



# Toward Integrated Coastal Zone Management in Indonesia: Framework Assessment and comparative analysis



Laely Nurhidayah

Researcher Indonesian Institute of Sciences

(United Nations-Japan Foundation Fellowship program 2009 -2010)

28 January 2010



# Background

- Problems ( complex issues )
- Coastal environment degradation and resources depletion (mangrove and coral reefs damage), land based marine pollution and overfishing
- Conflict of utilization of marine space (marine conservation, tourism, aquaculture, industry, ports, local people access)
- *Overlapping and conflicting laws regarding marine and coastal management, lack of enforcement, unclear roles and responsibility of institutions managing marine and coastal resources, lack coordination between sectoral governments, lack capacity of local government, lack public participation*



## Research aims

- To review laws and legislations concerning marine and coastal resources management. (conservation, public participation and conflict management)
- To provide recommendation for the government for the improvement of legislations and policy to achieve more better management of marine and coastal resources in the future



# Overview of the research

- Introduction
- Theoretical framework of ICZM and implementation of ICZM in Indonesia
- Review legislation concerning marine and coastal management in Indonesia
- Comparative study and lesson learned (European Union, The United States, Vietnam)
- Conclusion



# INTRODUCTION



# Introduction Marine and coastal management in Indonesia

- Before the enactment the law No 22/1999 revised by the law No 32/2004 on autonomy law marine and coastal management in Indonesia *centralistic in approach*.
- No significant roles of local governments and the locals people on marine management and coastal resources
- There was no responsibility, participation and the sense of stewardship of local people to conserve and protect marine resources from destructive activities. For example, most of ornamental fisherman in the 1970s were massively used bomb and poison to catch ornamental fish.
- Conservation is centralistic approach based on law No 5/1990 on living natural resources with Ministry of Forestry as Leading Agency and authorized to manage Marine Protected Area (*tension between government and local fisherman*)



## Introduction Marine and coastal management in Indonesia (Continued)

- Now with the **decentralization**, the problems of coastal environment degradation and depletion of coastal resources still occurs. CZM in Indonesia is not working effectively because there is ambiguity and overlapping with respects to various laws and jurisdictional issue.
- **Lack capacity of local government** level in most archipelago is hamper the implementation ICZM especially on conservation.
- With the euphoria of decentralization many local governments enacted local regulation regarding the management of marine resources. This local regulation sometime is not consistent with the pre-existing central law even with pre-existing provincial law. Most of the local regulation (district regulations) is rule on licensing and retribution in fisheries sectors. *Local acts are more concerned with revenues rather than with ecological and sustainable principle.*



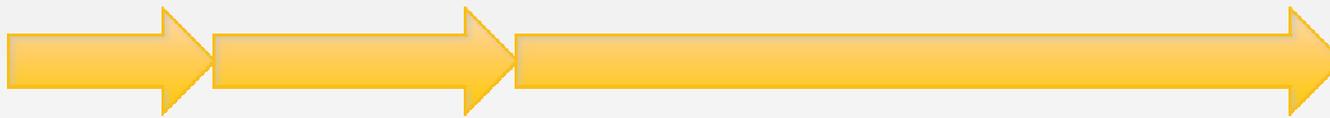
# Introduction Marine and coastal management in Indonesia (Continued)

- With the decentralization, under article 18 the law no 32/2004 the local government has given the authority on the management of marine and coastal resources except for the sea bed which is remain under the central government control.
- The local region who have sea is given the authority to manage marine resources in their area. This authority include:
  - a. Exploration, exploitation, conservationand management of marine resources
  - b. Administrative function
  - c. Spatial planning
  - d. Law enforcement of the local regulation and central legislation
  - e. Support in Security issue
  - d. support in Defence



