

A photograph of a fishing boat deck. In the center, several large, silvery fish are hanging from a rope, their mouths open. The background shows the blue hull of the boat and various equipment like yellow cranes and metal railings. The text "FISHER ORGANIZING IN INDONESIA: A COUNTRY CASE STUDY" is overlaid in a bold, dark blue font.

# **FISHER ORGANIZING IN INDONESIA: A COUNTRY CASE STUDY**

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## ***Fisher Organizing in Indonesia: Strategies and Challenges***



### **Purpose**

This report is one in a series of six country case studies which take stock of fisher organizing in six different countries in the global south. The other case studies are of Ecuador, Ghana, Mexico, Taiwan, and Thailand. These case studies are produced by the Accountability Research Center in partnership with the Fisheries Governance Project's Enforcement and Victim Protection Working Group.

### **About the Accountability Research Center**

The Accountability Research Center (ARC) is based in the School of International Service at American University. ARC bridges research and frontline perspectives to learn from ideas, institutions, and actors advancing strategies to improve transparency, participation, and accountability. For more, see [www.accountabilityresearch.org](http://www.accountabilityresearch.org).

### **About the Fisheries Governance Project**

FGP is a funder-practitioner collaboration working together to build a shared understanding of issues and solutions at the intersection of improved fisheries governance and advancements in labor rights. They center their approach on international treaties, improved market action, and enforcement and victim protection.

### **Acknowledgements**

Judy Gearhart designed the research approach, and led field interviews and report drafting. Field research was conducted in collaboration with Destructive Fishing Watch (DFW), an Indonesian NGO that takes a holistic, human-centered approach to fishery governance issues, considering both environmental policies and fisher rights protections. Moh Abdi Suhufan provided guidance and input on the research process and reviewed drafts of the report. Azizah Hapsari provided additional policy analysis, research, conducted additional calls with key experts, and co-wrote the report.

### **Cover photo**

Tuna unloading, by Serikat Buruh Migran Indonesia (SBMI)

## ***Fisher Organizing in Indonesia: Strategies and Challenges***

### **Acronyms**

AP2I	Asosiasi Pekerja Perikanan Indonesia
ASEAN	Association of Southeast Asian Nations
ARC	Accountability Research Center
CBA	Collective bargaining agreement
CMMAI	Coordinating Ministry for Maritime Affairs and Investment
CSO	Civil society organization
C 188	ILO Work in Fishing Convention No. 188
DFW	Destructive Fishing Watch
DWF	Distant Water Fleet
EJF	Environmental Justice Foundation
FGP	Fisheries Governance Project
FSP2N	Forum Solidaritas Pekerja Perikanan dan Nelayan Benoa
GLJ	Global Labor Justice
GR	Government Regulation
GSBI	Gabungan Serikat Buruh Indonesia
GT	Gross tons
HRWG	Human Rights Working Group
ICMW	International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families
IDR	Indonesian rupiah
IFW	Indonesian Fishery Worker
ILO	International Labor Organization
IOJI	Indonesia Ocean Justice Initiative
ITF	International Transport Workers Federation
IUU	Illegal, unregulated, and unreported
KPI	Kesatuan Pelaut Indonesia
MLC	Maritime Labor Convention
MMAF	Ministry of Marine Affairs and Fisheries
MoFA	Ministry of Foreign Affairs
MoLHR	Ministry of Law and Human Rights
MoM	Ministry of Manpower
MoT	Ministry of Transportation
NAP	National Action Plan for the Protection of Fishers
NFC	National Fisheries Centre
NGO	Non-government organization
PSMA	Port State Measures Agreement
SAKTI-SULUT	Serikat Awak Kapal Perikanan Bersatu, Sulawesi Utara
SBMI	Serikat Buruh Migran Indonesia
SPAN	Sahabat Perlindungan Awak Kapal Perikanan dan Nelayan
SPPI	Serikat Pkerja Perikanan Indonesia
TIP	Trafficking in persons
VMS	Vessel monitoring system

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## ***Fisher Organizing in Indonesia: Strategies and Challenges***

### **1. Executive Summary**

This report provides an overview of fisher-led organizing in Indonesia, primarily among migrant fishers on foreign flagged, distant water fishing vessels and to a lesser extent fishers on Indonesia's industrial fleet, and the key policy reforms impacting those initiatives. Much has been written about the horrendous abuses Indonesian migrant fishers suffer and the laws and policies needed to protect them, but very few reports have focused on fisher-driven solutions. This report will highlight some of the emerging organizing efforts led by Indonesian fishers, the challenges they face, and the support they need to secure access to remedy and better treatment for fishers.

Since media stories about migrant fishers in distress began to multiply between 2011 and 2013, the Indonesian government and the international community have significantly increased efforts to protect Indonesian migrant fishers. Protections for fishers on the country's industrial fleet have received less attention, although the abuses there are also egregious. This report will examine trends in technical support and the policies and laws designed to improve fisher rights protections, including initiatives to improve interministerial cooperation and advocacy for the ratification of ILO Convention 188 on Work in Fishing (C 188). It will review broad trends and four specific examples of fisher-led organizing in industrial fishing on both Indonesian and foreign flagged vessels. The report covers fisher organizing in both sectors for two reasons. Mainly, several of the former fishers turned organizers interviewed are offering support to fishers from both sectors, particularly those organizing at port. Additionally, building the capacity of fishers to negotiate better contracts on the domestic fleet could have knock on effects for migrant fishers and the broader worker movement in the seafood industry.

Currently in Indonesia, there is a rapid increase in the number of organizations providing support to fishers, including non-governmental organizations (NGOs) with expertise in forced labor and human trafficking, others with an expertise in marine and fishery sustainability, community-based organizations, and trade unions. The rise in support for fishers is well overdue. However, there is some fragmentation among initiatives and a blurring of roles between unions, anti-human trafficking groups, and environmental organizations, which need to be addressed if fishers are to build a more united labor movement and increase their bargaining power.

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### **2. Introduction**

Indonesia plays an important role in the global fishing industry. In addition to being the world's largest archipelago with a vibrant fishing industry, Indonesia supplies a significant number of migrant fishers to the international or distant water fleet (DWF) (Bukharin 2020; Dewanto, et al 2023). Though it's difficult to know how many migrant fishers are abroad at any given moment, the Indonesian Ministry of Foreign Affairs estimated there were 250,000 migrant fishers on foreign flagged vessels between 2013 and 2015, most registered to Taiwanese and South Korean vessels (IOJI 2022). More recent government figures project a decrease in that number. However, that may be due to a shift towards undocumented migration (Braam, et al 2020).<sup>i</sup>

#### **Box 1: Research scope**

This report is based on 55 qualitative interviews with unions, governments, civil society, and funders, as well as a desk review and follow-up calls with experts on recent laws and relevant literature on policies and programs intended to better protect fishers' rights.

The lack of clarity on the number of migrant fishers on foreign flagged vessels also results from gaps in the regulation of recruitment agencies, one of the major policy challenges advocates are currently working to address.

Indonesia also has an extensive domestic fishing industry, capturing the second highest volume by weight in the world after China. The vast majority (over 75%) are small scale fishers whose extensive grassroots organizing and policy advocacy are well-documented (Rifai, et al 2022). Fisher organizing and outreach to fishers on Indonesia's industrial and semi-industrial fleet is relatively weak, though some community-based support groups and fisher unions have combined outreach to these fishers with efforts to also orient and support migrant fishers. Through interviews conducted, it appears that several of the emerging unions in the sector function more as worker centers and in some cases placement agents rather than taking a traditional or Western approach to union organizing, mainly one that centers on dues-paying members building collective bargaining power. The precarious nature of work in fishing and the evolving landscape of fisher-support initiatives means organizing strategies often focus on providing services to engage fishers who have little to no prior experience of joining a trade union.

