rights. This is crucial for promoting safe and orderly migration practices, combating illegal fishing, and improving working conditions. Specifically, the project has facilitated the adoption of the ASEAN Declaration on the Placement and Protection of Migrant Fishers, which emphasizes ASEAN leaders' commitment to protecting the rights of migrant fishers. In addition to the S2SR project, the

EU has been active in addressing broader issues related to migrant rights at sea.

The EU Agency for Fundamental Rights has called for improvements in search and rescue operations, better protection for survivors of shipwrecks, and the establishment of independent border monitoring to ensure the safety and rights of migrants (European Union Agency for Fundamental Rights, 2023). These measures are part of a comprehensive approach to reducing migrant deaths during dangerous sea crossings and upholding their fundamental rights. Overall, the EU's commitment to the Ship to Shore Rights South East Asia initiative and related efforts reflects a proactive stance in protecting the rights and welfare of migrant workers in the fisheries sector, aiming for sustainable improvements in working conditions across Southeast Asia.

The Ship to Shore Rights South East Asia program in Indonesia will build on the achievements of the 2016-2020 project implemented by the ILO in Thailand and the ILO's experience in promoting migrant workers' rights and addressing forced labor in the region (Asia, 2020). It will also leverage the IOM and UNDP's experience in combating human trafficking, improving recruitment practices, and ensuring access to information. In addition to Thailand, the program will deepen engagement with Indonesia, Cambodia, Laos, Myanmar, the Philippines, and Vietnam. Other Southeast Asian countries and ASEAN organizations may also be involved in regional activities.

Ship to Shore Rights South East Asia will support laws, policies, practices, and labor migration services that address the needs of both women and men in the fisheries and seafood processing sectors. The program will address protection gaps in the migration process, including through fair recruitment, and enhance access to safe, orderly, and regular migration by tackling exploitation, forced labor, and human trafficking. Ship to Shore Rights South East Asia will improve support services for migrant workers and strengthen their representation. It will also encourage innovative, rights-based,

and safe solutions for managing labor migration and ensuring decent working conditions. Additionally, it will promote policies to ensure that migrant workers are protected during the COVID-19 pandemic and included in crisis response and recovery efforts.

The Ship to Shore Rights South East Asia project involves Triangular Cooperation with the EU as the Pivotal Partner, providing proven experience and sharing resources, knowledge, and expertise to fund the program. The EU, as the pivotal partner, funds all activities related to the Ship to Shore Rights South East Asia program. The EUR 10 million (USD 11.29 million) budget targets current migrant workers, prospective workers, and returning migrant workers in the fisheries and seafood processing sectors, their families, and communities in both origin and destination countries. EU funding enables the program to address labor migration issues, particularly those related to Indonesian migrant fishers, and improve coordination among relevant ministries to enhance compliance with labor standards such as the ILO Work in Fishing Convention, 2007 (No. 188).

The ILO, as the Facilitating Partner, plays a crucial role in supporting this partnership financially and providing technical expertise for the program's sustainability. The ILO's main responsibility is to coordinate program implementation, ensuring that the goals of promoting regular and safe labor migration and decent work for all are achieved. Additionally, the ILO organizes workshops and various activities to develop guidelines and policies aimed at protecting the rights of migrant workers in the fisheries and seafood processing sectors. Overall, the ILO acts as a bridge between various stakeholders, connecting them and helping them collaborate effectively to achieve shared goals.

The ILO's role as a facilitator begins with outreach to all relevant stakeholders, including the Coordinating Ministry for Maritime Affairs and Investment, the Ministry of Manpower, the Ministry of Marine Affairs and

Fisheries, the Ministry of Transportation, the Ministry of Foreign Affairs, and the Indonesian Migrant Worker Protection Agency (BP2MI). This outreach addresses cases of abandonment of Indonesian migrant workers, followed by the establishment of a members' forum, with regular meetings scheduled to exchange information and discuss issues related to the indicators in the S2SR program.

Indonesia plays a crucial role as the Beneficiary Partner in the Ship to Shore Rights South East Asia program. The program works for everyone in the fisheries and seafood processing sectors to promote regular and safe labor migration and decent work. Indonesia, along with other Southeast Asian countries, is involved in the program to address the challenges faced by migrant workers in these sectors, such as unsafe migration, lack of decent work, abuse, and forced labor. The program focuses on strengthening legal frameworks, policies, and regulations related to labor migration and its standards, with a particular emphasis on protecting migrant workers' rights. By participating as a beneficiary partner, Indonesia contributes to improving working conditions, enhancing protection for migrant workers, and promoting fair recruitment practices in the fisheries and seafood processing industries in the region.

