

Indonesia's efforts against IUU fishing, forced labour, and human trafficking

EJF observations and recommendations volume 1, 2024



About EJF

The Environmental Justice Foundation (EJF) exists to protect the natural world and defend our basic human right to a secure environment.

EJF works internationally to inform policy and drive systemic, durable reforms to protect our environment and defend human rights. We investigate and expose abuses and support environmental defenders, Indigenous peoples, communities, and independent journalists on the frontlines of environmental injustice. Our campaigns aim to secure peaceful, equitable, and sustainable futures.

Our investigators, researchers, filmmakers, and campaigners work with grassroots partners and environmental defenders across the globe.

Our work to secure environmental justice aims to protect our global climate, ocean, forests, wetlands, and wildlife and to defend the fundamental human right to a secure natural environment, recognizing that all other rights are contingent on this.

EJF has worked in the Southeast Asia region since 2012 with an initial focus on Thailand and surrounding countries. EJF has worked in Indonesia since 2018 to uncover illegal, unreported, and unregulated (IUU) fishing as well as human rights violations against Indonesian workers occurring on distant water fishing (DWF) vessels flagged to a number of prominent flag states. Since 2020, EJF has also scrutinized the prevalence of similar infractions on domestic, Indonesian-flagged fishing vessels.

Executive summary

This briefing details EJF's ongoing observations and analysis of the Government of Indonesia's (GOI) monitoring, control, and surveillance (MCS) mechanisms, aimed at detecting, investigating, and prosecuting incidences of IUU fishing, as well as associated human rights abuses, forced labour, and human trafficking. It provides comprehensive recommendations for GOI agencies to address identified gaps within these mechanisms, focusing on issues arising during both at-sea patrols and port-side vessel inspections. Additional fisheries regulatory analysis highlights gaps in implementation and law enforcement.

The recommendations in this briefing are offered in good faith, with the goal of fostering a legal, sustainable, and ethical fishing industry that ensures equitable access for both industrial and artisanal fishing sectors. Many of these recommendations draw from EJF's extensive experience observing and analysing similar vessel inspections and MCS mechanisms in Thailand. Since 2016, EJF has produced at least ten consecutive volumes identifying capacity gaps in Thai fisheries.

It is important to note that these recommendations are not exhaustive and are based on a limited set of observations. Additional observations and investigations are necessary for a comprehensive assessment of Indonesia's fisheries and to further refine system improvement suggestions.

Main areas to address

- **Conflicting Agency Jurisdictions:** EJF investigations highlight inconsistencies and overlapping regulations among agencies overseeing port-side inspections, particularly the Directorate-General of Surveillance and Control of Marine and Fishery Resources (PSDKP) and Directorate

General of Capture Fisheries (DJPT). These contradictions hinder inspection efficiency, impede interagency collaboration, and open pathways for illegal activity.

- **Inconsistent Inspection Protocols:** A lack of a unified national inspection protocol creates significant disparities in port-side inspection practices, potentially benefiting illegal operators.
- **Rushed Inspections:** EJF findings indicate that inspectors rush through checks to meet daily quotas, often missing critical areas like cargo holds (for illicit catch), crew identities (for unregistered members), and vessel monitoring systems (for tampering).
- **Neglected Labour Inspections:** Labour inspections are rare during vessel checks and, when conducted, often fail to identify signs of exploitation, abuse, or missing crew members.
- **Ineffective Crew Interviews:** Crew interviews are rarely separate from vessel inspections, discouraging crew members from reporting abuse due to fear of retaliation.
- **Inadequate At-Sea Patrols:** Patrols are typically rushed, with little or no vessel boarding, compromising the verification of crew identities, detection of stowaways, and identification of illegal fishing gear or smuggled goods.
- **Lax Licensing and Registration:** Vessel licenses are often duplicated and shared among unregistered vessels ("ghost ships"), complicating fleet management and facilitating overfishing and IUU activities.
- **Use of Prohibited Fishing Gear:** Illegal use of banned bottom trawl fishing gear, particularly in Java, persists due to legislative gaps and insufficient port inspections.

High-level recommendations

In addition to the in-depth recommendations presented throughout this briefing, EJF provides the following high-level measures that the GOI should implement:

- **Implement Key Principles of the Global Charter for Fisheries Transparency (GCFT) to enhance transparency and combat IUU fishing:**
 - Review and endorse the policy principles of the GCFT to address opaque fishing practices that allow IUU-caught seafood into Indonesian markets.¹
- **Principles to prioritize in implementation include:**
 1. Require unique identification numbers for all fishing vessels.
 2. Publish lists of licenses, authorizations, and sanctions.
 3. Make the beneficial ownership of vessels public.
 4. Make vessel position data publicly accessible.
 5. Ban or closely monitor at-sea transshipment.
 6. Mandate seafood traceability from boat to plate.
 7. Ensure public and equitable access to fisheries data and participation in fisheries management and decision-making.
- **Revise Fisheries Investment Legislation:**
 - Urgently update laws regarding foreign investment in Indonesian fishing companies and the operation of foreign-owned vessels in Indonesian waters.
 - Create and maintain a real-time, public database of all foreign-flagged fishing and support vessels licensed to operate in Indonesian waters.
- **Reform At-Sea Inspection Regimes:**
 - Transition to a risk-based inspection strategy, focusing on fewer but higher-quality inspections rather than aiming for 100% inspection rates.
 - Enhance interagency coordination, particularly between the PSDKP and the Indonesian Maritime Security Agency (Bakamla), to strengthen at-sea inspections.
 - Require onboard vessel inspections during each at-sea patrol to ensure compliance and accurate verification of catches.

- **Reform Port-Side Inspection Regimes:**
 - Improve interagency communication and cooperation, particularly between the PSDKP and the DJPT, to facilitate joint inspections.
 - Implement victim-centred crew interviews during vessel inspections, using ILO guidelines.
 - Include onboard inspections in all port-side vessel checks.
 - Adopt a risk-based inspection approach to prioritize quality over quantity.
 - Train officials to better detect forced labour or human trafficking.
- **Overhaul Vessel Licensing and Registration:**
 - Streamline the process to prevent the misuse of licenses by unregistered “ghost ships.”
 - Centralize all vessel registrations in a consolidated, publicly available, and real-time updated database.
 - Implement a unique identifier system for vessels from construction to decommissioning.
- **Improve Regulations on Fishing Gears:**
 - Revise fishing gear regulations to clarify gear definitions for bottom trawl gears and implement a licensing system requiring authorized vessels to display unique vessel identifiers. This will close loopholes, facilitate enforcement, improve compliance, and support sustainable fisheries management.

Indonesia’s fishing fleet and seafood industry

Indonesia’s commercial fishing fleet grew by over 50% in just four years, adding more than 2,000 new vessels over 30 gross tonnes.²

In 2022, Indonesia’s marine capture fisheries production was approximately 12 million metric tons², a decline of 4% since 2017, according to the Ministry of Maritime Affairs and Fisheries (MMAF)³. Indonesia’s fishing industry employs around 12 million people⁴, with the majority being small-scale operators. The fishing fleet is divided into approximately 6,600 commercial vessels (measuring 30 gross tonnes (GT) and above, representing 1.8% of the total fleet by number)⁵ and 357,000 small-scale/artisanal vessels (below 30 GT, making up 98.2% of the total fleet)⁶. Notably, the commercial fleet has expanded by over 50% since 2019, increasing the number of vessels by more than 2,000.

Category	2019	2020	2021	2022	% Inc/Dec	% of Fleet 2022
<5 GT	201,924	388,618	296,764	248,695	23.2%	68.3%
5-10 GT	70,886	64,708	54,398	58,223	-17.9%	16.0%
10-30 GT	39,164	39,241	33,140	50,475	28.9%	13.9%
>30 GT	4,313	5,393	6,426	6,643	54.0%	1.8%
Total	316,287	497,960	390,728	364,036	15.1%	-

Annual fleet composition and percentage change in Indonesia’s fisheries sector (2019-2022)

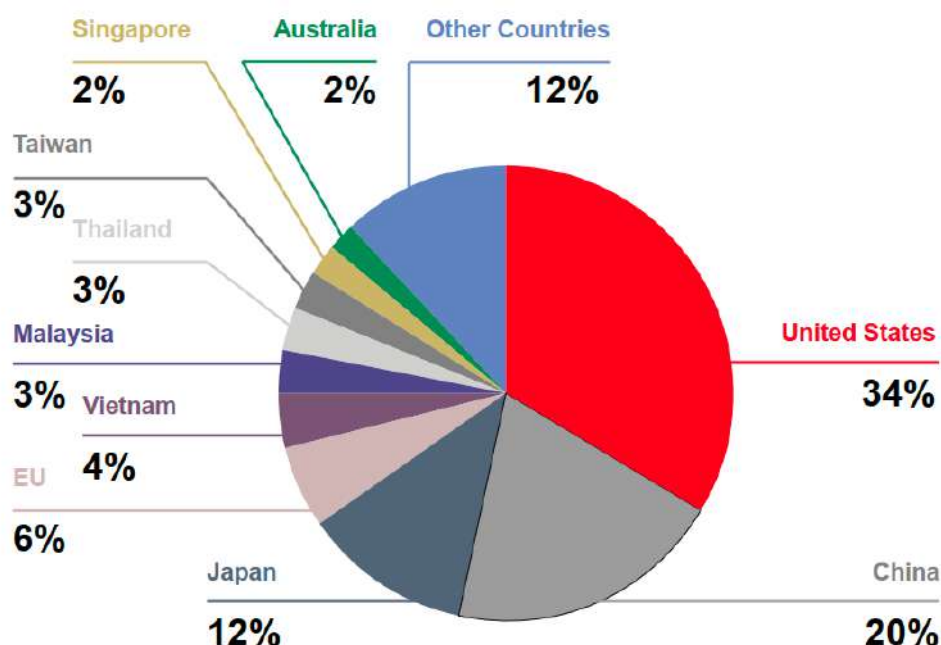
Despite declines in landed catch, Indonesia’s seafood exports have experienced significant growth in recent years, increasing in value by 16% since 2018 to reach USD 5.63 billion. The United States has emerged as the top destination for these exports, receiving shipments worth USD 1.91 billion (34% of the total) in 2023. These exports primarily consisted of processed, ready-to-serve, and canned products derived from shrimp, tuna, squid, octopus, crab, and seaweed⁷. China and Japan follow, with imports valued at USD 1.14 billion (20%) and USD 691 million (12%), respectively⁸.

Country	2023 Tonnage	2018 Value (\$1,000)	2023 Value (\$1,000)	% of Total (2023)	% Inc/Dec (2018 - 2023)	\$ Value/Ton of Seafood
United States	217,826.11	\$1,876,896.67	\$1,908,029.99	34%	2%	\$8,759.42
China	438,654.11	\$675,981.15	\$1,138,660.84	20%	68%	\$2,595.81
Japan	113,921.86	\$676,582.07	\$690,708.16	12%	2%	\$6,063.00
European Union	55,827.62	\$381,158.18	\$334,365.31	6%	-12%	\$6,827.41
Vietnam	52,331.98	\$144,090.02	\$213,261.24	4%	48%	\$4,075.16
Malaysia	66,042.76	\$114,883.40	\$147,402.24	3%	28%	\$2,231.92
Thailand	45,209.07	\$147,061.50	\$140,650.03	2%	-4%	\$3,111.10
Taiwan	33,077.86	\$118,223.73	\$139,318.83	2%	18%	\$4,211.85
Singapore	30,872.22	\$93,401.14	\$113,432.46	2%	21%	\$3,674.26
Australia	11,362.29	\$69,603.89	\$106,224.15	2%	53%	\$9,348.83
Other countries	155,456.50	\$562,312.25	\$697,436.88	12%	34%	\$4,486.38
TOTAL	1,220,582.38	\$4,860,194.00	\$5,629,490.13	100%	-	-

Indonesia's seafood export growth and market distribution (2018-2023)

The top 10 importing markets account for 87.6% of Indonesia's seafood exports by value, totalling \$4.93 billion in 2023. Although Indonesia's exports to China have increased by 68% since 2018, the value of these exports remains significantly lower than those sent to the United States, Japan, or the European Union.

Indonesia's commercial fishing fleet grew by over 50% in just four years, adding more than 2,000 new vessels over 30 GT.