A 2024 report for the Freedom Fund and Humanity United highlights the need to distinguish between the strategies used by the range of organizations engaged in fisher support activities (Ford, Hasbiyalloh, and Palmer 2024). After a thorough review of the sector with an added focus on Freedom Fund partners, Ford, et al present a typology of organizational roles that distinguishes between services, organizing, and advocacy – helping to

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clarify that not all fisher support activities lead to the kind of organizing that builds collective power. This typology parallels one that ARC researchers have used to distinguish between engagers or service providers, organizers, and campaigners working to advance transnational corporate accountability (Gearhart 2023). Services and related awareness raising by NGOs can be critical to reaching hard-to-organize fishers, but only registered unions hold the legal right to bargain for better contracts. Equally important, union networks provide peer-to-peer learning and pathways to building bargaining power. Yet building members' collective bargaining power and ability to demand their rights without reprisals – the critical functions of trade unions – becomes difficult when a union's members go to sea for two years at a time with little to no ability to communicate with family or union leaders. Concurrently, the lack of organizing on Indonesia's industrial fleet is a missed opportunity to create better livelihood alternatives for fishers and expand organizing capacity among fishers.

In North Sulawesi, one young man's story crystallized the challenge of supporting and engaging fishers like him. A year prior to speaking with us, he had signed up with a local recruiter to secure the necessary papers and a placement, was flown to Peru, and boarded a Chinese vessel. He struggled to understand what was expected of him, was beaten by his captain, hospitalized in Peru, and then flown home after six months at sea with no earnings. When asked why not first work on a domestic fishing vessel and gain some experience before migrating again, he said the pay was much too low on the domestic fleet (often six to ten times lower). When asked what he would do next, he said he planned to sign on again and hoped things would work out better next time. When we relayed this conversation to other, former fishers and community organizers, they were not surprised. Most had heard similar stories from other fishers.

This young man's case helps explain the diverse outreach strategies that unions and civil society organizations need to work with migrant fishers, many of whom prefer to risk their lives on foreign flagged vessels than work on the domestic fleet. These initiatives have multiple goals, including: to dissuade young men from migrating or to at least seek out a recruitment agency (often called manning agencies) that is registered with the government, to provide legal aid and training to outgoing and returning migrants, and to better regulate the recruitment agencies that send fishers abroad. Given the extreme abuses in the industry and the urgent need to create protection mechanisms, many NGOs and unions talk more about providing services and advocating for legal reforms – that will improve their ability to secure remedy for fishers – than about organizing and collective bargaining strategies. Indonesia's sprawling geography can also make it challenging to connect pockets of local organizing to the kind of national



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movements needed to build collective bargaining power. This geographic dispersion, combined with the range of organizations now conducting outreach to fishers, makes movement building challenging.

### **3. Key Laws and Policies**

#### **3.1 Industry Overview and Current Policy Context**

##### ***3.1.1 The Indonesian Fleet and Industrial Fishing Crews***

During President Widodo's two terms in office (2014-2024), the Indonesian government has prioritized its capacity to police its waters and strengthen its maritime fishing sector. Their evident determination was manifest through the Minister of the Marine Affairs and Fisheries (MMAF), Susi Pudjiastuti, who pursued a very public policy of sinking (often blowing up) foreign vessels engaged in IUU fishing in Indonesian waters. Additional measures taken during Widodo's tenure included ratifying the Port State Measures Agreement (PSMA), banning transshipment, and becoming the first country to share its Vessel Monitoring System (VMS) data with Global Fishing Watch, albeit with a 72-hour delay (CEA Consulting 2018). Compared to the global fishery export growth of 221.15% over the ten-year period from 2009 to 2019, Indonesia's export growth was significantly lower, at 52% less than the global average (Aryudiawan and Suadi 2022). This discrepancy highlights potential inefficiencies and challenges within Indonesia's fishery sector. The slower growth rate could be attributed to a variety of factors, including inadequate infrastructure, regulatory challenges, overfishing, and environmental degradation. Despite slower growth, Widodo continued to secure investments in the industrial fishing sector through his second term, including investments in port infrastructure. However, there is little indication that President Subianto's administration will part from this maritime-driven development strategy.

According to Indonesia's MMAF data in 2023 (MMAF 2023), the country had 1,002,487 fishing vessels, comprising: 941,163 (93.88%) artisanal (non-motorized) and motorized vessels below 10 gross ton (GT); 53,812 (5.37%) semi-industrial fishing vessels between 10 – 30 GT and 7,512 (0.75%) industrial fishing vessels over 30 GT capable of distant water fishing. Yet with the world's sixth largest exclusive economic zone (6,159,032 km<sup>2</sup>), it can be challenging to monitor all activity on the water.

Recent documentation of forced labor and other entrenched abuses on the domestic fleet reveal a lack of clarity around contract terms, unsafe and unhygienic working conditions, extremely low wages, and very little union organizing (Mochtar et. al. 2023). Despite the ambitious policies adopted, referenced above, regulating and enforcing laws across the archipelago



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remain weak. Collapsing or poorly managed fisheries further exacerbate the abysmal working conditions on the domestic fleet. This situation should incentivize greater regulations of the domestic fleet to weed out the bad employers and alleviate some of the overfishing, but that does not appear to be happening. In 2019, President Joko Widodo advanced plans to increase private investments and liberalize the country's capture fisheries industry (DFW 2023).

Currently there is a lack of fisher organizing on Indonesia's semi-industrial and industrial fleets, but some initiatives emerging in North Sulawesi are discussed below. Fishers' rights are further undermined by the fact that there are conflicting guidelines coming from the MMAF, which allows for up to 91 hours a week in the fishing sector (Regulation 27/2021). In contrast, the Ministry of Manpower (MoM)'s guidelines define 40-hour weeks and stipulate rest days and maximum overtime (ibid.). Hence, many fishing sectors argue that the government should prioritize regulating rest hours over working hours. They assert that the nature of fishing work significantly differs from land-based occupations due to its heightened dependency on unpredictable factors such as nature, climate, and ocean conditions. This argument implies a critical need to reevaluate current regulatory frameworks, emphasizing the necessity of ensuring adequate rest periods for crew members. However, it also prompts scrutiny regarding whether such measures effectively address the myriad challenges faced by those in the fishing industry, including safety concerns and overall well-being.

One positive trend, which may help address diverging guidelines and weak enforcement, is the development of interministerial cooperation, which started in North Sulawesi in Manado. The Governor of North Sulawesi issued a decree in 2020 which established a legal mandate for collaboration among key regional departments on their approach to protecting fishing vessel workers. The regional Departments of Manpower, Transportation, and Marine Affairs and Fishery developed three working groups, engaged civil society, and created tools to guide the joint inspections. Manpower covers safety, social security, wages, hours, and working agreements at sea; Marine and Fishery checks fishing gear and vessel safety; and Transportation checks vessel documentation. The labor inspectors interviewed commented that the main complaints coming from workers include a lack of health and safety, difficulties in changing jobs from one fishing company to another, and a lack of adequate rest time stemming from a lack of clarity on how to define working hours and rest time while at sea (interviews in Manado, December 2022). The coordination among departments now gives important leadership to the Ministry of Manpower (MoM), and a better chance that their guidelines will be applied. The interdepartmental cooperation in Manado is important and it has increased union and NGO engagement with the local government

**Commented [KB1]:** Is this the right word? You've only discussed three sectors, really - and sectors can't argue. Should it be something different?

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inspectors. Currently, however, the findings from the interdepartmental inspections are only shared with the industry representatives, who argue sensitive information should not be public. This means NGOs and unions can only monitor progress based on the number of complaints received and resolved.

### ***3.1.2 Migrant Fisher Protections***

Indonesia has faced international pressure to better coordinate how the MoM and Ministry of Transportation (MoT) regulate recruitment agencies (IOJI 2022). To address the imperative of better protecting fishers going abroad, the government passed Law 18/2017, aimed at enhancing the coordination and regulation of migrant fisher recruitment processes. It took five years to pass the implementation regulations in 2022, but these now create an important opportunity to advance government support for migrant fishers. Given the delays, both trade unions and NGOs will need to monitor the implementation of the law and leverage it when engaging with employers and buyers in the sector. This section provides a snapshot of what has been a frequently changing regulatory regime. Annex II provides background information on the evolution of fisher protections, but protections for migrant fishers continue to change. Even as this report was being finalized, the Indonesian House of Representatives was discussing a Third Amendment, with the newly formed Ministry of Migrant Workers Protection.

