

REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

NUMBER 60 OF 2007

ON

CONSERVATION OF FISH RESOURCES

BY THE BLESSINGS OF ALMIGHTY GOD

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that for the purpose of administering the provision of Article 13 of Law Number 31 of 2004 on Fisheries, it is necessary to establish a Government Regulation on Conservation of Fish Resources;

Observing : 1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 31 of 2004 on Fisheries (State Gazette of the Republic of Indonesia of 2004 Number 118, Supplement to the State Gazette of the Republic of Indonesia Number 4433);

HAS DECIDED:

To enact : REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA ON CONSERVATION OF FISHERY RESOURCES.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Government Regulation:

1. Conservation of fish resources means a set of measures for the purposes of protection, preservation, and utilization of fishery resources, including the ecosystems, species, and genetics to ensure the existence, availability, and continuity while maintaining and improving the qualities of value and diversity of the fishery resources.
2. Conservation of ecosystem means a set of measures for the purposes of protection, preservation, and utilization of functions of an ecosystem as a buffer habitat for the current and future lives of aquatic biota.
3. Conservation of fish species means a set of measures for the purposes of protection, preservation, and utilization of the fish resources for the purpose of ensuring the existence, availability and sustainability of the fish species for the current and future generations.
4. Conservation of fish genetic means a set of measures for the purposes of protection, preservation, and utilization of the fish resources to ensure the existence, availability and sustainability of fish genetic resources for the current and future generations.
5. Fish resources mean the potentiality of all fish species.
6. Fish means all types of organisms in which their whole or partial life cycles are spent within waters environment.
7. Ecosystem means an arrangement of elements of the fish resources and their environments that form a system in which the elements unite thoroughly and interact to one another in giving rise to form balance, stability, and productivity of the fish resources.
8. Waters Conservation Area means a waters area which is protected and managed under a zoning system for the purpose of actualizing the sustainable management of the fish resources and their environments.

9. Marine National Park means a marine conservation area with original ecosystems used for the purposes of research, science, education, sustainable fishing support, marine tourism, and recreation.
10. Waters Sanctuary means a waters conservation area with certain characteristics for the protection of biodiversity of fish species and their ecosystems.
11. Marine Park means a waters conservation area for the purposes of marine tourism and recreation.
12. Fish Sanctuary means a certain area of waters, either freshwater, brackish water, or the sea with certain specific conditions and characteristics as a refuge or breeding area of certain fish species; which function as a protection area.
13. Any person means an individual person or a corporation.
14. Corporation means a group of persons and/or well-organized assets both as a legal entity and as a non-legal entity.
15. Central Government, hereinafter referred to as the Government, means the President of the Republic of Indonesia who holds the executive governmental power of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
16. Local Government means governors, regents/mayors, and local officials being elements of the local government administration.
17. Minister means the minister who is responsible for Fisheries Affairs.

Article 2

- (1) Conservation of fish resources is carried out pursuant to the principles of:
 - a. benefit;
 - b. fairness;
 - c. partnership;
 - d. equality;
 - e. integration;
 - f. transparency;

- g. efficiency; and
 - h. sustainability .
- (2) The conservation of fish resources is undertaken pursuant to the principles of:
- a. precautionary approach;
 - b. consideration of scientific evidence;
 - c. consideration of local wisdom;
 - d. community-based management;
 - e. integration of coastal zone development;
 - f. prevention of overfishing;
 - g. development of fishing gear, fishing methods and environment-friendly fish culture;
 - h. consideration of community's socio-economic conditions;
 - i. sustainable utilization of biodiversity;
 - j. dynamic protection of natural structures and functions of aquatic ecosystems;
 - k. protection of fish species and fish genetic qualities; and
 - l. adaptive management.

Article 3

The conservation of fish resources becomes the responsibility of the Government, the local governments, and public.

CHAPTER II CONSERVATION OF FISH RESOURCES

Part One

General

Article 4

The conservation of fish resources covers:

- a. conservation of ecosystem;
- b. conservation of fish species; and
- c. conservation of fish genetic.

Part Two
Conservation of Ecosystem

Article 5

- (1) The conservation of ecosystem is carried out in all types of fish resources-associated ecosystems.
- (2) The types of the fish resources-associated ecosystems as referred to in section (1) consist of:
 - a. sea;
 - b. seagrass bed;
 - c. coral reef;
 - d. mangrove;
 - e. estuary;
 - f. coast;
 - g. marsh;
 - h. river;
 - i. lake;
 - j. reservoir;
 - k. *embung*; and
 - l. artificial aquatic ecosystem.

Article 6

- (1) The conservation of ecosystem as referred to in Article 5 section (1) is carried out by means of:
 - a. protection of fish habitats and population;
 - b. rehabilitation of fish habitats and population;
 - c. research and development;
 - d. utilization of fish resources and environmental services;
 - e. community's socio-economic development;
 - f. surveillance and control; and/or
 - g. monitoring and evaluation.
- (2) The conservation of ecosystem as referred to in section (1) is carried out in compliance with the fish resources data, information, and environment.
- (3) Further provisions regarding the measures of the conservation of ecosystem as referred to in section (1) and section (2) are regulated by a Ministerial regulation.

Article 7

- (1) For the purpose of restoring the conditions of fish resources habitats and to protect fish species breeding cycles, the Minister establishes the opening and closing of a certain waters area for fishing activities.
- (2) The opening and closing as referred to in section (1) are performed by considering:
 - a. destruction level of fish habitats;
 - b. fish breeding season; and/or
 - c. level of overfishing.
- (3) Further provisions regarding the opening and closing of the waters area as referred to in section (1) and section (2) are regulated by a Ministerial regulation.