# Introduction Marine and coastal management in Indonesia (Continued)

- Municipal    Provincial    Central government    (nm) nautical miles



4 nm

12 nm

200 nm





# United States

- State 3 nm      Federal 200 miles





# Theoretical framework of ICZM and implementation of ICZM in Indonesia



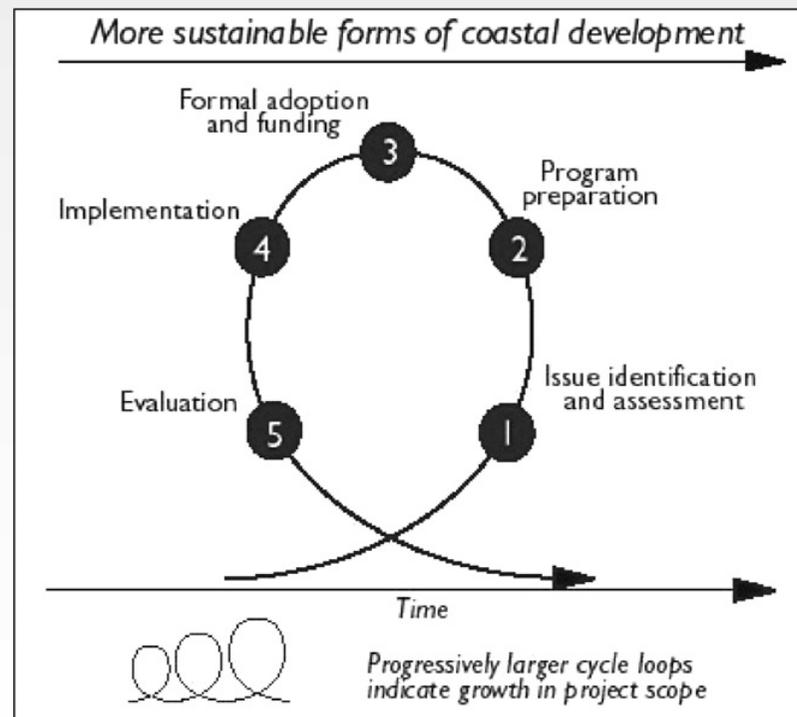
## ICZM Definition

- A dynamic, multi disciplinary, and iterative process to promote sustainable management of coastal zones. It covers the full cycle information collection, planning, decision making, management, and monitoring of implementation. ICZM uses the informed participation and cooperation of all stakeholders to assess the societal goals in a given coastal areas and to take actions toward meeting these objective. ICZM seek over the long term, to balance environment, economic, social cultural and recreational objectives, all within the limits set by the natural dynamic.

Source: EU



# ICZM CYCLES



SOURCE: Olsen/ GESAMP



## ICZM Theoretical framework

- A viable ICM Program must be comprehensive but its content and complexity will vary from area to area according to development trends, conservation need, tradition, norms, governmental systems and current critical issues and conflicts. Compatible multiple use objectives should always be the main focus. If **human and financial resources are limited**, ICZM programs can be simplified to include only the following components: (i) harmonization of sectoral policies and goals; (ii) cross sectoral enforcement mechanism; (iii) a coordination office and, (iv) permit approval and Environmental Impact Assessment Procedures (EIA).



# ICZM in Indonesia

- Legal and institutional frameworks
- No national and policy framework on ICZM before 2007. It indicated by sectoral approach.
- The Act No 27/2007 on management of coastal zone and small island regarded as ICZM policy framework with Ministry of Marine Affairs and Fisheries appointed as leading agency.
- However, Integrated coastal zone mangement in Indonesia is still remain in infancy. Still there is sectoral approach.



# ICZM and Conservation effort

- The evolution of coastal management initiative in Indonesia mostly was triggered by **international and bilateral donor** agencies through their programs and projects and executed by different agencies and or organisations. This include Coremap and CTI.
- Most of the project is pilot projects and **it is not covered all the geographical** of coastal areas in Indonesia.
- Most of the projects are **limited over only several years**, it is not continued and sustained in long term period.
- In fact, while there are advantages of pilot projects funded by international donors to trigger the coastal protection in other areas as best practices and improving capacity building in some areas of local governments and local communities. However, **the result is not so satisfactory**.
- Coremap: While the outcome of the project mainly satisfactory, it was only modestly effective in establishing a viable framework for national coral reef management in Indonesia.



# Coremap





# Public participation in conservation

- **Community based coastal management (CBCM)** is recognised globally as integral feature of integrated coastal management.
- Community based management is mainly triggered by international donor (COREMAP, MAMTI, CRMP) For example, in Bondalem village Buleleng Bali. **The community (Planning, implementation, monitoring, law enforcement)** established marine protected areas, enacted village regulation and plant coral reef with the assistance of NGOs and funded by International donor. The challenges is the continuity and maintenance.
- This CBCM is not recognized under the existing laws.
- No regular funding scheme from the government to this CBCM



# Type of marine conservation management in Indonesia

- National: Marine National Park – Government based - Ministry of Forestry
- National : National coastal Park - Government based- Ministry of Forestry
- Local : Local Marine Conservation Area -Government Based- MMAF
- Fish Sanctuary- Co-Management- International Donor
- Marine protected area- Community Based – International Donors
- Sasi, awig-awig, panglima ;laut- Community Based- Local People



