

Backs to the Wall

Through a mix of downplaying, intransparency and undertesting, the largest archipelago nation in the world paid little heed to its vulnerable fishers during the COVID-19 pandemic

Edy, a fisherman on Indonesia's Pari island said: "For almost three months we did not travel outside the island. Earlier, we got additional income from tourism during the holiday season. This time around, there was no supplementary income because our tourist attractions were closed. And then our income from fishing, too, dropped by 50-70 per cent."

It took the Indonesian government more than two long months last year to negotiate and categorize the COVID-19 pandemic a 'national disaster'. By then, the country had registered 4,557 cases of infection and 399 deaths due to the pandemic. Before establishing any health safety protocols and mitigation measures, the government established quarantine measures at three major

a statement only served to push under an already drowning industry.

Breach in income

The timing couldn't have been worse. The pandemic countermeasures were implemented in the country right at the start of the fishing season. Economic difficulties caused by the pandemic meant a lot of fishers chose to simply stop going to fish. "The price of fish has fallen to half of the normal price. It is very difficult to get a return on investment, even to meet daily needs," said a fisherman in East Lombok.

Simply put, fishermen did not have the capital to go to sea. In many cases they had only enough to buy fuel oil for the boats. The situation was unprecedented. Even during famines and cyclones, fishers had continued to find employment and go to sea, despite the dangers and the high risk of death. COVID-19 changed that. It became impossible to earn an income to meet their daily needs.

Uneven distribution

"The income from catch decreased drastically due to many limiting activities like social distancing," said Rustan, a fisherman from the island of Tarakan, in June last year. "Fish is only sold at local markets. In fact, catch commodities are usually sold as export commodities. Fish prices have fallen by almost 90 per cent from the normal prices. Fisherfolk have gone through this in the past three months, from March to May. In addition, the social assistance programmes planned by the government are not evenly distributed. Out of 1,000 people consisting of fishing labourers, fisherfolk, seaweed farmers and others, only 300 people got help."

In East Java, one way fishers chose to curtail the spread of the pandemic was to reduce the number of crew on each boat. It was also a way to reduce costs of operating at sea.

The income from catch decreased drastically due to many limiting activities like social distancing.

entry and exit points of the country: ports, airports and national land border posts. Panic ensued almost immediately. Lockdowns, restrictions on movement and reduction in number of workers meant an economic slowdown like the rest of the world.

As the rate of infections kept rising, the country's president, Joko Widodo, announced a food deficit in a number of regions of the country. The fisheries sector, already reeling under restrictions on movement and lack of adequate planning for transport, was hit hard. To compound matters, the president made an additional, ill-advised statement on the lack of scientific evidence on fish improving immunity. For a country that had anyway shifted to eating instant food in the midst of the pandemic, such

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Fishers in Batubara, North Sumatra, Indonesia selling clamshells in the market. Fisher families began pawning possessions to make ends meet and these practices were adopted only in times of famine earlier

Even as fishing continued in one way or another, fish prices plummeted. Fish that went for Indonesian Rupiah (IDR) 250 before the pandemic was barely fetching half that value in the market during the pandemic. Fishermen were salvaging what they could just to buy back fuel oil. Moreover, in certain areas like East Java, fisherfolk went to sea using loan capital from investors—the skippers. They sold their catch to the investor as a form of instalment or return on capital.

Fisher families began pawning possessions to make ends meet. These practices were adopted only in times of famine. The only difference was that in times of famine earlier, many fisherfolk sought, and often received, alternative employment as construction labourers or repair workers. The pandemic changed that, leaving them stuck at home, with nothing to do and no way out.

Domestic consumption wasn't the only segment affected. Many countries imposed strict regulations on the movement of goods to places outside during the pandemic; some of these had been destinations of exports or import for Indonesia. Export prices for fish

dropped by 50 per cent. According to the Central Statistics Agency, Indonesia's exports in May 2020 were US\$10.53 bn, a decrease of almost 29 per cent compared to the last year. Cumulatively, Indonesia's export value from January to May 2020 was at US\$64.46 bn, a decrease of almost 6 per cent compared to the same period in 2019.

Quality improvement

Despite these dropping numbers, the Minister of Marine Affairs and Fisheries said that exports in the fisheries sector recorded an increase of 6.9 per cent in the first semester of 2020. Unfortunately, the news was tempered by the fact that the cost of fish processing and raw material standards rose, making it tougher on fishermen to operate in the ways of the past. The ministry asked fishers to improve the quality of produce to keep the demand up, but failed to provide them with solutions to counter the outflow of income due to higher standards being put in place regarding production itself.

Impact of government interventions

In a special effort to alleviate the impact of COVID-19 on the fisheries sector, the

Civil society organizations as well as independent community interventions played a big part in rehabilitating fisherfolk during the pandemic.

government put forth an eight-point agenda. One of its first interventions was to purchase all fish catch without prejudice. The idea was to maintain prices during the pandemic through supportive purchase. Efforts were made to steward the various stakeholders of the sector—suppliers, retailers, fisheries associations—in the same direction.

Additionally, the government worked on curtailing the red tape for transport of fish cargo, and prepared cold storage units at ports to help aid the process. The preparation of cold storage units served as a way to ensure quality of fish for transport as well as to maintain stock in the off-season, especially during the months of Ramzan.

The government made some social interventions among fisher communities with a view to rehabilitate them. In most cases, however, the services never reached the people it was intended to

benefit; in many cases, such efforts were undone by the social distancing norms that had already been put in place. “We recently received social assistance of 5 kg of rice and several other foodstuffs from the government,” said a fisher in Medan. “We also stood in line for the collection system. Even though there’s a pandemic going around, how come we were ordered to queue up?”

Complaints also ranged around how the quality of assistance was not adequate. Enquiries revealed that fisherfolk felt they were insufficiently compensated for their daily needs. In Medan, for example, an average family has four to five members. The government provided each family with 5 kg of rice, 1 kg of sugar, eggs, and some packs of instant noodles. A rough estimation suggest the provisions would last them a maximum of two weeks.

Integrated social welfare data further showed that fisherfolk made up a mere 0.9 per cent of the total recipients of the social safety networks. According to the research by Zakariya Anwar and Wahyuni, about 90 per cent of fisherfolk in Indonesia—that is 14.58 mn out of a

total of 16.2 mn—live below the poverty line.

Civil society organizations as well as independent community interventions played a big part in rehabilitating fisherfolk during the pandemic. The Matahari Fisherfolk Network took fish directly from small-scale fisherfolk and fisheries to distribute for free to the wider community affected by the outbreak. The network also collaborated with religious institutions to raise donations and public assistance.

On Kodigareng island, the pandemic caused a drop of 50 per cent in fish prices. The area was struggling with catch even prior to the COVID-19 outbreak due to fishing grounds sustaining damage from sand mining. Fishermen’s wives took the initiative to add on to their family income by shredding mackerel for sale in the area.

In Bintan island, wives of fishermen started planting hydroponic vegetables in existing yards to supplement the family income. They planted mustard, lettuce, soup leaves and other vegetable crops and ended up selling the produce online as well as in community stalls.

Tight regulations

Despite the varied aid responses to the crisis, it was clear that little was done to help fisherfolk get back to sea and recover their business. Although many businesses opened up, fish markets, restaurants and hotels remained tightly regulated. Fish consumption is yet to recover to pre-pandemic levels. The government is going about its business as usual, denying scientific and database-driven approaches for policy. Chaos has ensured greater suffering for the work force. 

For more

Lack of Transparency

https://www.icsf.net/images/samudra/pdf/english/issue_83/4422_art_Sam_83_art01_%20Indonesia_Marthin.pdf

Reclaiming Rights

https://www.icsf.net/images/samudra/pdf/english/issue_79/4358_art_Sam_79_Reclaiming_Rights_Susan.pdf

Immediate impact of COVID-19 across tropical small-scale fishing communities

<https://www.sciencedirect.com/science/article/pii/S0964569120303926>

Dried, Tried, Tasted

At the core of the unique flavours and tastes of the East Java cuisine of Indonesia is the traditional artisanal fish processing technique of *pindang*

Sumenep Regency is located at the eastern end of the Madura Islands in Indonesia's East Java province. It is known for its large fishery and marine potential. Several types of fishing gear exist in Madura, mainly the *payang*, a type of seine net, very common and essential among fishermen. The *payang* resembles a trawl net. By design, it has wings and a 'cod end' on the upper part of the net, supported by floats, and weights that secure the lower end. The second type of gear, introduced by the Indonesian government in Madura in 1976 to promote efficiency, is the purse seine. The purse seine fishery is characterized by high productivity and a larger scale, compared with the *payang* seine.

significant capital investment. Fish is an everyday food for the Sumenep community and is always present, in one form or another, in every kitchen as a source of staple protein.

Several local artisanal methods are used in processing fish as a part of post-harvest activities. These are linked to the limited cold storage facility in the local fish supply chain in rural Sumenep. The fish-processing practices have been sustained for decades through the local knowledge of the Madurese community. Take the case of a woman trader who sells various food items, travelling to eight different villages on a motorcycle each day from dawn to noon. She never sells fresh fish due to its perishability. In tropical conditions, fresh fish is particularly difficult to preserve, not only due to climatic and environmental conditions, which contribute to fish spoilage within a few hours, but also because of the lack of adequate equipment for refrigeration. To ply her trade in such conditions, she uses methods specific to each of the processed fish products she sells.

The fish-processing practices have been sustained for decades through the local knowledge of the Madurese community.

Besides these two types of gear, the gillnet fishery has also played an essential part in the Madurese fishing community. Artisanal fishers used to operate gillnets around the island, where it is classified into three types: drift, shrimp, and set gillnets. Most of the artisanal fishers use the *bagan*, a fixed engine gear operated during a fishing season. The net is lowered using a roller. When a large number of fish have been gathered, the net is lifted; this process is repeated until sufficient catches are obtained.

Most of Sumenep's marine products are utilized for food. They can be classified into fresh fish and artisanal processed fish—dried, salted, boiled and smoked. There are also frozen fish, canned fish and fishmeal, which require

Traditional techniques

Five forms of fish products are in high demand in the local market here. First is the famous *pindang* fish. The term refers to the cooking process under which the ingredients are boiled in salt together with certain spices. In Sumenep, the *pindang* fish is usually cooked with salt only. However, as *pindang* is common not only in Sumenep, there are different ways of boiling the fish throughout other parts of Indonesia. These techniques are traditional in the communities of Java and Sumatra, where various preserved types of *pindang* are available in traditional markets. Some of the people might use shallot skins, guava leaves,



A smoked-fish seller at the Gapura Market, Gapura District, Sumenep Regency. Several artisanal methods are used in processing fish due to limited cold storage in the local fish supply chain in rural Sumenep.

teak leaves, tea, or other spices common in Southeast Asia. This gives the gravy a yellowish to brown colour; it also helps the fish last longer compared to plainly boiled fish.

In Sumenep's local market, it is common to find women vendors selling *pindang* from their baskets. They are usually skipjack tuna or mackerel in various sizes. The centres for making *pindang* are scattered throughout Sumenep, some in the northern areas such as Pasongsongan, Slopeng, Ambunten or Dungkek. The processing centres have begun to shift to the proximity of traditional markets, for example, the *pindang*-making stall located in Pasar Anom in downtown Sumenep. Most *pindang* traders are looking for means of cutting down the production and distribution cost.

