

DIRECTORATE GENERAL OF FISHERIES
IN COOPERATION WITH
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OF THE UNITED NATIONS

WORKSHOP ON STRENGTHENING
MARINE RESOURCE MANAGEMENT
IN INDONESIA

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TRANSLATIONS OF INDONESIAN FISHERIES LAWS
RELEVANT TO FISHERIES MANAGEMENT
IN EXCLUSIVE ECONOMIC ZONE

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Consideration:

- Large zone, large potential, provides basic capital for development and increase in social welfare
- In framework of national development management of resource should be done properly based on justice, equity, increasing employment, social welfare and sustainability of resource and environment, and increase in national security
- Former legislation is limited in scope and has difficulty in adapting to rapid development

Chapter 1: General definitions

Article 1:

1. Fisheries consists of all activities dealing with management and exploitation of fishery resources
2. Fish resources are all fish and aquatic organisms
3. Management of fish resources is all efforts intended to contribute to the optimal and sustainable use of fisheries resources
4. The utilization of fish resources is all activities in fishing and aquaculture
5. Fishing businesses are all companies which engage in fishing and aquaculture including storage, chilling, and preserving for commercial purposes
6. Fishing is all activities intending to catch or obtain fish in open waters with or without gear, including the use of vessels for loading, transporting, storing, chilling, processing, or preserving
7. Fishing gear is all facilities and equipment or other items used to catch fish
8. Fishing vessels are boats, canoes, other floating vessels use to catch fish or for surveys and exploration
9. Fish culture is all activities for husbandry, grow-out, and/or rearing and harvesting
10. Fishermen are people whose main activity is fishing
11. A fish farmer is a fisherman who cultures fish
12. The environment of fisheries resources is the water in which fish lives including biota and the other natural elements
13. Fish resource pollution is the mixing of fish and other living creatures, material, energy, and/or other components caused by human activity so that the fish resources are diminished and do not live normally or causes harm to resource users
14. Resource degradation consists of human activities which result in declining potential, leading to problems with localized sustainability or with the life cycle of fish
15. Fish environmental pollution is the introduction of living creatures, material, energy, or other component to the environment so that the environmental quality declines to a certain level resulting in the quality of the environment being diminished
16. Fish environment degradation is the change in the environment of fish in certain waters physically, chemically, or biologically so that the environment is no longer suitable habitat for fish, feeding, spawning or sheltering

17. The government is defined as being the Government of the Republic of Indonesia

18. The Minister is the Minister responsible for fisheries

Article 2:

The fishing areas of Indonesia consist of:

- A. Indonesian water
- B. Rivers, lakes, ponds, marsh, and other water bodies of Indonesia
- C. The EEZ

Chapter 3: Fisheries Resource Management

Article 3:

1. Fisheries resource management in Indonesia is intended to achieve maximum benefit for the nation
2. To obtain the objective above, the government is to carry out sound and integrated fisheries resource management with the objective of sustainability of fish resources and their environment for the benefit of Indonesian people

Article 4:

To implement fish resource management the Minister may make regulations about:

Article 5:

Inter-Island or international live fish transportation shall be in accordance with the existing fish quarantine regulations

Article 6:

1. Individuals and firms are prohibited from using destructive fishing techniques
2. Destructive fishing for scientific/research purposes shall be covered by regulations

Article 7:

1. Individuals and firms are prohibited from causing pollution and environmental degradation
2. Pollution and environmental degradation for scientific/research purposes shall be covered by regulations

Article 8:

1. For scientific, cultural, or conservation purposes, the government may prohibit the taking of certain species of fish or fishing in certain areas
2. To achieve the above, the government may limit fishing or aquaculture in those areas

Chapter 4: Exploitation of Fish Resources

Article 9:

1. Fishing business in Indonesia is exclusively for Indonesian citizens or companies
2. The exception to this is only for fish capture, provided that it is in accordance with international treaties

Article 10:

1. All individuals and companies carrying out fishing business should be licensed
2. Subsistence fishermen and subsistence fish farmers need not be licensed
3. The implementation of the above shall be by government regulation

Article 11:

1. Individuals or companies involved in fish capture or aquaculture in the sea or other waters are required to pay a licensing fee
2. This does not apply to subsistence fishermen and subsistence fish farmers
3. The implementation of the above shall be by government regulation

Article 12:

1. Fishing vessels used by Indonesian citizens or companies for fishing activities in the Indonesian fishing area shall be Indonesian flagged vessels
2. The exception to the above is for research and other scientific activities and fishing in the EEZ

Article 13:

Fishing and aquaculture activities for non-commercial purposes shall be regulated by the Minister

Chapter 5: Promotion and Development

Article 14:

The government shall maintain an information system and shall collect, process, and disseminate technical data and fisheries production data to support the management of fisheries resources and development of fishing businesses

Article 15:

1. The government shall develop and maintain research and other scientific activities in fisheries
2. To accomplish the above, the government may arrange cooperation with national and international institutions

Article 16:

1. The government shall provide education, training, extension, and guidance in fisheries
2. To accomplish the above, the government may cooperate with communities and other institutions

Article 17:

The government shall encourage, support, assist, and protect small-scale fishermen and fish farmers, especially through cooperatives

Article 18:

1. The government shall develop and maintain fisheries infrastructure
2. The procurement, location, function, management, and use of fisheries infrastructure shall be regulated by the government

Article 19:

The government shall regulate, supervise, and provide guidance on the quality of fish products

Article 20:

The Minister may prohibit the import or export of certain fish species

Chapter 6: Delegation of Authority and Assistance

Article 21:

Delegation of authority and withdrawal of this authority to the provincial government level is to be covered by government regulations

Article 22:

The central government may authorize and assist the provincial government in carrying out certain tasks

Chapter 7: Control and Surveillance

Article 23:

1. To insure effective and efficient management and resource exploitation, control and surveillance will be implemented
2. Implementation will be by government regulation

Chapter 8: Penalties

Article 24:

Whoever in the fishing area of Indonesia as given in Article 2 A and B commits an offense as mentioned in Article 6 (1) and Article 7 (1) may be sentenced to a jail term of up to 10 years and/or a fine up to Rp. 100,000,000

Article 25:

Whoever in the fishing area of Indonesia as given in Article 2 A and B fishes without license as mentioned in Article 10:

- A. Using a fishing vessel of 30 gt or more may be sentenced to jail for a term of up to 5 years and fined up to Rp. 50,000,000
- B. Using a fishing vessel of less than 30 gt may be sentenced to jail for a term of up to 2.5 years and fined up to Rp. 25,000,000

Article 26:

Whoever in the fishing area of Indonesia as given in Article 2 A and B carries out aquaculture without license as mentioned in Article 10 may be sentenced to jail for a term of up to 6 months and fined up to Rp. 5,000,000

Article 27:

1. Whoever commits an offense as mentioned in Article 4 may be fined up to Rp. 25,000,000
2. Whoever commits an offense as mentioned in Article 20 may be fined up to Rp. 5,000,000

Article 28:

1. The offenses mentioned in Article 24 and 25 are considered felony offenses
2. The offenses mentioned in Article 26 and 27 are considered misdemeanor offenses

Article 29:

Material and equipment used in the offenses 24, 25, 26, and 27 may be confiscated by the government

Article 30:

Whoever commits an offense against this law in the EEZ shall be sentenced in accordance with Law No.5 1983

Chapter 9: Miscellaneous

Article 31:

1. The enforcing officer entitled to carry out the investigation of offenses against this law in Indonesian waters is the investigator as mentioned in Article 14 (1) Law No. 5 1983

2. A special civil servant working in fisheries could be empowered for investigation of offenses against this law
3. This special officer above is entitled to:
 - A. Receiving the report concerning the offense
 - B. Examine, summons and question the accused offender
 - C. Search the fishing vessel, carrier vessel, and fish storage area used in carrying out the offense
 - D. Confiscate the fish, fishing gear, and documents in the offense
4. Investigation and authority as mentioned in this article is carried out in accordance with Law No.8 1981

Chapter 10: Transition period

Article 32:

All existing regulations in fisheries provided that they are not contradictory with this law shall still be valid until the new regulations based on this law are issued

Chapter 11: Final remarks

Article 33:

When this law is becomes effective, the following is no longer valid:

- A. Law 157 of 1916
- B. Law 396 of 1920
- C. Law 144 of 1927
- D. Law 145 of 1927
- E. Law 442 of 1939 with the exception of regulation on the enforcement of law at sea

Article 34:

Anything which is not covered in sufficient detail in this law shall be clarified by regulations

Article 35:

This law is valid beginning the date of signature.

