

## (2) 日本・インドネシア 2 国間ワークショップ「インドネシアにおける生物遺伝資源とその取扱い」

2011年10月27日、JBAは、インドネシアよりインドネシア研究技術省（RISTEK）の食物・農業シニアアドバイザーである Masrizal 氏、インドネシア農業バイオテクノロジー遺伝資源研究開発センター（ICABIOGRAD）シニアサイエンティストの Sugiono 氏を招聘し、ベルサール八重洲（東京）において2国間ワークショップを開催した。Masrizal 氏にはインドネシアの国際共同研究に関する科学技術政策及び国際共同研究の申請手続きについて、Sugiono 氏には2010年に策定された「園芸法」等についてお話いただいた。

### 講演1：「Science and Technology on International Research Collaboration」

（発表資料1参照）

科学技術の中期（2010年～2014年）開発プログラム、戦略計画、国際協力等、また RISTEK の役割を紹介し、外国研究者の共同研究許可の法的枠組みについて解説した。

インドネシアは科学技術とイノベーション戦略として国際共同研究を奨励している。この国際共同研究は、現在、基礎研究から応用研究へとそのプログラムをシフトし、その成果は産業界や社会の要請に十分答えるよう役立つものであるべきとしている。

2010年の国際共同研究の許可は553件（492件は新プロジェクト、61件は更新プロジェクト）で、その内訳は米国28%、日本20%、フランス16%、イギリス11%、ドイツ8%であった。分野は生命科学、地球科学、社会科学及び人文科学であった。

政令（Government Decree No. 41/2006）に従い、外国の大学・研究機関・企業・個人がインドネシアにおいて研究する際、RISTEK から研究許可を取得しなければならない。かつては研究調査許可を与える業務の窓口は、インドネシア科学院（LIPI）であったが、現在では RISTEK が一括してその業務を行っている<sup>1</sup>。

許可取得の手順（発表資料1：スライド18～26参照）、RISTEK 宛ての研究許可申請のための用意すべき書類（同、スライド31～32）等について解説した。

海外共同研究許可申請の事務局は以下のとおりである。

The State Ministry of Research and Technology– Republic of Indonesia

the 2nd building of BPPT, 8th floor Jl. M.H Thamrin No.8 Jakarta 10340

Tel : (+62-21) 316-9293 Fax : (+62-21) 3983-6180

Email : frp@ristek.go.id (for communication and sending soft copy documents)

Homepage : <http://www.ristek.go.id>

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<sup>1</sup> RISTEK のウェブサイトには手続きの詳細（pdf）が掲載されているので参照されたい。

（[http://202.46.15.98/?module=File&frame=lain\\_lain/frp/PANDUAN\\_frp\\_English.pdf](http://202.46.15.98/?module=File&frame=lain_lain/frp/PANDUAN_frp_English.pdf)）（2012年1月11日アクセス）



## SCIENCE AND TECHNOLOGY POLICIES ON INTERNATIONAL RESEARCH COLLABORATION

THE MINISTRY OF RESEARCH AND TECHNOLOGY  
REPUBLIC OF INDONESIA

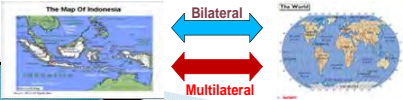
Presented By  
MASRIZAL

AT THE JAPAN – INDONESIA WORKSHOP ON ACCESS AND  
BENEFIT SHARING OF GENETIC RESOURCES  
TOKYO, 27 OCTOBER 2011

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### BACKGROUND

- Global challenges in S&T and Innovation
  - encouraging International cooperations to strengthen the National Innovation System
- Paradigm shifting of International cooperation focus:
  - basic research → applied research
  - S&T products should be useful to fulfill demands from industries and societies (Be Innovative !)
- Involvement of all sectors (*Academic-Business-Community-Government- ABCG*) is recommended → supporting Triple Helix Knowledge concept



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### S&T National Mid Term Development Program 2010-2014

NATIONAL DEVELOPMENT PRIORITY	NATIONAL RESEARCH AGENDA	FOCUS OF DEVELOPMENT	TARGETS OF DEVELOPMENT
<b>STRENGTHENING</b> NATIONAL INNOVATION SYSTEM	RPJPN 2005-2025 1. Supporting the Food Security 2. Supporting the Energy Security 3. Creation and Utilization of Information Technology and Communication 4. Providing transportation technology 5. Supporting Defence Technology 6. Supporting medical technology 7. Developing advanced material technology	S&T INSTITUTIONAL	Strengthening S&T Institutional
<b>LEVERAGING</b> R&D and APPLICATION of S&T		S&T RESOURCES	Strengthening S&T Resources
	S&T NETWORK	Strengthening S&T Network	
		MOLECULAR BIOLOGY, BIOTECHNOLOGY AND MEDICAL NATURAL SCIENCES ENERGY ALTERNATIVE & RENEWABLE ENERGIES INDUSTRIAL AND ADVANCED MATERIAL INDUSTRY, MANUFACTURING, GENETIC ENGINEERING INFORMATION AND COMMUNICATION TECH. EARTH SCIENCES AND CLIMATE CHANGE SOCIAL SCIENCES AND HUMANITIES NPP AND ITS REGULATORIES AEROPLANE AND SPACE TECHNOLOGY	Encouragement of national capacities in developing, mastering, conquering and applying the S&T in the Forms of publications, patents, prototypes, S&T services and Techno-entrepreneurship
			Enhancement of S&T Relevance to fulfill the societal needs, in line with the increment of public Awareness on S&T

