



PRESIDEN
REPUBLIK INDONESIA

**KEPUTUSAN PRESIDEN REPUBLIK INDONESIA
NOMOR 37 TAHUN 1993
TENTANG
PENGESAHAN AGREEMENT BETWEEN THE GOVERNMENT
OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT
OF AUSTRALIA RELATING TO COOPERATION IN FISHERIES**

PRESIDEN REPUBLIK INDONESIA,

- Menimbang : a. bahwa di Jakarta pada tanggal 22 April 1992 Pemerintah Republik Indonesia telah menandatangani Agreement between the Government of the Republic of Indonesia and the Government of Australia Relating to Cooperation in Fisheries sebagai hasil perundingan antara Delegasi-delegasi Pemerintah Republik Indonesia dan Pemerintah Australia;
- b. bahwa sehubungan dengan itu, dan sesuai dengan Amanat Presiden Republik Indonesia kepada Ketua Dewan Perwakilan Rakyat Gotong Royong Nomor 2826/HK/1960 tanggal 22 Agustus 1960 tentang Pembuatan Perjanjian-perjanjian dengan Negara Lain, dipandang perlu untuk mengesahkan Agreement tersebut dengan Keputusan Presiden;

Mengingat : Pasal 4 ayat (1) dan Pasal 11 Undang-Undang Dasar 1945;

MEMUTUSKAN :...



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MEMUTUSKAN :

Menetapkan : **KEPUTUSAN PRESIDEN REPUBLIK INDONESIA TENTANG PENGESAHAN AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDONESIA AND THE GOVERNMENT OF AUSTRALIA RELATING TO COOPERATION IN FISHERIES.**

Pasal 1

Mengesahkan Agreement between the Government of the Republic of Indonesia and the Government of Australia Relating to Cooperation in Fisheries yang telah ditandatangani Pemerintah Republik Indonesia di Jakarta pada tanggal 22 April 1992 sebagai hasil perundingan antara Delegasi-delegasi Pemerintah Republik Indonesia dan Pemerintah Australia yang salinan naskah aslinya dalam bahasa Inggris sebagaimana terlampir pada Keputusan Presiden ini.

Pasal 2

Keputusan Presiden ini mulai berlaku pada tanggal ditetapkan.

Agar...



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Agar setiap orang mengetahuinya, memerintahkan pengundangan Keputusan Presiden ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Ditetapkan di Jakarta
pada tanggal 15 Mei 1993
PRESIDEN REPUBLIK INDONESIA

ttd.

SOEHARTO

Diundangkan di Jakarta
pada tanggal 15 Mei 1993
MENTERI SEKRETARIS NEGARA
REPUBLIK INDONESIA

ttd.

MOERDIONO



PRESIDEN
REPUBLIK INDONESIA

AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA
AND
THE GOVERNMENT OF AUSTRALIA
RELATING TO
COOPERATION IN FISHERIES

The Government of the Republic of Indonesia and the Government of Australia ("the Parties");

Wishing to build further on the close bilateral relations between Indonesia and Australia;

Fully committed to maintaining, renewing and further strengthening the mutual respect, friendship and cooperation between their two countries through existing agreement and arrangements, as well as their policies of promoting constructive neighbourly cooperation;

Desirous of cooperating in the field of fisheries;

Recognising that both Parties exercise sovereignty, sovereign rights or jurisdiction over adjacent maritime areas in accordance with international law, including the 1982 United Nations Convention on the Law of the Sea;

Noting that certain boundaries between the Republic of Indonesia and Australia have yet to be established and that the fisheries line established under the 1981 Memorandum of Understanding concerning the Implementation of a Provisional Fisheries Surveillance and Enforcement Line is of Provisional status;

Recalling the 1974 Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of Australia regarding the operations of Indonesia Traditional Fishermen in Areas of the Australian Exclusive Fishing Zone and Continental Shelf and the 1989 guidelines and procedures for the implementation of that Memorandum of Understanding.

Recalling their mutual interest in the rational management, conservation and optimum utilisation of the living resources of the sea;

Taking...



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Taking into account development in the law of the Sea;

Recognising that coastal State are obliged to seek, either directly or through appropriate subregional or regional organisations, to agree upon measures necessary to coordinate and ensure the conservation and development of shared stocks;

Wishing to promote the development of mutually beneficial economic, scientific and technological exchanges relating to fisheries matters, including at the regional level;

Recognising their respective obligations under other related international agreement;

HAVE AGREED AS FOLLOWS:

ARTICLE I

The Parties shall facilitate cooperation in fisheries research relevant to the conservation and optimum utilisation of marine living resources.