# Conflict management

- **Incompatible uses** of coastal space and/or resources because one use fully occupies the space, completely utilizes the resources, or damage the resource for the other user. (aquaculture, tourism, fishing activities)
- **Different environmental values** and world views, particularly the balance between development VS conservation (Destructive fishers VS non Destructive fishers)
- **Level of government**, the public authority, or the institutional arrangement that makes the allocation regarding resources use (development i.e shrimp farm, settlement, port VS conservation area)
- **Coordination, negotiation, zoning,**



# Review Legislations concerning marine and coastal management



# Review Summary

- Conservation: need to recognize Ecosystem based approach
- Need to recognize explicitly CBCM
- Public participation (clear detail mechanism of public participation and complaint mechanism, CBFM in the legislation
- Conflict management )need consistency between national, provincial and local legislation



## The law No 27/2007 on Management of coastal zone and small island

- Marine Zoning (article 9) (obligation to provide access (social and economic) for local communities)
- Concession Rights regime (HP3) (article 16-22) (Pro rich policy)
- Concession rights given to individual (Indonesian citizen), legal entity and adat community
- The concession is given for 20 years



## Integrated approach (article 53-54-55)

- Ministry Marine Affairs and Fisheries as leading agency in national level to coordinate activities in coastal zone (Article 53)  
In provincial level (Marine and fisheries agency) (article 54)  
In Municipal level (Marine and fisheries agency) (article 55)  
Review every proposal from every sectors  
Permit recommendation
- The mechanism is regulated by Presidential Decree (Not Yet enacted)



## Conservation (article 28-31)

- Ministry of Marine affairs and Fisheries is authorized to manage and establish MPA -> Conflict with the law no 5/1990
- Weaknesses: No community-based coastal management (community-based coral reef rehabilitation, community based marine protected area) are recognized under this legislation because the conservation area are managed by government either central government or local government. (article 28 (5))



## Public participation (article 60-62)

- No detail mechanism to how public being consulted on the proposal of HP3
- Getting a compensation for the lost of access to coastal resources and small island which is the source of their livelihood to fulfill their daily needs because of HP3 accordance to the law;
- contradicted with the purpose of this legislation to strengthen the local community role in the management of coastal areas and small island