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### MORT (RISTEK) Strategic Planning 2010-2014

S&T for people's welfare  
Strengthened's national civilization

Vision  
Mission  
Goals  
Targets

(1) Increased capacity of national research Institutes (2) Increased total factor productivity as indicator of S&T role in national development

Strengthening 5 Pillars of National Innovation System: Institutions, Resources, Networking, R&D Relevancy and Productivity, Utilization

INCENTIVES    COORDINATION    INTERMEDIATION

S&T Suppliers    Product/Value Creation    Users

INFORMATION FLOW (DEMAND)

INSTITUTION    GOVERNMENT    INDUSTRY    PUBLIC

RESOURCE ALLOCATION    SUITABLE VALUE CREATION    DEMAND PLANNING    USER SEGMENTATION

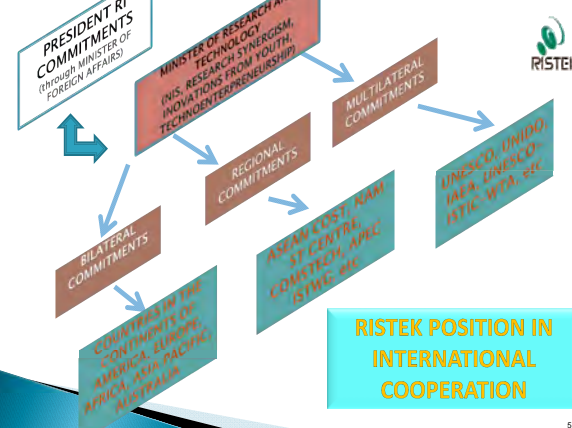
Pro-Supplier    Pro-User

S&T Flow (Supply)

Ministry of Research and Technology (RISTEK) Policy  
RISTEK Functions: National S&T Policy, Coordination, Synchronization

National Policies: Nat Act of UUD 1945 Article 31(5), Nat Law UU 18/2002, RPJPN, RPJMN, S&T Laws, Pres decrees

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**RISTEK POSITION IN INTERNATIONAL COOPERATION**

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### RISTEK STRUCTURE TO ACHIEVE OPTIMAL IMPLEMENTATION OF NIS

Utilization of S&T

- Promotion
- Start-up capital
- Trust fund
- Patent granted
- Regional innovation
- BTC / BIC

**Relevance and Productivity:**  
Increasing industrial competitiveness; Centers of Excellence; Creative Industry, setting 7 research focus programs

<b>Resources</b> - Scholarships - Lab Facilities - IPR facilitation - Data & Info System	<b>Institutions</b> - Re-organization - Accreditation - Bureaucratic reforms	<b>Networks</b> - Incentive programs - International S&T Network - S&T Park development - ATP - Regulations
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**Policy Assessment**

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## VISIONS and TASKS

**VISION OF RISTEK – 2025**  
 Science and Technology as the main pillar for encouraging national welfare development and national civilization

**Vision of International S&T Networks (2010 – 2014):**  
 Supporting the establishment of NIS through encouragement of S&T competitiveness and productivities by International cooperation

**TASKS (article 304)**

The International S&T Network working unit in RISTEK has  
 (i)to conduct the preparation of S&T formulation  
 (ii)to coordinate the S&T implementation  
 (iii)to monitor, to evaluate and to analyze the field of International science and technology network

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## EXPECTED ACHIEVEMENTS OF INTERNATIONAL COOPERATION IN 2010 – 2014

**Expected achievements 2010–2014**

- 5 recommendations of International S&T Policies
- Facilitating 40 International Cooperation
- Involving 100 Indonesian Researchers/S&T Policy maker involved in International activities
- Involving 50 Foreign researchers in International activities
- Inviting 50 Indonesian R&D Institutions/ universities in International cooperation
- Targetting 25 Countries involved in joint research cooperation with Indonesia
- Establishment of DATABASE of International Cooperation

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## TARGETTED COUNTRIES AND INTERNATIONAL ORGANIZATION OF INTERNATIONAL COOPERATION IN 2010 - 2014

**BILATERAL**

- AUSTRALIA
- EUROPEAN C'S: GERMANY, FRANCE, THE NETHERLANDS
- ASIA: CHINA, JAPAN, ROK, INDIA, IRAN
- USA
- AFRICA: SOUTH AFRICA
- Future: SPAIN, MOZAMBIQUE

**REGIONAL FORUM**

- ASEAN COST AND IAMMST
- NAM S&t CENTER
- APEC ISTWG
- COMSTECH

**MULTILATERAL FORUM**

- UNIDO
- UNESCO
- IAEA 54 GC
- STS FORUM

**PERFORMANCE INDICATORS:**

Proposals/program of cooperation (quantities and types); Recommendation; Numbers of scientists benefitted from mobility programs; Numbers of Agreement/MoU; Numbers of Joint Steering Committee Meetings/Workshop/Conference/Seminar; Numbers of Publications/Patent International (if any); Numbers of Scholars (training/degree)

