

GUIDANCE FOR MANAGING RESOURCES IN MARITIME TERRITORY

(Regulation of the Minister of Home Affairs Number 30 Year 2010 dated April 15, 2010)

BY GRACE OF GOD THE ALMIGHTY
THE MINISTER OF HOME AFFAIRS OF
THE REPUBLIC OF INDONESIA,

Considering:

That in order to implement the provision of Article 18 of Law Number 32 Year 2004 on Regional Administration as already amended several times and the latest by Law Number 12 Year 2008 regarding the Second Amendment to Law Number 32 Year 2004 on Regional Administration, it is necessary to stipulate a regulation of the Minister of Home Affairs on Guidance for Managing Resources in Maritime Territory;

In view of:

1. Law Number 8 Year 1985 on Social Organization (Statute Book of the Republic of Indonesia Year 1985 Number 44, Supplement to Statute Book of the Republic of Indonesia Number 3298);
2. Law Number 27 Year 2007 on Management of Coastal Areas and Isles (Statute Book of the Republic of Indonesia Year 2007 Number 84, Supplement to Statute Book of the Republic of Indonesia Number 4738);
3. Law Number 39 Year 2008 on State Ministries (Statute Book of the Republic of Indonesia Year 2008 Number 166, Supplement to Statute Book of the Republic of Indonesia Number 4916);
4. Government Regulation Number 38 Year 2007 on Sharing of Public Administration Affairs between the Government, Provincial Administration and Regental/Municipal Administration (Statute Book of the Republic of Indonesia Year 2007 Number 82, Supplement to Statute Book of the Republic of Indonesia Number 4737);
5. Government Regulation Number 41 Year 2007 on Organization of Regional Apparatuses (Statute Book of the Republic of Indonesia Year 2007 Number 89, Supplement to Statute Book of the Republic of Indonesia Number 4741);
6. Government Regulation Number 8 Year 2008 on Phases of Procedures for Formulating, Controlling and Evaluating the Implementation of Regional Development Plan (Statute Book of the Republic of Indonesia Year 2008 Number 21, Supplement to Statute Book of the Republic of Indonesia Number 4817);

D E C I D E S :

To stipulate:

THE REGULATION OF THE MINISTER OF HOME AFFAIRS
ON GUIDANCE FOR MANAGING RESOURCES IN MARITIME
TERRITORY

CHAPTER I

GENERAL PROVISION

Article 1

Referred to in this regulation as:

1. Maritime Resource Management shall be all efforts to optimize benefit of maritime resources
2. Maritime Resources shall be biological and non-biological substances contained in maritime area and usable for enhancing human welfare.
3. Maritime Territory shall be sea space constituting geographic totality along with all related substances with the boundary and system determined on the basis of administrative and/or functional aspects, which is measures from coastline towards offshore and/or archiplegaic waters, maximally 12 (twelve) nautical miles for a province and 1/3 (one thirds) of the provincial jurisdiction for a regency/city, including coastal areas and isles.
4. Exploration shall be an activity or survey of potentials of maritime resources with the implementation based on environmental condition.
5. Exploitation shall be an activity or effort to utilize maritime resources based on support capacity of the environment.
6. Conservation Area shall be a specific part of maritime territory having special characteristics as a totality of ecosystem, which is protected, preserved and utilized wisely to realize sustainable management.
7. Management of Sea Space shall be a process of stipulation of space/area based on the existing resources in maritime territory.
8. Traditional Fisherment shall be communities exploiting maritime resources from generation to generation by using traditional materials and equipment as daily source of income.
9. Coastal Communities shall village/sub-district communities living along the coastal areas, influenced by complexity, activity in management of coastal and maritime resources.
10. Maritime Social Organization hereiafter maritime ormas shall be a nationalism-oriented non-governmental organization established by Indonesian citizens voluntarily, which is registered at local regional government as well as shall not be a wing of party undertaking activities to enhance socio economy of fishermen, preserve maritime resources and develop knowledge and skill of fishermen relying their life on maritime resources.
11. Community Empowerment shall be efforts to encourage, motivate and generate awareness of potentials as well as develop capacity of communities in a bid to enhance capability and independence of village/sub-district communities so as to be able to identify the existing potentials and utilize them optimally, participatorily for collective prosperity and welfare in environmentally sound and sustainable manner.
12. Stakeholders shall be users having direct interest in the utilization of maritime resources, such as traditional fishermen, coastal communities, maritime social organization, modern fishermen, breeders, tourism organizers and fishery business communities.
13. Adaptation shall be action to adjust to impact of climate change.
14. Mitigation shall be various active actions to anticipate impacts of climate change.