The mothers in rural areas of Sumenep are the outstanding patrons of *pindang*. One reason they like the boiled fish is the familiarity – the taste produced by boiling with salt leaves a distinctive flavour. It also makes it easy to cook, usually deep-fried or cooked with a little sauce. The most famous *pindang* recipe is the *palappa*

koneng. In Madurese *palappa* means spices and *koneng* means yellow. *Sothis* means yellow spices. The boiled fish is cooked with various spices, including garlic, onion, candlenut, turmeric, chillis, tamarind, pepper, ginger, salt and sugar. *Pindang* is then boiled with all the spices that have been mashed together. The seasoned fish is then deep-fried just before it is served. Without a refrigerator or access to a chiller, the women rely on spices to preserve the fish.

Fish paste

The second product high in demand is the fish paste called *petis*. It is made by processing by-products, usually from boiled fish, mussels, or shrimp. These are heated until the liquid broth thickens into a sauce. In Sumenep, *petis* comes from the soup left over from the boiled *pindang*. *Petis* comes in various types and flavours. The Madurese *petis* made in Sumenep has a unique character. It tends to be salty and looks bright, with a brownish-red colour. Many Madura *petis* are produced in Pasean, Pasongsongan and Ambunten, the main locations for *pindang*-making centres.

Petis is often served with chilli sauce, which also accompanies rice, fried fish, and fried tofu or vegetables like chopped cucumber or sprouts. *Petis* is usually sold in the traditional markets or by mobile traders who visit the villages. For small-bag sizes, *petis* are sold at low and affordable prices. The locals believe that *petis* has given Sumenep's food a distinct identity that sets it apart from among other East Javanese foods.

The third fish product high in demand is smoked fish. Besides boiling, smoking is another artisanal technique to process fish in Sumenep. The fresh fish is smoked immediately on arrival. The processing activity is usually handled by women; they work together to smoke the fish by burning corn cobs and coconut fibre. The hot smoke produced by the combination of corn cobs and coconut fibre lends the fish a distinctive aroma. The heat from the smoke gives the fresh fish a shiny black colour. The smoking cooks the fish slowly so that it lasts longer without need of refrigeration.

... thanks to its long shelf life, dried fish is the staple food during times of hardship, when other kinds of fish are too expensive.

Two other forms of processed fish are popular: sun-dried fish and salted fish. Both rely on a similar drying technique, with sea salt being added in the latter case. Most of the workers are women; they manage various kinds of jobs from cleaning and drying the fish, adding salt, to packaging the fish to sell in bulk. The women fish workers mostly work in pathetic conditions in the processing units and get low wages.

The selling price of dried fish depends on the size and the quality of fish. In Sumenep and its surrounding rural areas, dried fish is available at affordable prices. Those with deeper pockets usually don't prefer it.

Export demand

The dried fish industry in Sumenep is well-known in East Java, and the

products made on the island are sent out to many places in Indonesia. The most expensive ones are readied for export, while the cheaper ones are usually sold in the local markets. Since dried fish has more bones than meat, the more well-off consumers tend to shun it. 3

For more

<https://edepot.wur.nl/238229>

The Indonesian seafood sector: A value chain analysis

http://www.gbgindonesia.com/en/agriculture/article/2014/indonesia_s_aquaculture_and_fisheries_sector.php

Indonesia's Aquaculture & Fisheries Sector

Lack of Transparency

While small-scale fishers in Indonesia have not been hit by COVID-19 infections, the lockdown measures and economic policies have left them more vulnerable

The novel coronavirus (SARS-CoV-2) has forced changes across the world. After cases spread rapidly outside Wuhan, China since January 2020, the World Health Organization (WHO) declared COVID-19 as a global pandemic on 11 March 2020. As the number of confirmed cases of infection crossed 31 mn in September, with more than 1 mn deaths, the pandemic has spread to about 200 countries. The United States, Brazil, India and Russia have recorded the greatest numbers.

Indonesia's first COVID-19 case was confirmed on 2 March 2020, although epidemiologists had reportedly mentioned that the virus had entered Indonesia in late January. The WHO urged Indonesia, in a letter, to immediately take concrete steps

country had the capacity to test only 1,976 persons per million population, neighboring Malaysia had reached 20,391 people tested per million, and Singapore's testing capacity was 98,519 per million.

A large island nation, Indonesia faces several challenges in dealing with the COVID-19 pandemic. What makes it worse is the attitude of the authorities who deny the gravity of the threat. In fact, economic activities were the focus, rather than the handling of the pandemic. Since the first COVID-19 cases began to emerge, there has been a lack of transparency regarding the number of cases.

This can be gauged from the absence of government strategic actions and efforts to take necessary action. The NDMA established the status of 'Certain Emergency Situations' from 28 January to 28 February. On 31 March, President Joko Widodo (Jokowi) declared COVID-19 a 'Public Health Emergency'. Eventually, he declared it a National Disaster on 13 April.

Social restrictions

The Health Quarantine Law gives the government several options during a 'Public Health Emergency'. These include home quarantine, regional quarantine, hospital quarantine and large-scale social restrictions. The government opted for large-scale social restrictions (called PSBB) with a minimum of three forms of action: (i) closing schools and workplaces; (ii) restrictions on religious activities; and (iii) restrictions on activities in public places or facilities. These must also take into account meeting the basic needs of the population, such as healthcare, food and other daily requirements. Health quarantine actions can be carried out by the regional government with the approval of the Minister of Health. These include large-scale social restrictions or restrictions on

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to slow the spread of the virus and declare a national emergency. In early September, Indonesia ranked 23rd in the list of affected countries, with about 194,000 confirmed cases, and over 8,000 recorded deaths. The number of COVID-19 positive cases has increased since 16 June, when the COVID-19 Accelerated Handling Task Force of the National Disaster Management Authority (NDMA) confirmed 1,106 new cases in Indonesia. That figure was based on the Polymerase Chain Reaction (PCR) test of 339,309 people. At the time, 15,703 people had recovered and were declared free of COVID-19.

These figures indicate that Indonesia is not testing up to the requirements, and that the country's COVID-19 testing capability is still very low. When the

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Besides being a fishing village, Pari Island, Jakarta, is also a community-based tourism spot, with small-scale fishers earning additional income as tour guides.

movement of people and goods to a certain province, district or city.

After establishing large-scale social restrictions in mid-April, the government issued several additional policy packages, including:

- **Electricity cost relief:** As a form of assistance to the community, the government waived the charge for electricity for the months of April, May and June.
- **Prohibition of homecoming:** The government formulated regulations for the festival of Id-ul-Fitri.
- **Credit relief:** A number of groups, such as online motorcycle taxi drivers, fishermen, and taxi drivers, were offered credit facilities for one year, starting 1 April.
- **Budget allocation:** To meet a number of needs in the midst of the COVID-19 outbreak, the central government issued a budget of Rp 405.1 trillion (US\$ 24.5 bn) through the 2020 state budget. This policy has been established through a Government Regulation in Lieu of Law on Economic Stability during the Pandemic.

In the midst of an uncertain situation with a high rate of new

infections, President Jokowi announced a food deficit in a number of areas. One reason for this is the inter-regional logistics distribution getting hampered by the restrictions. Although the food deficit announcement does not mention fisheries as a staple food, the pandemic has had a significant impact on Indonesia's fisheries sector.

In the midst of large-scale social restrictions imposed by each local government, in general, fishers have continued operations. In certain areas, the harvest season has begun. A majority of operators in Indonesian fisheries are in the small-scale subsector; the country has 523,903 small vessels under 10 gross tonnage (GT). The government still does not have comprehensive data on all workers in the small-scale fisheries subsector in the pre-harvest stage. The post-harvest operations include both men and women.

Since the announcement of restrictions, most fishers have experienced significant impacts, although the fish catches are not affected, in general. The availability of fisheries commodities—processed food products in the service sector such as restaurants, hotels and tourism—decreased significantly. The top fish

M. ROOSMAN



6 Fishing harbour in Indramayu, West Java. In the midst of large-scale social restrictions imposed by local governments, in general, fishers have continued operations.

commodities for export and import were also affected due to the trade restrictions imposed by several countries. This has a direct impact on how the fish catches are absorbed in the market. The market now finds it difficult to absorb the catches because of restrictions on many community activities, from fish auctions at the village level to the distribution of fish at the provincial and cross-provincial levels. Fishers, especially small-scale fishers, catch fish daily as their only source of income and livelihood.

Quarantine

Fishers in Pari Island, Kepulauan Seribu Regency in the Greater Capital of Jakarta Province face the same problem. Edy, a fisherman from Pari Island, said his income has decreased dramatically since COVID-19 began to spread in Indonesia. Fishermen of Pari Island also imposed a quarantine independently. Everyone is prohibited from traveling outside the island. Access to this community from outside also remained closed up to the time of writing. Only fishing activity is permitted. Besides being a fishing village, Pari Island is also a community-based tourism spot, with small-scale fishers earning additional income as tour guides. They were forced

to close these tourism operations. “For approximately three months we did not travel out of the island. Income from fishing has decreased by 50-70 per cent. If there is tourism, there is extra money, but now there is no extra money because we have closed the tourism business,” Edy told a news reporter on 15 June.

The Jakarta provincial government was the first to implement concrete measures in response to the pandemic, with the governor on 25 February issuing instructions on increasing risk awareness. The Jakarta government also decided to provide various stimulants for meeting the basic needs in a month; one of them was a package of staple food. “For three months the government provided assistance in the form of 5 kg of rice. Residents still lack essential food, but try to survive by fishing every day to meet their food needs. At present, although the restrictions have been revoked, the residents have deliberately decided to close the area to outsiders,” Edy said.

In Tarakan City of North Kalimantan Province, a fisherman named Rustan has been feeling the heat of the pandemic. “Fishers’ incomes have decreased dramatically due to the many restrictions on activities. Fish can only

be sold in local markets, whereas the catches were always sold as an export commodity before the pandemic. The price of fish has dropped almost 90 per cent. Fishers have felt this since March. Moreover, the government's social assistance programme is not evenly distributed," Rustan was quoted as saying in a news report.

He said fishers have limited social activities and still use masks when going to sea. Yet about 10 fishermen contracted the virus in the area of Gowa in South Sulawesi. This, however, did not have anything to do with fishing activities but occurred during the religious festival of Tabligh Akbar.

Fishers face similar conditions in areas such as Karanghantu, Serang-Banten; Lamongan, East Java; Surabaya, East Java; Sumenep, East Java; and Indramayu, West Java. They can still engage in fishing activities even though they know the price of fish is low. The catch produced is used to meet daily needs and buy fuel. Fishers are also looking for alternatives. For example, in the Lamongan area of East Java, fishers go out to sea using loan capital from investors. The catches are sold to the investors as a form of instalment or return of capital. On Pari Island, Thousand Islands and Surabaya, fishers convert catches that are not sold into salted fish. This, in turn, is sold to a co-operative in Pari Island. In Surabaya salted fish is sold to collectors at low prices. "Fish that is not bought by collectors, we usually try to sell it around the house. They don't always buy it but, who knows, if someone wants to buy. We must be proactive to survive," said Serang Banten, a fisherman from Karanghantu. In Sumenep, East Java, fishers have reduced the number of workers on vessels to both cut costs and maintain physical distancing while fishing.