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## RISTEK Roles in Improving the International Cooperation

- ▶ Providing Mobility Program (exchange of scientists)
- ▶ Providing Research Funding through Incentive Programs
- ▶ Providing and encouraging capacity building programs (scholarships/ degree, training, joint WS/conference, Seminar)
- ▶ Promoting and enhancing scientists' awareness on Intellectual Property Rights (IPR), Material Transfer Agreement, Genetic Resources and Traditional Knowledge (GRTK)
- ▶ Issuing 'Foreign Research Permits' through reviewing joint research proposals through inter-coordination meeting issuance

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## Foreign Researchers in 2010

▶ Permits 2010:

- 553 FR
  - 492 new permit
  - 61 renewal

▶ Country of Origin

- USA 28%
- Japan 20%
- France 16%
- UK 11%
- Germany 8%

▶ Total 33 countries

▶ 60 Scientific disciplines

1. Life Sciences
2. Earth Sciences
3. Social Sciences and Humanity

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## Indonesia – Japan S&T Cooperation

- ▶ Agreement between the Government of the Republic of Indonesia and the Government of Japan on Scientific and Technological Co-operation → signed 12 January 1981, ratified July 2005
  - Such as: Marine, energy, Health, Agriculture, Geosciences, Architecture, Meteorology, Telecommunication, S&T for industrial.
- ▶ “S&T Partnership for Sustainable Development”
  - Japan's Advance S&T (JST) and Official Development Assistance (ODA)
  - JST – JICA – MEXT – MOFA Collaboration

Fields → Environment/Energy, Bio-resources, Natural Disaster prevention, Infectious diseases Control.

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## Indonesia – Japan S&T Co-operation

- ▶ **"Japan – Indonesia Joint Statement: Partners for New Challenges"**
- ▶ President RI SB Yudoyono and Prime Minister of Japan, Junichiro Koizumi: signed on 2 June 2005 in Tokyo, agreed "Joint Announcement of the Japanese Prime Minister and the Indonesian President on the Cooperation between the Two Countries on Disaster Reduction".
- ▶ → Disaster Management, Tsunami Early Warning System (TEWS), and Building Code.

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## Awarded Proposals

**Announced 2009, Implemented 2010–2014**

1. Emerging Infectious Diseases: Development of vaccines and natural substance based antiviral drugs for control and prevention of flavi- and related viruses. Pratiwi Sudarmono and Hak Hotta
2. Climate Variability Study and Societal Application through Indonesia – Japan "Maritime Continent COE" – Indonesia Contribution to GEOS5 BPPT. Fadli Syamsudin and Manabu Yamanika JAMSTEC.

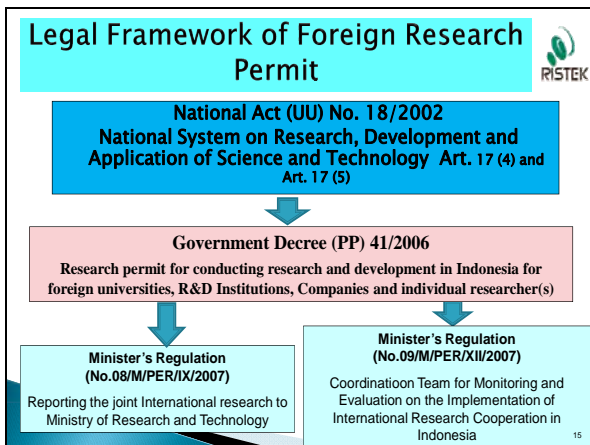
**Announced 2010, Implemented 2011–2015**

- ▶ *Development of Internationally Standardized Microbial Resources Centers as a Core of Biological Resources Center to Promote Life Sciences, Research and Biotechnology.*
  - Siti Nuramalati LIPI, and Researchers from Tokyo University, RIKEN Bioresource Center – Japan collection of Microorganism (RIKEN-JCM).
  - LIPI, UGM, Forestry R&D Institute, -- RIKEN, NITE, and University of Tokyo

**Announced 2011, Implemented 2012–2016**

- ▶ Environment and Energy : "Research contributing to energy systems for low carbon society"
  - "Pilot study for carbon sequestration and monitoring in Gundih area – East Java Province, Indonesia"
  - Wawan Gunawan A. Kadir, ITB Indonesia and MATSUOKA Toshifumi Kyoto University Japan

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## Government Decree No. 41/2006

- According to Government Decree No. 41 of 2006, every foreign university, research institute, enterprise, and individual are welcome to conduct research in Indonesia.
- They are encourage to participate in R&D activities in order to develop S&T cooperation and finally to increase S&T transfers in Indonesia.
- Foreign researchers who will conduct research in Indonesia should apply individually a research permit to the State Minister for Research and Technology.
- Without such consent, any research activity by a foreigner is illegal.

