

**Government Decree No. 15 of 1984 on Fisheries Resources Management in the Indonesian Exclusive Economic Zone**

PART I - GENERAL

Article I.

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 to pay to the Indonesian government.

PART II - UTILISATION

Article 2.

(1) The natural resources in the Indonesian Exclusive Economic Zone shall be utilised for the development of Indonesian fisheries.

(2) Pursuant to sub-regulation (1), the Government shall organise facilities with a view to increasing the capacity of the Indonesian fisheries.

(3) In order to achieve optimum utilisation 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 co-operation 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 offence 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) Offences under regulations 17, 18 and 19 shall be criminal offence.

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.