

The Indonesia Workshop Report

Customary Institutions in Indonesia:
Do They Have a Role in Fisheries and Coastal Area Management?

2-5 August 2009
Lombok, Indonesia



International Collective in Support of Fishworkers
www.icsf.net

Workshop on
Customary Institutions in Indonesia:
Do They Have a Role in Fisheries and
Coastal Area Management?

Report

**2-5 August 2009
Lombok, Indonesia**

Organized by
International Collective in Support of Fishworkers (ICSF)

in co-operation with
**Ministry of Marine Affairs and Fisheries,
Government of Indonesia and
Provincial Department of Fisheries and Oceans,
Nusa Tenggara Barat, Indonesia**



International Collective in Support of Fishworkers
27 College Road, Chennai 600 006, India
www.icsf.net

Workshop on
Customary Institutions in Indonesia:
Do They Have a Role in Fisheries and
Coastal Area Management?

2 – 5 August 2009

Workshop Report
March 2010

Published by
Chandrika Sharma
for International Collective in Support of Fishworkers (ICSF)
27 College Road, Chennai 600 006, India
Email: icsf@icsf.net Web: <http://www.icsf.net>

Edited by
KG Kumar

Designed by
P. Sivasakthivel

Cover designed by
Ashok Rajagopalan

Printed at
Nagaraj & Co, Chennai

Copyright © ICSF 2010

ISBN 978-81-906765-9-5

Contents

List of Abbreviations	5
Preface	7
Prospectus	9
Lombok Statement	13
Report of the Workshop	17
Inaugural Session	17
Customary Institutions and Fisheries and Coastal Area Management	19
Community-based Organizations and Coastal and Fisheries Management	23
Study on Constructing the Role of Customary Institutions in Fisheries Management in Indonesia	25
Tagal System in Malaysia	29
Coastal Community Empowerment for Coastal Management in Indonesia	31
Group Discussions and Discussion and Adoption of Statement	33
Field Visits to Jambianom and Gili Sulat	35
 Appendix	
1. Keynote Speech by Dr. Suseno Sukoyono at the Inaugural Session	37
2. Programme of the Workshop	41
3. List of Participants	43
4. Local Knowledge and Fisheries Management in Indonesia: Summary of Background Paper	49
5. La sagesse de la tradition (<i>French Translation</i>)	57
6. La sabiduría de las tradiciones (<i>Spanish Translation</i>)	63

List of Abbreviations

CBCRM	Community-based coastal resource management	KNTI	Kesatuan Nelayan Tradisional Indonesia (Indonesian Traditional Fishermen Unity)
CBD	Convention on Biological Diversity	LAFCCOD	Lanao Aquatic and Marine Fisheries Center for Community Development
CCRF	1995 FAO Code of Conduct for Responsible Fisheries	LIPI	Centre for Limnology Research
DKP	Department of Fisheries and Oceans	LMNLU	Lembaga Musyawarah Nelayan Lombok Utara
EEZ	exclusive economic zone	MMAF	Ministry of Marine Affairs and Fisheries
FAO	Food and Agriculture Organization of the United Nations	NGO	non-governmental organizations
HP3	Hak Pengusahaan Perairan Pesisir	NTB	Nusa Tenggara Barat (West Nusa Tenggara)
ICSF	International Collective in Support of Fishworkers	NTT	Nusa Tenggara Timur (East Nusa Tenggara)
IDR	Indonesian Rupiah	P3L	Pusat Penelitian Pesisir dan Laut
IEEZ	Indonesia exclusive economic zone	PIFWA	Penang Inshore Fishermen Welfare Association
IRDF	Integrated Rural Development Foundation of the Philippines	SAM	Sahabat Alam Malaysia
IUU	illegal, unreported, and unregulated	SDF	Sustainable Development Foundation
JALA	Jaringan Advokasi untuk Nelayan Sumatera Utara (Advocacy Network for North Sumatra Fishermen)	SEAFDEC	Southeast Asian Fisheries Development Center
JOAS	Jaringan Orang Asal SeMalaysia	SNI	Serikat Nelayan Indonesia (Indonesia Fishermen's Union)
KIARA	Koalisi Rakyat untuk Keadilan Perikanan (People's Coalition for Fisheries Justice)	SNSU	Serikat Nelayan Sumatera Utara (North Sumatra Fishermen's Union)
KNTI	Kesatuan Nelayan Tradisional Indonesia (Indonesian Traditional Fishermen's Union)	WALHI	Wahana Lingkungan Hidup Indonesia (Friends of the Earth Indonesia)
KPPL	Kelembagaan Komite Pengelolaan Perikanan Laut	YPMAN	Pangkai Merurenou Aneuk Nelayan Foundation

CCMRS-IPB



A fishing vessel with its catch at the landing centre in Kepulauan Seribu, Jakarta, Indonesia

CCMRS-IPB



Members of *panglima laot* on one of Aceh's traditional fishing crafts in Lhok Bubon, North Aceh District

Preface

Sixty delegates from Indonesia, the Philippines, Thailand, Malaysia and India met at Lombok, Nusa Tenggara Barat (NTB, West Nusa Tenggara) province, Indonesia, during 2-5 August 2009, for the workshop on “Customary Institutions in Indonesia: Do They Have a Role in Fisheries and Coastal Area Management?”. The workshop was organized by the International Collective in Support of Fishworkers (ICSF), in co-operation with Indonesia’s Ministry of Marine Affairs and Fisheries (MMAF) and the Provincial Department of Fisheries and Oceans (DKP) of the Government of NTB.

Indonesia—and indeed other parts of southeast and south Asia—have a long, often centuries-old, tradition of fishing. Systems of internal governance, including those that cover coastal and marine living resources, have evolved over generations. While some of these systems continue to exist—albeit in changed forms—others have disappeared for a number of reasons. Today, as the limitations of centralized, top-down management systems are increasingly becoming evident, co-management and decentralization processes are being put in place across the region. In such a context, do customary arrangements and related traditional knowledge systems still have relevance for fisheries and coastal area management? It was to explore these issues that ICSF organized the Lombok Workshop with the following objectives:

- to discuss the role and relevance of traditional knowledge and customary arrangements in fisheries

and coastal area management in Indonesia;

- to review how customary rights to resources and arrangements can be better recognized and adapted to meet fisheries and coastal area management objectives, consistent with national and international obligations; and
- to strengthen understanding and links between customary institutions, policymakers, researchers and others.

The participants from Indonesia included representatives of customary institutions such as the *Panglima Laot*, Aceh; *Sasi Laut*, Haruku, Central Maluku; Parompong, Spermonde Islands, South Sulawesi; *Mane’e*, Talaud, North Sulawesi; *Awig-Awig*, Tanjung Luar, NTB; and *Awig-Awig* Lombok Utara, *Gili Indah*, NTB, as well as whale hunters from Lamalera, Nusa Tenggara Timor (NTT, East Nusa Tenggara). Also attending were representatives from community-based management groups, fishermen’s unions, non-governmental organizations (NGOs), women’s groups, universities and government departments.

The Lombok Workshop was perhaps the first where representatives of customary institutions from various parts of Indonesia came together with NGOs, researchers, government representatives and fishermen’s unions, to discuss coastal and fisheries resources management issues. The final message from the Lombok Workshop was unequivocal—customary arrangements and associated knowledge systems can, and should, play a central role in coastal and fisheries resources management. 3

HTTP://WWW.MAPSOFWORLD.COM/INDONESIA/INDONESIA/INDONESIA.JPG



Map of Indonesia's provinces

Prospectus

Workshop on “Customary Institutions in Indonesia: Do They Have a Role in Fisheries and Coastal Area Management?” Jayakarta Lombok Beach Resort and Spa, Lombok, Indonesia

2 – 5 August 2009

In Southeast Asia, as in several other parts of the world, fishing is not merely an economic activity. For millions of people, it is a source of livelihood and a sociocultural way of life. Communities in the region have a long, often centuries-old, tradition of fishing, and, over time, they have evolved a keen understanding of their ecosystems, particularly of winds, currents and tides; of various fish species, their breeding seasons and spawning grounds; and so on. Their traditional fishing practices, techniques, craft and gear have evolved based on this contextual understanding.

Not surprisingly, certain systems of internal governance, and coastal and marine living resources management have also evolved over the generations, and continue to exist in several countries of the region. Such systems are well documented, for example, in Indonesia and parts of Malaysia. In Indonesia, customary arrangements in relation to marine space such as *sasi laut*, *panglima laot*, *lubuk larangan*, *lebak lubang*, *maawu danau*, *ikan larangan*, *ikan diniatkan*, *suaka perikanan* and others have been documented. Such arrangements have played a role in resolving disputes over access and exploitation of fishery resources, thus contributing to social equity. They have, often indirectly, played a critical role in managing fisheries and coastal resources by regulating access to fishing grounds.

Over time, however, due to several factors, including centralized fisheries and coastal areas management regimes, many of these arrangements have come under pressure. Some of them continue to survive, albeit in changed forms, retaining their relevance by adapting to current challenges. In the post-tsunami context, for example, the *panglima laot* in Aceh, rooted in local social networks, played an important role in the rehabilitation of tsunami-ravaged communities.

The limitations of centralized, top-down management systems (or the inability of centralized fisheries administrations to effectively manage resources) are now increasingly evident, and co-management and decentralization processes are being put in place across the region. In such a context, there is clearly a need to explore the ongoing relevance of traditional knowledge and management systems.

The international community too has recognized the importance of customary/traditional knowledge and management systems for coastal and marine resources management. There is explicit reference to this in the Convention on Biological Diversity (CBD) and in the 1995 FAO Code of Conduct for Responsible Fisheries (CCRF). The CBD specifically calls upon countries to respect, preserve, maintain and promote wider application of the knowledge, innovations and practices of local and indigenous communities,

relevant for conservation and sustainable use of resources. According to Article 6.4 of the CCRF: “Conservation and management decisions for fisheries should be based on the best scientific evidence available, also taking into account traditional knowledge of the resources and their habitat, as well as relevant environmental, economic and social factors....”. According to Article 7.6.6: “When deciding on the use, conservation and management of fisheries resources, due recognition should be given, as appropriate, in accordance with national laws and regulations, to the traditional practices, needs and interests of indigenous people and local fishing communities, which are highly dependent on fishery resources for their livelihood.” Similarly, Article 12.12 asks States to “investigate and document traditional fisheries knowledge and technologies, in particular those applied to small-scale fisheries, in order to assess their application to sustainable fisheries conservation, management and development”.

Workshop Objectives

It is against this backdrop that the International Collective in Support of Fishworkers (ICSF) is planning to organize a three-day workshop with the following objectives:

- Discuss the role and relevance of traditional knowledge and customary arrangements in fisheries and coastal area management in Indonesia.
- Review how customary rights to resources and arrangements can be better recognized and adapted to meet fisheries and coastal area management objectives, consistent with national and international obligations.
- Strengthen understanding and links between customary institutions,

policymakers, researchers, and others.

The workshop will also examine gender issues in the context of traditional knowledge and customary arrangements.

Organizers

This workshop will be organized by ICSF, in co-ordination with the Ministry of Marine Affairs and Fisheries (MMAF) and the Provincial Department of Fisheries and Oceans (DKP) of the Government of West Nusa Tenggara (NTB).

Participants

Participants will be drawn from the various communities practising customary rules and regulations relating to the access and management of fishery and coastal resources. They will include community representatives, NGOs, researchers and local government officials.

While participants will mainly be from Indonesia, representatives of customary institutions, indigenous groups and support organizations from Malaysia and Thailand will also be invited, given the close cultural links and shared language of these countries. The total number of participants for the workshop is expected to be 50.

Location

The workshop is to be organized in Lombok, Indonesia. Located in the West Nusa Tenggara Province, Lombok is part of the Sunda islands.

