


GOVERNMENT REGULATIONS
CONSERVATION OF FISHERY RESOURCES

(Government Regulation Number 60 Year 2007 dated November 16, 2007)

BY THE GRACE OF GOD ALMIGHTY
THE PRESIDENT OF REPUBLIC OF INDONESIA,

Considering:

That in order to execute the provision of Article 13 of Law Number 31 Year 2004 regarding Fishery, it is necessary to stipulate a government regulation regarding Conservation of Fishery Resources;

In view of:

1. Article 5 paragraph 2 of Constitution of 1945;
2. Law Number 31 Year 2004 (*BN No. 7158 pages 6A-17A and so on*) regarding Fishery (Statute Book of Republic of Indonesia Year 2004 Number 118, Supplement to Statute Book Number 4433);

D E C I D E S :

To stipulate:

THE GOVERNMENT REGULATION REGARDING CONSERVATION OF FISHERY RESOURCE.

CHAPTER I

GENERAL PROVISION

Article 1

In this Regulation of the Government, what is meant by:

1. Conservation of fishery resources is an effort to protect, conserve and use fishery resources, including their ecosystem, species, and genetic to guarantee the existence, availability, and continuation by still preserving and increasing the value of quality and variety of fish resources.
2. Ecosystem conservation is an effort to protect, conserve, and use the ecosystem function as a habitat supporting of fishery resources in the present and in the future.
3. Conservation of fish type is an effort to protect, conserve, and use the fish resource, to guarantee the existence, availability, and continuation in fish type for the present and future generations.
4. Conservation of fish genetic is an effort to protect, conserve, and use the fish resource, to guarantee the existence, availability, and continuation of fish genetic resources for the present and future generations.
5. Fish resources are potentials of all kinds of fish.
6. Fish is all kind of organism entirely of partly spending its life cycles in water environment.
7. Ecosystem is a substance planning of fish resources and its environment, as a totality and keep interfering in establishing the balance, stability, and productivity of fish resources.

8. Water Conservation Area is water area protected, managed by a zoning system, to ensure the continuation of the management of fishery resources and its environment.
9. Water National Park is water conservation area having original ecosystem, that is used for research purpose, knowledge, education, activity supporting the fishery in continuation, water tourism, and recreation.
10. Water Wildlife reserve is water conservation area with certain specific character for protection purpose of variety of fish type and its ecosystem.
11. Water Tourism Park is water conservation area with the purpose to be used for the necessity of water tour and recreation.
12. Fish Wildlife reserve is certain water area, either fresh water, brackish water, or sea with certain condition and character as the place for a protection/breed of certain fish resource, that is functioning as protection area.
13. Body is a person or corporation.
14. Corporation is a group of person and/or wealth that is well organized either as legal corporation or not legal corporation.
15. Central Government, hereinafter called the government is the President of Republic of Indonesia, authorized to administer the Republic of Indonesia as referred in the Constitution of 1945.
16. Regional Government is governor, regent/mayor, and regional staff as regional executive.
17. Minister is a minister in charge of fishery affairs.

Article 2

- (1) Conservation of fishery resources is executed in accordance with the principle of:

- a. usage;
- b. justice;
- c. partnership;
- d. distribution;
- e. unity;
- f. transparency;
- g. efficiency; and
- h. sustainable conservation.

- (2) Conservation of fishery resources is executed in accordance with:

- a. carefully approach;
- b. consideration in science evidence;
- c. balance in local wisdom;
- d. community-based management;
- e. development unity in coastal area;
- f. prevention of excessive catching;
- g. development of environmentally friendly fishing tool, method and conservation;
- h. equilibrium of socio economic condition of society;
- i. sustainable use of biological diversity;
- j. structural protection and natural function of water ecosystem that is dynamic;
- k. protection of type and quality of fish genetic; and
- l. adaptative management.

Article 3

Conservation of fishery resources shall become responsibility of the government, regional governments and society.

CHAPTER II

CONSERVATION OF FISHERY RESOURCES

Part One

General

Article 4

Conservation of fishery resources is covering:

- a. conservation

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

Part Two

Conservation of Ecosystem

Article 5

- (1) Conservation of ecosystem is applied all types of ecosystem related with fishery resources.
- (2) Types of ecosystem with fishery resources as referred to in paragraph 1 consist of:
 - a. sea;
 - b. padang lamun;
 - c. coral reef;
 - d. mangrove;
 - e. estuary;
 - f. beach;
 - g. swamp;
 - h. river;
 - i. lake;
 - j. reservoir;
 - k. embung; and
 - l. ecosystem of artificial water.

Article 6

- (1) Conservation of ecosystem as referred to in Article 5 paragraph (1) is executed through the following activities:
 - a. protection of fish habitat and population;
 - b. rehabilitation of fish habitat and population;
 - c. research and development;
 - d. usage of fishery resources and environmental service;

- e. development of social and economy of society;
- f. supervising and controlling; and/or
- g. monitoring and evaluation.

- (2) The ecosystem conservation activities as referred to in paragraph (1) are executed in accordance with data and information about fishery resources and environment of fishery resource.
- (3) Further provision regarding the ecosystem conservation activities as referred to in paragraph (1) and paragraph (2) is regulated by a regulation of the Minister.

Article 7

- (1) In order to restore the condition of habitat of fishery resources and reproduction circle of fish types, the Minister shall stipulate certain waters opened and closed for fishing activities.
- (2) The opening and closing as referred to in paragraph (1) is stipulated by considering:
 - a. damage level of fish habitat;
 - b. season of fish breed; and/or
 - c. level of exceeding usage.
- (3) Further provision regarding the opening and closing of certain waters as referred to in paragraph (1) and paragraph (2) shall be regulated by a regulation of the Minister.

Article 8

- (1) One type or some types of ecosystem related with the fishery resources as referred to in Article 5 paragraph (2) shall be stipulated as water conservation area.
- (2) The water conservation area as referred to in paragraph (1) shall consist of national water park, water tourism park, water wildlife reserve, and fishery wildlife reserve.

