

Addressing decent work gaps in the marine fishing sector: Lessons from ASEAN's regional efforts

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ABSTRACT

The marine fishing sector is an important source of food security, employment, and economic growth in Southeast Asia. Unfortunately, the rise in products demands has not been balanced by regulations and enforcements that protect the rights of migrant fishers. ASEAN has oftentimes viewed as an ineffective regional organization due to its adherence to non-interference principle and non-legally binding commitment. The absence of regional instruments that focus on the protection of fishers who work on foreign fishing vessels in international waters, has further exacerbated their poor working conditions. This article aims to contribute to Clive Archer's discussion on the roles of intergovernmental organization as an arena, actor, and instrument. By showcasing the case of ASEAN's efforts to protect migrant fishers, this article analyzes ASEAN's ability to play these three crucial roles. This article shows that as an arena, ASEAN was able to provide a platform for member states to push the issue as a regional agenda and come up with a Declaration and operating Guidelines for the placement and protection of migrant fisher. As an instrument, ASEAN was able to garner member states' commitment through the establishment of ALICOM, a sectoral body that focuses on labor inspection. Lastly, as an actor, ASEAN was able to gain the support of external partners, particularly through a joint program titled Addressing Labor Exploitation in Fishing in ASEAN (ALFA) funded by the United States Department of Labor.

Keywords:

ASEAN; migrant fishers; decent work

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INTRODUCTION

In Southeast Asia, the marine fishing sector is a great contributor of food security, employment, and economic growth. Some Association of Southeast Asian Nations (ASEAN) member states are the largest producers of maritime fisheries globally. Reports recorded

that Indonesia, Malaysia, Myanmar, the Philippines, Thailand, and Vietnam collectively produced more than 20 percent of global fisheries output in 2020 (ILO, 2020). Historically, growth has been primarily led by exports to major markets in the EU and the U.S. In recent decades, the demands also come from domestic markets and neighboring countries.

According to (ILO & BRIN, 2025) nearly 80 percent of the world's fishers came from Southeast Asia. Specifically, Cambodia, Myanmar, Indonesia, the Philippines, Vietnam, and Lao PDR play a role as sending states of migrant fishers. Malaysia, Singapore and Thailand often play a role as transit states to destination states. The fishers are then transported to destination states, such as China (Taiwan), South Korea, and Japan to work on fishing vessels owned and operated by companies based in these countries (Kadfak, 2025).

The rising demands for products from this sector has not been balanced by the improvement of working conditions of the fishers. Fish stocks have become depleted in various areas of the world, yet consumers' appetite for fish and seafood products remains high. The global supply chains have adapted to continue to serve the demand to more intricate sourcing strategies. As an example, the fishing vessels have expanded their area beyond their nation's borders to international waters (Van Voorhees, 2017). The fishing vessels have expanded their area beyond their nation's borders to international waters.

This is where the issue starts to arise and become more complex. As the fishing grounds become wider, the enforcement and monitoring of decent labor practices are becoming less regulated. Fishers are sent to work long hours without proper accommodation and occupational safety and health (OSH) facilities in remote high seas aboard vessels operating under complex multinational ownership and flag arrangements. Senior crew members subject migrant fishers to forced labor through passport confiscation, withholding wages, and debt bondage (U.S. Department of State, 2021; Garcia Lozano et al., 2022). The absence of regional instruments that focus on the protection and promotion of the rights of crew members aboard foreign fishing vessels in international waters, has further exacerbated the efforts to enforce and monitor decent work practices (Yen & Liuhuang, 2021).



Picture 1. The transnational nature of work in the marine fishing sector

Source: (ILO, 2016)

ASEAN has recognized the need to address the poor working conditions aboard fishing vessels operating within and outside the region's waters (ASEAN, 2023b; U.S. Department of Labor, 2022). ASEAN stands to address issues pertaining to decent work in the fishing sector, such as forced labor, human trafficking, and child labor (Hasbiyalloh et al., 2024; Nakamura et al., 2018). In regard with the marine fishing sector's production and movements of migrant fishers, ASEAN has actively expanded its efforts to address it as regional non-conventional threats at sea (Suzuki, 2019). The efforts are in line with the increasing awareness on the protection and promotion of migrant workers' rights (ASEAN, 2023d, 2023c, 2024).

While an approach to address forced labor and strengthen worker protections in the marine fishing sector has yet to be articulated, there are some signposts for ASEAN to follow. ASEAN mechanisms have achieved regional objectives to counter TIP and forced labor through the ACTIP and Bohol TIP Work Plans (Wirawan & Novikrisna, 2024); enhance maritime security cooperation (Keliat, 2009); tackle IUU fishing (Arimadonna, 2020); and promote and protect the rights of migrant workers (Safitri & Sundrijo, 2023). Regional cooperation on these priorities has been primarily advanced within respective ASEAN community pillars, with a few examples of cross-sectoral coordination, such as the Bohol TIP Work Plans.