Workshop Process

A background study on customary institutions and management systems in Indonesia is to be undertaken in preparation for the workshop. This study will be presented during the workshop, to help guide discussions.

A one-day field visit will be organized during the workshop to expose participants to local community management initiatives in Lombok and to share the experiences of community representatives with the other participants.

The workshop will be followed by a two-day symposium from 6 to 7 August 2009 to discuss the outcomes of the workshop. The symposium will be organized by the Ministry of Marine Affairs and Fisheries (MMAF) in collaboration with the Provincial Department of Fisheries and Oceans (DKP) of the Government of West Nusa Tenggara (NTB). Participants in the symposium will include provincial and national government officials, workshop participants, international and regional fisheries organizations, research institutions, and NGOs from Indonesia and neighbouring countries. The number of participants in the symposium is expected to be approximately 150.

Expected Outcomes

The workshop is expected to:

- create greater awareness about the existing customary/traditional knowledge and management systems among communities in the region, governments and NGOs and their relevance to co-management and decentralization initiatives;
- orient government institutions towards recognizing the importance of customary management arrangements and knowledge for developing more participatory fisheries and coastal area management systems that would enjoy greater legitimacy; and
- recognize the modifications required and the challenges associated with revitalizing these arrangements in order to cater to current fisheries and coastal area management regimes. 3



Delegates from Indonesia, Philippines, Thailand and Malaysia met at Lombok, Indonesia, for the ICSF workshop on the role of customary institutions in Indonesia

The Lombok Statement

Indonesia is an archipelago with deep historical roots in its maritime affairs and fisheries. The sea is seen by traditional fishing communities not just as a means of livelihood but as a way of life that accommodates the whole social arrangement of the society, its ethics and morals.

WE, representatives of *adat* law communities, traditional fishermen, coastal communities, women in fisheries, environmental and other civil society organizations, and academia, who attended the workshop on “Customary Institutions in Indonesia: Do They Have A Role In Fisheries and Coastal Area Management?” from 2 – 5 August 2009, in Lombok, West Nusa Tenggara, Indonesia, believe that *adat* law and traditional knowledge make significant contributions to the protection of marine and coastal ecosystems, and the sustainability of marine and fisheries resources, as well as environmental sustainability.

WE have demonstrated that *adat* law, in existence since the 16th century, and traditional knowledge can make a significant contribution towards providing a just and sustainable marine and fisheries resources management regime. We believe that strengthening the social and cultural capital of *adat* law communities, traditional fishermen, women in fisheries, and coastal communities can assist in managing marine and fisheries resources, and be instrumental in addressing the multi-dimensional crisis currently faced by fisheries, and marine and coastal ecosystems.

WE believe that marine and coastal resources management regimes should uphold environmental sustainability and social justice and gender equality, especially of marginalized members of

coastal communities, including poor widows, neglected children, the disabled and the permanently ill.

WE have discussed the root causes that adversely impact the livelihood of *adat* law communities, traditional fishermen and coastal communities. We have united and corroborate our voices to:

First, reversing the practice of privatization, monopolization and liberalization of marine and coastal resources, as, for example, in provisions contained in Law No. 27, 2007, on Coastal Area and Small Islands Management, especially the provisions regarding the issue of Coastal Waters Utilization License (Hak Pengusahaan Perairan Pesisir – HP3), as well as Regulation No. 5 of 2008 issued by the Minister of Marine Affairs and Fisheries, which has now been revised and reissued as Regulation No. 12 of 2009, on Capture Fisheries, especially its provisions for Cluster Fisheries. It is better to grant priority to the Constitutional rights of *adat* law communities and to harmonize them with the universal principles guaranteed in the 1945 Constitution, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the United Nations Declaration on the Rights of Indigenous Peoples, as well as Law No. 39, 2009, on Human Rights.

Second, in urging prioritization of the interests of *adat* law institutions above the interests of investors and international conservation organizations, through the creation of an Adat Institution Communication Forum.

In this context, we are seeking strengthening of *adat* law institutions, especially through constitutional recognition of the *adat* law institutions in marine and fisheries resources management, and through undertaking documentation and giving due publicity to adapt law institutions.

By strengthening of the *adat* institutions, we imply that the State should:

1. Acknowledge and protect *adat* law and traditional knowledge that have been handed down from generation to generation, have become part of our nation's cultural identity and have helped in conserving and managing marine and fisheries resources. This can be achieved by recognizing and integrating *adat* law and traditional knowledge into the national legal system, giving due consideration to diversity of value systems, national unity and gender equality.
2. Grant greater preference to sustainability of coastal and fisheries resources, and to the growing domestic fish consumption needs.
3. Adopt an economic paradigm that prioritizes the principles of social justice and environmental sustainability over economic growth; that effectively prevents environmental violations in relation to marine affairs and fisheries, especially from illegal, unreported, and unregulated (IUU) fishing; extractive activities; and various policies at local, provincial, and national levels that threaten the marine ecosystem and the sustainability of living resources.

Last but not least, we invite all members of society, the government, and the international community to lend political recognition to the model of an economy based on the needs of the people, built upon *adat* law arrangements and traditional knowledge

that uphold the principles of social justice, equality and environmental sustainability.

Lombok, 5 August 2009

This Statement is hereby endorsed by:

1. *Panglima Laot*, Aceh
2. *Sasi Negeri Haruku*, Central Maluku
3. Sea-farming of Thousand Islands (Kepulauan Seribu)
4. Ola Nua Lefa Hari, Lamalera, East Nusa Tenggara
5. Parompong Pulau Barrangcakdi, South Sulawesi
6. *Mane'e* Pulau Kakorotan, North Sulawesi
7. Taluak Impian Women Fisheries Group, Lake Maninjau, West Sumatra
8. Mina Bada Lestari, Lake Maninjau, West Sumatra
9. KIARA (Koalisi Rakyat untuk Keadilan Perikanan—People's Coalition for Fisheries Justice)
10. KPPL (Komite Pengelolaan Perikanan Laut—Marine Fisheries Management Committee), East Lombok
11. LMNLU (Lembaga Musyawarah Nelayan Lombok Utara—North Lombok Fishermen Forum Institution)
12. KNTI (Kesatuan Nelayan Tradisional Indonesia—Indonesian Traditional Fishermen Unity)
13. SNI (Serikat Nelayan Indonesia—Indonesian Fishermen's Union)
14. SNSU (Sarekat Nelayan Sumatera Utara—North Sumatra Fishermen's Union)
15. WALHI (Wahana Lingkungan Hidup Indonesia—Friends of the Earth Indonesia)
16. Centre for Legal Research of Coastal and Marine Resources Management, Faculty of Law, Pattimura University

17. Social Division, Lab. SEPK, Faculty of Fisheries and Marine Sciences, Brawijaya University, Malang
18. JALA (Jaringan Advokasi untuk Nelayan Sumatera Utara—Advocacy Network for North Sumatra Fishermen)
19. Bina Desa, Jakarta
20. Fishermen of Negeri Ouw, Saparua, Central Maluku
21. East Lombok Marine and Fisheries Committee
3. Sahabat Alam Malaysia (SAM)
4. Jaringan Orang Asal Se-Malaysia (JOAS)
5. CBCRM Learning Centre Philippines
6. YADFON Association, Thailand
7. Penang Inshore Fishermen Welfare Association (PIFWA), Malaysia
8. Lanao Aquatic and Marine Fisheries Center for Community Development (LAFCCOD), Philippines
9. Integrated Rural Development Foundation of the Philippines (IRDF) Inc

The Workshop was also attended by representatives from:

- I. International Collective in Support of Fishworkers (ICSF)
2. Sustainable Development Foundation (SDF), Thailand
10. Centre for Limnology Research (LIPI)
- II. Centre for Coastal and Marine Research (Pusat Penelitian Pesisir dan Laut – P3L), Mataram University. 3

T MUTTAQIEN



John Kurien, Ali Syahdan, Suseno Sukoyono and Chandrika Sharma at the inaugural session of the workshop

T MUTTAQIEN



The workshop brought together fishworkers, non-governmental organizations, researchers, policymakers and representatives of customary institutions

Report of the Workshop

Inaugural Session

Opening the workshop, John Kurien, co-ordinator of the ICSF Animation Team, welcomed the participants. The Lombok Workshop, he said, had been conceived at an earlier workshop organized by ICSF in Siem Reap, Cambodia, titled “Asserting Rights, Defining Responsibilities: Perspective from Small-scale Fishing Communities on Coastal and Fisheries Management in Asia”, held in May 2007, in which delegates from Indonesia had participated (<http://rights.icsf.net>).

Welcoming the participants to Lombok, and to NTB, Ali Syahdan, head of DKP, NTB, pointed out that the NTB government has formally recognized the *awig-awig* system as part of its fisheries co-management efforts. The rules that have been developed by local communities to manage the fisheries, specifying what is allowed and what is prohibited, have been formally recognized. This has improved fisheries management in the area, with the government playing a supportive role.

Chandrika Sharma, Executive Secretary, ICSF, provided a brief introduction to the activities of ICSF, which works to support small-scale fisheries and fishworkers around the world. In its work, ICSF reaffirms the community basis of fisheries, and considers that fisheries development is about improving the overall quality of life of fishing communities, and not just about increasing fish production, she stressed.

With reference to the present workshop, Chandrika Sharma pointed out that ICSF has been, over the years, drawing attention to the long tradition of fishing, particularly in the Asian region, and the norms and institutions that have evolved over time in this

context. In many parts of the Asian region, as in Indonesia, such institutions, and the rules and norms they uphold, have survived. In many other parts, they have weakened, particularly as the State has taken over management of fisheries resources, and as markets for fish have expanded, attracting outsiders into the fisheries. The Lombok Workshop, she said, was being held to discuss whether such customary institutions and traditional knowledge systems have relevance in today’s context, and whether they can play a role in fisheries and coastal area management. As in all ICSF workshops, the effort will be to create the space for dialogue between fishworkers, NGOs, researchers and policymakers. It will also be to provide a forum for representatives of customary institutions to share with one another, and with other participants, experiences drawn from their own institutions and ways of working. Chandrika Sharma concluded her remarks by pointing out that the workshop will attempt to synthesize the discussions in the form of a statement that captures the views and aspirations of the forum.

In his keynote address, Suseno Sukoyono, Special Adviser to the Ministry of Marine Affairs and Fisheries (MMAF), Government of Indonesia, pointed out that Indonesia is one among the few countries in the Asian region to have developed comprehensive fisheries legislation—Law Number 31 of 2004—to manage the national fishing industry in its exclusive economic zone (EEZ). The main goal of fisheries management includes improving the living conditions of small-scale fishers and fish farmers, with optimum utilization of fishery resources, he said. The law especially recognizes the role

of customary laws and local wisdom as well as community participation in fisheries management. There are several provisions for the empowerment of small-scale fishers and fish farmers. Small-scale fishers can fish anywhere in Indonesia, provided they comply with conservation regulations, and register with the local fisheries agencies. The change initiated during the Reform Era, especially by the decentralization process, has led to a shift in fisheries governance system from a top-down to a bottom-up approach, which encourages community participation. This has revived community involvement in fisheries management, especially of traditional institutions such as

awig-awig, panglima laot, sasi, etc. There is a need to develop nested management systems, with clearly defined roles for national, provincial, district and local stakeholders, especially on rights and responsibilities. The full participation of all stakeholders in developing realistic, successful, co-management programmes is one of the major challenges and opportunities of decentralization, he stressed. Efforts are also needed to develop, and improve, locally-based management systems, including traditional systems, and local participation in larger management systems, without creating unnecessary dependence on various levels of government and external funding. 3

Session: Customary Institutions and Fisheries and Coastal Area Management

Moderator: Luky Adrianto

Elliza Kissya, from the Haruku island in the Maluku province, described the region's *sasi* system. *Sasi*, literally meaning 'ban', determines what people should or should not do, based on traditional social values. The system has been in existence for at least 400 years. The use of resources—both on land and sea—is regulated through open and closed seasons, with the chiefs of the *kewang*, the body responsible for regulating resource use, vested with the authority to implement regulations and impose sanctions on those who violate them. The position of the chief is hereditary, while the members of the *kewang* are selected from the community. The *kewangs* also play active roles in creating environmental awareness among the community. Kissaya made a strong case for government recognition and support of customary law (*adat*) and traditional knowledge for resources management, and of the role of the *kewang* in resource management. "If the State does not acknowledge us, then we do not acknowledge the State, because we are truly the ones who make the State", he said. In response to a question, he stressed that any investment in the region should be permitted only with the consent of the local community. The children of the land should be the lords of the land, he said.

