

**GOVERNMENT REGULATION
NUMBER : 19/1999 DATED FEBRUARY 27, 1999**

R E

CONTROL OVER MARINE CONTAMINATION AND/OR DAMAGE

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

- Considering :**
- a. that marine environment and its natural resources on the basis of the Archipelagic Concept constitute part of the environment, which God has endowed and serves as space for the life of the nation;
 - b. that the management of marine environment and its natural resources is aimed at providing the biggest benefit to the welfare of the people and the sustainability of other living creatures;
 - c. that increasing development activities on land and in the sea as well as the utilization of the sea and its natural resources may result in the contamination of and/or damage to marine environment, which shall finally lower the quality and the function of the sea;
 - d. that in connection with the above-mentioned matter, it is deemed necessary to stipulate a government regulation on the control over marine contamination and/or damage

**Bearing
in mind**

- :
1. Article 5 paragraph (2) and Article 33 of the Constitution of 1945;
 2. Law No. 5/1967 on Basic Provisions on Forestry (State Gazette No.8/1967, Supplement to State Gazette No. 2823);
 3. Law No. 1/1973 on the Indonesian continental shelf (State Gazette No. 1/1973, Supplement to State Gazette No. 2994);
 4. Law No. 5/1974 on the Principles of Regional Administrations (State Gazette No. 38/1974, Supplement to State Gazette No. 3037);
 5. Law No. 5/1983 on the Indonesian Exclusive Economic Zone (State Gazette No. 44/1983, Supplement to State Gazette No. 3260);
 6. Law No. 5/1984 on Industrial Affairs (State Gazette No. 22/1984, Supplement to State Gazette No. 3274);
 7. Law No. 9/1985 on Fisheries (State Gazette No. 46/1985, Supplement to State Gazette No. 3299);
 8. Law No. 17/1985 on the Ratification of the 1985 United Nations Convention on the Law of the Sea;
 9. Law No. 5/1990 on the Conservation of Biological Natural Resources and thier ecosistem (State Gazette No. 49/1990, Supplement to State Gazette No. 3419);
 10. Law No. 21/1992 on Navigation (State Gazette No. 98/1992, Supplement to State Gazette No. 3493);
 11. Law No. 24/1992 on the Spatial Layout (State Gazette No. 115/1992, Supplement to State Gazette No. 3501);
 12. Law No. 6/1996 on Indonesian Waters (State Gazette No. 73/1996, Supplement to State Gazette No. 3647);
 13. Law No. 23/1997 on Environment Management (State Gazette No. 98/1997, Supplement to State Gazette No. 3699);

HAS DECIDED :

**To stipulate : THE GOVERNMENT REGULATION ON THE CONTROL
OVER MARINE CONTAMINATION AND/OR DAMAGE**

CHAPTER I GENERAL PROVISIONS

CAFI 40/MAY 18, 1999

Article 1

Referred to in this government regulation as :

1. The sea shall be the sea territory which constitutes a geographical totality and all relevant elements the boundaries and the system of which shall be determined on the basis of a functional aspect;
2. Marine contamination shall be the entry or inclusion of living creatures, substances, energy and/or other components in the marine environment by human activities so that its quality deteriorates up to a certain level which shall make the marine environment incompatible to the quality standard and/or its function;
3. The quality standard of sea water shall be the measurement of the limit or content of living creatures, substances, energy and/or other components which are or must be present and/or contaminating elements whose presence is tolerated in the sea water;
4. Sea damaging shall be an act bringing about direct and indirect changes in the physical and/or biological nature in excess of the criteria for the standard of marine damage;
5. Marine damage shall be physical and/or biological changes in the sea in excess of the criteria for the standard of marine damage;
6. The criteria for the standard of marine damage shall be the limits of changes in the physical and/or biological nature of the marine environment which may be tolerated;
7. The status of marine quality shall be the grades of the quality of the sea at certain locations and times, evaluated on the basis of the quality standards of sea water and/or the criteria for the standard of marine damage;
8. The protection of marine quality shall be every effort or activity aimed at ensuring that the marine quality shall remain good;
9. Control over marine contamination and/or damage shall be every effort or activity to prevent and/or manage and/or bring to recovery marine contamination and/or damage;
10. Dumping shall be the dumping into the sea of waste as a residue of an undertaking and/or activity and/or other objects which are no longer used or which have already expired;
11. Waste shall be the residue of an undertaking and/or activity;
12. Liquid waste shall be the residue of a process of an undertaking and/or activity in a liquid form;
13. Solid waste shall be the residue or by - product of an undertaking and/or activity in a solid form, including garbage;
14. Persons shall be individuals and/or groups of people and/or statutory bodies;

15. A responsible government agency shall be a government agency responsible in the control over environmental impacts;
16. The Minister shall be the minister assigned to manage the environment.