This article aims to contribute to the academic literature on the roles of intergovernmental organizations. Specifically, this article attempts to explain the roles that ASEAN play as an intergovernmental regional organization in promoting decent work for migrant fishers in the region. Often viewed as an ineffective organization due to its adherence to non-interference principle and non-legally binding commitment (Cockerham, 2010), ASEAN is able to effectively bring forward the issue of promoting decent work for migrant fishers as a regional agenda. Guided by Clive Archer's elaboration on the roles of intergovernmental organization as arena, actor, and instrument, this article attempts to showcase ASEAN's ability to play these three crucial roles.

Through analyzing the study case of promoting decent work for migrant fishers in the marine fishing sector, this article aims to show that as an arena, ASEAN was able to provide a platform for member states to push the issue as a regional agenda and agreed on a Declaration and operating Guidelines for the placement and protection of migrant fisher. As an instrument, ASEAN was able to garner member states' commitment through the establishment of the ASEAN Labour Inspection Committee (ALICOM), a sectoral body that focuses on labor inspection across the region. Lastly, as an actor, ASEAN was able to gain the support of external partners, particularly through a joint program titled Addressing Labor Exploitation in Fishing in ASEAN (ALFA) funded by the United States Department of Labor. This collaboration cannot be made possible otherwise if not through ASEAN's role as a prominent and trusted actor in the region.

METHOD

This article utilizes qualitative research method with deductive approach. Qualitative research is viewed as most suitable to analyze ASEAN's roles as an intergovernmental organization in promoting decent work for migrant fishers in the Southeast Asian region. Alan Bryman noted a crucial aspect of qualitative research, that is the relationship between concepts and theories with data analysis. The results of data interpretation can contribute to the development of new theories or strengthen existing theories (Bryman, 2012). By analyzing the findings and salient points from various sources, the desk research is able to synthesize the roles of ASEAN as arena, instrument and actor as defined by Clive Archer.

This article uses desk research method to analyze data and information that showcase ASEAN's efforts in pushing the placement and protection of migrant fishers as a regional agenda. This article uses ASEAN documents and information made available in the ASEAN website as its primary sources. This article also uses secondary sources from the reports and studies produced by ASEAN's dialogue partners such as Australia and the United States, international organizations such as IOM and ILO, and regional civil society organizations such as Greenpeace and Human Rights Working Group (HRWG). These actors contribute significantly in the development of the Declaration and operating Guidelines on the placement and protection of migrant fishers in the region, and as such, their viewpoint would

provide a more comprehensive analysis regarding ASEAN's effectiveness in promoting decent work for migrant fishers.

This article is limited to discuss about migrant fishers in the marine fishing sector and ASEAN's efforts to promote decent work for these workers in the period of 2023-2024, as evidenced through the development of Declaration and operating Guideline on the placement and protection of migrant fishers. The authors take into consideration the findings of previous research on the challenges and successes of similar efforts done by ASEAN, such as the localization of global human rights norms (Sundrijo, 2021), the establishment of regional plan of action and network to address IUU fishing (Arimadonna, 2020), and the promotion and protection of migrant workers' rights (Safitri & Sundrijo, 2023; Witono, 2019).

RESULT AND DISCUSSION

In this section, the authors examine how ASEAN plays its role as an arena, instrument, and actor in promoting decent work for migrant fishers in the region. By analyzing the intersection between ASEAN's commitment to upheld human rights values and ASEAN's ambition to be an important organization in the region, this section underscores how ASEAN comes up with practical actions in fulfilling its role as an intergovernmental organization. The author draws upon previous literature on ASEAN's efforts on similar issues such as trafficking in persons, migrant workers' rights, and IUU fishing.

Archer details the role of intergovernmental organizations in encouraging more intensive and extensive interaction between states through their trust-building and mutual identification-building properties. Some key points include 1) by monitoring the agreements of states, international organizations give member states the confidence to work together in the absence of trust; 2) international organizations enable states to discover new areas of common interest, and then link them to existing areas; 3) international organizations can help shape state practices by establishing norms to determine what is acceptable; 4) the increasing number of international organizations encourages multilateralism; 5) international organizations encourage states and societies to see themselves as part of a region; and 6) international organizations tend to shape the identity of their members (Archer, 2002). Archer continues that the number of regional organizations continues to grow because they have functions that cannot be fulfilled by states, governments and groups, and international organizations (Archer, 2002).