- (3) The water conservation area as referred to in paragraph (1) shall be stipulated by the Minister.

Article 9

- (1) The water conservation park as referred to in Article 8 paragraph (3) shall be stipulated according to the following criteria:
- a. ecological, covering biological diversity, natural, ecological relations, representation, unique, productivity, ruaya area, habitat of rare fish, area of fish breeding and adoption area;
 - b. social and cultural, covering supported level of society, potential of conflict, threat, local wisdom as well as custom; and
 - c. economic, covering the important value of fishery, recreation potential and tourism, esthetic, and easiness to reach the area.
- (2) Further provision regarding the stipulation of the criteria as referred to in paragraph (1) shall be regulated by a regulation of Minister.

Article 10

The water conservation area as referred to in Article 8, which has bio-physical and socio-cultural potentials that is very important globally shall be proposed by the government to the authorized international institution as world heritage area in accordance with legislation.

Article 11

- (1) The water conservation area as referred to in Article 8 paragraph (3) shall be stipulated by the following steps:
- a. initiative suggestion;
 - b. identification and inventorying;

- c. reservation of water conservation water; and
- d. stipulation.

- (2) The water conservation area already stipulated shall have their administrative borders set forth by a cross procedure committee.
- (3) Further provision regarding the border administration as referred to in paragraph (2) shall be regulated by a regulation of Minister.

Article 12

- (1) Persons, groups of society, research institutes, educational institutes, government institutions, and non-governmental organizations shall have initiative to propose candidates for the water conservation area as referred to in Article 11 paragraph (1) letter a.
- (2) The proposal as referred to in paragraph (1) shall be to the Government or regional government by completing pre-inspection and site map.
- (3) Further provision regarding the pre inspection and location map as referred to in paragraph (2) shall be regulated by a regulation of Minister.

Article 13

- (1) Based on the recommendation about the water conservation area candidate as referred to in Article 12, the Government or regional government according to their respective scopes of authority shall identify and inventory the water conservation area candidate by involving society.
- (2) The identification and inventorying shall cover survey and evaluation of potential, socialization, public consultation, and coordination with related institutions.

- (3) Further provision regarding the identification and inventorying as referred to in paragraph (1) and paragraph (2) shall be regulated by a government regulation.

Article 14

- (1) Results of identification and inventorying of the water conservation area candidate as referred to in Article 13, which are potential and have conservation value shall be used for reserving water conservation area.
- (2) Reservation of water conservation area as referred at paragraph (1) shall be stipulated by the Minister, governor, or regent/mayor that is according to its authority.
- (3) Governor or regent/mayor shall recommend the water conservation area according to the stipulated reservation as referred to in paragraph (2) to the Minister.
- (4) Based on the recommendation about water conservation area as referred to in paragraph (3), the Minister or appointed officer shall undertake evaluation.
- (5) Based on result of the evaluation result as referred to in paragraph (4), the Minister shall stipulate water conservation area.
- (6) Further provision regarding the reservation of water conservation area as referred to in paragraph (1) until paragraph (5) shall be regulated by a regulation of the Minister.

Article 15

- (1) The stipulated water conservation area as referred to in Article 14 paragraph (5) shall be managed by the Government or regional government in accordance with their respective scopes of authority.

- (2) Management of the water conservation area as referred to in paragraph (1) shall be done by unit of organization according to legislation.

Article 16

- (1) The water conservation area managed by the Government as referred to in Article 15 paragraph (1) shall cover:
- sea water outside 12 (twelve) nautical miles, calculated from the coastline to seashore and/or to archipelago water;
 - water in inter-provincial jurisdiction; or
 - water having certain characteristic.
- (2) The water conservation area managed by the provincial government shall cover:
- sea water not more than 12 (twelve) nautical miles from the coastline to seashore and/or archipelago water; and
 - water conservation area in inter-regental/municipal jurisdiction.
- (3) The water conservation area managed by regental/municipal government shall cover:
- sea water as wide as one third of jurisdiction of provincial government; and
 - brackish water and/or fresh water in its jurisdiction.

Article 17

- (1) Management of the water conservation area as referred to in Article 15 paragraph (1) shall be done in accordance with the management plan of water conservation area.

- (2) The management plan of water conservation plan as referred to in paragraph (1) shall be formulated by unit of organization.
- (3) Each management plan of water conservation area shall mention the zoning of water conservation area.
- (4) The zoning of water conservation area as referred to paragraph 3 shall consist of:
 - a. The main zone;
 - b. zone of continuation fishery;
 - c. zone of usage; and
 - d. other zone.
- (5) Further provision regarding management plan and zoning of water conservation area as referred to in paragraph (1) until paragraph (4) shall be regulated by a regulation of the Minister.

Article 18

- (1) Government or regional government according to their respective scopes of authority in managing the water conservation area as referred to in Article 15 paragraph (1) shall involve the society through the partnership between the unit of management board with group of society and/or traditional society, non-governmental organization, corporation, research institute, or college.
- (2) Further provision regarding the partnership as referred to in paragraph (1) shall be governed by a regulation of the Minister.

Article 19

- (1) In managing the water conservation area, network of water conservation area shall be established in local, national, regional or global level.

- (2) The network of water conservation area as referred to in paragraph (1) shall be established in accordance biophysical relations between water conservation areas furnished by scientific evidences, covering oceanography, limnology, fishery bio ecology, and environment immunity.
- (3) The Network of water conservation area in local or national level as referred to in paragraph (1) shall be executed through cooperation between unit of board organization.
- (4) Network of water conservation area in regional or global level as referred to in paragraph (1) shall be done through cooperation between the states.
- (5) Further provision regarding the network of water conservation area as referred at paragraph 1 until paragraph 4 shall be governed by a regulation of the Minister.

Article 20

The funding of management of water conservation area shall come from the following sources:

- a. National Budget and/or Regional Budget;
- b. Fishery levy;
- c. Conservation service levy; and
- d. Other non-binding legitimate sources.

