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**NARRATIVES REPORT  
Workshop of Coastal dan Small Island Customary Communities**

**Manado, March 3rd - 5th 2019**

1. **Introduction**

The People’s Coalition for Fisheries Justice (KIARA) held a workshop of coastal and small island customary communities on March 3rd - 6th of 2019, in Manado, North Sulawesi. Representatives of coastal customary communities from several places in Indonesia had participated in the workshop, namely: Panglima Laot from Aceh, Awig-Awig from Lombok, West Nusa Tenggara, Kupang, Lamalera of East Nusa Tenggara, and Haruku, Maluku.

The venue was held at Malalyang Dua, a fisher’s village. The location was picked out after considering that the coastal and traditional fisher communities in Malalyang Dua has been threatened by land grab. The communities are fighting through advocacy and community movement to defend their rights to livelihood and socially-managed space. Their story of struggle should be used as a reference for other coastal or traditional communities in Indonesia.

The workshop was focused on "Tenure Rights and Presenting Countries to Ensure the Implementation of Small Scale Fisheries Guidelines". Several source persons was participated in the workshop, including: Hilma Safitri (Agrarian Resource Center), Rignolda Djamaluddin (Kelola), Susan Herawati (Kiara), Bona Beding (Coastal Indigenous Community Forum/Forum Masyrakat Adat Pesisir) and Arman Manila (JPKP). In addition to gaining deeper knowledge from the source persons, workshop participants also shared problems in the marine and fisheries sector.

On the last day of the workshop, participants visited Poopo village, in Minahasa regency, to hear firsthand the problems faced by local fishers regarding land grab of coastal space and the zonation of water areas in Bunaken National Park. After that, participants returned to Manado to hear the problems and struggles of traditional fishers in Malalayang Dua in defending their right to stay.

1. **Place and Time of Activity**

Workshops of Customary communities on Coastal and Small islands are centered in the fisher’s settlement of Malalayang Dua, Manado, North Sulawesi. The activity took place on March 3rd - 5th 2019.

1. **Participants**

There were 5 participants consisted of representatives of coastal traditional communities from several regions in Indonesia, including: Panglima Laot (Aceh), Awig-Awig (Lombok, West Nusa Tenggara), Kupang, Lamalera (East Nusa Tenggara) and Haruku (Maluku).

1. **Agenda**

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| **Time** | **Agenda** | **Representatives/institution** |  |
| **Workshop Day 1**  **3 March 2019** |  | | |
| **09.00-10.00** | Tenurial system in Coastal Area | Hilma Safitri |  |
| **10.00-11.00** | Autonomy and Sovereignty on Coastal and marine resources management by coastal community. | Rignolda Djamaluddin |  |
| **11.00-12.00** | Presentation of the Chief of Coastal Customary community forum. | Bona Beding |  |
| **12.00-13.00** | Break | - |  |
| **13.00-14.30** | Sharing existing problems of Coastal Customary communities in Indonesia | Kiara |  |
| **14.30-16.00** | *Small Scale Fisheries* | Susan Herawati |  |
| **Workshop Day 2**  **4 Maret 2019** |  | | |
| **09.00-12.00** | Discussing coastal management as regulated in Law no. 1 year 2014 | Kiara |  |
| **12.00-13.00** | Break |  |  |
| **13.00-16.00** | Programme Evaluation and Recommendation of Coastal Customary Communities Forum | Kiara |  |
| **Workshop Day 3**  **5 Maret 2019** |  | | |
| **09.00-12.00** | Visit Poopo village, in Minahasa, Norh Sulawesi | Antra Minahasa Regency |  |
| **12.00-13.00** | Brek |  |  |
| **13.00-16.00** | Discussion session with Fishers of Malalyang Dua | Malalayang Dua Fisher’s Forum |  |
| **16.00** | Closing | Kiara |  |

1. **Description of Activities**

**Workshop Day 1**

**3 Maret 2019**

**First Session**

**Discussion Starter :** Hilma Safitri (*Agrarian Resource Center*)

**Topic :** Sistem Tenurial di Wilayah Pesisir

Discussion **:**

Hilma began her presentation by citing Law 7 of 2007 and Law 1 of 2014, coastal areas are transitional areas between terrestrial and marine ecosystems which are still affected by changes on land and at sea. Then, still quoting the same regulation, Small Islands are defined as islands which area is equal to or smaller than 2000 m2. Meanwhile, coastal waters are the sea bordering land, covering waters as far as 12 miles from the coastline.