[Signed by the President 19 June 1985]

GOVERNMENT DECREE NO. 15 OF 1984 ON FISHERIES RESOURCES MANAGEMENT IN THE INDONESIAN EXCLUSIVE ECONOMIC ZONE

Error! Bookmark not defined.(from FAO Translation)

PART I - GENERAL

Article 1:

In these Regulations there shall be understood by :

- (a) "Management" - all efforts and actions by the Government with a view to the directing and controlling the benefits that are obtainable from the natural resources in the Indonesian Exclusive Economic Zone;
- (b) "Conservation of natural resources" - all efforts with a view to protecting and rendering self-sustaining the natural resources of the Indonesian Exclusive Economic Zone;
- (c) "Fishing activities directed to catching fish, other than fish raised in fish farms, from the waters by means of gear or in any manner, and includes activities entailing the use of vessels for transport, preservation, cold storage, long terms conservation and management;
- (d) "Fishing vessels" - vessels or boats or other craft used to carry out fish catching, and includes vessels, boats and other craft used for fisheries surveys or exploration;
- (e) "Allowable catch" - quantity of natural resources that may be taken compatibly with their conservation in the Indonesian Exclusive Economic Zone;
- (f) "Fishing fee" - the sum that a foreign fishing firm that has obtained a fishing permit for the Indonesian Exclusive Economic Zone is required a fishing permit for the Indonesian Exclusive Economic Zone is required to pay to the Indonesian government.

PART II - UTILIZATION

Article 2:

- (1) The natural resources in the Indonesian Exclusive Economic Zone shall be utilized for the development of Indonesian fisheries.
- (2) Pursuant to sub-regulation (1), the Government shall organize facilities with a view to increasing the capacity of the Indonesian fisheries.
- (3) In order to achieve optimum utilization of the natural resources of the Indonesian Exclusive Economic Zone, individuals and bodies corporate of Indonesian nationality shall be allowed to operate together with foreign nationals or bodies corporate in joint ventures or under other kinds of cooperation in accordance with the law.

Article 3:

Foreign nationals or bodies corporate shall be admitted to engage in fishing activities in the Indonesian Exclusive Economic Zone if the Indonesian nationals or bodies corporate engaging in fishing activities are unable to make complete use of the catch volume allowed by Government regulations.

PART III - CONSERVATION**Article 4:**

- (1) The Minister for Agriculture shall determine the allowable catch for each species of fish resource in the Indonesian Exclusive Economic Zone.
- (2) The allowable catch shall be determined in the light of the findings of research, surveys, evaluation of fishing activities.

Article 5:

The Minister of Agriculture shall determine the number of fishing vessels and fishing gear allowed to each vessel bearing in mind the allowable catch determined pursuant to regulation 4.

Article 6:

In order to ensure the conservation of natural resources it shall be prohibited to engage in fishing activities in the Indonesian Exclusive Economic Zone by means of explosives, poisons, electricity and other dangerous matters or tools.

PART IV - PERMITS**Article 7:**

Individuals and bodies corporate engaging in fishing activities in the Indonesian Exclusive Economic Zone shall be required to be in possession of a permit issued by the Government of the Indonesia.

Article 8:

Permits to engage in fishing activities in the Indonesian Exclusive Economic Zone shall be granted to individuals and bodies corporate of Indonesian nationality engaging in fishery activities in accordance with the fisheries laws.

Article 9:

- (1) Permits to engage in fishing activities in the Indonesian Exclusive Economic Zone shall not be granted to individuals and bodies corporate, as stated in regulation 3, unless an agreement has been first signed between the Government of the Republic of Indonesia and foreign country whose nationals such individuals or bodies corporate are.
- (2) The permits mentioned in sub-regulation (1) shall be granted only if the nationality of the fishing vessels is the same as the individuals and bodies corporate concerned.

Article 10:

- (1) Foreign individuals or bodies corporate intending to engage in fishing activities in the Indonesian Exclusive Economic Zone shall be required first to apply to the Minister for Agriculture or to an official designed by that Minister for a fishing permit.
- (2) In the letter of application referred to in sub-regulation (1), the applicant shall state:
1. the number of vessels to be used;
 2. name, address and nationality of the owner of the vessel or vessels;
 3. the name of the vessel or vessels;
 4. the call-sign used to identify the vessel or vessels;
 5. country of registration, registration number and the flag flown by vessel or vessels;
 6. overall length of the vessel or vessels;
 7. gross tonnage of the vessel or vessels;
 8. horsepower rating of the vessel or vessels;
 9. fish hold capacity of the vessel or vessels;
 10. name, address and nationality of the master;
 11. number of crew;
 12. kind and number of fishing gear used/transported by each vessel;
 13. intended fishing grounds.