CHAPTER II
MANAGEMENT AUTHORITY

Article 2

- (1) Regions shall be authorized to manage maritime resources by virtue of their authority.
- (2) The authority to manage resources in maritime territory as meant in paragraph (1) shall be maximally 12 (twelve) nautical miles from coastline towards offshore or archipelagic waters for a province and 1/3 (one thirds) of the provincial authority for a regency/city.

Article 3

The management of resources in maritime territory as meant in Article 2 shall include:

- a. exploration;
- b. exploitation;
- c. conservation;
- d. adaptation and climate change;
- e. administrative regulation;
- f. spatial regulation;
- g. maritime wealth management;
- h. law enforcement of regulations issued by regions or having authority thereof delegated by the government; and
- i. participation in the preservation of state security and sovereignty.

CHAPTER III
PLANNING

Article 4

- (1) Regional administration shall formulate plans to man-

age resources in maritime territory as meant in Article 3 by virtue of their authority, consisting of:

- a. strategic plan;
 - b. zoning plan;
 - c. management plan; and
 - d. action plan.
- (2) The planning of resource management in maritime territory by provinces shall take into account of the planning of maritime resource management of regencies/cities in their territory.
 - (3) The planning of maritime resource management by provinces and regencies/cities shall take into account the planning of maritime resource management of province and regency/city sharing border with the province.
 - (4) The formulation of plan to manage resources in maritime territory becoming authority of the government for national interests shall involve provincial and regency/municipal governments.
 - (5) The Minister of Home Affairs shall coordinate the formulation of the plans to manage resources in maritime territory as meant in paragraphs (1), (2), (3), and (4).

Article 5

- (1) The strategic plan and zoning plan as meant in Article 4 paragraph (1) letters a and b shall be written down into Regional Long-Term Development Plan.
- (2) The strategic plan as meant in ayat (1) shall contain vision, mission and directive of regional development in the field of the management of resources in maritime territory.

- (3) The zoning plan as meant in paragraph (1) may contain the following areas:
 - a. public utilization;
 - b. conservation;
 - c. certain national strategic; and
 - d. sea lane.
- (4) The zoning plan as meant in paragraph (3) shall be formulated by observing:
 - a. the existing potentials in maritime territory; and
 - b. conservation area stipulated by the government.

Article 6

The management plan as meant in Article 4 paragraph (1) letter c shall be written down into Regional Medium Term Development Plan.

Article 7

The action plan as meant in Article 4 paragraph (1) letter d shall be written down into Regional Development Action Plan.

Article 8

The formulation of the management plan as meant in Article 4, Article 5, Article 6, and Article 7 shall refer to legislation.

Article 9

- (1) The formulation of the plan to manage resources in maritime territory as meant in Article 4 shall be based on data and information.

- (2) Governors and regents/mayors shall inventory the data and information as meant in paragraph (1) shall cover:
 - a. the existing resource potential;
 - b. resource potential already utilized and supporting capacity thereof;
 - c. resource potential not yet utilized and supporting capacity thereof; and
 - d. legal entities licensed or recommended to utilize resources.

Article 10

- (1) Governors and regents/mayors shall formulate maritime spatial management plan in their respective territories by referring to the zoning plan as meant in Article 5 paragraph (3).
- (2) The maritime spatial management plan as meant in paragraph (1) shall constitute part of provincial and reGENCY/municipal spatial plan stipulated by regional regulation.