After conveying the definition of coastal and small islands, Hilma followed by quoting Gunawan Wiradi to explain the definition of tenurial which refers to a fundamental discussion related to aspects of resource control. The tenure system, in another sense, is explained as a series of agreements from one or more people from a particular community. According to Hilma, the tenure system is something that is very complex. So, we cannot interpret certain community tenure systems, then apply them to other places. Because, there are factors or aspects of social relations that apply in certain communities, which are strongly influenced by relations that differ from one place to another.   
 On that basis, in the context of research, Hilma assesses the need to determine social analysis methods - which are just as complex - by identifying which include agrarian objects. There are several factors to the complexity which includes the relationship between humans and the environment. In this section, there are two views, one where humans as the cause of environmental damage, and the other where humans as environmental guards.

The next step is to determine the carrying capacity and potential of environmental resources, activities, and interactions of the community with resources, and other parties that have interest in environmental and human resources in the area. By understanding the complexity, participants are expected to be able to establish a tenure system by taking into consideration several aspects such as utilization rights, management rights, restriction rights, and management rights. In studying agrarian conflicts in Indonesia, there are 3 aspects that need to be critically examined, namely: 1) Social structure/control of natural resources, 2) Institutions that regulate/produce social norms, and 3) relations between actors.

The critical analysis is important considering that there are two practices of violation of rights carried out by state administrators that occurred lately. First, Hilma called it decolonization. According to him, the right to control by the state has been distorted into ownership rights. Second, the issue of authoritarian populism. He gave an example, agrarian reform - with a populist spirit - but in practice, it was merely event of sharing certificates.

**Discussion starter :** Rignolda Djamaluddin (Kelola)

**Topic :** Autonomy and Sovereignty of coastal community to manage coastal and marine resources

**Discussion :**

Rignolda Djamaluddin opened the discussion by recounting the advocacy experiences of the coastal communities and traditional fishers in North Sulawesi. First, the decision to move Buyat Pante community, after considering local peoples’ safety. Second, related to the sovereignty of the Bajo tribe people whose settlements are included in Bunaken National Park. The problem is that the government failed to see the territorial waters - where the Bajo live - as an agrarian objects. Third, the advocacy of Kwandang Bay. Some villages there have limited resources. So, the community was organized to set a limit of 3 nautical miles. Any person is prohibited to enter the area. Initially, the agreement was only made at the community level, but later it reached the village government. The agreement is believed to ensure the sustainability of the resource.

**Discussion Starter :** Bona Beding (Forum Masyarakat Adat Pesisir/ Coastal Customary Community Forum)

**Topic :** Perspectives of Coastal Customary Community toward the sea

**Discussion :**

Bona Beding explained the different perspectives between the state with the coastal communities. For coastal communities, the sea is the subject, meanwhile objects for the state, hence that the sea can be treated arbitrarily. However, for traditional coastal communities and traditional fishers, the sea is not only a place to utilize resources but also an integrated part and treated equally. It can be seen from the mention of the sea as - "Mama": who gave birth, raised, and provide a source of life. Then, the interaction of coastal communities with the environment has given certain knowledge, which is now referred to as local wisdom.   
 Secondly, Bona conveyed the colonization of words, through the Law and various regulations in Indonesia. For example maritime and *bahari* terminology. These two words refer to different civilizations. Maritime comes from the Latin "mare" which is absorbed into English as "marine". Whereas *bahari* comes from the word "bahar" - something that describes strength. At present, we inherit maritime culture, not *bahari* - which is referred to as Portuguese heritage - which emphasises on shipping activities while trading.