Archer identified three major roles of an intergovernmental organizations, namely as arena, instrument, and actor. First, as an arena, this type of organization serves as a forum within which actions take place. As such, the international organization provides meeting places for members to come together to discuss, argue, cooperate, or disagree. Second, as an instrument, the organization becomes important for the pursuance of national policies of the member states precisely to the extent that such a multilateral coordination is the real and continuous aim of national governments. Third, the organization is as an independent actor that can take actions without being significantly affected by external forces (Archer, 2002). In the case of ASEAN, it also serves as a platform for sharing of challenges and best practices in a particular common issue, including reporting of national level implementation of a regional or international commitment (Hadi Adha, 2023).

Efforts undertaken by ASEAN member states to promote decent work for migrant fishers

Measures have been taken by ASEAN member states individually to promote decent work for migrant fishers. As an example, Thailand as the only member state who has ratified

the ILO Convention 188 on Work in Fishing (Greenpeace SEA, 2021), has issued and amended some of its national labor laws to enhance protections and establish minimum standards for local and migrant workers in the fishing sector. Thailand has also established a Command Centre to Combat Illegal Fishing (CCCIF) under the Department of Fisheries to coordinate among agencies to combat IUU fishing and support strengthening labor inspection. Lastly, Thailand has initiated a Port-In-Port-Out (PIPO) inspection system to enhance vessel monitoring and surveillance through PIPO Centers in approximately 20 coastal provinces (ILO, 2016).

Notwithstanding the stringent regulations and inspection implemented by Thailand, systemic issues persist. Surveys conducted by the Fishers' Rights Network in late 2023 revealed that there are cases of crew members from Myanmar that were not paid in accordance with Thai national law (99 percent), trapped in debt bondage (87 percent), and lack personal identification documents (84 percent). The findings highlight the interplay between legal frameworks, individual agency, systemic exploitation, and the need to develop effective policies to protect and empower the migrant fishers (Kadfak, 2025).

Other notable efforts done by member states include Vietnam that has issued a Fisheries Law in 2017 mandating installation of vessel monitoring system (VMS) on large vessels over 24 meters and smaller vessels of 15-24 meters. Vietnam has also adopted a nation-wide "zero recruitment fee" and Business Code of Conduct (SEAFDEC, 2023). The efforts indicated Vietnam's active and responsible participation in combatting IUU Fishing as well as promoting effective and sustainable fisheries management in accordance with international law. Relatedly, the Philippines has issued the Magna Carta of Filipino Seafarers that regulates seafarers' working conditions, terms of employment, and career prospects (Abaya et al., 2025; Paraggua, 2025).

The Philippines has also issued a Bureau of Working Conditions' Department Order on Working and Living Conditions of Fishers on board Fishing Vessels engaged in Commercial Fishing Operation. In cooperation with ILO, the Philippines, has adopted policies and laws, enforced inspection and compliance system, as well as promoted social dialog and capacity building for government officials and relevant social partners to apply minimum requirements for seafarers to work on a ship (minimum age, medical certificate, training requirements and recruitment and placement; conditions of employment; accommodation; and health protection, medical care, and social security protection (Greenpeace SEA, 2021; ILO, 2016).

Lastly, Indonesia has issued regulations to promote decent work in the fishing sector. Among those are the issuance of Ministerial Regulation No. 35/PERMEN-KP/2015 on System and Certification of Human Rights in the Fishing Industry. Criteria for this certification include verification/regulation of the safety and health of workers on board the vessels, as well as prohibition of underage workers. Indonesia also conducts annual port and vessel inspections (Mangku, 2021). Permits for vessel operations within Indonesia are managed by the Directorate General of Marine and Fisheries Resources Surveillance of the Ministry of Marine Affairs and Fisheries (Nurhakim, 2017).

Further, Indonesia has ratified the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and the Standards of Training, Certification and Watchkeeping for Fishing Vessel Crews, 1995 (SBMI, 2016) into the Presidential Regulation 18/2019 on Ratification of STWC 1995. Further, Indonesia's Coordinating Ministry for Maritime Affairs and Investment is underway to develop a roadmap towards ratifying the ILO C-188 on Work in Fishing (Greenpeace Indonesia, 2023). This shows Indonesia's commitment to address decent work gaps for Indonesian nationals who work as crew members aboard foreign fishing vessels overseas (IOJI, 2023).