Article 8

- (1) One type or several types of the fish resources-associated ecosystems as referred to in Article 5, section (2) may be designated as a waters conservation area.
- (2) The waters conservation area as referred to in section (1) consists of a marine national park, a marine park, a waters sanctuary, or a fishsanctuary.
- (3) The waters conservation area as referred to in section (1) is designated by the Minister.

Article 9

- (1) The designation of the waters conservation area as referred to in Article 8 section (3) is done based on the criteria of:
 - a. ecology, which includes biodiversity, naturalness, ecological connectivity, representativeness, uniqueness, productivity, migration area, habitats of rare fish, spawning ground, and nursery ground;
 - b. socio-culture, which includes community's support level, potential conflicts of interest, potential threats, local wisdom and traditional customs; and
 - c. economy, includes important fisheries values, recreational and tourism potentials, aesthetics, and easy access to an area.

- (2) Further provisions regarding the criteria for the designation of the waters conservation area as referred to in section (1) are regulated by a Ministerial regulation.

Article 10

The waters conservation area as referred to in Article 8 which has biophysical and socio-cultural potentials that are deemed to be globally highly important may be proposed by the Government to international agencies authorized for natural world heritage sites in accordance with the legislation.

Article 11

- (1) The designation of the waters conservation area as referred to in Article 8 section (3) is carried out through the stages of:
 - a. proposed initiative;
 - b. identification and inventory;
 - c. designation of a waters conservation area; and
 - d. establishment.
- (2) For an established waters conservation area, the designation of its borders is set up by a border committee.
- (3) Further provisions regarding the designation of the borders as referred to in section (2) are regulated by a Ministerial regulation.

Article 12

- (1) An individual person, a community group, a research institute, an educational institute, a government agency, and a non-governmental organization are allowed to take initiatives to propose the designation of a potential waters conservation area as referred to in Article 11 section (1) point a.
- (2) The proposal as referred to in section (1) is submitted to the Government or local government by providing preliminary assessments and site maps.
- (3) Further provisions regarding the preliminary assessments and the maps as referred to in section (2) are regulated by a Ministerial regulation.

Article 13

- (1) Based on the proposed designation of the potential waters conservation area as referred to in Article 12, the Government or the local government with its respective authorities undertakes identification and inventory of the potential waters conservation areas through community participation.
- (2) The identification and inventory measures include surveys and assessments of potentials, dissemination, public consultation, and coordination with relevant institutions.
- (3) Further provisions regarding the identification and inventory measures as referred to in section (1) and section (2) are regulated by a Ministerial regulation.

Article 14

- (1) The results of the identification and inventory on the potential waters conservation area as referred to in Article 13 that potentially have conservation interests and values, may be used for the designation of a waters conservation area.
- (2) The designation of the waters conservation area as referred to in section (1) is stipulated by the Minister, the governor, or the regent/mayor in accordance with their respective authorities.
- (3) The governor or the regent/ mayor propose the designation of the waters conservation area to the Minister in compliance with the required designation area as referred to in section (2).
- (4) In compliance with the proposed waters conservation area as referred to in section (3), the Minister or the designated official undertakes evaluations.
- (5) In compliance with the evaluation results as referred to in section (4), the Minister may establish a waters conservation area.
- (6) Further provisions regarding the reservation process of a waters conservation area as referred to in section (1), section (2), section (3), section (4), and section (5) are regulated by a Ministerial regulation.

Article 15

- (1) The established waters conservation area as referred to in Article 14 section (5) is managed by the Government or the local government in accordance with their respective authorities.
- (2) The management of the waters conservation area as referred to in section (1) is carried out by an organizational management unit in accordance with the legislation.

Article 16

- (1) The waters conservation area managed by the Government as referred to in Article 15 section (1) covers:
 - a. marine waters beyond 12 (twelve) nautical miles measured from the coastline toward the sea and/or toward the archipelagic waters.
 - b. marine waters situated within the jurisdiction of management territory between provinces; or
 - c. marine waters with particular characteristics.
- (2) The waters conservation area managed by the provincial government covers:
 - a. marine waters as far as 12 (twelve) nautical miles measured from the coastline toward the sea and/or toward the archipelagic waters; and
 - b. waters conservation area within the jurisdiction of management territory between regencies/municipalities.
- (3) The waters conservation area managed by the regency/municipal governments covers:
 - a. marine waters with a distance of 1/3 (one third) out of the jurisdiction of provincial management territory; and
 - b. brackish waters and/or fresh waters that are within the jurisdiction.

Article 17

- (1) The management of waters conservation area as referred to in Article 15 section (1) is carried out pursuant to the management plan of the waters conservation area.

- (2) The management plan of the waters conservation area as referred to in section (1) is prepared by the organizational management unit.
- (3) Each management plan of the waters conservation area must involve the zoning of the waters conservation area.
- (4) The zoning of the waters conservation area as referred to in section (3) consists of:
 - a. a core zone;
 - b. a sustainable fisheries zone;
 - c. a utilization zone; and
 - d. other zones.
- (5) Further provisions regarding the management plan and the zoning of a waters conservation area as referred to in section (1), section (2), section (3), and section (4) are regulated by a Ministerial regulation.

Article 18

- (1) The Government or the local government, in accordance with their respective authorities in the management of a waters conservation area as referred to in Article 15 section (1), may involve the public through partnerships among organizational management units, community groups and/or indigenous people, non-governmental organizations, corporations, research institutes, and universities.
- (2) Further provisions regarding the partnerships as referred to in section (1) are regulated by a Ministerial regulation.

Article 19

- (1) In the management of waters conservation area, the network of the waters conservation area at local, national, regional, and international levels may be established.
- (2) The network of the waters conservation area as referred to in section (1) is established building upon the biophysical connectivities between the waters conservation area that is accompanied by scientific pieces of evidence including oceanographic aspects, limnology, fisheries bioecology, and environmental resilience.