Source: fishery exports statistics 2018 – 2023, MMAF.⁹

Indonesia's fisheries governance in recent years

Between 2015 and 2018, Indonesia was internationally praised for its proactive measures against IUU fishing by foreign-flagged vessels, notably using the dramatic tactic of sinking detained vessels to raise awareness of the issue.^{10/11} Key reforms enacted during this period included revoking fishing licenses linked to foreign ownership, imposing stricter penalties for IUU fishing, banning at-sea transshipment, and prohibiting the use of Flags of Convenience (FoCs). These efforts, largely led by Minister Susi Pudjiastuti of the MMAF¹², resulted in a significant reduction in IUU fishing activities—foreign fishing dropped by 90%, and overall fishing effort declined by 25%.¹³

Despite these successes, the GOI's recent shift in fisheries policy marks a notable change in direction. A new quota-based capture system—designed to manage various fishing sectors across six geographical zones with allocations based on fish population estimates—has faced criticism for potentially enabling large-scale commercial exploitation, with adverse effects on small-scale fishers. Foreign investments in Indonesian fisheries have also been reintroduced in line with the deregulation focus of Act Number 11/2020 on Job Creation (commonly known as the Omnibus Law).¹⁵

The Omnibus Law amends over 70 existing pieces of legislation, significantly altering regulations on labour rights, environmental protections, and fisheries management.¹⁶ This broad-reaching law has profound impacts on Indonesia's fisheries management as well as human rights protections for Indonesian fishers:

- **Reopening Indonesia's Waters to Foreign Fishing Vessels:** The Omnibus Law reintroduces foreign investments into Indonesian fisheries along with foreign-owned vessels, relaxing operational requirements compared to the pre-2016 ban. Foreign fishing vessel operators now only need to apply for a single permit from the GOI and are no longer required to maintain a 70% crew quota for Indonesian nationals.

This reopening of Indonesia's waters could lead to further fish population declines and heightened risks of IUU fishing.¹⁷ Local CSOs have expressed concern over this policy¹⁸, especially in ecologically rich areas such as the Natuna Sea, Arafura Sea, Cenderawasih Bay, and Sawu Sea.

- **Inequitable Fisheries Management Systems:** Critics argue that the Omnibus Law undermines sustainable fisheries management, potentially reversing recent gains in protecting Indonesia's marine resources.¹⁹ The quota-based system has faced opposition for marginalizing small-scale fishers by prioritizing large-scale operations.²⁰ Groups like the Coalition for Fisheries Justice (KIARA) have called for the GOI to revoke this decree, citing its misalignment with sustainable fisheries and marine conservation principles.²¹

Simultaneously, a shift in the National Commission for Fish Resources Study (Komnas Kajiskan) towards an investment-focused approach, as outlined in Ministerial Regulation No. 34 of 2023, complicates matters by emphasizing economic efficiency over ecological stewardship. These developments highlight a growing tension between economic growth and environmental preservation, emphasizing the need for balanced fisheries management that values marine sustainability, small-scale community livelihoods, and equitable resource management amid increasing investment interests.

- **Redefining Small-Scale Fishers:** The Omnibus Law redefines “small-scale fishers” (nelayan kecil) through the Job Creation Law (UU Cipta Kerja). Previously, under Law No. 45/2009, small-scale fishers were defined as those using boats up to 5 GT. The new law removes this boat size limitation, defining small-scale fishers as those who fish to meet their daily needs, regardless of boat use. This change could potentially allow larger, business-backed vessels to exploit the system, gaining access to highly productive and fragile fishing grounds within the 12 nautical mile (NM) zone.²²

Although there is no explicit prohibition on commercial fishers entering the 12 NM zone, their access is regulated by several factors. Commercial fishers must hold a valid fishery business permit (IUP) or fishing permit (SIPI) to operate within this zone. The use of destructive fishing gear, such as dynamite and trawls, is prohibited, and the government may set catch quotas and establish coastal zoning within the 12 NM zone to regulate fishing and other activities.

A need for a unified legal framework in Indonesian fisheries management

Indonesia’s fisheries sector is essential to the global seafood supply chain and is home to some of the world’s richest marine biodiversity.²³ However, recent studies and regulatory changes reveal significant challenges in managing these valuable resources.

A key concern is the depletion of critical fish populations, which is more severe than previously estimated by the government. A scientific study highlighted the overexploitation of eight economically valuable species found near the seafloor, most of which show a decline in spawning capacity, indicating unsustainable fishing rates. This depletion is particularly concerning in Indonesia’s deep-slope demersal fisheries, a vital component of the country’s position as the world’s second-largest exporter of snapper species.²⁴

In response, the GOI issued Government Regulation No. 11 of 2023 on Measured Fishing, aiming to achieve optimal and sustainable benefits from fish resources by distributing fishing quotas according to designated fishing zones.²⁵



Maritime surveillance vessel deployment across different measured fishing zones (source: CMMI)

This quota-based fisheries management policy marks a significant shift from the previous system. Under the old approach, all fishing operators—industrial, local, and non-commercial—were permitted to catch fish without individual restrictions, as long as the total capture remained within the total allowable catch (TAC). In contrast, the new policy allocates specific quotas from the TAC to industrial, local, and non-commercial categories within designated measured fishing zones (MFZ), aiming for a more structured and targeted approach to fisheries management.²⁶

However, the implementation of these policies has been met with criticism. The new quota-based management policy has proven unpopular among fishers, who argue it diminishes the role of local authorities and communities and may favour large-scale investors and commercial fishers over smaller, local operators.²⁷

Additionally, concerns have arisen about infrastructure readiness and limited awareness among fishers regarding these changes. The recent decree postpones the full implementation of the measured fishing zones policy from June 1, 2024, to 2025, as outlined in Government Regulation No. 11 of 2023.²⁸ Some worry that without transparency and oversight, Indonesia's new fishing quotas could disproportionately benefit large commercial players rather than small-scale fishers. The success of the new policy will depend on fair quota distribution, effective monitoring, and inclusive stakeholder consultation.²⁹

Recommendation: EJF recommends a comprehensive review and overhaul of Indonesia's fishing policies, including the establishment of a centralized legal framework that standardizes regulations across all Indonesian waters through a proportionate fisheries management system. This system should be strictly precautionary, participatory across fisheries sectors, and science led. A unified approach would ensure consistent enforcement and management practices, helping to curb IUU fishing.

Recommendation: EJF advocates for incorporating stringent measures and oversight mechanisms for commercial bottom trawl fishing—a particularly destructive form of commercial fishing.³⁰ This includes revising licensing procedures and implementing strict monitoring to ensure adherence to sustainable fishing practices, particularly in regions with a history of licensing issues.

A need for enhanced transparency

Enhancing transparency in Indonesia's fishery sector is crucial for sustainable, legal, and ethical fisheries management and for combating IUU fishing. Indonesia, the world's second-largest fishing nation after China, catches over 12 million tons annually.³¹ Although much of this catch is primarily for domestic consumption—Indonesians consume fish and seafood at three times the global average—the need for improved transparency and accountability has become more urgent as the country seeks to industrialize fishing, expand seafood exports, and maintain environmental and food security. Indonesia took a significant step in 2017 by becoming the first nation to publicly share vessel monitoring system (VMS) data.³² However, public access to this data has since been revoked, prompting EJF to advocate for reinstating public access to strengthen transparency efforts.

To further enhance transparency, EJF is calling for the implementation of the GCFT and its 10 principles for transparency in fisheries.³³ These principles include publishing vessel tracking data, fishing licenses, punishments for fisheries crimes, and regular updates to fishery statistics.

Full implementation of these principles would address seafood traceability concerns while also helping to reduce the risks of Indonesian seafood being linked to IUU fishing or associated labour abuses.

Recommendation: Public access to the Indonesian fisheries VMS should be restored as a demonstration of Indonesia's commitment to fisheries transparency and regional leadership in combating IUU fishing activities. Additional efforts should focus on improving data accuracy within the system, including key vessel metrics such as vessel name, unique vessel identification, vessel dimensions, and the owner's name.

Recommendation: With the development of more cost-effective and compact VMS mobile transceiver units (MTUs), trials for vessels under 30 GT should be conducted across Indonesia. This would further enhance transparency and scrutiny of fishing vessel operations, strengthening MCS and enforcement capabilities for the MMAF and PSDKP.

Recommendation: EJF suggests establishing coordinated and multi-disciplinary inspection programs involving all relevant government agencies, fisher unions, and civil society organizations. Implementing such schemes, as seen in neighbouring Thailand, has successfully enhanced the monitoring and enforcement capabilities of government agencies, helping to improve compliance with fishing and labour-related regulations.³⁴

Recommendation: EJF recommends mandating that International Maritime Organization (IMO) numbers be used as unique vessel identifiers (UVIs) for all motorized fishing vessels over 12 meters. If IMO numbers cannot be used due to the wooden construction of certain vessels, the MMAF should establish its own UVI system, ensuring that each fishing vessel retains the same UVI from shipyard to scrapyard. The MMAF should mandate that the UVI be clearly displayed on the vessel's ship/fishing license, stamped on the engine block, and etched into the wood of the vessel hull. Regular verification of vessel UVIs would greatly assist in accurately tracking vessel activities, even if they change names or owners.

Regulatory changes and labour protections

In recent years, Indonesia's fishing industry has undergone significant shifts due to regulatory reforms, market demands, and international labour standards. As one of the world's largest seafood producers, Indonesia's commercial and small-scale fishing fleets play a crucial role in domestic food security and global seafood supply chains. However, challenges related to IUU fishing, human trafficking, and forced labour have led to critical reforms in policy and industry practices.

Expansion of SIP3MI licensing

A significant development in the labour management of Indonesia's fishing sector has been the expansion of the Indonesian Migrant Worker Placement Permit program or *Surat Izin Perusahaan Penempatan Pekerja Migran Indonesia* (SIP3MI), which regulates manning agencies responsible for recruiting Indonesian workers for maritime labour. SIP3MI ensures that manning agencies meet international standards in the recruitment and management of Indonesian seafarers and fishers working on international vessels.

Since 2023, there has been a marked increase in the number of manning agencies holding SIP3MI licenses, reflecting the GOI's commitment to improving oversight. This growth has strengthened regulatory frameworks aimed at mitigating the exploitation of Indonesian migrant workers in the maritime sector. Manning agencies are now subject to more stringent vetting processes, and those failing to meet these standards risk losing their licenses.

The increase in SIP3MI licenses has been crucial for addressing gaps in labour protections. Historically, unlicensed or poorly regulated agencies have been linked to cases of forced labour, human trafficking, and exploitative working conditions aboard foreign-flagged vessels, particularly in DWF. The GOI's expanded licensing initiative also aligns with broader international efforts to ensure ethical recruitment practices, in line with International Labour Organization (ILO) standards and the principles outlined in the ILO Work in Fishing Convention (C188). While Indonesia is not yet a signatory of C188, the SIP3MI licensing expansion is a step toward fulfilling international labour standards in the fishing industry.

South Korea's enhanced DWF policy

An important international dimension to Indonesia's fishing labour reform has been the influence of South Korea's enhanced implementation plan for DWF, introduced in 2024. South Korea is a major destination for Indonesian migrant fishers, and the country's DWF sector has faced criticism for poor working conditions and allegations of forced labour. The new implementation plan strengthens labour protections for migrant workers on South Korean-flagged vessels and introduces stricter safety and reporting requirements.

The South Korean reforms include mandatory onboard safety equipment, the presence of trained observers, and stricter penalties for vessels that fail to comply with labour laws. These changes have been praised for aligning South Korean DWF operations with United Nations Guiding Principles on Business and Human Rights, offering greater protections to Indonesian fishers vulnerable to abuse aboard foreign vessels. South Korea's enhanced DWF policy also requires improved documentation and monitoring of working hours, wages, and living conditions, ensuring compliance with global labour standards.

Indonesia has welcomed South Korea's policy shift, recognizing the positive impact it will have on the country's migrant workers. However, the challenge lies in ensuring these policies are enforced consistently. Both South Korean and Indonesian authorities must collaborate closely to ensure the new labour protections are applied across the board and that manning agencies and vessel owners adhere to these standards. This presents an opportunity for Indonesia to engage in bilateral dialogue with South Korea to strengthen protections for its migrant workforce.

Progress on derivative regulations of GR 22/2022

The Government Regulation No. 22 of 2022 (GR 22/2022) was a significant legislative step toward reforming Indonesia's fishing industry, focusing on sustainable fisheries management and protecting workers' rights. Since its introduction, there has been steady progress in issuing derivative regulations that further define the roles and responsibilities of both employers and government agencies.

GR 22/2022 introduced a comprehensive framework for the management of fisheries resources, including licensing procedures for foreign and domestic fishing vessels, the establishment of fishing quotas, and enhanced measures for MCS. A key goal of the regulation was to address IUU fishing and its associated human rights abuses, particularly forced labour and human trafficking in the fishing sector.

The derivative regulations, in development since 2022, aim to streamline the recruitment process for Indonesian migrant workers, including those employed in the fishing industry. These regulations clarify the requirements for manning agencies, vessel operators, and port authorities, promoting greater transparency in labour recruitment and vessel licensing. Among the most significant changes are requirements for comprehensive crew contracts, onboard safety measures, and improved access to grievance mechanisms for fishers facing abuse.

