

Indonesia takes action to protect the rights of fishermen

Tuesday 24 January saw Indonesian Maritime Affairs and Fisheries Minister Susi Pudjiastuti take the latest step in protecting the rights of fishermen in Indonesian waters. Ministerial Regulation No. 2/2017 “creates a certification mechanism to ensure the fishing industry here is free from human rights violations” declared the Minister.

Revelations of the enslavement of Myanmar men by a fishing company operating out of the island of Benjina in Maluku, Indonesia in early 2015 rightly sent shock waves around the world. Yet this was just the tip of the iceberg. Such things continue across the world’s oceans as fishermen and other seafarers labour in a largely unregulated environment where servitude, pain and fear are too often their constant companions. For, as the recent report by the International Organization for Migration (IOM) on the Indonesian fisheries industry points out,¹ this is an area in which national and international legislation is largely lacking.

Indonesia has taken measured steps to address the issue, however, the first being the setting up of a task force to counter illegal fishing operations, as frequently these are closely tied to forced labour and human trafficking. To address the rights of those engaged in the legal industry, meanwhile, the Regulation on Fisheries Human Rights System and Certification was signed in December 2015.

Although a year has since passed before the implementation Regulation on Fisheries Human Rights Certification Requirements and Mechanism was signed this January, it was essential to ensure that it was both feasible and supports rather than hinders the establishment of a sustainable fisheries industry in Indonesia.

Simply put, under the new regulation, companies that fail to obtain human rights certification will not be allowed to operate in Indonesian waters. Among the requirements are a human rights policy, means of due diligence and remediation system in cases where violations may have occurred. Moreover, in a world first to ensure the wellbeing of both fishermen and port workers, each company in the fisheries sector will be required to submit the report of a detailed human rights audit.

No one is naive enough to expect full compliance from day one, but with mandatory annual surveillance audits, plus regular crew list checks, etc. by harbour masters and provisions for any

¹ <https://indonesia.iom.int/human-trafficking-forced-labour-and-fisheries-crime-indonesian-fishing-industry-iom>

complaints to be both registered and acted upon, the Ministry's surveillance task force should oversee increasing compliance with the ideals of the regulation.

The drive to enact this regulation has come from the Minister herself, who has melded the practicalities of her own fisheries industry experience with the desire to incorporate the requirements of the United Nations Guiding Principles on Business and Human Rights (UNGP). Indeed, by mandating the need for human rights certification it even exceeds UNGP expectations. This may be a bold approach, but it is one that Mark Getchell, Chief of Mission of IOM in Indonesia certainly applauds and would like to see other nations adopt.

Among other organisations with whom the Ministry has worked in formulating the mechanism for the actual certification process is the Foundation for International Human Rights Reporting Standards (FIHRRST). FIHRRST is the Indonesian operational wing of the Belgian not-for-profit FIHRRST whose Business and Human Rights International Standard for Certification (BHRISC 2011) formed the basis for the fisheries standard (FHRiSC).

The BHRISC 2011 standard has indeed proven to be both robust and versatile, for not only did it form the basis for the fisheries standard but it is currently being used for the development of an Indonesian forestry human rights standard in ongoing cooperation with the Indonesian Forestry Certification Cooperation (IFCC). Moreover, it was also the basis for the development of the GHRISC standard used for independent audit in respect to the Bandung Charter of a Human Rights City.²

FIHRRST thus continues to work with both government and non-government entities to develop standards by which respect for human rights can be enhanced at both international and local levels. Moreover, thanks to assistance from the Delegation of the European Union to Indonesia and Brunei Darussalam, FIHRRST is shortly to launch its dedicated human rights cities center website <http://www.hrcitycenter.org/> for those around the world desirous of becoming accountable human rights cities.

Other media links to the launch of the IOM report and the latest Indonesian fisheries regulation:

<http://www.bangkokpost.com/news/asean/1186493/indonesia-to-curb-rights-abuses-on-foreign-fishing-vessels>

² 30 Apr 2015 <http://business-humanrights.org/en/indonesian-mayor-declares-bandung-human-rights-city-business-human-rights-tools-used-for-audit-checks>

<http://www.thejakartapost.com/news/2017/01/25/improved-rights-protection-ri-waters-not-overseas.html>