In general, the problems faced by fishermen include both declining fish prices and restrictions on social activities. Small-scale fishers who depend on daily income are forced to stay at sea even though they know the prices of fish have dropped dramatically. Others choose alternative jobs that are inadequate in meeting their daily needs.

The government's financial stimulants and aid packages are not accessible to all fishers. The lack of data on the small-scale fisheries sub-sector—from the national to the regional level—handicaps all efforts to help the fishers.

They still find it difficult to access capital.

With the enforcement of physical distancing and social restrictions in Indonesia, fish markets, restaurants and hotels are experiencing a shortage of customers. The resulting decrease in fish demand and consumption has, in turn, reduced incomes in the fishing sector.

When certain regions restrict access to their territory, the problems for the fisheries sector are multiplied due to increasing transportation costs. At the same time, this unprecedented situation has resulted in innovative practices that could affect the way the sector functions in the future. It is unfortunate that the authorities are entrenched in business as usual, denying scientific advice and a data driven approach to

The deficit in food availability was not addressed by the government with a specific strategy that encouraged small-scale food producers as important elements of the food-value chain.

policy making. This has led to chaos in addressing problems in the field, even as the number of people infected with the coronavirus increases.

Food-value chain

The deficit in food availability was not addressed by the government with a specific strategy that encouraged small-scale food producers as important elements of the food-value chain. Indonesia already has a legal instrument that could have played a key role in this: Law No 7 of 2016, concerning Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers. Among other things, it calls for ensuring the certainty of business for small-scale fisheries. In particular, it paves the way for creating conditions that produce favourable fish prices and encourage the development of fish commodity marketing systems through storage, transportation, distribution and promotion. 3

For more

<http://extwprlegs1.fao.org/docs/pdf/ins159362.pdf>

Law of the R.I. No. 7/2016 on the Protection and Empowerment of Fishermen, Fish Cultivators and Salt Farmers.

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ILO teams up with trade unions to protect fishers from COVID-19 pandemic and human trafficking

Their Decision, Not Ours

The Darawa community in the Wakatobi National Park, Southeast Sulawesi, Indonesia, manages their octopus fishery by working tirelessly with community-based organizations

It was a beautiful and sunny Sunday. The Darawa village community in the Wakatobi National Park, in Indonesia's Southeast Sulawesi, was preparing to celebrate. The occasion was the first opening of Fulua Nto'oge, the 50 ha fishing site off One Mbiha beach which had been closed for three months. White steam billowed from four large cooking pots, stacked neatly over the fires. There were intoxicating aromas of lapa-lapa (rice cakes wrapped in coconut leaves) and seafood stews made from the most recent catch of crabs, squid, clams and snappers.

While the women were busy preparing this feast, young girls from the local schools were chatting enthusiastically as they finalized their colourful costumes for the traditional dance performance they were about

management method has been quite successful in the Western Indian Ocean because the life cycle of an octopus is short. An octopus typically lives for 15-18 months and grows very quickly during the first six months, almost doubling in weight every month during this period. Large octopus command a higher price.

All fishing activity in the closure area is prohibited but people can continue to fish at 13 other sites nearby. These alternative locations mean that the closure does not significantly limit the fishing activity of Darawa's fishers. Darawa octopus fishers usually fish from morning until afternoon. As an export-oriented fishery, fishers will take the octopus to the seafood buyer and sell it between Indonesian Rupiah (IDR) 10,000 per kg (for octopus of less than 0.5 kg) to IDR35,000 per kg (for octopus weighing more than 1.5 kg). Through a series of middlemen and buyers, these octopus are sent towards bigger cities in Sulawesi, where they are processed and prepared for export to consumers abroad.

"We are very proud to be undertaking this temporary fishery closure in our village. This whole process has proved that the Darawa community can work together as a team when it comes to monitoring our fishing sites and managing our fisheries," said Pak Jumani, the village head.

"We have also been successful in encouraging neighbouring communities to follow our example. We will continue to use temporary fishery closures and will make it part of our village programme," he added.

This rousing speech moved the proud crowd of community members to applause. Thanks to the participatory fisheries monitoring system, Darawa villagers learned that they had landed

The members of the community largely rely on the ocean for their livelihoods through octopus fishing or seaweed farming.

to give. Generally, Darawa women are in charge of household chores and taking care of the kids, while men are the breadwinners. Some inspiring older women fishers have proved the exceptions to this rule.

Darawa village is a community of 775 people, 105 of them are octopus fishers. The members of the community largely rely on the ocean for their livelihoods through octopus fishing or seaweed farming. For fishers, temporary fishery closures serve to give the octopus time to increase in size and reproduce, generating larger and more profitable catches and improved livelihoods. This

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Forkani's Nusi disseminates the closure data at the feedback session and Forkani facilitated many community meetings in order to reach a consensus about the closure timing, location and regulations

up to five tonnes of octopus in 2018. For small-scale fishing communities with limited or no available data on their fishery resources, this information was key to enabling informed decision making. Recognizing the potential and importance of octopus fishing, the community agreed to close this fishing site for three months. The initial closure was a chance to learn how to manage their fishery resources, acting to protect them for future generations. "Our hope lies in the sea," said Pak Jumani.

From community to community

Forum Kahedupa Toudani (Forkani), a community-based organization in Wakatobi, has been supporting the community in Darawa village to start managing their own marine resources.

"We started by working with the community to ignite their curiosity and to help them gain a better understanding of their octopus fisheries," said Mursiati from the organization. "Forkani doesn't need the octopus data, it's theirs. They are the ones who will use and manage their natural resources to ensure that the octopus fishery will

last for generations. That's why raising awareness is important," Mursiati said. She spoke from her heart with a shaking voice, recalling what they had been through before Darawa became the first village in Indonesia to declare the first temporary octopus fishery closure led by their own community.

Forkani facilitated many community meetings in order to reach a consensus about the closure timing, location and regulations. They also assisted in conversations and agreements with four neighbouring villages to ensure that they understood and respected the Darawa community's closure rules. "The idea of the temporary octopus fishery closure developed through community discussions on how to preserve their octopus resources," said Mursiati. "The challenge was that the closure area is an open-access fishing site for all fishers. It's quite difficult for the Darawa community to monitor the area. An additional complication was that the area is under the authority of the Wakatobi National Park, not Darawa village. So, the co-ordination among us was very important," she added.

Participatory monitoring and feedback sessions

Once the community agreed that they wanted to have better knowledge of their octopus resources, they began participating in octopus fishery monitoring. They started to collect data on their octopus fishery: the fisher's name, total catch, weight of individual octopus, sex of octopus and the fishing site. Taking a participatory approach to fisheries monitoring can provide fishers with meaningful opportunities to understand and participate in fisheries management. However, this process needs to be complemented by discussion platforms where the interpreted data can be regularly presented back and made accessible to communities through feedback sessions.

Forkani wanted the communities to understand the information they themselves had collected. So the data was presented in simple infographics to make it easier to understand. The data was patiently explained in the local language, so that the communities understood what the data represented. The Forkani team periodically receives the octopus catch data from their local data collectors. Its members have thought creatively about the many ways in which they can convey the data, once analysed, back to the fishing communities.

These feedback sessions were the entry point to further discussions about fisheries management with the community. During all these feedback sessions, Forkani and the community discussed the results of the closure and the next steps for furthering their octopus fishery management. For example, through the session, women octopus fishers expressed dissatisfaction about unequal opportunities to benefit from the village's first temporary octopus fishery closure, due to the depth of the closure site.

Male fishers go fishing using a small boat made from wood or fibreglass. They anchor the boat in the fishing area that has one-two metre-deep water. The men then put on swimming masks, swim and wade around the reef to fish for octopus using a metal spear. Female fishers go in the same kind of boat as the men, but they only

fish for octopus during the low tide on areas exposed by the tidal cycle. They walk on the reef and fish, using a metal spear. Following this feedback at the community meeting, all the fishers decided to close an additional site next year. Importantly, they decided to prioritize women's access from the opening, using community-collected catch data, disaggregated by gender, to guide their planning.

Revival of a customary institution

Involvement from various stakeholders is fundamental in building community awareness from the beginning of the process. During the planning, closure, re-opening and data processing, Forkani engaged not just the community but also the village government, traditional leaders and national park authorities.

This first closure has led to stronger bonds of trust within the community, between neighbouring communities, with the government and with Forkani. These bonds have led to increased collaboration between all parties and the establishment of robust monitoring systems. This collaboration proves that the community has the capability for effective and sustainable management of their marine resources.

This first closure was a success and the Darawa community further organized three more temporary fishery closures—June-August 2018, January-March 2019 and June-August 2019. Building on these experiences, the Darawa community is now heading towards developing a broader plan for fisheries management through strengthening the role of a customary institution called 'Barata Kahedupa'. It consists of a structure, an institution and a customary area.

Barata Kahedupa has nine customary territories within Kaledupa District and nine areas outside. According to the history of Buton Kingdom, Barata was traditionally the point for the unification of autonomous territories. Each of the autonomous regions pays tax to the Central Kingdom of Buton. In each autonomous region of Barata, there is an authority with responsibility for overseeing environmental management, called 'Pengaksel (Wati)'.

Historically, Barata Kahedupa has a sea management policy which tells us that marine resource management practices have existed since long ago. For instance, in Kaledupa Island, nine Limbos (traditional villages) have their own sea management areas. People of the Limbo traditionally used natural signs to manage sea boundaries. If people in one community wanted to fish in another's waters, they had to give a part of their catch as payment.

Long ago, Barata Kahedupa also regulated the use of fishing gear and applied temporary fishing closures (hereafter called *Namonu Sara*) in the Laguna area. For managing the sea area, the central value underlying the management policies was called *ambil sebagian, simpan untuk hari esok* (it means 'take some, keep some for tomorrow'). Furthermore, the principles of good governance were built into the institution and its practice. For example, the head of the Limbo was elected by the conference of people through deliberative discussion.

The role of customary institutions governing resources is not limited to the ocean; forests are also being managed by traditional bodies. In Nusara, people divided the forest into two functions: production and protection. If people gathered resources within the forest, they would be fined in gold or were obligated to plant another tree.

Forkani and the community fought for legal recognition of this long-lost customary institution to help manage the ocean. It was successfully brought back to life through the regency regulation on the recognition of Wakatobi customary community law in 2018. The regulation is the first step in raising awareness of the importance of customary institutions. This will strengthen the body and its responsibilities over the marine resources that communities like Darawa depend on.

This recognition ensures that the early marine resource management efforts of the Darawa community can be embedded in legally recognized institutions with a clear mandate. Forkani's approach is to advise and support the community with a view to gradually step back from the active



Larangi, the traditional dance of Kaledupa Island. Now, together with all stakeholders, the Darawa community is rebuilding their fisheries for future generations

planning and organisation of fisheries management efforts. The community in Darawa is well supported to succeed.