In their presentation, Pieter Tedu Batona and Bona Beding described the whaling practices of Lamalera, a village in the southern coast of Lembata Island, NTT province. Whaling has been practised for centuries, and whales are caught mainly during the May-September period. Elaborate ceremonies to seek ancestral blessings

are performed before the whaling season starts. Several taboos, such as refraining from arguments and quarrels, are observed. Customary rules bind the *lamafa* (chief harpooner), a position that is hereditary. On no account, for example, must a pregnant or nursing whale be harpooned. Lamalera's traditional practices ensure that whaling is sustainable and contributes to the food security of the islanders.

Tony Liusanda described the *mane'e* customs in Kakorotan in the Talaud regency of North Sulawesi province. The Kakorotan islands in the eastern most part of Indonesia are home to extensive coral reefs and rich biodiversity. Traditional rules that determine when and where fishing is allowed or prohibited (through *eha* or *ban*) have served to conserve coral reefs. For example, the *eha* regulates that fish can only be caught during six months and only in certain locations; there is one location where fishing is prohibited. Elaborate rituals and ceremonies are associated with fishing. The sea and its resources are likened to the milk of a mother, indicating the importance attached by the local people to the marine environment and its resources. The *kepala desa*, or village leader, is vested with the authority to make and implement rules, and impose sanctions.

The presentation on the *parompong* system of Makassar, South Sulawesi province, was by Chairil Anwar. *Rompongs* are fish aggregating devices made from natural materials. The area has traditional rules that define the rights to fish near the *rompongs*, as well as rules that determine the distribution of catch.

The presentation on the *awig-awig* system in North Lombok, NTB province, was by Samsul Muhyin of the Lembaga Musyawarah Nelayan Lombok Utara (LMNLU, North Lombok Fishermen's Forum). The LMNLU, formed in March 2000, at present comprises 32 fishermen's groups, with a total membership of 1,572. The LMNLU functions in the three sub-districts of Pemenang, Tanjung and Gangga. The LMNLU has revived the traditional system of *awig-awig* (meaning 'ban'), based on customary values and institutions. This revival has been supported by local government initiatives towards co-management, which formally recognize the authority of customary institutions to manage resources. Zones have been demarcated, and regulations put in place to prohibit destructive fishing equipment and techniques, like the use of poison and dynamite, especially if they destroy coral reefs. Sanctions for dealing with violations have also been agreed on. Repeated violations lead to confiscation of fishing gear. As a result of the system, violations have reduced, resources are better protected, and activities such as pearl culture and tourism have grown. Some communities are engaged in seaweed cultivation and transplanting of corals to revive coral reefs. An ongoing programme, supported by various NGOs, to strengthen the institutional capacity of fishing community groups, is also being undertaken.

Another presentation on the revival of the *awig-awig* system in East Lombok, NTB province, supported by the provincial government as part of co-management efforts, was made by M. Saifullah. According to Saifullah, religious texts point out that since humans are responsible for destroying land and sea resources, and are the ones most affected by such destruction, they themselves must have the awareness to address these problems. He described the formation of the

Kelembagaan Komite Pengelolaan Perikanan Laut (KPPL, the Marine Fisheries Management Committee), which is responsible for, among other things, the preparation of management plans, monitoring and enforcement of the *awig-awig* regulations prepared by communities, and liaison with government. The regional KPPL comprises six persons—five representing villages in the region and one from the government. A system of resolving conflicts, handling violations and meting out punishment has been put in place, and violators of *awig-awig* rules face 'trial' and 'punishment'. Saifullah said that such participatory management has proved successful.

M. Adli Abdullah provided information on the *panglima laot*, an institution that has existed for several centuries in Aceh. During the early years of Indonesia's independence, the *panglima laot* was relatively dormant. It re-emerged in 1982, and following the Indian Ocean tsunami of 2004, its role was recognized by the State through Law No. 11 of 2006 on Aceh's administration. The main task of the *panglima laot* is to regulate fishing at sea through customary marine law. Sanctions are meted out to violators by a customary court assembly that meets on Fridays. Regulatory measures include confiscation of boats and prohibition of fishing on certain days, like Fridays and festival holidays. There are also prohibitions on the use of poisons and explosives, trawling, extraction of corals, and on cutting of mangroves and other coastal vegetation. The *panglima laot* plays an important role in resolving conflicts that take place at sea, drawing on customary law. It also works to develop the capacity of *panglima laot* institutions, improve the quality of life of fishing communities, and liaise with government and other agencies. At present, the *panglima laot*, along

with the local government and the Food and Agriculture Organization of the United Nations (FAO), is involved in designing and formulating a draft *qanun* (law) on fisheries, guided by Aceh's customary marine law.

The *panglima laot* has also established the Pangkai Merurenou Aneuk Nelayan Foundation (YPMAN) to improve the quality of life of fishing communities. YPMAN received substantial funds in 2001, when the *panglima laot* confiscated a Thai vessel fishing illegally in Indonesian waters, and kept the proceeds from its sale (IDR11.6bn, or US\$1.2mn). The fund now has IDR60bn (US\$6.4mn), which is used

primarily for the education of needy children.

Following the presentations, several participants pointed to the danger of customary knowledge and institutions being objectified by researchers and others. The relationship between customary institutions and various levels of government under co-management arrangements needs to be based on equal partnership and mutual respect. Otherwise, there is the danger of these institutions getting destroyed, along with the knowledge and values they support. ³

T MUTTAQIEN



Sutrisno and Elliza M Kissya stressed the need to recognize and support customary law and traditional knowledge

T MUTTAQIEN



Bona Beding and Lily Noviani participating in discussions on the role of customary institutions

Session: Community-based Organizations and Coastal and Fisheries Management

Moderator: Dede Irving Hartoto

The presentations in this session focused on more recent organizational efforts to improve fisheries management and the livelihoods of fishing communities. The following groups made presentations: Mina Bada Lestari, Maninjau Lake, West Sumatra; sea farming group, Provinsi Kepulauan Seribu; coral conservation group from Jambianom, Lombok; clam and sea snail collection group from the Saparua community, Ambon, Maluku; the Serikat Nelayan Indonesia (SNI, Indonesian Fishermen's Union); and the Serikat Nelayan Sumatera Utara (SNSU, North Sumatra Fishermen's Union).

Evanita and Doni from Mina Bada Lestari spoke of the activities of their group in Maninjau Lake, West Sumatra. The focus is on the capture and processing of the *bada* fish (a fish with high economic value) by the women's group. There are very clear rules regulating the work of the group. For example, members who are not present at the time of capture are fined a certain amount. Exceptions are made for those who are sick, or who cannot otherwise attend to the work. Members who continue to disregard the rules of the group are asked to resign. The rules ensure a democratic and transparent manner of functioning, which promotes mutual trust. The group is seeking support from the DKP and others to strengthen and expand its activities.

The activities of the sea farming group from Kepulauan Seribu province, was presented by Fakhruddin. The group, in the Thousand Islands area, was initiated three years ago for farming of ornamental fish. Members of the group

are carefully chosen, and must meet certain criteria. Many people were using chemicals, such as potassium, to capture these fish, but now, several of them have stopped this practice after joining the sea farming group.

Suasto from Jambianom, Lombok, NTB province, described the activities of his community group in transplanting and conserving corals. Their efforts build on the *awig-awig* system, and several regulations have been put in place, particularly to prohibit the use of explosives and chemicals. Jacob Eruply, engaged in clam and sea snail collection in Ambon, Maluku, described the *sasi* system within the Saparua community, implemented through the *kewang*. Fines are levied on those who violate the rules in place. Those who do not pay are not allowed to harvest the resources.

Wahab from SNI informed that the union had originated in Situbondo, East Java. There are many local regulations and knowledge systems in East Java, among the Javanese and Madurese ethnic groups. There is, for example, a prohibition on going out to sea on Thursday night, as well as many rituals and offerings that pay respect to nature. The SNI is advocating a better appreciation of such knowledge systems and customary laws, to ensure sustainable use of resources.

Sutrisno from SNSU spoke about the negative impacts of trawling on small-scale fishermen in North Sumatra. He informed the workshop that the SNSU was formed in 1998 to fight trawling activities. The SNSU is at present pressuring the government to issue a local regulation to prohibit trawling. 3

T MUTTAQIEN



Adli Abdullah explained the functioning of the *panglima laot*, a customary institution that has existed for centuries in Aceh

T MUTTAQIEN



The Lombok Workshop was meant to create a space for dialogue between fishworkers, non-governmental organizations, researchers and policymakers

Session: Study on Constructing the Role of Customary Institutions in Fisheries Management in Indonesia

Presenters: Luky Adrianto and Arif Satria
Moderator: Adli Abdullah

On the second day of the workshop, Luky Adrianto presented the background study undertaken for the workshop, titled “Constructing the Role of Customary Institutions in Fisheries Management in Indonesia”. Luky Adrianto noted that among the institutions studied, some related mainly to the coastal and marine ecosystem, such as the Lamalera whaling community, Lembata Island; the *mane’e* system in Kakorotan island; the *panglima laot* in Aceh; and the *parampong* in South Sulawesi, while some related to both land and sea ecosystems, such as the *awig-awig* in Lombok Utara, NTB.

Further, some of the institutions studied could be classified as ancient, and which retained customary values—for example, the Lamalera whaling community, Lembata Island; the sea *sasi* system, Maluku; the *mane’e* system in Kakorotan island; and the *panglima laot* in Aceh. Other institutions could be termed ‘pre-modern’ in the sense that ancient systems have been revived in recent years, and adapted to the modern context. Examples include the *awig-awig* system in North Lombok and East Lombok, NTB, and the *parampong* in South Sulawesi. It is also possible to distinguish institutions that are ‘modern’, to the extent that they have been formed in recent years to deal with issues of coastal and fisheries management. There are many examples of such institutions, such as the sea farming group from Kepulauan Seribu province, the women fisher group from Lake Maninjau, the SNSU and the Kesatuan Nelayan Tradisional

Indonesia (KNTI, Indonesian Traditional Fishermen’s Union).

Luky observed that the institutions studied also differed in their levels of complexity. For example, the Lamalera whaling community on Lembata Island, and the sea *sasi* system in Maluku could be considered more complex than the *panglima laot* in Aceh and the *awig-awig* system in North and East Lombok.

Luky further pointed out that all components of fisheries management, perhaps in unwritten form, could be observed in the practices of the customary management systems studied: for example, the boundaries of the resource are clearly demarcated; rights holders are clearly identified; rules for regulating resource use, systems for monitoring use, and for sanctioning of violations are in place; and there is a fisheries management authority (vested in the customary institution and its chief).

Luky noted that Article 2 of Law No. 31/2004 on fisheries management mentions that the following principles need to be observed: benefit, equality, partnership, equal distribution, integration, transparency, efficiency and sustainable conservation. In essence, these form the basis for a co-management approach to fisheries management. Further, the Law specifies that fisheries should be managed to improve the living conditions of small-scale fishermen and fish farmers, and that fisheries management must take into account any existing customary law and local wisdom, including community participation.