Article 11:

- (1) The fishing permit for foreign individuals or bodies corporate allowed to fish in the Indonesian Exclusive Economic Zone shall be issued in the form of a letter by the Minister for Agriculture or by the official designated by the official designated by the Minister.
- (2) In the permit letter referred to in sub-regulation (1), the following data shall be annotated.
1. name and nationality of the vessels owner;
 2. name of the vessels;
 3. call-sign of the vessels;
 4. country of registration, registration number and flag flown by the vessel;
 5. overall length of the vessel;
 6. gross tonnage of the vessel;
 7. horsepower rating of the vessel;
 8. fish hold capacity of the vessels;
 9. name, address and nationality of the master;
 10. number of crew;
 11. kind and number of fishing gear transported or used by each vessel;
 12. intended fishing grounds;
 13. identification marks that the vessel is required to display;
 14. port or other place of reporting;
 15. conditions to be complied with as regards catch.

Article 12:

- (1) The fishing permit letter referred to in sub-regulation 11(1) shall be valid for one year.
- (2) Foreign nationals or bodies corporate intending to continue fishing activities in the Indonesian Exclusive Economic Zone following the expiry of the fishing permit referred to in sub-regulation (1), shall be required to submit an application for a fresh permit in accordance with these Regulations, not less than 30 days before the previous permit expires.

Article 13:

- (1) The fishing permit shall be issued under the name of the applicant. Each vessel used for fishing must have its permit.
- (2) The original fishing permit shall be kept on board at all times,
- (3) The transfer of a fishing permit shall be prohibited

Article 14:

- (1) Any foreign individual or body corporate using a fishing vessel and in possession of a fishing permit as referred to in regulation 13 shall report to the official appointed by the Minister for Agriculture, or by the official designated by the Minister, at the port or other place of reporting, before, during and following fishing activities.
- (2) In the course of fishing activities in the Indonesia Exclusive Economic Zone any vessel used by the foreign individuals or bodies corporate shall take on board and inspectors appointed by the Minister for Agriculture or by an official designated by the Minister and allow them to inspect the vessel.

Article 15:

Foreign nationals or bodies corporate that have been granted a fishing permit to operate in the Indonesian Exclusive Economic Zone in accordance with these Regulations, shall be required to appoint a legally established Indonesian firm to represent their interests, and to submit such appointment for the approval of the Minister for Agriculture or of an officer appointed by the Minister.

Article 16:

- (1) Foreign nationals or bodies corporate that have been granted a fishing permit to operate in the Indonesian Exclusive Economic Zone shall be required to pay a fishing fee in the amount and subject to formalities to be established by the Minister for Agriculture by agreement with the Minister for Treasury.
- (2) The said fee shall comprise:
 - (a) a registration fee for each fishing vessel in respect of which a fishing permit is applied for ;
 - (b) a fishing permit change fee, to be paid for every modification in the terms of the fishing permit;
 - (c) a fishing fee for each vessel used in fishing activities
- (3) In addition to the fees stated in sub-regulation (2), a fishing vessel shall pay anchorage dues when reporting in the port, in accordance with the regulations.

PART V - CRIMINAL REGULATION AND WITHDRAWAL OF PERMIT

Article 17:

Any person engaging in fishing activities in the Indonesian Exclusive Economic Zone without being in possession of a fishing permit in accordance with these Regulations shall be prosecuted under section 16 (1) and (2) of Law No. 5 of 1983.

Article 18:

Any person who damages or destroys objects used in committing the offense referred to in regulation 17, with the intention to elude their confiscation when the vessels is being inspected shall be prosecuted in conformity with section 17 of Law No. 5 of 1983.

Article 19:

The penalty for any fishing vessel making use of any gear or substances prohibited under regulation 6, for fishing in the Indonesian Exclusive Economic Zone, shall be a fine of not more than 75 million rupiah and the withdrawal of the fishing permit.

Article 20:

If a fishing vessel used by an applicant who has granted a fishing permit in accordance with these Regulation violates the conditions laid down in the fishing permit, the penalty shall be a fine of 25 million rupiah and the withdrawal of the fishing permit.

Article 21:

(1) Offenses under regulations 17, 18 and 19 shall be criminal offense.

PART VI - TRANSITIONAL PROVISIONS

Article 22:

- (1) Within not more than three months from the entry into force of these Regulations, all fishing permits granted to foreign fishing vessels to operate in the Indonesian Exclusive Economic Zone shall be renewed in accordance with these Regulations.
- (2) For all the foreign vessels renewing their fishing permits as required by sub-regulation (1), the applicants shall be required to pay the fishing fees provided for in regulations 16.

PART VII - FURTHER PROVISIONS

Article 23:

The Minister for Agriculture shall in agreement with the Minister of Transport and the Commander-in-chief of Armed Forces designate the port of reporting and shall prescribe the reporting formalities for foreign fishing vessels and the inspection procedures required by regulations 14.