The decision is theirs, not ours

Forkani's approach and values are a clear demonstration of what makes community-based organizations (CBOs) such effective advocates. This way of working ensures that small-scale fishing communities fully understand their rights in managing their natural resources and are equipped to exercise them.

"Every member of a community is responsible for the protection of their environment and the management of their resources, so it is vital that everyone works together. Only when you are confident in how to protect your environment can you truly show other communities in neighbouring villages that your regulations are worth respecting," said La Beloro, head of Forkani.

Natural resource management is effective when the community that relies on this fishery for their livelihoods take a leading role in the management decisions. Forkani works tirelessly in equipping coastal communities with the skills they need to manage their natural resources sustainably. Now, together with all stakeholders, the Darawa community is rebuilding their fisheries for future generations. ♣

For more

<https://blueventures.org/>
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<https://www.icsf.net/en/proceedings/article/EN/104-indonesia-works.html?start=10>

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Whose Threat Counts? Conservation Narratives in the Wakatobi National Park, Indonesia

Hooray for Manta Rays

Lamakera, a tiny village in Indonesia, is a centre for the global trade in manta rays, which are listed as vulnerable by the International Union for Conservation of Nature (IUCN)

The IUCN Red List of Threatened Species – a critical indicator of the health of the world’s biodiversity – has assessed 93,500 animal species since it began its work in 1964. Its research found that over 26,000 species are threatened with extinction – that is, 27 per cent of all assessed species. Sharks and ray, or *Chondrichthyes* – characterized by their cartilaginous skeletons – are under intense pressure. There are 1,041 known *Chondrichthyes* species and, of these, 181 (17.4 per cent) are classified as threatened: 25 (2.4 per cent) are assessed as Critically Endangered (CR), 43 (4.1 per cent) Endangered (EN), and 113 (10.9 per cent) Vulnerable (VU). Within this group are the manta rays (*Manta birostris* and *Manta Alfrede*), charismatic, filter-feeders found in tropical and sub-tropical waters around the world. Sadly, both species are listed as vulnerable to extinction. Threats to manta ray populations have been directly attributed to the development of a market for their body parts (specifically, their gill plates), which began growing in the 1990s.

In the far reaches of eastern Indonesia is a small village named Lamakera, which is known by some as one of the locations for the biggest manta fisheries in the world. The Lamakerans have hunted mantas for centuries; in their words, since ancestry (*sejak nenek moyang*). In the past, Lamakerans hunted manta rays in dugout canoes and sailboats and this fishery was a small-scale subsistence fishery, and the Lamakerans only used the meat for local consumption; the remaining body parts (including the gill plates) had no value and were thrown away. However, over the last two decades, increased demand and enhanced technology have

transformed the fishing from a modest source of sustenance to a barbaric pursuit of profit. China’s demand for manta gill plates – which are used for bogus, pseudo-medicinal purposes – has turned Lamakera into one of the centres of the global trade.

The Lamakera manta ray fishery landed an estimated 975 mobulid rays in 2002. Catch comparisons across a 12-year period (2002 to 2014) revealed a 75 per cent decline in manta ray and mobula catch, despite an increased fishing effort. Interviews conducted in 2011 and 2014 revealed that fishers found it increasingly difficult to locate mantas,

...over the last two decades, increased demand and enhanced technology have transformed the fishing...

further suggesting that populations may have declined significantly due to fishing pressure. Despite recognizing the fact that stocks may be depleted, there was no effort from the fishermen to reduce hunting efforts.

CITES

In 2013, a momentous announcement changed everything. Member countries of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) voted to include both species of manta ray under Appendix 2, thus regulating the trade in these animals’ body parts. In January 2014, Indonesia went a giant step further by banning all hunting of manta rays in national waters. The regulation, issued by the Marine and Fisheries Ministry Regulation (Kepmen KP No. 4 2014), banned the hunting,

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selling and distribution of both species of manta ray. Violation of this regulation can incur a punishment of a maximum prison sentence of six years and a fine of approx. US\$100,000. This new regulation provided a catalyst for a coalition of non-governmental organizations (NGOs) and passionate individuals, which included Misool Foundation, Reef Check, Indonesian Manta Project, Blue Sphere Media and Wild Aid, to begin work in Lamakera. Their goal was to end manta ray hunting in the region, redirect villagers' focus to new sources of income, and create a model that could be used to transform the practices of other communities.

In 2014, this coalition, led by Misool Foundation, began working with the Indonesian Ministry of Marine Affairs and Fisheries, local government and coastal villages to introduce a comprehensive community-based conservation programme designed to collect scientific data, influence marine policy and diversify livelihoods within the community. In 2016, realizing the need for a local enforcement component to complement the community development and research, the Wildlife Crimes Unit (WCU) of the Wildlife Conservation Society (WCS) was bought in to begin a local patrol initiative.

In January 2014, Indonesia went a giant step further by banning all hunting of manta rays in national waters

The first step was to set up several meetings with the local community and the Indonesian Ministry of Marine Affairs and Fisheries, local government departments and NGOs. These meetings aimed to provide clarity about the regulation, provide a forum for community members to raise their concerns or share their perceptions, and start discussions about possible alternative livelihood options. These discussions were met with mixed feelings from the community. Some felt their incomes were threatened, while others understood the law and were keen to seek alternative options. Misool

Foundation responded by developing new income streams that are decoupled from manta hunting. The team engaged ex-manta hunters and those community members who were ready to change. The goal was to give them the option to stop hunting in exchange for NGO and government support. The Foundation's team gathered those people and asked them to sign an agreement to state that they would stop hunting mantas, an agreement which was ratified by the local government departments. In return, and with the consultation of fishermen, surveys were conducted to understand how to best address the communities' needs.

A Rapid Assessment on the Potential for Sustainably Focused Programme Development, conducted by Yayasan Masyarakat dan Perikanan (MDPI), concluded that most of the Lamakera fishers are opportunistic, and take multiple gears with them on their fishing trips. This assessment showed that fishers were open to new methods, therefore giving potential to explore other options such as the development of new supply chains of high-value species like skipjack tuna and high value demersal fish.

In 2016, a fishermen's co-operative was created as an economic device to support the fishers' transition away from hunting manta rays. By September 2018, 32 ex-manta hunters and a total of 105 community members had joined the co-operative. The main stipulation of co-operative membership is that all members should sign the official agreement to stop hunting.

Training support

This co-operative is registered with the Department of Co-operatives and is a legal entity. This means that members receive support and training, and are eligible for grants from the local government. Based on interviews with the community and survey results, five small business units were established within the co-operative framework, as also microfinance opportunities, a community mini-market, ice production facilities, seaweed farming, and a mini purse-seine boat.

The business units are structured to enhance existing incomes, lower

household costs and – in the case of the mini purse-seine fishing boats – provide a higher income by using alternative fishing methods. Good-quality ice and storage, for example, means that fishers can easily increase the value of their existing catch, without having to increase catch numbers.

In addition to working directly with the Lamakeran community, the team began working with the coastal communities surrounding Lamakera. They planned to reinstate multiple groups of community rangers (POKMASWAS) and provide them with knowledge and tools to protect and preserve their own marine environments. These groups were encouraged to take pride in these areas and their efforts were celebrated in monthly publications. In September 2018, the POKMASWAS members increased in number to 324 people across 33 villages.

A call centre was launched to provide a mechanism to report incidents of illegal, unreported and unregulated (IUU) fishing, bycatch and animal strandings. A rapid response team was put in place to respond to these reports. As a result, the team released 27 large, vulnerable marine animals, including manta rays and whale sharks this year.

It is now four years since the programme's inception, and there have been a number of exciting achievements. Without doubt, the most significant of these achievements is a 97 per cent decrease in mantas caught by the targeted fishery between 2015 and 2017. Increased interest in, and membership sign-up to, the fishermen's co-operative proves that behaviour change is occurring at a local level, and community members have an increased understanding of the need to transition to new fishing practices. These encouraging results provide evidence that the two-pronged approach to enforcement and livelihoods development is working.

Lamakera is a lynchpin to emboldening the Indonesian government to continue the process of national conservation of manta rays and sharks. Success here – proving that even the most ardent community can buy-in and even prosper from



Indonesian Lamakera manta ray hunters in action. Stories like Lamakera demonstrate that with passion, dedication and strong partnerships, our marine environment has a bright future ahead

national marine legislation – sets the stage for even more aggressive implementation of the manta hunting regulations. Indonesia is defined by its coastline and its rich marine assets. Stories like Lamakera demonstrate that with passion, dedication and strong partnerships, our marine environment has a bright future ahead. ♣

For more



<https://www.misoolfoundation.org/>
Misool Foundation

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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

Nutritious food not only comes from the paddy fields, of ladangs or forests, but also from the sea and coastal areas.

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.

KIARA would urge the Indonesian government to fulfill the right to food as part of the constitutional rights of coastal communities...

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. 3

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)

Strong Pillars

The fisheries and coastal resources policy of Indonesia requires a specific operational and regulatory framework to ensure the the protection of traditional small-scale fishers

Joko 'Jokowi' Widodo, the President of Indonesia, mentioned in a speech on 13 November 2014 that "the second pillar (of the Global Maritime Axis) is a commitment to maintain and manage marine resources with a focus on building marine food sovereignty through the development of the fishing industry by positioning fisherfolk as the main pillar".

The emphasis on fisherfolk as the main pillar of food sovereignty cannot be separated from the strategic role played by small-scale traditional fishers, for several reasons. First, around 86 per cent of domestic

Small-scale fishers are defined as people who earn their livelihood in fishing, without using fishing vessels or using only those vessels under 10 gross tonnes (GT). Fish farmers have been divided into three categories: freshwater fish farmers, brackish water fish farmers and marine fish farmers.

Although women have an important role in the fishery sector, they are not acknowledged as fishers, fish farmers or as post-harvest fishery actors. Women are placed as part of the households of the fishers' family, as described in Law No. 7 of 2016. The lack of recognition of women manifests as an absence of political recognition and an absence of protection of women's special rights, such as those related to sanitation and the right to participate in fisheries management.

The freedoms granted to small-scale fishers under the Fisheries Law range from: freedom to fish in all areas of fisheries management in the Republic of Indonesia; exemption from complying with the provisions of the fishing vessel monitoring system; exemption from licensing obligations including SIUP (licence for doing business in fisheries), SIPI (licence to capture fish) and SIKPI (licence to transport fish); and (c) exemption from fishery charges. But these freedoms do not ensure secure access to, and control over, fishery resources, nor do they prevent parties from outside the small-scale fisheries subsector gaining access to the resources.

Fisheries legislation

The Government of Indonesia has specified 11 fisheries management areas, which determine utilization

Small-scale fisherfolk have to compete for resources with fishing vessels above 10 GT.

fish supply comes from small-scale fisherfolk. Second, their local wisdom shapes a conservation ethos which values wise, fair and sustainable exploitation of coastal and marine resources. Third, most Indonesian fishers—up to 90 per cent of the total fisher population—are from the small-scale traditional sector.

This article attempts to assess the fisheries and coastal resources policy, which is regulated by three principal legal regimes, namely, (i) the Fisheries Law, (ii) the Coastal and Small Island Management Law, and (iii) the Ocean Law. Later, in 2016, the Government of Indonesia published the Law on Protection and Empowerment of Fishers, Fish Farmers and Salt Farmers.