Third, related to new vocabulary. For example, in the Indigenous Peoples Bill, there is not a single word that pertains to the interests of indigenous peoples on the coast. Coastal areas are only referred to as land and sea transitional areas. Only to that extent. There is no single subject in the law concerning coastal communities.   
 Forth, regarding the absent of HGU (the rights to business) in coastal waters in Indigenous People Bill. It shows that the government tried to use land concept to be applied to the sea

**Second Session**

**Discussion Starter :** Susan Herawati (Kiara)

**Topic :** Small Scale Fisheries

**Discussion :**

FAO intends to publish a guide and to address land control, including land grabbing, closure of access and so forth. Indonesia is one of the countries most aggressively printing and distributing FAO guidelines, which in 2014 was signed. But some issues are listed in Kiara's notes, one of them is fisher as an economically weak profession. In Law No. 7 of 2016, fishers insurance is provided by the government, but after a year they have to pay for themselves. In the end, insurance provider company such as Jasindo received the most benefit.

Other aspects are the land grab, restrictions on access, change of profession as fishers, and rising prices of basic commodities. This problems economically threatened fisher’s welfare and it’s a shame that fishers are still weakened by the same problem. Kiara believes the fisher community have strong resiliency, but they have been taken advantage from by these actors. In terms of regulation, there is still lack of education on climate change, the rapid spread of colonization, then the fishing industry is still dominated by the private sector. The findings have been submitted to FAO. Kiara saw that there was a need for fisher man and fisher women protection.

The small-scale fisheries guidelines issued by FAO are voluntary. Hence, it is exceptional Indonesia uses this as a basis for building or formulating policies. Because, there fishermen have space, access and guarantees. We noted a number of points, for example, all state apparatuses, including small-scale fisheries companies have to comply to respect human rights.

Regarding space grabbing, Kiara noted, in 2018 there are 42 reclamation sites at the least - 41 of which had met with resistance. Then, based on Kiara's notes, there are currently 26 mining concessions in coastal areas, 20 million hectares of marine conservation projects, up to 600 thousand hectares of palm oil expansion that threaten coastal and small islands communities.

**Workshop Day 2,**

**4 March 2019**

**First Session**

**Discussion Starter :** Kiara

**Topic :** Issue on Coastal Development (Law no.1 year 2014)

**Identifikasi Ancaman Perampasan Ruang Pesisir**

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| --- | --- |
| **Location** | **Threat** |
| Lamalera | * Marine Conservation * Tourism |
| Maluku | * Illegal fishing |
| Kupang | * Pearl farming * Industry/power plant * Tourism |
| Lombok | * KEK (Special Economic Zone) * Pearl farming * Mine * Sea sand mine * Marine conservation * Moto GP Circuit |
| Aceh | * Marine Conservation * Tourism * National Strategic Area * Mine |

**Second session**

**Discussion Starter :** Kiara

**Topic : Recommendation on Workshop Followups**

**Recommendation**

* Identify Coastal Customary community’s institution
* Identify practices of local wisdom of coastal customary communities
* Analysis on regulation that threats Coastal Customary communities
* Consolidation (group/forum) of Coastal Customary communities

**Workshop Day 3**

**5 March 2019**

**First Session**

**Discussion Starter :** Berce Poli (Coordinator of Antra Minahasa)

**Topik :** Visit Poopo village in Minahasa District

On the third day, workshop participants visited Poopo village, Minahasa district, to hear the problems faced by local fishers, as well as their struggle, in dealing with coastal-space grabbing. Also, workshop participants were invited to visit coastal areas that had been privatized and shared knowledge with local fishers and residents around the site.

Berce Poli, a coordinator of Antra Minahasa, explained to participants the recent conflict in the village of Poopo between local fishers with private party who privatized a certain coastal areas in the village. For a long time, fishers had been using the site build boat. Now, they are prohibited to enter the area or carrying their activities there. The security guard will drive out any person who tried to enter or damage the property of fishers.