- (3) The network of the waters conservation area at the local and national levels as referred to in section (1) is established by means of collaborations among the organizational management units.
- (4) The network of waters conservation area at the regional and international levels as referred to in section (1) is carried out by means of collaborations among countries.
- (5) Further provisions regarding the network of waters conservation area as referred to in section (1), section (2), section (3), and section (4) are regulated by a Ministerial regulation.

Article 20

The financing of the management of waters conservation area may be derived from the sources as follows:

- a. State Budget and/or Local Budget;
- b. fisheries fee;
- c. conservation service fee; and
- d. other financial sources that are legal and not binding.

Part Three

Conservation of Fish Species

Article 21

The conservation of fish species is carried out in order to:

- a. protect endangered fish species;
- b. preserve the diversity of fish species;
- c. maintain ecosystem balance and stability; and
- d. utilize fish resources sustainably.

Article 22

The conservation of fish species is carried out by means of:

- a. fish species classification;
- b. establishment of fish species protection status;
- c. raising;
- d. breeding; and
- e. research and development.

Article 23

- (1) The fish species classification as referred to in Article 22 point a consists of:
 - a. protected fish species;
 - b. unprotected fish species.
- (2) The criteria for the protected fish species as referred to in section (1) point a include:
 - a. endangered species;
 - b. rare species;
 - c. species with a limited distribution area (endemic);
 - d. species with a drastic decrease in numbers of population in their natural habitat; and/or
 - e. species with a low fecundity.

Article 24

- (1) The establishment of the fish species protection status as referred to in Article 22 point b is carried out by the Minister.
- (2) The procedures for establishing the fish species protection status as referred to in section (1) are regulated by a Ministerial regulation.

Article 25

- (1) The raising as referred to in Article 22 point c is carried out for both protected and unprotected fish species by the means of collection of live fish on a controlled medium as an artificial habitat.
- (2) The raising as referred to in section (1) may be carried out by the means of taking fish out of its natural habitat or from ex-situ breeding process.
- (3) The raising of both protected and unprotected fish species in the artificial habitat as referred to in section (1) is carried out after meeting the requirements as follows:
 - a. fish health standards;
 - b. fairly wide, safe, and comfortable sites; and
 - c. assignment of medical practitioners and fish raising experts.

- (4) The raising of both protected and unprotected fish species may be carried out by:
 - a. an individual person;
 - b. a community group;
 - c. an Indonesian legal entity;
 - d. a research institute; and/or
 - e. a university.
- (5) Further provisions regarding the raising of both protected and unprotected fish species as referred to in section (1), section (2), section (3), and section (4) are regulated by a Ministerial regulation.

Article 26

- (1) The breeding as referred to in Article 22 point d is carried out for both protected and unprotected fish species by means of:
 - a. seeding in a controlled environment;
 - b. hatching of fish eggs;
 - c. ranching of fish juvenile that is taken out of a natural habitat; or
 - d. transplantation.
- (2) The breeding of both protected and unprotected fish species as referred to in section (1) is carried out through maintaining the purity of fish genetics.
- (3) The breeding of both protected and unprotected fish species must meet standard qualifications for fish species breeding.
- (4) The breeding of both protected and unprotected fish species may be carried out by:
 - a. an individual person;
 - b. a community group;
 - c. an Indonesian legal entity;
 - d. a research institute; and/or
 - e. a university.
- (5) Further provisions regarding the standard qualifications for breeding of both protected and unprotected fish species as referred to in section (3) are regulated by a Ministerial regulation.

Article 27

- (1) For the benefit of controlled breeding measures for both protected and unprotected fish species, tagging may be undertaken on parental fish and juvenile fish.
- (2) Further provisions regarding the tagging procedures as referred to in section (1) are regulated by a Ministerial regulation.

Article 28

- (1) The research and development as referred to in Article 22 point e are carried out for both protected and unprotected fish species.
- (2) The provisions regarding research and development as referred to in section (1) are regulated in accordance with the legislation.

Part Four

Conservation of Fish Genetic

Article 29

- (1) The conservation of fish genetic resources is undertaken by means of:
 - a. raising;
 - b. breeding;
 - c. research; and
 - d. gamete preservation.
- (2) The provisions regarding the raising, breeding, and research as referred to in section (1) point a, point b, and point c apply mutatis mutandis the provisions regarding the conservation of fish species as referred to in Article 25 to Article 28.
- (3) The preservation of the fish genetic gametes as referred to in section (1) point d is carried out under freezing conditions.
- (4) Further provisions regarding the preservation of the fish genetic gametes as referred to in section (3) are regulated by a Ministerial regulation.

CHAPTER III
UTILIZATION

Article 30

- (1) The utilization of the conservation of fish resources covers:
 - a. the utilization of waters conservation area; and
 - b. the utilization of fish species and fish genetics.
- (2) The utilization of the waters conservation area as referred to in section (1) is carried out by means of:
 - a. fishing;
 - b. fish culture;
 - c. waters tourism; or
 - d. research and education.
- (3) The utilization of the fish species and the fish genetics as referred to in section (1) point b is carried out by means of:
 - a. research and development;
 - b. fish breeding;
 - c. trade;
 - d. aquaria;
 - e. exchange; and
 - f. fish raising for hobbies.

Article 31

- (1) The utilization of the waters conservation area for fishing as referred to in Article 30 section (2) point a is carried out in a sustainable fisheries zone.
- (2) Any person who is involved in fishing as referred to in section (1) is obligated to have a license for fishing.
- (3) The license for fishing within the waters conservation area as referred to in section (2) is granted by the Minister, the governor, the regent/mayor or the designated official pursuant to his/her respective authorities.
- (4) In granting the license for fishing, the Minister, the governor, or the regent/mayor considers:
 - a. carrying capacity and environmental conditions of the fish resources;
 - b. fishing methods; and
 - c. fishing gear types.