While full implementation of these regulations has faced some delays, the ongoing development signals the GOI's commitment to closing regulatory loopholes that have allowed exploitative practices to persist. The MMAF and the Ministry of Manpower (MoM) have been actively involved in shaping these regulations to ensure they meet both national and international standards.

Circular Letters from MoM and MoT

In 2024, the MoM and the Ministry of Transportation (MOT) issued new circular letters to address gaps in the current regulatory framework, especially concerning labour inspections and vessel safety. These circulars tackle persistent challenges in enforcing labour laws and safety regulations, which have historically been inconsistently applied in Indonesia's fishing industry.

The MoM circulars focus on enhancing labour condition inspections at ports and at sea. Historically, these inspections have been inconsistent, with limited resources and poor interagency coordination allowing many fishing vessels to escape scrutiny. The circulars introduce stricter guidelines for conducting victim-centred interviews with fishers during inspections, allowing authorities to better detect signs of forced labour, exploitation, or trafficking. These guidelines also encourage closer collaboration between the MoM, MMAF, and port authorities to ensure that labour standards are upheld throughout recruitment and employment.

The MoT circulars, meanwhile, emphasize improving safety standards onboard, especially for small-scale and artisanal fishing vessels, which often lack adequate safety equipment and training. The circulars mandate regular safety checks for all vessels and require that fishers receive basic safety training, including the use of life-saving equipment such as life jackets and fire extinguishers.

These reforms are critical for addressing the vulnerabilities in Indonesia's fishing industry, which remains one of the most dangerous professions in the country. By enhancing labour protections and safety standards, the GOI is taking essential steps to protect its fishers' lives and well-being while working to eliminate IUU fishing and human rights abuses in its maritime sector.

Methodology

Between November 2020 and March 2024, EJF conducted 21 port-side inspections across Indonesia, including locations on Java, Bali, Sumatra, Sulawesi, and the Maluku Islands. These included 12 official government-led vessel inspections and 8 independent field observations.

It is important to note that the majority of MCS mechanisms observed by EJF occurred during pre-arranged visits with DJPT or PSDKP.³⁵ This suggests that the observed procedures might not consistently occur outside of these organized visits. Despite these limitations, EJF has made efforts to conduct unannounced visits to provide a more independent assessment, although access is often restricted due to the private ownership of many of Indonesia's fishing ports.

Further details on EJF's methodology are available upon request. It should also be noted that the photographs included in this report are for illustrative purposes only.

DATE	PORT	ORGANIZER
NOVEMBER 2020	PPS Cilacap, Central Java	CMMI
AUGUST 2022	PPS Nizam Zachman, Jakarta	EJF investigation
SEPTEMBER 2022	PPP Dobo, Maluku	EJF investigation
SEPTEMBER 2022	Benjina Port	EJF investigation
SEPTEMBER 2022	Tual Port	EJF investigation
OCTOBER 2022	PPP Tegalsari, Central Java	EJF investigation
OCTOBER 2022	PPP Tasikagung, Central Java	EJF investigation
OCTOBER 2022	PPN Brondong, East Java	EJF investigation
NOVEMBER 2022	PPS Bitung, North Sulawesi	Joint inspection: MoM, PSDKP, DJPT, MoT
JANUARY 2023	PPS Belawan, North Sumatera	EJF investigation
FEBRUARY 2023	PPS Bitung, North Sulawesi	PSDKP
FEBRUARY 2023	PPS Bitung, North Sulawesi	DJPT
MARCH 2023	Benoa Port, Bali	PSDKP
MARCH 2023	Benoa Port, Bali	DJPT
MAY 2023	Benoa Port, Bali	PSDKP
MAY 2023	Benoa Port, Bali	DJPT
SEPTEMBER 2023	PPS Nizam Zachman, Jakarta	DJPT
NOVEMBER 2023	PPS Bitung, North Sulawesi	PSDKP
NOVEMBER 2023	PPS Nizam Zachman, Jakarta	PSDKP
MARCH 2024	Benoa Port, Bali	CMMI

Summary of vessel inspections conducted by EJF (November 2020 – March 2024)

Note: Pelabuhan Perikanan Samudera (PPS) translates to “Ocean” Fishing Port. PPS ports are the largest port type in Indonesia, followed by Pelabuhan Perikanan Nusantara (PPN), Pelabuhan Perikanan Pantai (PPP), and Pelabuhan Pangkalan Ikan (PPI).

Investigation findings

Since 2022, EJF has conducted 60 interviews with Indonesian fishers working on domestic vessels. The interviews were conducted randomly, selecting fishers from a variety of vessel types, including long liners (28%), bottom trawlers (25%), gill netters (20%), purse seiners (10%), pole and line vessels (7%),

squid jiggers (2%), and other methods (8%). Through these interviews, EJF identified several indicators of IUU fishing and/or human rights abuses.

IUU fishing infractions

Destructive fishing practices and/or IUU fishing infractions included the capture of charismatic species such as dolphins and other cetaceans, as well as endangered sawfishes, alongside the use of unauthorized fishing methods and shark finning.

Infraction/Practice	Respondents (N=60)	Percentage
Catching of charismatic species (dolphins and other cetaceans)	27	43.33%
Catching sawfishes	9	15.00%
Destructive fishing gears/methods	15	25.00%
Shark finning	9	15.00%

Reported IUU fishing infractions and destructive fishing practices among respondents (n=60)

Interviewees reported several violations of Indonesian IUU fishing laws, including the use of unauthorized fishing gear or methods (25%) and the capture of sawfishes (15%). Sawfishes are among the most endangered marine fish species globally and are fully protected under MMAF Ministerial Decree No. 1 of 2021³⁶, which prohibits their fishing and trading.

In 2023, 15 interviewees disclosed that when sawfish were caught, their fins and meat were often mixed with other shark products, and their rostrums were traded illegally. Additionally, an external study indicated that the ongoing illegal fishing and trade of sawfish in the Arafura Sea had contributed to significant declines in their populations in recent years.³⁷



Documentation of juvenile sawfish caught and landed in Merauke, provided by Sawfish Indonesia.

“We took the sawfish, especially the meat. The crew took the rostrum and sold it to some guys in Jakarta. We caught six sawfishes in total and they were not big. We also took the fins and mixed them with other catches.”

- Interview with an Indonesia crew member working on board MT ACA Mima Tima 11³⁸

A number of vessels were also involved in the catching and retention of cetaceans (including dolphins and false killer whales, 43.33%) and shark finning (15.00%). EJF defines shark finning as the removal of shark fins and the disposal of bodies while the vessel is still at sea.

Despite international efforts to protect cetaceans, Indonesia's regulations do not provide any safeguards against their capture, retention, or trade. Furthermore, Indonesia's list of fully protected shark and ray species is limited, covering only 14 out of 221 species, which limits the country's capacity to enhance the management of shark fishing and trading.³⁹

“We caught a false killer whale in the Aru Sea [Fisheries Management Area 718]... I managed to sell its tooth for IDR 300,000 in Merauke. Each crewmember got a tooth, we were sharing.”

- Interview with an Indonesia crew member working on board KM Arta Mina Tama 11⁴⁰

“We once got a dolphin and took its teeth. The captain sometimes knew, sometimes did not. He would not get angry if he knew we caught dolphins.” - Interview with an Indonesia crew member working on board KM Bandar Nelayan 288⁴¹

Since 2008, the International Union for Conservation of Nature (IUCN) has urged all nations to ban shark finning and require sharks to be landed with fins naturally attached.⁴² This practice complicates effective and transparent fisheries management by making it difficult to accurately count and identify shark species. Most Regional Fisheries Management Organizations (RFMOs), of which Indonesia is a member, along with many of the world's major coastal states, have instituted bans or restrictions on shark finning.⁴³

In response to growing international pressure to curb shark finning, the GOI has banned the practice for vessels operating within RFMO jurisdictions.⁴⁴ However, no such regulation exists for vessels operating exclusively in Indonesian territorial waters.

“We process sharks in the regular way, [take the fin] and the bodies, [but for small sized sharks] we did take the fins and discard the bodies.”

- Interview with an Indonesia crew member working on board KM Tuna Jaya 223⁴⁵

Human rights violations

Interviewees reported several indicators of forced labour and human trafficking, as defined by the ILO, including physical abuse (21.7%), verbal abuse (46.7%), salary deductions and debt bondage (76.7%), and document retention by employers (reported by 70% of interviewees). Additionally, 61.7% of respondents indicated that they did not have a formal, written employment contract (*Perjanjian Kerja Laut/PKL*), even though such contracts are mandated under MMAF Regulation No. 33 of 2021.⁴⁶

“One morning, after we had finished fishing the squids, the cook was late to prepare the meal. The vice-captain got angry and punched him until his head was bleeding. There was a skull ring on his hand [that made his head bleed]. He punched the cook twice and strangled his neck too. We were confused if we should help or not... Nobody could fight back... It’s useless, if we fight back, we will only work but not get paid. Because they’re the ones who determine our salary.”

- Interview with an Indonesia crew member working on board KM Tuna Jaya⁴⁷

Crew members also reported experiencing discrimination, poor quality food and drink, and substandard living conditions aboard their vessels.

Human Rights Abuses	Respondents (N=60)	Percentage (%)
No working contract	37	61.70%
Contract violation	15	25.00%
Verbal abuse	28	46.70%
Physical abuse	13	21.70%
Long working hours (>14 hours)	31	51.70%
Document retention (ID, seaman book)	42	70.00%
Poor living and working conditions	20	33.30%
Salary deductions/debt bondage	46	76.70%
Intimidation/threats	5	8.30%
Lack of safety equipment	8	13.30%
Salary below provincial minimum wage	35	58.30%

Human rights abuses experienced by Indonesian crew on Indonesian-flagged fishing vessels, 2021-2023.

Non-Compliance with Contractual Obligations

According to Article 177 of Regulation No. 33 of 2021, vessel owners or fishing companies are responsible for ensuring that fishers are provided with their *Perjanjian Kerja Laut* (PKL) contracts, which must also be approved by the harbour master. However, 37 interviewees reported not being given a copy of their contract by their employers. Many of these crew members worked for individual vessel owners who have not registered as fishing companies. The Law of the Republic of Indonesia No. 13 of 2003 mandates that any entrepreneur employing at least 10 workers must establish company regulations and provide written contracts. Despite this, fishers reported that their agreements were often made verbally, in contravention of this law.⁴⁸

Furthermore, Article 174 of the same regulation stipulates that all crew members should receive a copy of their contract. Yet, of the 23 interviewees who stated they did have a contract, only 8 (35%) were given a copy. Some crew members reported being prohibited from taking photos of their contracts.

[The vessel owner did not provide a contract]... Only verbally... They asked for my ID... No explanation about our rights and responsibilities.”

- Interview with an Indonesia crew member working on board KM Nusantara Jaya 8⁴⁹

“In terms of the contract, I did not get a copy. We were not allowed to take pictures either, unless that one page about the details of salary... Nobody explained... We just signed the contract.”

- Interview with an Indonesia crew member working on board KM Bandar Nelayan 191⁵⁰

Investigations and field-based studies by local Indonesian CSOs, including DFW, have highlighted widespread issues of IUU fishing infractions and human/ labour violations on Indonesian fishing vessels. DFW’s 2023 findings from interviews with 137 fishers in Bali revealed that 30% lacked understanding of, or did not possess, working contracts. Consequently, these workers were also deprived of health insurance coverage for accidents. Additionally, the study exposed that many workers received wages significantly below the provincial minimum; some were paid only IDR 30,000 per day, translating to a monthly salary of IDR 900,000, despite the minimum wage requirement of at least IDR 2,500,000 per month.⁵¹

Portside inspection observations and the need for a risk-based approach

Inconsistent vessel inspections



An official inspecting vessel documentation during a port-side inspection in North Sulawesi, July 2022.

In 2021, the PSDKP vessel inspection detection rate for IUU fishing was 6.2% across 2,672 vessel inspections. In 2022, the IUU detection rate dropped to just 0.42% across 23,265 vessel inspections.^{52/53}

The PSDKP and DJPT, under the MMAF, are responsible for inspecting fishing vessels at ports. The PSDKP primarily oversees regulatory compliance, while the DJPT monitors catch reporting, unloading, and product hygiene and safety.⁵⁴ Each agency follows its own set of inspection protocols, typically conducting inspections independently and at different times.