The liability of the private party, according to Berce, was they bought the land while it was a mangrove habitat and then cut it down to become private property. It was even more strange, because those claiming to be officer of BPN (Land Agency) came to take measurements. Residents were confused. In the past, when one or two of them were caught taking mangrove wood, they could get into legal problems. And yet today, Land Agency has come to measure the mangrove area to be converted.

Decky Tiwow, the program manager of the Association of Kelola on the occasion told, the village of Poopo included in the southern Bunaken National Park (TNB). In the early 2000s, there were massive protests in almost all areas affected by Bunaken National Park zoning. Affected communities protesting because productive fishing zones designated as the core zones. During the time, nine residents were briefly arrested, but in the process of the trial were finally released because they were not proven guilty.

**Second Session**

**Discussion Starter :** Sudirman Hililo (Coordinator of FNPPM)

**Topic :** Discussion with Malalayang Dua Fishers

The Malalayang Dua fishing settlement was formerly known as *Kinamang*, meaning blessed. Before Indonesia's independence, a leprosy hospital had been established in the area, owned by a Dutch nurse. The hospital continued to operate after the Dutch left. The lepers patient who were still in the process of rehabilitation, as well as their families, were given shelter near the hospital.

Until the 1980s, the name Kinamang still often heard among the citizens of the Manado, because until now the former leprosy patient who was in the process of rehabilitation was still living there. In 1986, the Social Service gradually resettled Kinamang residents to the Pandu area, 15 km from the hospital area. However, several residents who felt they could only live by the sea chose to return to their original location. In 1998, the land of the former leprosy hospital was handed over to five parties, including the Foundation for the Education of Disabled Children (YPAC), the Indonesian Red Cross, as well as the Leprosy Hospital Employee Housing.

Finally, the Kinamang people decided to move a little to the beach, where they have lived. Gradually, the name Kinamang began to fade. Now, the area is better known as the Malalayang Dua fishing settlement.

in 1996, the claim of several parties that they are the legal owner of the coastal land surprised residents. Based on FNPPM records, since then residents have struggled to face intimidation. They were forced to leave their homes.

“"We think, there is something wrong with the claim of land ownership in the Malalayang Dua Coast," said Sudirman Hililo. An area precisely on the shoreline was claimed by the private party with a certificate of Building Use Rights (HGB). The certificate was issued after the previously-sea was reclaimed using piled of giant rocks to become land. Some fishers resisted. The rest was frightened and decided to receive compensation and leave the shoreline.

Responding to various disturbing threats, in 1997-1998, they complained to the Regional Representative Council (DPRD) of North Sulawesi province. Even though they continued to receive intimidation, such as "you can't possibly win", they are still convinced to take a hearing. The meeting between the residents and the Provincial DPRD resulted in several agendas, such as examining the location of disputes and examining resettlement land offered by HGB holders. Through the hearing, it was also known that the land claimed with HGB was unclear, and the resettlement land offered had never existed. DPRD Commission A had proposed to revoke the HGB, but the effort was never realized.

October 2010, residents send a mediation request to National Commision on Human Rights (Komnas HAM). On 2nd February 2012, Komnas HAM held a pre-mediation of the parties in the Toar Lumimuut room in Manado Mayor's office. The meeting resulted with several agreements, including, "while awaiting further mediation, the parties agreed to continue to communicate and consult to find a resolution," as noted in the minutes of the postponement of the dispute negotiation between the Malalayang Dua fishers and the HGB certificate holders.

1. **Output**

Workshop of Coastal Customary and Small Island Communities achieved the following points:

1. Identify threats on the coast and small islands.
2. Establishment of Coastal Customary Community institutions.
3. Formulate follow-up recommendations related to the institutions of the Coastal Customary Community
4. **Closing**

KIARA presents the narrative of the Coastal and Small Islands Customary Community Workshop. We thank you for your attention.