- (5) Further provisions regarding the procedures for obtaining a license for fishing in the sustainable fisheries zone within the waters conservation area as referred to in section (1) and section (2) are regulated by a Ministerial regulation.

Article 32

- (1) The utilization of the waters conservation area for the fish culture as referred to in Article 30, section (2) point b is carried out in the sustainable fisheries zone.
- (2) Any person who undertakes the fish culture as referred to in section (1) is obligated to have a license.
- (3) The license for the fish culture within the waters conservation area as referred to in section (2) is granted by the Minister, the governor, the regent/mayor or the designated official pursuant to his/her respective authorities.
- (4) In granting the license for fish culture within the waters conservation area, the Minister, the governor, or the regent/mayor considers:
 - a. fish species to be cultured;
 - b. food types;
 - c. technology;
 - d. number of fish culture units; and
 - e. carrying capacity and environmental conditions of the fish resources.
- (5) Further provisions regarding the procedures for obtaining a license for fish culture in a sustainable fisheries zone within the waters conservation area as referred to in section (1) and section (2) are regulated by a Ministerial regulation.

Article 33

- (1) The utilization of the waters conservation area for the tourism as referred to in Article 30 section (2) point c may be carried out in a utilization zone and/or a sustainable fisheries zone.
- (2) The tourism within the waters conservation area as referred to in section (1) may be held by means of:

- a. tourism activities; and/or
 - b. tourism businesses.
- (3) Any person who undertakes the tourism activities and businesses as referred to in section (2) is obligated to have a permit.
 - (4) The permit as referred to in section (3) is granted by the Minister, the governor, the regent/mayor or the designated official pursuant to his/her respective authorities.
 - (5) Further provisions regarding procedures for obtaining a permit for tourism activities and businesses within the utilization zone and/or the sustainable fisheries zone within the waters conservation area as referred to in section (1) and section (2) are regulated by a Ministerial regulation.

Article 34

- (1) The utilization of the waters conservation area for research and educational activities as referred to in Article 30 section (2) point d may be carried out in the core zone, the sustainable fisheries zone, the utilization zone, and the other zones.
- (2) Any person who utilizes the waters conservation area for the research and educational activities as referred to in section (1) is obligated to have a utilization permit.
- (3) The permit as referred to in section (2) is granted by the Minister, governor, regent/mayor or the designated official pursuant to his/her respective authorities.
- (4) A foreigner and/or a foreign legal entity that will undertake research activities within the waters conservation area may be granted a permit after having already met the requirements for research permitting in accordance with the legislation.
- (5) Further provisions regarding the procedures for obtaining a permit for the research and educational activities within the waters conservation area as referred to in section (2) and section (3) are regulated by a Ministerial regulation.

Article 35

- (1) The utilization of the fish species and the fish genetics as referred to in Article 30 section (3) is carried out for both protected and unprotected fish species.
- (2) The utilization of the fish species and the fish genetics as referred to in section (1) may be carried out by means of taking the fish out of its natural habitat.
- (3) After the scientific authority has given recommendations, the taking both protected and unprotected fish species out of its natural habitat as referred to in section (2) is provided with a license from the Minister or the designated official.
- (4) Any protected fish species that are taken out of their natural habitat for breeding and aquaria are considered to be the State's fish for safekeeping.
- (5) Any person who takes fish out of its natural habitat as referred to in section (2) is obligated to pay the fisheries fee in accordance with the legislation.
- (6) Further provisions regarding licensing as referred to in section (3) are regulated by a Ministerial regulation.

Article 36

- (1) The utilization of the fish species and the fish genetics for research and development as referred to in Article 30 section (3) point a may be carried out for both protected and unprotected fish species.
- (2) The research and development as referred to in section (1) may be carried out by:
 - a. an individual person;
 - b. a university;
 - c. a non-governmental organization; and
 - d. a research and development institute.
- (3) The utilization of the fish species and the fish genetics for the research and development as referred to in section (1) is required to obtain a utilization license by the Minister or the designated official.
- (4) The results of the research and development as referred to in section (1) are required to be submitted to the Minister.

- (5) The research and development for both protected and unprotected fish species which are carried out by a foreigner and/or a foreign legal entity within Indonesia are held in accordance with the legislation.

Article 37

- (1) The utilization of the fish species and the fish genetics for breeding as referred to in Article 30 section (3) point b may be carried out for both protected and unprotected fish species.
- (2) The breeding as referred to in section (1) may be carried out by:
 - a. an individual person;
 - b. a community group;
 - c. an Indonesian legal entity;
 - d. a research institute; and/or
 - e. a university.
- (3) The breeding activities as referred to in section (1) are required to obtain a license from the Minister or the designated official.
- (4) The license as referred to in section (3) is granted by the Minister or the designated official after an applicant for the license has met technical and administrative requirements.
- (5) Further provisions regarding the technical and administrative requirements as referred to in section (4) are regulated by a Ministerial regulation.

Article 38

- (1) The utilization of the fish species for trade as referred to in Article 30 section (3) point c covers:
 - a. protected fish species which are the results of breeding of:
 - 1) second generation (F2) and so forth;
 - 2) first generation (F1) as stipulated by the Minister after obtaining recommendations from the scientific authority;

- b. unprotected fish species;
 - c. fish species that is tradable in accordance with the provisions of the international law.
- (2) The Minister determines the numbers of quota for taking the unprotected fish species out of their natural habitat as referred to in section (1) point b, for trade after having obtained a recommendation from the scientific authority.