One of the primary objectives of Law number 18/2017 was (originally) to transfer the oversight of recruitment agencies and their licensing from the MoT to the MoM, which also oversees the welfare of other migrant workers. Nevertheless, the extent of progress made towards this transition remains unclear. While several agencies are involved in this process (refer to Table 1), the key entities include the MoT, the MoM, and the newly created Ministry for Migrant Worker Protection (formerly the government, non-ministerial agency, BP2MI). Prior to the new Ministry, BP2MI was a technical agency coordinated by the MoM but reporting directly to the President. As Table 1 shows, five Ministries are involved in regulating fisher recruitment to ensure protection at every stage of employment, encompassing recruitment and placement, work on fishing vessels, and repatriation and remediation. However, they often operate in isolation, resorting to coordinated communication only in response to special cases such as the Long Xing 629 incident in 2020, which resulted in the deaths of four migrant fishers (McVeigh and Firdaus 2020). The lack of coordination among authorities is a prevalent issue raised by both NGOs and unions, and the government has acknowledged these concerns. Under President Prabowo Subianto, the Ministry of Manpower no longer regulates or oversees issues related to migrant workers, as these responsibilities are to be transferred to the Ministry of Migrant Worker Protection. The change signals a prioritization of

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migrant worker issues, but it is too early to assess the impact of this change on concrete action to support migrant fishers.

The lack of coordination among Ministries severely undermines the progress in implementing regulations aimed at protecting fishers. There exists no centralized database detailing the number and employment status of migrant fishers, leading to discrepancies in figures reported by various entities such as BP2MI, the Ministry of Foreign Affairs (MoFA), and the Directorate General of Immigration of the Ministry of Law and Human Rights (MoLHR). Compounding this issue, recruitment agencies have been documented separately, either by the MoM, which previously monitored licenses issued by BP2MI, or by the MoT, which issues a distinct kind of license for recruitment agencies. This has resulted in two disjointed lists tracking the work of recruitment agencies. Additionally, only recruitment agencies holding national legal licenses are accounted for, disregarding numerous agencies operating solely with local business licenses. Instead of addressing this critical issue collaboratively, government ministries engage in blame-shifting, exacerbating the problem. Consequently, the handling of fishers' complaints is prolonged, often resulting in unjust negotiations that deny fishers access to justice.

Table 1: Key government institutions for migrant fishers (2024)

Government institution	Roles and responsibilities
Ministry of Manpower	Issuing SIP3MI licenses to manning agencies (This role may shift to the Ministry of Migrant Worker Protection)
Ministry of Migrant Worker Protection	<ul style="list-style-type: none"><li>Regulating and implementing policies in the context of protection and placement of migrant fishers</li><li>Issuing SP2MI licenses</li></ul>
Ministry of Transportation	Authorize seaman's book and basic safety training for fishers; previously issued SIUPPAK license to manning agencies
Ministry of Marine Affairs and Fisheries	Authorizes basic safety training for fishers
Ministry of Foreign Affairs	Diplomatic representatives of the Indonesian government in destination countries, they help negotiate the repatriation of migrant fishers when they are stranded abroad

Hariyanto Suwarno, the chair of Serikat Buruh Migrant Indonesia (SBMI), noted the importance of having the MoM lead on the regulation of recruitment agencies.<sup>ii</sup> This sentiment resonates strongly with members of

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Serikat Pekerja Perikanan Indonesia (SPPI), who have also been grappling with this issue since 2013. In late 2013, 75 Indonesian fishers were held in a detention center for months (Brown 2016). An International Transport Workers' Federation (ITF) inspector in Cape Town, Cassiem Augustus, successfully persuaded the South African government to drop the unlawful charges and release them from the detention center. The ITF inspector also managed to arrange a charter flight back to Indonesia and provided each stranded fisher with USD 1,000 in compensation, which was supposed to be paid by the ship owners through the manning agency and later refunded to the ITF. The ITF never received the promised refund from either the manning agencies or the ship owners.<sup>iii</sup> Both SPPI and SBMI became involved in the case of 75 Indonesian fishers stranded in South Africa in 2013. They approached the Ministry of Manpower to seek assistance in securing compensation for the fishers after they returned, only to find that the Ministry was unable to intervene as the case fell outside their jurisdiction, unlike other migrant worker cases (land-based workers).

Activists drew important lessons from the numerous cases of fishers stranded abroad, including the 2013 case in Cape Town. Their advocacy also built on Indonesia's ratification in 2012 of the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families (ICMW), which clearly indicates in its definitions that seafarers and fishers are considered migrant workers, irrespective of the specific nature of their work. Thus, migrant fisher advocates succeeded in the enactment of Law 18/2017, which signifies a pivotal shift in addressing this critical issue. The law formally acknowledges migrant fishers as migrant workers, extending to them the protections and rights afforded to other migrant laborers (IOJI 2024). This further aligns the duty to protect migrant fishers through the Ministries of Manpower, rather than the Ministry of Transportation.

Despite limited progress in implementation, the US government's Trafficking in Persons report upgraded Indonesia from Tier 2-Watchlist to Tier 2 in 2023. This may have been a result of the enactment of Government Regulation (GR) number 22/2022, the implementing regulation of the law 18/2017. The 2023 TIP report made clear, however, that it monitors related developments, noting that:

*"...the government did not meet the minimum standards in several key areas. For the second consecutive year, the government did not report identifying or investigating any forced labor cases in fishing, and it continued to not fully prioritize the staffing or funding for effective oversight of this sector, despite long-standing, pervasive trafficking*

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*concerns.*" (Office to Monitor and Combat Trafficking in Persons 2023, p. 1)

This critical review maintains some pressure on Indonesia to improve enforcement and protection efforts. Yet there is a history that has created entrenched differences and administrative divisions among the various ministries about their roles and responsibilities, which has delayed the effective implementation of the 2017 law.

Several groups filed a joint lawsuit with Indonesia's Constitutional Court to challenge Law 18/2017, specifically the articles that recognize migrant seafarers and fishers as migrant workers. This challenge was brought forth by a manning agency (PT Mirana Nusantara Indonesia), an individual, and a worker association (Asosiasi Pekerja Perikanan Indonesia – AP2I). In response, several civil society organizations (CSOs) and unions formed a coalition to defend the law, arguing that it provides essential protection for migrant fishers and seafarers. The coalition emphasizes that the article aligns with the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (ICMW). Moreover, since Indonesia ratified the Maritime Labor Convention (MLC) in 2016, but has yet to establish derivative regulations, abolishing the article related to migrant workers would jeopardize Indonesian migrant seafarers and fishers who work on foreign-flagged fishing vessels.<sup>1</sup> In December 2024, the Constitutional Court rejected the lawsuit and upheld the law, opening the way for the newly created Ministry of Migrant Worker Protection to better protect migrant fishers going forward (IOJI 2024).

### **3.2 Gaps and Opportunities**

#### ***3.2.1 Improving the Regulation of Recruitment Agencies***

When the government introduced Law number 18/2017, it was seen as a triumph and celebrated by labor rights activists. It signaled significant shifts in the recognition of fishers as migrant workers deserving protection and clearly placed all migrant workers under the jurisdiction of the Ministry of Manpower. This pivotal moment coincided with the rebranding of BP2MI (formerly BNP2TKI and now the work is led by the Ministry of Migrant Worker Protection). The shift indicated not only a change in nomenclature but also a broader evolution in the approach of protecting the rights of Indonesia migrant workers. Although it took five years instead of the allotted two to pass the regulatory guidelines, GR number 20/2022, and implementation was further held up pending the aforementioned ruling by the Constitutional Court. With the creation of the Ministry of Migrant Worker

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<sup>1</sup> <https://www.mongabay.co.id/2024/03/01/perindungan-terhadap-awak-kapal-perikanan-terancam-oleh-uji-materi-uu-18-2017/>

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Protection, there is now an opportunity for NGOs and trade unions to come together to monitor how law 18/2017 will be implemented.