EJF's observations reveal that inspection protocols vary by port in terms of which government agencies are authorized to conduct vessel inspections and manage port operations (such as vessel arrivals, departures, and catch unloading). For example, at Benoa Port in Bali, the PSDKP inspects vessels for regulatory compliance and issues a permit recommendation before the DJPT conducts its inspection. Conversely, in Bitung (North Sulawesi) and Nizam Zachman Port (Jakarta), the DJPT has the authority to issue unloading permits directly after their inspections, without coordination with the PSDKP. This lack of uniformity results in inconsistent enforcement, varying levels of inspector expertise, and confusion over regulatory interpretations. These discrepancies could potentially be exploited by unscrupulous vessel operators to offload IUU-caught fish undetected.



Vessels unloading catches at night (Tegalsari Port, Central Java, August 2022).

No.	Vessel Porting Out	Vessel Arriving into Port
1	Count and verify that crew boarding the vessel are those listed on the crew list.	Count and verify that crew disembarking from the vessel are those listed on the crew list.
2	Check that all crew have and know how to use life jackets/life preservers and that these are fit for purpose.	Check that all crew have and know how to use life jackets/life preservers and that these are fit for purpose.

3	Check all crew have contracts (and understand this), BST certificate, and other required documentation.	On-board inspection for stowaways/hidden crew members.
4	Check all crew are being paid correctly, on time, and transparently.	On-board inspection of the Mobile Transceiver Unit (MTU) to ensure the device has not been tampered with during the trip.
5	Conduct victim-centered interviews with a proportional sample of the crew.	Check all crew have contracts (and understand this), BST certificate, and other required documentation.
6	On-board inspection of MTU to ensure that tamper-proof seals are intact.	Check all crew are being paid correctly, on time, and transparently.
7	Check fishing gears and equipment are in accordance with the fishing license.	Conduct victim-centered interviews with a proportional sample of the crew.
8	Check that fire extinguishers are located in accessible areas and are fit for purpose.	Check fishing gears and equipment are in accordance with the fishing license.
9	Check food, water, medicines, and first aid box for appropriate quality and quantity for the length of the fishing trip.	On-board inspection for illicit catch; holds are opened to check contents.
10	On-board inspection for stowaways/hidden crew members (including holds).	The PSDKP issues a vessel authorization for unloading catch under the observation of the DJPT.
11	Vessels are authorized to leave port.	

A detailed breakdown of port-side inspection responsibilities by agency for both pre-departure and post-arrival checks can be found in Appendix 4.

Recommendation: **Establish a National Task Force.** Form a task force comprising the PSDKP, DJPT, harbour masters, and other relevant agencies to develop and implement standardized port-side inspection protocols. These protocols should clearly define the responsibilities of each agency and the sequence of inspections to minimize confusion, reduce jurisdictional overlap, and enhance the effectiveness of training programs. EJJ is prepared to advise and participate in this National Task Force if requested.

Recommendation: **Revise and Strengthen MMAF Regulation No. 33 of 2021.** Amend the regulation to mandate that no vessel can unload its catch without prior inspection and approval from the PSDKP.⁵⁵ Additionally, modify Shipping Law (Article 218) to enhance harbour masters' authority for seaworthiness and safety inspections of both Indonesian-flagged and foreign-flagged ships at Indonesian ports, supporting regulatory compliance, particularly when PSDKP officials are unavailable.⁵⁶

Recommendation: **Ensure Consistent Application of SOPs.** While there are existing standard operating procedures (SOPs) for port-side inspections, their application is inconsistent and does not adequately address high-risk areas where potential IUU fishing activities or human rights violations might be detected.

Recommendation: **Develop and Disseminate Comprehensive Inspection SOPs.** Government agencies, including the DJPT and PSDKP, should review and disseminate a

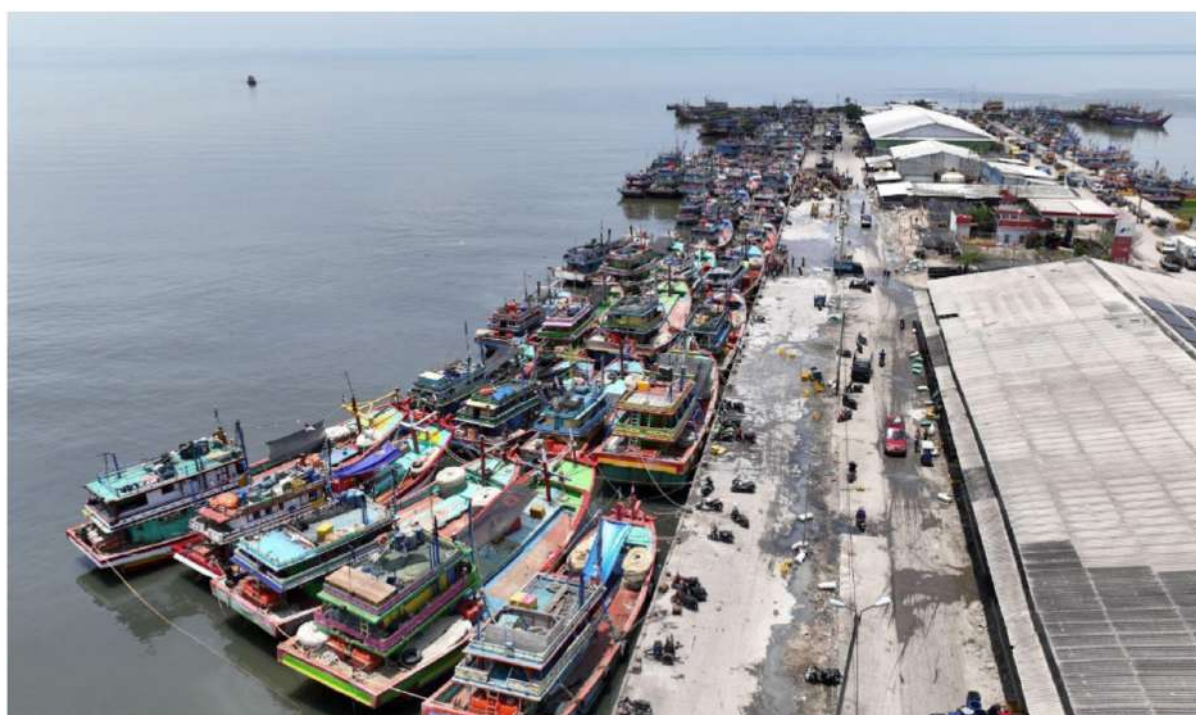
comprehensive port-side inspection SOP that covers all critical aspects of a fishing vessel inspection, including fisheries management and labour issues.

Recommendation: **Enforce Uniform Adherence to SOPs.** To ensure uniformity in port-side inspection practices nationwide, it is essential for the DJPT and PSDKP to strictly follow the revised SOP and/or checklist for every inspection.

Recommendation: **Require Inspector Sign-Off.** Vessel inspectors should be required to confirm the completion and satisfactory quality of each checklist item by signing off on each element.

Risk-based approach towards vessel inspections

Many Indonesian ports, including Tasikagung Rembang, are hubs of intense activity with hundreds of vessels arriving and departing each day. Currently, PSDKP and DJPT officials are expected to inspect 100% of these movements. However, this target is often unachievable in such busy ports, which can compromise the thoroughness of inspections. In 2022, the PSDKP inspected 23,265 fishing vessels,⁵⁷ a substantial increase from the 2,672 vessels inspected in 2021, of which 166 were detained for illegal activities (a detection rate of 6.2%).⁵⁸ Despite the increase in inspections, in 2022, the MMAF detained 97 vessels for IUU fishing (a detection rate of just 0.42%), highlighting the persistent challenge of enforcing regulations effectively.⁵⁹



Tasikagung Rembang Port, one of the busiest ports in Central Java (August 2022).

Recommendation: PSDKP should urgently design and implement a risk-based approach to port-side vessel inspections which scores vessels based on a number of crucial risk metrics. Chosen metrics should provide the authorities with insights into the likelihood of vessels engaging in either IUU fishing or associated labour abuses. Metrics such as size of vessel, average fishing trip length, target

species, number of crew, and infraction history should all be included. A full list of high-risk metrics are included in the Appendix.

Recommendation: Vessel inspections should be conducted based on the risk score of each vessel. High-risk vessels should be inspected before and after every fishing trip while medium-risk vessels should be inspected 80% of the time. Low-risk vessel inspections should be conducted periodically and randomly to prevent operators from predicting inspections and potentially hiding violations.

Recommendation: Vessel risk assessments should be systematically performed by port authorities according to clear guidelines, ensuring consistent categorization and avoiding inspection disparities. EJF recommends that vessel owners be informed of their vessel risk score and given specific actions to improve their score.

Recommendation: Authorities should not assume that a low-risk designation means that a vessel does not require a thorough inspection. Vessel conditions and labour standards can change, necessitating vigilant inspection practices.

Critical VMS checks



Two examples of MTUs showing a well-fixed MTU with steel locking mechanism (left) and an MTU which is only loosely secured with string (right).

During inspections, EJF observers have noted that officials rarely conduct physical checks of the VMS MTU for tampering or removal, focusing only on whether the VMS is active and transmitting. This oversight is critical as tampering with VMS units has been documented in regions like Thailand, allowing operators to engage in IUU fishing undetected.

Recommendation: The MMAF should design and install tamper-proof seals and locks on all VMS MTUs to deter tampering and/or MTU removal. These should display a serial number that can be verified.

Recommendation: PSDKP officials should always ensure that physical inspections of a vessel's VMS MTU and its tamper-proof seals are completed during any vessel inspection. Officials should check for any signs of tampering or removal during previous fishing trips.

Recommendation: The vessel's VMS track should be thoroughly examined for any data transmission gaps or suspicious activities near sensitive areas, such as coastal

regions or Marine Protected Areas. This check can be performed by the Fisheries Monitoring Centre at the MMAF or local MMAF/PSDKP port offices.

IUU fishing allegations against DWF vessels

Further EJJ investigations of the fishing activities for 14 Indonesian-flagged DWF vessels have uncovered numerous IUU fishing violations in RFMO waters since 2021. Potential infractions committed by these vessels include:

- Catching of marine species protected under RFMO resolutions and prohibited from retention.
- Transferring illegally caught protected species to refrigerated cargo vessels, also known as reefer ships.
- Operating without the necessary RFMO authorizations.

All 14 implicated DWF vessels exceed 30 GT and are therefore required to be equipped with VMS and are monitored by the MMAF. Despite this monitoring, these vessels have still managed to engage in potentially unauthorized and presumably illegal fishing activities outside of Indonesia's Exclusive Economic Zone.

These findings underscore significant gaps in MCS and accountability mechanisms intended to regulate the operations of Indonesian DWF vessels. The evidence also underscores the urgent need for enhanced regulations and more stringent port-side inspections to ensure effective detection and prevention of illegally caught seafood entering seafood markets.

IUU fishing in foreign waters by Indonesian-flagged vessels

Under MMAF Regulation No. 58 of 2020, which governs capture fisheries operations, any breach of conservation measures set by RFMOs is classified as IUU fishing. This includes the capture of protected marine species such as seabirds, sea turtles, marine mammals (including whales), and other species designated by RFMOs. Vessels found in violation of these measures are subject to administrative sanctions.⁶⁰ Article 109 of the same regulation specifically prohibits the capture of juvenile and pregnant sharks, as well as the practice of shark finning. It mandates that sharks must be landed whole with fins naturally attached. Additionally, certain shark species, including thresher sharks, oceanic whitetip sharks, whale sharks, and silky sharks, must be released back into the sea if caught accidentally, and such incidents must be duly recorded in the vessel's logbook. This framework is designed to minimize the impact of fishing activities on vulnerable marine species and ensure sustainable fishing practices are adhered to by Indonesian vessels, even in international waters.⁶¹

"If we caught dolphins, we could sell the teeth and we would eat the meat together. The taste of dolphins is good... Both dolphins and false killer whales can be harvested for their teeth. We also caught false killer whales, we got five. And we took the teeth of all of them. We got about 4 dolphins last time." - Interview with an Indonesia crew member working on board KM Bandar Nelayan 176⁶²

"[For thresher shark], we only cut the fins and throw away the body. Sometimes we keep the body too because the captain told us so, but we only keep around five of them to be processed."

- Interview with an Indonesia crew member working on board KM Sentra Nelayan 02⁶³

Recommendation: The IUU fishing infractions reported onboard these 14 DWF vessels require urgent attention and investigation from the Indonesian authorities to identify the perpetrators and bring about prosecutions for such violations.

Recommendation: Continued noncompliance with both Indonesian fishing regulations and RFMO conservation measures demonstrates a lack of transparency, accountability, and scrutiny in Indonesian DWF operations. The GOI, MMAF, and CMMI should prioritize the implementation of key transparency mechanisms as outlined in the Global Charter for Transparency to enhance the credibility of Indonesian seafood exports.

Labour inspections

Across the 12-official government-led inspections that EJF has observed at ports around Indonesia, labour inspections were rarely conducted by inspection officials.