The development of ASEAN Declaration and Guidelines on the Placement and Protection of Migrant Fishers

As an arena, regional organizations serve as a forum where action takes place. Thus, this organization provides a meeting place for member states to gather to discuss, debate, cooperate, or express objections to an issue or proposal (Archer, 2002). Indonesia as ASEAN Chair 2023 initiated the development of the ASEAN Declaration on the Placement and Protection of Migrant Fishers at a workshop titled “*Workshop on the Development of the ASEAN Declaration on the Protection of Migrant Workers on Board Fishing Vessels*” held on 16-17 March 2023. The proposed Declaration aims to 1) promote discussions and mechanisms among ASEAN Member States to provide better protection for migrant fishers; 2) enhance technical cooperation to strengthen better protection for migrant fishers; and 3) strengthen partnerships, collaboration and cooperation among ASEAN Member States, dialogue partners and development partners, the private sector, trade unions, employers’ associations and civil society organizations. Below table listed the representation of invitees of the workshop.

Table 1. List of invitees of the workshop to develop the ASEAN declaration on the placement and protection of migrant fishers

No	Name
ASEAN Sectoral Bodies and ASEAN Entities	
1.	ASEAN Senior Labour Officials Meeting (SLOM)
2.	ASEAN Committee on the Implementation of Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW)
3.	ASEAN Labour Inspection Committee (ALICOM)
4.	ASEAN Sectoral Working Group on Fisheries (ASWGF) of the Senior Officials Meeting of the ASEAN Ministers on Agriculture and Forestry (SOM-AMAF)
5.	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)
6.	Senior Officials Meeting on Social Welfare and Development (SOMSWD)
7.	ASEAN Inter-Governmental Commission on Human Rights (AICHR)
8.	Senior Officials Meeting on Transnational Crime (SOMTC)
9.	ASEAN Senior Law Officials Meeting (ASLOM)
10.	ASEAN Maritime Transport Working Group (MTWG)
11.	ASEAN Secretariat
Dialog Partners and International Organizations	
12.	International Labour Organization (ILO)
13.	International Organization for Migration (IOM)
14.	Food and Agriculture Organization (FAO)
15.	ASEAN–Australia Counter Trafficking (ASEAN-ACT)
16.	USDOL’s Addressing Labor Exploitation in Fishing in ASEAN (ALFA)
17.	Australian Mission to ASEAN
18.	Mission of Canada to ASEAN
Employers’ Associations	
19.	ASEAN Confederation of Employers (ACE)
20.	National Chamber of Commerce and Industry Brunei Darussalam (NCCIBD)
21.	Cambodian Federation of Employers and Business Associations (CAMFEBA)
22.	Employers’ Association of Indonesia (Asosiasi Pengusaha Indonesia, APINDO)
23.	Lao National Chamber of Commerce and Industry (LNCCI)
24.	Malaysian Employers Federation (MEF)
25.	Union of Myanmar Federation of Chamber of Commerce and Industry (UMFCCI)
26.	Employers Confederation of the Philippines (ECOP)
27.	Singapore National Employers Federation (SNEF)
28.	Employers Confederation of Thailand (ECOT)
29.	Vietnam Chamber of Commerce and Industry (VCCI)
Workers’ Unions	
30.	ASEAN Trade Union Council (ATUC)
31.	Cambodian Labour Confederation (CLC)
32.	Indonesian Workers Welfare Union (Konfederasi Serikat Buruh Sejahtera Indonesia, KSBSI)
33.	Indonesian Trade Union Confederation (Konfederasi Serikat Pekerja Indonesia, KSPI)
34.	Lao Federation of Trade Unions (LFTU)
35.	Malaysian Trades Union Congress (MTUC)

36. Myanmar Seafarers Federation (MSF)
37. Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO)/Federation of Free Workers of the Philippines (FFW)
38. Trade Union Congress of the Philippines (TUCP)
39. May First Movement of Philippines (Kilusang Mayo Uno, KMU)
40. Justice for Fishers, International Transport Workers' Federation of Thailand (ITWF)
41. Singapore's National Trades Union Congress (NTUC)
42. State Enterprise Workers' Relations Confederation of Thailand (SERC)
43. Vietnam General Confederation of Labour (VGCL)
- Civil Society Organizations**
44. Task Force on ASEAN Migrant Workers (TFAMW)
45. Global Alliance Against Traffic in Women (GAATW)
46. Mekong Migration Network (MMN)
47. Asian Partnership for the Development of Human Resources in Rural Areas (AsiaDHRA)
48. Project Women Brunei (PWB)
49. Gender and Development for Cambodia (GAD/C)
50. Indonesia Ocean Justice Initiative (IOJI)
51. Indonesian Migrant Workers Union (Serikat Buruh Migran Indonesia, SBMI)
52. Indonesia's NGO Coalition for International Human Rights Advocacy (Human Rights Working Group, HRWG)
53. Migrant CARE (Indonesia)
54. Indonesia's Migrant Workers Network (Jaringan Buruh Migran, JBM)
55. Indonesia's Commission for Justice, Peace and Pastoral for Migrant-Itinerant People (Komisi Keadilan Perdamaian dan Pastoral Migran Perantau, KKPPMP)
56. Village Focus International of Lao PDR
57. Malaysia's Our Journey
58. Centre for Economic and Social Development (CESD) of Myanmar
59. Philippine Migrants Rights Watch (PMRW)
60. Philippines' Migrant Forum in Asia (MFA)
61. Humanitarian Organization for Migration Economics (HOME) of Singapore
62. Migrant Working Group (MWG) of Thailand
63. Fishers Rights Network (FRN) of Thailand
64. Center for Development and Integration (CDI) of Vietnam