GR number 22/2022 mandates the replacement of recruitment agencies with SIUPPAK licenses to SIP3MI licenses within two years, placing all recruitment agencies engaged in migrant fisher recruitment under the supervision of one ministry; previously this was to be the Ministry of Manpower, but it may shift to the newly created Ministry of Migrant Worker Protection. Labor unions like SBMI, Serikat Awak Kapal Transportasi Indonesia (SAKTI), Gabungan Serikat Buruh Indonesia (GSBI), along with activists from the Human Rights Working Group (HRWG), Solidaritas Perempuan (SP) and other NGOs including Greenpeace Indonesia and Destructive Fishing Watch (DFW) have noted this mandate is a pivotal movement to restore the Ministry of Manpower's authority to regulate the recruitment of migrant workers, including seafarers and fishers.

Both NGOs and unions have called on the government to cease the issuance of SIUPPAK licenses by the Ministry of Transportation following the implementation of GR number 22/2022. Placing all migrant workers under the protection of one ministry could help enable a consolidated approach to regulating the recruitment agencies, one with a more dedicated focus on workers' rights and welfare. Nearly two years since the enactment of GR 22/2022, some progress has been achieved, albeit at a notably sluggish pace. This progress includes the dissemination and consultation of GR 22/2022 to relevant ministries, government agencies, local governments, manning agencies, and fishers. Additionally, efforts have been made to prepare implementation regulations, notably ministerial regulations aimed at governing both migrant seafarer and fisher recruitment processes, as well as regulating recruitment agencies.<sup>iv</sup>

With the renaming of BP2MI to the Ministry for the Protection of Indonesian Migrant Workers and the transfer of responsibilities from the Ministry of Manpower (MoM) to this new ministry, however, there is a likelihood of delays in implementing GR 22/2022. Drawing from past experiences, restructuring government bodies often requires considerable time. However, many hope the transition of responsibilities to the new ministry is expedited, as the implementation of GR 22/2022 has already been progressing at a very slow pace. GR 22/2022 is seen as a measure to address and hopefully resolve the conflicting roles between the MoM and MoT in governing migrant seafarers and fishers. Several stakeholders interviewed by the authors agreed that the government should also recognize and integrate more the role of the Ministry of Manpower in monitoring migrant fishers' welfare across countries. Some also emphasized the importance of having the Department of Immigration within the Ministry of Law and Human Rights

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playing a proactive role in early detection systems to identify potential cases of human trafficking or forced labor, particularly at the point of airport departures.

Ensuring the effective implementation of these policies will require a coordinated effort by civil society organizations to continue advocating for and monitoring government accountability in the seafood sector. International pressure (e.g. from US TIP report downgrades) may have helped move GR 22/2022 forward, but ensuring the changes are implemented, particularly given some resistance to change within the ministries, will require more transparent reporting and open monitoring.

There are two areas of policy advocacy and government monitoring that will be important to improve migrant fisher protections in light of the past and current policy reforms. Firstly, civil society organizations (CSOs) require a transparent and integrated data reporting process from key Ministries. This would enable them to monitor and alert fishers' organizations about problematic recruitment agencies. Enhanced transparency could be facilitated if seafood buying companies also demanded transparent reporting and even evaluations of recruitment agencies. Such actions could incentivize vessel suppliers to engage only with agencies that maintain good standing. Secondly, advocates are seeking to support and lift up models of interministerial cooperation. To date, these are mostly happening at the provincial level, but some of the lessons in collaboration could transfer to the national level agencies.

Transparent data reporting on the licensing of recruitment agencies will be key to the success of GR 22/2022, particularly for fisher organizers seeking to negotiate better contracts for their members. The ability to monitor the licensing of the recruitment agencies will also help strengthen grievance procedures, particularly if trade unions are able to accompany the process.

#### ***3.2.2 ILO C 188 on Work in Fishing***

Indonesia has resisted ratification of ILO C 188 on Work in Fishing even though ratifying the convention could benefit both Indonesian migrants and fishers on the domestic fleet. The government has hesitated and indeed ratification of ILO C188 would require new policies and greater oversight of its fleet. Although C 188 is meant to cover all commercial fishing vessels, Indonesia could invoke the Convention's Article 4 and start by requiring inspections of only the estimated 7,509 vessels over 30 GT in length.

Additionally, ratification of C188 could help Indonesia gain influence internationally and better encourage other countries to ratify the convention, thereby moving forward policies to protect the Indonesians currently working on foreign-flagged vessels. Finally, the implementation of ILO C 188 calls for



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coordination among all relevant authorities and clearly defined functions and responsibilities (C 188 Article 7) to govern work in fishing.

This lack of coordination has been one of Indonesia's greatest challenges, creating gaps in protection for both migrant and domestic fishers. The C 188 process would support emerging laws and some local initiatives seeking to improve that coordination. Ratifying and implementing C188 could help to focus these efforts and raise Indonesia's leadership in international discussions of fishing industry regulations.

Regionally, Environmental Justice Foundation (EJF) and Greenpeace, along with several Southeast Asian NGOs like Stella Maris, formed coalitions to advocate for C-188 ratification in ASEAN member states. To elevate the advocacy of C-188 at the national level, Greenpeace, EJF, SBMI and the HRWG initiated the formation of "Team 9" (or tim sembilan-9) comprising CSOs and fishing unions,<sup>v</sup> to work closely with the MoFA. Advocacy for the ratification of C-188 continues, "team 9" has prepared Roadmap Recommendation for Ratifying C-188 in 2023. The closest advocacy target in 2024 is facilitating the formation of the National Task Force and drafting the academic paper for ratifying C-188.<sup>vi</sup> While the MoFA and Coordinating Ministry for Maritime Affairs and Investment (CMMAI) have shown support for the principles of ILO C 188, the Ministry of Manpower which is responsible for ILO ratification remains hesitant for reasons noted above.

## **4. Accountability and Organizing Initiatives**

### **4.1 Fisher Rights Support and Advocacy**

Drawing on field interviews and a review of the literature, several trends stood out as contributing to a surge in organizing and support for industrial fleet fishers, both migrant fishers and fishers on the Indonesian fleet. Several of these interrelated trends include the rise in migrants seeking jobs on foreign fishing vessels, the exposés of egregious abuses at sea, the return of former migrants seeking to help younger fishers, and increased financing. Although traditional trade unions have recently increased outreach to fishers, the multiplication of groups involved in supporting migrant fishers is creating an eclectic and fragmented mix of initiatives, which could benefit from greater coordination and power building strategies.

Notable among the initiatives working to enhance labor rights in Indonesia's fishing industry in recent years are various initiatives led by the ILO. The SEA Fisheries Project (2017 to 2020) sought to coordinate efforts to combat human trafficking in Southeast Asian fisheries (ILO 2017). A key focus of the ILO has been on Indonesia's consideration of C188, for which the ILO provides technical analysis of Indonesian laws and regulations. Following

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SEA Fisheries, the ILO has continued with the Ship to Shore Rights Project, emphasizing engagement across seven ASEAN countries. Dialogues predominantly follow a tripartite approach, involving government, unions, and industry, while CSOs play observer and consultation roles.

Plan International ran the Safe Seas Project from 2018 to 2022, a project funded by the US Department of Labor to combat forced labor and human trafficking in fishing vessels in Indonesia and the Philippines (Plan International 2022). Like the ILO's SEA Fisheries Project, Safe Seas collaborated with Indonesia's Coordinating Ministry for Maritime Affairs and Investment (CMMAI – Under the new Cabinet 2024, the CMMAI has been dissolved, with its functions transferred to the Coordinating Ministry for Economic Affairs). At the local level, activities were carried out in Tegal, Central Java, and Bitung, North Sulawesi, in partnership with Destructive Fishing Watch (DFW). Rather than prioritize Indonesia's ratification of C-188, Safe Seas focused on developing a national policy to protect both migrant and domestic fishers from forced labor and trafficking, resulting in the draft of the National Action Plan for the Protection of Fishers (NAP) for 2021-2024 (ibid.). Unfortunately, the NAP was never enacted by the President and project funding has since concluded. The government's failure to enact the NAP may be attributed to the simultaneous consideration of two drafts: the NAP and the draft implementation regulation of Law number 18/2017. Under immense pressure from CSOs advocating for migrant labor issues and international scrutiny following the US Trafficking in Persons (TIP) report, which downgraded Indonesia's status to Tier 2-Watchlist in 2022, the Indonesian government opted to prioritize enacting the implementation regulations for Law 18/2017, known as GR number 22/2022.