The Ship to Shore Rights South East Asia program involves Triangular Cooperation between the EU, ILO, and Indonesia. The program aims to improve protection for migrants, particularly those working in the fisheries industry, by implementing measures such as establishing harmonization teams for laws and regulations, capacity building, and strengthening coordination among relevant ministries. These collaborative efforts aim to improve working conditions, protect workers' rights, and ensure fair recruitment practices in the fisheries and seafood processing industries in Indonesia.

#### **b) Developments in the South East Asia Ship to Shore Rights Cooperation in Indonesia**

In the implementation of the Ship to Shore Rights SEA program, the ILO facilitates technical meetings to strengthen coordination with stakeholders to provide better protection to workers in the fisheries sector. Technical meetings were held through a forum called the National Program Advisory Committee (NPAC). The ILO held its first NPAC meeting on 21 July 2021 (Ilo.org, 2021). The tripartite-plus NPAC for Indonesia is a multi-stakeholder committee that provides technical, strategic, and policy guidance as well as oversight of program implementation at the country level. NPAC will ensure that the program remains aligned with national priorities and frameworks and responds to relevant political and policy changes. The meeting was chaired by representatives of the EU and the Indonesian Ministry of Manpower.

NPAC guided various representatives from ministerial institutions, employers and workers organizations to review and adopt the proposed work plan developed by the Ship to Shore Rights SEA program by taking into account the discussion process in a series of previous consultation meetings with relevant stakeholders in Indonesia. The proposed work plan adopted in NPAC emphasizes increasing decent work in the fisheries and seafood processing sector, including for migrant workers.

In the previous discussion, the three main objectives of the Ship to Shore Rights SEA program were explained. One of the main objectives is to strengthen the legal and regulatory framework regarding migrant workers and labor standards. The problem that occurs with the legal framework in Indonesia is that there is overlap and there is no harmony between applicable policies. To realize policy harmonization, Ship to Shore Rights SEA facilitated a meeting on October 6 2021 which agreed to the formation of a harmonization team in Indonesia (Ship to Shore Rights South East Asia Programme, 2021). The team will consist of experts from relevant ministries and government authorities, who will be responsible for reviewing and harmonizing laws governing working conditions for Indonesian fishermen, and for coordinating a joint inspection

system at the national level. This team will coordinate between labor inspectors and law enforcement in other relevant Ministries to improve monitoring and implementation of relevant labor standards on fishing vessels.

On April 11 2022, the Coordinating Ministry for Maritime Affairs and Investment issued a decision to form a harmonization team and confirmed the team's continued technical support (Ship to Shore Rights South East Asia Programme, 2023). This decision was developed with the assistance of the ILO and will support better regulatory coherence in the fisheries sector, as well as help reduce the gap between existing laws in Indonesia and ILO Convention C-188 of 2007. Currently, a harmonization team has been formed and has been running since 2022. This harmonization team will be the start of a strong regulatory and policy framework for protecting migrant workers, especially migrant AKP.

## **5. CONCLUSION**

The collaboration between Indonesia and the International Labor Organization (ILO) through the Ship to Shore Rights South East Asia program has made a significant contribution to improving working conditions and labor rights in Indonesia's fisheries sector. This collaboration reflects the importance of multilateral cooperation in addressing complex issues, such as the protection of fishing vessel crews. The program serves as an effective platform for sharing knowledge, experience, and best practices in the Southeast Asian region, thus raising awareness about labor rights and the protection of fishing vessel crews.

Through this program, the ILO has conducted training and outreach that helps crew members understand their rights, including the right to work in safe and decent conditions. This has led to a significant improvement in the understanding and application of fair and safe labor standards in the fisheries sector. The role of the Indonesian government, labor organizations, and local NGOs is crucial in the implementation of this program. Active support from regulators and other stakeholders

is necessary to ensure the program's sustainability and effectiveness. Sustainability is a key aspect, so ongoing capacity development for all stakeholders must continue. Additionally, regular monitoring and evaluation of the program's implementation, as well as the integration of sustainability principles into national regulations and policies, are required to ensure that the benefits of this program are felt in the long term and continue to impact future outcomes.

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