Article 39

- (1) The utilization of the fish species for trade as referred to in Article 38 section (1) may be carried out by:
- a. an individual person; and/or
 - b. a corporation.
- (2) An individual person and/or a corporation as referred to in section (1) that undertakes to trade fish species is obligated to obtain a license from the Minister or the designated official after meeting the technical requirements.
- (3) Further provisions regarding the procedures for obtaining the license and the technical requirements as referred to in section (2) are regulated by a Ministerial regulation.

Article 40

- (1) The utilization of the fish species for trade as referred to in Article 38 section (1) may be carried out for the purposes of export, import, or re-export.
- (2) The utilization of the fish species for the purposes of export, import, or re-export as referred to in section (1) is required to be provided with at least:
- a. letters of delivery from and to another country;
 - b. documents of delivery or transport;
 - c. a letter of acquisition of trade quota;
 - d. a certificate of origin; and
 - e. a certificate of breeding results.
- (3) Further provisions regarding the import, export, or re-export for the fish species trade as referred to in section (1) and section (2) are regulated by a Ministerial regulation.

Article 41

The fish species that will be exported, imported, or re-exported are required to be examined under quarantine measures in accordance with the legislation.

Article 42

- (1) The utilization of fish species for aquaria as referred in Article 30 section (3) point d may be carried out for both protected and unprotected fish species.
- (2) The aquaria as referred to in section (1) may be carried out by:
 - a. an Indonesian legal entity;
 - b. a research institute; or
 - c. a university.
- (3) The Indonesian legal entity, research institute or university as referred to in section (2) which holds aquaria is required to obtain a license from the Minister or the designated official.
- (4) The Indonesian legal entity, research institute or university as referred to in section (2) which holds aquaria is required to be responsible for the health, safety, and security of the fish.
- (5) The aquaria as referred to in section (1) is held by means of such actions as:
 - a. collection of live fish in a controlled medium as an artificial habitat;
 - b. collection of dead fish including their body and limbs; and
 - c. show in terms of live fish attraction.
- (6) Further provisions regarding the aquaria as referred to in section (1) to section (5) are regulated by a Ministerial regulation.

Article 43

- (1) The utilization of the fish species for the purpose of exchange as referred in Article 30 section (3) point e may be carried out for both protected and unprotected fish species.

- (2) The fish species exchange as referred to in section (1) may be carried out by:
 - a. the Government;
 - b. the Local Government;
 - c. an Indonesian legal entity; or
 - d. a university;
- (3) The fish species exchange as referred to in section (1) is required to have a permit from the Minister or the designated official.
- (4) The exchange of both protected and unprotected fish species as referred to in section (1) is carried out based on equality.
- (5) Further provisions regarding the fish species exchange as referred to in section (1) to section (4) are regulated by a Ministerial regulation.

Article 44

- (1) The utilization of the fish species to be raised for hobbies as referred to in Article 30 section (3) point f may be carried out for both protected and unprotected fish species.
- (2) The raising of the protected fish species for hobbies as referred to in section (1) may be performed by an individual person.
- (3) The raising of the protected fish species for hobbies as referred to in section (1) may only performed out of breeding results.
- (4) The Individual Person who raises the protected fish species as referred to in section (3) is required to have a license from the Minister or the designated official.
- (5) The Individual Person who raises the protected fish species for hobbies is required to:
 - a. maintain the health, comfort, safety, and security of the fish species that are raised; and
 - b. provide spaces and facilities that meet standard requirements for fish species raising.
- (6) Further provisions regarding the raising of the protected fish species for hobbies as referred to in section (1) to section (5) are regulated by a Ministerial regulation.

CHAPTER IV
EDUCATION AND TRAINING
ON CONSERVATION OF FISH RESOURCES

Article 45

- (1) Education and training on the conservation of fish resources are held in order to develop and improve institutional capacity and human resources in the management of the conservation of fish resources.
- (2) Further provisions regarding education and training on the conservation of fish resources as referred to in section (1) are regulated by a Ministerial regulation.

CHAPTER V
COMMUNITY NURTURING

Article 46

- (1) For the purpose of increasing the community awareness of the importance of the conservation of fish resources, the community nurturing is held.
- (2) The community nurturing as referred to in section (1) is held by the Government, the local governments, the business enterprises, non-governmental organizations, or the community groups.
- (3) For the purpose of nurturing the community, the management efforts for the conservation of ecosystem, fish, and fish genetics are awarded.
- (4) The awards as referred to in section (3) may be given by the Government or the local governments to an individual or those who have contributed to the conservation of fish resources.
- (5) Further provisions regarding the community nurturing as referred to in section (1) to section (4) are regulated by a Ministerial regulation.

CHAPTER VI
SURVEILLANCE OF
CONSERVATION OF FISH RESOURCES

Article 47

- (1) For the purpose of the conservation of fish resources, surveillance is carried out.
- (2) The surveillance of the conservation of fish resources as referred to in section (1) may be undertaken by means of:
 - a. safeguarding and patrolling over the waters conservation area; and
 - b. surveilling the utilization of the species and genetics of the protected fish.
- (3) The surveillance as referred to in section (1) is carried out by fisheries investigators, comprising Civil Servants Investigators of Fisheries and Non Civil Servants Investigators of Fisheries.
- (4) The community may be involved in surveilling the conservation of fish resources.
- (5) The provisions regarding the surveillance of the conservation of fish resources are governed by a separate Government Regulation.

CHAPTER VII
SANCTIONS

Article 48

- (1) The violations against Article 31 section (1), Article 32 section (1), Article 33 section (1), Article 35 section (5), Article 36 section (4), Article 38 section (1), Article 42 section (4), and Article 44 section (3) and section (5) are subject to administrative sanctions.
- (2) The administrative sanctions as referred to in section (1) may be in terms of:
 - a. a written warning;
 - b. a license/permit suspension;
 - c. a license/permit revocation; and/or
 - d. a fine.