Source: Compiled by authors from (ASEAN, 2024; ILO, 2023)

The workshop was attended by representatives from ASEAN sectoral bodies, international partners, regional civil society organizations and workers' organizations. As the proponent of the initiative, Indonesia engages the expertise and lessons learned from non-state actors to push this transnational issue into a regional agenda. The network of international organizations and regional civil societies and workers' unions helped convince other member states to deliberate on the proposed Declaration fairly quickly. Since the workshop, it took close to two months for the consultation process undertaken by member states to reach consensus.

The Declaration, adopted at the 42nd ASEAN Summit in May 2023, defines migrant fishers as migrant workers employed in any capacity or carrying out work on board commercial fishing vessels flying the flag of a country other than their country of origin (ASEAN Secretariat, 2023). With the adoption of this Declaration, all ASEAN member states have committed to improving the welfare and protection of migrant fishers through several key efforts. These include incorporating the protection of migrant fishers into all relevant migration policies, mechanisms, and processes, as well as strengthening measures to improve employment conditions and ensure the protection of labor rights. Furthermore, member states are expected to take decisive actions to identify, address, and punish all forms of violence, abuse, and exploitation of migrant fishers.

In addition, efforts will be made to improve fair and ethical recruitment and placement, including pre-employment, pre-departure, and post-arrival orientation, as well as ensuring access to employment contracts. Migrant fishers and their families will also benefit from improved access to communication and information. ASEAN encourages its members to establish bilateral agreements, particularly concerning recruitment and placement

processes, safe return and reintegration, and access to justice and remedy. Cooperation on data collection and sharing is also encouraged to enhance the protection of migrant fishers. Moreover, promoting collaboration and partnerships will be essential to ensure more effective law enforcement and the protection of ASEAN migrant fishers throughout the migration process. Finally, the mobilization of resources is critical to the successful implementation of the declaration (The ASEAN Editorial Team, 2023).

Following the adoption of the Declaration, other relevant ASEAN sectoral bodies expressed their commitments to implement the stipulations therein. As an example, AICHR Indonesia with support from IOM, organized the "*ASEAN Forum on Human Rights at Sea: Ensuring Decent Work for Migrant Fishers*" in December 2023. The Forum discussed issues related to human rights and migration, especially the protection of migrant fishermen, and formulate recommendations for the development of the Guidelines. The forum recommended the development of technical guidance on cross-border law enforcement, emphasizing international cooperation at the bilateral, regional and multilateral levels. The forum encouraged capacity building of law enforcement officers at the national and regional levels on issues of human trafficking, forced labor and human rights violations at sea, as well as how to handle cases using a rights-based approach (AICHR, 2023).

The operating Guidelines of the Declaration was developed through the conduct of two workshops organized by Indonesia on 27-28 October 2023 and 5-6 February 2024. Attended by most of the parties involved in the development of the Declaration, the first workshop aimed to gather inputs and views from relevant stakeholders on the outline and content of the proposed Guidelines. The Guidelines are expected to build on the shared commitment of member states for better protection of migrant workers on fishing vessels, by setting out guiding principles and rights, best practices and experiences, and setting out measures for better protection of migrant fishers throughout the migration cycle (ILO, 2023).

In this workshop, ILO presented the latest findings of a recent survey conducted among migrant fishers from Cambodia, Indonesia, Myanmar and Vietnam and highlighted key challenges, such as high recruitment costs leading to high debt; excessive working hours; limited job mobility due to legal status tied to employers; limited freedom of association and collective bargaining; high prevalence of forced labor; and inadequate access to justice. The findings have revealed structural vulnerabilities in the fishing industry, exacerbated by globalization and restrictive migration policies, underscoring the need to ratify ILO C188. ILO also stressed the importance of adopting a multidisciplinary approach to fishing vessel inspections to improve law enforcement and achieve decent work for migrant fishers (ILO, 2023).