Given that all this is recognized in law, the issue really is how to actually integrate customary law and local wisdom into fisheries management. Fisheries management is a complex process, as it involves government, fishermen, fish farmers, fish processors, academic/research institutions and other users of the resource. At the same time, efforts at the local and district level must be coherent with an integrated, ecosystem-based management approach. The way local knowledge and customary law are actually integrated into fisheries management, using a co-management approach, must be consistent with this overall framework.

In his presentation on “Integrating Formal and Customary Law”, Arif Satria elaborated on the concept of participation. Communities need to be part of the process of planning, implementation and monitoring, and the government must respect and protect the rights of customary and traditional institutions, and their traditional practices and regulations. Measures to strengthen the use of customary law and traditional knowledge need to be normative, regulative and cognitive. Satria dwelt on the possible scenarios in integrating formal and customary law, and the choices that will need to be made. He stressed the need for clarity on the role of government and communities in all aspects of fisheries management, as in conservation of resources, management of fishing effort, and management of fishing grounds, and for coherence in measures adopted at the local, regional and national levels.

Discussion

In the discussion that followed, several participants strongly supported the need to recognize customary institutions and traditional knowledge, given the associated benefits to society and to the environment. Customary laws need to be reflected in local regulations that

respect the autonomy of customary institutions.

Even if indigenous institutions are given legal standing, the issue of how they will be accommodated in the overall regime of the State law still remains a question, noted another participant. It is important that an association of customary institutions be created, starting with the institutions present at the Lombok Workshop, so that it is possible to relate to the legal regime from a position of strength. A participant pointed to the continuing vulnerability of customary institutions, particularly in the face of external threats, such as destructive mining activities.

Commenting on Adrianto's typology of the various types of customary institutions, a participant noted that while some traditional institutions have defined the boundaries of the resource in geographical terms, for others, like the Lamalera whale fishermen, the focus is not geographical, but on a particular species, in this case, the whale. Where traditional management is based on a geographic area, it is easier to integrate customary and formal institutions, as is happening in East Lombok. We see here how the provincial fisheries service is able to accommodate local customary regulations. The fishery service needs to strengthen its co-operation with traditional institutions, though a process of mutual recognition of one another's roles and responsibilities.

A participant from the Philippines said that an important issue to understand is what makes traditional institutions work. In this context, the concept of ‘social energy’ put forward by the Indonesian thinker, Soedjatmoko, which notes that traditional values cannot be described though they can be felt, was useful. In the discussions at the workshop, there was reference to traditional institutions as a force of morals or ethics. What appears important in determining the effectiveness of traditional institutions is what

remains invisible, and what cannot be described, just as the currents of the sea remain invisible. It would appear that all such institutions, and indeed all great religions, have the common ethic of “doing unto others, what you want others to do unto you”. It was commented that it was indeed difficult to understand and explain traditional institutions using formal knowledge, and it remains a challenge to make the connection or bridge between moral ethics and formal management.

Customary institutions have four important strengths, commented a participant. First, their ethics do not come from any celestial source but basically from the relationships between humans. Second, they have an intimate knowledge of biological and non-biological resources. Third, these institutions are adaptive and flexible, and change or evolve according to the circumstances. Fourth, they are built on the values of trust, reciprocity, altruism, love, affection and appreciation.

The role of women in traditional institutions was raised by a participant. It was pointed out that while there is certainly need to recognize the traditional values and knowledge inherent in many customary institutions, it is important to be aware that many of them exclude women from decision-making processes, even where women play important roles in fisheries and communities. The challenge is to retain positive traditional values, while ensuring that values of gender-justice are not compromised, it was stressed.

Indigenous peoples all over Indonesia have already demonstrated their ability to participate in coastal fisheries management, stressed a participant. They are able to manage fisheries for the benefit of their communities. Recognition of indigenous communities and their management systems by the government is, however, nominal. Local management efforts implemented by fishers are not

recognized. Thus, in North Sumatra, deep-water trawling has been legalized although there was strong opposition to it by local fishing communities. Private investors continue to use trawls, under different names.

Fisheries management plans should be developed with the participation of all relevant stakeholders, said a participant, including traditional communities and government, so that there is a common commitment and a practical plan of implementation. We all know that we need to act, but whether we want to, is the big question, it was pointed out. In Aceh, the process has been very consultative and participatory, and views of fishing communities and traditional institutions regarding banning of destructive gear, such as trawling, have been actively sought. This has led to constructive partnerships between the government and the community with the objective of controlling trawling.

Customary law is now acknowledged by the government, commented another participant, giving the example of the *awig-awig* system through which resources are now being co-managed in the NTB province. Customary institutions are effective as they have a powerful moral role—social sanctions, for example, are imposed on individuals who engage in destructive fishing techniques like those that involve the use of explosives. There is need to strengthen such co-management systems, and to build a sense of joint responsibility, it was said.

There is also need to recognize and protect the rights of indigenous communities, especially their rights to manage coastal resources, asserted a participant. In this context, while such rights are recognized in Law 27/2007 on the management of coastal zones and small islands, this law has problem areas. The same law, for example, also recognizes the right of private parties to undertake businesses in coastal waters, through issuance of

HP3 licenses. It is feared that this will lead to the unsustainable exploitation of marine resources, and will greatly threaten the existence of indigenous communities. There is need to agree on principles that include: sustainable use of fishery resources, giving priority for domestic consumption; recognizing and protecting coastal waters and traditional rights; providing and guaranteeing human rights of fishing communities; and recognizing the importance of traditional fisheries as well as the important role of women in traditional fishing communities.

The important question is whether there exist efforts to harmonize the customary laws of the community and the laws of the State, commented a participant from the Philippines. In the Philippines, there is emphasis on good governance, which includes the right political will, a sense of social justice and participation by the community. Systems of good governance are built through lobbying, advocacy, communications and strong social networks. Perhaps there is need for Indonesia and the Philippines, as

neighbours, to work together on such issues.

A participant raised the need for interdepartmental co-ordination. Apart from the fisheries department, there is need for other departments, for example the departments of tourism, environment and trade, to be part of fisheries and coastal management efforts. This will help deal with conflicts of interests. For example, while the tourism department may wish to promote tourism in coastal areas to maximize revenues, the fisheries department may be promoting community management of coastal resources and respect for community rights. There is need to identify what we mean by 'community'. This should explicitly refer to the fishing community, not the larger community with other vested interests. Local fishing communities will look at issues not only from an economic angle, but from a social and cultural perspective as well. There is also need for a specific focus on women's issues, given the important role they play back on shore, and within the community, it was concluded. 3

Session: *Tagal* System in Malaysia

Presenter: Adrian Lasimbang

Adrian Lasimbang from the PACOS TRUST and Jaringan Orang Asal SeMalaysia (JOAS), Malaysia, made a presentation titled “The *Tagal* system: The Role of Customary Institutions in Resource Management in Sabah, Malaysia”. The *tagal* is a customary management system in inland fish and river management practised by the Dusun indigenous peoples of Sabah. It aims at collective ownership and responsibility for the sustainable use of resources. *Tagal* simply means “no” in Dusun. It is a concept based on ‘use and protect’. Among the Dusun, men and women have equal responsibilities and decision-making roles. Women, for example, play active roles in zoning and determining the open and closed seasons of the *tagal*. A *tagal* is normally governed by the village headman, and endorsed by the native chief. The system varies from community to community in terms of rules, proscriptions and management structure, but common to all are the concept of closed and open seasons, equal sharing and sharing of responsibility.

The *tagal* system became more widely known in the late 1980s and early 1990s, when villages in Penampang implemented the customary ritual after realizing that the quantity of fish in the river was diminishing due to rampant dynamiting, poisoning and pollution. This caught the attention of the Sabah Fisheries Department, and a pilot project was initiated in Kampung Babagon, Penampang District. In 2001, the *tagal* system was adopted as part of the Sabah inland fisheries legislation. The *tagal* system is now being actively promoted by the Sabah Fisheries Department. As of June 2009, over 350 *tagals* have

been implemented Statewide, and the concept has now been adapted in other States in Malaysia, such as Sarawak, which has the *tagang* system.

Communities are working closely with the State departments of fisheries, including for research and monitoring, and the native law and native courts of Sabah have been recognized. Every village has its own *tagal* committee, based on *adat* institutions. Each district has a district committee comprising of *tagal* committees from every village implementing *tagal*.

Adrian Lasimbang spoke about some of the challenges facing indigenous communities, which could have relevance for similar efforts seeking recognition of customary institutions and law in Indonesia. With government recognition, the focus is often on quantity (targets) rather than the quality of *tagal* committees. At the same time, the focus on creating and expanding economic opportunities in *tagal* areas often defeats the traditional emphasis on sustainable use. It is important that recognition be seen as not merely adoption in formal law, he cautioned. Rather, the focus should be on empowerment of existing customary law. The *tagal* system is successful only if the customary institution is empowered. There are also concerns about ‘standardization’ of the *tagal* system, as the system is recognized and disseminated through formal structures of the government. In this context, indigenous communities often feel that it is impossible to codify *adat*. 3

T MUTTAQIEN



Workshop participants Pitron Mallua, Luky Adrianto and Tony Liunsanda explaining different customary institutions and their practices in various parts of Indonesia

ABDUL HALIM



The Lombok Workshop demonstrated that *adat* law and traditional knowledge contribute significantly to marine and fisheries resources management

Session: Coastal Community Empowerment for Coastal Management in Indonesia

Presenter: Ir. Sunaryanto

Sunaryanto made a brief presentation about the efforts being made by the Government of Indonesia to empower coastal fishing communities. He highlighted the diversity and complexity of coastal communities in Indonesia, and their long tradition and culture of fishing. There are as many as 10,666 coastal villages in Indonesia, with a population of 16.42 mn. About 32 per cent of artisanal and traditional fishers are estimated to be below the poverty line, with a per capita income of less than US\$2.

The Indonesian government is seeking to empower coastal communities in various ways. In terms of economic strategies, the effort is to promote availability of microfinance and to strengthen small businesses and enterprises. Socioculturally, the focus is on reviving and recognizing local wisdom, paying attention to

gender issues, and facilitating a greater role for communities in coastal area management. There are also efforts to draw on science and technology to promote aquaculture and alternative energy, and to improve coastal and fisheries management. The government also has a special programme to support coastal communities, namely, the PNPM KP. The components of PNPM KP include planning for fisheries and coastal management, strengthening local and community institutions, and community business development. Such efforts are expected to improve the status of fishing communities and fisheries and coastal resources, Sunaryanto concluded. Workshop participants suggested that information about such programmes and efforts should be widely disseminated, so that local communities can benefit better from them. 3

T MUTTAQIEN



Group discussions at the workshop revealed a consensus on the relevance of customary institutions and traditional knowledge systems

T MUTTAQIEN



Wahyu Handayani discussing the role of women in customary institutions and practices in Indonesia

Group discussions

The second half of Day 2 of the workshop featured group discussions. Participants were divided into four groups representing (i) customary institutions and traditional fishermen; (ii) NGOs; (iii) academia and government institutions; and (iv) foreign (non-Indonesian) participants.

The groups were asked to discuss two questions: (a) Do customary institutions and traditional knowledge systems have relevance in today's contexts?; and (b) If yes, how can this relevance be better recognized and integrated in fisheries and coastal area management?

In general, there was consensus among all groups that customary arrangements and the traditional knowledge systems associated with them continue to be highly relevant. The group reports stressed the needs to:

- document and map existing arrangements and knowledge

systems, and seek their formal recognition;

- develop the capacity of customary institutions, and empower them to become equal partners with the government to carry out coastal and fisheries resources management;
- work towards recognition of the rights of communities to use and manage resources, drawing on positive values of social justice, equity and sharing; and
- seek recognition of their collective rights over fisheries and coastal resources, given that these rights are being threatened by corporate and other interests.