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arrangements under fisheries management plans. However, the process of formulating the fisheries management plans does not involve small-scale traditional fishers and fisheries management institutions or their representatives.

Utilization of coastal resources and small islands within 12 nautical miles from the shore is permitted under the Law on the Management of Coastal Zone and Small Islands. Coastal utilization is regulated under four coastal and small island management plans, namely, (a) RSWP-3-K / Strategic Plan for Coastal Zone and Small Islands; (b) RZWP-3-K / Zoning Plan for Coastal Areas and Small Islands; (c) RPWP-3-K / Coastal Area Management Plan and Small Islands; and (d) RAPWP-3-K / Action Plan for the Management of Coastal Areas and Small Islands. The latter Action Plan establishes spatial structures and patterns in area planning, and delineates activities that may be allowed or prohibited, including those that may be undertaken only after obtaining a licence.

Law No. 7 of 2016 provides Business Assurance Guarantees towards the livelihood spaces and

access rights of small-scale traditional fisherfolk, small-scale fish farmers, and small-scale salt farmers. The 'livelihood spaces' are defined to include fishing zones, or capture fishery zones, fishing harbours, and the habitations of small-scale fisherfolk, traditional fisherfolk, small-scale fish farmers and small-scale salt farmers. Article 25 paragraph (5) of Law No. 7 mandates the provision of livelihood spaces and access to small-scale fisherfolk, traditional fisherfolk, small-scale fish farmers and small-scale salt farmers in every spatial plan, both in relation to the land spatial planning (RTRW) and in relation to the coastal and small islands' zonation plans (RZWP3K).

The RZWP3K regulates the allocation of space within the coastal and small island zones below 12 nautical miles from shore as: (i) the general utilization area, (ii) the conservation area, (iii) certain national strategic areas, and (iv) sea lanes. The utilization of marine space within two nautical miles is prioritized for the livelihood of small-scale fisherfolk, traditional fisherfolk, small-scale fish farmers and small-scale salt farmers. However, in the general utilization area, there

EMIL MISBACH



Father and son is placing traditional static fishing gear (locally called as *pasang*, *tadah arus* and *pertorosan* smiliar to stow nets) at Surabaya, East Java Province, Indonesia

EMIL MISBACH



Small-scale fishers are defined as people who earn their livelihood in fishing, without using fishing vessels or using only those vessels under 10 gross tonnes (GT)

Small-scale fisherfolk have to compete for resources with fishing vessels above 10 GT. Slack monitoring, control and surveillance throws open to other parties access to resources. Small-scale fishers have no exclusive rights and their strategic role has not been recognized in terms of sufficient protection of their tenure rights to fishery and land resources.

Although the Law No. 7 of 2016 is basically a good legal instrument, it requires a more specific operational and regulatory framework to be truly effective. What has been stipulated in Article 25, paragraph (5) of the Law can be the foundation to ensure the protection of tenure for small-scale fisherfolk. The protection of fisherwomen warrants a specific action plan, especially since there is no comprehensive national gender-disaggregated data in fisheries. A comprehensive gender analysis of women working in the fisheries sector as fishers, fish farmers, fish processors and fish marketeers is urgently required.

Alternative measures for the protection of fishing community tenure can be done by integrating the FAO Tenure Guidelines and the FAO Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines) as the guidance framework for the implementation of the 2016 Law. At the level of the Association of Southeast Asian Nations (ASEAN), a regional action plan to secure small-scale fisheries needs to be developed by the Southeast Asian Fisheries Development Center (SEAFDEC). 3

is no exclusive fishing zone for small-scale fishers. In this area, small-scale fishers face competition from other sectors like conservation, marine protected areas, tourism and even from public infrastructure.

With respect to land use for housing, any person who has occupied a piece of land in good faith (for example, after paying relevant taxes) for at least 20 years is protected by the provisions of Article 1963 and Article 1967 of the Civil Code and Article 24 paragraph (1) and paragraph (2) of Government Regulation No. 24/1997 on Land Registration. This provision recognizes the right of occupants who have occupied the land to register their land; if the occupation period has exceeded 30 years, the right to the land shall not be granted to a third party. However, there are obstacles to the registration and certification of land due to rampant corruption and the absence of provisions for the government to actively register land for fishing communities in coastal areas and small islands. The responsibility of providing land in coastal areas and small islands for habitations lies with the Ministry of Agrarian and Spatial/National Land Agency. However, the responsibility of registering fishers lies with the Ministry of Marine Affairs and Fisheries.

For more

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

Traditional Fisherfolk Union of Indonesia (KNTI)

<http://extwprlegs1.fao.org/docs/pdf/ins97600.pdf>

Amendment To Law No. 31 Year 2004 Concerning Fishery

No Turning Back

Despite official legislation, Indonesia is yet to institute processes to curb illegal, unreported and unregulated (IUU) fishing

“We have far too long turned our back on the seas, the oceans, the straits and the bays. It’s time to restore everything so that Jalesveva Jayamahe, a slogan used by our ancestors, will echo again.”

—Ir. Jokowi, the President of Indonesia, at his presidential inauguration

The public in Indonesia was surprised by the investigation of the Associated Press into the enslavement of hundreds of foreign nationals in Indonesia. In remote Benjina, in the Maluku Islands, PT Benjina Resources enslaved people who work up to 22 hours per day with no days off, locked up and forced to drink dirty water. The produce from PT Benjina Resources is sent to Thailand, from where it spreads out into international trade via seafood retailers in the US, Asia and Europe. These illegal fish catches are sold to either restaurants or as pet food.

In May 2015, the Indonesian government repatriated 659 workers of PT Pusaka Benjina Resources, comprising 419 Thais, 202 Burmese and 38 Cambodians. Five years before the Benjina case became public, the Supreme Audit Agency on 19 March 2009 published a report on licensing, non-tax revenues, processing and control of fishing for the period 2007–2009. The report reveals violations in industrial relations, including the fact that there are 98 vessels that employ foreign nationals.

In 2014 *MV Hai Fa*, a freighter vessel of 4,306 GT (gross tonnes) linked up with PT Avona Mina Lestari to transport fish to China. *MV Hai Fa* transported as much as 800,658 kg of frozen shrimp, valued at 70 bn Indonesian rupiahs (INR). *MV Hai Fa* also carried 15,000 kg of

oceanic whitetail sharks (*Carcharhinus longimanus*) and hammerhead sharks.

Nonetheless, the captain of *MV Hai Fa* was prosecuted merely for violation of rules related to trade in prohibited fish species and charged with a fine of 200 mn INR and a six-month imprisonment. *MV Hai Fa* was a Panamanian-flagged vessel captained by foreign nationals, whose operation in the waters of Indonesia is a violation of law. *MV Hai Fa* also violated many other rules and regulations (see table below).

Table 1: Violations by *MV Hai Fa*

Article	Provision	Sanction
Article 16 para (1), Fisheries Act	Ban on selling harmful fish, and endangering fish resources and the environment.	Imprisonment of six years and maximum fine of INR 1,500,000,000
Article 29 para (1), Fisheries Act	Only citizens of the Republic of Indonesia or other legal Indonesian entities can operate in the fisheries of Indonesia.	None
Article 35A para (1), Fisheries Act	It is compulsory for the captain and crew of the vessel to be of Indonesian nationality.	None
Article 41 para (3), Fisheries Act	It is compulsory to land the fish catch in assigned or designated ports.	None
Article 41 para (4), Fisheries Act	The fish catches should be loaded and unloaded in the assigned or designated ports.	None
Article 21 Para (2), Conservation of Natural Resources and Ecosystems Act	Fishing of oceanic whitetail sharks and hammerhead sharks is prohibited.	Imprisonment of five years and a fine of INR 100,000,000

There are three modes of illegal, unreported and unregulated (IUU) fishing in Indonesia. The first is the illegal use of foreign nationals as crew. The second is manipulation of permits for vessels, including those related to tonnage. The third is violation of provisions for landing and processing of fishery products.

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Indonesia comprises 13,466 islands with the total area for fisheries, including the exclusive economic zone (EEZ) and the continental shelf, amounting to 6.32 mn sq. km. The land area is 1.91 mn sq. km. Fisheries resources are regulated under Article 33, Para (3) of the constitution, which states: “The earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people”.

It is estimated that there are 5,400 foreign fishing vessels operating illegally in the sea of Indonesia. Each year one to two mn tonnes of fish are stolen, landed and traded illegally. The foreign vessels that fish illegally come from the following six ASEAN countries, namely, Thailand, Philippines, Vietnam, Malaysia, Cambodia and Myanmar), and from the following non-ASEAN countries, namely, China, Korea, Taiwan and Panama. Most of the illegal fishing occurs in eighteen locations to the west and thirteen to the east.

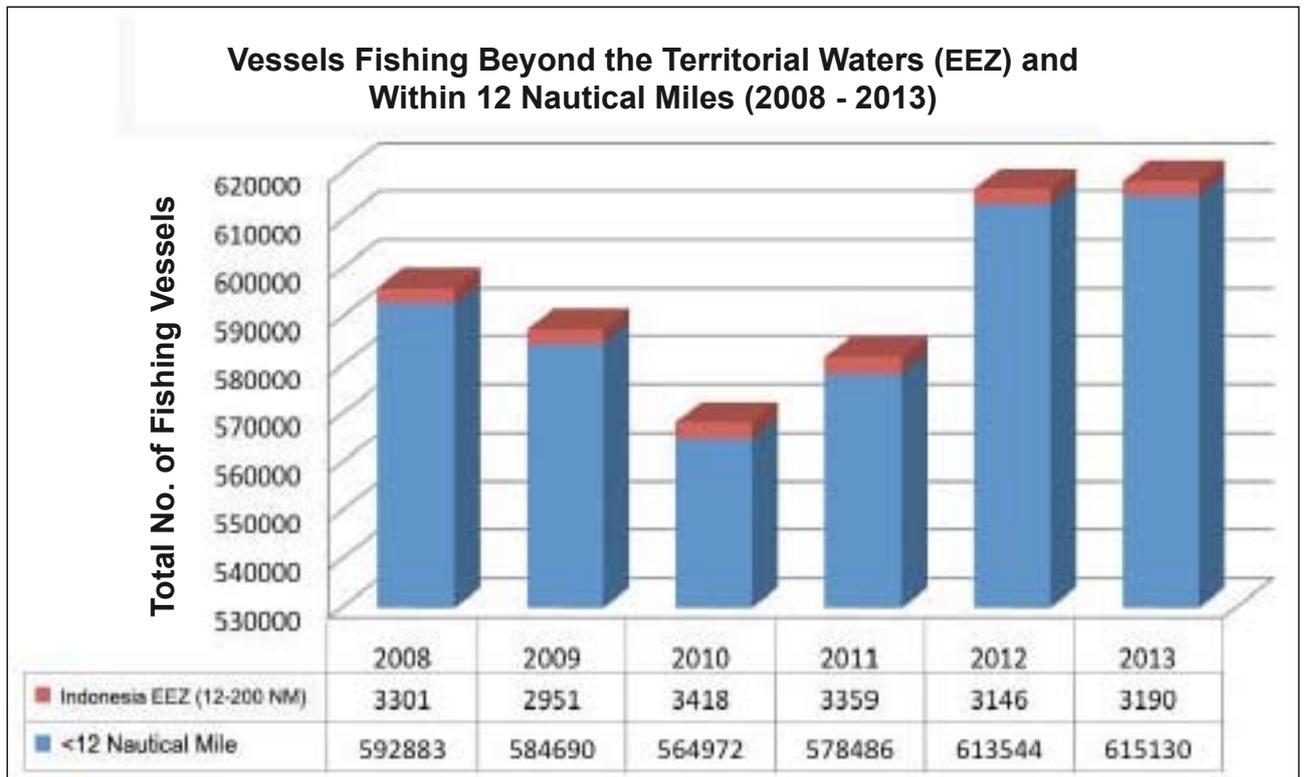
In 2011 the Minister of Marine Affairs and Fisheries identified Indonesia’s annual potential fish catch

at 6.5 mn tonnes. However, considering the level of overfishing, this seems to be an underestimate. At present, there are 615,130 vessels with permits to fish in the waters below 12 nautical miles and 3,190 with permits to fish in the EEZ.