Article 24:

The Minister for Agriculture shall make detailed regulations for all the matters having to do with the use made of the natural resources in the Indonesian Exclusive Economic Zone not governed by these Regulations, in consultation with other Ministers on individual matters that fall within their respective terms of reference.

PART VIII - FINAL PROVISIONS**Article 25:**

These Regulations shall enter into force on the date of promulgation.

Government Regulation 15 of 1990

Regulation of Fishing Businesses

[only parts relevant to foreign/EEZ fishing translated]

Article 1:

5. A license (IUP) is written permission that should be possessed by a fishing company in order to carry out fishing business using production facilities specified in the license.
6. PPKA is approval given to a fishing company which possesses IUP to use foreign flag fishing vessel in cooperation with foreign individual or foreign company to fish in the Indonesian EEZ
10. SPI is a license that shall be possessed by every fishing vessel of Indonesian flag for fishing activities in Indonesian waters and/or EEZ and this letter is issued under the company IUP
11. SIPI is a license which shall be possessed by every foreign fishing vessel used by an Indonesian fishing company (which must possess IUP and PPKA) for fishing in the EEZ

Article 7:

The SPI is valid for a period of three years and the renewal will be also for a three year period, provided that the vessel is still used for fishing business

Article 9:

1. A company with IUP intending to use foreign flag fishing vessel to fish in the EEZ shall possess PPKA which is valid for a period of three years
2. The PPKA specifies the location of the fishing areas, number and sizes of vessel, and fishing gear
3. A foreign fishing shall possess SIPI
4. SIPI shall be valid for a period of one year and renewal shall be for a period of one year, provided that the government policy of using foreign vessels continues

Article 10:

[delegation of authority for licensing vessels to less than 30 gt to the governors of provinces]

Article 13:

2. The holder of PPKA is required to:
 - A. Comply with the regulations for PPKA and SIPI holder
 - B. Submit a report of business activity every three months

Article 16:

2. SIPI may be canceled if the fishing company:
 - A. Does not comply with the regulations for PPKA and SIPI
 - B. Uses the fishing vessel for other purposes
 - C. The company is no longer operating the vessel to which SIPI was issued
 - D. IUP or PPKA is canceled by the government

Article 17:

Cancellation of IUP, SPI, PPKA, and SIPI is done by the Minister

Article 20:

1. Fishing fees as mentioned in Article 19 are 2.2% of total selling price for capture fish and 1% for aquaculture

Article 21:

The fishing fee for foreign flag fishing company fishing in the EEZ is regulated by the Minister with approval of the Minister of Finance. The money collected shall be used for national fisheries development

Article 22:

70% of the fishing fees collected are for the central government and 30% for provincial government. These fees are to be used for fisheries development

[signed by President 29 May 1990]

MINISTER OF AGRICULTURE DECREE NO. 815 OF 1990

Fishing Business Licensing

[only parts relevant to foreign/EEZ fishing translated]

Article 4:

IUP is given to a fishing company provided that the company possess the following:

- A. Business plan
- B. NPWP [tax number]
- C. Company or cooperative charter
- D. Technical documents of the vessels
- E. Specific location for culture (for aquaculture)
- F. Environmental impact assessment

Article 5:

1. Fishing vessels used shall have an SPI for Indonesian flag or SIPI for foreign flag
2. Validity for SPI is three years and may be extended for another three years provided that the vessel is still being used by the specified fishing company for the same purpose
3. SIPI shall be valid for a period of one year and renewal shall be for a period of one year provided that the government policy of using foreign vessels continues

Article 6:

1. A fishing company possessing IUP intending to use a foreign flag vessel in EEZ must possess PPKA, which is valid for a period of three years
2. The PPKA specifies the fishing ground, number and size of fishing vessels, fishing gear used and country of origin

Article 12:

1. PPKA as mentioned in Article 7 (3) is given to an Indonesian fishing company provided that:
 - A. The company possesses IUP
 - B. There is a charter agreement between the owner of the vessel and the Indonesian fishing company
 - C. There is a business plan
2. SIPI as mentioned in Article 7 (3) may be given to a fishing company provided that the company possesses/furnishes:
 - A. IUP and PPKA
 - B. Information on the shareholders
 - C. Business charter
 - D. General arrangement diagram of vessel
 - E. Specifications of the vessel
 - F. Captain's passport