According to Law No. 13 of 2003, the MoM is designated as the lead agency responsible for conducting all labour inspections.⁶⁴ However, the MoM has limited capacity to inspect vessels as well as limited access to Indonesian ports to inspect fishing vessel crews regularly. The MoM's legal jurisdiction also only covers land-based fishery workers.

Despite MMAF Regulation No. 33 of 2021 granting certain mandates to the DJPT to address the rights and responsibilities of crew members for their workplace safety, it does not explicitly designate DJPT as the primary agency for conducting labour inspections during port-side vessel checks. Instead, DJPT officials will only take action if fishers approach them to lodge complaints. Consequently, this situation leaves major regulatory and capacity gaps in the scrutiny of labour conditions onboard fishing vessels. It also leaves crew members with little opportunity to alert authorities if they are indeed victims of forced labour or human trafficking.⁶⁵

In 2023, a proposal was put forward in Bali by DFW to establish a coordination forum at the provincial level involving various stakeholders to safeguard the interests of fishers and those employed in the fisheries sector. Several workshops were held with the aim of pinpointing areas of concern and resolving conflicts among the parties involved in activities at the fishing port in Bali. These parties include various ministries (MoM, MMAF, MoT), the provincial government, fisher unions, and CSOs. Three working groups were established within the forum, each tasked with a specific focus area: enhancing programs and regulations, promoting collaborative monitoring and supervision, and advancing education and advocacy efforts.

Although several meetings have been held, the regional coordination forum can only work effectively if a provincial bylaw or governor's decree is issued to provide the necessary legal framework and

authority for the forum to operate. The issuance of such a decree would grant the forum legal recognition, ensuring that the interests of fishers and those employed in the fisheries sector are protected and that conflicts among the various stakeholders are resolved efficiently.

Recommendation: EJF recommends the amendment of MMAF Regulation No. 33 of 2021 to grant DJPT harbourmasters authority to conduct comprehensive labour inspections during port-side checks, designating DJPT as the primary agency. Enhance collaboration with MoM for swift case identification and resolution of human rights violations.

Recommendation: EJF recommends that the Indonesian government establish mandatory training programs for DJPT and MoM inspectors on identifying indicators of forced labour and human trafficking during inspections. This training should be conducted regularly and include victim-centred interviewing techniques to ensure inspectors are better equipped to recognize and respond to potential labour abuses effectively.

Joint labour inspections in Bitung (July 2022)

The only significant multi-disciplinary labour inspection initiative observed by EJF was an inspection trial conducted in PPS Bitung, North Sulawesi, by the MoM, MMAF, MoT, and the Bitung harbourmaster in July 2022.



Government officials interviewing the crew during the inspection (North Sulawesi, July 2022)

This was the second trial of a multi-stakeholder port inspection protocol, with the initial trial having occurred in September 2020. The following observations were noted by EJF:

- Labour inspectors interviewed crew members on the vessel to determine if they had experienced any indicators of forced labour. Conducting interviews in this environment likely made the crew feel unsafe and uncomfortable, as they were

within earshot of other crew members and senior crew, which could deter them from speaking freely. For more details on the interview procedures, please refer to page xx.

Recommendation: EJF recommends that officials conduct interviews in a private, onshore and secure setting away from the rest of the vessel inspection. This would help create a more comfortable environment for crew members, increasing the likelihood of them sharing genuine experiences.

- Interviewees was surrounded by at least three or four inspectors, which could intimidate the crew members, making them feel vulnerable and less likely to provide honest responses.

Recommendation: It is essential to ensure the comfort and security of the crew during interviews to gather accurate and useful information. Therefore, it is advisable to minimise the number of inspectors present during each interview to prevent the interviewee from feeling overwhelmed.

- The trial joint inspection was held at a privately-owned port operated by a fishing company in Bitung. The inspection was coordinated between government agencies and the vessel owner. Such announced inspections could increase the likelihood that interviewees are pre-selected by the owner and given pre-approved answers to prepare.

Recommendation: To avoid potential coercion or undue influence by the company or vessel owner, inspections should ideally be unannounced and conducted independently of any prior arrangements with the vessel operators. Unannounced inspections enhance the authenticity of the data collected and reduce the likelihood of external pressures influencing the crew's disclosures during interviews.

Despite training from the MMAF and MoM on conducting labour inspections and recognizing signs of labour abuse through the ILO's 8.7 Accelerator Lab program, which included joint inspections at the Port of Benoa (Bali) and the Port of Jakarta in September 2021, challenges persist for DJPT officials in effectively applying these skills.

Recommendation: DJPT officials require comprehensive training to enhance their capacity for conducting port-side labour inspections. This training should be delivered by MoM labour inspector experts and standardized across all principal fishing ports. It should include:

- Implementation of a victim-centred approach during labour inspections.
- Recognition of labour abuse indicators through physical or body language cues.
- Execution of screening interviews with fishers to detect forced labour and human trafficking signs.

- Procedures for safely and effectively referring suspected labour violation cases to relevant authorities.
- Steps for conducting follow-up investigations and legal proceedings if abuse cases are confirmed.
- Ensuring the safety and security of fishers, informants, DJPT inspectors, and other stakeholders throughout the inspection and investigation process.

Recommendation: The MoM and DJPT should collabourate to develop and disseminate a SOP for labour inspections at Indonesian ports. This SOP should comprehensively address the identification, investigation, and prosecution of forced labour and human trafficking cases.

Recommendation: All labour inspection and investigation procedures must adhere to a victim-centred approach. This is essential for the safety and security of potential abuse victims and to foster trust among vulnerable fishers who may fear authority or retaliation from their employers.



An official inspector interviews a vessel crew member within hearing range of other crew members, potentially leading to manipulated testimony (North Sulawesi, July 2022).

A victim-centred approach to labour inspections in Indonesian fisheries

Effective labour inspections hinge on the ability to establish a relationship of trust and mutual respect between workers and inspectors. If workers feel threatened or uncomfortable, they are less likely to disclose truthful information about their

experiences or report labour abuses. Adopting a victim-centred approach is pivotal in building this trust.

This approach focuses on prioritising the needs and concerns of interviewees, aiming to minimise their discomfort or re-traumatization through thoughtful consideration of the interview setting, participants, and questioning techniques.⁶⁶

Key elements of a victim-centred approach, as emphasised by the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime, include:⁶⁷

- Tailoring protection responses to the individual needs of victims.
- Ensuring safety, confidentiality, and non-discrimination in all interactions.
- Providing support irrespective of the victim's participation in the justice process.

Labour inspectors should employ "soft skills" during interviews to empower participants and build trust. These skills include empathy, enhanced communication, and interaction techniques.

For a more detailed guide on victim-centred interview techniques and identifying indicators of forced labour and human trafficking, refer to EJF's *Conducting Interviews with Migrant Workers* guide.

Interviews

Interviews are a critical component of vessel inspections, offering one of the few opportunities for crew members to voice concerns and report potential labour exploitation or abuse. Therefore, it is essential that interview procedures are meticulously conducted and adhere to stringent, uniform standards nationwide.

- During the 11-official government-led inspections witnessed by EJF, none included interviews with any crew members. This omission severely hampers the ability to verify the living and working conditions onboard, as well as to identify potential IUU fishing infractions.
- EJF has noted that inspectors typically interview only the fishing vessel's captain, which is insufficient for uncovering abuses or IUU activities, particularly if those in command are the perpetrators.

Interview procedures

The effectiveness of interview procedures significantly impacts the ability to identify victims of labour exploitation or abuse. Factors such as interviewer demeanour, the setting of the interview, and the presence of bystanders can all influence the willingness of fishers to discuss their experiences. Drawing on its extensive experience with the Royal Thai Government, EJF recommends the following best practices for conducting interviews:

- **Group Dynamics:** Avoid interviewing the entire crew collectively or singling out individuals, as this may lead to fears of retribution. Instead, select a representative sample of the crew, excluding senior members, for interviews.
- **Privacy:** Conduct interviews in a secluded, private setting away from the rest of the crew and command figures to ensure confidentiality and reduce pressure on the interviewees.
- **Comfort:** Facilitate a comfortable environment for interviews, ideally allowing interviewees to sit in a shaded area.
- **Transparency:** Clearly explain the purpose of the interviews to the selected crew members, outlining the potential consequences and protections available should they choose to disclose their experiences. This should be done individually to foster openness.
- **Professional Conduct:** Ensure that only trained labour inspectors conduct the interviews to minimise intimidation. Inspectors should also be skilled in using a victim-centred approach and employing "soft skills" to put interviewees at ease. For further guidance, refer to EJF's *Conducting Interviews with Migrant Workers* guide.
- **Questioning Techniques:** Use open-ended questions instead of leading or yes/no questions to elicit more detailed and actionable responses.
- **Follow-Up Protocols:** Clearly communicate to workers that any infractions identified will be addressed post-inspection to mitigate fears of immediate retribution, particularly important for those about to embark on extended periods at sea. Ensure confidentiality and anonymity in reporting, and take immediate action if serious issues are identified during "port out" inspections, including barring the vessel from leaving port and initiating protective investigations for the crew.

Implementing these procedures will significantly enhance the effectiveness of labour inspections and safeguard the welfare of crew members, promoting a more ethical and compliant maritime industry.

Recommendation: The MoM and DJPT should collaborate to develop and disseminate a SOP for labour inspections at Indonesian ports. This SOP should comprehensively address the identification, investigation, and prosecution of forced labour and human trafficking cases.

Recommendation: EJF recommends establishing a protocol for periodic follow-up interviews with crew members after inspections, allowing them to report any subsequent abuses or retaliation in a secure and confidential manner.

Safety equipment

During most port inspections observed by EJF, crew members were not seen wearing life jackets. Typically, inspectors request the captain to present one or two life jackets from storage for random checks. This method could allow captains to select the highest quality life jackets available, thereby not providing a true representation of all safety gear on board. Furthermore, there has been no effort to

verify the total number of life jackets or assess whether each one is in good condition and suitable for emergency use.

- Recommendation:** To improve safety compliance during vessel inspections, several measures should be adopted:
- All fishers should be required to wear their life jackets during inspections. This practice serves multiple critical functions:
 - Confirms that each crew member has access to a life jacket.
 - Ensures crew members are familiar with their location on the vessel.
 - Verifies that life jackets are in a wearable state.
 - Ensure crew can properly don life jackets; inspectors should thoroughly check all safety equipment for rips, missing features, or defects. Vessels with inadequate equipment should be barred from leaving port until items are fully replaced.
 - Mandate regular training for inspectors to uphold strict safety standards and identify substandard equipment effectively.



A PSDKP official checks a life jacket chosen for inspection by the captain - Such an approach is unlikely to warrant accurate inspection results (Jakarta, September 2023).

Crew identity verification

In line with Indonesian regulations, the requirement for fishers to possess a seaman book and proficiency certificates, such as the BST fisheries certificate, varies by vessel size. Government Regulation No. 27 of 2021 mandates that all Indonesian fishers, whether operating within national or international waters, must hold a seaman book. However, MMAF Regulation No. 33 of 2021 specifies that crew members on vessels larger than 30 GT must have a seaman book, while those on smaller vessels are subject to local government regulations. Regardless of vessel size, all crew members must obtain a proficiency certificate.

- During multiple port-side inspections, EJF observed that neither seaman books nor BST certificates were routinely checked. One crew member from a vessel over 30 GT incorrectly stated that a national ID was sufficient for employment on a domestic vessel, indicating a serious misunderstanding or misrepresentation of the legal requirements.

Recommendation: It is critical that PSDKP and other relevant government agency officials ensure inspectors verify that all fishers possess necessary documentation, such as the seaman book and BST certificate, during vessel inspections.

- In an inspection at Benoa Port, Bali, the number of crew listed did not match the passports in possession of the captain, a discrepancy noted but not investigated further by the inspecting PSDKP official.

Recommendation: Crew identity verification should be a fundamental part of every vessel inspection. PSDKP officials must verify the number of crew at departure and upon arrival, ensuring that all presents are officially registered and listed on the crew list. This is essential to prevent the smuggling of unregistered or undocumented workers and to ensure that man overboard (MOB) cases are promptly detected.

No, [We don't need a seafarer's book], when dealing with company management we only give them ID cards.

- Interview with an Indonesian crew member working on board KM Nutrindo PM 10⁶⁸

Recommendation: PSDKP and other relevant government agency officials must ensure that vessel inspectors verify that fishers have all necessary documents, such as seaman book, BST certificate, and other relevant documents.

- During the port-side inspection of an arriving vessel in Benoa Port, Bali, EJF discovered that the number of crew listed on the vessel crew list did not match the number of passports held by the vessel captain. Despite this issue being flagged to the inspecting PSDKP official, no further investigation was carried out.