In this context, it was stressed that the Coastal Area and Small Islands Management Law (No. 27 of 2007), especially the provisions regarding the issue of Coastal Waters Utilization Licence (Hak Pengusahaan Perairan Pesisir-HP3), should not displace traditional communities nor deny them access to coastal and fisheries resources. 3

Discussion and Adoption of Statement

Session Moderator: M. Adli Abdullah

On the last and final day of the workshop, participants actively debated a draft statement that had been prepared by a smaller drafting group, based on the outputs of

the group discussions on the previous days. The statement adopted reaffirmed the important role of customary law and traditional knowledge in resources management. 3

ABDUL HALIM



Participants at a field visit to Gili Sulat, Lombok. They were informed about the efforts taken by communities to conserve coastal resources

T MUTTAQIEN



Community members from Jambianom explaining the various measures adopted by them for conservation of coral reefs

Field Visits to Jambianom and Gili Sulat

Workshop participants were taken on field visits to two villages, Jambianom and Gili Sulat, on 4 August 2009, the third day of the workshop. The idea was to enable them to see for themselves how the *awig-awig* systems are being revived and implemented in the NTB province. In Jambianom, North Lombok, local authorities and community members described their efforts to protect coral reefs and transplant corals, drawing on the *awig-awig* system. In this area, the

use of explosives was once common, and coral reefs had been degraded. The situation today has vastly improved, as workshop participants realized when they were taken on a glass-bottomed boat to see the coral reefs. In Gili Sulat, in East Lombok regency, the visitors were told about how rules, based on *awig-awig*, have been put in place to protect and manage mangrove forests and coastal resources like seaweed. The efforts undertaken have been effective in protecting coastal resources. 3



A noticeboard explaining some of the rules of the sasi system to conserve mangroves in Ambon, Maluku



Celebration of Mane'e, a traditional form of catching fish in Intata Island, Sangir Talaud, North Sulawesi

Appendix 1

Keynote Speech

by Dr. Suseno Sukoyono
at the Inaugural Session

Selamat pagi !

Good morning!

Dr. John Kurien, Co-ordinator, ICSF, Ms. Chandrika Sharma, Executive Secretary, ICSF, Pak Muhammad Ali Syahdan, Kepala Dinas Kelautan dan Perikanan, Province NTB, ICSF Members from the Philippines and Thailand, representatives of SEAFDEC, Sahabat Alam Malaysia, Sustainable Development Foundation and Yadfon Association, Thailand, CBCRM-LC, the Philippines, indigenous peoples' organization from the Philippines, respected participants and leaders of Adat institutions from Indonesia, representatives of NGOs and academic and scientific institutions, representatives of MMAF, and Dinas Kelautan dan Perikanan from different provinces and districts of Indonesia:

It is a great honour for me to stand before you today to deliver a keynote address and to open the workshop. On behalf of the Ministry of Marine Affairs and Fisheries and on my own behalf, first of all, I wish to extend my warmest welcome to everyone attending the Workshop on "Customary Institutions in Indonesia: Do They Have a Role in Fisheries and Coastal Area Management?"

Ladies and gentlemen,

I would like to take this opportunity to introduce our experience in developing legislation in fisheries and customary institution in Indonesia.

In the South and Southeast Asian region, Indonesia is one among few countries that have developed an EEZ-level fisheries legislation to manage the national fishing industry. Some people say that Indonesia legislated one of

the most comprehensive fisheries laws to emerge from the developing world in October 2004 through Law No 31/2004 on Fisheries. This Law is a revised version of the previous Fisheries Law No 9/1985. It takes into account the present and future development of fisheries, which includes capture fisheries and aquaculture in the Indonesian EEZ, its archipelagic waters and in its internal waters. This legislation includes issues such as pollution, biological diversity and ecosystem dimensions of fisheries. The main thrust of this fisheries legislation is on fisheries management. The goals of fisheries management include improving the living conditions of small-scale fishers and fish farmers, and optimum utilization of fishery resources. This law also recognizes the role of customary laws and local wisdom as well as community participation in fisheries management. Any individual—except a small-scale fisher or fish farmer—who derives direct benefit from the fishery resources within the fisheries management zone of Indonesia, would be subject to payment of levies that would be used for fisheries development and activities to ensure sustainable fishery resources and the environment.

Based on the Article 5 of the Indonesian Fisheries Law No. 31/2004, the fisheries management areas of the Republic of Indonesia for capture fishing and or fish culture consist of the Indonesian territorial waters, the Indonesian Exclusive Economic Zone (IEEZ), and rivers, lakes, dams, ponds and other wetlands that have potential for cultivation and are areas for fish culture within the territory of the Republic of Indonesia. Several provisions have been made for the empowerment of small-scale fishers and fish farmers.

The Indonesian government has taken the responsibility to finance such empowerment programmes. Small-scale fishers and fish farmers, for example, would be provided with subsidized credit to meet capital and operating costs. Small-scale fishers could fish anywhere in Indonesia; however, they have to comply with conservation regulations. They have also to participate in sustainable fisheries programmes, and meet food-safety standards. Although exempt from licensing requirements, they have to register with the local fisheries agency under the provincial, municipal or district administration.

Ladies and gentlemen,

The evolution from centralization to decentralization was re-started during the Reform Era, with the enactment of Government Law (UU) of 22/1999 (the local autonomy law), which was then revised by Law No. 32/2004. The chance has been opened for a shift in the fisheries governance system, a shift of regime from a top-down to a bottom-up approach, which encourages more participation of the communities through the revitalization of a community-based management system. The small-scale and artisanal fisheries sector is an important source of employment, income and food security in Indonesia, particularly for the poor. More than 5 mn people living in coastal areas and in areas close to open waters, and about 99 per cent of all fishers in Indonesia are categorized as small-scale fishers. The Indonesian government has developed several management programmes that are based on the local community.

There have been some success stories of true community involvement in fisheries management and most of them are based on traditional practices such as *awig-awig*, *panglima laot* and *sasi*. The so-called community-based fisheries management projects have been mostly on an ad-hoc project basis, although they have been very helpful.

There is a need to develop nested management systems, incorporated into fishery management planning and law, whereby clear roles for national, provincial, district and local stakeholders are defined. The rights and responsibilities of all stakeholders need to be clarified. Also needed is a means to extend the usefulness of co-management of key resources beyond the fixed-area approach. The means of defining all stakeholders, and other management participants, need to be developed for the Indonesian situation. The full participation of all stakeholders in developing realistic, successful, co-management programmes is one of the major challenges, and opportunities, of decentralization. Techniques are also needed to develop, and improve, locally based management systems, including traditional ones, and local participation in larger management systems, without creating unnecessary dependence on various levels of government and external funding. The long-term goal is to have community-based components that are truly local, and supported, and funded, by the fishery participants, including dependent businesses.

Indonesia's people have been experiencing dynamic processes in managing fisheries resources. In Indonesia, devolution of governance to the local people mostly took place before 1945 and continued until 1968. From 1968 to 1998—the period also known as the New Order Era—the government placed high priority on economic growth and stability. However, the practice of using the local people's traditional ecological knowledge in fisheries management was transformed by the command-and-control management regimes from a centralized system. This change was experienced not only in the fisheries sector, but also in other sectors that depended on natural resources, such as the forestry and agriculture sectors. As a result, the role of the local fishing community, including

customary institutions, was reduced, and the local community became the object of development rather than the subject of it. The decline in the role of the community in fisheries management created inefficiencies in the system. Often, the centralized system has been accused of being the root cause of conflicts between fishers, fishing communities and government officials over depleted fisheries resources.

During this centralized system, the government issued a Basic Provisions of Local Government Law No. 5/1974 that asserted that the local government did not have jurisdiction over marine and fisheries resources. The only fisheries law at that time, the Fisheries Law No. 9/1985, did not clearly mandate fisheries management to either the local government or the local people.

During the Reform Era in Indonesia, which started in 1998, the government significantly modified the management rules by issuing Autonomy Law No. 22/1999—revised by Autonomy Law No. 32/2004—which gave wider opportunities to the local government to manage certain waters areas under their authority. This has provided a great challenge to the government, especially to find out models for proper fisheries co-management to restore the condition of resources, and resolve issues of fishing rights. Key to this is the involvement and partnership of all stakeholders in the fishery management process.

The process of co-management has been implemented in Indonesia in the context of the heritage of a traditional fisheries management system. A shift in fisheries governance from an emphasis on a top-down, centralized fisheries management approach to a more participatory approach has been re-vitalized. This process has begun, and national and international workshops, including this workshop organized by ICSF, will help formulate policy.

As you may be aware, customary arrangements for fisheries management

and regulation in Indonesia have been documented. *Awig-awig*, which is still existent, can be observed during your stay in this island. *Sasi*, *Panglima Laot*, *Lubuk Larangan* and *Lebak Lubung* are some of the other customary arrangements that play an important role in fisheries co-management in Indonesia, gaining more recognition and evolving over the years.

I believe that if we are to strengthen customary institutions in Indonesia, we also need to co-operate beyond the national level. We need to co-operate at the regional and international levels as well. Therefore, with great pleasure, we welcome ICSF in organizing this international workshop.

This workshop is very important for all of us in the region to share knowledge, experiences and lessons learnt in recognizing the importance of customary management arrangements and knowledge for developing more participatory fisheries and coastal area management systems that would enjoy greater legitimacy.

I hope this workshop will promote active discussions and have a positive outcome that will benefit all of us. We in Indonesia, both at the government and the community level, wish to share our experiences and also to learn from the experiences of others at this workshop. Once again, ladies and gentlemen, I would like to express my deep appreciation for the presence of distinguished participants at this workshop.

Before closing, I would like to wish you all great success, and a good stay in Lombok Islands. Without further adieu, let me declare this workshop on “Customary Institutions in Indonesia: Do They Have a Role in Fisheries and Coastal Area Management?” open. Thank you very much for your attention, and have a successful workshop.

Pembukaan Ditandai dengan Pemukulan gong oleh Bapak Suseno.

Pembukaan Acara Selesai. 🎺



An artisanal fisher with his catch of tuna, the main fish caught in Ambelau Island, Maluku. The *sasi* system is still in force in several parts of Maluku

Appendix 2

Workshop on “Customary Institutions in Indonesia: Do They Have a Role in Fisheries and Coastal Area Management?” Lombok, Indonesia

2 – 5 August 2009

Programme

Day1	Sunday, 02 August 2009
0800 – 0830 hrs	Registration
0830 – 0930 hrs	Inaugural session
	Welcome Dr. John Kurien, Co-ordinator, ICSF Animation Team
	Welcome address Mr. Ali Syahdan, Provincial Department of Fisheries and Oceans (DKP) of the Government of West Nusa Tenggara (NTB)
	Introduction to the workshop Ms. Chandrika Sharma, Executive Secretary, ICSF
	Keynote address and opening of the workshop Dr. Ir Suseno Sukoyono, M.M, Ministry of Marine Affairs and Fisheries (MMAF), Government of Indonesia
0930 – 1000 hrs	Presentations by customary institutions
1000 – 1030 hrs	Tea
1030 – 1200 hrs	Presentations by customary institutions (contd...)
1200 – 1400 hrs	Lunch
1400 – 1530 hrs	Presentations by customary institutions (contd...)
1530 – 1600 hrs	Tea
1600 – 1730 hrs	Presentations by community-based organizations
Day 2	Monday, 03 August 2009
0830 – 1000 hrs	Presentation of study on customary institutions
1000 – 1030 hrs	Tea
1030 – 1200 hrs	Open discussion
1200 – 1400 hrs	Lunch
1400 – 1530 hrs	Group discussions: Current relevance of customary institutions
1530 – 1600 hrs	Tea
1600 – 1730 hrs	Group discussions: Current relevance of customary institutions (contd...)
Day 3	Tuesday, 04 August 2009
0700 – 1600 hrs	Field Visit