Part Three

Conservation On Fish Type

Article 21

Conservation of fish species shall aim at:

- a. Protecting fish species in the brink of extinction;
- b. Preserving equilibrium and steadiness in ecosystem; and

c. Using fishery resources in a sustainable manner.

Article 22

Conservation on fish species is executed through:

- a. grouping fish type;
- b. stipulating the protection status of fish type;
- c. preserving;
- d. breeding; and
- e. research and development.

Article 23

- (1) The grouping of fish species as referred to in Article 22 letter a consists of:
 - a. Protected fish species;
 - b. Unprotected fish species.
- (2) Criteria for the protected fish species as referred to in paragraph (1) letter a shall cover:
 - a. In the brink of extinction;
 - b. rare;
 - c. limited distributed area (endemic);
 - d. drastic decrease in the quantity of fish population in the nature; and/or
 - e. low reproduction ability.

Article 24

- (1) The protection status of fish species as referred to in Article 22 letter b, shall be stipulated by the Minister.
- (2) Procedures for stipulating the protection status of fish species as referred to in paragraph (1) shall be regulated by a regulation of Minister.

Article 25

- (1) The preservation as referred in Article 22 letter c shall be applied to protected fish species and unprotected

fish species through the collection of live fish in one controlling media as artificial habitat.

- (2) The preservation of fish species as referred to in paragraph (1) shall be executed by taking the fish from its natural habitat or from the reproduction result.
- (3) The preservation of protected fish species and unprotected fish species in artificial habitat as referred to in paragraph (1) shall be done after fulfilling the following requirements:
 - a. Fish health standard;
 - b. Place, which is wide enough, secure, and comfortable; and
 - c. hiring the expert in medical field and fish preservation.
- (4) The preservation of protected and unprotected fish species shall be executed by:
 - a. Individual;
 - b. group of society;
 - c. Indonesia statutory body;
 - d. research institute; and/or
 - e. college.
- (5) Further provision regarding the preservation of protected and unprotected forest species as referred to in paragraph (1) until paragraph (4) shall be regulated by a regulation of the Minister.

Article 26

- (1) The breeding as referred to in Article 22 letter d shall be applied to protected and unprotected fish species through:
 - a. seedling in a controlled environment;
 - b. egg hatching;
 - c. fattening of parent stocks taken from the nature; and
 - d. transplantation.

- (2) The breeding of protected and unprotected fish species as referred to in paragraph (1) shall be executed by preserving the purity of fish genetic.
- (3) The breeding of protected and unprotected fish species shall fulfill the standard qualification of fish breeding.
- (4) The breeding of protected and unprotected fish species shall be done by:
- a. person
 - b. group of society;
 - c. Indonesia statutory body;
 - d. research institute; and/or
 - e. college.
- (5) Further provision regarding the standard qualification of breeding of protected and unprotected fish species as referred to in paragraph (3) shall be regulated by a regulation of the Minister.

Article 27

- (1) For the controlling needs of breeding of protected and unprotected fish species, fish mother and fish as breeding production shall be marked.
- (2) Further provision regarding the marking procedure as referred to in paragraph 1 shall be regulated by a regulation of the Minister.

Article 28

- (1) The research and development as referred to in Article 22 letter e shall be applied to protected and unprotected fish species.
- (2) Provision regarding research and development as referred to in paragraph (1) shall be regulated according to legislation.

Part Four Conservation of Fish Genetic Article 29

- (1) Conservation on fish genetic shall be executed through the following efforts:
- a. Preservation;
 - b. reproduction;
 - c. research; and
 - d. gamet conservation.
- (2) Provision regarding preservation e, reproduction, and research as referred at paragraph 1 letter a, letter b, and letter c shall apply mutatis mutandis to the provision regarding conservation on fish type as referred in Article 25 until Article 28.
- (3) Gamet conservation of fish genetic resource as referred at paragraph 1 letter d shall be executed in a frozen condition.
- (4) Furthermore provision regarding gamet conservation as referred to in paragraph (3) shall be regulated by a regulation of the Minister.

CHAPTER III

USAGE

Article 30

- (1) Conservation of the usage of fishery resources covers:
- a. usage of water conservation area; and
 - b. usage on fish type and fish genetic.
- (2) The usage of water conservation area as referred at paragraph 1 letter a is executed through the activity:
- a. fish catching;
 - b. fish cultivation;
 - c. water tourism; or
 - d. research and education.

- (3) The usage on fish species and fish genetic as referred at paragraph (1) letter b is executed through the following activities:
- a. research and development;
 - b. reproduction;
 - c. trade;
 - d. aquaria;
 - e. transfer; and
 - f. maintenance for pleasure.

Article 31

- (1) Usage of water conservation area for fish catching as referred in Article 30 paragraph 2 letter a is executed in fishery zone.
- (2) Each person in executing the fish catching as referred at paragraph (1) is obliged to have permit.
- (3) Permit for fish catching at water conservation area as referred at paragraph 2, is issued by the Minister, governor, regent/mayor or appointed officer that is according to its authority.
- (4) Minister, governor, or regent/mayor in issuing the permit for fish catching shall consider:
- a. supported capacity and environment condition of fish resource;
 - b. method of fish catching; and
 - c. type of fish catching tool.
- (5) Further provision regarding procedure to obtain the permit for fish catching at continuation fishery zone in the water conservation area as referred at paragraph (1) and paragraph (2) is regulated by a regulation of the Minister.

Article 32

- (1) The usage of water conservation area for fish cultivation

as referred in Article 30 paragraph (2) letter b is executed at continuation fishery zone.

