

[ENGLISH TEXT — TEXTE ANGLAIS]

ARRANGEMENT BETWEEN THE MINISTRY OF MARINE AFFAIRS AND FISHERIES OF THE REPUBLIC OF INDONESIA AND THE MINISTRY OF AGRICULTURE AND COOPERATIVES OF THE KINGDOM OF THAILAND ON THE UTILIZATION OF PART OF THE TOTAL ALLOWABLE CATCH IN THE INDONESIAN EXCLUSIVE ECONOMIC ZONE

The Ministry of Marine Affairs and Fisheries of the Republic of Indonesia and The Ministry of Agriculture and Cooperatives of the Kingdom of Thailand hereinafter referred to as the Parties";

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982;

Recalling also the Agreement between the Government of the Republic of Indonesia and the Government of the Kingdom of Thailand on Economic and Technical Cooperation, signed in Bangkok on 18 January 1992,

Taking into account Protocol Relating to Economic, Trade and Tourism Cooperation between the Government of the Republic of Indonesia and The Government of the Kingdom of Thailand signed in Bangkok on 14 May 2001;

Bearing in mind the Memorandum of Understanding between the Government of the Republic of Indonesia and The Government of the Kingdom of Thailand on Fisheries Cooperation signed in Jakarta on 17 January 2002;

Recognizing that Indonesia, in accordance with international law, exercises sovereign rights over its exclusive economic zone and sovereignty over its archipelagic waters and territorial waters;

Considering their common concern for the management, conservation and sustainable utilization of fishery resources;

Desiring to establish reasonable terms and conditions under which the Thai fishing vessels may be granted access to part of the total allowable catch (TAC) solely in the Indonesian Exclusive Economic Zone (IEEZ);

Being committed to carry out responsible fisheries, including cooperation in overcoming illegal, unregulated and unreported (IUU) fishing practices;

Affirming their wish to establish mutually beneficial cooperation in the field of marine capture fisheries, thereby enhancing friendly relations between Indonesia and Thailand;

Pursuant to the respective laws and regulations of the Parties;

Have agreed as follows:

Article 1. Purpose

The purpose of this Arrangement is to establish a mutual cooperation on the basis of principles and procedures under which access to part of TAC in the IEEZ may be granted

to fishing vessels registered in and flying the flag of Thailand hereinafter referred to as “the Thai fishing vessels”.

Article 2. Access granted

(1) The Thai fishing vessels are granted the right to access to part of the TAC of demersal fish stocks in the IEEZ in the South China Sea and in the IEEZ in the Arafura Sea as stipulated in the Appendix 1 with the check and or landing ports indicated in Appendix 2.

(2) Each vessel will be allocated a single fishing ground and a single type of fishing gear.

(3) The allocation of the right to access to part of the TAC for each Thai fishing vessel shall be carried out in accordance with Chapter V of the Decision of the Indonesian Minister of Marine Affairs and Fisheries No. 60 of year 2001.

Article 3. Fishing gears and vessels

(1) Type of gear allowed to be operated in the IEEZ under this Arrangement consist of fish trawl (pukat ikan or fishnet):

(2) Fishing zone for fish trawl (pukat ikan or fishnet) vessels is indicated in Appendix 1:

(3) Mesh size of the fish trawl (pukat ikan or fishnet) net should not be less than 2 inches in cod-end:

(4) The number and size of fishing vessels and type of fishing gears are determined in Appendix 3;

(5) Appendix 3 is subject to future modification as agreed by both Parties.

Article 4. Exercise of right

(1) In order to ensure proper and effective implementation of the exercise of right under this Arrangement, the Thai fishing vessels shall subject to the prevailing relevant Indonesian laws and regulations;

(2) The Thai authorities shall take any effort to ensure that the Thai fishing vessels comply with the prevailing relevant Indonesian laws and regulations during their operation in the IEEZ:

(3) Both Parties agree to cooperate in the establishment of monitoring, control and surveillance mechanism in order to overcome IUU Fishing, as required by the FAO's International Plan of Actions.

Article 5. Amendment

This Arrangement may be amended at any time by mutual consent in writing between the Parties.

Article 6. Settlement of dispute

Any dispute arising out of interpretation, application or implementation of this Arrangement shall be settled amicably through consultations or negotiations between the Parties.

Article 7. Entry into force, duration and termination

(1) This Arrangement shall enter into force on the date of its signing and shall remain in force for three years. It may be extended by written agreement of the Parties.

(2) This Arrangement may be terminated at any time by either Party giving three months written notification to the other Party.

(3) The termination of this Arrangement shall not affect the validity and duration of any license granted under this Arrangement.

In witness whereof, the undersigned have signed this Arrangement.

Done in Jakarta on this sixteenth day of September in the year of two thousand and two in two original copies in the English language, both texts being equally authentic.

For the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia:

HUSNI MANGGA BARANI
Director General of Capture Fisheries

For the Ministry of Agriculture and Cooperatives of the Kingdom of Thailand:

DHAMMARONG PRAKOBBOON
Director General of Department of Fisheries

APPENDIX 1.

Fishing Zone for Thai Fishing Vessels in the IEEZ in the South China Sea and in the IEEZ in the Arafura Sea

Fishery resources	Type of fishing gear	Fishing zone
Demersal fish stock	Fish-trawl (<i>pukat ikan</i> or fishnet)	In the IEEZ beyond the 12 nautical miles territorial sea measured from the straight archipelagic baselines as stipulated in Indonesian Government Regulation No. 61 of year 1998.

APPENDIX 2.

Ports of Indonesia designated to be Check Points and or Landing Sites

Area	Check and or landing ports	
IEEZ in the South China Sea	1 2 3 4	Tarempa Fishing Port Pemangkat Fishing Port Tanjung Pinang Port Batam Port
IEEZ of Arafura Sea	1 2 3 4 5 6 7	Tual Fishing Port Kendari Fishing Port Sorong Fishing Port Ambon Fishing Port Ternate Fishing Port Kupang Fishing Port Merauke Port

APPENDIX 3.

The Number and Size of Thai Fishing Vessels and Type of Fishing Gears that may be allowed to be used in IEEZ

Fishing Gear	Fishing area	Total Gross Tonnage of Vessels (GT)	Material of hull	Range of Vessel Gross Tonnage (GT)	Number of Fishing Vessels
Fish trawl	IEEZ in the South China Sea	4000	Wooden	60 - 150	
			Steel	100 - 400	
	IEEZ in the Arafura Sea		Wooden	60 - 150	
			Steel	100 - 400	