Article 2

Protection of marine quality shall encompass efforts or activities of controlling marine contamination and/or damage aimed at preventing or lessening the deterioration of marine quality and/or the damage of marine resources.

CHAPTER II PROTECTION OF MARINE QUALITY Article 3

The protection of marine quality shall be based on the standard of the quality of sea water, the criteria of marine damage and the status of marine quality.

Article 4

The standard of the quality of sea water and the standard criteria for marine damage as meant in Article 3 shall be stipulated by the Minister with account being taken of the input from other Ministers and the management of other relevant non-ministerial government institutions.

Article 5

- (1) The status of marine quality shall be stipulated on the basis of the inventory and/or research of the data of the quality of sea water, the condition of the extent of marine damage affecting marine quality.
- (2) The governor/head of a first-level region may stipulate the status of marine quality on the basis of a technical guideline for the stipulation of the status of marine quality stipulated by the head of a responsible government agency.
- (3) In the event that the governor/head of a first-level region does not stipulate the status of marine quality, the head of the responsible government institution shall stipulate the status of marine quality.

Article 6

The head of a responsible government agency shall stipulate a technical guideline for the evaluation and stipulation of the status of marine quality.

Article 7

- (1) Sea water whose quality meets the standard of quality of sea water shall be started as sea water whose quality status is at a good level.
- (2) Sea water whose quality fails to meet the standard of quality of sea water shall be stated as sea water whose quality status is at a contaminated level.

Article 8

- (1) Marine environment fulfilling the criteria for marine damage shall be stated as marine environment whose quality status is at a good level.
- (2) Marine environment not fulfilling the standard criteria for marine damage shall be stated as marine environment whose quality status is at a damaged level.

**CHAPTER III
PREVENTION OF MARINE CONTAMINATION**

Article 9

Everybody or every party assuming the responsibility for an undertaking and/or activity shall be prohibited to take any action which may bring about marine contamination.

Article 10

- (1) Every party assuming the responsibility for an undertaking and/or activity which may cause marine contamination shall be obligated to undertake prevention of marine contamination.
- (2) Every party assuming the responsibility for an undertaking and/or activity which dumps the waste to the sea shall be obligated to meet the requirements set for the quality standards of sea water, the quality standards of liquid waste, the quality standards of emission and other provisions pursuant to the prevailing laws.

Article 11

The head of a responsible government agency shall stipulate a technical guideline for the prevention of marine contamination.

Article 12

Liquid waste and/or solid waste of routine operational activities in the sea shall, by way of obligation, be managed at and dumped into liquid waste and/or solid waste processing facilities pursuant to the prevailing laws.

**CHAPTER IV
PREVENTION OF MARINE DAMAGE
Article 13**

Everybody or every party assuming the responsibility for an undertaking and/or activity shall be prohibited to take any action which may lead to marine damage.

Article 14

- (1) Every party assuming the responsibility for an undertaking and/or activity which may lead to marine damage shall be obligated to take action to prevent marine damage.

- (2) The head of a responsible government agency shall stipulate a technical guideline for the prevention of marine damage.

CHAPTER V
MANAGEMENT OF MARINE CONTAMINATION AND/OR DAMAGE
Article 15

- (1) Everybody or every party assuming the responsibility for an undertaking and/or activity which brings about marine contamination and/or damage shall be obligated to manage and marine contamination and/or damage caused by the activity.
- (2) A guideline for the management of marine contamination and/or damage as meant in paragraph (1) shall be stipulated by the head of a responsible government agency.

CHAPTER VI
RESTORATION OF MARINE QUALITY
Article 16

- (1) Everybody or every party assuming the responsibility for an undertaking and/or activity which brings about marine contamination and/or damage shall be obligated to undertake the restoration of marine quality.
- (2) A guideline for the restoration of marine quality as meant in paragraph (1) shall be stipulated by the head of a responsible government agency.

