

INSTRUMENT FOR MONITORING FISH CATCHING BOAT AND FISH TRANSPORTING BOAT

(Regulation of the Minister of Marine and Fishery of R.I. Number 1/PERMEN-KP/2013, dated February 20, 2013)

WITH THE BLESSING OF THE ONE AND ONLY GOD
THE MINISTER OF MARINE AND FISHERY
OF THE REPUBLIC OF INDONESIA,

Considering:

- a. in the context of stipulating policy on preserved and continuous management of fish resource, it is necessary to support the objective and accurate data on fish catching and fish transport obtained there and then on the fish catching and fish transport;
- b. therefor, it is necessary to govern monitoring of fish catching boat and fish transporting boat in Regulation of the Minister;

In view of:

1. Law Number 5 Year 1983 (BN No. 3978 pgs. 1B-8B), concerning Indonesian Exclusive Economy Zone (Statute Book of the Republic of Indonesia Year 1983 Number 44, Supplement to Statute Book of the Republic of Indonesia Number 3260);
2. Law Number 17 Year 1985, concerning Ratification of United Nations Convention on The Law of

The Sea (Konvensi Perserikatan Bangsa-Bangsa Tentang Hukum Laut) (Statute Book of the Republic of Indonesia Year 1985 Number 76, Supplement to Statute Book of the Republic of Indonesia Number 3319);

3. Law Number 21 Year 2009, concerning Ratification Agreement For The Implementation of The Provisions of The United Nation Convention on The Law of The Sea of 10 December 1982 Relating To The Conservation and Management of Straddling Fish Stock and Highly Migratory Fish Stocks (Persetujuan Pelaksanaan Ketentuan-Ketentuan Konvensi Perserikatan Bangsa-Bangsa) concerning Law on Sea, dated December 10, 1982 pertaining to Preservation and Management of Fish Stock Limited Straddling and Fish Stock Straddling Afar) (Konservasi dan Pengelolaan Sediaan Ikan yang Beruaya Terbatas dan Sediaan Ikan yang Beruaya Jauh) (Statute Book of the Republic of Indonesia Year 2009 Number 95, Supplement to Statute Book of the Republic of Indonesia Number 5024);
4. Law Number 31 Year 2004 (BN No. 7144 pgs.

- 7B-12B), concerning Fishery (Statute Book of the Republic of Indonesia Year 2004 Number 118 Supplement to Statute Book of the Republic of Indonesia Number 4433), as amended by Law Number 45 Year 2009 (Statute Book of the Republic of Indonesia Year 2009 Number 154, Supplement to Statute Book of the Republic of Indonesia Number 5073);
5. Presidential Regulation Number 9 Year 2007, concerning Ratification of Agreement for The Establishment of The Indian Ocean Tuna Commission (Persetujuan Pembentukan Komisi Tuna Samudera Hindia);
 6. Presidential Regulation Number 109 Year 2007, concerning Ratification of Convention for the Conservation of Southern Bluefin Tuna (Konvensi tentang Konservasi Tuna Sirip Biru Selatan);
 7. Presidential Regulation Number 47 Year 2009, concerning Establishment and Organization of the State Ministry, as amended by Presidential Regulation Number 91 Year 2011 (Statute Book of the Republic of Indonesia Year 2011 Number 141);
 8. Presidential Regulation Number 24 Year 2010, concerning Capacity, Duty, and Function of the State Ministry and Organizational Structure, Duty and Function of Echelon I of the State Ministry, as amended by Presidential Regulation Number 92 Year 2011 (Statute Book of the Republic of Indonesia Year 2011 Number 142);
 9. Regulation of the Minister of Marine and Fishery Number PER.12/MEN/2012 concerning Fish Catching Business on the Open Sea (State Gazette of the State of the Republic of Indonesia Year 2012 Number 668);
 10. Regulation of the Minister of Marine and Fishery Number PER.30/MEN/2012 concerning Fish Catching Business within Fishery Processing Area of the State of the Republic of Indonesia (State Gazette of the Republic of Indonesia Year 2013 Number 81);
 11. Decision of the Minister of Marine and Fishery Number KEP.06/MEN/2010, concerning Fish Catching Instrument within Fishery Management Area of the State of the Republic of Indonesia;
- With due Observation of:
1. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessel on the High Seas, 1993;
 2. Agreement for the Establishment of Indian Ocean Commission;
 3. Convention for the Conservation of Southern Bluefin Tuna, 1994;

