

# Reclaiming Rights

Problems of access and control over food, and changes in consumption and distribution patterns are behind the poor nutritional intake in Indonesia's coastal communities

In 2016, five infants in Aru Island, Maluku, Indonesia, suffered from malnutrition. The five had to be intensively treated in the Regional Hospital of Cendrawasih Dobo, the capital city of Aru Island Regency. The patients were from poor families who suffer from poor nutritional intake.

One of the causes of malnutrition in Indonesia is limited access to food in several regions. Problems related

According to this definition, the wide range of the meaning of food includes not only food but also beverage. Based on the above Law, the origin of food is not limited to land-based (agriculture and forestry) sources, but also waters, both freshwater (river, pond and lake) and salt water (sea).

The Food and Agriculture Organization of the United Nations (FAO) estimates that fish provides about 3.2 bn people with almost 20 per cent of their average per capita intake of animal protein. In the Indonesian context, seafood consumption, in particular from wild sources, is growing constantly, according to available data with Koalisi Rakyat untuk Keadilan Perikanan (KIARA). In 2015, the domestic fish consumption was around 38.14 kg per capita per year, and it has increased to 41.11 kg in 2016, showing a growth of 7.79 per cent.

Behind the significant increase in people's need for seafood and fish consumption lie several big challenges threatening the sustainability of marine fishery resources in Indonesia. There are serious challenges originating from some of the government policies that threaten the sovereignty and sustainability of seafood, related to reclamation, mining, coastal tourism and conservation. This article examines the impact of reclamation and mining on coastal communities.

## Development policy

KIARA records that, of late, the development policy of marine and coastal areas is directed toward more industry, tourism, extractive businesses, property, infrastructure and

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to access and control over food, and changes in consumption and distribution patterns are behind the poor nutritional intake.

Meanwhile, the dependency on a certain commodity such as rice also places further limitation on access to local food. Nutritious food not only comes from the paddy fields, of *ladangs* or forests, but also from the sea and coastal areas.

The article 1 paragraph 1 of Law no. 18/2012 on Food defines food as anything that originates from biological sources as products of agriculture, plantation, forestry, fishery, livestock, waterworks and water, both processed and unprocessed which are intended as food and beverage for human consumption, including food additives, raw materials, and other materials utilized in the process of preparing, processing, and/or making of food or beverage.

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blue carbon. The development trends basically point to a grab of marine space. Today, the coastal and fishery resources are at a nadir due to the extractive and exploitative nature of development. Indonesia's coastal, marine and small island areas are subject to capitalization by interested parties that are keen to control and extract benefits from these areas. An increasing trend in coastal area reclamation projects between 2015 and 2016 is a source of worry. In 2015, there were 16 coastal areas that were reclaimed. These have jumped to 160 projects in 2016, spread between Sumatra and Papua Island.

The sea reclamation projects pose a serious threat to the future of Indonesian coastal and marine fisheries. Reclamation is an irony in this nation, blessed with more than 17,000 islands. The reclamation projects are destroying, instead of improving, the lives of coastal communities along Indonesian waters.

From a legal perspective, the reclamation projects are clearly contrary to the 1945 Constitution that says Indonesia is an archipelagic State with 'Nusantara' as the main characteristic with boundaries and rights of the territory to be established by law. The Indonesian identity as an archipelagic country militates against the concept and practice of artificial islands.

Besides contradicting the 1945 Constitution, the reclamation projects are also inconsistent with the Law No. 5/1960: Basic Regulation on Agrarian Principles, which observes that the Indonesian people are united as the Indonesian nation and the earth, water and airspace, including the natural resources contained therein, in the territory of the Republic of Indonesia, constitute the wealth of the nation (Article 1). The water includes the territorial sea of Indonesia. We are of the view that reclamation separates the long-lasting relationship of the Indonesian coastal communities with the waters or sea which serve as their locus of existence. It is a violation of the substance of Law No.5/1960.