CHAPTER VII
E M E R G E N C Y
Article 17

- (1) In an emergency, the dumping into the sea of objects originating from an undertaking and/or activity in the sea can be conducted without a license if :
 - a. the dumping of the objects is intended to guarantee the safety of human lives involved in marine activities;
 - b. the dumping of the objects as meant in letter (a) can be conducted on condition that all proper preventive efforts have been made or that the said dumping is the best way to prevent bigger losses.
- (2) In an emergency as meant in paragraph (1), the owner and/or party assuming responsibility for an undertaking and/or activity shall obligated to immediately notify the nearest authorized official and/or a government agency assuming the responsibility.
- (3) It is compulsory that the notification as meant in paragraph (2) should mention the objects which are dumped, the location, the time the quantity and the measures already taken.
- (4) A government agency receiving the report shall be obligated to take action to prevent marine contamination and/or damage from spreading and to report this to the Minister.

- (5) Expenses arising from the management of marine contamination and/or damage and the restoration of marine quality owing to an obligency shall be borne by the party assuming responsibility for an undertaking and/or activity.

**CHAPTER VIII
DUMPING
Article 18**

- (1) Everybody or every party assuming responsibility for an undertaking and/or activity that undertakes dumping into the sea shall be obligated to obtain a license from the Minister.
- (2) The procedure for dumping as meant in paragraph (1) shall be stipulated further by the Minister.

**CHAPTER IX
SUPERVISION
Article 19**

- (1) The minister shall undertake supervision over the arrangement of the party assuming responsibility for an undertaking and/or activity which may cause marine contamination and/or damage.
- (2) To undertake the supervision as meant in paragraph (1), the Minister can appoint an official authorized to undertake supervision.

Article 20

- (1) To perform his task, the supervisor as meant in Article 19 shall be authorized to undertake monitoring, ask for information, make copies of documents and/or make the necessary notes, enter certain places, collect samples, examine instruments, examine installations and/or transportation facilities and request information from the party assuming responsibility for an undertaking and/or activity.
- (2) The party assuming responsibility for an undertaking and/or activity from whom information is requested as meant in paragraph (1) shall be obligated to fulfill the request of the supervising officer pursuant to the prevailing laws.
- (3) Every supervisor shall be obligated to show their letter of assignment and/or identification card and observe the situation and condition of the site where supervision is undertaken.

Article 21

Every party assuming responsibility for an undertaken and/or activity shall be obligated to :

- a. allow a supervisor to enter their working environment and help the implementation of this supervision task;

- b. provide information correctly, both orally and in writing, if this is requested by the supervisor;
- c. provide the documents and/or data required by the supervisor;
- d. allow the supervisor to collect waste sample or other objects needed for supervision; and
- e. allow the supervisor to take pictures and/or photographs at the work site.

Article 22

- (1) Everybody or every party assuming responsibility for an undertaking and/or activity shall be obligated to submit a report on the result of the monitoring of control over marine contamination and/or damage already undertaken to the responsible government agency, the technically relevant government agency and other relevant government agencies.
- (2) A guideline on and procedure for reporting as meant in paragraph (1) shall be stipulated further by the head of the responsible government agency.

CHAPTER X FINANCING Article 23

- (1) Expenses arising from inventory making and/or researches in the framework of determining the status of marine quality as meant in Article 5 shall be borne by the regional budget of revenues and expenditures and/or other financial sources pursuant to the prevailing laws.
- (2) Expenses arising for the supervision over arrangement as meant in Article 19 shall be borne by the state's budget of revenues and expenditures and/or other financial sources pursuant to the prevailing laws.

CHAPTER XI COMPENSATION Article 24

- (1) Everybody or every party assuming responsibility for an undertaking and/or activity which brings about marine contamination and/or damage shall obligated to bear the expenses arising from the management of marine contamination and/or damage and the restoration expenses.
- (2) Everybody or every party assuming responsibility for an undertaking and/or activity inflicting losses to another party as a result of marine contamination and/or damage shall be obligated to pay compensation to the party to whom losses have been inflicted.

Article 25

The procedure for the calculation of expenses, collection and payment of compensation as meant in Article 24 shall be stipulated further by the Minister.

**CHAPTER XII
TRANSITIONAL PROVISION**

Article 26

After the promulgation of this government regulation, every undertaking and/or activity shall be obligated to be adjusted to the requirements on the basis of this government regulation.