- (3) The administrative sanctions as referred to in section (2) are imposed by the license/permit grantor of utilization pursuant to his/her authorities.
- (4) The administrative fine as referred to in section (2) point d is a non-tax state revenue to be deposited to the State Treasury.

Article 49

- (1) The administrative sanction in terms of a written warning as referred to in Article 48 section (2) point a is imposed to each license/permit holder who has evidently violated the provisions as referred to in Article 31 section (1), Article 32 section (1), Article 33 section (1), Article 36 section (4), Article 38 section (1), Article 42 section (4), Article 44 section (3), or section (5).
- (2) The written warning as referred to in section (1) is imposed to each license/permit holder who has not complied with his/her obligations at most 3 (three) times consecutively in a period of not later than 14 (fourteen) calendar days for each warning.

Article 50

- (1) The administrative sanction in terms of the license/permit suspension as referred to in Article 48 section (2) is imposed to each license/permit holder as referred to in Article 49 section (1) who, until the expiry of the third written warning, has not complied with his/her obligations yet.
- (2) The administrative sanction in terms of the license/permit suspension as referred to in section (1) is applicable for 6 (six) months since the sanction is imposed.
- (3) The administrative sanction in terms of the license/permit revocation as referred to in Article 48 section (2) point c is imposed in the event that the period of the license/permit suspension as referred to in section (2) expires and the license/permit holder does not fulfill his/her obligations.

Article 51

- (1) The license/permit holder who violates the provision of Article 35 section (5) is subject to the administrative sanction in terms of the license/permit suspension and the fine as referred to in Article 48 section (2) point b and point c are minimum 10 (ten) times and maximum 15 (fifteen) times the fisheries fee which is his/her obligation.
- (2) The license/permit suspension as referred to in section (1) is applicable for 6 (six) months since the sanction is imposed.
- (3) In the event that the license/permit suspension period as referred to in section (2) expires and the license/permit holder disregards his/her obligation, the utilization license/permit for the fish species and the fish genetics is revoked.
- (4) The revocation of the license/permit as referred to in section (3) does not write off the administrative sanction in terms of the fine as referred to in section (1).

Article 52

Any violations against the provisions as referred to in Article 31 section (2), Article 32 section (2), Article 33 section (3), Article 34 section (2), Article 35 section (3), Article 36 section (3), Article 37 section (3), Article 39 section (2), Article 41, Article 42 section (3), Article 43 section (3), or Article 44 section (4) are subjected to sanctions in accordance with the legislation.

CHAPTER VIII

MISCELLANEOUS PROVISIONS

Article 53

Pursuant to this Government Regulation:

- a. The Ministry that is responsible for fisheries affairs is designated as the Management Authority for the conservation of fish resources.
- b. The Indonesian Institute of Sciences (*Lembaga Ilmu Pengetahuan Indonesia/LIPI*) is designated as the Scientific Authority.

CHAPTER IX
CLOSING PROVISIONS

Article 54

At the time this Government Regulation comes into force, all implementing regulations on the conservation of fish resources remain in effect insofar not contrary to or not yet be replaced under this Government Regulation.

Article 55

This Government Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Government Regulation by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on 16 November 2007

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on 16 November 2007

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

ANDI MATTALATTA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2007 NUMBER 134

Jakarta, 04 July 2018

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,


WIDODO EKATIHJANA

ELUCIDATION OF
REGULATION OF THE GOVERNMENT OF
THE REPUBLIC OF INDONESIA
NUMBER 60 OF 2007
ON
CONSERVATION OF FISH RESOURCES

I. GENERAL

Indonesia is abundantly blessed by the Almighty God with marine resources in terms of exceedingly high diversity of fish resources. The potential marine fish resources diversity needs to be managed and utilized for the people's current and future welfare to the greatest extent by means of the application of conservation principles.

The Law Number 31 of 2004 on Fisheries governs, *inter alia*, the conservation of fish resources that is carried out by means of the conservation of ecosystem, the conservation of species, and the conservation of genetic. The conservation of fish resources is essentially inseparable from the fish resources management and the environmental management as a whole.

In view of the fact that the characteristics of the fish resources and environment show high sensitivity to the effects of global climates and seasonal climates as well as the connectivity aspects of ecosystems among local, regional and global waters area that possibly cross the boundaries of a certain country's sovereignty; accordingly, the development and management measures in the conservation of fish resources are carried out building upon precautionary principles provided with supporting scientific pieces of evidence.

The Government Regulation on Conservation of Fish Resources governs in a more detailed way the measures of ecosystem or fish habitat conservation management which include the development of a Waters Conservation Area as part of the conservation of ecosystem. In addition, this Government Regulation also contains the regulations to ensure sustainable use of the fish species and the preservation of the fish genetic diversity.

In view of the details, as the implementation of Law Number 31 of 2004 on Fisheries and as a legal basis for the carrying out of the conservation of fish resources, it is deemed necessary to enact the government regulations that govern provisions on the conservation of fish resources.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Section (1)

Point a

The purpose of the benefit principle is that the carrying out of the conservation of fish resources may be beneficial to humanity, people's increased welfare, people's improved sustainable lives, and increased sustainability of the fish resources.

Point b

The purpose of the fairness principle is that the carrying out of the conservation of fish resources considers the aspects of truth, balance, impartiality, and mildness.

Point c

The purpose of the partnership principle is that the conservation of fish resources is carried out in compliance with a co-operative agreement among stakeholders in connection with the conservation of fish resources.

Point d

The purpose of the equality principle is that the carrying out of the conservation of fish resource may provide a large number of the people with equal economic benefits.

Point e

The purpose of the integration principle is that the conservation of fish resources is carried out in integrated, unanimous, and comprehensive manners, and there is mutual supports, in consideration of national interests, other sectors, and the local communities.