- (2) Each person in executing the fish cultivation as referred at paragraph (1) is obliged to have permit.
- (3) The permit of fish cultivation in the water conservation area as referred at paragraph 2, is given by the Minister, governor, regent/mayor or appointed officer that is according to its authority.
- (4) Minister, governor, or regent/mayor in giving the permit of fish cultivation at water conservation area, are considering:
- a. type of fish that is cultivated;
 - b. type of food;
 - c. technology;
 - d. amount of unit of cultivation effort; and
 - e. supported capacity and environment condition of fish resource.
- (5) Further provision regarding procedure to obtain the permit for fish cultivation at continuation fishery zone in the water conservation area as referred to in paragraph (1) and paragraph (2) is regulated by a regulation of the Minister.

Article 33

- (1) The usage of water conservation area for water tourism as referred in Article 30 paragraph (2) letter c shall be executed at the usage zone and/or fishery zone.
- (2) Water tourism in the water conservation area as referred to in paragraph 1 shall be executed through:
- a. activity of water tourism; and/or
 - b. business of water tourism.
- (3) Each person in executing the activity and business of water nature tour as referred at paragraph (2) is obliged to have the permit.

- (4) The permit as referred at paragraph 3 is given by the Minister, governor, regent/mayor or appointed officer that is according to its authority.
- (5) Further provision regarding procedure to obtain the permit of water nature tour at the usage zone and/or continuation fishery zone at water conservation area as referred at paragraph 1 and paragraph 2 is regulated by a regulation of the Minister.

Article 34

- (1) The usage of water conservation area for research activity and education as referred to in Article 30 paragraph (2) letter d shall be executed at main zone, fishery zone, usage zone, or another zone.
- (2) Each person in using the water conservation area for research and education activity as referred to in paragraph (1) is obliged to have permit.
- (3) The permit as referred to in paragraph (2) is given by the Minister, governor, regent/mayor or appointed officer that is according to its authority.
- (4) Foreigner and/or foreign legal board that shall execute the research activity at water conservation area shall be given the permit after fulfilling the requirement of research permit that is according to the provision of regulation and law.
- (5) Further provision regarding procedure to obtain the permit for research and education at water conservation area as referred to in paragraph (2) and paragraph (3) is regulated by a regulation of the Minister.

Article 35

- (1) The usage of fish type and fish genetic as referred in Article 30 paragraph (3) is applied to protected and unprotected fish species.

- (2) The usage of fish type and fish genetic as referred at paragraph 1 shall be executed by taking fish taking from nature.
- (3) The taking of protected and unprotected fish species from nature as referred at paragraph 2 is obliged to secure permit from the Minister or appointed officer after obtaining the recommendation from the science authority.
- (4) Each of protected and unprotected of fish species taken from the nature for reproduction activity and aquaria is stated as fish of state deposit.
- (5) Each person that is executing the fish taking from nature as referred at paragraph (2) is obliged to pay the fishery collection that is according with the provision of regulation and law.
- (6) Further provision regarding permit as referred at paragraph (3) is regulated by a regulation of the Minister.

Article 36

- (1) The usage of fish species and fish genetic for research and development activity as referred to in Article 30 paragraph 3 letter a shall be applied to protected and unprotected fish species.
- (2) The research and development as referred to in paragraph (1) shall be executed by:
 - a. Individual;
 - b. college;
 - c. non-governmental organization; and
 - d. research and development Institute.
- (3) The usage of fish type and fish genetic for research and development activity as referred at paragraph 1 is obliged to secure usage permit from the Minister or appointed officer.

- (4) Research and development result as referred at paragraph 1 must be given up to the Minister.
- (5) Research and development to protected and not protected of fish type that is being executed by the foreigner and/or foreign legal board in Indonesia is executed according to the provision of regulation and law.

Article 37

- (1) The usage of fish type and fish genetic for reproduction as referred to in Article 30 paragraph (3) letter b shall be applied to protected and unprotected fish species.
- (2) Reproduction as referred at paragraph 1 shall be executed by:
- a. Individual;
 - b. group of society;
 - c. Indonesia statutory body;
 - d. Research and development institute; and/or
 - e. college.
- (3) Reproduction activity as referred to in paragraph (1) is obliged to secure permit from the Minister or appointed officer.
- (4) The permit as referred to in paragraph (3) is issued by the Minister or appointed officer after the applicant fulfilling the technical and administrative requirements.
- (5) Further provision regarding the technical and administrative requirements as referred to in paragraph (4) is regulated by a regulation of the Minister.

Article 38

- (1) The usage of fish species for trading as referred to in Article 30 paragraph 3 letter c covers:

- a. protected fish species resulting from reproduction product:
 1. generation II (F2) and so on;
 2. generation I (F1) stipulated by the Minister after securing recommendation from science authority.
- b. Unprotected fish species;
- c. fish type that can be traded according to provision of international law.

- (2) The Minister stipulate quota of the taking of unprotected fish species from nature as referred at paragraph 1 letter b, for trading after securing recommendation from science authority.

Article 39

- (1) The use of fish type for trading as referred to in Article 38 paragraph (1) shall be executed by:
- a. Individual; and/or
 - b. corporation.
- (2) The individual and/or corporation as referred to in paragraph 1 in executing the trading is obliged to secure permit from the Minister or appointed officer, after fulfilling the technical requirement.
- (3) Furthermore provision regarding procedure to obtain the permit and technical requirement as referred at paragraph 2 is regulated with the regulation of Minister.

Article 40

- (1) The usage of fish species for trading as referred to in Article 38 paragraph (1) shall be executed for export, import or re export.

- (2) The usage of fish species for export, import, or re export as referred to in paragraph (1) is minimally completed by:
- (3) delivery letter from and to other countries;
 - (4) delivery document or transportation;
 - (5) obtaining letter of trading quota;
 - (6) original explanation letter; and
 - (7) explanation letter of reproduction product.
- (8) Further provision regarding export, import or re export for trading of fish species as referred to in paragraph (1) and paragraph (2) is regulated by a regulation of the Minister.
- (4) The Indonesia statutory body, research institute, or college as referred to in paragraph 2, is obliged to hold responsible for the health, safety and security of fish.
- (5) The aquaria as referred to in paragraph 1 is executed through the following activity:
- a. collection of live fish in one of controlling media as artificial habitat;
 - b. collection of dead fish including its part; and
 - c. show in the form of life fish attraction.
- (6) Further provision regarding aquaria as referred to in paragraph (1) until paragraph (5) is regulated by a regulation of the Minister.