Day 4	Wednesday, 05 August 2009
0830 – 1000 hrs	Report of group discussions
1000 – 1030 hrs	Tea
1030 – 1200 hrs	Presentation and discussion of statement
1200 – 1400 hrs	Lunch
1400 – 1530 hrs	Presentation and discussion of statement (contd...)
1530 – 1600 hrs	Tea
1600 – 1730 hrs	Open discussion and concluding remarks

Appendix 3

List of Participants

INDONESIA

1. Elliza M Kissya
Kewang
Kepala Kewang Negeri Haruku
Kabupaten
Kabupaten Maluku Kec. Haruku,
Maluku Tengah
Baileo Maluku, Jalan Ina Tuni Raya No.
1 Katpan Ambon,
Kotak Pos 1192
Amboina 97001
Indonesia
Tel : +62 911 3562160 (off)
+62 85243460985 (cell)
2. Husni B
Lembaga Panglima
Laot Kecamatan Meureubo
Desa Ujong Drien, Kec.
Meurebo Aceh Barat,
Provinsi Aceh
Indonesia
3. M. Yusuf Sulaiman
Lembaga Panglima Laot Aceh
Jl. Teuke Nyak Arif No 25-26A, Pasar
Lamnyong Banda Aceh
Provinsi Aceh
Indonesia
Tel: +62 651 7409692 (off)
+62 81360373301 (cell)
Fax: +62 651 7553008
4. Evanita
Kelompok Teluk Impian Budidaya KJA
Dalu-dalu Sigiran Keng. Tanjung Sari
Kec. Tanjung Raya, Kab. Agam
Provinsi Sumatera Barat
Indonesia
Tel : +62 85260702802 (cell)
5. Sutrisno
Sarekat Nelayan Sumatera Utara
(SNSU)
Jln. Menang No 24 Pantai Cermin Kiri
Kec. Pantai Cermin
Kabupaten Serdang Berdagai
Provinsi Sumatera Utara
Indonesia
Tel : +62 8126369475 (cell)
Email: snsu_indonesia@yahoo.co.id
6. Fakhruddin
Kelompok Budidaya Sea Farming
Kelurahan Pulau Panggang RT 001/02
Kec. Seribu Utara
Kabupaten ADM
Provinsi Kepulauan Seribu
Indonesia
Tel : +62 85692464871 (cell)
7. Bona Beding
Forum Masyarakat Peduli Tradisional
Penangkapan Ikan Paus – Lamalera
Jl. Manggis No. 100 RT 03/RW 05
Srengseng Kembangan Kebun Jeruk
Jakarta Barat, 11630
Indonesia
Tel : +62 81315362141 (cell)
+62 81510506830 (cell)
Email : bbeding@yahoo.com ;
bbeding@gmail.com
8. Pieter Tedu Bataona
Forum Masyarakat Peduli Tradisional
Penangkapan Ikan Paus – Lamalera
Jl Sawo IV/118 Depok Jaya
Indonesia
Tel : +62 21 7752470 (off)
+62 8129636044 (cell)
Fax : +62 21 7752470
9. Marwi Eka Cahya
Bahari Lestari (Budidaya Terumbu
Karang)
Dusun Jambi Anom, Lombok Utara
Indonesia
Tel : +62 87865555740 (cell)
10. Suasto
Bahari Lestari (Budidaya Terumbu
Karang)
Dusun Jambi Anom, Desa Medama,
Kec. Tanjung
Lombok Utara (NTB)
Indonesia
Tel : +62 81936746726 (cell)
11. Tony Liusanda
Adat - Kakorotan
Kakorotan Kec. Nanusa Kabupaten
Talaud
Propinsi Sulawesi Utara
Indonesia

12. Jacob Erupley
Nelayan
Ambon, Maluku
Indonesia
Tel : +62 911311020 (off)
+62 81247048878 (cell)
13. Sugeng Nugroho
Kesatuan Nelayan Tradisional
Indonesia (KNTI)
Desa Pangkahwetan RT 1/13-Ujung
Pangkah
Gresik – Jawa Timur 61154
Indonesia
Tel : +62 81231464979 (cell)
Email : knti.jawa@gmail.com
14. Dedy Ratmanta
Kesatuan Nelayan Tradisional
Indonesia (KNTI)
Jl Tgal Parang Utara No 14 Mampang
Jakarta Selatan
Indonesia
Tel : +62 81314919254 (cell)
Email : dedy-ramanta@yahoo.com
nelayanindonesia@yahoo.com
15. Amin Abdullah
Kesatuan Nelayan Tradisional
Indonesia (KNTI) Region NTB
Dusun Nelayan Lungkak,
Tanjung Luar, Lombok Timur
Nusa Tenggara Barat,
P.Box 02 Keruak 83672
Indonesia
Tel : +62 81805785720 (cell)
16. Abd. Rahman
Perwakilan Pemerintah Desa
P. Barrang Caddi
Indonesia
Tel : +62 85255032111
17. Abdul Wahab
Serikat Nelayan Indonesia (SNI)
Mampang Prapatan XIV No. 5 Jakarta
Indonesia
Tel : +62 52 23688414
Email : fishergman2002@yahoo.com
18. Samsul Muhyin
Lembaga Musyawarah Nelayan
Lombok Utara (LMNLU)
Gondang, Gangga Kabupaten Lombok
Utara
Nusa Tenggara Barat
Indonesia
Tel : +62 81917441294 (cell)
19. Pitron Malua, S.Pi
Dinas Kelautan dan Perikanan Kab.
Talaud
Jl. Bukit Batu Kompleks Perkantoran
Pemda Talaud, 95888
Indonesia
Tel : +62 8124307328 (cell)
Email : pitron@yahoo.co.id
20. Johnny Budiman
Universitas Samratulangi Manado
(UNSRAT)
Jln Kampus Bahu Manado
Indonesia
Tel : +62 431 868027
+62 431 814155
Fax : +62 431 868027
Email : budimanjj@yahoo.com
21. Ir. H. A. Chairil Anwar, MM
Dinas Kelautan dan Perikanan
Sulawesi Selatan
Komplek Bulu Rokeng Permai,
Blok C1/1
Makassar
Indonesia
Tel : +62 8124219143 (cell)
Email : andichairilanwar@yahoo.com
22. Nasrita
Dinas Kelautan dan Perikanan Aceh
Barat
Jl. Swadaya-Meulaboh, Aceh Barat
Provinsi Aceh
Indonesia
Tel : +62 85277293456 (cell)
Email : ir.nasrita@yahoo.co.id
23. Abdul Halim
Koalisi Rakyat untuk Keadilan
Perikanan/KIARA
Jl Tegal Parang Utara No. 43,
Mampang
Jakarta Selatan
Indonesia
Tel : +62 21 7970482
+62 81553100259 (cell)
Fax : +62 21 7970482
Email : sobatliem007@gmail.com
halim@kiara.or.id
24. Ronald Zelfianus Titahelu
Pusat Kajian Hukum Pengelolaan
Sumber Daya Pesisir dan Laut,
Fakultas Hukum, Univ. Pattimura
Jl. Ir. M. Putuhena, Kampus POKA,
97233
Ambon
Indonesia
Tel : +62 911 362283
Fax : +62 911 362283
Email : titaheluromy@yahoo.com

25. Reveny Vania Rugebregt
Pusat Kajian Hukum Pengelolaan
Sumber Daya Pesisir dan Laut,
Fakultas Hukum, Univ. Pattimura
Jl. Ir. M. Putuhena, Kampus POKA,
Ambon
Indonesia
Email : reveny-rugebregt@yahoo.com
26. Noor Aida
Jaringan Advokasi Untuk Nelayan
Sumatera Utara (JALA)
Jl. Karya Kasih No. 50 A Pangkalan
Mansyur Medan Johor
Medan, Sumatera Utara
Indonesia
Tel : +62 617872106
Fax : +62 617872106
Email : jalanet@indosat.net.id
nooraida@indosat.net.id
27. Imam Bachtiar
Universitas Mataram (IPB Bogor)
Jalan Pendidikan 37 Mataram
Indonesia
Tel : +62 370627603
Fax : +62 370627603
Email : ibactiar@telkom.net
28. M. Saifullah
Komite Kelautan dan Perikanan
Kabupaten Selong, Lombok Timur
Jl. Dr. Sucipto Mangkukusumo No 10
Nusa Tenggara Barat
Indonesia
Tel : +62 81933162017 (cell)
+62 8283701037 (cell)
29. Doni Yusri
Mina Bada Lestari
Jorong Sei-Tampang Kenagarian Tj
Sani Ke. Tj. Raya Kab. Agam
Sumatera Barat
Indonesia
Tel : +62 81535369584 (cell)
30. Sutrisno
Limnologi LIPI
Jl. Raya Lubuk Basung KM 4
Nagari Bayur, Kec. Tanjung Raya Agam
Sumatera Barat
Indonesia
Tel : +62 1535342567
Email : ics078@yahoo.com
31. Lily Noviani Batara
Bina Desa
Jl Saleh Abud No. 18-19 Otto Iskandar
Dinata
Jakarta
Indonesia
Tel : +62 21 8199749
+62 21 8519611
Fax : +62 21 850052
Email : lily_noviani@yahoo.com
32. Sitti Zubaidah Dacha
Rehabilitation Support Coordination
Unit –UN-FAO
Jl. Angsa No 19, Ateuk Deah Tanoh,
Banda Aceh
Provinsi Aceh
Indonesia
Tel : +62 51635636
+62 45 41431
Email : dacha.aceh@gmail.com
33. DR. Ir. Dedi Irving Hartono
Research Center For Limnology
Indonesia Institute of Sciences Life
Science Centre
Jl Raya Jakarta-Bogor Km 46
Cibinong-Bogor 16911
Indonesia
Tel: +62 21 8757071
+62 251 8621488
Fax: +62 21 8757076
+62 251 8621488
34. Muhammad Teguh Surya
Walhi
Jl Tegal parang Utama
No. 14 Jakarta 12790
Indonesia
Tel : +62 21 79195363
Fax : +62 21 7941673
35. Wahyu Handayani, S.Pi
Fakultas Perikanan dan Ilmu Kelautan,
Univ. Brawijaya
Jl. Veteran, Malang
Komplek Kartanegara Blok B No. 2,
Pagas Taman Harjo, Singosari Malang
Jawa Timur
Indonesia
Tel : +62 341 581110
+62 341 45549
+62 8125272289 (cell)
+62 8785978875/74 (cell)
Fax : +62 341 581110
Email : wahyu_ddk@brawijaya.ac.id
wahyu_ddk@brawijaya.com