Point f

The purpose of the transparency principle is that the carrying out of the conservation of fish resources is transparent and provides the community with an access to obtaining true, honest, and indiscriminate information.

Point g

The purpose of the efficiency principle is that the carrying out of the conservation of fish resources considers the efficiency of time, process, and financing.

Point h

The purpose of the sustainability is that the carrying out of the conservation of fish resources considers the carrying capacity and sustainability of the fish resources and the environment.

Section (2)

Sufficiently clear.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Section (1)

Sufficiently clear.

Section (2)

Point a

The sea is waters area on the surface of earth which connects a land with other lands and other forms of nature, which a geographical unit and all related elements in which boundaries and systems are specified by the national law and the international law.

Point b

A seagrass bed is a colony of flowering plants that grow in marine waters which are shallow, sandy, and still penetrable by sunshine to the seabed, thus allowing the plants to photosynthesize.

Point c

A coral reef consists of coral polyps and other small organisms that live in colonies, the reef is an ecosystem that lives on the sea bottom, and is made up of calcium carbonate (CaCO₃).

Point d

A mangrove is a community of vegetations on tropical coasts that typically grow and flourish on the muddy or sandy tidal coasts or estuaries, some mangrove species include, inter alia, *Avicennia spp*, *Rhizophora spp*, *Sonneratia*, *Bruguiera*, *Xylocarpus*, *Ceriops*, and *Exoecaria*.

Point e

An estuary is a semi-enclosed area of waters in the downstream part of a river and is still in connection with the sea, thus allowing the mixing between fresh water and sea water.

Point f

A coast is an ecosystem situated between the lowest level of sea water at ebb tide to the highest level of tide. This ecosystem comprises an area with substrates comprising rocks and pebbles (which supports flora and fauna in limited numbers), an active area of sand (where the population of bacteria, protozoans, and metazoans are found), and an area with substrates comprising clay and mud (where there are a great number of animals that rarely rise to the surface).

Point g

A marsh comprises all sorts of muddy soil; it is either naturally formed or artificial by means of permanently or temporarily mixing fresh water and sea water, including marine area with a depth of less than 6 meters at the low tide, namely tidal marsh and tidal land area.

Point h

A river, including a tributary and an artificial river, is a groove or a water place or a basin in the form of a network of water drainage (flow), sediments, and related ecosystems in which it drains from an upstream to an estuary, and its right and left sides along its flow are limited with alignments.

Point i

A lake is a water reservoir; and its naturally formed existing ecosystem may be part of a broad river, and its depth and width exceed far more than the other segments of the relevant river, including a artificial lake (*situ*), naturally or artificially formed water-catching basin (*embung*), and similar water basins with local terms (*telaga, ranu*).

Point j

A reservoir is an artificial water basin, formed due to the construction of a dam; a reservoir may be in the form of a widened groove/body/ trough of a river or a deepened land.

Point k

An *embung* is a naturally or artificially formed water-catching basin.

Point l

An artificial aquatic ecosystem includes rice fields, ponds, and pools.

Article 6

Sufficiently clear.

Article 7

Section (1)

The term “the opening and closing of a certain waters area” means the permitting for and the prohibition against the fishing

of certain fish resources, which are temporary within a certain period and/or a certain season, and is stipulated in accordance with the scientific data and information, in order to allow the fish resources and the environment to recover.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Level of overfishing is a status in which the fish resources utilization in a certain waters area exceeds the maximum sustainable yield or the fish utilization exceeds local fisheries stock capacity (reserve).

Section (3)

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Section (1)

Point a

Naturalness is a condition of a particular waters area in which its biodiversity and originality are still properly maintained.

Ecological connectivity means the connectivity that exists in a certain geographic unit, including biological communities and physical environment in an ecological system.

Representativeness means is the part that represents the conditions of a particular ecosystem.

Uniqueness means a special characteristic that a waters area and/or its biota possess.

Migration area means part of a waters area used as a passing lane by fish to periodically move from one place to another place.

Spawning ground means part of a waters area where fish reproduces naturally.

Nursery ground means part of a waters area where fish feeds and/or has shelter during its young or larval stadia.

Point b

Potential conflicts of interest include potential conflicts between sectors, between community groups, between a community and the government, between the government and a local government.

Potential threats include the potential threats against a waters habitat and its biota.

Local wisdom means the norms and customs held by a particular community associated with the values of environmental preservation.

Point c

Important fisheries values mean conditions of waters and their biota that may support sustainable fisheries.

Aesthetics mean a value of the natural beauty of a waters area and/or biota blessed with particular attractiveness.

Section (2)

Sufficiently clear.

Article 10

Natural world heritage is designated by the United Nations Organization building upon the Government's recommendations and initiatives. The designation of a waters conservation area as a natural world heritage is expected to be a measure of promotion to attract the world communities's attention for the waters conservation area development.

Article 11

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The designation of a waters conservation area means the measure to prepare part of a waters area to be designated as a potential waters conservation area.

Point d

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Section (1)

The term “potentially have conservation interests and values ” means the waters area that have a set of biodiversity values which are globally, regionally and locally significant (ecosystems and endemic, rare, threatened and endangered species) and that are also highly important to meet the basic needs of local communities, all of which must be sustained.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 15

Section (1)

Sufficiently clear.

Section (2)

An organizational management unit may be in a central technical implementation unit, a regional technical implementation unit or part of an organizational unit which manages fisheries in accordance with the prevailing legislation.

Article 16

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Marine waters with particular characteristics are those waters that possess:

- a. national and/or international conservation values and interests;
- b. trans-national ecology;
- c. habitats and areas for fish migration; and
- d. potential qualities to become a natural world heritage.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 17

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The zoning of the waters conservation area means a form of technical engineering for spatial/zonal utilization by means of the establishment of functional boundaries in compliance with

potential resources, carrying capacity, and ecological processes that occur as an integrated ecosystem.