Recommendation: Crew identity verification is an essential element of any vessel inspection. PSDKP officials must ensure that they count how many crew are on the vessel prior to departure and on arrival into port. Crew identities should be checked to ensure that only registered crew are on the vessel and also listed on the crew list. This is vital to prevent unregistered or undocumented workers being smuggled onboard vessels as well as to prevent man overboard (MOB) cases to go undetected.

It should be noted that even if crew members are in possession of official identification documentation, they may still be a victim of abuse or trafficking. In-depth interviews should always be used alongside labour checks to identify cases of abuse or trafficking.

The impact of ratifying C188 on Indonesian fisheries

The ratification of the ILO's Work in Fishing Convention, 2007 (C188) could significantly improve the living and working conditions on Indonesian fishing vessels by elevating Indonesian labour regulations in line with internationally recognized standards. These standards would cover health and safety, food and drink quality, crew accommodation, medical provision, fair work hours, rest periods, and insurance amongst others.⁶⁹

- **Challenges in Ratification:** The integration of C188 into Indonesian law has been complicated by the need to amalgamate existing national laws and regulations into a cohesive framework. This includes the Manpower Law No. 39 of 2003, the Shipping Law No. 17 of 2008, and various MMAF, MoM, and MoT regulations, which all intersect with the fishing industry. Overlapping authorities and bureaucratic complexities have historically hindered the effective management and protection of Indonesian migrant fishers.⁷⁰
- **Government Efforts and NGO Advocacy:** Although the GOI introduced Government Regulation No. 22 of 2022 to streamline the licensing processes for recruitment agencies and enhance protection for migrant fishers, its implementation has been slow due to internal conflicts.⁷¹ Meanwhile, the push for C188 ratification continues, driven by Indonesian NGOs and labour unions advocating for better labour conditions.⁷²

At-sea trans-shipment and its connection to IUU fishing practices

At-sea trans-shipment can significantly undermine catch traceability and broader fisheries management and enforcement efforts by facilitating the mixing of IUU-caught fish with legally caught seafood. Several coastal states^{73/74} and corporations^{75/76} have implemented bans on at-sea trans-shipment within their waters or supply chains to minimize the risk of seafood laundering and human rights abuses associated with prolonged vessel stays at sea.^{77/78}

Ministerial Regulation No. 57 of 2014 initially banned at-sea trans-shipment but was amended by MMAF Regulation No. 58 of 2020, which allows it under certain conditions. These include mandatory onboard observers, activation of the VMS, and installation of CCTV cameras on collecting vessels, which are also subject to rigorous government inspections to verify proper permits and compliance with size regulations.

However, the GOI does not require trans-shipments to occur exclusively between vessels owned by the same company. As per Article 7 of MMAF Regulation No. 58 of 2020, collecting vessel owners, whether individuals or corporations, are allowed to enter into officially recognized cooperation agreements with fishing vessel owners acknowledged by DJPT.⁷⁹ EIJF investigations have also revealed that it is common for individual collecting vessel owners to operate freely collecting seafood between different fishing companies and vessels.

"When we were heading for Jakarta. There were fishing vessels that transferred (the catch) to our vessel. Five storage rooms were loaded (with the catch) from the other vessels."

- Interview with an Indonesia crew member working on board KM Sumberjaya⁸²



A fishing vessel crew unloads their catch to a collecting vessel (Maluku, November 2022).

"I don't know if this vessel belongs to a company or personal entrepreneur. We don't have a sister vessel or fishing vessel. Our vessel seems like a courier that transports fish from fishing vessels to the port."

- Interview with an Indonesia crew member working on board KM Mitra Prima Samudra⁸¹

Moreover, EJF has discovered that the practice of trans-shipment between fishing vessels is widespread. This occurs when the owners of fishing vessels - without dedicated collection vessels - transfer their catches to other fishing vessels that are already on their way back to port.

These findings raise concerns about the transparency and compliance levels of current at-sea trans-shipment practices conducted by Indonesian fishing vessels.

Recommendation: In accordance with the GCFT, EJF strongly urges the GOI to outlaw the practice of at-sea trans-shipment entirely for domestic flagged fishing vessels operating within Indonesia's EEZ. At-sea trans-shipment should only be authorized for Indonesia's DWF fleet if the practice is closely monitored through both human observers on collecting vessels and electronic systems involving CCTV cameras and remote sensors on both fishing and collecting vessels.

Recommendation: Any future risk-based approach towards vessel inspections (both for port-side and at-sea inspections) should be revised so that any vessel that declares itself to engage in at-sea trans-shipment should be automatically classified as 'high-risk'.

Global Charter for Transparency (GCFT)

In 2022, EJF, along with international NGO partners such as Oceana and Global Fishing Watch, formed the Coalition for Fisheries Transparency.⁸³ This coalition aims to improve transparency and accountability in global fisheries through the adoption and implementation of the GCFT, which outlines 10 policy principles. These principles provide a framework to enhance cooperation, address capacity gaps, and strengthen fisheries governance globally. While these principles are designed for all scales of fisheries, adaptations may be necessary for effective application in small-scale operations.

Policy Principles:

1. Require unique identification numbers for all fishing vessels (including transport and supply vessels).
2. Publish lists of licenses, authorizations, and sanctions.
3. Make public the beneficial ownership of vessels.
4. Stop the use of flags of convenience by fishing vessels.
5. Make vessel position data public.
6. Ban or closely monitor at-sea transshipment.
7. Mandate seafood traceability from boat to plate.
8. Ratify international agreements that set standards for fishing vessels and trade.
 - (Including the Food and Agriculture Organization of the United Nations (FAO) Agreement on Port State Measures; ILO Fundamental Principles and Rights at Work; ILO C188; and International Maritime Organization (IMO) Cape Town Agreement.)
9. Ensure public and equitable access to fisheries data and participation in fisheries management and decision-making.
10. Collect data on the conditions of fishing vessel crews and publish it in aggregate form.

The GCFT is a holistic set of principles around which Coalition members coordinate their advocacy efforts. The Charter aims to ensure that information about vessels and fishing activity is widely available to support fisheries management practices that promote seafood production free from illegal practices and human rights abuses at sea. While intended for the entire fisheries sector and readily implementable in industrial fisheries, the Coalition acknowledges that some principles require further adaptation before they can be effectively applied to all small-scale fisheries.⁸⁴

Recommendation: Given that IUU fishing and human rights abuses in the fishing industry are transboundary issues, it is vital that Indonesia works with countries across the ASEAN region to encourage other fishing nations to adopt and promote transparency measures in order to holistically eradicate IUU fishing from Southeast Asian waters. This is essential to avoid the creation of "ports of convenience" where illegal operators can continue to unload their catches without fear of scrutiny or investigation.

Gaps in at-sea inspection protocols

In April 2022, EJF was invited by the MMAF to observe an at-sea patrol conducted by the PSDKP patrol vessel Orca 03. This patrol took place in the Natuna Sea over nine days, inspecting a total of 17 Indonesian-flagged fishing vessels. It is important to note that this was the first and only at-sea PSDKP patrol observed by EJF in Indonesia, and the practices witnessed may not reflect the broader enforcement methodologies applied across the country.



The captain of an inspected fishing vessel transfers documents using an improvised net.

Observations and recommendations

- The Orca 03 patrolled only during daylight hours due to safety concerns and the difficulty of approaching active fishing vessels at night.

Recommendation: Any future risk-based approach towards vessel inspections (both for port-side and at-sea inspections) should be revised so that any vessel that declares itself to engage in at-sea transshipment should be automatically classified as "high-risk."

- Upon reaching the patrolling area, the PSDKP used AIS or binoculars to spot domestic fishing vessels, prioritising larger ones for inspection.

Recommendation: Implement a risk-based inspection protocol where vessels with high-risk fishing gears, such as bottom trawlers, or those that are labour-intensive, are prioritised. This approach would optimise resource allocation and enhance patrol efficiency.

- Due to its large size and rough sea conditions, Orca 03 could not safely manoeuvre alongside fishing vessels for boarding. Documents were instead transferred using a long stick with a net.

Recommendation: Equip large patrol vessels like Orca 03 with a smaller tender vessel or dinghy that can be deployed for safe boarding and thorough inspections.

- No physical boarding was conducted during the inspections, hindering the ability to check fish holds, search for contraband, or inspect the VMS system for tampering.

Recommendation: SOPs should be updated to include boarding of vessels for comprehensive inspections. This would allow for a direct evaluation of the vessel's compliance with fishing regulations and crew conditions.

- The absence of physical boarding also meant missing out on direct interactions with the crew, which could provide insights into potential exploitation or abuses.

Recommendation: Incorporate brief, victim-centred crew interviews into the inspection process. These interactions are crucial for assessing crew welfare and could highlight issues not visible through document checks alone.



PSDKP officers record vessel inspection data manually in a log sheet.

- Three officers typically handled document verification—checking, recording, and photographing documents. This process was brief, often taking no more than five minutes per vessel, due to concerns about vessel safety and a desire to maximize the number of inspections.
- The documents that were handed over to the PSDKP during inspections included:
 - Licence of fishery business (SIUP).
 - Vessel fishing licence.
 - Port clearance documents.
 - VMS activation licence (including vessel name, fishing ground, and fishing gear).

- Seaman books and ID cards for all crew members, including the captain and senior crew, were also included in the bundle of documents; however, from EJJ's observations, these were not thoroughly checked. Crew seaman books and ID cards were not verified against the actual crew onboard the fishing vessel due to time limitations, nor were these documents cross-referenced against a crew list.
- EJJ observed that the impression of each vessel inspection was to attempt to complete the document verification process as quickly as possible. This was often due to safety concerns, as the PSDKP was worried about damage to either vessel from being alongside each other for too long. However, another reason behind the speed of inspection did seem to be the ambition to reach as high a vessel inspection tally per day as possible.

While high inspection numbers are impressive, they should not compromise the depth or quality of each inspection. A more detailed, qualitative focus in inspections could reveal more about the scale and nature of potential IUU fishing and human rights issues.

Due to the highly complex nature of IUU fishing and human rights abuses in the fishing sector, it is often difficult to uncover these crimes simply by verifying documents. Onboard inspections, short crew interviews, verification of crew documents against individuals, VMS and AIS verifications, and fish hold inspections are all important elements of an at-sea vessel inspection which can drastically increase the accuracy and effectiveness of such at-sea patrol activities.

RISK CATEGORY	DESCRIPTION	INDICATORS
High Risk	<ul style="list-style-type: none"> • Vessels with a history of violations or operating in high-risk areas (e.g., protected marine areas). • Vessels involved in transshipment activities or flagged by international agencies. 	<ul style="list-style-type: none"> • Previous violations of fishing regulations. Operating near protected zones without proper permits. History of discarding by-catch improperly. Involved in transshipment. Flagged by international conservation organizations. Operating in international waters with mixed jurisdiction.
Medium Risk	<ul style="list-style-type: none"> • Vessels with occasional discrepancies in logbook entries or minor infractions in the past. 	<ul style="list-style-type: none"> • Inconsistencies between logbook and actual catch. Minor infractions noted in previous patrols. Vessels from companies with mixed compliance records.
Low Risk	<ul style="list-style-type: none"> • Vessels with a clean compliance record and operating in low-risk areas. 	<ul style="list-style-type: none"> • Consistently accurate logbook entries. No prior violations. Engagement in low-impact fishing practices.

It is important to note that these recommendations are not exhaustive and are based on a limited number of observations.

Strategic risk-based inspection framework for at-sea patrols. This has been adapted from an existing NOAA framework.⁸⁵

EJF acknowledges that including these additional components into at-sea patrol and inspection regimes will require much greater time spent per vessel inspection. For this reason, EJF recommends that the PSDKP's vessel inspection regime and its measure of success (i.e., number of vessel inspections completed) be reconfigured to centre around the quality of the inspections rather than sheer number.