ARTICLE 2

1. The Parties shall exchange available information related to fisheries of mutual interest, including :

- (a) fishing catch and effort data from foreign and domestic vessels;
- (b) the results of scientific research into :
 - (i) ecological studies;
 - (ii) population dynamics; and
 - (iii) stock distribution, abundance and assessment of sustainable yield;
- (c) the development of national fisheries management programs; and
- (d) fisheries monitoring, control and surveillance systems and technology.

2. The...



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2. The Parties shall establish channels of communication to facilitate the exchange of information and this may include the convening of technical meetings on marine areas or stocks of special interest to both Parties, including but not limited to :
 - (a) pelagic shark;
 - (b) tuna;
 - (c) demersal finfish; and
 - (d) trochus.

ARTICLE 3

1. The Parties shall seek to develop complementary regimes for the conservation, management and optimum utilisation of shared stocks, straddling stocks and highly migratory species.
2. The Parties shall cooperate directly or through appropriate international organisations to assure the conservation and management of marine living resources of the high seas.

ARTICLE 4

The Parties shall facilitate cooperation through exchanges and training of fisheries and marine conservation personnel, including managers, scientists and students.

ARTICLE 5

The Parties shall exchange available information on technological developments related to fisheries, including :

- (a) innovations in fishing gear which assist the development of sustainable fishing techniques;
- (b) monitoring, assessing and reducing the effects of fishing on marine mammals and other protected marine biota; and
- (c) processing...



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- (c) processing of fish products and other aspects of post-harvest technology.

ARTICLE 6

1. If a Party determines that it can make fisheries resources under its jurisdiction available to nationals of the other Party, and the latter Party wishes to exploit those resources, the Parties shall seek to establish subsidiary agreements or arrangements between the two Governments for the conduct of fishing operations.
2. Any such subsidiary agreement or arrangement shall specify terms and conditions of access, including :
 - (a) procedures for recording vessel position, catch and effort;
 - (b) licence requirements;
 - (c) catch disposal requirements;
 - (d) provision for observers; and
 - (e) access fees.

ARTICLE 7

Each Party shall take steps intended to ensure that :

- (a) its fishing vessels do not fish in areas subject to the enforcement jurisdiction of the other Party unless authorised under this or other agreements or arrangements or otherwise permitted under the other Party's laws; and
- (b) any of its fishing vessels licensed to fish in areas subject to the enforcement jurisdiction of the other Party comply with the laws of that Party applicable to foreign fishing vessels (including the terms and conditions of licences) and the provisions of this and other applicable agreements.

ARTICLE 8...



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ARTICLE 8

In the event that enforcement action needs to be taken against fishing vessels or nationals of the other Party by a Party for offences against its laws, the Party shall notify the other Party promptly through the diplomatic channel of the action taken, including the results of legal proceedings involving the vessels or persons concerned.

ARTICLE 9

The Parties shall exchange information and cooperate in regard to aquaculture. Such cooperation may take the form of, but is not limited to :

- (a) management, including environment protection measures;
- (b) technological developments; and
- (c) marketing.

ARTICLE 10

The Parties shall promote trade in the fisheries sector including, as appropriate, through encouragement and facilitation of :

- (a) joint ventures in the processing of fish products; and
- (b) cooperation in the marketing of fish products, fishing gear and fish processing equipment.

ARTICLE 11...

ARTICLE 11



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Pending final delimitation of the outstanding maritime boundaries between the two countries, the Parties shall interpret and implement this Agreement consistently with the existing maritime boundary agreements between the Parties and the 1981 Memorandum of Understanding concerning the Implementation of a Provisional Fisheries Surveillance and Enforcement Line.

ARTICLE 12

1. Consultations between officials of the Parties shall be held from time to time at the request of either Party.
2. These consultation may include technical meetings on marine areas or fish stocks of special interest to both Parties as referred to in Article 2.

ARTICLE 13

1. This Agreement shall enter into force on the date of the later of the written notifications by which each Party shall notify the other that it has complied with its constitutional requirements necessary for the entry into force of the Agreement.
2. This Agreement shall remain in force until the expiration of twelve months from the date on which either Party shall have given notice in writing to the other of its intention to terminate the Agreement.

ARTICLE 14

This Agreement shall be reviewed upon the expiration or five years from the date of its entry into force.

ARTICLE 15...

ARTICLE 15



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Nothing in this Agreement shall prejudice :

- (a) the position of either Party in regard to the extent of its maritime zones; or
- (b) the 1974 Memorandum of Understanding between the Government of the Republic of Indonesia and the Government of Australia regarding the operations of Indonesian Traditional Fishermen in Areas of the Australian Exclusive Fishing Zone and continental Shelf and the 1989 guidelines and procedures for the implementation of that Memorandum of Understanding.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE in duplicate at Jakarta, this twenty-second day of April 1992, in the English language.

FOR THE GOVERNMENT
OF THE REPUBLIC OF INDONESIA

FOR THE GOVERNMENT
OF AUSTRALIA

ALI ALATAS

PHILIP FLOOD