- G. List of crew
- H. Security clearance from (BAIS) MABES ABRI
- 3. The application for PPKA and SIPI is to be submitted to the Director General of Fisheries using Form Phn-1
- 4. Within 6 months of receiving the application an approval or rejection letter will be sent to the applicant. This approval will be based on:
 - A. The number of fishing vessels allowed to fish in the EEZ
 - B. The level of exploitation of fish resource in the EEZ

Article 15:

- 2. The holder of PPKA must submit a business activity report every three months

Article 19:

- 1) PPKA will terminate if:
 - A. The time allocation is completed
 - B. It is returned to the issuing authority before the expiration date
 - C. The fishing company becomes bankrupt
 - D. The fishing company ceases business
 - E. The fishing company is handed over
 - F. It is canceled by issuing authority
 - G. IUP is canceled
- 2. PPKA may be canceled by the issuing authority provided:
 - A. The fishing company does not comply with the regulations attached to PPKA
 - B. The fishing company intentionally does not submit a business activity report three times consecutively or submits a false report
 - C. The fishing company within one year after receiving PPKA does not commence business activity
 - D. IUP is canceled

Article 20:

- 1. SIPI will be terminated if:
 - A. Time allocation is completed
 - B. It is returned to the issuing authority before the expiration date
 - C. SIPI is canceled by issuing authority
 - D. PPKA is canceled by issuing authority
 - E. IUP is canceled by issuing authority
 - F. The fishing vessel is no longer used by PPKA holder
- 2) SIPI may be canceled by the issuing authority if:
 - A. The fishing company does not comply with the regulations attached to PPKA and/or SIPI
 - B. The fishing vessel is no longer used for fishing activity
 - C. The fishing vessel with the attached SIPI is no longer used
 - D. IUP and/or PPKA is canceled by the issuing authority

[signed by the Minister of Agriculture 1, November, 1990]

MINISTER OF AGRICULTURE DECREE NO. 816 OF 1990**On The Use Of Charter Of Foreign Flag Fishing Vessels For
Fishing In The Indonesian Exclusive Economic Zone****Article 1:**

1. Indonesian fishing companies possessing IUP intending to use foreign flag fishing vessel through charter arrangements for fishing in the EEZ must possess PPKA which is valid for a period of three years
2. The foreign flag fishing vessel mentioned above must possess SIPI.

Article 2:

1. The allowed fishing gear used by the Indonesian fishing company are:
 - A. Longline
 - B. Pole/line
 - C. Purse seine
 - D. Fish net
 - E. Gillnet
 - F. Various types of line fishing
2. Fish net as mentioned in Article 2 (1) must not be used in the EEZ of the Malaka Straits
3. Gillnets as mentioned in Article 2 (1) may not exceed 2.5 km in length

Article 3:

1. DGF shall specify a fishing port as the base of the chartered foreign flag fishing vessel as mentioned in Article 1.
2. The foreign fishing vessel as mentioned in Article 1 using fish net gear fishing in the EEZ of the Sulawesi Sea must be based in Tarakan Fishing Harbour or Nunukan Harbour, both of East Kalimantan.

Article 4:

1. The Indonesian fishing company as mentioned in Article 1 must export or sell locally the catch
2. The export fish as mentioned above must be through a port in Indonesia with an open L/C
3. The Indonesian fishing company is obliged to gradually increase the use Indonesian crew and within 6 months of the date of issuing SIPI at least 30% of the total crew of each vessel must be Indonesians

Article 5:

1. The Indonesian fishing company as mentioned in Article 1 should pay a fishing license fee for every vessel used as follows:
 1. Longliner : US\$71 for each cubic meter of fish hold volume
 2. Pole/line : US\$85 for each cubic meter of fish hold volume
 3. Purse seine : US\$89 for each cubic meter of fish hold volume
 4. Fish net: : US\$173 for each cubic meter of fish hold volume
 5. Gillnet and other misc. gear except trawl: US\$46 for each cubic meter of fish hold volume
2. The fishing license fee must be completely paid before the SIPI is given to the applicant

Article 6:

[about payment procedures]

Article 7:

The Indonesian fishing company must display on the chartered vessel a special identification given in the SIPI according to the Ministerial Regulation

Article 8:

The DGF may limit the number of chartered foreign flag fishing vessels and their fishing grounds

Article 9:

1. The SIPI of the foreign fishing vessel issued before this decree remains valid during the specified period of validity
2. An SIPI application for a foreign flag fishing vessel to be used by the Indonesian fishing company which is in the application process and for which the security clearance has not yet been obtained, shall be terminated.