36. Lalu Mayadi
Dinas Kelautan dan Perikanan NTB
Jl Semanggi No 8 Mataram
Indonesia
Tel : +62 370 632083
+62 81803741248 (cell)
Fax: +62 370 625963
Email : mayadi@yahoo.co.id
37. Luky Adrianto
Institut Pertanian Bogor, PKSPL-IPB
Jl. Pajajaran 1, Bogor,
Indonesia
Tel : +62 251 837420
+62 251 8627061
Fax : +62 251 8374726
Email : lukyadrianto@gmail.com
38. Arif Satria
Institut Pertanian Bogor, PKSPL-IPB
Jl. Pajajaran 1, Bogor,
Indonesia
Email : arifsatria@gmail.com
39. Syahril A Rauf
Ditjen Perikanan Tangkap
Jl Harsono RM No. 3 Gdg B Lt 6
Ragunan Jakarta Selatan
Indonesia
Tel : +62 1 7811672
Email : chaliarrauf@yahoo.com
40. L. Akhmad Laduni
Serikat Nelayan Indonesia (SNI)
Mampang Prapatan XIV no 5 Jakarta
Indonesia
Tel : +62 817742197 (cell)
Email : dony_gusangan@yahoo.com
41. Suseno Sukoyono
MMAF Jakarta
GMB, II lt 17 Jl. Medan Merdeka Timur
No.16
Jakarta
Indonesia
Tel : +62 21 3522516 (off)
+62 8111550025 (cell)
Fax : +62 21 3522516
Email : ssn_id@yahoo.com
42. Sriyono Wirjosuwarno
Ditjen Perikanan Tangkap
Jl. Harsono RM No. 3, Ged. B.Lt.6
Ragunan – Jakarta Selatan
Indonesia
Tel : +62 1 7811672
+62 1 7271804
Fax : +62 1 7811672
+62 1 7271804
Email : sriyono_08@yahoo.com
43. Rahmadi Sunoko
MMAF Jakarta
Ministerial Adviser to Minister
GMB II lt 17 Jl
Medan Merdeka Timur No 16
Jakarta
Indonesia
Tel : +62 1 3522516
+62 811892626 (cell)
Fax : +62 1 3522516
44. Asfin
Dinas Kelautan dan Perikanan NTB
Jl Semanggi No 8 Mataram
Indonesia
Tel : +62 370 632083
+62 817570668 (cell)
Fax : +62 370 625963
Email : kancilo@yahoo.co.id
45. Adli Abdullah
Jl. Angsa No 19 Kp. Ateuk Deah Tanoh
Banda Aceh, 23244
Provinsi Aceh
Indonesia
Tel : +62 651 7428576
+62 811681822 (cell)
Fax : +62 651 635636
Email : meurah@mail.com
46. Nukman Basyir Affan
Senior Fisheries Co- Management
Facilitator
Jl. Angsa No 19 Kp. Ateuk Deah Tanoh
Banda Aceh, 23244
Provinsi Aceh
Indonesia
Tel : +62 651 7428576
+62 8126997265 (cell)
Fax : +62 651 635636
Email : nukmanba@gmail.com
47. T. Muttaqien
Panglima Laot Aceh Institution
Jl. T. Nyak Arief, 25-26 Pasar
Lamnyong, Banda Aceh
Provinsi Aceh
Indonesia
Tel : +62 651 7409692
+62 812699279 (cell)
Fax : +62 651 7553008
Email : t_muttaqien@yahoo.com

MALAYSIA

48. Azrilnizam Bin Mar
Sahabat Alam Malaysia
21, Lintang Delima 15
11700 Island Glades
Penang,
Malaysia

Tel : +60 46596930 (off)
+60 124573243 (cell)
Fax : +60 46596931
Email : azrilo@gmail.com
49. Ilias Bin Shafie
Penang Inshore Fishermen Welfare
Association (PIFWA)
722, Sungai Acheh, 14310
Nibong Tebal, Seberang Perai Selatan
Pau Pinang
Malaysia

Tel : +60 45931906 (off)
+60 194278743 (cell)
Fax : +60 45941906
Email : pifwashacheh@yahoo.com
50. Adrian Lasimbang
Jaringan Orang Asal Se-Malaysia
(JOAS)
PO.BOX. 511, 89507

Tel : +60 88 726413 (off)
+60 138787676 (cell)
Fax : +60 88 726413
Email : lasimbang@gmail.com
joasmalaysia@gmail.com

PHILIPPINES

51. Arturo N. Francisco
Program Coordinator Integrated Rural
Development Foundation
87 Malakas St. Pinyahan
Quezon City
Philippines

Tel : +63 24265518 (off)
+63 9155587182 (cell)
Fax : +63 29250987
Email : artfrancis040856@yahoo.com
52. Fermin C Flores Jr
Lanao Aquatic and Marine Fisheries
Center for Community Development
Incorporates
Purok Durian 2
Villanueva Subdivision
Lala, Lanao Del Norte
Philippines

Tel : +63 3887055 (off)
+63 9293450588 (res)
+63 9184469186 (cell)
Fax : +63 3887055
Email : ferminfjr@yahoo.com
lafccodincorporated
@yahoo.com

THAILAND

53. Chalothon Raksasab
Sustainable Development Foudation
86 Soi Ladprao 110
Sonhiwattana Yeak 2
Wangthonglang
Bangkok 10310
Thailand

Tel : +66 29353560 (off)
+66 891271307 (cell)
Fax : +66 29352721
Email : chalothon_r@hotmail.com
54. Jirapa Benarsarn
Sustainable Development Foudation
86 Soi Ladprao 110
Sonhiwattana Yeak 2
Wangthonglang
Bangkok 10310
Thailand

Tel : +66 29353560 (off)
Fax : +66 29352721
55. Pisit Charnsnoh
Yadfon Association
16/4 Rakchan Road
Tabtieng, Muang District
Trang 92000
Thailand

Tel : +66 75219737 (off)
+66 75214707 (off)
+66 81719571 (cell)
Fax : +66 81719327
Email: yadfon@loxinfo.co.th
56. Ravadee Prasertcharoensuk
Sustainable Development Foudation
86 Soi Ladprao 110
Sonhiwattana Yeak 2
Wangthonglang
Bangkok 10310
Thailand

Tel : +66 29353560 (off)
Fax : +66 29352721
Email : ravadee.prasertcharoensuk@
gmail.com

OTHERS

57. Yusri Bin Yusof
SEAFDEC
PO.BOX. 1046
Kaset Start Post Office
Bangkok
Thailand

Tel : +66 29406326 (off)
+66 29411333 (res)
+66 846932881 (cell)
Fax : +66 29406336
Email : yusof@seafdec.org

SECRETARIAT

58. John Kurien
Coordinator (Animation Team)
International Collective in Support of Fishworkers
Jl. Angsa No 19 Kp. Ateuk Deah Tanoh
Banda Aceh, 23244
Provinsi Aceh, Indonesia

Tel : +62651 7428576
+628126991762
Fax : +62651 635636
Email : kurien.john@gmail.com
59. Chandrika Sharma
Executive Secretary
International Collective in Support of Fishworkers
27, College Road
Chennai 600 006
India

Tel : +91 44 28275303
Fax : +91 44 28254457
Email : icsf@icsf.net
60. Sebastian Mathew
Programme Adviser
International Collective in Support of Fishworkers
27, College Road
Chennai 600 006
India

Tel : +91 44 28275303
Fax : +91 44 28254457
Email : icsf@icsf.net
61. Reynilda Puspita Sy
Administrative Assistant
Jl. Angsa No 19 Kp. Ateuk Deah Tanoh
Banda Aceh, 23244
Provinsi Aceh,
Indonesia

Tel : +62651 7428576
+628126991443
Fax : +62651 635636
Email : reynilda.sy@gmail.com
62. Via Agustina
Notulence
Desa Lamsinyeu Kec. Ingin Jaya
Aceh Besar,
Indonesia

Tel : +6281360068298
Email : pia_randu@yahoo.com
63. Archie Ardian
Jl Pos Pengumben, Jakarta
Indonesiat

Tel : +628121057587
Email : arch_ardn@yahoo.com

Appendix 4

Local Knowledge and Fisheries Management in Indonesia

Summary of Background Paper

Luky Adrianto, M. Arsyad Al Amin, Akhmad Solihin,
Dede Irving Hartoto, and Arif Satria

1. Introduction

Management of fisheries in Indonesia has a long history, which can be traced to the initiatives of communities and their traditional knowledge and local practices, which were later institutionalized into a customary law system. Marine customary law practices such as *Sasi* in Maluku, *Panglima Laot* in Aceh or *Awig-Awig* in Bali and West Nusa Tenggara are a few of the many more examples of customary management systems in Indonesia's fisheries. In the case of *Panglima Laot*, the regime has lasted for over 400 years, through different eras¹.

Over time, especially during 1966-1998, these practices were diluted by the governmental command-and-control regime. The State had determined that the 'village' would be the smallest legally recognized entity of an area. However, in Aceh, there are smaller entities like *Meunasah*, *Nagari* and so on. The government's intervention reduced the community to a mere object of development. As a result, centralized fisheries management became inefficient and led to conflicts among fishermen as well as degradation of fish resources. The imbalance between the roles of the State and the community in management has affected collaboration

among the stakeholders in the fisheries sector.

According to some references, fishery co-management started with the dwindling of fish resources as a consequence of the open-access regime. The demands of human intervention in fisheries in terms of exploration and exploitation of fish resources have made the situation more complex. Without management, exploitation tends to damage fish resources, denying the possibility of a sustainable fishery. Co-management is an integrated system of acknowledgement of rights, partnership among all the fisheries stakeholders, and inclusion of systems of knowledge in fishery management. Incorporating local knowledge/customs² has become a challenge for fisheries management in Indonesia.

Fisheries is complex and involves many parties. As Walters states, "Most fisheries problems are complex and contain human as well as biological dimensions. Too frequently, we see the consequences of trying to deal with complexity in a fragmentary or narrow way. Management plans based on the soundest of biological information fail when it is discovered that fishing pressure cannot be controlled because of unforeseen political or economic

¹ The complete report can be downloaded at: www.icsf.net/SU/Rep/EN/8

² According to Gadgil, Berkes and Folke (1993) in Berkes (1995), local/traditional knowledge is cumulative knowledge and beliefs created inter-generationally by communities, which help them live with nature and with themselves.

constraints. Economic policies fail when unforeseen biological limits are exceeded. In short, fisheries represent dynamic (time-varying) systems with interacting components...”(Walters, 1980 in Adrianto, 2007). Therefore, its management has to involve other stakeholders such as fishermen, government, non-governmental organizations, academicians, and others like traders, fish processors, producers, and so on. Only when the interests of all stakeholders are taken into account can fishery management evolve into fishery governance.

Legally, Indonesia’s National Act No. 31/2004 states clearly that fisheries management has to be conducted using partnership principles as stated in Article 2, Rule No. 31/2004: “Fisheries management shall be conducted on the basis of benefit, fairness, evenness, integration, openness, efficiency and sustainable preservation”. Further, fisheries management has to consider local custom, as stated in Article 6 Rule No. 31/2004: “Fisheries management for fishing and breeding shall consider local customary practices as well as community involvement”. Both phrases clearly state that fisheries management has to be based on fairness and partnership as well as local customs.

Thus, a frame for the implementation of management already exists, but implementation needs stronger political support, with ecosystem and sustainable management principles as the bases.

This background paper explores how local customary knowledge can be an inspiration for formal fisheries management in Indonesia through government institutional tools and resource users in a framework of co-management. The paper is structured as follows: Chapter 1 deals with the rationale for effective fisheries management by adopting local knowledge and co-management. Chapter 2 presents a theoretical

framework for the adoption of local knowledge in fisheries management. Chapter 3 describes 12 types of fisheries management framework in Indonesia that incorporate local knowledge. Chapter 4 shows how local knowledge has been adopted for up-to-date fisheries management and what opportunities lie in the future. Chapter 5 concludes with lessons learnt from the adoption of local knowledge in fisheries management in Indonesia (The complete paper will be made available at : www.icsf.net).

2. Theoretical Framework of Local Knowledge and Fisheries Management

Custom is a social tradition used by groups and communities as a tool obtained by consensus and conviction, which often later becomes customary law (Setiady, 2008). Also, Soekanto (2001) stated that customary law is the implementation of awareness of law, especially in a community characterized by simple structures of culture and society. Historically and philosophically, tradition and customary law are considered the manifestation of a nation’s soul from generation to generation (Setiady, 2008 and Wignjodipoero, 1967).

Customary law has two elements: (1) reality, which implies a common practice by society; and (2) psychological, that is, the implicit belief among the community that the custom holds a legal power (Wignjodipoero, 1967). It is these elements that create legal obligations (*opiniouris necessitatis*). Wignjodipoero (1967) explains the three forms of customary law: (1) unstated law (*jus non scriptum*) as the biggest part; (2) stated law (*jus scriptum*) as the smaller part, such as rules made by kings or sultans; and (3) elaborated description of stated law, usually resulting from some research.