Article 41

The exported, imported or re exported fish species shall be subject to the quarantine action according to legislation.

Article 42

- (1) The usage of fish type for aquaria as referred to in Article 30 paragraph (3) letter d shall be applied to protected and unprotected fish species.
- (2) The aquaria as referred at paragraph 1 shall be executed by:
 - a. Indonesian statutory body;
 - b. Research institution; or
 - c. college.
- (3) The Indonesia statutory body, research institute, or college as referred to paragraph (2) which undertakes fish aquaria, is obliged to secure permit from the Minister or appointed officer.

Article 43

- (1) The usage of fish species for the exchange as referred in Article 30 paragraph 3 letter e shall be applied to protected and unprotected fish species.
- (2) The exchange of fish type as referred at paragraph (1) shall be executed by:
 - a. Government;
 - b. Regional Government;
 - c. Indonesian statutory body; or
 - d. College.
- (3) The Exchange of fish type as referred to in paragraph 1 is obliged to secure permit from the Minister or appointed officer.
- (4) The exchange of protected and unprotected fish species as referred to paragraph (1) is executed on behalf of equality.

(5) Further provision regarding exchange as referred to in paragraph (1) until paragraph (4) is regulated by a regulation of the Minister.

Article 44

- (1) The preservation of fish species for pleasure as referred to in Article 30 paragraph 3 letter f shall be applied to protected and unprotected fish species.
- (2) The preservation as referred to in paragraph 1 shall be executed by individuals.
- (3) Preservation of protected fish species for pleasure as referred to in paragraph 1 only can be applied to fish *resulting from reproduction*.
- (4) Individuals preserving the protected fish as referred to in paragraph 3 are obliged to secure permit from the Minister or appointed officer.
- (5) Individuals preserving protected fish for pleasure are obliged to:
 - a. keep the health, comfortability, safety, and security of the fish; and
 - b. *provide the place and facility fulfilling first preservation standard* e.
- (6) Further provision regarding preservation of fish species for pleasure as referred to in paragraph (1) until paragraph (5) is regulated by a regulation of the Minister.

CHAPTER IV

EDUCATION AND CONSERVATION TRAINING

Article 45

- (1) In order to develop and increase the institution capacity and human resource in the field of conservation fishery resource, training and conservation training of fishery resources shall be executed.

(2) Further provision regarding education and training as referred to paragraph (1) is regulated by a regulation of the Minister.

CHAPTER V

FOSTERING OF SOCIETY

Article 46

- (1) To increase to society realization regarding the importance of fishery resources conservation, the society shall be fostered.
- (2) The fostering of society founding as referred to paragraph (1) is executed by the Government, regional government, business communities, non-governmental organization, or group of society.
- (3) In order of society founding shall be given the appreciation on the effort of management of ecosystem conservation, conservation of fish type, and conservation of genetic fish.
- (4) The appreciation as referred at paragraph 3 shall be given by the Government or regional government to personal or them who are really has the spirit at conservation field of fish type.
- (5) Further provision regarding the society fostering as referred to in paragraph (1) until with paragraph 4 is regulated by a regulation of the Minister.

CHAPTER VI

SUPERVISION OVER CONSERVATION OF FISHERY RESOURCES

Article 47

- (1) Supervision shall be executed in the framework of conservation of fishery resources.
- (2) Supervision over conservation of fishery resources as referred to paragraph (1) shall be executed through:
 - a. guarding

- a. guarding and patrolling at water conservation area; and
 - b. supervising the usage of protected fish species and genetic.
- (3) The supervision as referred to in paragraph (1) is executed by fishery watcher, consisting of Civil servant and non-civil servant fishery investigators.
- (4) Society shall be involved in supervising conservation monitoring of fish resources.
- (5) Provision regarding supervision over conservation of fishery resources is regulated by a government regulation.

CHAPTER VII

SANCTION

Article 48

- (1) Violation of the provision of Article 31 paragraph 1, Article 32 paragraph 1, Article 33 paragraph 1, Article 35 paragraph 5, Article 36 paragraph 4, Article 38 paragraph 1, Article 42 paragraph 1, and Article 41 paragraph 3 and paragraph 5 shall be subject to administrative sanctions.
- (2) The administrative sanctions as referred to in paragraph (1) shall be in the form:
- a. written warning;
 - b. freezing of permit;
 - c. revocation of permit; and/or
 - d. fine.
- (3) The administrative sanctions as referred to in paragraph (2) shall be imposed by licensors according to their respective scope of authority.
- (4) The administrative fine as referred at paragraph (2) letter d shall be non-tax state revenue, which must be remitted to the state cash.

Article 49

- (1) The administrative sanction in the form of written warning as referred to in Article 48 paragraph (2) letter a is imposed on each permit holder violating the provision as referred in Article 31 paragraph (1), Article 32 paragraph (1), Article 33 paragraph (1), Article 36 paragraph (4), Article 38 paragraph (1), Article 42 paragraph (4), Article 44 paragraph (3), or paragraph (5).
- (2) The written warning as referred to in paragraph (1) is imposed on permit holder failing to fulfill its obligation 3 (three) times consecutively with interval not more than 14 (fourteen) of calendar days for each warning.

Article 50

- (1) The administrative sanction in the form of freezing of permit as referred to in Article 48 paragraph (2) letter b is imposed on each permit holder as referred to in Article 49 paragraph 1 that has failed to fulfill obligation until the end of the third written warning.
- (2) The administrative sanction in the form of freezing of permit as referred to in paragraph (1) is effective for 6 (six) months as from the date of imposition of the sanction.
- (3) The administrative sanction in the form of revocation of permit as referred to in Article 48 paragraph 2 letter c is imposed if in case the time period of permit freezing as referred to in paragraph (2) is over and the permit holder does not exercise obligation.