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## Government Decree No. 41/2006

- Foreign researchers who will conduct research in Indonesia have to involve scientist as local counterpart from local university, research institute or NGO who has competency in the research topic
- Permit granted by the attention and consideration among other:
  - The benefits of science and technology
  - Foreign relationship
  - Environmental sustainability
  - Politics, security and defense
  - Social, culture, religion and economics

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## FOREIGN RESEARCH PERMIT PROCEDURES

ARTICLE 5

Application of research permit for foreign university, research institution, enterprise, and individual must be submitted in writing addressed to the Minister of R&T.

Accompanied by the completeness requirement (Article 6):

- a. Plan of research activities
- b. Letter of recommendation or approval from the guarantor institution
- c. Certificate of cooperation with partner from research institution or university in Indonesia

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## FOREIGN RESEARCH PERMIT PROCEDURES

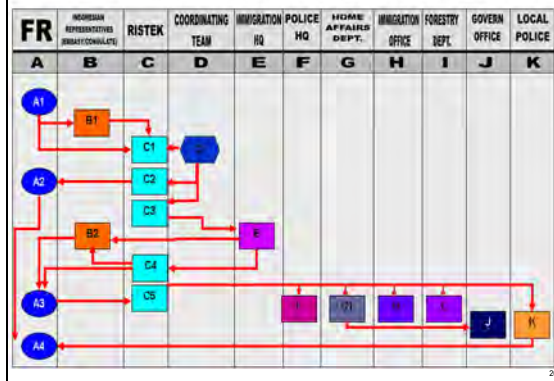


### ARTICLE 7

- Research plan referred to in Article 6 letter a at least contains information about:
- Foreign university, research institute, and individual interested
  - Researcher name from foreign university, research institution, or enterprise in question
  - Research purposes
  - Object and field of the research
  - Location and area implementation of research activities
  - The benefits of research activities for Indonesia

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## RESEARCH PERMIT PROCEDURES FOR FOREIGN RESEARCHER



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## FOREIGN RESEARCH PERMIT PROCEDURES



- A1: FR (Foreign Researcher) send or submit research application documents to Indonesian Representatives (Embassy or Consulate general) in respective home country.
- B1: Indonesian Representative receives research application documents, and then issues recommendation, and forwards to RISTEK in Jakarta.
- A1: FR send or submit directly research application documents to RISTEK with CC to Indonesian Representatives (Embassy or Consulate General) in respective home country.
- C1: RISTEK receives research application documents from FR or from Indonesian Representatives (Embassy or Consulate General) with recommendation letter. Secretariat of Foreign Research Permit (FRP) RISTEK prepares Matrix of research application data and forwards to Coordinating Team's meeting (2 times a month).
- D: Secretariat FRP RISTEK invites Coordinating Team to conduct a meeting for evaluating research application and issues approval or disapproval on the applications. Secretariat FRP RISTEK will send formal letter of notification or his/her counterpart.

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## FOREIGN RESEARCH PERMIT PROCEDURES



- C2: If Coordinating Team disapproves the research applications, Secretariat FRP RISTEK will send formal letter of notification to FR or his/her counterpart.
- A2: FR receives the letter of notification.
- C3: Once research application has been approved by Coordinating Team, Secretariat of FRP RISTEK will prepare visa 315 applications and submit them to Immigration Headquarters in Jakarta.
- E: Immigration Headquarters receives and processes the visa 315 application and then issues and sends visa 315 authorization to Indonesian Representatives where the visa 315 will be collected by FR.
- C4: RISTEK collects the visa authorization papers and prepares letter of request addressed to Indonesian Representative in order to issue visa 315 for FR.
- B2: Indonesian Representative receives visa 315 authorization and issues visa 315 for FR.

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## FOREIGN RESEARCH PERMIT PROCEDURES



- A3: FR brings his/her passport to Indonesian Representative to collect the visa 315. Having collected the visa 315, FR leaves his/her home country for Jakarta.
- C5: FR comes to report at RISTEK office to receive Research Permit and Research Permit Card and other cover letters to report at other related government agencies ( Police HQ, Home Affairs Dept. and Immigration Office).
- F: FR brings cover letter from RISTEK and comes to Police HQ to report and get Travelling Permit (SKJ).
- G: After getting Traveling Permit ( Surat Keterangan Jalan) FR come to at Home Affairs Department (Depdagri) to obtain SPP.
- H: FR comes to Immigration Office to report and apply Limited Stay Permit Card (KITAS).


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## FOREIGN RESEARCH PERMIT PROCEDURES



- FR who will enter conservation area (Nature Reserve; National Park or Nature Reserve and Wild Life Reserve) should apply a Entrance Permit to Conservation Area at Directorate General of Forest Protection and Nature Conservation, Forestry Department.
- J: When FR arrives in research location, FR should come and report to Provincial Government Office.
- K: After getting KITAS, FR comes and reports to Provincial Police Headquarters to apply Certificate of Police Registration Card.
- A4: FR can begin his/her fieldwork of research project.

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**PERIOD AND EXTENSION OF PERMIT** 

**ARTICLE 8**  
The maximum period of 90 (ninety) days after receipt of a complete permit application, the Minister must answer the relevant research permit application.