Besides reclamation, the practice of marine spatial grabbing, which has been done in a structured manner, can



Dolulung reclamation project in Indonesia. Sea reclamation projects pose a serious threat to the future of Indonesian coastal and marine fisheries

be seen in coastal and marine mining projects. KIARA has recorded (in 2017) that 18 coastal areas have been shifted to mining sites. These projects violate the constitutional rights of coastal communities, who are also losing their healthy and clean coastal areas to mining activities.

In the Indonesian coastal areas, the expansion of coastal mining is spreading on a massive scale. In Bangka Belitung, off the east coast of Sumatra, there are 1,085 mining business licences (called, Izin Usaha Pertambangan or IUPs), comprising 947 IUP metallic mineral mines and 138 IUP non-metallic mineral mines. The impacts on Bangka Belitung waters from heavy pollution, abrasion, limitation of livelihood, damages to the marine ecosystem and the mangrove belt, are severe. Besides, there are other issues such as the forced eviction of local communities from their livelihood sources, decreasing fish stocks and the crisis of freshwater shortage.

### **Mining projects**

Besides Bangka Belitung, coastal mining projects also damage the eastern part of Indonesia. In early 2016, villages located in Buli Bay, East Halmahera Regency in North Maluku, which is known as the 'Teri' (anchovy) village, were damaged once a nickel mine started operating

there. Besides Halmahera, coastal mining is also taking place massively in Sulawesi, East Nusa Tenggara and Papua provinces. A particular example of extensive authority enjoyed by a mining company is PT Freeport – a subsidiary of Freeport-McMoRan, a leading international mining company with headquarters in Phoenix, Arizona, the United States – in Papua, which seems to be far above law, despite practices of dumping huge amounts of copper and gold mine waste into rivers that empty into the Timika Sea.

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the future of the coastal community which relies on the sustainability of coastal and marine resources.

Due to the magnitude and seriousness of the issues facing the Indonesian coastal communities, KIARA would urge the Indonesian government to fulfill the right to food as part of the constitutional rights of coastal communities, which is also a basic human right. The government, both at the national and regional level, is urged to enforce legislation to prohibit actors from damaging the coastal and marine ecosystems, which are harming the livelihoods of coastal communities. The government, in this context, should evaluate all permits issued to companies that have been proven to damage marine and coastal ecosystems. In cases where supportive evidence is presented, the government should immediately withdraw the company's permit to operate. The government is also requested not to renew or issue new permits to extractive and exploitative industries that destroy marine and coastal resources.

Last but not least, the government should employ the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines) as a reference in the making of sovereign, just and sustainable policy to benefit coastal fishing communities.

### **Constitutional rights**

We believe the State should ensure the fulfillment of the constitutional rights of the fisherfolk. These are their rights to access, manage and utilize the coast and the living resources, and the right to enjoy a healthy and clean aquatic environment. 

The traditional community of Mimika Wee in Papua is one of the many communities affected by PT Freeport Indonesia's waste that pollutes their waters and causes sedimentation and harmful contamination. It is reported that a few endemic species of fish have disappeared from the waters.

KIARA records that there are 6,081 coastal villages whose waters are heavily polluted from mine wastes. If the destructive projects are not stopped immediately, there will be more damage to coastal villages from pollution. We believe there are no developed and wealthy countries that rely on destructive mining that kills the communities' livelihood. The Indonesian government is urged to immediately close all exploitative projects that have a negative impact on coastal communities and the ecosystem.

In 2017, KIARA also recorded 979 coastal villages suffering from freshwater pollution, 204 coastal villages from land pollution and 125 villages from air pollution. Most of the pollution is from factory emissions, or from companies that explore and exploit marine and coastal resources. Multiple sources of pollution have been lowering the quality of Indonesian waters. Not only is the ecosystem damaged, but there are also threats to

#### **For more**

<http://www.kiara.or.id/>

**The People's Coalition for Fisheries Justice (KIARA)**

<http://knti.or.id/>

**Kesatuan Nelayan Tradisional Indonesia (KNTI)**