Article 11

- (1) The formulation of maritime spatial management plan by province shall take into account of maritime spatial plans of reGENCIES/cities in the provincial territory.
- (2) The formulation of maritime spatial management plan by provinces and reGENCIES/cities shall take into account maritime spatial plan of provinces and reGENCIES/cities sharing border with the the provinces and reGENCIES/cities.

(3) The formulation of the maritime spatial management plan as meant in paragraphs (1) and (2) shall be coordinated with related ministries/LPNK.

CHAPTER IV
MANAGEMENT
Part One
Exploration
Article 12

- (1) Regional governments may explore resources in maritime territory by virtue of their authority.
- (2) Everybody and legal entity may conduct exploration after securing license from heads of regions.
- (3) Further provision on requirements and procedures for securing the license as meant in paragraph (2) shall be stipulated by a regulation of head of region.

Article 13

- (1) Everybody and legal entity planning to explore resources in maritime territory belonging to authority of the government, located in maritime territory belonging to authority of provincial and regency/municipal governments shall secure license from the government.
- (2) Everybody and legal entity already securing the license as meant in paragraph (1) shall report to governor or regent/mayor.
- (3) Governors and regents/mayors shall monitor activities executed by the parties already securing license as meant in paragraph (1).

Part Two
Exploitation
Article 14

- (1) Regional governments may exploit resources in maritime territory by virtue of their authority.
- (2) Everybody and legal entity may conduct exploitation after securing license from heads of regions.
- (3) Further provision on requirements and procedures for securing the license as meant in paragraph (2) shall be stipulated by a regulation of head of region.

Article 15

- (1) Everybody and legal entity planning to exploit resources in maritime territory belonging to authority of the government, located in maritime territory belonging to authority of provincial and regency/municipal governments shall secure license from the government.
- (2) Everybody and legal entity already securing the license as meant in paragraph (1) shall report to governor or regent/mayor.
- (3) Governors and regents/mayors shall monitor activities executed by the parties already securing license as meant in paragraph (1).

Part Three
Conservation
Article 16

- (1) Governors and regents/mayors may stipulate certain part of their maritime territory as conservation area.

(2) The conservation area as meant in paragraph (1) shall be stipulated by referring to legislation.

Article 17

Provincial and reGENCY/municipal governments as well as stakeholders shall be obliged to supervise and protect the conservation area stipulated by the government in maritime territory by virtue of their authority.

Part Four

Adaptation and Mitigation of Climate Change

Article 18

In formulating a plan for managing resources in maritime territory, regional governments shall be obliged to include substances containing efforts to adapt and mitigate impacts of climate change.

Article 19

Adaptation and mitigation of climate change shall be executed by involving the government, regional governments and/or communities.

Article 20

The adaptation and mitigation of climate change as meant in Article 18 shall be executed by observing aspects:

- a. social, economy and culture of communities;
- b. environmental conservation;
- c. benefit and effectiveness; as well as
- d. scope of territory size.

Part Five

Management of Maritime Potential

Article 21

- (1) Regional governments may manage maritime potentials by virtue of their authority.
- (2) The management of maritime potential as meant in paragraph (1) may only be executed in areas:
 - a. public utilization;
 - b. conservation; and
 - c. sea lane.
- (3) The management of maritime potential as meant in paragraph (2) letter b and letter c shall be done restrictively in accordance with legislation.

Article 22

- (1) Everybody and legal entity may manage maritime potentials after securing license from heads of regions.
- (2) Further provision on requirements and procedures for securing the license as meant in paragraph (1) shall be stipulated by a regulation of heads of regions.

Article 23

- (1) Everybody and legal entity planning to manage maritime potential belonging to authority of the government, located in maritime territory belonging to authority of provincial and reGENCY/municipal governments shall secure license from the government.
- (2) Everybody and legal entity already securing the license as meant in paragraph (1) shall report to governor or regent/mayor.

- (3) Governors and regents/mayors shall monitor activities executed by the parties already securing license as meant in paragraph (1).

Article 24

Traditional fishermen shall be excluded from the license as meant in Article 22.