[signed by the Minister of Agriculture 1 November 1990]

MINISTERIAL DECREE NO. 144 OF 1993**On Appointing A Port As A Fishing Base
For Chartered Foreign Flag Fishing Vessels****For Fishing In The EEZ*****Article 1:***

The port appointed as a base for a chartered foreign flag fishing vessel for fishing in the EEZ before and after carrying out fishing is called a fishing base:

A. For the fishing area in the South China Sea and the Pacific Ocean are:

1. Tanjung Pinang harbour, Riau Province
2. Tarempa coastal fishing port, Riau Province
3. Batam harbour, Riau Province
4. Tarakan fishing port, East Kalimantan Province
5. Nunukan harbour, East Kalimantan Province
6. Sebatik fishing port, East Kalimantan Province
7. PT Perikanan fishing harbour, Bitung, North Sulawesi Province
8. Dagho fishing port, North Sulawesi Province
9. Sorong fishing port, Irian Jaya
10. Biak harbour, Irian Jaya

B. For the fishing of the EEZ of the Sulawesi Sea:

1. Tarakan fishing port, East Kalimantan Province
2. Nunukan harbour, East Kalimantan Province
3. Sebatik fishing port, East Kalimantan Province

C. For the fishing grounds of the EEZ of the Indian Ocean and Arafura Sea:

1. PT PSB, Sabang fishing port, Aceh Province
2. Sibolga harbour, North Sumatera Province
3. Pulau Tello fishing port, North Sumatera Province
4. Bungus fishing port, West Sumatera Province
5. Pulau Baai harbour, Bengkulu Province
6. Pelabuhan Ratu fishing port, West Java Province
7. Jakarta fishing port, Jakarta Province
8. Cilacap harbour, Central Java Province
9. Bena harbour, Bali Province
10. Kupang fishing port, East Nusa Tenggara Province
11. Com harbour, East Timor Province
12. Ambon harbor, Maluku Province
13. Perum Perikanan Maluku Ambon fishing port, Maluku Province

Article 2:

1. The foreign flag fishing vessel chartered by an Indonesian company for fishing in the Indonesian EEZ at the date of departure of the country of origin must possess the original copy of the SIPI on the vessel
2. At the start of fishing and after completion of fishing in the EEZ, the fishing vessel as mentioned above must report to the officer appointed by the Directorate of Fisheries at the base as mentioned in Article 1 according to the following procedure:
 - A. At least three hours before leaving the base for fishing the vessel must inform the departure to the local officer for:
 1. Checking the IUP, PPKA, and SIPI and fishing gear to be used
 2. Checking the identification markings on the vessel as attached in Appendix 1 of this decree
 3. Checking the requirement for a minimum of 30% Indonesia crew
 4. Checking the fishing logbook as mentioned in Appendix 2A
 - B. After from returning from fishing activity the vessel must report its arrival to the officer and submit form 2E

Article 3:

If it is required, the DGF is authorized to modify the form as mentioned in Article 2 (2).

Article 4:

The officer is authorized to examine the vessel before or after the vessel completes in the Indonesian EEZ

Article 5:

The fishing vessel as mentioned in Article 2 (1) must obey all applicable Indonesian regulations.

Article 6:

These regulations shall be effective upon signature

[signed 27 February 1993 by the Minister]

Appendix 1:

1. The forward one-third of the hull should be painted violet
2. In the violet-painted part there must be black painted numbers/letters as big/clear as possible.
3. The first number shall indicate the fishing gear used
4. The next group of numbers shall indicate the license number
5. The code for fishing gear is as follow:
 - a. number 1 = longline
 - b. number 2 = pole/line
 - c. number 3 = purse seine
 - d. number 4 = gill net
 - e. number 5 = fish net
 - f. number 6 = other gear

[the first two letters are the code of the company]

MINISTERIAL DECREE NO. 57 OF 1995

on the modification of Decree No. 144 of 1993

Modification is made by adding two harbours as a base for foreign flag fishing vessels chartered by Indonesian companies

New Article 1:

- D. For the Indian Ocean, an additional base is Belawan fishing port
- E. For the Arafura Sea, an additional base is Ternate

[signed 20 January 1995 by the Minister]

MINISTERIAL DECREE NO. 473 OF 1985

Amount of Allowable Catch in the Indonesia EEZ

Article 1:

Total amount of allowable catch of natural resources in the Indonesian EEZ is determined as follows:

<u>Species</u>	<u>Potential</u>	<u>Allowable catch</u>
Small pelagics	1,285, 900	1,115,731
Tuna	83,435	75,915
Skipjack	98, 760	88,884
Demersal	647, 500	582,731

Article 2:

The total units of fishing boat/gear which are allowed to fish in the Indonesian EEZ is determined by considering the productivity of the boat/gear with respect to the target resource group.

