**Key questions and input**

1. **What are the main human rights challenges facing small-scale fishers and fish workers in your country?**
2. Quasi-Recognition of Small-Scale Fishery Actors

Recognition of small-scale fishery actors, including fish catchers, pre-catch, and post-catch activities in small-scale fisheries, remains quasi (semi-real). In its national regulations, Indonesia has acknowledged the fishing enterprise encompassing pre-fishing, during fishing, and post-fishing production. However, there is only a definition of small-scale fishers, which is then undermined by the latest legal rule, the Job Creation Law (Omnibus Law method), which is highly neoliberal. With this change, the definition of small-scale fishers is limited to those in the catch sector for subsistence.[[1]](#footnote-1) The previous definition provided a technical phrase with a scope of a maximum gross tonnage of fishing vessels of 5 GT or 10 GT.

Furthermore, data on real small-scale fishery actors is invalid. This is partly due to the registration burden for small-scale fisheries businesses being on small fishers as regulated in Article 61 paragraph (5) of the Fisheries Law.[[2]](#footnote-2) This is contrary to the state's duty and responsibilities, both central and regional, to actively register and document small-scale fishery actors. The government has initiatives through the Fishery Business Actor Card, but still places the initiative of data collection on small fishers and civil society, not on the government, which has duties and responsibilities in human rights. To date, data on the number of small-scale fishery actors is minimal and invalid, resulting in small-scale fishers at the village level not being recognized, leading to a lack of further protection for small-scale fisheries enterprises.

1. Lack of Tenurial Protection

Due to the burden of registration of small-scale fishery actors not being on the state, there is a lack of further protection, including tenurial protection for small-scale fisheries. In national regulations, small fishers are given the freedom to fish throughout Indonesian fishing territories as stated in Article 61 paragraph (1) of the Fisheries Law.[[3]](#footnote-3) However, there is no recognition of fishing areas designated for small-scale fishing zones in the Marine Spatial Planning regulations, such as regional regulations on zoning plans for coastal areas and small islands. In the marine spatial planning guidelines, there is only recognition of “catch fishing” areas in the zoning plan for coastal areas and small islands.[[4]](#footnote-4) This is contrary to the Code of Conduct of Responsible Fisheries and the Small-Scale Fisheries Guidelines, which provide “preferential access” for small-scale fishers.

As a result, small-scale fishers face large-scale fishing corporations and also confront various coastal infrastructure developments and pollution. These include maritime transport, sea wall construction, and artificial island reclamation for luxury residences to extractive industries such as the transit of coal and nickel barges operating in coastal areas. The central government's authority is increasingly authoritarian with the return of authority for intervention in marine spatial planning at the regional level in the name of strategic interests. These national strategic interests are in the form of National Strategic Projects, which are mega-infrastructure on a massive scale.

Yet, Article 25 paragraph (5) of Law No. 7/2016 on the Protection and Empowerment of Fishers, Aquaculture, and Salt Farmers mandates providing living space and access to small-scale fishers, traditional fishers, small-scale aquaculture, and small-scale salt farmers in every planning, including spatial planning. The explanation of Living space includes areas or zones for catching or cultivating fish, places for docking fishing vessels, and residences for them. On paper, there are duties and responsibilities to protect small-scale fisheries, but in implementation, it appears hollow.

1. Social Protection, Safety at Sea, and Financing Facilitation

The impact of the current climate crisis is undeniable. Weather anomalies can increase the vulnerability of small fishers in catch fishing activities. Also, the rise in sea temperature can affect the distribution and abundance of fish, negatively impacting the catch of small-scale fishers who depend on specific seasons and locations.

The vulnerability and danger of fishing activities are recognized, and one solution is fishery insurance. However, the implementation of this policy is minimal and tends to be overlooked by the government, even though it is mandated in Law No. 7/2016 to have fishery insurance. Insurance is a protection measure for the risk of loss or damage to fish catching, aquaculture, and salt making facilities, and for work accidents or loss of life for fishers, aquaculture, and salt farmers.

Small-scale fishers often work in harsh and high-risk conditions, including sailing far out to sea. They may also have limited access to health services, making them vulnerable to illness and injury. This is due to the lack of recognition of national safety guarantee protections that are easily and affordably mandated in Law No. 7/2016. Small-scale fishers still face difficulties in accessing financing facilities for ship repairs, equipment, and working capital, hindering their ability to increase productivity.