**ARTICLE 11**  
Research permit issued for a maximum of 1 (one) year.

**ARTICLE 12**  
The period of research permit referred to in article 11 may be extended for not more than 2 (two) times in a row for each period not more than 1 (one) year.

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**FOREIGN RESEARCH PERMIT FEES** 

**ARTICLE 13**

- (1) Every application for research permit by foreign universities, research institutions, enterprises, and foreigners are charged.
- (2) The amount of research permit fees referred to in paragraph (1) shall be determined on the basis of legislation.
- (3) The cost of research permit referred to in paragraph (1) is a state income non tax.

**NOTE:**  
Free of charge for foreign government agencies

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**GUARANTOR AGENCY AND PARTNER** 


**ARTICLE 14**

- (1) Foreign university, research institute, enterprise, and individual who conduct research activities must have a guarantor and partner agencies.
- (2) Competence and suitability as a guarantor and partner institutions referred to in paragraph (1) is determined by the coordination team.

**ARTICLE 17**  
**Requirements have a guarantor agency** for foreign university, research institute, enterprise, and individual **can be excluded** in terms of interested partners have the competence and qualifications as guarantor institution.

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**IMPLEMENTATION & REPORTING** 

**ARTICLE 18**  
Foreign university, research institute, enterprise, and individual who have obtained research permit have to report the arrival and the intention to conduct research activities to the governor, mayors/regents and the Indonesian police in areas where the implementation of research activities.

**ARTICLE 19**  
Foreign university, research institute, enterprise, and individual have to report the results of research activities carried out to the Minister of R&T on a regular basis.

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**RESEARCH ACTIVITIES** 


**ARTICLE 20**

- (1) Foreign university, research institute, enterprise, and individual can only perform research activities, in accordance with the awarded research permit.
- (2) Foreign university, research institute, enterprise, and individual as referred to in paragraph (1) does not take a sample and / or specimen material research outside the territory of the Republic of Indonesia, unless it decides otherwise by legislation.

For example: Law No. 4/2006 about Ratification of International Treaty on Plant Genetic Resources for Food and Agriculture which arrange Material Transfer Agreement.

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**CONVICTION** 

**ARTICLE 23**

- (1) Violation of the provisions referred to in Article 14 paragraph (1), Article 18, Article 19 paragraph (1), Article 20 paragraph (1) and paragraph (2) and / or Article 21 shall be liable.
- (2) Imposition of administrative sanctions as referred to in paragraph can be:
  - a. Verbal warning
  - b. Written warning
  - c. The suspension of activities or
  - d. Cancellation or revocation of research permit.

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## FRP Document Requirement

1. A **formal letter** of request addressed to RISTEK cq Secretary Minister for Research and Technology. A copy of this letter including CV and research proposal, which is designated to the Indonesian Representative abroad where the researcher will obtain the visa, must also be enclosed
2. Six copies of **research proposal** which contains at least: title, objectives, methodology and concept, location, and duration of the research in Indonesia.
3. Six copies of **abstract** on the research proposal.
4. Four copies of the researcher's **passport** which must be valid until at least six months after the completion of the proposed research in Indonesia.
5. Six copies of the **CV** of the researcher/s including a list of publication
6. Four recent close-up **photographs** (4x6 cm) with red background.
7. **MoU and MTA** between the **researcher** and his/her **Indonesian counterpart**, especially if the researcher plans to take specimen or samples to analyse either in his/her home country or in Indonesia.

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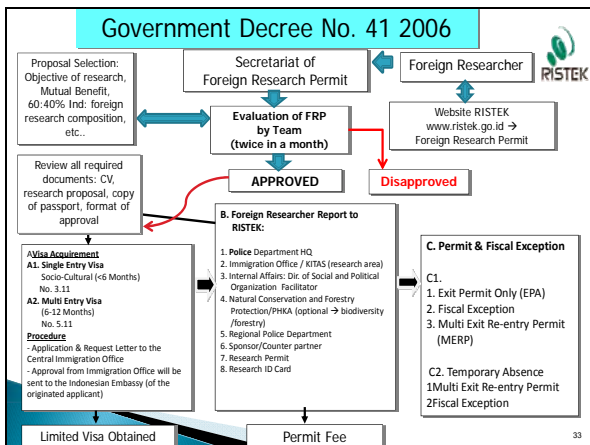
## FRP Document Requirement

8. Two letters of **recommendation** from: [a] professor or senior researcher / supervisor and [b] official letter of recognition issued by the institution or university where the researcher(s) employed.
9. A **recommendation** letter(s) from a related **Indonesian Representative** (Indonesian Embassy or Consulate General) abroad.
10. A **letter(s) of support** from Indonesian counterpart(s) stating that the institution will act as research counterpart
11. **Health** certificate from legal-practicing medical-doctor stating that the researcher is physically and mentally capable to conduct the research.
12. A letter **guaranteeing** sufficient **fund** to cover research and living expenses during conducting research in Indonesia.
13. A list of research **equipments** that will be brought to Indonesia, along brief technical specification which mention the estimated value for each equipment on use.
14. If researcher plans to bring his/her spouse and children, he/she must also submit a copy of **marriage certificate** or other citizen partnership certificate, child (children) birth certificate(s), copies of his/her family passports, and 4 (four) recent close-up photographs of each family member.