Article 3:

The total allowable catch as stipulated above will be revised based on the results of research, evaluations, surveys, and fish capture activities.

Article 4:

This decree is effective from the date of signature

[signed by Minister on 27 June 1985]

MINISTERIAL DECREE NO. 475 OF 1985

Permit for Private and Foreign Companies to Fishing in the Indonesian EEZ

The license for fishing in the Indonesian EEZ is regulated as follows:

Article 1:

1. An application for a fishing license in the Indonesian EEZ by private or foreign corporation should be submitted personally through the Indonesian agent to the Director General of Fisheries
2. The application for license stipulated in Section 1 must be submitted after government of origin of the company or private individual has bilateral agreement on fisheries with Indonesian government
3. The application for the above stipulated license must be made on the form given in Attachment 1 of this decree

Article 2:

1. The Director General of Fisheries will approve or deny the application based on determination of total allowable catch and state of utilization by Indonesian fishing companies in the Indonesian EEZ as well as the content of bilateral agreements as given in Article 1 (2).
2. If the application for the license is approved, the Director General of Fisheries will issue the license and will inform the applicant that it will be available upon payment of a registration fee and a licensing fee.
3. After the applicant pays all the required fees the Director General will give the fishing license

Article 3:

1. The license holder can request a modification of the approved license from the Director General of Fisheries
2. The meaning of "modification" above covers the following items:
 - a. Replacement of crew or changes in number of crew given on the license
 - b. Changes of fishing checkpoint base as listed on the license
 - c. Physical damage to or misplacement of license
3. If the application for the modification for the fishing license is approved, the Director General of Fisheries will issue the modified license and will inform the applicant that it will be available upon payment of a registration fee and a licensing fee.
4. The modified fishing license is given to the applicant after all required fees are paid

Article 4:

1. The fishing license is valid for a period of one year
2. If a fishing license has expired, it must be renewed prior to any fishing operation in the Indonesian EEZ
3. An application for renewal must be made 30 days before expiry

Article 5:

The fishing license must be on the fishing vessel

Article 6:

The fishing license is non-transferable to other fishing vessels or other owners

Article 7:

Foreign companies which have a fishing license for the EEZ must have an associated fishing company in Indonesia.

Article 8:

License holders must carry identification and the vessels must be marked as given in Attachment 3 of this decree

Article 9:

The fishing vessel captain has the following obligations:

- a. Report departures/arrivals to harbor checkpoint specified in the fishing license
- b. Allow inspection of the fishing vessel
- c. Allow other inspectors to inspect the fishing vessel under the Ministerial decree on controlling foreign fishing vessels in the EEZ

Article 10:

The fishing vessel licensed fishing vessel is prohibited from:

- a. Using explosives, poison, electrical or other such destructive fishing techniques
- b. Carrying passengers or cargo which is not listed on the fishing license before, during or after fishing while in Indonesian waters

Article 11:

The fishing license is not valid if:

- a. Expired
- b. Revoked due to fraud
- c. Physically damaged and not legible or has been lost

Article 12:

Penalties for violating provisions of Article 10:

- a. Using explosives, poison, electrical or other such destructive fishing techniques: as per Article 19 of the Government Regulation 15/1984
- b. Fraudulent statements on application for a fishing license will be punished under article 20 of Government Regulation 15/1984

All licenses for foreign companies fishing in Indonesian EEZ which do not conform with this decree are declared no longer valid.

This decree is valid on from the date of signature

[signed by the Minister 1 July 1985]

LETTER OF INSTRUCTION

from Minister of Research and Technology 557 of 1985

On the Development of the Fishing Fleet

To the Junior Minister for the Promotion of Domestic Product Utilization:

Paragraph 1:

As directed by the President on 10 October 1985, I request your attention and your assistance in order to promote the development of a fishing fleet for use in the Indonesian EEZ. I request that all the fishing vessels be constructed in domestic shipyards.

Paragraph 2:

It is prohibited to import used fishing vessels.

Paragraph 3:

Those individuals who have a license to import a fishing vessel and the vessel is now under construction may proceed, however for those vessels not yet under construction, this construction must be in Indonesia.

Paragraph 4:

There will be a provision for assistance for technology, design, quality control, and other factors required for domestic construction by Indonesian shipyards by the government agency BPPT/PT. PAL directly or indirectly without charge.

Paragraph 5:

I request your compliance for the above and I appreciate your attention and assistance.

[signed 11 October 1985]