In the past, Indonesia suffered from a large imbalance in overall socioeconomic development, including in fisheries. Of the total of 1,375 fishing ports, 68 per cent were in western Indonesia, while 25 per cent were in the central region and only seven per cent in eastern Indonesia.

However, under the new Indonesia fisheries act, fishing industry operations can be conducted in the Republic of Indonesia only by its citizens. Exceptions are allowed for foreign entities engaged in fishing in the EEZ, subject to provisions of Article 62.2 of the United Nations Convention on the Law of the Sea (UNCLOS), 1982. Indonesia-flagged vessels are allowed to go fishing in the sea waters of Indonesia, including in the EEZ, but foreign-flagged vessels can fish in the EEZ provided they have licenses.

Figure 1. Distribution of fishing vessels: 2008-2013



Source: KNTI (2014)

Indonesian regulations on foreign investment adopt the negative list system with licences or permission required for foreigners. Under the Presidential Regulation No. 39 of 2014, foreign investment in fisheries in the EEZ is permitted only for those who use fishing vessels of 100 GT or more. There are three principal permits needed to operate in Indonesia’s fisheries—the fishery business licence for fisheries and aquaculture, the fishing license and the fishery transport business licence.

Foreign-flagged vessels caught for illegal fishing may be subject to severe penalties, including the sinking of the vessel. Indonesian-flagged vessels are required to engage captains and crew of Indonesian nationality. Foreign-flagged vessels that fish in the EEZ should have a minimum of 70 per cent Indonesian citizens as crew.

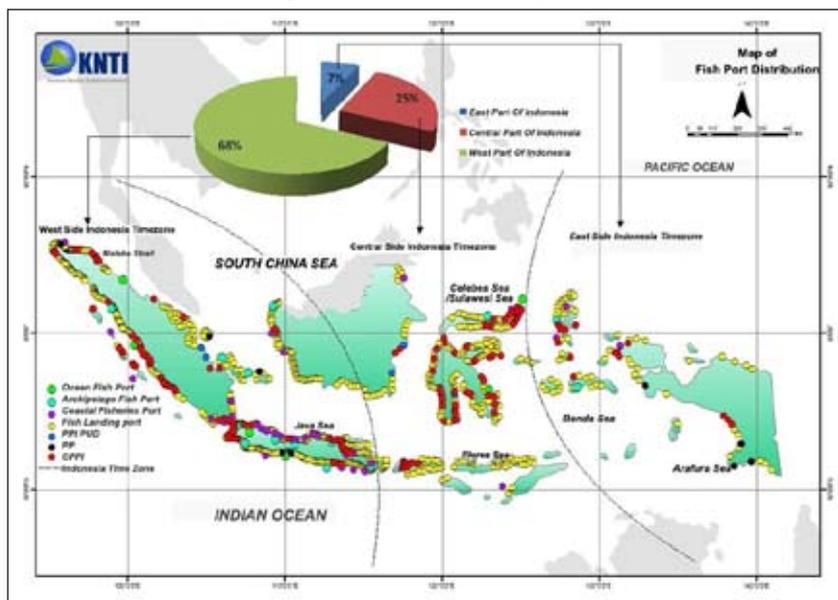
There are several other policies related to IUU fishing in Indonesia, ranging from the prohibition of transshipment at sea, a moratorium on the termination of licensing of vessels built abroad and a ban on trawling in the waters of Indonesia. Violations can attract administrative sanctions such as warnings, suspension and/or revocation of licences.

According to a new regulation of the Minister of Maritime Affairs and Fisheries, those who land above 2,000 tonnes are required to process the catch by building a fish processing unit.

Monitoring, control and surveillance (MCS) activities are covered under the Fisheries Act of 2014, by which the Maritime Security Agency has been replaced by the Maritime Security Coordinating Board, which is a multitasking agency that coordinates with thirteen other government agencies for supervision against IUU fishing.

The fishing vessel registration system in Indonesia is divided sectorally between the Ministry of Transportation and the Ministry of Maritime Affairs and Fisheries. Vessel measurements are regulated by the Ministry of Transportation,

Map: Distribution of Fishing Ports



Source: KNTI, 2014

Table 2: Distribution of Fishing Vessels and Fish Processing Units

Indonesia's EEZ area	No. of companies	No. of vessels	Total gross tonnage	Total production (tonnes)	Existing fish processing units	Permitted fish processing units
Arafura EEZ	54	659	251,591	524,829	15	125
Sulawesi and Pacific Ocean EEZ	31	199	28,931	27,626	6	14
Indian Ocean EEZ	55	187	26,309	42,385	6	13
Indian Ocean EEZ	21	57	13,626	12,822	5	6
South China Sea	26	73	7981	15125	1	3
Total	187	1,175	328438	622787	33	161

Source: KNTI, 2014

Table 3: Results of examinations conducted on vessels by the Ministry of Maritime Affairs and Fisheries

No.	Document details				Physical checks results	
	Name of vessel	Owner	Fishery Permit No. SIPI/SIKPI	GT	GT	
1	<i>Ulang Ulie XI</i>	PT. Arabikatama Khatulistiwa F.I.	17.09.0028.27.22800	24	60	
2	<i>Cilacap Maluku Jaya Enam</i>	PT. Cilacap Samudera F.I.	17.08.0027.27.20169	78	153	
3	<i>Samudera Maluku Jaya Enam</i>	PT. Cilacap Samudera F.I.	15.09.0028.16.22478	60	157	
4	<i>S&T Samudera Jaya 6</i>	PT. S&T Mitra Mina Industri	26.09.0028.03.22648	398	442	

Source: KNTI, 2014

FERRY LATIEF



Home workers and their families in Indonesia. MCS activities will work well only with the involvement of fisherfolk

locals. This problem can be addressed by facilitating the fisherfolks to access the resources so the EEZ will be secured by locals fishers.

In our view in Indonesia, MCS activities will work well only with the involvement of fisherfolk, as per the provisions in the National Fisheries Act (Article 67), needs to be implemented properly and strengthened. 3

while licensing of fishing vessels comes under the Ministry of Maritime Affairs and Fisheries. However, there are complaints that this division leads to manipulation of weight measurement of vessels to evade tax and levies.

Manipulation of the gross weight of fishing vessels is becoming a major source of corruption in the fisheries sector, which is worsened by the division of authority between the central and local governments in issuing permits. Under Law No. 23 of 2014 on Regional Government, regulation of vessels between 5 and 30 GT falls under the authority of the provincial government. According to the findings of the Corruption Eradication Agency, which audited the tax liabilities of vessel owners, of the 1,836 fishery businesses that obtained licences, 632 do not yet have a tax identity number.

According to data from *Kesatuan Nelayan Traditional Indonesia* (KNTI), in 2013 there were 615,130 vessels that fish in waters below 12 nautical miles. The 3,190 vessels that fish in the EEZ could easily deplete the fishery resources which ought to be accessed by the locals. The fishery stock resources in the territorial waters tends to be overfished and overexploited. Meanwhile the 3,190 vessels that fish in the EEZ could easily deplete the fishery resources which ought to be accessed by the

For more

faolex.fao.org/docs/pdf/ins51065.pdf

Law No. 31 of 2004 on fisheries

faolex.fao.org/docs/pdf/ins97600.pdf

Law No. 45 of 2009 and Amendment to Law No. 31 of 2004 on fisheries

bigstory.ap.org/article/b9e0fc7155014ba78e07f1a022d90389/ap-investigation-are-slaves-catching-fish-you-buy

Are slaves catching the fish you buy?

Seize the Opportunity

The newly elected president of Indonesia, Joko Widodo, enjoys an unprecedented opportunity to tackle the issues facing the country's fishing villages

The year 2014 was particularly meaningful for all Indonesians, including the 13.8 mn families who depend on the fisheries sector for a livelihood. There are two principal reasons for this. First, like most Indonesian citizens, fisherfolk welcomed the 2014 presidential elections in anticipation of an unprecedented betterment of their lives. Despite the problems in inaugurating into office the elected president Joko Widodo ("Jokowi", as he is universally known in the country), pending the final decision

of fishers' welfare in their campaign. The aim was to eradicate illegal fishing, support boat repairs, develop ports and provide special banks for fishers. These measures implied a larger presence for the state in Indonesia's fishing villages.

Of the country's population, 13.8 mn rely on fishery activities for their livelihoods, in capture fisheries, aquaculture, and fish processing or marketing. Most of the 2.8 mn capture and small-scale fishers could catch, on average, only 2 kg of fish daily. If all the fish they caught were sold directly in the markets, the average daily income of an Indonesian fisher would be only Rp20,000–30,000 (US\$1.67–2.5). The low income cannot be attributed to a paucity of fish; rather, the low capture was due to ineffective intervention by the state.

There are several inequalities in Indonesia's fisheries. First, there is a marked inequality in the management of fisheries resources. The state allows large ships to freely fish in the waters of the archipelago or operate at less than 12 nautical miles from the coastline.

In fact, 99.5 per cent of the Indonesian fishing fleet, including ships weighing 30-100 gross tonnage (GT), fish in the waters of the archipelago. This has led to great competition between the small-scale boats and large fishing vessels, and also among the large vessels themselves.

Fishing fleet

The fact that only a small number of the national fishing fleet operates in the Indonesian exclusive economic zone (12-200 nautical miles) has given huge opportunities to foreign

...99.5 per cent of the Indonesian fishing fleet, including ships weighing 30-100 gross tonnage (GT), fish in the waters of the archipelago.

of the Constitutional Court, the enthusiasm of fisher families remained high. This was mainly because this was the first election in the history of the republic that focused on maritime and fisheries issues.

The second factor that contributed to the 2014 election's significance was that on 10 June, the Food and Agriculture Organization of the United Nations (FAO) adopted the first international instrument dedicated to protect and promote the important role of small-scale fishers—the Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines).

Jokowi and his running mate, Jusuf Kalla, currently the Vice President, had included the agenda

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vessels to plunder the wealth of the Indonesian sea.