Article 51

- (1) Permit holders violating the provision of Article 35 paragraph (5) is subject to the administrative sanction in the form of permit freezing and administrative

sanction in the form of fine as referred to in Article 48 paragraph (2) letter b and letter c minimally 10 (ten) times and maximally 15 (fifteen) times from the fishery levy becoming obligation.

- (2) The permit freezing as referred to in paragraph (1) is effective for 6 (six) months since the sanction is imposed.
- (3) In case the time period of permit freezing as referred at paragraph (2) is over, the permit holder still fails to fulfill obligation, the usage permit of fish species e and genetic shall be revoked.
- (4) The revocation of the permit as referred to in paragraph 3 shall not eliminate the administrative sanction in the form of fine as referred to in paragraph (1).

Article 52

Any violation of the provision as referred to in Article 31 paragraph (2), Article 32 paragraph (2), Article 33 paragraph (3), Article 34 paragraph (2), Article 35 paragraph (3), Article 36 paragraph (3), Article 37 paragraph (3), Article 39 paragraph (2), Article 41, Article 42 paragraph (3), Article 43 paragraph (3), or Article 44 paragraph (4) is subject to sanction according to the provision of legislation.

CHAPTER VIII

MISCELLANEOUS PROVISION

Article 53

Pursuant to this government regulation:

- a. Department/Ministry in charge in the fishery sector shall be stipulated as Management Authority of conservation of fishery resources.

- b. Indonesian Science Institute (LIPI) is stipulated as Scientific Authority.

CHAPTER IX

CLOSING PROVISION

Article 54

Following the enforcement of this regulation, all technical regulations in the field of conservation of fishery resources are still effective as long as they do not contravene or have not been replaced by this government regulation.

Article 55

This government regulation shall take effect on the promulgated date.

For public cognizance, this Regulation of the Government shall be published by placing it in Statute Book of Republic of Indonesia.

Stipulated in Jakarta

On November 16, 2007

THE PRESIDENT OF REPUBLIC OF INDONESIA,

sgd.

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

On November 16, 2007

THE MINISTER OF JUSTICE AND HUMAN RIGHTS,

sgd.

ANDI MATTALATTA

STATUTE BOOK OF REPUBLIC OF INDONESIA YEAR 2007
NUMBER 134.

ELUCIDATION
ON
GOVERNMENT REGULATION NUMBER 60 YEAR 2007
REGARDING
CONSERVATION OF FISHERY RESOURCES

I. GENERAL

Indonesian people are blessed with sea resource by the Almighty God in the form of various fishery resources. The various potentials of fishery resources at sea need to be managed and used maximally for the people's prosperity in the present or future by stipulating conservation principles.

Law Number 31 Number 2004 regarding Fishery rules that conservation of fishery resources is executed through conservation of ecosystem, species and genetic. Conservation of fishery resources basically can not be separated by managing the fishery resources and its environment entirely.

Given that fishery resources and its environment are highly sensitive to the impact of global and seasonal climate also connectivity aspects of ecosystem between water area either local, regional or global, which may pass borders of state unity, development and management of conservation of fishery resources are done in accordance with the principle of carefulness with the support of science evidences.

The government regulation regarding Conservation of Fishery resources regulates in detailed manner management effort of ecosystem conservation or fish habitat that is including in it is the development of Water Conservation Area as the part from ecosystem

conservation. Besides that, this Regulation of the Government is also mentioning the rules to guarantee the continuity usage from fish types also the maintenance of variety of fish genetic.

Having regards the above mentioned matters, as the implementation of Law Number 31 Year 2004 regarding Fishery and as legal bases for conservation of fishery resources, it is necessary to regulate provisions regarding conservation of fishery resources by a government regulation.

II. ARTICLE TO ARTICLE

Article 1

Sufficiently clear.

Article 2

Paragraph 1

Letter a

Use principle is meant in order for the conservation execution of fishery resources shall be given the usage for humanity, increasing of people prosperity, and development of continuity life for the citizen, also the preservation increasing of fish resource.

Letter b

Justice principle is meant in order for the conservation

execution of fishery resources is paying attention to correct aspect, balance, justice, also do not arbitrarily.

Letter c

Partnership principle is meant in order for the conservation execution of fishery resources is executed according to cooperation agreement between the necessity officer that is related with conservation of fish resource.

Letter d

Distribution principle is meant in order for the conservation execution of fishery resources shall be given the economy benefit that can be enjoyed by partly of society in spread evenly.

Letter e

Integrated principle is meant in order for the conservation execution of fishery resources is executed in integrated, complete, and whole, also supported each other by paying attention to national necessity, another sector, and local society.

Letter f

Openness principle is meant in order for the conservation execution of fishery resources is transparently executed and giving the access to society to obtain the information in correct, honest and not discriminative.

Letter g

Efficiency principle is meant in order for the conservation execution of fishery resources is paying attention to efficiency factor, either from sector of time, process or its funding.

Letter h

Preservation principle is meant in order for the conservation execution of the conservation execution of fishery resources is paying attention the supported capacity on preservation of fishery resources and its environment.

Paragraph 2

Sufficiently clear.

Article 3 and Article 4

Sufficiently clear.

Article 5

Paragraph 1

Sufficiently clear.

Paragraph 2

Letter a

Sea is as water scope on earth that is connecting the land with land and another nature forms that is as a geography unity that is along with the entire related substance to it that its border and system is determined according to national and international law.

Letter b

Padang lamun is as colony of flower colony that is grow at water of shallow sea and still can be penetrated by sunlight until to sea bed, so that plants remain possible to undertake photosynthesis.

Letter c

Coral reef consists of reef polyps and another small organisms that are live in a colony, that is as one ecosystem that are life at water base and in the form of shape of lime.

Letter d.