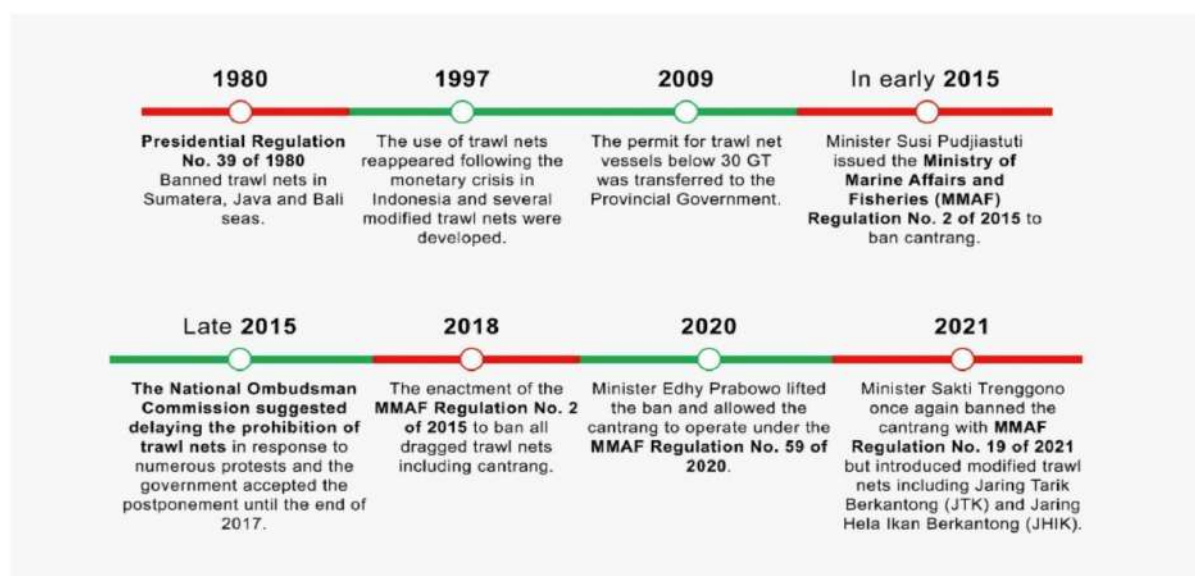
Such an approach would employ a risk-based approach so that PSDKP patrol vessels can target riskier vessels rather than inspecting vessels randomly, thus further improving the effectiveness of patrol resources. More detailed and comprehensive inspections will increase the chances of identifying potential problems onboard vessels. Further recommendations on how such a risk-based approach might be implemented are available upon request.

By addressing these gaps, EJF aims to strengthen the enforcement of maritime laws and improve the conditions for those working within Indonesia's fishing industry. Further detailed recommendations on implementing a risk-based approach are available upon request.

Lack of enforcement action to combat potentially illegal bottom trawling

The regulation of bottom trawling in Indonesia presents an ongoing compliance and enforcement challenge. Despite a ban in place since 1980 across Java, Bali, and Sumatra, fishers have continually adapted their trawl gears to evade regulatory changes.⁸⁶ This adaptation has persisted through various regulatory frameworks, often circumventing established legal restrictions.⁸⁷

Historical context and regulatory changes



- **Prior to 2014**, the GOI's stance on bottom trawling was relatively relaxed due to economic pressures and powerful fishing industry lobbies. However, during Minister Susi's tenure from 2014 to 2019, the approach shifted significantly towards stricter enforcement of regulations and bans on bottom trawling, driven by a prioritisation of environmental sustainability and increased international pressure to combat illegal and destructive fishing practices.

- **Post-2019**, the government's policy has sought to balance environmental sustainability with the socio-economic needs of fishing communities, influenced by factors such as the COVID-19 pandemic and changes in government leadership.

Current Regulatory Framework

MMAF Regulation No. 18 of 2021 delineates the differences in gear types such as cantrang, Jaring Tarik Ikan/ seine net (JTK), and Jaring Hela Ikan Berkantung/ trawl net (JHIK), specifying mesh sizes, shapes, deployment lengths, ballast types, and permitted fishing areas. Despite these detailed regulations, EJJ investigations in 2022 across nine ports in Java and Sumatra revealed widespread use of banned trawl gears and modifications intended to skirt these rules.



JHIK commonly used for mid-trawling (left) and JTK commonly used for bottom trawling (right)

DIFFERENCES	CANTRANG (REGULATION ANNEXES)	JTK (ARTICLE 25 (3))	JHIK (ARTICLE 26(2) AND 27)
Mesh size and shape	Less than 1 inch and diamond shape	Minimum 2 inches and square shape	Minimum 2 inches and square shape
Deployment length	Average length between 1.8 – 6 km	Maximum length is 900 metres	Not mentioned in the regulation; recommends amendment to prohibit the use of ballasts
Ballast	Stones or other weights	Rope	Not allowed to touch the bottom, recommends sealing regulations for appropriate definitions
Method	Dragged behind vessel, net touching the bottom of the sea	Stationary net, net is permitted to touch the bottom	Not allowed to touch the bottom, recommends sealing regulations for appropriate definitions
Permitted fishing ground(s)	No restrictions on fishing grounds	Only allowed after 12 NM from shore within the Java sea and after 30 NM in the Natuna sea	Only allowed after 20 NM in the Straits of Malacca and Andaman sea, Indian Ocean; after 30 NM in the Natuna sea
Other requirements	-	-	Not allowed to install additional tools such as: Rolling ball or shock chain, double pouch at the top of the

			net, goalposts or crossbars to help expand the net opening
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Comparison of Fishing Gear Regulations under MMAF Regulation No. 18 of 2021.

Issues identified

EJF field investigations in late 2022 in nine ports across Java and Sumatra ports have revealed widespread use of banned trawl gears, highlighting issues with compliance and enforcement. EJF undertook interviews with fishers, bottom trawl boat captains, supply chain middlemen, seafood processing workers, and other relevant stakeholders at these ports.

These investigations uncovered illegal modifications such as fishers attaching steel rolling balls to the footrope to allow the net to touch the seafloor while claiming they use JHIK nets – which are not supposed to touch the seafloor. Fishers were also found to be using double pouches at the top of the net and very fine net mesh inside the net itself to ensure that even the smallest fishes could not escape.

The ecological consequences of these activities are substantial, encompassing harm to coral reefs and the capture of juveniles of economically valuable fish species before they can mature and replenish the population. Depending heavily on the catching of juveniles has resulted in a surge in the harvesting of low-value “trash fish,” unfit for human consumption.

Furthermore, the regular misreporting of vessel sizes and names to circumvent regulations indicates systemic problems in the oversight and regulation of trawling practices in Indonesia.



Left: A piece of hard coral mixed with trash fish basket (Belawan port, Medan); Right: Hundreds of juvenile sharks (mixed species) categorized as trash fish (Tegalsari port, Tegal).

PROVINCE	REMARKS
Tegal, Central Java	Many large bottom trawlers (> 60 GT)
Brebes, Central Java	No bottom trawlers identified
Batang, Central Java	A few moderate bottom trawlers (20-30 GT)
Pekalongan, Central Java	No bottom trawlers identified
Pati, Central Java	A few small bottom trawlers (< 5 GT)
Rembang, Central Java	Many large bottom trawlers (> 60 GT)
Brondong, East Java	Many moderate bottom trawlers (20-30 GT)
Subang, West Java	A few small bottom trawlers (< 20 GT)
Belawan, North Sumatera	Many moderate bottom trawlers (20-30 GT)

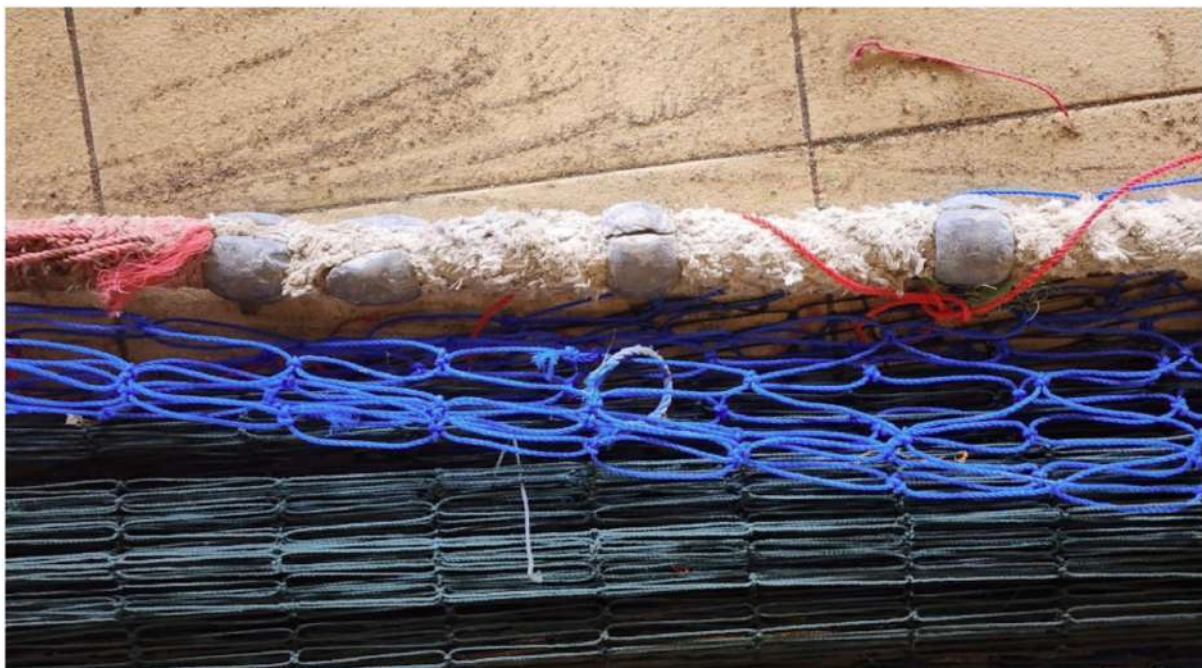
List of ports investigated in October 2022

Note: It was not possible to determine the legality of the fishing gears observed in these fishing ports due to the similarities between the gears and the loopholes being exploited by vessel operators.

Recommendation: The MMAF should classify all trawlers as high-risk vessels, making them subject to increased scrutiny and inspections of their fishing activities. This would enable more stringent checks for whether vessels have made illegal modifications to fishing gears. Similarly, JHK and JHIK fishing gears should be classified as destructive fishing gears and inspected on a more frequent basis.

Recommendation: The MMAF must strengthen its MCS mechanisms of these high-risk trawler vessels to ensure compliance with existing regulations on trawl gears. This should include more stringent port-side inspections, increased at-sea patrols that prioritise inspections of trawlers, use of satellite and drone surveillance, and stricter penalties for violations.

Recommendation: EJF recommends promoting community-based monitoring and reporting mechanisms designed to identify illegal trawling operations. Engaging local fishing communities in monitoring activities can help identify and report illegal trawling practices, fostering a sense of collective responsibility for sustainable fishing practices.



Illegal fishing gear modification (violating MMAF Regulation No. 18 of 2021, article 26(2) and 27 on JHIK): an addition of steel ballast at the footrope of the trawl net which would allow it to sink to the bottom. Photographed in Batang, Central Java.

“... When we hit corals, the net would be damaged instead of the corals. Sometimes when we cannot pull the net from the corals, we would just leave the net at the sea. We often experience that; in one trip it can happen 5 to 6 times.”

- Interview with an Indonesia crew working on board KM Sumber Rejeki 2⁸⁸



Illegal fishing gear modification (violating MMAF Regulation No. 18 of 2021, 25(3) on JTK and article 26(2) and 27 on JHIK): an addition of one-inch sized double pouch at the top of the net (left); a two inches net without a double pouch (right). Photographed in Batang, Central Java.

“Both cantrang and trawl nets touch the seafloor. I know that cantrang reaches the bottom of the sea because dirt is also brought out as well. If it doesn’t reach the seafloor, demersal fish couldn’t be caught. Sometimes coral rocks are brought up too.”

- Interview with an Indonesia crew working on board KM Teguh Jaya 6⁸⁹

Based on investigations conducted by EJF, it appears that vessels using JTK and JHIK gear are frequently engaging in illegal bottom trawling activities, often with minimal risk of detection or apprehension. The absence of publicly available data on the actual number of fishing vessels operating in Indonesian waters, especially since the introduction of the bottom trawling ban, significantly hampers the ability of stakeholders, including NGOs, to verify the identities of these vessels. This lack of transparency complicates efforts to enforce regulations and hinders effective fisheries management.

Under MMAF Regulation No. 58 of 2020, the GOI has delegated certain fisheries management responsibilities to provincial governments, allowing them to issue fishing licences for trawler vessels ranging from 10 to 30 GT. This delegation has made it attractive for commercial trawler operators to register vessels within this size range due to several benefits. Notably, vessels under 30 GT qualify for subsidised fuel oil and may report lower tax values. These vessels are also allowed to operate within 12 miles of the coastline, offering operational cost savings on travel and fuel.⁹⁰

The process for acquiring fishing vessel permits varies significantly between the central and provincial governments, primarily due to differences in jurisdictional authority and regulatory scope. Permits from the central government, issued by the MMAF, generally involve broader and more stringent regulations, reflecting the central government’s overarching role in managing marine resources. In contrast, provincial governments tailor their permits to local needs and specific regional fisheries management strategies, which can lead to a disparity in regulatory standards.

This decentralisation of authority illustrates a significant governance gap, particularly in the oversight of trawl vessel operators owning smaller vessels (under 30 GT). The variance in licensing standards between the central and provincial levels highlights challenges in maintaining consistent fisheries management practices across Indonesia, potentially undermining efforts to effectively manage and protect marine resources.