**CHAPTER XIII
CLOSING PROVISIONS**

Article 27

When this government regulation comes into force, all laws related to the control over marine contamination and/or damage already in existence shall remain effective as far as they do not contradict this government regulation and have not been replaced on the basis of this Government Regulation.

Article 28

This Government Regulation shall take effect as from the date promulgation.

For public cognizance, this Government Regulation shall be promulgated by publishing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On February 27, 1999
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
sgd
BACHARUDDIN JUSUF HABIBIE

Promulgated in Jakarta
On February 27, 1999
THE MINISTER/STATE SECRETARY
sgd

AKBAR TANDJUNG

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER. 32/1999

Elucidation
To be continue

***** OFFICIAL ANNOUNCEMENT *****

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GENERAL

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**GOVERNMENT REGULATION
NUMBER : 19/1999 DATED FEBRUARY 27, 1999****R E****CONTROL OVER MARINE CONTAMINATION AND/OR DAMAGE**(Continuation From Warta CAFI No. 40)
-----**E L U C I D A T I O N****GENERAL**

Most of the territory of the Republic of Indonesia constitutes strategically located sea waters. Apart from being utilized as a means for local and international sea transportation, Indonesia's sea waters also possess very rich and important marine resources, among others fishery resources, coral reefs, overflowed fields and mangroves, while coastal areas can be utilized as attractive tourist objects. The sea also plays an important role to the lives of living creatures like human beings, and also the fish, and other marine vegetation and biota. This shows that the marine sector is endowed with great potencies to help bolster development at present and in future. Therefore, it is very necessary to protect the sea, which constitutes one of natural resources. This means that the sea must be utilized wisely with account being taken of the interests of the present and future generations. In order that the sea can be sustainably useful at a quality level desired, the control over marine contamination and/or damage has become very important. This control over contamination and/or damage constitutes part of the activities to manage the environment.

1. What is meant by marine contamination is that the entry or inclusion of living creatures, substances and/or other components into the marine environment because of human activities so that the quality of the sea drops to a certain level so that the marine environment no longer conforms to the quality standard and/or its function. This means that it is necessary to stipulate the quality standards of sea water which serves as a yardstick to determine whether or not marine contamination has been brought about. In addition, it is also useful to determine the quality status of the sea because the extent of marine contamination is closely linked with the quality status of the sea itself.
2. Sea damaging shall be an act causing direct and/or indirect changes in the physical and/or biological nature of the sea in excess of the standard criteria for marine damage. This means that it is necessary to stipulate standard criteria for marine damage serving as a yardstick to determine the extent of marine damage. Besides, the criteria are also useful for the determination of the quality status of the sea because of the close link between the extent of marine damage and the quality status of the sea itself.

3. Law No. 23/1997 on environmental management stipulates that the goals of environmental management are the achievement of compatibility, harmony and balance between man and the environment with account being taken of the present and future generations while the utilization of resources shall be put wisely under control. Control over marine contamination and/or damage refers to these goals so that the pattern of activities shall be well concerted and harmonious with account being taken of the rights and obligations of the community and their role.

Law No. 23/1997 on Environmental management also mentions the right of over community member over a good and healthy environment followed by the obligation to take care of and conserve the fuction of the environment so that everybody shall play a clear role regarding their rights and obligations in efforts to control marine contamination and/or damage.

This government regulation is also aimed at achieving the goals set in the previous laws which are related to the problems of the environment and at undertaking the mission ser forth in international conventions linked with the law of the sea or the control over marine contamination and/or damage.

This government regulation is also closely linked with the with the enforcement of government regulations on the analysis on environmental impacts, the control over water contamination, the management of the waste of hazardous and toxic substances and the delegation to the regions of some of the matters pertaining at the control over environmental impacts.

4. The control over contamination and/or damage constitutes activities encompassing;
- a. inventory of marine quality, undertaken with account being taken of various existing criteria in the control over marine contamination and/or damage;
 - b. the stipulation of the quality standards of sea water and the standard criteria for marine damage used as the main yardsticks in controlling marine contamination and/or damage;
 - c. monitoring of the quality of sea water and measurement of the extent of marine damage followed by the collection of the results of monitoring conducted by other government agencies, evaluation and analysis of the results obtained as well as the drawing up of reports;
 - d. the stipulation of the status of the quality of the sea in a particular area ;
 - e. planning and implementation of control policies to maintain the quality of the sea so that it shall remain good to improve the quality of contaminated or damaged sea;
 - f. control over the arrangement of regulations on the control over marine contamination and/or damage, including the arrangement of the qualities of the waste dumped into the sea and/or the arrangement of the standard criteria for marine damage and the measures to be taken, restoration and law enforcement.