*Note: In particular, for point 2-7 the documents should be submitted by soft copy and hard copy.*

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## Further information

**Procedure of Foreign Research Permit (FRP)**  
 Website: <http://www.ristek.go.id>  
 Icon: Foreign Research Permit  
 E-mail: [frp@ristek.go.id](mailto:frp@ristek.go.id)

Secretariat of FRP in the Ministry of Research and Technology: BPPT 2nd Building, 8th Floor,  
 Jl. MH Thamrin No. 8, Jakarta 10340, Indonesia  
 Tel (+62-21) 316-9293, Fax: (+62-21) 398-36190

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# Thank You!

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## 講演 2 : 「Horticulture Law No 13 2010」 (発表資料 2 参照)

1) 園芸法 : インドネシアは 2011 年 10 月、「園芸法」を制定した。その最重要点として、次の三点を挙げることができる。①輸入園芸品は安全性、国内園芸品の有効性、管理生産、消費対象、包装・ラベル、品質基準、検疫要件に従って規制される、②輸入者は貿易省から許可証、農業省から推薦状を得てからのみ、園芸品を輸入することができる、③園芸ビジネスに関する外国人の出資比率は、最大 30%に制限される。

園芸法は 18 章 133 条項からなり、そのベースとなるものは主権、独立、有用性、統合、持続性、連帯、開放性、公正な効率、環境機能の保全、地域の知恵である。その目的は、①園芸資源の最適・確実かつ継続的な管理と開発、②公共のニーズ・要望・嗜好・審美性の充足と、園芸品の栽培とサービス、③生産・生産性・品質・付加価値・競争力・マーケットセグメントの増大、④製品の消費増大、園芸サービスの利用、⑤雇用及びビジネス機会の提供、⑥国内園芸農家、ビジネス関係者、消費者の保護、⑦インドネシアの備蓄資源の増大、⑧国民の健康・福祉・繁栄の改善、である。また、アレンジメントの範囲は、「a/計画、b/資源利用及び開発、c/園芸開発、d/流通・貿易・マーケティング・消費、e/財政・担保・投資、f/情報システム、g/研究開発、h/エンパワーメント、i/制度、j/管理、k/国民の参加」である。

### インドネシア園芸法

1. General Provisions	10. Empowerment
2. Principles, Objectives, and Scope of Work	11. Institutions
3. Horticultural Planning	12. Monitoring
4. Utilization and Development of Resources	13. Public Participation
5. Horticultural Development	14. Sanctions
6. Distribution, Trade, Marketing, and Consumption	15. Investigations
7. Financing, Insurance, and Investment	16. Penal Provisions
8. Information Systems	17. Transitional Provisions
9. Research and Development	18. Closing Provisions

2) 法案「Bill of Genetic Resources Management」 : インドネシアにおける遺伝資源の管理についての法律は現在ないが、「Bill of Genetic Resources Management」について検討中である。来年には法令になるだろうと考えている。この目的は、①遺伝資源の持続可能な利用と、その利用から得られる利益の公正かつ衡平な配分、②遺伝資源の存続と多様性の保全、③国民の福利改善の支援、である。

3) 食料農業植物遺伝資源に関する2011年の省令No 37 : これは農業開発の持続性を保証するとともに食料農業植物遺伝資源の保全及び利用を保証するための法令である。これには、PICやMATに基づくSMTAやMTAを利用することが取り入れられている。



発表資料 2

**Horticulture Law No 13  
2010**

Sugiono Moeljopawiro  
<sugionom@indo.net.id>

Indonesian Center of Agricultural  
Biotechnology and Genetic Resources  
Research and Development

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**Highlights**

- Imported horticultural products will be regulated according to food safety, the availability of domestically produced horticultural products, governmental production and consumption targets, packaging and labeling, quality standards, and quarantine requirements.
- Horticultural products can only be imported after importers obtain permission from the Minister of Trade and a recommendation from the Ministry of Agriculture.
- Restricts levels of foreign ownership in horticulture related businesses to a maximum of 30 percent.

2

**Consists of 18 chapters  
and 133 articles**

I. General Provisions	VIII. Information Systems
II. Principles, Objectives, & Scope of Arrangement	IX. Research and Development
III. Horticultural Planning	X. Empowerment
IV. Utilization and Development of Resources	XI. Institutions
V. Horticultural Development	XII. Monitoring
VI. Distribution, Trade, Marketing, and Consumption	XIII. Public Participation
VII. Financing, Insurance, and Investment	XIV. Administrative Sanctions
	XV. Investigations
	XVI. Criminal Provisions
	XVII. Transitional Provisions
	XVIII. Closing Provisions

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**Base of Horticulture Law**

a. sovereignty;	g. continuance;
b. Independence;	h. fair efficiency;
c. usefulness;	i. conservation of environmental functions; and
d. Integration;	j. local wisdom.
e. togetherness;	
f. openness;	

4

**Objectives**

- manage and develop horticultural resources optimally, responsibly, and continuously;
- fulfill the public's needs, wants, tastes, esthetics, and cultures of horticultural products and services;
- increase production, productivity, quality, added values, competitiveness, and market segments;
- increase consumption of products and utilization of horticultural services;
- provide employment and business opportunities;
- provide protection for national horticultural farmers, business players, and consumers;
- increase the source of the state's reserves;
- improve the people's health, welfare, and prosperity.