1. Market Access

Small-scale fisheries still struggle to access profitable markets and efficient distribution. The lack of fair purchasing price information for fishery commodities hinders small fishers from getting a fair price for their catch. This difficulty is a long-standing issue faced by small fishers generationally. Dependence on middlemen is a common portrait of poor fishers in Indonesia.

1. **What good practices could be shared from your country that has strengthened the recognition, protection and remedies for small-scale fishers and fish workers?**

Indonesia has implemented several good practices to strengthen the recognition, protection, and remedies for small-scale fishers and fish workers. Some of these include:

1. The country has promoted community-based management of fisheries in several areas, which involves local communities in decision-making processes. This approach helps to ensure that the management of fisheries resources is sustainable and beneficial to local communities.
2. Strong measures against illegal, unreported, and unregulated (IUU) fishing have been taken, which helps to protect the livelihoods of small-scale fishers by ensuring sustainable fish stocks.
3. Introducing social security schemes and insurance for small-scale fishers to provide them with protection during off-seasons or in case of accidents.
4. **To what extent small-scale fisheries, coastal communities, and fishery workers have been included in national and international policy processes related to the fisheries sector?**

At the national level, policies related to the marine, coastal, and fisheries sectors seem to descend from the heavens without any meaningful participation from the community. Various policies issued by the state never involve small-scale fishing communities, coastal populations, or fishery workers. One example is the provisions of Law No. 7/2016 titled 'Protection and Empowerment,' which ostensibly respects and protects the dignity of small-scale fishery actors.

Upon closer examination, the provisions of Law No. 7/2016 are not specifically targeted at actors within the small-scale fisheries scope. Instead, intentionally, Article 6 letter d also encompasses business actors in fisheries with the terminology 'Fisherman Owner who owns fishing vessels, whether in a single unit or in a cumulative total of more than 10 (ten) GT up to 60 (sixty) GT used in fishing enterprises.' On the same note, Law No. 7/2016 does not recognize women as fishery actors but domesticates them by considering their involvement and role in fisherman households.

Furthermore, since the enactment of this law in 2016, the government has not issued any specific implementing regulations. Although the Indonesian Government highly regards the provisions of Law No. 7/2016 as a good intention, its standards are still far from meeting human rights norms in the implementation of the SSF (Small-Scale Fisheries) Guidelines. Civil society organizations view Law No. 7/2016 as a significant breakthrough for the advancement and fulfillment of human rights for small-scale fishery actors, yet it remains a paper tiger.

1. **What are the main concerns regarding working conditions in the fisheries supply chain? Which parts of the supply chain are the most dangerous or problematic?**

Primary concerns regarding working conditions in the Indonesian fishing supply chain encompass several critical aspects:

1. The most dangerous or problematic part of the supply chain is usually at the production/fishing stage, especially on fishing vessels. Conditions on these vessels are often poorly controlled, leading to high risks for worker safety and health, including the absence of state-facilitated safety equipment like life jackets for seafaring on fishing vessels.
2. Exploitation and Modern Slavery: There are reports of workers suffering severe exploitation, including modern slavery. This often occurs among workers from impoverished areas or neighboring countries seeking employment on fishing vessels.
3. Poor Working Conditions: Many workers face extremely poor working conditions, including long working hours, a lack of safety equipment, and limited access to medical facilities.
4. Human Rights Violations: There are instances of human rights violations, including physical and psychological violence, as well as illegal detention.
5. Child Labor: The fishing industry is also accused of involving children in hazardous work.

**For a further communication:**

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1. The change in the definition of small fishers in Article 1 number 11 of the Fisheries Law due to the Job Creation Law becomes: 'Small Fishers are people whose livelihood is catching fish to fulfill their daily needs, both those who use fishing vessels and those who do not use fishing vessels.’ [↑](#footnote-ref-1)
2. Article 61.(5) Small fisher and small fish breeders must register themselves, their businesses and activities to the local fishery institution without being imposed with charges for statistical purposes and empowerment of small-scale fishermen and small fish breeders. [↑](#footnote-ref-2)
3. Small-scale fishers are free to fish in all areas of fisheries management area of the Republic of Indonesia. [↑](#footnote-ref-3)
4. Article 7 letter f, Article 8 paragraph (6), Minister of Marine Affairs and Fisheries Regulation No. 28/2021 regarding the Implementation of Marine Spatial Planning. [↑](#footnote-ref-4)