4. Recommendation IOTC 01/01 Concerning the National Observer Programmes for Tuna Fishing in the Indian Ocean;
5. Convention for the Conservation and Management of Highly Migratory Fish Stock for Western and Central Pacific Fisheries Commission, 2000;
6. Code of conduct for Responsible Fisheries, Food and Agriculture Organization of the United Nations 1995;

DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF MARINE AND FISHERY ON MONITORING FISH CATCHING BOAT AND FISH TRANSPORTING BOAT.

CHAPTER I
GENERAL PROVISION

Part One

Interpretation

Article 1

What is meant in this Regulation of the Minister by:

1. Monitoring of Fish Catching and Fish Transport on fish catching boat and fish transporting boat, hereinafter referred to as Monitoring, shall be automatic monitoring activity of fish catching boat and fish transporting boat and recording of fish

catch result, area of fish catch, time of fish catch, type of fish catch instrument, and supporting fish catching instrument, including fish transporting activity from fish catching boat to fish catching boat and/or to the fish transporting boat as permitted.

2. Monitoring of Fish Catching and Fish Transport shall be any citizen of the State of the Republic of having the knowledge and expertise in monitoring fish catching boat and fish transporting boat.
3. Goods (Borang ?) shall be work paper on Monitoring of Fish Catching and Fish Transport containing information that must be collected by Monitoring of Fish Catching and Fish Transport in the monitoring of fish catching boat and fish transporting boat as referred to above.
4. Fishery Processing Area of the State of the Republic of Indonesia, hereinafter referred to as WPP-NRI, shall be fishery processing area for fish catch covering Indonesian waters, Indonesian Exclusive Economy Zone, rivers, lakes, dams, marshland, and other water pool that potentially may be utilized for business within the territory of the Republic of Indonesia.
5. Open sea shall be part of the sea not covered in the ZEEI, Indonesian sea territory, Indonesian islands waters, and Indonesian inland waters.

- 6. Minister shall be Minister of Marine and Fishery.
- 7. Director General shall be Director General of Fishery Catch.

Part Two

Scope and Objective

Article 2

Scope of Regulation of the Minister applies to:

- a. fish catching boat of the size above 30 gross tonnage (GT) operating within WPP-NRI and open sea; and
- b. fish transporting boat operating within the WPP-NRI and open sea.

Article 3

The objective of monitoring is to obtain data that is objective and accurate on the fish catching activity and fish transport activity obtained directly by fish catching boat and fish transporting boat.

CHAPTER II

REQUIREMENTS FOR MONITORING OF FISH CATCHING AND FISH TRANSPORT

Article 4

- (1) The requirements for Monitoring of Fish Catching and Fish Transport consists of the following:
 - a. Civil Servant Employee dan Non Civil Servant Employee.
 - b. Indonesian citizen (WNI);

- c. education:
 - 1) Bachelor of Art (S1) or Diplom IV in the field of fishery, marine, or biologically;
 - 2) Diplom III in the field of fishery, marine, or biological with working experience on sea affairs is at least one (1) year; or
 - 3) Secondary Public School on Fishery (SUPM)/ Secondary Vocational School (SMK) on Fishery with work experience on sea affairs at least three (3) years.
 - d. mentally and physically healthy based on statement letter from the Government-owned hospital;
 - e. possess seamen book;
 - f. possess passport for Monitoring Fish Catching and Fish Transport operating in open sea; and
 - g. holds Certificate stating Completion of Training on Monitoring of Fish Catching and Fish Transport issued by work unit responsible on Improvement of Capacity of Human Resource on Marine and Fishery.
- (2) Monitoring of Fish Catching and Fish Transport that complies with the requirements referred to in

paragraph (1) shall be stipulated in Decision of the Director General.