Second, there is also a noticeable inequality in the development of fisheries infrastructure. There are about 1,300 fishing ports in Indonesia, comprising sea ports, archipelago ports, beach ports, fish landing centres, and private ports. Over 68 per cent of them are located in western Indonesia. Not only is the geographical spread unbalanced between the east and the west, but the infrastructure facilities also generally do not meet the minimum requirements for fishing ports, as revealed by the lack of data and integrated information on fisheries, poor training facilities, and the unavailability of safety tools for fishermen. Consequently, to date there are unresolved problems related to the accuracy of subsidized fuel distribution, efficiency of production, the setting of selling prices, and the safety at sea of fishers.

Third, there is inequality in the chains of fisheries management. This stems from the definition of fisher, which is limited to those who capture fish in the sea. In other words, all activities other than fish capture, such as fish processing and marketing, are defined as irrelevant (to fishermen). Accordingly, the economy of fishers is very dependent on sales of non-processed fish, which has no added value. This has led to a proportional decline in the performance of fish-processing businesses in Indonesia. In 2013, of the 19.5 mn tonnes production of capture and aquaculture fisheries, only less than 20 per cent ended up as processed products. The number of workers in the fish-processing sub-sector is limited to under 1.4 mn or about 10 per cent of the total fishworker population.

These conditions of inequality that illustrate the problems associated with poverty and environmental degradation in the fishing villages are not separate

issues. They are inter-related and offer an opportunity for President Jokowi.

To start with, a focus on the SSF Guidelines would be appropriate. The SSF Guidelines positions the world's small-scale fishers as part of the solution to overcome global hunger and poverty. The Guidelines may help the Government of Indonesia to continue to maintain and increase subsidies for fishermen and small-scale fish farmers. This is especially relevant in the context of questions raised by industrialized countries on the subsidies granted to the fisheries sector, as in the lawsuit filed against the Indonesian government in 2012.

At the time, the Government of the United States (US) questioned the policy of the Indonesian Ministry of Maritime and Fisheries, which gave various forms of incentives to fishers and shrimp farmers in some integrated fisheries areas (called Minapolitan cities or areas). The US lawsuit argued that subsidies for fishermen and small farmers in Indonesia were part of the national export subsidy that disrupted shrimp prices in the world market.

In the context of the 1945 Constitution, the Fisheries Law and the ground realities in Indonesia's fishing villages, it is impossible for an Indonesian small-scale fisher to



Most of the Indonesian fishing fleet, including ships weighing 30-100 gross tonnage, fish in the waters of the archipelago, leading to great competition between the small-scale boats and large fishing vessels

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Of Indonesia's population, 13.8 mn rely on fishery activities for their livelihoods, in capture fisheries, aquaculture, and fish processing or marketing

produce highly competitive products without the support and facilitation of the government. The SSF Guidelines also opens up access to international financing for the implementation and monitoring of the instruments needed to protect small-scale fishing in Indonesia.

On the national scale, the SSF Guidelines may help future governments in two ways—first, by measuring the effectiveness of national policies in protecting small-scale fishers; and second, by accelerating the formulation of policy to protect fishers in more comprehensive ways, and ensuring that fishing boats weighing more than 30 GT do not operate in the archipelago waters. At the village level, the SSF Guidelines instrument may strengthen the recognition of the strategic role of Indonesian small-scale fishing and the traditional knowledge of communities in managing coastal and marine resources.

The SSF Guidelines also encourage access to education and training

to improve the competitiveness of Indonesian small-scale fishermen in local, national and international markets, as well as increasing their resilience in facing climate change. All these are opportunities for President Jokowi to take the expectations for change from behind the negotiation table and transplant them into prospects for prosperity in the fishing villages of Indonesia. 3

For more

www.thejakartapost.com/news/2015/03/17/jokowi-wants-kpk-focus-fisheries-forestry.html

Jokowi Wants KPK to Focus on Fisheries, Forestry

www.radionz.co.nz/international/programmes/delinepacific/audio/20165774/indonesia-leads-explosive-new-wave-of-fisheries-protection

Indonesia Leads Explosive New Wave of Fisheries Protection

Flying Fishermen

The fishermen of Lamalera village in Indonesia catch whales in a time-honoured tradition of a subsistence way of life

His sinewy body wrapped in a grey-and-maroon striped *lungi* (a wraparound sarong used by men in south India), he stands out in the crowd of suits and boots at the 11th meeting of COP to the CBD in Hyderabad's Hitech City, the swanky venue for the global bash. He is usually found hovering around a venue where discussions about issues faced by coastal communities are held, and it is easy to place him at first glance as a fisherman. But Bona Beding is no common fisherman. He is one of those 'flying' types, who jumps into the sea with a harpoon to catch big fish. Bona, as he is fondly called by people who know him, is a whaler from Indonesia.

Not being fluent in English does not stop Bona from smiling invitingly at curious passers-by. Though he has Riza Damanik of KIARA, the Indonesian non-governmental organization (NGO), to help with translations, Bona is not intimidated by the English speakers as most non-English-speaking people usually are. In his broken English, he intervenes to correct the speaker if he is referred to as a 'hunter': "I do no hunting. This is not a game." Bona understands the nuances of language, even of a language foreign to him, and will not yield easily. "It is not hunting like it is in Japan or Taiwan. It is a giving from God." That is what the people of his village Lamalera, who catch whales "only to consume within the village and never to earn profits" believe.

Lamalera, situated in the southern part of Lembata Island in the East Nusa Tenggara Province of Indonesia, is populated by around 4,000 indigenous

people. Damanik says, "Many have filmed Lamalera. Its whaling traditions are famous." True to his words, a deluge of websites on the village pop up in any Internet search. One of them is from the pages of the famous National Geographic magazine—a striking picture of a fisherman jumping headlong into sea, caught midair against a coruscating blue noon sky, in a process labelled 'subsistence hunting'. "I don't yet jump

"Fishing is not just an activity. It is a way of life," says Bona.

like that. But my father does. But one day I will overtake my father," says Bona on seeing the picture.

Handover tradition

Bona's father, Stephanus Beding, 74, is the *lamafa*—the captain of the fishing boat. The *lamafa* tradition, akin to monarchy, involves the son taking over the captaincy of a boat from the father. But *lamafa* is not just a leader but also the general. He is the one who takes the plunge into the sea, to battle with the sperm whale. "Fishing is not just an activity. It is a way of life," says Bona. As Damanik ends his interpretation with that brief line, Bona nudges him to add: "It is a philosophy." Listening to Bona outline the tenets of this philosophy, it is difficult not to be convinced that it indeed is a philosophy of living.

This profile is by **Janani R Ganesan** (janani.r.ganesan@gmail.com), a freelance journalist based in Tirunelveli, Tamil Nadu, India

BONA BEDING



Members of the whale fishing community of Lamalera, Indonesia, setting out to sea at the start of the region's whaling season

The fishing community of Lamalera believes that the sea and the land have an intimate connection. Therefore, before the May-October whaling season sets in, the community members begin with a ritual that starts on the top of a hill. Bona claims the existence there of a naturally shaped stone that resembles a whale. The community members offer prayers in front of the stone, and carry a bunch of produce such as fruits and rice from the land to the sea. They drown them as an offering to the sea, which, symbolically for them, is the mother of their village. "We believe that we take from the sea to the land and hence must give from the land to the sea," says Bona.

The fishermen have strict rules about whaling: They do not catch a baby whale or a female whale. They do not go whaling on Sundays, most of them being Christians. Most interestingly, they do not chase a whale beyond a particular point at sea. Bona is unable to pinpoint this in terms of a measure of distance, but he and his clansmen know the boundary by sight, and whales are not to be chased once they cross that limit.

Lamalera's relationship with the sea might seem merely ritualistic, but it runs deeper than that. It has a rather strong correlation with conserving what gives life to the community. Though there are two kinds of

whales in the region—sperm and blue whale—the Lamalera fishermen hunt only the sperm whale because only this species "breeds a lot." The blue whale is considered an endangered species by the international environmental community. But that does not concern the people of Lamalera. They believe they understand their sea better. "But the international community always looks at us from the outside. They never try to get into our community and understand what the sea means to us," says Bona.

In 2009, Lamalera waters were declared a part of the Sawu sea conservation area. The decision was followed by a prohibition on traditional whale capture, which has sustained the community since the 13th century. But strong opposition from the Lamalera community persuaded the government to withdraw the Lamalera waters from the Sawu Sea conservation area.

Mere ruse

"We consider ourselves the owners of the sea. We know that the quality or quantity of whales has not declined. Why would we destroy something we depend upon?" asks Bona. "This marine protection is only a ruse to allow privatization. We will not let that happen in Lamalera," he says. Damanik, whose organization, KIARA, has worked with coastal communities,

adds that the declaration of protected areas throughout the country has been followed by privatization and tourism in those areas.

Damanik puts the process of marine protection in Indonesia in context. To date, 15 mn ha of marine area has been brought under protected areas. By 2020, the Indonesian government aims to increase this to 20 mn ha. Damanik claims that this expansion is mindless as it does not take into consideration the valuable traditional knowledge available with indigenous communities. Sometimes fishermen, who accidentally venture into protected areas, are shot down by coastal guards.

All around the world, the issue of rights over sea territory has seen conflicts. Indian fishermen languishing in Pakistani jails or fishermen from Tamil Nadu shot dead by the Sri Lankan Navy are examples. The situation in Indonesia is no different. The irony, however, is that often the human massacre is the result of a rather contorted battle waged by the State to conserve some species. Since the Aichi Targets adopted by COP10 aims to bring 10 per cent of the earth's coastal areas under protection, governments have been clamouring to reach that number, often overlooking huge losses to livelihoods, and sometimes even life.

Bona opens a digital image on his Macbook. It is of near-naked children lying on the beach, covered in sand. If only they had slightly protruding bellies, and snot or rashes—instead of smiles on their faces, the image would fit the perfect stereotypical caricature of poverty. Bona knows that. He asks: “Do you think these children are poor?” He is not being rhetorical, he demands an answer. “They are happy. In Lamalera everybody is happy. Nobody is rich or poor. I want to be a fisherman. I want my son to be a fisherman. Why do you oppose?”, he asks the conservationists and governments ridden with a development agenda.

Bona is unable to indicate the average income of the Lamalera villager

nor is he able to say if everybody in Lamalera can afford a Macbook like his. A closer look at the village might reveal inequalities, or it might not. Bona says that the Muslims in the village do not fish. Christians and Muslims have different days assigned to sell produce in the market. It is convenient to momentarily forget divisions along religious lines. Utopia does not exist, either in the developed urbanscape or in the romanticized countryside. But that is not reason enough to not give people a choice. Lamalera wants to fight for that choice, asserts Bona.

Primarily a barter community, the women in the village go to the markets to sell their produce. Fish is traded for other agricultural products. Lamalera seems the idyllic example of a community that sustains itself. From Bona's wraparound sarong to the boat's sail, everything is made from locally available material. Bona hands out a visiting card and says, “The paper is made from a local tree.” It is this way of life that people like Bona want to defend.

In the last three years, spearheaded by Bona, a local festival called *Baleo* (a fisherman's chant when out at sea to catch a whale) is being celebrated as a symbol of the contentment of the community members with their lives.