On a similar note, IOM presented data on victims of forced labor and human trafficking assisted in 2023, as well as alarming statistics from the Southeast Asia Human Rights Report, which showed high levels of death and injury among fishermen. To address these issues, IOM outlined promising opportunities and practices, such as leveraging technology for maritime crime detection and monitoring, implementing referral systems, sharing data, and conducting joint inspections and investigations (Afriyani et al., 2024).

The second workshop resulted in the improved version of the Guidelines' outline. National level experiences, challenges, successes and lessons learned from each member state broadened and deepened the scope of the Guidelines. Inputs from member states also made the Guidelines a practical document for implementation at the national level. Following the meeting, the ASEAN Secretariat conducted a series of consultation processes on the draft Guidelines at the sectoral body levels, under the purview of the ACMW and SLOM.

Furthermore, the ASEAN Labour Ministerial Meeting (ALMM) as the mandate bearer agreed to the draft Guidelines that were finalized at the ACMW and SLOM levels. In turn, the ASEAN Guidelines on the Placement and Protection of Migrant Fishers at the 44th and 45th ASEAN Summits in October 2024 (ASEAN Secretariat, 2024). These guidelines outline a set of guiding principles for ASEAN member states on normative policies, institutional mechanisms, programs and services to ensure a human rights-based approach to the recruitment of migrant fishers. In practical terms, the Guidelines also enable the collaborative development and implementation at the regional level.

Although the Guidelines lack certain crucial components, such as excluding reference to ILO C-188, undermining the role of civil societies and labor unions, as well as omitting the development of a regional action plan and a component on monitoring and evaluation, ASEAN and its partners are working to keep the momentum going. Some near future activities include the development of a *Regional Study on Labour Issues in the Fishing Sector: Towards Responsible Practices and Decent Work in ASEAN*, with a component on mapping of private sector roles and engagement, a *Working Group on Sustainable Labour Practices in Fishing Sector*, and a series of regional training on *ASEAN Engagement for Workers' Organizations and CSOs Working on Labor Issues in the Fishing Sector* (ASEAN, 2024). The next sub section will discuss about a recently established ASEAN sectoral body on labor inspection, as an instrument to implement the Declaration and Guidelines in a collaborative and concrete manner.

The establishment of the ASEAN Labour Inspection Committee (ALICOM)

Archer stated that as an instrument, an intergovernmental organization uses multilateral coordination to aid the pursue of national interests of its member states. All ASEAN member states have adopted the Declaration and Guidelines, and subsequently expressed their commitments to implement the stipulations therein. Further, ASEAN acknowledges the complex challenges of law enforcement, capacity issues, and limited data availability. ASEAN established the ALICOM as an instrument to address these challenges.

By way of background, the 8th Meeting of the ASEAN Labor Inspection Conference (ALIC) held in 2019 resulted in a Conclusions and Recommendations document on “*Securing Decent Work in the Fisheries Sector through Labor Inspection in ASEAN*”. The meeting recognized that fishing can be hazardous work and that fishers are vulnerable to a lack of decent work, including unacceptable working and living conditions on fishing vessels, long working hours, low incomes, isolation at sea and abusive recruitment practices, and generally inadequate labor inspection. In particular, the meeting recognized the need to improve coordination among labor inspectors in countries of origin and destination, effective enforcement of relevant laws against all actors in the recruitment process, stronger engagement with migrant fishing communities, and clear and effective policies for recovery and repatriation cases (ASEAN, 2023c).

Further, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers mandated member states to “promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers” (ASEAN, 2023c; Poole, 2007; Safitri & Sundrijo, 2023). The ASEAN Forum on Migrant Labor (AFML) on its 7th, 8th, and 12th meetings have made specific recommendations on migrant fishers, particularly for strengthened labor inspections and capacity building on OSH in the fishing sector.

The ALICOM Work Plan 2022-2030 provided examples of hard-to-reach sectors as agriculture, fisheries, mining, and domestic work sectors. The ALICOM work plan aims to 1) facilitate sharing of knowledge, best practices, and innovations to support high enforcement

of legal provisions relating to work conditions and protection of workers in ASEAN member states; 2) promote collaboration, supply technical information and advice to relevant ASEAN sectoral bodies and working groups concerning the most effective means of complying with labor laws, and 3) increase the capacity and professionalism of labor inspectors in ASEAN, among others (ASEAN, 2023b).

Reporting to the ALMM, the ALICOM is underway to implement its first work plan until 2030. Specifically for the marine fishing sector, ALICOM is currently developing the *ASEAN Guidelines on Strengthening Labour Inspection in the Fishing Sector* under the leadership of the Philippines, the *ASEAN Training Curriculum and Handbook on Labour Inspection in Hard to Reach and Fishing Sector* under the leadership of Vietnam, and the *Regional Training on Labour Inspection in Fishing Sector in the Context of Trafficking in Persons* under the leadership of Thailand (U.S. Department of Labor, 2022).