Article 5

- (1) To obtain Certificate on Completion of Training on Monitoring of Fish Catching and Fish Transport as referred to in Article 4 paragraph (1) letter g, must attend training.
- (2) The training referred to in paragraph (1) must at least cover:
 - a. basis of fishery management;
 - b. identification on the type of fish (including type of fish under protection);
 - c. methodology for data collection;
 - d. technology for fish catching;
 - e. management of fish species under protection;
 - f. technology for data collection and input;
 - g. statutory regulation on fishery; and
 - h. knowledge on filling-in the borang.
- (3) Further provision on requirements for training and technical training referred to in paragraph (2) shall be stipulated in Decision of the Head of Development Agency on Marine and Fishery Human Resource.

CHAPTER III

DUTY AND FUNCTION IN MONITORING OF FISH CATCHING AND FISH TRANSPORT

Article 6

- (1) Monitoring of Fish Catching and Fish Transport shall be:
 - a. observe, scale, record, and report activity on fish catching activity; and
 - b. observe, record, and report activity on fish transshipment at sea from fish catching boat to fish transporting boat.
- (2) In running the duty referred to in paragraph (1), Monitoring of Fish Catching and Fish Transport shall function to:
 - a. record and collect data on fish catching covering data of the boat, fish catching equipment and/or fish catching supporting tools, data on fish catching result, location of fish catching, volume and time for setting and hauling fish catch tools (setting-hauling);
 - b. observe and record the result of fish by-catch (bycatch) which by ecology related to (ecologically related species) of tuna fish, shrimp dragnet, and fish dragnet; and
 - c. record and collect data on fish transshipment at sea covering the type, volume and size of the result of fish catch being transshipped, and data of boats conducting the fish transshipping activity at sea.
- (3) The result of the monitoring referred to in para-

graph (2) shall be stipulated in Borang in the form and format of as specified in the Attachment constituting inseparable part of this Regulation of the Minister.

(4) Further provision on procedure for filling-in the Borang referred to in paragraph (3) shall be stipulated in Decision of the Director General.

CHAPTER IV

ASSIGNMENT FOR MONITORING FISH CATCHING AND FISH TRANSPORT

Article 7

- (1) Assignment of Monitoring Fish Catching and Fish Transport shall be made by the Director General on:
- a. fish catching boat using fish catching equipment in the form of purse seine and long line for boat operating on open sea; and
 - b. fish catching boat operating within WPP-NRI using fish catching equipment in the form of group of:
 - 1) fishing hook;
 - 2) spreading net, hauling net, and gills hooked; and
 - 3) hauling net and drag net.
 - c. fish transport boat operating within the WPP-NRI and open sea.

(2) Standar operasional prosedur of assignment of Monitoring of Fish Catching and Fish Transport shall be stipulated in Decision of the Director General.

CHAPTER V

RIGHTS AND OBLIGATIONS OF MONITORING FISH CATCHING AND FISH TRANSPORT

Article 8

- (1) Monitoring of Fish Catching and Fish Transport at sailing has the right to:
- a. obtain protection of safety, health and life insurance;
 - b. obtain sailing money based on the term of assignment;
 - c. hold communication with the Head of Harbour that is relevant to his duty and function;
 - d. obtain accommodation and consumption; and
 - e. obtain complete working equipment according to the standard of equipment for Monitoring of Fish Catching and Fish Transport.
- (2) Other than the rights referred to in paragraph (1), Monitoring of Fish Catching and Fish Transport has the right to:
- a. obtain transport cost from the point of origin to the location of departure of the boat and when returning to point of origin after completing the task; and

- b. obtain accommodation fee and pocket money one (1) day prior to sailing and one (1) after sailing in accordance with the provisions in the statutory regulation.

(3) Monitoring of Fish Catching and Fish Transport must:

- a. keep confidentiality of the data on the result of Monitoring; and
- b. report the result of observance and recording according to the borang to th Director General.

CHAPTER VI

RIGHTS AND OBLIGATIONS OF BOAT OWNER OR FISHERY COMPANY

Article 9

(1) The Boat Owner or fishery company assigned to receive Monitoring of Fish Catching and Fish Transport has the right to obtain guarantee on confidentiality of the data on fish catching and fish transportation.