Article 25

Everybody and legal entity undertaking fishing activities in provincial and regency/municipal maritime territory by using fishing vessel shall be obliged to use vessel in accordance with the tolerable size according to legislation.

Part Six

Law Enforcement

Article 26

- (1) Regional governments shall enforce law for regulations issued by regions and/or regulations having authority thereof delegated by the government.
- (2) Everbody ascertaining violation and/or crime against the authority of the government and regional governments in maritime territory shall be obliged to report the case to the authorized apparatuses or regional governments.

Part Seven

Preservation of State Security, Defense and Sovereignty

Article 27

- (1) Governors and regents/mayors and every citizen shall take part in preserving security and defense of state

sovereignty in maritime territory by virtue of their authority.

- (2) The preservation of security and defense of state sovereignty as meant in paragraph (1) shall be executed in accordance with the provision of legislation.

CHAPTER V

COMMUNITY EMPOWERMENT

Article 28

- (1) Governors and regents/mayors in executing the management of resources in maritime territory shall empower:
- traditional fishermen and coastal communities;
 - community organizations in maritime field; and
 - social institutions.
- (2) The empowerment of traditional communities and coastal communities as meant in paragraph (1) letter a shall be executed through activities:
- socialization of policies of the government, provincial governments and regency/municipal governments regarding resource management policy in maritime territory;
 - counseling, training in the use of appropriate technology, catching and preservation of fish as well as advocacy of cultivation activities;
 - facilitating the establishment of fishermen cooperatives operating in the provision of fishing/cultivation, marketing and credit union instruments; and
 - conduct facilitation with banking, cooperatives and fishing business communities in the provision of capital or credit, procurement of fishing and cultivation instruments as well as marketing of fishing and cultivation outcomes.

(3) The empowerment of social organizations in maritime sector as meant in paragraph (1) letter b shall be executed through activities:

- a. socialization of policies of the government, provincial governments and regental/municipal governments on management of resources in maritime territory
- b. counseling and training in the use of appropriate technology, preservation of fish and cultivation as well as procedures for establishing cooperatives; and
- c. socialization of policies and procedures for preserving security and defense of state sovereignty in maritime territory.

CHAPTER VI

PUBLIC PARTICIPATION

Article 29

- (1) Regional governments shall involve communities and stakeholders in every activity of planning and management of resources in maritime territory.
- (2) Regional governments, legal entities and individuals managing resources in maritime territory shall observe traditional law and custom effective in local communities.

CHAPTER VII

FUNDING

Article 30

The cost of formulation of document of plan and management of resources in maritime territory shall come from:

- a. state budget;

- b. Provincial budget;
- c. regency/municipal budget; and
- d. other legitimate and non-binding sources.

CHAPTER VIII

FOSTERING AND SUPERVISION

Article 31

- (1) The Minister of Home Affairs shall foster and supervise the management of resources in the maritime sector, which is executed by provincial governments and regency/municipal governments.
- (2) The fostering as meant in paragraph (1) shall include:
 - a. acceleration of the formulation of maritime resource planning and management;
 - b. empowerment of traditional fishermen and coastal communities; and
 - c. empowerment of social organizations in maritime sector.
- (3) The supervision as meant in paragraph (1) shall include:
 - a. acceleration of the formulation of maritime resource planning and management;
 - b. empowerment of traditional fishermen and coastal communities; and
 - c. empowerment of social organizations in maritime sector.

CHAPTER IX

CONCLUSION

Article 32

The regulation shall come into force as from the date of stipulation.

For public cognizance, the regulation shall be promulgated by placing it in State Gazette of the Republic of Indonesia.

Stipulated Jakarta

On April 15, 2010

THE MINISTER OF HOME AFFAIRS OF

THE REPUBLIC OF INDONESIA

sgd

GAMAWAN FAUZI

Promulgated in Jakarta

On April 15, 2010

THE MINISTER OF LAW AND HUMAN RIGHTS OF

THE REPUBLIC OF INDONESIA

sgd

PATRIALIS AKBAR

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