Section (4)

Point a

The core zone is reserved for:

- a. absolute protection of fish habitats and population;
- b. research; and
- c. education.

Point b

The sustainable fisheries zone is reserved for:

- a. protection of fish habitat and populations;
- b. fishing that makes use of the environmentally friendly fishing gear and methods;
- c. environmentally friendly fish culture;
- d. tourism and recreation;
- e. research and development; and
- f. education.

Point c

The Utilization Zone is reserved for:

- a. protection of fish habitats and population;
- b. tourism and recreation;
- c. research and development; and
- d. education.

Point d

The other zones mean those outside the core zone, the sustainable fisheries zone, and the utilization zone. Due to their functions and conditions, the other ones are stipulated to be particular zones in the forms of, inter alia, a protection zone, a rehabilitation zone, and the like.

Section (5)

Sufficiently clear.

Article 18

Section (1)

A partnership is a cooperative relationship between two or more parties based on equality, transparency, and mutual benefit.

Section (2)

Sufficiently clear.

Article 19

Section (1)

Sufficiently clear.

Section (2)

Oceanography means the scientific study of the seas or oceans with all their phenomena.

Limnology means the scientific study of inland waters/freshwater, which are, in this case, useful for fish habitats.

Fisheries bioecology means the scientific study of the environment where the fish lives.

Environmental resilience means the waters biota resilience against the effects of environmental changes.

Section (3)

Sufficiently clear.

Section (4)

The term “network of waters conservation area at the regional level” means the waters conservation area that exists in a seascape of an eco-region that covers two or more neighboring countries and has associated ecosystems.

The term “network of waters conservation area at the international level” means the waters conservation area that exists in a seascape of several different ecoregions but has internationally linked ecosystems and covers a number of countries.

Section (5)

Sufficiently clear.

Article 20

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Section (1)

Point a

The term “protected fish species” means a fish species protected in accordance with legislation.

Included in the definition of the protected fish species are those fish species that are protected in a restricted manner based on a particular size, a certain area of distribution or a certain period of time.

Included in the definition of the protected fish species are those fish species which are protected both under the legislation and under the provisions of the ratified international law (such as Appendices I, II and III of the CITES)

Included in the definition of the protected fish species are eggs, body parts, and/or its derivatives.

Point b

The term “unprotected fish species” means the fish species that is not protected under the legislation but is protected under the provisions of the ratified international law (such as Appendices I, II and III of the CITES).

Included in the unprotected fish species is the fish species that is unprotected under the legislation and the provisions of the international law but the international trade requires the conditions and administrative processes in accordance with international convention (CITES).

Section (2)

Point a

The term “endangered species “ shows the condition of population of a certain fish species which is under a threat of extinction due to natural factors and/or human activities.

Point b

The term “rare species” means a condition of a certain fish species in which its stock is limited.

Point c

The term “endemic “ means a condition of a certain fish species with limited areas of distribution.

Point d

Drastic decrease in numbers of population in their natural habitat means a state of a certain fish species living on a particular habitat that decreases in number of population in a relatively short period.

Point e

Fecundity level means the ability to reproduce for the purpose of giving birth to offsprings.

Article 24

Sufficiently clear.

Article 25

Section (1)

A controlled medium is a living place for fish in which its environmental conditions are maintained and controlled by humans.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 26

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Transplantation means a method of coral regeneration by means of cutting a live coral to be transplanted/affixed to an artificial substrate or a natural coral.

Section (2)

The purity of fish genetics means a state of a certain individual fish with the congenital traits of such a fish species.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

In the provisions of standard qualifications for breeding of both protected and unprotected fish species, the basic considerations are regulated which include, inter alia:

- a. the limit of fish species population number resulting from the breeding;
- b. the fish species breeding expert;
- c. the rarity level of the fish species that is bred; and
- d. facilities and infrastructure for fish species breeding.

Article 27

Section (1)

Tagging means an effort to tag a mark on a certain body part of each individual fish in terms of, inter alia, the provision of a certain color and a plastic/metal plate with specific number identification, the cutting of a certain body part, or the planting of a microchip.

Section (2)

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

The gamete preservation means an effort to conserve genetic resources by storing the culture cells in terms of male cells (sperm) or female cells (ovum) that may be carried out in a freezing condition (sperm bank).

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The provisions of the international law represent an international agreement in conservation in which Indonesia already ratified, inter alia, the Convention on International Trade in Endangered Species of Wild Fauna and Flora/CITES.

Section (2)

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Section (1)

Sufficiently clear.

Section (2)

Point a

The term “letters of delivery from and to another country” means the export permit, the import permit, and the re-export permit pursuant to the formats and the conditions stipulated by the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Point b

The documents of delivery and transport are enclosed with such documents as, inter alia:

- a. a permit of domestic delivery;
- b. an official report on results of fish breeding and/or fish taking out of its natural habitat; and
- c. a certificate of fish health from an authorized official.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term “equality” means the equality in conservation values of the fish exchanged.

Section (5)

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Section (1)

Community nurturing means an activity designed to increase knowledge and awareness of the importance of sustainable

management of the biological resources of a waters area and its environment and to change the community's behaviour from their destructive behaviour into the behaviours that maintain, manage and protect the fish resources and the environment.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term "those who have contributed to the conservation of fish resources" means, inter alia, the community groups, the non-governmental organizations, and the corporations.

Section (5)

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Sufficiently clear.

Article 53

Point a

The Management Authority is responsible for, inter alia, the administrative aspects, the implementation of legislation, law

enforcement, licensing/permitting, and communications related to the conservation of fish resources, including the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Section b

Scientific Authority is responsible for, inter alia, providing the Management Authority with recommendations concerning the conservation of fish resources building upon scientific principles, and for the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.