The above list of activities has shown that even though each proponent focuses on specific component of labor inspection in the marine fishing sector, ASEAN through ALICOM has managed to 1) gain commitment of member states to move forward the implementation of the Declaration and Guidelines; 2) ensure that these subsequent activities not only contribute to respective members' national interests and priorities, but also to regional level implementation for other member states to gain benefit from; and 3) garner support from ASEAN's partners and other relevant stakeholders for the implementation of these activities. The next sub section will discuss ASEAN's role as an effective and trusted actor in the region that manages to secure collaboration and support from its international partners.

The joint collaboration of ASEAN and USDOL through the Addressing Labor Exploitation in Fishing in ASEAN (ALFA)

An intergovernmental organization plays a role as an independent actor that can take actions without being significantly affected by external forces. As shown through the role of ASEAN as an actor, the organization depends on the commitments, resolutions, and recommendations emanating from its bodies or organs, compelling its member governments to act differently from the way in which they would otherwise act, and as such clearly and distinctly takes on the role of an entity distinguishable from its member states (Archer, 2002).

The rapidly growing marine fishing industry in Southeast Asia has been under international scrutiny over IUU fishing activities and poor treatment of migrant fishers. Assessing the magnitude and patterns of these issues remains a challenge (Nakamura et al., 2018). However, evidence suggests that IUU fishing and TIP and labor exploitation in the fishing sector share common drivers. Economic pressures faced by the fishing sector, with insufficient regulation and oversight capacity, have collectively incentivized different kinds of economic and social exploitation towards the crew members (Azis & Wahyudi, 2020). While human rights observers have been calling attention for decades, it is just less than a decade ago that human rights abuses in marine fishing and seafood processing sectors have been amplified as concerns on the international agenda (Greenpeace & SBMI, 2021; IOJL, 2023). Media attention and diplomatic pressure through the U.S. TIP Report and European Union's IUU regulations have played substantial roles in changing consumer attitudes and elevating these issues as global priorities (Smith et al., 2010).

At the regional level, ASEAN has made notable progress over the past decade to promote and protect the rights of migrant workers through the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. Adopted by member states in 2017, the Consensus defines the shared and balanced responsibilities of sending and receiving countries throughout the migration process. It also sets out the fundamental rights

of migrant workers and their family members as well as the specific rights of migrant workers (Nakamura et al., 2018). The ASEAN Guidelines on the Placement and Protection of Migrant Fishers is expected to elaborate the regional guiding principles on the policies, institutional mechanisms, programs, and services required for the placement and protection of migrant fishers in line with the principles of ASEAN Consensus and emphasize strengthening partnerships and cooperation throughout the migration cycle by all relevant stakeholders (ASEAN, 2023d, 2024).

As a regional actor, ASEAN not only focuses on political and economic cooperation within the region but also prioritizes global collaboration, engaging in broader initiatives that include addressing human rights issues (Taqfir, 2025). The development of the Declaration and Guidelines, aimed at enhancing the protection and welfare of migrant fishers, received significant support from various ASEAN partners. These include the Ship-to-Shore Rights: Southeast Asia Project, funded by the European Union and implemented by the International Organization for Migration (IOM) and the International Labour Organization (ILO), as well as the Asia Regional Migration Program (ARMP), funded by the Bureau of Population, Refugee, and Migration of the U.S. Department of State and implemented by IOM. Additionally, the ASEAN–Australia Counter Trafficking (ASEAN-ACT), funded by DFAT Australia, and the Addressing Labor Exploitation in Fishing in ASEAN (ALFA) Project, funded by the U.S. Department of Labor, also played critical roles in supporting this initiative (ASEAN, 2024).

Notwithstanding the role of other stakeholders such as advocacy coalition of civil societies and labor unions, as well as the expertise of other international partners, this sub section focuses on ASEAN’s ability to persuade U.S. to establish a program specifically designed to cater to ASEAN’s regional efforts to address decent work gaps for migrant fishers in the region.

This new partnership with the U.S. Department of Labor on addressing forced labor and labor exploitation in the marine fishing sector has provided tangible outcomes, specifically through USDOL’s substantive expertise and financial support for the conduct of the regional workshops to develop the Declaration and subsequent Guidelines on the Placement and Protection of Migrant Fishers in ASEAN throughout 2023-2024 (U.S. Department of Labor, 2022; U.S. Embassy & Consulates in Indonesia, 2023).