5

**Scope of arrangement**

a. planning;	f. information system;
b. utilization and development of resources;	g. research and development;
c. horticultural development;	h. empowerment;
d. distribution, trading, marketing, and consumption;	i. institutional;
e. financing, pledging, and investment;	j. supervision; and
	k. the public's participation.

6

## Horticultural Planning

**Must observe:**

- the growth of population and need for consumption;
- the supporting power of natural and environmental resources;
- national and local development plan; territorial and environmental zoning plan;
- economic growth and productivity;
- need for horticultural infrastructures and means;
- technical, economic, and institutional requirements; and
- development of science and technology.

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## Horticultural Planning

**Shall cover:**

- human resources;
- natural resources;
- artificial resources;
- targets of production and consumption;
- horticultural zones;
- financing, pledging, and investment; and
- research and development of science and technology.

8

## Horticultural Planning

**Shall consist:**

- national horticultural plan;
- provincial horticultural plan; and
- regency/city horticultural plan.

9

## Horticultural Resources

- human resources;
- natural resources:
  - a. land,
  - b. climate,
  - c. water resources, and
  - d. genetic resources, which must be protected, conserved, enriched, utilized, and developed in accordance with the regulations of law; and
- artificial resources: infrastructures and means.

10

## Article 28

- (1) Entry and exit of horticultural genetic resources to and from the state of the Republic of Indonesia shall be in accordance with the regulations of law.
- (2) Anyone shall be prohibited from taking out varieties of endangered horticultural genetic resources and/or that may harm the national interest from the territory of the state of the Republic of Indonesia.
- (3) Further provisions regarding the varieties of horticultural plants whose taking out from the territory of the state of the Republic of Indonesia may harm the national interest as referred to in paragraph (2) shall be regulated by a Ministerial Regulation.

11

## Article 29

**Anyone shall be prohibited from:**

- a. selling and buying products of reproduction of endangered horticultural genetic resources; and/or
- b. felling mother trees that contain products of reproduction of endangered horticultural genetic resources.

12

## Article 30

1. The conservation and utilization of genetic resources that generate products with distinctive features related to certain geographic areas shall be protected with right of geographic indication.
2. Provisions regarding geographic areas of genetic resources as referred to in paragraph (1) shall be regulated in accordance with the regulations of law.

13

## Horticultural infrastructures

- |   |  |
|---|--|
| a. irrigation networks;   | g. warehouses that meet technical requirements;                      |
| b. waste processors;  | h. plant houses or shelters that meet technical requirements;        |
| c. access roads from cultivating locations to post-harvest locations up to the markets; | i. air-conditioned warehouses;                                       |
| d. ports and transit areas;   | j. post-harvest handling wards that meet technical requirements; and |
| e. electric power and its networks to post-harvest locations;                           | k. markets.  |
| f. communication networks to cultivating locations;                                     |  |

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## Horticultural Means

- a. quality seeds from superior varieties;
- b. suitable and environment-friendly fertilizers;
- c. suitable and environment-friendly growth regulating substances;
- d. environment-friendly PDO controlling substances; and
- e. horticulture supporting equipment and machinery.

15

## Horticultural means

**originating from abroad must be:**

- a. more efficient;
- b. environment-friendly; and
- c. prioritized those that contain components of domestic production.

16

## Article 35

- 1) The horticultural means that are circulated must meet quality standards and be registered.
- 2) In case the horticultural means constitute or contain products of genetic engineering, besides meeting the provision of paragraph (1), the circulation thereof must comply with the regulations of law in the field of biosafety.
- 3) If the quality standards as referred to in paragraph (1) have not been determined, the Minister shall determine minimum technical requirements.

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## Horticultural Development

- Horticultural Zoning
  - Horticultural areas
  - Horticultural cultivating business units
- Horticultural Business
  - nursery;
  - cultivation;
  - harvest and post-harvest;
  - processing;
  - distribution, trading, and marketing;
  - research; and
  - agro tourism.

18

## Horticultural Zoning

Determination of territorial zoning in connection with horticultural development must ensure maintained protection of natural resources, environmental functions, and the public's safety, and harmony with the objectives of other activities.

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## Horticultural Areas

**Shall be determined based on the following aspects:**

- a. horticultural resources;
- b. superior potencies that should be developed;
- c. market potency;
- d. the public's readiness and support; and
- e. specificity of zones.

**Shall consist of:**

- a. national horticultural areas;
- b. provincial horticultural areas; and
- c. regency/city horticultural areas.

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## Horticultural Cultivating Business Units

**Shall be:**

- a. micro horticultural cultivating business units;
- b. small horticultural cultivating business units;
- c. medium horticultural cultivating business units; and
- d. big horticultural cultivating business units.

21

## Horticultural business may be run in partnership:

- core-plasma;
- subcontract;
- franchise;
- general trading;
- distribution and agency; and
- other forms of partnership.