As part of the cultural programme, a compact disc is handed out to all outsiders, which contains songs about Lamalera—a village whose very name is musical and rolls off the tongue in four syllables, La - ma - le - ra. One of the songs, whose tune is reminiscent of the sway of boats on a calm sea, goes “La, La for Lamalera, the plate of the sun”, a song about the traditions and customs of the village.

Bona plays the song at a seminar and considers it self-contained and sufficient to make the critical point that the villagers of Lamalera know how to respect the sea, what it gives back to them, and how to find contentment in their relationship with it.

For more



vimeo.com/1937097

A Whale Hunt in Lamalera – Indonesia

www.bbc.co.uk/learningzone/clips/sustainable-fishing-lamalera-whale-hunters-in-indonesia/11954.html

Sustainable Fishing: Lamalera Whale-hunters in Indonesia

www.twofourdigital.net/Insight/whale_hunters.wmv.aspx

Indonesia: The Whale Hunters

Beyond Paper

The annulment of inequitable provisions in an Indonesian coastal area management act spells victory for fishers

At its plenary session on 26 June 2007, Indonesia's House of Representatives (DPR) passed the Management of Coastal Areas and Small Islands (PWP-PPK) Act, 2007 (No. 27). It was meant to make a breakthrough in resolving the conflicts that resulted from sectoral regulations in coastal areas and small islands. Another aim was to ensure that the State protects the interests of families of fishers and indigenous peoples. It was assumed that this legislation would lead to

Development Bank (ADB) and the World Bank.

Though there was a prolonged process involving discussions with different experts, it is unfortunate that the final legislation passed did not have an integrated coastal management approach. The legislation, as adopted in 2007, did not correct the inequality of control of coastal and small island resources, nor did it address the growing complexity of overlapping pieces of legislation governing the areas (as there are over 20 laws governing coastal areas and small islands). Instead, the legislation puts more emphasis on the investment aspect and is pro-business in approach, not leaving much space for communities, especially traditional fisherfolk and indigenous peoples, to participate and propose management plans.

The legislation (as adopted in 2007) had provisions whereby concessions could be granted to coastal waters. The PWP-PPK Act legally promoted the granting of concessions (HP-3) to the private sector, including from other countries, for aquaculture, tourism and mining in coastal waters and small islands.

Concessions

More specifically, the concessions can be granted for the sea surface, and the water columns down to the seabed valid for a cumulative period of 60 years. Moreover, the concessions can be transferred, routed and used as collateral for bank loans. This kind of commercialization and privatization model has been applied earlier for the management

...the 2007 legislation puts more emphasis on the investment aspect and is pro-business in approach, not leaving much space for communities...

maximum development of coastal areas and small islands.

It is essential to note that the process for drafting the legislation took a long time, and involved a number of stakeholders, and it was more than seven years before the process was complete. The process, initiated in 2000, involved academics, legal practitioners, non-governmental organizations (NGOs), as well as a number of foreign experts, especially from the University of Rhode Island, United States (US), besides public policy activists from the US. There was also foreign funding involved, either directly or indirectly, in the form of funds from organizations such as the United States Agency for International Development (USAID), and banks such as the Asian

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of forests and mineral resources over the last four decades, and have proved a failure, resulting in increased poverty and ecological disasters in Indonesia.

The access to coastal and small-island resources are then open to be controlled by investors with financial muscle since only such investors can meet all the requirements stipulated in the law to obtain the HP-3 certificate, namely, administrative, technical and operational qualifications. Often, coastal communities do not have the capacity (financial, technical, access to information and technology) to compete with the investors and local government, thus leaving no space for the coastal communities, especially the fisherfolk. The social, economic and cultural activities of fisherfolk, and coastal cultivators will be drastically affected by such investments, leading to further exacerbation of their poverty.

In essence, HP-3 legalizes the revocation of the rights of families of fishers, indigenous and coastal communities to access resources in coastal and marine areas, and small islands.

The degradation of the ecosystems of the islands, the allotment of marine areas, and the eviction of fishers from their traditional spaces are continuing. The People's Coalition for Fisheries Justice (KIARA) notes that during the span of four years, no less than 42 ecologically important areas along the coast and in small islands have been 'excavated' by the mining industry for the extraction of coal, oil and gas.

Furthermore, over 20 islands, including in Nusa Tenggara Barat, Kalimantan Timur, Kalimantan Selatan, North Maluku, South Sulawesi, Papua and Nusa Tenggara Timur (NTT), have been earmarked by foreign parties for the industry; around 50,000 ha of aquaculture area have been handed over as concession for foreign exploitation, and are being 'adopted' by oil, gas and mining companies.

Around one million ha of coastal area have been converted to facilitate the expansion of palm oil plantations

and beach reclamation. All these developments potentially increase the pressure of poverty on the families of fishers.

Based on these considerations, a civil society grouping, called the "Reject HP-3 Coalition", filed a petition with the Constitutional Court on 13 January 2010 for the judicial review of the articles related to HP-3 in Act No. 27 of 2007. The coalition, consisting of nine civil society organizations (CSOs) and 27 leaders of fisherfolk organizations, was also supported by various experts from the academic community, as well as three representatives from among artisanal fisherfolk and indigenous peoples.

While the practice of privatization of the management and exploitation of natural resources in Indonesia is shifting from land to marine areas, the Constitutional Court of Indonesia annulled, on 16 June 2011, the provisions of the HP-3 concessions as stipulated in the PWP-PPK Act of 2007. On paper, the policy of privatizing the living spaces of traditional fishers and indigenous peoples in coastal waters and small islands has been revoked.

The review procedure of the Constitutional Court focused on two major questions:

1. Does the granting of the HP-3 concession regulation contravene the principle of



The Reject HP-3 Coalition in front of the Constitutional Court of Indonesia, campaigning for the rights of communities to access resources

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The Constitutional Court of Indonesia in session to discuss the annulment of HP-3 concessions

State power/ownership over natural resources for the greatest welfare of its people; is it in conflict with the constitutional guarantee regarding the right to life and livelihood for the coastal community (socioeconomic rights), and with the principle of non-discrimination and the principle of legal certainty and justice?

2. Is the design/development of the Strategic Plan for Coastal Regions and Small Islands (RSWP-3-K), Zonal Plan for CR & SI (RPWP-3-K), Management Plan for CR & SI (RPWP-3-K) and the Action Plan for CR & SI (RAPWP-3-K) not in contravention with the constitutional rights of the petitioners (Reject HP-3 Coalition) since no representative of the people participated in the consultation procedures?

The Constitutional Court discourse resulted in several interesting elaborations.

First, the sentence “to be used for the greatest welfare of the people”, as mentioned in the Constitution (UUD 1945, Article 33/3), implies that the greatest welfare of the people is the main criterion for the government to determine the policies, regulations and management regarding land and water resources and the natural richness that is part of them.

Second, the State power over land and water resources and their natural richness has to consider the already

existing rights, be it individual rights or collective rights of traditional groups, communal rights and other constitutionally granted rights of the people, such as the rights of passage for access and right to a healthy and clean (aquatic) environment.

Third, the HP-3 concession regulation will result in a loss of the rights of traditional communities that have been handed down over generations. These traditional community rights have a specific characteristic, that is, they cannot be revoked as long as the traditional community still exists.

Fourth, HP-3 will lead to an exclusion of traditional communities as HP-3 concession holders, due to their lack of working capital, technology and knowledge. However, the State—in this case, the government—has the duty to promote the general welfare and social justice of all its people (UUD 1945, Intro. And Para. 34/2).

Fifth, the purpose of Act 27 of 2007 is the legalization of concessions in coastal areas and small islands, that is, to establish private ownership and closed ownership for individuals, legal entities or certain communities, so that a major part of the coastal areas and small islands can be managed by the above mentioned entities through concessions as regulated by HP-3. Thus, the aim is to promote the privatization of management and exploitation of the coastal waters and small islands by private companies and businessmen.

Last, the design/development of the Strategic, Zonal, Management and Action Plans, which only includes regional governments and the business community, constitutes unequal treatment, and neglects the rights of individuals for personal advancement and the collective development of the community, the people and the State.

Small-island resources

Based on the abovementioned elaborations, the means to privatize and commercialize the coastal areas and small-island resources are proven to be in contravention of the provisions of the Constitution. The relevant paragraphs of the HP-3

concession regulation does not have any legal sanctity.

In examining the ruling document, which is 169 pages long, at least three breakthroughs by the Constitutional Court can be discerned, which strengthen the essence of the struggle of fisher communities and indigenous peoples.

First, in assessing how far HP-3 benefits the greatest welfare of the people, the Constitutional Court used the following benchmarks: (i) the benefit of natural resources for the people; (ii) the level of distribution of the benefits of natural resources for the people; (iii), the level of public participation in determining the benefits of natural resources, and; (iv) the respect for people's rights in utilizing natural resources from generation to generation.

Thus, the Constitutional Court, in its ruling on HP-3, has provided and defined a constitutional instrument to measure the operational meaning of "for the greatest welfare of the people" regarding the often-debated management of natural resources.

Second, the Constitutional Court contributed to the awareness and articulation of the existence of constitutional rights, which also apply for traditional fisherfolk, among which are the rights of passage (access); the right to manage resources in accordance with cultural principles and traditional wisdom handed down over generations; and the right to exploit resources, including the right to a healthy and clean aquatic environment. All these rights of the traditional fisherfolk are inherent individually and collectively, and cannot be exchanged (read sold). In areas where the fishers are not dominant, it depends on their customary rights, not on the number of people.

There is no need to wait. Technically, the government and parliament need to revise all rules, both national and regional, that still foster the spirit of privatization reflected in HP-3, and 'clean' the coastal, marine and small-island areas of various forms of impoverishing commercialization. In North Sumatra,

for example, a Local Regulation No. 5 of 2008 on the Management of Coastal Areas and Small Islands clearly holds commercial provisions regarding coastal water concessions.

In line with the annulment of HP-3 by the Constitutional Court, the State has the duty to reinstate the constitutional rights of the fisherfolk, including the guarantee not to pollute the sea (read living environment and livelihood of the fishers). For the fisher families who have been 'driven out' from their marine environment, the annulment of HP-3 is a conscious effort to strengthen their living as

...the means to privatize and commercialize the coastal areas and small-island resources are proven to be in contravention of the provisions of the Constitution.

traditional fisherfolk and also to seize their rights in a constitutional way. At the same time, the dignity of the State must be upheld by preventing its apparatus from exercising misguided policies that are contradictory to the Constitution.

Furthermore, the decision of the House of Representatives to insert a bill on the protection of fishers into the National Legislation Programme (Prolegnas) for the period 2009 to 2014 should be followed up by ensuring the involvement and participation of organizations of fishers and indigenous peoples in its formulation process.

If this can be achieved, the constitutional victory of fishers, indigenous peoples and their families will not remain on paper. 

For more

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Koalisi Rakyat Untuk Keadilan Perikanan

www.un.org/Depts/los/nippon/unnff_programme_home/fellows_pages/fellows_papers/nurhidayah_0910_indonesia_PPT.pdf

Towards Integrated Coastal Zone Management in Indonesia: Framework Assessment and Comparative Analysis