ARTICLE BY ARTICLE**Article 1****Figures 1**

Relevant elements shall be all objects, force, circumstances and living creatures found in the sea.

Figures 2

Self-explanatory

Figures 3

Self-explanatory

Figures 4

Self-explanatory

Figures 5

Self-explanatory

Figures 6

Self-explanatory

Figures 7

Self-explanatory

Figures 8

Referred to as the marine quality remaining good shall be that the marine quality is the same under the threshold of the quality standard of sea water or the criteria for marine damage.

Figures 9

Self-explanatory

Figures 10

Self-explanatory

Figures 11

Self-explanatory

Figures 12

Self-explanatory

Figures 13

Self-explanatory

Figures 14

Self-explanatory

Figures 15

Self-explanatory

Figures 16
Self-explanatory

Article 2
Self-explanatory

Article 3
Self-explanatory

Article 4
The quality standards of sea water are determined on the basis of their designation, for example : the quality standard of sea water for tourism and recreation (bathing, swimming and diving); the quality standard of sea water for the conservation of biological natural resources and their ecosystem. As for the standard criteria for marine damage they shall be stipulated on the basis of the physical condition of marine ecosystem, namely among other things : coral reefs, mangroves and overflowed fields.

Article 5
Paragraph (1)
Self-explanatory

Paragraph (2)
Self-explanatory

Paragraph (3)
Self-explanatory

Article 6
Self-explanatory

Article 7
Paragraph (1)
Referred to as meeting the quality standard of sea water shall be that the parameter value or parameter content of the sea water being measured is within the threshold or conforms to the provision on the quality standard of sea water stipulated by the Minister.

Paragraph (2)
Referred to as not meeting the quality standard of sea water shall be that the parameter value or parameter content of the sea water being measured is not within the threshold or does not conform to the provision on the standard quality of sea water stipulated by the Minister.

Article 8
Paragraph (1)
Referred to as marine environment meeting the standard quality of marine damage shall be that the physical condition of the marine environment referred to is, among others, in the following conditions:
"Good" up to "very good" in the case of coral reefs;
"Fair" up to "very solid" in the case of mangroves;

"Rich" up to "very rich" in the case of overflowed fields.

Article 9

Self-explanatory.

Article 10

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 11

Self-explanatory.

Article 12

The solid waste referred to shall include garbage.

Referred to as routine operational losses in the sea shall be among others: vessels, off-shore activities and fisheries.

Article 13

Self-explanatory.

Article 14

Paragraph (1)

The obligation to undertake the said prevention shall constitute an effort to lessen the likelihood of the presence of risks to every marine ecosystem in the form of damage.

Paragraph (2)

Self-explanatory.

Article 15

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 16

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 17

Paragraph (1)

Referred to as an emergency shall be a condition requiring immediate handling so that the normal procedure may be set aside.

Referred to as an object shall be an object and/or material and/or substances and/or

waste.

Paragraph (2)

Referred to as an authorized official shall be among others the Minister of Communications, the Minister of Mines and Energy or the Minister of Forestry and Estates.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Article 18

Paragraph (1)

Self-explanatory.

Paragraph (2)

In the framework of stipulating the dumping procedure, the Minister shall be obligated to establish coordination with relevant government agencies.

Article 19

Paragraph (1)

Self-explanatory.

Paragraph (2)

In the event of stipulating an authorized official from another government agency to undertake supervision, the Minister shall establish coordination with the management of the government agency concerned.

Article 20

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Referred to as observing the situation and condition of the site of supervision shall be respecting the prevailing values and norms, both written and otherwise.

Article 21

Self-explanatory.

Article 22

Paragraph (1)

Reports submitted on the activities of controlling marine contamination and/or damage

shall contain among other things the results of monitoring of the quality and the quantity of the waste dumped into the sea, the performance of liquid waste processing installation, the extent of sand or stone quarrying already undertaken and efforts to minimize the impacts, and coastal reclamation.

Paragraph (2)

Self-explanatory.

Article 23

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 24

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Article 25

Self-explanatory.

Article 26

Self-explanatory.

Article 27

Self-explanatory.

Article 28

Self-explanatory.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO : 3816

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