22

## Distribution, Trading, Marketing, And Consumption

- Distribution
- Trading
- Marketing, and
- Consumption

23

## Importation must observe

- food safety of horticultural products;
- availability of domestic horticultural products;
- setting of targets for production and consumption of horticultural products;
- requirements for packaging and labeling;
- standard of quality; and
- provisions regarding safety and protection of the health of human beings, animals, plants, and environment.

24

## Financing, Security, and Investment

- Financing
- Security, and
- Investment

25

## Investment

- 1) The Government shall promote investment by prioritizing domestic investment.
- 2) Foreign investment may only be made in big horticultural business.
- 3) The amount of foreign investment shall be limited at the maximum of 30% (thirty percent).
- 4) Foreign investors shall be obligated to put funds in domestic banks as much as the capital that they own.
- 5) Foreign investors as referred to in paragraph (2) shall be prohibited from using credit from banks or financial institutions owned by the Government and/or local governments.

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## Information System

**Shall cover :** collection, processing, analysis, storage, presentation, and distribution of horticultural data and information.

**To be used for:**

- planning;
- monitoring and evaluation;
- management of supply of and demand for horticultural products; and
- considerations of investment.

27

## Information Center shall provide:

- |   |   |
|---|---|
| a. Varieties of plants;   | g. estimated supplies;                                |
| b. location and size of horticultural cultivating areas, zones, and business units; | h. estimated planting season and harvesting seasons;  |
| c. market demands;  | i. estimated climates;                                |
| d. market opportunities and challenges;   | j. availability of horticultural infrastructures; and |
| e. estimated production;  | k. availability of horticultural means.               |
| f. estimated prices;  |   |

28

## Research & Development

**Foreign individuals and/or legal entities in conducting research shall be obligated to:**

- a. cooperate with domestic research institutions;
- b. provide transfer of technology and knowledge in research activities; and
- c. deliver report on research results to the Government not later than three months after the research has been finished along with the research results.

29

## Empowerment, shall cover:

- |   |  |
|---|--|
| a. strengthening of business players' institutions and improvement of human resources' quality; | e. facilitation of promotion and marketing;  |
| b. provision of technical assistance in the application of technology and business development; | f. support in horticultural means and infrastructures;   |
| c. facilitation of access to funding and financing institutions;                                | g. certification of competencies for individuals who have expertise in horticultural business; and |
| d. provision of data and information;   | h. development of partnership.   |

30

## Institutional, shall consist:

- public figures;
- horticultural business players and business player associations;
- experts and academicians; and
- consumers of horticultural products and services.

31

## Institutional, shall have duty:

- a. to accommodate and channel business players' and the public's aspiration;
- b. to give inputs to the Government regarding the direction of horticultural development;
- c. to provide data, information, and inputs to the Government, local governments, and/or business players; and
- d. to assist in mediating business player associations.

32

## Supervision

Shall be conducted through:

- a. reporting from business players; and/or
- b. monitoring and evaluation of horticultural business implementation and results.

33

## Public's Participation

- a. planning;
- b. development of zones;
- c. research;
- d. Financing;
- e. empowerment;
- f. supervision;
- g. establishment of business player associations;
- h. development of information system;
- i. development of institutions; and/or
- j. establishment of guidance with respect to horticultural business procedures for business interest not in conflict with national interest and the regulations of law.

34

## Administrative Sanctions

shall be if the form of:

- a. written warning;
- b. administrative penalty;
- c. suspension of activities;
- d. withdrawal of products from circulation by business player;
- e. annulment of permit; and/or
- f. business shutdown.

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## Managing Genetic Resources in Indonesia

So far there is no law yet

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Objectives	
<b>CBD (Ratified)</b>	<ul style="list-style-type: none"> <li>- conservation of biological diversity.</li> <li>- sustainable use of its components</li> <li>- Fair and equitable sharing of the benefits arising out of the utilization of genetic resources</li> </ul>
<b>ITPGRFA (Ratified)</b>	<ul style="list-style-type: none"> <li>- conservation and sustainable use of plant genetic resources for food and agriculture</li> <li>- fair and equitable sharing of the benefits arising out of their use,</li> <li>- for sustainable agriculture and food security.</li> </ul>
<b>Protocol Nagoya (in the process of ratification)</b>	<ul style="list-style-type: none"> <li>- fair and equitable sharing of the benefits arising from the utilization of genetic resources, .....contributing to the conservation of biological diversity and the sustainable use of its components.</li> </ul>

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## Bill of Genetic Resources Management' s Objectives

- Sustainable use of genetic resources and fair and equitable sharing of the benefits arising out of their use.
- Protect the existence and diversity of genetic resources.
- Support people welfare improvement.

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## Ministerial Decree No 37 of 2011 on PGRFA Management

To provide assurance on conservation and utilization of PGRFA as well as to guarantee sustainability of agricultural development

39

## Implementation of the Ministerial Decree No 37

- Using the Standard Material Transfer Agreement (SMTA), or
- Material Transfer Agreement (MTA)
- Based on PIC & MAT

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**THANK YOU**

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