(2) The Boat Owner or fishery company appointed to receive Monitoring of Fish Catching and Fish Transport shall be obliged to:

- a. receive Monitoring of Fish Catching and Fish Transport;
- b. guarantee the safety of Monitoring of Fish Catching and Fish Transport;
- c. guarantee communication on Monitoring of

Fish Catching and Fish Transport with the Head of harbour relating to his duty and function; and

- d. provide accommodation and consumption for Monitoring of Fish Catching and Fish Transport during the course of sailing.

(3) The obligation referred to in paragraph (2) when the boat is sailing must be complied with by the Captain.

CHAPTER VII

FINANCING

Article 10

Finance of implementation of Monitoring originates from:

- a. the boat owner or the party responsible for the company for monitoring activity of fish transshipment (transshipment) on open sea.
- b. State Revenue and Expenditure Budget for:
 - 1) monitoring activity within the WPP-NRI; and
 - 2) monitoring activity of fish catching boat on open sea.

CHAPTER VIII

REPORTING

Article 11

(1) Monitoring of Fish Catching and Fish Transport in conducting his duty and function shall report the result of observance and recording according

to the borang to the Dircector General within five (5) working days effective as of completion of the assignment.

(2) The Director General bsaed on the report referred to in paragraph (1) shall:

- a. conduct verification, such as, examination of authenticity of the recording and report of bo-rang based on the data in the log book on fish catch.
- b. validation, such as, testing on the authentic-ity of the data of borang with the data in the log book on fish catch;
- c. Analysisism such as, examination, recapitula-tion, and analysis of data of the borang re-ported;
- d. decision making on the final result of activity on analysis of the borang reported.

(3) Based on the result of verification, validation, analysis, and decision making as referred to in paragraph (2), the Director General shall submit report to the Minister for consideration on the policy on fishery management.

CHAPTER IX
PENALTY
Article 12

(1) Monitoring of Fish Catching and Fish Transport that fails to comply with the obligation referred to in Article 8 paragraph (3) is subject to administra-tive penalty.

(2) The administrative penalty referred to in para-graph (1) will be charged by the Director General.

Article 13

(1) The adminisitrative penalty referred to in Article 12 paragraph (1) in the form of:

- a. written reminder;
- b. temporary release of duty;
- c. dismissal.

(2) The administrative penalty in the form of written reminder referred to in paragraph (1) letter a shall be charged on Monitoring of Fish Catching and Fish Transport the violates the provision referred to in Article 8 paragraph (3) letter b.

(3) Failure to comply with the obligation after seven (7) days as of the written reminder referred to in paragraph (2), Monitoring of Fish Catching and Fish Transport is subject to penalty in the form of temporary release of duty for maximum one (1) month.

(4) Compliance with obligation of Monitoring of Fish Catching and Fish Transport prior to expiry of the term referred to in paragraph (3), the penalty in

the form of temporary release is cancelled and may be re-assigned.

- (5) If the term referred to in paragraph (3) expires and Monitoring of Fish Catching or Fish Transshipment fails to comply with the obligation this is subject to administrative penalty in the form of dismissal.
- (6) Violation of the provision referred to in Article 8 paragraph (3) letter a is subject to administrative penalty in the form of dismissal.
- (7) Dismissed Monitoring of Fish Catching and Fish Transport may not be appointed again and put on duty again as Monitoring of Fish Catching and Fish Transport.

Article 14

Monitoring of Fish Catching and Fish Transport holding status as Civil Servant Employee other than subject to the penalty referred to in Article 13, may also be subject to penalty in accordance with the provisions in the statutory regulation.

Article 15

If the boat owner or fishery company, and Captain fails to comply with the obligation referred to in Article 9 paragraph (2), fish catching boat or fish transporting boat wherein monitor will be placed will not be granted Approval Certificate for Sailing.

**CHAPTER X
CLOSING PROVISION**

Article 16

This Regulation comes to force on the date it is enacted.

For public cognizance, this Regulation of the Minister shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

Dated February 20, 2013

**MINISTR OF MARINE AND FISHERY
OF THE REPUBLIC OF INDONESIA,**
sgd.

SHARIF C. SUTARDJO

Enacted in Jakarta

Dated June 22, 2013

**MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,**
sgd.

AMIR SYAMSUDIN

Note from Editor:

- Due to technical reason no Attachment is provided herein.

(MA)