Letter d

Mangrove is as a community of tropical beach vegetation that is special to grow and develop at the tidal area of mud beach, sandy, or river estuary, like *avicennia spp*, *rhizophor spp*, *sonneratia*, *bruguiera*, *xylocarpus*, *ceriops*, *exoecaria*.

Letter e

Estuary is as a semi-closed water at the downstream part of river and still connected with sea, than shall possible there is a mixing between fresh water and sea water.

Letter f

Beach is as an ecosystem that is located between the lowest tidal line with the highest tidal line. This ecosystem is located in area consisting of stones and pebble (that is supported the flora and fauna in a limit amount) than the area with active sandy (where the population of bacteria protozoa, and metazoan is founded) as well as area consisting of gravel and mud (where a large quantity of rare animals is found to come up to surface).

Letter g

Swamp is as all kind of mud land that is naturally made, or human made by mixing permanently or temporarily the fresh water with sea water, including the sea region that is dept of water is less than 6 meter when the tidal air is swap and tidal land.

Letter h

River, including river branch and artificial river is as a flow or place of water place in the form of the net of

water flowing, sediment, and ecosystem that are related beginning from the upstream to downstream, also right and left as long as its flow is limited with demarcation line.

Letter i

Lake is as a water place and the existence ecosystem that is in the formed naturally shall be in the form as part from the wide river and inside of it is more exceeding another segment of the related river, including situ, embung and typical water place locally called telaga, ranu.

Letter j

Embankment is as a artificial water place, that is made from as cause of the establishment of the damn and in the shape of flow widening/riverbank/riverside or deepened land.

Letter k

Embung is as water place that is naturally made or artificial.

Letter l

Ecosystem of artificial water is covering irrigated rice field, pond and pool.

Article 6

Sufficiently clear.

Article 7

Paragraph 1

That is meant with openness and closing of certain water is the permit giving and violation to execute the catching activity of certain fish resource, that is temporary, in a time

period and/or certain season, that is stipulated according to the data and information from the scientist, in order to give the chance for the recovery of fishery resources and its environment.

Paragraph 2

Letter a and Letter b

Sufficiently clear.

Letter c

The over fishing level is a status of fishery resources at a water, where its usage effort is exceeding the preservation potency or fish usage that is exceeding the stock capacity of local fishery.

Paragraph 3

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Paragraph 1

Letter a

Natural is as condition of water that its biological variety and its original is still well maintained.

Ecological relation is as a continuity ecology relation at a certain geography unity, including the biological community and physique environment, in one ecology system.

Representation is as a part that is representing the condition of certain ecosystem.

Unique is as special character that is having by a water and/or its biota.

Ruaya region is as part from a water that is used for the track of movement fish from one place to another place in periodically.

Breeding region is as a part from the water that is used for fish reproduction process in naturally.

Adoption region is as a part from the water that is used to look for the food and/or to protect fish in larva stadium, young stadium.

Letter b

Potential of conflict covers the conflict potency between sector, society, society with government, government and regional government. Potential of threat is covers potential of threat to the water habitat and its biota. Local wisdom is as a norm and a habit effective in a certain society that is related with the values of environment preservation.

Letter c

Fishery important value is as a water condition and its biota that shall support the continuity fishery. Aesthetic is a value of natural beauty from a water and/or biota having certain attractiveness.

Paragraph 2

Sufficiently clear.

Article 10

Heritage of world nature is stipulated by the United Nations on suggestion and initiative from the Government. By the stipulation of one water conservation area as the heritage of world nature, is expected can be as a promotion effort in order to invite the attention of worldwide for the development of conservation area.

Article 11

Paragraph 1

Letter a and Letter b

Sufficiently clear.

Letter c

Preservation of water conservation area is an effort that is executed to provide the partly of water to be stipulated as the candidate of water conservation area.

Letter d

Sufficiently clear.

Paragraph 2 and Paragraph 3

Sufficiently clear.

Article 12 and Article 13

Sufficiently clear.

Article 14

Paragraph 1

Potentials having the needs and conservation value is water, beside having the value concentration of biological diversity important globally, regionally and locally (ecosystem and endemic type, rare, in the brink of extinction), also very important to fulfill the basic needs of local society, whose continuation needs to be guaranteed.

Paragraph 2 until Paragraph 6

Sufficiently clear.

Article 15

Paragraph 1

Sufficiently clear.

Paragraph 2

A unit of board organization shall be in the form of the executor unit of central technique, executor unit of regional technique or unit part from the organization unit that is handling the fishery sector that is according to the effective regulation and law.

Article 16

Paragraph 1

Letter and Letter b

Sufficiently clear.

Letter c

Water having certain characteristic is as the water:

- a. having the value and necessity of national conservation and/or international;
- b. in ecological is having the state cross character;
- c. covering the habitat and ruaya region of fish; and
- d. having the potency as the heritage of world nature.

Paragraph 2 and Paragraph 3

Sufficiently clear.

Article 17

Paragraph 1 and Paragraph 2

Sufficiently clear.

Paragraph 3

Zoning of water conservation area is as a form of technical engineering of room usage through the stipulation of functional borders that is according to the potency of resource and support also the process of continuous ecology as one unity of ecosystem.

Paragraph 4

Letter a

Main zone is allocated for:

- a. absolute protection for habitat and fish population;
- b. research; and
- c. education.

Letter b

Sustainable fishery zone is allocated for:

- a. habitat protection and fish population;
- b. fish catching with tool and friendly way for environment;
- c. environmentally friendly cultivation;
- d. tour and recreation;
- e. research and development; and
- f. education.

Letter c

Usage zone is allocated for:

- a. habitat protection and fish population;
- b. tour and recreation;
- c. research and development; and
- d. education.

Letter d

Another zone is as a zone outside the main zone, continuation fishery zone, and usage zone that is because of its function condition is stipulated as certain zone, there are: protection zone, rehabilitation zone and others.

Paragraph 5

Sufficiently clear.

Article 18

Paragraph 1

Partnership is as a corporation relationship between two parties or more, according to equality, openness and profitable each other.

Paragraph 2

Sufficiently clear.