Working at the local level, Safe Seas successfully established fisher centers in Central Java and Bitung in North Sulawesi, which continue to operate. A fisher center in Tegal closed after the project's completion in 2022. Additionally, Safe Seas, in collaboration with DFW, worked with the provincial governments' Departments of Manpower, Fisheries, and Transportation to encourage the interagency working group, which now runs joint port labor inspections in North Sulawesi, as described above. In May 2023, the ILO's Ship to Shore announced the launch of a joint inspection team including the MMAF and the Ministry of Manpower in Central Java.

While the fisher center in Tegal closed post-project, its counterpart in Bitung thrives. The establishment of the fisher center in Bitung included workshops and support for local leaders, including individuals who formed and continue to lead the United Fishing Crew union of North Sulawesi (Serikat Awak Kapal Perikanan Bersatu, Sulawesi Utara), which is known as SAKTI-SULUT for its acronym in Bahasa. DFW's team supported by Freedom Fund helped the

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formation of community-level groups called Sahabat Perlindungan Awak Kapal Perikanan dan Nelayan (SPAN), which are run by community volunteers doing outreach to inform and help prevent fishers from falling into forced labor.

Building on the need identified by community groups, DFW spearheaded the creation of the National Fisher Centre (NFC) that can be accessed online and is able to receive and channel responses to fisher complaints. The NFC, which primarily fields complaints from fishers on the Indonesian industrial fleet, is helping to track fisher concerns and struggles. Between 2019 and 2023, DFW received 123 complaints involving 356 victims, with 73 victims working within the domestic fleet and 55 being migrant fishers. DFW successfully resolved 63% of these cases during the same period <sup>vii</sup> (Mochtar et. al. 2023).

Starting in 2019, international organizations like EIJ began engaging with the Indonesian government, local NGOs, and fisher unions to advocate for migrant fisher protection. Greenpeace later joined forces with GLJ-ILRF to address similar issues in Taiwan and Indonesia, partnering with SBMI in Indonesia to drive advocacy efforts. In 2020 the Indonesia Ocean Justice Initiative (IOJI), which was founded by former staff from the MMAF's anti-IUU task force, also increased their advocacy for fishers' rights publishing a report on migrant fisher struggles (IOJI 2022). There have been some attempts among Indonesian NGOs to coordinate more, such as through the KORAL initiative, though that has mostly been focused on conservation issues. SBMI and Greenpeace both emphasized how closely they collaborate, while other collaborations among CSOs on fishers' rights appear more sporadic, tending to coalesce around specific policy advocacy such as the uptake of Regulation 20/2022 and more recently Team 9 for ILO C 188.

Starting in 2021 the Freedom Fund, a donor organization, launched the Seafood Hotspot project in Indonesia in collaboration with NGOs – DFW, SBMI, and IOJI – and several fisher unions including SPPI, AP2I, Kesatuan Pelaut Indonesia (KPI), and SAKTI-SULUT. The project remains focused on enhancing the protection of migrant fishers and fostering collaboration among CSOs and fishing unions within the coalition and expanding efforts to fisher organizing. This group appears to be generating some collaborative efforts in campaigning and advocacy.

However, the pathways for utilizing these programs and additional resources dedicated to fishers' rights remain unclear, particularly in terms of channeling them towards building a unified movement among seafood industry workers. Enhanced coordination and a delineation of responsibilities

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among funders could potentially facilitate the cohesion of unions and NGOs in advancing their collective objectives.

### **4.2 Fisher-led Initiatives: Advocacy and Organizing**

Increased financing for fishers' rights and work on the correlation between IUU and forced labor has helped to broaden the scope of what comes under the sustainable fishing umbrella. Several organizations focused on oceans are taking a more holistic, rights-based approach to fisher organizing efforts through policy advocacy and other technical support. Examples of these include Indonesian NGOs like DFW and Indonesia Ocean Justice Initiative (IOJI), and international NGOs like Greenpeace and the Environmental Justice Foundation. However, there are still relatively few traditional human rights organizations with a strong focus on fishers' rights and strengthening legal pathways to remedy. At the grassroots level, former fishers are pursuing strategies to engage fishers through community-based organizations and trade unions. Each one is pursuing an organizing approach that is adapted to the Indonesian context and still evolving.

Organizing unions for industrial fleet fishers and migrant fishers faces significant challenges in Indonesia. Several factors contribute to this difficulty. Firstly, fishers generally lack experience in participating in trade unions, and few Indonesian trade unions have a track record of organizing in this geographically dispersed sector. Although affiliates of the International Transport Workers' Federation, such as KPI, have a history of organizing seafarers, their focus has traditionally been on seafarer members, whose work differs significantly from that of marine capture fishing.

Moreover, job instability, lack of communication at sea, and the unpredictable nature of employment—where fishers often do not know their employer until just before departure—further hinder fishers' ability to engage with trade unions effectively. Consequently, Indonesian civil society organizations and emerging unions or worker organizations primarily advocate for better regulation of the sector and provide services such as pre-departure support and grievance handling to address these challenges.

The following examples represent four distinct worker-led approaches. The first two cases, the Sahabat Perlindungan Awak Kapal Perikanan dan Nelayan (SPAN) and SAKTI-SULUT, primarily operating at local and provincial level, are organizing fishers in and around the port of Bitung, North Sulawesi. The organizers are a mix of former fishers who have worked on the Indonesian industrial fleet and/or as migrant fishers on foreign flagged vessels. The scope of their work therefore reflects the demands of the community they are in, which means they provide support to returned and prospective migrant fishers as well as fishers on Indonesia's industrial fleet. The second

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two organizations, SPPI and SBMI, are well established and possess networks across the country and abroad. They offer two distinct approaches to supporting migrant fishers to secure better contract terms and access remedy when their rights are violated.

### ***4.2.1 Serikat Awak Kapal Perikanan Bersatu, Sulawesi Utara (SAKTI-SULUT)***

SAKTI-SULUT stands for the United Fishing Crew Union of North Sulawesi. Based in Bitung, North Sulawesi, SAKTI-SULUT is led by former fishers. They consist of fourteen people managing the organization. Of the four leaders interviewed one had worked on Korean vessels first in Indonesian waters and then in Africa for more than 20 years, two had worked as migrant fishers for more than 12 years, and one as a fisher on the domestic fleet. Arnon Hiborang, their Chairman, described in graphic terms the ordeal he endured when joining the international fleet in 2008. He described spending two weeks on a 'collecting vessel' sitting in port and living in quarters so cramped he could not lie down, while they waited to be placed on the fishing vessel. Despite the ordeal, he counted himself lucky because others spent longer there.

SAKTI-SULUT's work includes four areas of work.

- i. Building the capacity of members and non-members by helping them to earn a certificate of competence in fishing;
- ii. Preventing abuse and helping fishers detect the signs of human trafficking, particularly the most vulnerable workers who are getting jobs through word of mouth or social media as opposed to registered recruitment agencies;
- iii. Working on outreach to fisher families, coordinating with SPAN volunteers, to help field issues that arise, particularly when fishers report not receiving their pay;
- iv. Seeking to mediate with employers when fishers have a problem with an employer, and engaging the government if the issue is not resolved.

SAKTI-SULUT leaders had been convening informally and then participated in workshops convened by DFW for the Safe Seas project and from there decided on the need to strengthen their organization. Formed in October 2020 SAKTI-SULUT is a working union with a dues structure. By the end of 2022, they had 250 members with a dues structure staggered by the type of fishers joining. They charge IDR 20,000 in monthly dues for migrant fishers and IDR 10,000 for domestic fishers. In June 2024, Arnon Hiborang reported they had grown to 1,050 members including some in the local seafood processing sector, which fishers' wives had asked them to help organize. Their dues are now 30,000 per member but that includes access to medical care for members and their families paid for by the union. During their first

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two years they resolved 65 cases, including compensation for the families of fishers who had died. Two big cases that they were able to help were assisting deceased families to receive death insurance from Taiwanese vessels; one family received IDR 750 million and the other IDR 516 million. This has continued to be an important part of their work, but they have also expanded to do more member training and local advocacy for a better minimum wage in Bitung.