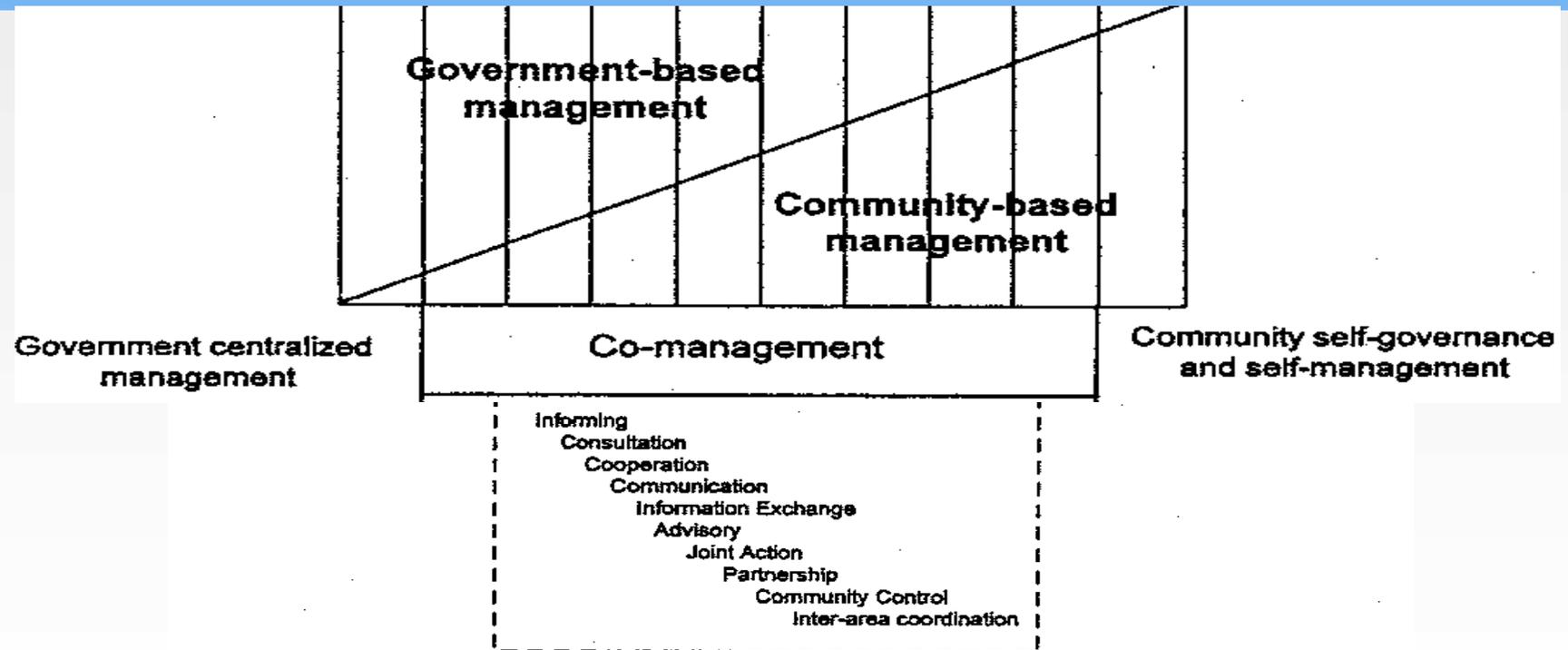


## The law no 31/2004 on fisheries

- One of the purpose: to increase the livelihood of fisherman and small scale sea-farmer
- In contrast it is not recognized CBFM (Community Based Fisheries Management): community base fisheries management has a great role in promoting sustainable use and reducing destructive fishing activities
- Many policies on the implementation of this legislation is creating controversy and argued disadvantage small scale fishers such as Ministry Decree No 6/2008 on the permit of trawl and the Ministry Decree No 5/2008 on fisheries cluster. (Pro rich policy)
- traditional knowledge should also consider in making decision making on fisheries



# Model management





# The law no 5/1990 on living natural resources

- Addressing conservation (mangrove and coral reef)
- Authorized Ministry of Forestry to manage these living resources
- Conflict with the law no 31/2004 and the law no 27/2007 on the designated institution on the management of conservation area



## The law no 32/2009 on Environment

- A new provision on eco-region (marine eco-region)
- The strength and improvement of this legislation is also state clearly on the protection of marine ecosystem which is in previous legislation is not explicitly regulated.
- The central government has an authority to make and implement the policy on the protection of marine and coastal environment coordinated by Ministry of Environment.
- Two leading agency (conflict with the law no 27/2007)



## The law No 32/2004 on autonomy law

- Sea regional delimitation is a victory for localized integrated coastal zone management.
- The conflict of utilization of this resources between adjacent regions
- Conflict between fisherman (local and fishers from other region)
- Need Devolution to local people.



## The law no 26/2007 on spatial planning

- The principle of coherence in integrated planning (Central, Provincial and municipal level)
- No legal mechanism to resolve the inconsistency
- For example: Central Government set the rule 100 m on coastal meadow
  - Provincial government set rule 100 m
  - Municipal government set the rule 25-50 m



# COMPARATIVE STUDY EU, US, VIETNAM



# European Union

- ICZM is only recommendation the respond of Member states is still largely fragmented
- Habitat Directive (Legally Binding) Natura 2000 marine network (MPA)
- Water Framework Directive
- ICZM the approach to solve coastal degradation and resource depletion should be based on regional seas approach. (Baltic Sea, North Sea, Mediterranean Sea)



# UNITED STATES

- CZMA (Coastal Zone Management Act )(The relationship between Federal and State level on the management of marine and coastal management)
- collaborative and voluntary Federal-State coastal zone management program.
- With CZMA the federal government extended its role in protecting the coastal waters which is exclusively managed by state level
- CZMA provides federal funds and technical assistance to state to manage their coastal areas in accordance with a set of federal guidelines.
- This consistency provision allows the state to have voice in activities outside the state territory, but may affect the state's coastal zone



# Vietnam

- Establish new institution (VASI=Vietnam Administration of Seas and Islands) in 2007
- **Function and mandate:** advise and assist the Minister of Natural Resources and Environment of Vietnam for the implementation of integrated governance of seas and islands



# Similarities and Differences

- Similarities (In EU, US, Vietnam)

Have similar problems: coastal environment degradation, resource depletion and conflict users

Cooperation, collaborative, coordination and principle

- Differences

Approaches



# Differences

United States	EU	Vietnam	Indonesia
Collaborative - Voluntary approach	EU Recommendation	Establish new institution as cross sectoral coordination body	Appointed existing line ministry/agency to coordinate (not yet implemented)
Federal Grants	Habitat Directive		
Consistency provision	Common fisheries policy and regional approach		



# Conclusion

- ICZM in Indonesia is still remain in infancy
- Conservation: Need to recognized CBCM in legislation
- Public participation: Clear mechanism of Public participation  
Need to recognize CBFM in legislation
- Conflict Management: Improve Cooperation and Coordination  
Consistency of the laws  
Marine zoning