Bilaterally, the U.S. Department of Labor (USDOL) has engaged in various joint collaborations with ASEAN member states to address labor exploitation in the fishing industry. A notable example is Plan International’s SAFE SEAS Project in Indonesia and the Philippines, which focused on safeguarding fishers from exploitation. The project examined three key issues: 1) policy coordination and collaboration between government agencies, 2) labor inspection mechanisms onboard fishing vessels, and 3) raising awareness among fishers on human rights and labor rights. A critical component of the project was the establishment of centers for fishers, which provided orientation on relevant regulations, labor rights, and access to complaint mechanisms. This four-year project, funded by the U.S. Department of Labor Bureau, concluded in 2021 (Plan International USA, 2024).

In Indonesia, the project led to significant outcomes. It helped develop and support the adoption of a National Action Plan for the Protection of Seafarers and Fishery Vessel Personnel, led by the Coordinating Ministry for Maritime Affairs and Investment. Additionally, a multi-agency Safe Fishing Alliance was established at the national level, as well as two provincial-level alliances in North Sulawesi and Central Java. At the local level, the Safe Fishing Alliance in North Sulawesi, led by the Ministry of Manpower, was endorsed to take action. The project also supported the creation and operation of two local fisher centers in Bitung and Central Java, providing valuable information and reporting

mechanisms. These centers operate helpdesks and telephone hotline services to better serve fishers and their families (Bureau of International Labor Affairs, 2022).

At the regional level, in cooperation with ASEAN, USDOL implements the ASEAN and U.S. Comprehensive Strategic Partnership (CSP) through the Addressing Labor Exploitation in Fishing in ASEAN (ALFA) project. Established in 2022, the project aimed strengthen the capacity of ASEAN sectoral bodies and member states to coordinate and collaborate to address forced labor and abusive working conditions in the fishing sector (U.S. Embassy & Consulates in Indonesia, 2023). ALFA focused its work on ASEAN regional policy implementation, and increased engagement with the private sector, worker organizations, and civil society to mitigate forced labor and trafficking, and improve working conditions for a more sustainable, responsible, and resilient fishing sector.

The project also aimed to support the design and implementation of training modules and activities to increase the capacity of civil society and worker organizations to effectively engage with ASEAN on forced labor and abusive working conditions in the fishing sector. It has also supported ASEAN with the development of the Declaration and Guidelines on the Protection of Migrant Workers and Family Members in Crisis Situation in 2023 (ASEAN, 2023a; U.S. Embassy & Consulates in Indonesia, 2023), and the ASEAN Declaration on the Prevention of Child Labour, including the Elimination of Worst Forms of Child Labour in 2024 (U.S. Department of Labor, 2022). Lastly, all of the previously listed near future activities were initially developed by the ALFA project in coordination with respective ASEAN sectoral bodies, before its early demise in April 2025.

CONCLUSION

ASEAN has demonstrated significant regional leadership in addressing decent work gaps for migrant fishers in the marine fishing sector. ASEAN was not only able to push this transnational issue into becoming a regional agenda, it has also strengthened its position as an important regional organization. ASEAN has managed to successfully leverage its institutional role as an area, instrument, an actor, despite the perceived shortcoming of adhering to non-interference principle and non-legally binding commitment.

Despite most member states' inability or reluctance to ratify ILO C188, the adoption of the Declaration and Guidelines on the Placement and Protection of Migrant Fishers have sufficiently shown to global communities that ASEAN has begun its collective commitment in improving the working conditions of migrant fishers. Furthermore, ASEAN's ability to facilitate cooperation among its member states, and engage international partners, particularly through ALICOM and the ALFA project, has underscored its growing effectiveness despite institutional and financial constraints. These accomplishments are significant initial steps towards a more concrete implementation. Continued efforts are required to translate the high-level commitments into a pragmatic regional plan of action with a strong component on monitoring and evaluation of implementation progress.

Member states can translate the regional Declaration and Guidelines into national laws and regulations, especially to improve labor inspectors' capacity, crew members' registration and pre-departure orientation, and grievance resolution mechanisms. Member states can also socialize the Declaration and Guidelines to fishing vessel companies and manning agencies and urge them to improve recruitment practices. Member states must work together with civil societies and labor unions to provide better legal and social services for migrant fishers and their family members. Lastly, international partners need to continue and expand their support through rewarding ethical, safe and sustainable employment practices by the private sector, conducting capacity building training and workshops to influence policymaking, and providing the technology and infrastructure for better and

faster data collection and sharing. By implementing these recommendations, all stakeholders can play a critical role in ensuring that the Declaration and Guidelines are not merely symbolic, but lead to concrete and systemic improvements to address the decent work gaps for migrant fishers in the region.

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