SAKTI-SULUT regularly convenes meetings with fishers at port to spread awareness of the importance of joining the fishing union. They also have a presence on social media such as Facebook, Instagram, and YouTube. Their services are available for a small fee for non-dues-paying members.

### ***4.2.2 Sahabat Perlindungan Awak Kapal Perikanan dan Nelayan (SPAN)***

These are community-based organizations in North Sulawesi, which literally translated means Friends for Fisher Protection. Each chapter is led by former fishers, some who worked on the domestic fleet, some on foreign flagged vessels, and some with experience in both sectors. SPAN members collaborate with the local governments in Batu Putih and Bitung and have had some support from the Freedom Fund and technical support from DFW's local staff. SPAN members are all volunteer, community-based networks which include a mix of former fishers and wives or mothers of fishers. They seek to engage returned youth and help orient youth looking to go abroad on what to expect, how to seek legal protection, and encouraging them to use registered recruitment agencies.

SPAN works with the National Fisher Centre coordinated by DFW. They receive complaints in person in Bitung and try to help resolve the cases or forward them on to DFW for additional support. They have also helped report cases of abuse to the local government and they collaborate with SAKTI-SULUT, the trade union working in the same area. The National Fisher Centre draws on the experience in Bitung where SPAN, SAKTI-SULUT, and the NFC coordinate a network of support locally for both migrant fishers and fishers on Indonesian-flagged industrial vessels. DFW coordinates the online management of the NFCs and has begun working to support an in-person office to receive complaints in Bali. There they are working with a worker center called the Solidarity Forum for Benoa Fishing Crews and Fishers, or Forum Solidaritas Pekerja Perikanan dan Nelayan Benoa - Solidarity Forum for Fisheries Workers and Fishers of Benoa (FSP2N).

### ***4.2.3 Serikat Buruh Migran Indonesia (SBMI)***

The Indonesian Migrant Workers' Union was founded in 2003 as a network of support for migrant domestic workers. The nature of the workforce they represent – mostly informal sector migrant workers – makes it difficult for

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SBMI to pursue traditional organizing and collective bargaining strategies, but they have a large network of members and significant protest capacity. SBMI leaders are returned migrant workers. In 2014 they became engaged in helping the Indonesian fishers who had been stranded in South Africa (MalayMail 2023). This was when SBMI realized that the government agencies were not really taking care of the fishers to ensure they received compensation. SBMI leaders are democratically elected every four years. They have 40 branches across the country and representatives in six countries: Chad, Saudi Arabia, Malaysia, Hong Kong, Singapore, and Taiwan. Each branch is autonomous and run by volunteers and local members' contributions. SBMI stopped collecting dues during the pandemic and most of the local chapters generate income by running local cooperative markets called SB-Markets.

Each SBMI branch sets its own agenda, and they contribute 25% of their income to the SBMI headquarters. Currently, most of the financing for SBMI's headquarters is from outside funding. As a rule, they do not take any fees for the help they provide workers, only administrative costs. SBMI maintains an impressive tracking system of worker complaints which they document annually in a report on recruitment agencies and the ships associated with them. From 2013 to the end of 2021, they received 634 complaints of human rights violations against Indonesian crew members on foreign flagged vessels, mostly Chinese, Korean, and Taiwanese. In addition to supporting worker complaints, they are also focused on policy reforms, with their current priority for fishing being the implementation law 22/2022 to regulate the recruitment agencies.

As noted above, SBMI has advocated for the MoM to take charge of regulating the manning agencies. From their two decades of experience supporting migrant workers across many industries, they believe the MoM will better enable them to pursue remedy. In 2013 they began seeking remedy for the 75 fishers who had been stranded in South Africa and became deeply frustrated when the MoM was unable to take on the cases. The fishers' demands for remedy were unmet, but several of those former fishers are still involved with SBMI as organizers today.

SBMI does not function as a trade union in the traditional sense of negotiating contracts with employers, yet their leaders talk passionately about the importance of solidarity and movement building. They are focused on securing remedy for all migrant workers and advocating for legal reforms so that remedy is more attainable. To that end, SBMI is also focused on movement building because their ability to show strength in their protests is an important part of both their advocacy capacity and the ongoing support they provide to migrants. SBMI chairman, Hariyanto Suwarno, emphasized



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that SBMI wants migrants to know the union is there for them and that they will always have a place where they belong.

As SBMI has increasingly worked with fishers, they also tailored some things to better capture fisher experiences. Again, they have learned from the experience of the fishers stranded in South Africa who were made to serve jail time because their vessel had been involved in IUU fishing, despite the fishers themselves being victims of forced labor. Today, after they ask a fisher all the key questions to document the abuses suffered, they also ask the fisher if he had to participate in IUU and if so in what way. The question has the potential to both strengthen the fishers' case and build awareness about the confluence of illegal activities at sea.

#### ***4.2.4 Serikat Pekerja Perikanan Indonesia (SPPI)***

Also known as the Indonesian Fisheries Workers' Union, SPPI was established to create awareness of the protection of Indonesian migrant fishers. SPPI's founder and chairman, Ilyas Achdiento Pangestu, after working as a migrant worker in Malaysia for about 15 years, returned to Indonesia in 2013. Leveraging his connections with influential figures in the fishing industry, he and colleagues from manning agencies established the Indonesian Fishery Worker (IFW). They successfully resolved unpaid salaries for Indonesian migrant fishers in Trinidad and Tobago. IFW was among the organizations and unions that opposed the government's 2014 attempt to place a moratorium on sending migrant fishers abroad. Due to diverging goals, Ilyas parted ways with IFW and founded a new fishing union called SPPI. In 2017, SPPI and SBMI were invited by the government to visit South Africa to meet with Indonesian migrant fishers. Through this initiative, SPPI identified three reasons why migrant fishermen are vulnerable. Firstly, they found that migrant fishermen took time to adapt to the demanding work as they lacked the necessary skills for working on fishing vessels. Second, the fishers don't speak the captain's language. And third, there is minimal involvement of the government in protecting them. After Cape Town, Ilyas and his team went to Mauritius and learned that fisher contracts were in Chinese and Bahasa, but the texts did not align and in case of a dispute the Chinese version prevailed.

Following these encounters, SPPI established a training center for migrant fisher candidates in Cirebon, West Java. However, since Taiwanese fishing vessels would accept unskilled workers regardless, the training programs became unnecessary. Despite rejection from Taiwan's side, Ilyas proposed a training program to the Indonesian government for fisher candidates being sent to Korean vessels through the government-to-government program. Since then, SPPI has trained between 800 to 1,400 fishers a year with training paid for by the fishers with the training facility subsidized or

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provided by the provincial government. In recent years, SPPI has signed Collective Bargaining Agreements (CBAs) with Taiwanese fishing associations, including the tuna association, squid association, and purse seine association, encompassing an estimated 1,000 fishing vessel companies across Taiwan. Ilyas asserts that these CBAs contain articles aimed at protecting fishers, and SPPI is adept at negotiating terms within them. Fisher employment contracts will refer to the CBA, automatically enrolling all fishers working on those vessels as SPPI members. Consequently, in cases of disputes or complaints from fishers, SPPI will represent them in dealings with vessel owners and manning agencies. This approach of union, recruitment agency, and vessel owners mirrors the Ministry of Transportation's approach of having all three parties sign CBAs before issuing SIUPPAK licenses.

Given the substantial number of fishers they represent (around 10 thousand members), it remains uncertain if SPPI maintains regular dialogue with their members and how effectively they capture fishers' voices to negotiate with employers. Communication is particularly challenging when fishers sign two-year contracts and often remain at sea with little to know port access during that time.

## **5. Conclusion**

Organizing fishers in Indonesia could be strengthened by strategies that bridge between families and fishers on both the country's industrial fleet and foreign flagged vessels. This report has touched on initiatives in both sectors, seeking to distinguish approaches in each. However, in seeking to identify some next steps for strengthening fisher unions, it became clear there are certain parallels and opportunities for connecting and thereby strengthening fisher organizing in both sectors. Notably, a key antidote to poverty-fueled migration is to improve the quality of jobs at home. In that way industrial fishers are connected whether employed on Indonesian or foreign-flagged vessels.