Article 19

Paragraph 1

Sufficiently clear.

Paragraph 2

Oceanography is as a knowledge regarding sea with the entire of its phenomena. Limnology is a knowledge regarding hot/mainland water, in this case is useful for fish habitat. Fishery bio ecology is as a knowledge that is learning the environment of fish life. Environment endurance is as endurance of water biota to the impact of environment changes.

Paragraph 3

Sufficiently clear.

Paragraph 4

Network of water conservation area at regional level is a water conservation area in one ecological area covering two or more neighborhood states also having the ecosystem relation.

Network of water conservation area at global level is a water conservation area consisting of one area

of several eco-regions which are different but have ecosystem relations globally and cover some countries.

Paragraph 5

Sufficiently clear.

Article 20 until Article 22

Sufficiently clear.

Article 23

Paragraph 1

Letter a

That is meant with protected fish type is a protected fish type that is according to regulation and law. Including in this definition is a protected fish type is limited to certain size, certain spread area or certain time period.

Including in this definition of protected fish type is the protected fish type according to regulation and law and also being protected according to provision of international law that has been ratified (like Appendix I, II and III CITES).

Including in this definition of protected fish type is egg, part of body, and/or its derivative products.

Letter b

Protected fish special is the protected fish species according to regulation and law but protected according to the provision of international law that has been ratified (like Appendix I, II, and III CITES). Including in not protected fish type is not protected fish type according to regulation and law or provision of international law but in international trading is needed the requirement and administration process that is according to international convention (CITES).

Paragraph 2

Letter a

In the brink of extinction shows a condition of certain fish type population in the brink of extinction because of natural factor and/or human activity.

Letter b

Rare, is as a condition of certain fish species wherein stock is limited.

Letter c

Endemic is as a condition from certain fish species having limited distribution.

Letter d

The decreasing of the fish population amount in nature is drastically, is as a condition from certain fish type that is in a certain habitat is having the decreasing of population amount in a short time period.

Letter e

Level of reproduction ability, is as ability to reproductive in obtaining the child.

Article 24

Sufficiently clear.

Article 25

Paragraph 1

Control media is as a fish living place that its environment condition is regulated and controlled by human.

Paragraph 2 until Paragraph 5

Sufficiently clear.

Article 26

Paragraph 1

Letter a until Letter c

Sufficiently clear.

Letter d

Transplantation is as a way to reproduction the reef type through the cutting of live reef to be planted/put in artificial substance or nature coral reef.

Paragraph 2

The purity of fish genetic is as an individual condition of certain fish having the original character of fish type.

Paragraph 3 and Paragraph 4

Sufficiently clear.

Paragraph 5

In the provision of qualification standard of protected and not protected fish type reproduction, is regulated regarding its balance base there are covering:

- a. limit of population amount of fish type as reproduction production;
- b. reproduction expert of fish type;
- c. rare level of fish type that is reproductive;
- d. tool and infrastructure of fish type reproduction.

Article 27

Paragraph 1

Sign is an effort to give sign to certain body part from each of fish, there are, in the form of the giving of certain color, plastic/metal plate with certain number identity, cutting of certain body part, or the putting of microchip.

Paragraph 2

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Paragraph 1

Letter a until Letter c

Sufficiently clear.

Letter d

Gained preservation is as a preservation effort of genetic resource by keeping the reproduction cell in the form of sperm or ovum that shall be executed in frozen condition.

Paragraph 2 until Paragraph 4

Sufficiently clear.

Article 30 until Article 37

Sufficiently clear.

Article 38

Paragraph 1

Letter a and Letter b

Sufficiently clear.

Letter c

The provision of international law is as an international agreement at conservation sector where Indonesia has ratified, there are Convention on International Trade in Endangered Species of Wild Fauna and Flora/CITES.

Paragraph 2

Sufficiently clear.

Article 41 and Article 42

Sufficiently clear.

Article 39

Sufficiently clear.

Article 43

Paragraph 1 until Paragraph 3

Sufficiently clear.

Article 40

Paragraph 1

Sufficiently clear.

Paragraph 4

That is meant with equality is equality in conservation value of fish type that is traded.

Paragraph 2

Letter a

delivery letter from and to other countries covers the permit export, permit import, and permit re export that is according to the format and the provision that is stipulated by the Secretariat Convention on International Trade in Endangered Species of Wild Fauna and Flora/CITES.

Paragraph 5

Sufficiently clear.

Article 44 and Article 45

Sufficiently clear.

Letter b

Document of delivery and transportation is completed with the following document:

- a. domestic transport permit letter;
- b. minutes of meeting of reproduction production and/or taking from nature; and
- c. explanation on fish healthy from the authorized officer

Article 46

Paragraph 1

Society fostering is as an activity that is planned to increase the knowledge and society realization for the importance the management of water biological resource and its environment in continuation also to change the society behavior from destructive behavior becomes the behavior that can maintain, manage and protect the fishery resources and its environment.

Letter c until Letter e

Sufficiently clear.

Paragraph 2 and Paragraph 3

Sufficiently clear.

Paragraph 3

Sufficiently clear.

Paragraph 4

People rendering service for conservation sector

of fishery resources are group of society, non-governmental organizations and corporation.

Paragraph 5

Sufficiently clear.

Article 47 until Article 52

Sufficiently clear.

Article 53

Letter a

Management Authority is responsible there are in administrative aspect, legislation execution, law stipulation, permit, and communication that are related with conservation of fish resource, including the execution of *Convention on International Trade in Endangered Species of Wild Fauna and Flora/CITES*.

Letter b

Scientific Authority is responsible there are to give the recommendation to Management Authority regarding conservation of fishery resources according to science principle, including in order of the execution of *Convention on International Trade in Endangered Species of Wild Fauna and Flora/CITES*.

Article 54 and Article 55

Sufficiently clear.

SUPPLEMENT TO STATUTE BOOK OF
THE REPUBLIC OF INDONESIA NUMBER 4779.

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