This vessel is fitted with board-shaped iron ballasts at the bow section – an illegal practice.

Recommendation: Establish a Unified Regulatory Framework for Fishing Vessels. The MMAF should work with provincial governments to create a standardised regulatory framework for all fishing vessels, particularly those under 30 GT. This unified framework would include consistent licensing requirements, operational standards, and enforcement protocols across all provinces. Implementing such standards would simplify compliance verification, enhance regulatory enforcement, and reduce the administrative burden on local authorities, ensuring more effective management of fishing practices across Indonesian waters.

Recommendation: The MMAF should develop and implement a comprehensive vessel monitoring system for vessels deploying destructive fishing gears including those smaller than 30GT. This system should integrate satellite tracking, AIS, VMS and cellular-based tracking technologies to ensure a balance between vessel size, cost-effectiveness and risk of conducting IUU fishing.

Recommendation: Enhancing surveillance capabilities for vessels deploying destructive fishing gears would help in timely detection of illegal activities and ensure compliance with fishing regulations, thereby supporting sustainable fisheries management and protecting marine biodiversity.

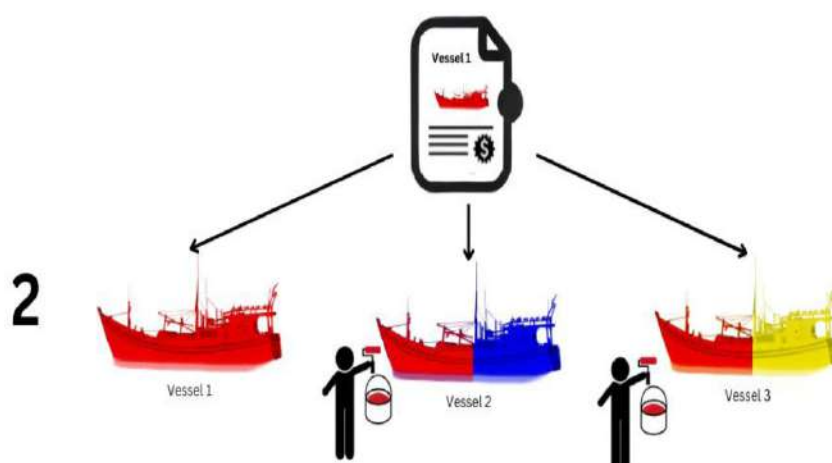
- Based on interviews with fishers employed on bottom trawl vessels in Medan, EJF discovered that bottom trawl operators are copying valid vessel licences and sharing them amongst unregistered sister vessels within the same fleet. Such a practice was common in neighbouring Thailand several years ago with multiple so-called 'ghost ships' sharing the same names and carrying copies of the same registration documents as a single legitimate vessel.⁹¹ This is done as obtaining vessel permits can be very expensive and time consuming. One interviewee even

mentioned instances where they went fishing with a vessel whose name on the body differed from the one indicated in the licence.

"Ghost ship" fraud process



A vessel operator owns three ships and purchases a license for Vessel 1



The two other vessels are renamed and repainted to look the same as Vessel 1. The operator gives a copy of Vessel 1's licence to each vessel.



All three vessels go out fishing despite only one of them holding a valid licence.

"This vessel doesn't have any documents so it will use another vessel's documents. The vessel number was changed. The GT size [written on the vessel body] was changed too because the engine was different."

- Interview with an Indonesia crew member working on board KM Camar 23⁹²

Recommendation: Such a practice can lead to significant issues for authorities in accurately quantifying the size of the fishing fleet, especially if there are multiple vessels sharing a single valid license. It can also result in uncontrolled growth within a fishing fleet as well as massive fishing effort overcapacity, leading to overfishing, unsustainable fishing practices, and illegal fishing. Without adequate monitoring of vessel operations, and a robust unique

vessel identifier system, it can also be difficult to determine which is the original, legitimate holder for the license.

Recommendation: EJF recommends the design and implementation of a centralised legal framework that standardises fishing regulations in all Indonesian waters, regardless of vessel size. This approach aims to achieve consistent enforcement and management practices, effectively combating IUU fishing and safeguarding marine ecosystems.

Recommendation: EJF recommends enhancing transparency in vessel registration through the creation of a digital, centralised fishing vessel database that can help track changes in vessel size and gear types, reducing the potential for misdeclaration and evasion of regulations. This database should be accessible by the public and should be updated in real time. Key data metrics include vessel name, unique vessel identifier, vessel gear, vessel size, fishing area, owner's name and address, and photo amongst others.



A bottom trawl vessel in PPS Belawan whose name has been painted over many times (Belawan port, Medan).

"Let's say [the company] has 10 vessels. The valid documents are only for 6, while the invalid ones are 4. These 4 vessels are going to set sail. From those 6 valid documents, there is the Camar 10 [one name for example] vessel that doesn't set sail. One of those four vessels will change its name to Camar 10. It will use the Camar 10 document... and the vessel name will be repainted." - Harbourmaster staff testimony, Belawan Port ⁹³

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Appendix

Appendix 1: Risk Descriptors and Contributing Factors

This appendix outlines the recommended risk criteria for assessing the risk level of fishing vessels. These criteria are adapted from the Common Risk Assessment Framework used by the Thai Department of Fisheries for risk-based vessel inspections.

Risk Number	Risk Description	Contributing Factors
R1	Violation of port inspection reporting requirements	R1-1: Ship has no tracking device; R1-2: Number of times the vessel has 'ported out' without being inspected; R1-3: Number of times the vessel has unloaded catch without being inspected by the PSDKP.
R2	Risk of committing labour violations	R2-1: Number of labour prosecutions; R2-2: Number of fishing days per trip; R2-3: Number of rest hours for the crew; R2-4: Actual 'Port in' time is different from the declared 'port in' time; R2-5: Number of crew is not consistent with MMAF records; R2-6: Vessel crew list has changed by more than 30% in the last three months; R2-7: Vessel and/or captain or owner has a history of having illegal or undocumented crew onboard.
R3	Fishers lost at sea in man overboard cases	R3-1: Number of crew lost at sea; R3-2: Number of crew lost at sea on sister vessels.
R4	Assuming a fake registration or registration tampering	R4-1: Vessel is on the IUU watchlist, is in the medium or high-risk vessel category, or is listed as damaged or sold abroad; R4-2: Vessel owner has previously sold other vessels in order to absorb/merge fishing licences.
R5	Fishing in coastal areas	R5-1: Vessel has a history of fishing within reserved coastal areas; R5-2: Vessel owner or captain has a history of fishing within reserved coastal areas; R5-3: Vessel has a history of missing VMS signals near coastal areas.
R6	Falsifying logbook data	R6-1: Difference between logbook (LB) data and VMS; R6-2: Difference in weight of catch between landing declaration (LD) and LB; R6-3: Top three species differ between LD and LB; R6-4: Number of times that there have been unreported species between LD and LB; R6-5: Number of times vessel owner has misreported catch; R6-6: Number of times reason for 'port in' has suddenly changed to 'unloading of catch'; R6-7: Vessel that unloads its catch at multiple piers.
R7	Removing of VMS or turning off VMS	R7-1: Number of VMS faults; R7-2: Number of vessels a vessel owner has registered but have never once requested 'port out' clearance; R7-3: Number of times that a vessel has been called back due to VMS issues; R7-4: Number of cumulative VMS signal outages.
R8	Using fishing gears not specified in their registration document	R8-1: Vessel has a history of using unregistered fishing gears.
R9	Captain or owner has previous offences or criminal records	R9-1: Captain or vessel owner has a history of previous offences or criminal records.
R10	Vessel has a recorded smuggling offence	R10-1: Vessel has a history of being involved in smuggling offences.

Appendix 2: Roles and Responsibilities of Agencies in Indonesian Fisheries Operation

Agency	Role in Fisheries Operations	Responsibilities
Ministry of Transportation (MoT)	Vessel Regulation and Safety	Issuing vessel measurement certificates
		Issuing "Pas Besar" certificates
		Ensuring vessels comply with safety and operational standards
Ministry of Manpower (MoM)	Labour Regulations	Ensuring compliance with labour laws on fishing vessels
		Issuing eligibility letters for manning

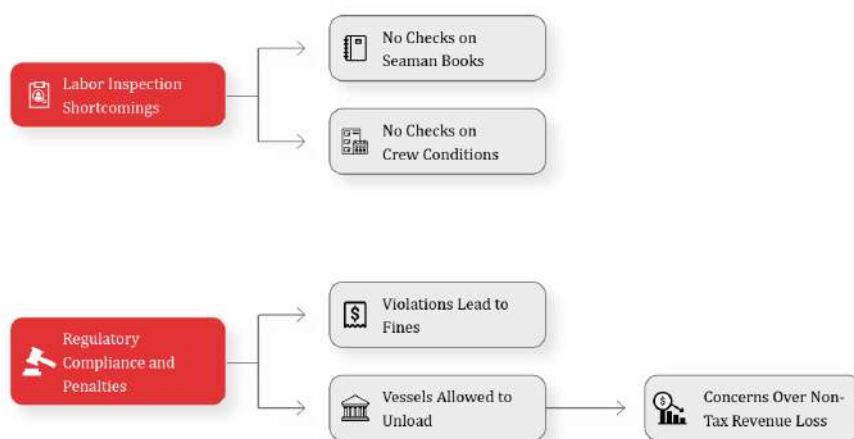
		Overseeing health and working conditions of the crew
Directorate General of Capture Fisheries (DJPT)	Fisheries Management and Inspection	Conducting document verification for port clearance
		Implementing and monitoring fishing regulations
		Conducting physical inspections of vessels
Directorate of Marine and Fisheries Resources Surveillance (PSDKP)	Law Enforcement and Resource Protection	Issuing legal operation standards for fishing vessels
		Monitoring and enforcing compliance with fisheries management practices
		Engaging in at-sea patrols and inspections

Appendix 3: DJPT's roles and responsibilities in port-side inspections (*Case study at PPS Nizam Zachman*)

The Directorate General of Capture Fisheries (DJPT) plays a crucial role in the oversight and regulation of fisheries activities within Indonesia's ports. As part of its mandate to enforce compliance with fisheries regulations, the DJPT conducts detailed port-side inspections, which are essential for ensuring that vessels operating in Indonesian waters meet legal standards.



These inspections are designed to safeguard the sustainability of fish stocks, uphold the rights of workers, and prevent illegal activities such as unreported and unregulated (IUU) fishing, which can have severe environmental and economic impacts. The port-side inspection process conducted by DJPT is divided into two primary stages: pre-departure inspections and post-arrival inspections. Each stage has distinct responsibilities and procedures aimed at verifying compliance with legal requirements, monitoring fishing practices, and maintaining standards for vessel operations.



Through this dual-stage inspection process, DJPT strives to enforce regulatory compliance while balancing the operational needs of the fishing industry. However, challenges in the inspection processes, particularly regarding labour standards and night operations, highlight areas where regulatory practices could be further strengthened.

Appendix 4: Port-side inspection responsibilities by agency: Pre-departure and post-arrival checks

Agency	Pre-Departure Inspection	Post-Arrival Inspection
DJPT	Verifies essential documents, including: <ul style="list-style-type: none"> • Fishing and business licenses • Proof of payment for port, navigation, and cleaning services • E-logbook or cargo manifest • Legal operation standard of fishing vessels (issued by PSDKP) • Previous port clearance • Certificate of reporting the arrival of a fishing vessel • Vessel measurement and Pas besar certificates (issued by MoT) • Letter of eligibility for manning, book of health, radio certificate • Crew's health insurance and working contracts (PKL) Conducts physical inspection using a detailed checklist <ul style="list-style-type: none"> • Inconsistently checks crew list before vessel's departure 	<ul style="list-style-type: none"> • Re-verifies documents, including: <ul style="list-style-type: none"> • Vessel's port clearance • Fishing license • Logbooks • Data from the E-PIT application • Conducts physical examination to estimate total catch on board • Discusses with the captain to determine fullness of holds and approximate quantities • Places inspection flag upon completion and approval to unload
PSDKP	Issues legal operation standard of fishing vessels	Not specified in the case study
MoT	Issues vessel measurement and Pas besar certificates	Not specified in the case study
MoM	While not specified in the case study, the Ministry of Manpower is responsible for conducting labour inspections, including: <ul style="list-style-type: none"> • Checking seaman books • Verifying crew contracts and working conditions • Ensuring compliance with labour regulations 	While not specified in the case study, the Ministry of Manpower may continue labour inspections post-arrival, including: <ul style="list-style-type: none"> • Interviewing crew members about their working conditions • Investigating any reported labour violations or complaints



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