Fisher-driven strategies with promise are seeking to integrate their work in a way that reflects the movement of fishers within these communities and the families that look out for them when they are at sea, whether for three months on a domestic vessel or two years on a foreign flagged vessel. Coordination is a key challenge for Indonesian actors at both the government level and within civil society. Overlapping and conflicting regulations and the lack of coordination on registering recruitment agencies is a core policy challenge the government must overcome. Transparent reporting and constructive engagement of trade unions and NGOs will help ensure improvements and better monitoring of abusive vessel owners and recruitment agencies. Coordination among Indonesian trade unions and

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clearly defined support from NGOs will be equally important if fishers are going to build the capacity and the power to negotiate better contracts and working conditions.

### **5.1 Encouraging National Level Interministerial Coordination and Cooperation with Unions and NGOs**

Increased coordination across ministries at the regional level, such as the initiative in North Sulawesi, will improve inspections of the Indonesian fleet. Even more so, coordination at the national level is vital to better enable support organizations to track fishers and secure remedy. The adoption of GR 22/2022 will be important to obtain better oversight of the recruitment agencies. What would be more useful to support migrant fishers, however, would be to gain access to both ministries' lists of recruitment agencies and to begin evaluating the contracts and track records of those recruitment agencies and the vessel owners contracting them. This will then help to build a fisher-driven record of these agencies. This should be used in conjunction with government reporting on licensing status and, ideally, any pending cases or warnings against a given agency.

### **5.2 Joint Fishing Vessel Inspections for Domestic Fishing**

There are now two local initiatives for interministerial collaboration on joint inspections, one in Manado, North Sulawesi and one recently initiated in Central Java with the support of the ILO (ILO 2023). It will be important to compare lessons from each of these initiatives, given key differences. Although the Central Java initiative will benefit from ILO support and technical guidance based on C188, only Manado has a legal mandate requiring coordination across departments. These initiatives hold promise for the domestic fleet, but it will be important to evaluate how they are functioning, particularly in terms of transparency, stakeholder engagement, and prosecutions. Are they finding violations and what action are they taking to address those? What resources are needed to replicate such joint inspections? And are they engaging local unions and civil society to help support fishers? The various Ministries need to overcome competing laws and regulations such as the different ways the MMAF coordinates with MoM to better regulate workers on the domestic fleet, wherein they need to align contracting guidelines (DFW 2023).

### **5.3 Advocating for ILO C 188**

Advocacy for C188 is currently being led by a coalition of international NGOs, Indonesian NGOs, and unions engaged in lobbying efforts with relevant ministries. The coalition advocates for the government to establish a national task force under the president's mandate to expedite ratification. This process involves bringing together three parties for dialogue: governments,

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unions, and the private sector. However, 2024 was a year of transition to a new President, which came with some shifting national priorities for strategic programs and delays in securing government support for the ratification of ILO C-188. Despite strong advocacy, ratification of the convention is being challenged by vessel owners.

### **5.4 Building a Labor Movement**

Trade unions organizing fishes have struggled to engage employers, particularly vessel operators, in collective bargaining negotiations. To some extent the legacy of the SIUPPAK licenses, which enabled and required recruitment agencies to sign CBAs with unions, has contributed to the lag in negotiation strategies and to SPPI's sector-wide approach to engaging fishing sector associations. Yet Indonesian law also allows for a range of organizations to register as unions, even in cases like SBMI where their approach is not to organize workplaces and negotiate with employers, but instead to build community-based outreach and solidarity among migrant workers. Additionally, the lack of prior organizing experience in the sector, and the challenges in communicating with and organizing migrant fishers on the distant water fleet, has meant outreach strategies focus on providing services such as training and grievance handling to build the union's outreach. Yet these are activities also provided by NGOs, which often have more resources and technical capacity. Meanwhile, these unions have not prioritized the activities that distinguish a trade union, namely its ability to negotiate legally binding contracts and have their elected worker representatives protected from retaliation by law. Developing intentional negotiation strategies within an industry can also help connect disparate unions and help build a more unified labor movement with clear demands for not only new government policies, but also for industry reforms.

NGOs advocating for migrant fishers' rights can help by being clear about how their work supports fishers and their ability to form trade unions. Both funders and rights advocates need to respect and encourage trade unions' leadership in certain spaces. This can be furthered by NGOs – including anti-human trafficking groups, environmental justice groups, and others – providing direct support to trade union organizers and taking solidarity actions that prioritize organizing activities and the leadership of elected trade union representatives.

### **5.5 Fisher Complaints**

Encourage and support Indonesian civil society efforts to coordinate on fishers' rights advocacy, identifying specific areas of complementary or overlapping work. For example, SBMI is tracking migrant workers' complaints, and the National Fisher Centre is tracking complaints from both

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migrant and domestic fishers. These initiatives could work together to discuss how to provide the best services for fishers abroad and fishers on the domestic fleet and how to use that information to strengthen shared advocacy goals to improve fisher contracting and other protections. Although it's important for fishers to benefit from the increased number of service providers, the tracking and responding to complaints could also serve as grounds for collaboration and the building of trade union support networks. Given the numbers of complaints reported by both groups, there is a large need for expanding those support networks and enabling trade unions to negotiate better contract terms with employers. Stronger contracts would then make the remediation of complaints easier and help prevent abuses in the first place.

### **Notes**

<sup>i</sup> Notably, this is a fraction of the number of Indonesian migrant workers abroad. BP2MI (Badan Perlindungan Pekerja Migran), the National Agency for the Placement and Protection of Indonesia Migrant Worker has estimated 4.5 million Indonesians were working abroad in 2016. Yet a [2017 World Bank report](#) estimated there were 9 million Indonesians working abroad, though their breakdown of jobs held did not mention fishers.

<sup>ii</sup> Interview with author in New York, March 26, 2024.

<sup>iii</sup> E-mail correspondence with Rossen Karavatchev, April 24, 2024.

<sup>iv</sup> Ministry of Manpower presentation slide on the progress of implementing GR 22/2022

<sup>v</sup> This has included: Serikat Awak Kapal Transportasi Indonesia (SAKTI), Serikat Awak Kapal Perikanan Bersatu Sulawesi Utara (SAKTI-SULUT), Kesatuan Nelayan Tradisional Indonesia (KNTI), Serikat Nelayan Indonesia (SNI), Kesatuan Pekerja Pelaut Perikanan Indonesia (KP3I), Human Rights Working Group (HRWG), Serikat Buruh Migran Indonesia (SBMI), Rumoh Transparansi (Sumatera Environmental Initiatives), Koalisi Rakyat untuk Keadilan Perikanan (KIARA).

<sup>vi</sup> Email correspondence with Greenpeace Indonesia as the secretariat of team 9, March 15, 2024.

<sup>vii</sup> DFW Instagram page,  
[https://www.instagram.com/p/C4kVF2arqDL/?igsh=MXAzY25seDZnb2ZieQ%3D%3D&img\\_index=3](https://www.instagram.com/p/C4kVF2arqDL/?igsh=MXAzY25seDZnb2ZieQ%3D%3D&img_index=3)

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### **Annexes**

#### **Annex I: Comparison of International Conventions for Fishers and Seafarers**

***Table 1: International Treaties in Indonesia***

Convention for fishers' protection	Internationally in force	Indonesia ratification	Convention for seafarers' protection	Internationally in force	Indonesia ratification
IMO Cape Town Agreement (2012) on Safety of crews and observer and stability of vessel	Not yet	Not yet	IMO SOLAS on Safety of crew, 1974	Yes	Ratified with Presidential Decree number 57/2017
IMO Standards of training, certification and watchkeeping of seafarers - STCW (1995)	Yes	Ratified in 2019 with Presidential Decree number 18/2019	IMO Standards of training, certification and watchkeeping of seafarers - STCW (1978)	Yes	Ratified in 2019 with Presidential Decree number 18/2019
IMO COLREGs on preventing Collisions at sea 1972	Yes	Ratified in 1979 with Presidential Decree No. 50/1979	IMO on Load Lines (LL) for vessel stability	Yes	Ratified in 2017 with Presidential Decree No. 84/2017
ILO Maritime Labour Convention 2006	Yes	Yes, through law 15/2016 (fishers not covered)	IMO COLREG on preventing collisions at sea 1972	Yes	Ratified in 1979 with Presidential Decree No. 50/1979
IMO MARPOL on environmental protection, 1973/78	Yes	Ratified in 1986 with Presidential Decree No. 46/1986	ILO Convention 188 on Work in Fishing	Yes	Not yet, but fisher unions & NGOs are advocating

Source: developed by Azizah Hapsari

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### **Annex II: The Evolution of Migrant Fisher Protections**

Understanding the current policy context in Indonesia also requires a look back at how the various phases of the government's efforts to protect migrant workers have generated some of the current challenges to policy coherence (see Table 3 below for key laws and policy reforms). Indonesians have long gone abroad to work, dating back five centuries (Hugo), but it was not until 1970 that the Indonesian government decided to initiate government to government collaboration with Malaysia to protect Indonesians abroad. Then in 2004 Indonesia passed Law number 39/2004 to create BNP2TKI (what then became BP2MI and now under Subianto's cabinet is the Ministry of Migrant Worker Protection). BNP2TKI was responsible for proactively protecting migrant workers and for regulating recruitment agencies by requiring companies to have a SIPPTKI license for recruiting migrant workers.

In 2013, however, the MoT introduced a conflicting regulation, number 84/2013, creating a separate license called SIUPPAK for recruitment agencies sending seafarers and fishers abroad. According to this regulation, recruitment agencies seeking SIUPPAK licenses should attach collective bargaining agreements (CBAs), signed by vessel owners, seafood company associations or vessel operators, recruitment agencies, and seafarers' or fishers' unions. This legal framework, which created multi-party CBAs, was intended to ensure trade unions engage in placement-related negotiations for workers' welfare.<sup>viii</sup> Yet it also created incentives for recruitment agencies to sign CBAs whether or not workers had organized and demanded one. Vessel operators then signed these CBAs as a mostly proforma part of their agreements with the recruitment agencies. The Ministry of Transportation issued SIUPPAK licenses to several recruitment agencies, which may not necessarily be the same ones registered with the Ministry of Manpower. This dual licensing system raises questions about coordination and clarity in government regulations as some argue that employment affairs should fall under the authority of the Ministry of Manpower, regardless of job type—whether land-based or sea-based. Government Regulation number 22/2022 aims to address this issue, nearly 10 years after the conflicting regulation (number 84/2013) was enacted, by returning the recruitment agency licensing system to the authority of the Ministry of Manpower.

Also in 2013, BNP2TKI issued Chief Decree number PER.03/KA/I/2013, invoking a moratorium on migrant fishers going abroad. Several critical issues prompted the issuance of this decree. One of the major concerns was an alarming increase in cases of migrant fishers falling victim to human trafficking and forced labor. Awareness increased significantly following the Sajo Oyang case in 2011, when 32 fishers abandoned their vessel in New Zealand to protest extreme abuse.<sup>ix</sup> Another issue prompting the 2013

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moratorium was the large wage gap between migrant fishers earning \$150 and seafarers earning four to eight times as much – an additional indication of migrant fishers' vulnerability. The significant difference between seafarers and migrant fishers is also evidenced in the statistics showing that 92% of human trafficking cases at sea involve migrant fishers.<sup>x</sup> In the end, the Indonesian unions, including SPPI and KPI, protested on the street and lobbied the government and, according to SPPI's chairman, the moratorium was never implemented.<sup>xi</sup>

***Table 2: Key laws and policy reforms to migrant fisher protections in Indonesia***

Year	Law/regulations	Key institutions	Description
2004	Law number 39/2004 on placement and protection of Indonesian migrant workers.	Ministry of Manpower. Law revoked and replaced with Law number 18/2017	Establishment of BNP2TKI and regulating recruitment agency with SIPPTKI license (now it's called SIP3MI)
2007	Law number 21/2007 on eradicating criminal acts of human trafficking	Ministry of Law and Human rights	Prosecution of corporations or individual committed human trafficking
2013	Ministry of Transportation Reg No. 84/2013 on Seafarer recruitment & placement	Ministry of Transportation	Regulating competing recruitment agency for seafarers & fishers with SIUPPAK license
2013	Chief of BNP2TKI Decree number PER.03/KA/I/2013 on recruitment methods and protections of Indonesia migrant fisher working on foreign fishing vessel	BNP2TKI is the former name of BP2MI (Indonesian migrant worker protection agency). This may have no longer valid since Law number 18/2017 has been enacted in 2017	Acknowledgment of distinct recruitment process between land base migrant workers, migrant seafarers and migrant fishers. Migrant fishers receive lower wages than seafarers and are more prone to abuse. The regulation proposed collective bargaining agreement (CBA), sea working agreement (PKL), and stringent regulation on recruitment agencies.
2015	Circular letter of BNP2TKI SE.01/ 2015 on moratorium on sending migrant fishers	BNP2TKI. Implementation of this regulation is unknown	Due to numerous cases since 2012-2015 of forced labor and human trafficking experiencing by migrant fishers, BNP2TKI issued a moratorium on sending migrant fishers, though fisher unions protested and

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			effectively blocked its implementation.
2017	Law no 18/2017 on protection of migrant workers	Ministry of Manpower, BP2MI and Ministry of Transportation	Protection of migrant workers in each step of employment (recruitment, placement and repatriation), recognizing seafarers and fishers as migrant workers, building database of migrant workers, free recruitment fee, required to have cash deposit for recruitment agency, working agreement
2022	Government regulation number 22/2022 on protection and placement of migrant seafarers and fishers	Ministry of Manpower, BP2MI	Implementing Law no 18/2017 for specific migrant fishers and seafarers, special mandate is replacing recruitment agency issued by Ministry of Transportation (SIUPPAK) to be issued by MoM (SIP3MI),

Source: compiled by Azizah Hapsari

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### **Annex III: ILO Conventions Ratified by Indonesia**

***Table 3: ILO conventions ratified by Indonesia***

<b>Convention</b>	<b>Ratification</b>
ILO C29 (1930) and C105 (1957) on abolition of forced labor	Ratified in 1999 - Law number 19/1999 on abolition of forced labor
ILO C87 (1948) on freedom of association and protection to the rights of organize convention	Ratified in 2000 w Law number 21/2000 on labor union
ILO C98 (1949) on right to organize and collective bargaining convention	Ratified in 1956 with Law number 18/1956 on the right to organize and collective bargaining convention
ILO C100 (1951) on equal remuneration	Ratified in 1957 with Law number 80/1957
ILO C111 (1958) on discrimination	Ratified in 1999 with Law number 21/1999
ILO C138 (1973) on minimum age (child labor)	Ratified in 1999 with Law number 20/1999
ILO C182 (1998) on worst forms of child labor	Ratified in 2000 with Law number 1/2000

Source: compiled by Azizah Hapsari

<sup>viii</sup> See descriptions of SPPI organizing strategies below.

<sup>ix</sup> In June 2011, 32 crew walked off the Korean flagged vessel, the Sajo Oyang 75, in Christchurch, New Zealand. The extreme abuses they exposed triggered additional investigations and some reforms. Stringer, Christina, Ani Kartikasari, and Snejina Michailova. "They Make a Business out of Desperate People': The Role of Recruitment Agents in Cross-Border Labour Chains." *Australian journal of management* 46.4 (2021): 672–689. Web.

<sup>x</sup> Ibid.

<sup>xi</sup> Kesatuan Pelaut Indonesia (KPI-Indonesian Seamen Union) and Serikat Pekerja Indonesia Luar Negeri (SPILN- Indonesian Migrant Worker Union) called the moratorium a violation of workers' rights and threatened to protest in front of the government offices. Notably, the International Labour Organization (ILO) reported government data showing that following the moratorium, there was a significant decline in international recruitment from 75,000 fishers to 23,000 fishers annually (Braam 2020, p 2). This decline may only reflect official government channels, but it is another example of conflicting information from unions and different government agencies.