Hilman Hadikusumah, as referred to by Setiady (2008), said that normative customary law in Indonesia

shows the following patterns: (1) traditional (practised from generation to generation and is still valid at the present time and maintained by the community); (2) religious (legal behaviour and principles are connected to the belief in the invisible being and or the teachings of the One God); (3) togetherness (communal, emphasizing the collective interests in which personal interests are relegated to communal interests); (4) concrete and visual ('concrete' implying real and clearly tangible, and 'visual' implying visible, open and not hidden); (5) open and simple ('open' meaning acceptable if not against the substance of the law, and 'simple' meaning uncomplicated, mostly unwritten, easy to understand and implement, and based on trust); (6) changeable and adjustable (the aspect of customary law that allows it to grow and develop like life itself); (7) uncodified (mostly unwritten, although some are recorded in local languages, while others lack systematic records but are just guidance); (8) mutual deliberation and agreement (emphasizing mutual agreement within a family, and among relatives and neighbours about starting and completing work, particularly in terms of justice in finding a solution to a conflict).

According to Gadgil, Berkes and Folke (1993) in Berkes (1995), traditional knowledge is the accumulation of knowledge and beliefs from generation to generation about social life among individuals as well as between society and its surrounding. Simply put, local knowledge is knowledge used by a community to survive in a certain type of environment (Pomeroy and Rivera-Guieb, 2006). This definition can be used to define *local knowledge*, *indigenous knowledge*, *traditional ecological knowledge*, and *rural knowledge*. Johnson (1992) in Pomeroy and Rivera-Guieb (2006) described local knowledge in more detail as

"knowledge which was built by a social group from one generation to another in its relation with nature and nature's resources". Such local knowledge includes all things related to the environment, as well as social, political and geographic knowledge.

Ruddle (2000) states that practices in local/customary knowledge-based fishing management have at least four general characteristics : (1) having lasted for a long time at a certain place (specific to the particular location), adopting local changes and, in some cases, in a very detailed manner; (2) practical, oriented to social behaviours often very specific to certain types of resources and fish considered very important; (3) structural, having strong awareness of resources and the environment that, in some aspects, is in line with scientific concepts of ecology and biology, and ecological interconnectedness and aquatic resource conservation; (4) so dynamic that the practices are adaptable to ecological changes and pressures (ecological perturbations), and later incorporates them into the core of local knowledge as the basis of fisheries management.

Ulayat or traditional knowledge relates to the authorities and obligations of a community towards the customary law related to the land and water in their area (Saad, 2003). Saad mentions three main elements in the system of *ulayat*. First, the community as the subject of *ulayat* is a structured and permanent community with self-authorization and tangible and intangible wealth. Second, there exist leadership institutions which hold public authority and civil administration over an area of *ulayat* right. In a community which is not yet controlled by a greater authority such as a collective government of villages or a king's authority, the institution is managed by local officials. However, when a legal community is under the control of a certain authority, the relationship between the community

and its territory will change into a legal relationship (Ter Haar, 1985 referred in Saad, 2008). Third, an area which is an object of the right of *ulayat* consists of land, water and the resources in it. The area is occupied and the harvest from it is used for the livelihood of the related community.

3. Some Practices in Fisheries Management Based on Local Knowledge

This section compiles some topics on local, knowledge-based fisheries management in Indonesia based on a number of existing customary and non-customary institutions. Table 1 lists the institutions.

Table 1: List of Customary Institutions in Fisheries Management in Indonesia

No.	Name of Fisheries Management Institutions	Location
1	<i>Sasi Laut</i>	Ambelau Island, Buru, Maluku
2	<i>Mane'e/Mani'o</i>	Talaud, North Sulawesi
3	<i>Rompong</i>	Spermonde Islands, South Sulawesi
4	<i>Awig-Awig Tanjung Luar</i>	Tanjung Luar, West Nusa Tenggara
5	<i>Awig-Awig Lombok Utara</i>	Gili Indah, West Nusa Tenggara
6	<i>Panglima Laot</i>	Nanggroe Aceh Darussaalam
7	Lamalera Whales Hunting	Lamalera, East Nusa Tenggara
8	Co-management of Maninjau Lake	Agam District West Sumatera

In our discussion of customary institutions in the management of fishery resources in Indonesia, we use the general principles of fishery resources management developed by Ruddle (1999). The principles are outlined in Table 2 below.

Table 2: General Principles of Fishery Resources Management (adapted from Ruddle, 1999)

No	Components/ Principles	Description
1	Territorial Boundary System	How a customary institution defines the boundaries of a resource system
2	Rules System	What rules are applied by the customary institutions in the management of resources, their history, and development process
3	Rights System	What are the rights systems regulated in resource management, including access rights, management rights, use rights and other fundamental rights
4	Sanctions System	What types of sanctions are applied in the context of rule enforcement among the community members
5	Monitoring and Evaluation	What activities are part of monitoring and evaluation, and how they are practised to maintain a sustainable fishery management regime
6	Authority System	Who holds the authority in managing the resources and institutions to operate a management regime

The results of our analysis on the condition of existing customary institutions in Indonesia in relation to the principles of fisheries resource management are presented in Table 3.

Table 3: Summary of Custom-based Fisheries and Coastal Management Regimes

No	Customary Institutions	General Principles					
		System Boundaries	Rules System	Rights System	Sanctions System	Monitoring System	Authority System
1	<i>Sasi Laut</i> in Ambelau Island, Maluku	Legal custom decisions, boundaries include estuary, coastal area boundaries, village borders	Decisions based on a long-lasting traditional law since 1600; indicated by the opening and closing of harvesting certain fish resources and sea	Consisting of <i>Sasi Laut</i> (Marine <i>Sasi</i>), <i>Sasi Darat</i> (Terrestrial <i>Sasi</i>)	Sanctions decided on the basis of customary values	Monitoring and evaluation conducted by customary institutions (King and Leader)	Conducted by a King and Chief/leader as the highest institution in operating the <i>sasi</i>
2	<i>Mane'e/Mani'o</i>	Legal customary decision, the limit being village borders	Rules are made based on activities of fishin; rules are decided by a village leader; signalled by the opening and closing seasons)	Rights given by the village leader to the community only for self-consumption, instead of business interests	Sanctions decided by the village leader/custom chief	Monitoring by the village leader/custom chief	conducted by the village leader/custom chief
3	<i>Rompong</i>	Local agreement, coastal waters	Based on <i>Punggawa-Sawi</i> (patron-client) relationship	Rights given to the <i>parampong</i> holders and fishermen who would like to catch fish around <i>parampong</i>	Sanctions based on relationship of <i>Punggawa-Sawi</i>	Monitoring by the <i>parampong</i> holders	Conducted by <i>Punggawa</i> (Patron)
4	<i>Awig-Awig</i> , Tanjung Luar	Custom law and local agreement	Based on local customary values (<i>awig-awig</i>) and strengthened into formal regulation such as local government regulations	Given to local fishermen (access rights, use rights)	Decided by the local custom institutions through local organization of fishermen, i.e. KPPL	Conducted by KPPL	Conducted by KPPL

Contd...

...Contd

No	Customary Institutions	General Principles					
		System Boundaries	Rules System	Rights System	Sanctions System	Monitoring System	Authority System
5	Awig-Awig, Lombok Utara	Local agreement	Based on local custom values (<i>awig-awig</i>) and strengthened into formal regulation such as local government regulations	Given to local fishermen (access rights, use rights, and management rights)	Decided by the local custom institutions through local organization of fishermen, i.e. LMNU	Conducted by LMNU	Conducted by LMNU
6	Panglima Laot, Aceh	Custom agreement, non-administrative boundaries	Based on local custom values extending to 400 years ago	Rights are allocated by <i>Panglima Laot</i> (access rights, resources allocation, use rights)	Based on custom values, solved by <i>Majelis Peradilan Adat</i> (marine custom courts)	Conducted by <i>Panglima Laot</i>	Conducted by <i>Panglima Laot</i>
7	Lamalera Whale Hunting	Sea boundaries; System of village boundaries	Based on local custom values in whale hunting	Rights given to LAMAFa (whale hunters)	Sanctions are not documented but firmly observed by the community	Conducted by <i>Likatelo</i> (local customary institution)	Conducted by <i>Likatelo</i>
8	Co-management of Maninjau Lake, West Sumatera	Administrative boundary of village around the lake, the ecological border is the water of Maninjau lake and its river	Put into the Act of Bupati Agam No. 22 /2009 about Maninjau lake management based on community agreement	The rights for utilizing water and environmental services of the lake for various activities are given to local community and private sectors according to Bupati Act No. 22/2009	Sanctions are already established in Bupati Act No. 22/2009	Conducted by the government, by involving local community around the lake	Conducted by local government involving the active role of community groups such as <i>Mina Bada Lestari</i> Group

Selected Bibliography

- Adrianto, L. 2007. Pengantar Ko-Manajemen Perikanan. Bahan Training Fisheries Co-management. FAO dan Departemen Kelautan dan Perikanan.
- Gadgil, M., F. Berkes, and C. Folke. 1993. Indigenous knowledge for biodiversity conservation. *Ambio* XXII (2-3): 151-156
- Pomeroy, R.S. and Rivera-Guieb, R. 2006. Fishery co-management: A practical handbook. Oxford, UK. CABI Publishing. P. 264.
- Ruddle, K. 2000. System of Knowledge : Dialogue, Relationship and Process. Environmental, Development, and Sustainability Vol 2. 277-203 pp.
- Saad, Sudirman. 2003. Politik Hukum Perikanan Indonesia. Jakarta. Lembaga Sentra Pemberdayaan Masyarakat.
- Setiady, Tolib. 2008. Intisari Hukum Adat Indonesia : Dalam Kajian Kepustakaan. Bandung. CV Alfabeta.
- Soekanto, Soerjono. 2001. Hukum Adat Indonesia. Edisi 1 Cetakan 4. Jakarta. PT. Raja Grafindo Perkasa.
- Wignjodipoero, Soerojo. 1967. Pengantar dan Asas-Asas Hukum Adat. Jakarta. PT. Gunung Agung.

ALI SYAH DAN



A fishing area in Ekas Bay, East Lombok, where the *awig-awig* customary law system is practised

KAREL BATAONA AND WILLY KERAF



Women of the Lamalera community in Lembata Island, NTT, observing the ceremony of *tobu nama fat*, a ritual for the safety of fishermen

Appendix 5

La sagesse de la tradition

Cet événement a traité des arrangements coutumiers et du savoir écologique traditionnel pour la gestion des ressources côtières et halieutiques

Soixante délégués venus d'Indonésie, des Philippines, de Thaïlande, de Malaisie et de l'Inde se sont retrouvés à Lombok, Indonésie, du 2 au 5 août 2009 pour un atelier consacré au thème suivant : *Les institutions coutumières en Indonésie - Ont-elles encore un rôle à jouer dans la gestion des pêches et des zones côtières ?* L'événement était organisé par le Collectif international d'appui à la pêche artisanale (ICSF) en collaboration avec le Ministère des affaires maritimes et des pêches d'Indonésie (MMAF) et le Service provincial des pêches et des océans (DKP) du Gouvernement de la province de Nusa Tenggara occidentale (NTB).

En Indonésie et d'autres parties de l'Asie du Sud et du Sud-Est, la pêche est une activité traditionnelle qui a traversé les siècles. Les systèmes de gouvernance interne, notamment en matière de gestion du littoral et des ressources marines vivantes, ont évidemment évolué au fil des générations. Certains existent encore, sous des formes différentes, d'autres ont disparu pour diverses raisons. Aujourd'hui, alors qu'apparaissent de plus en plus clairement les limites de la gestion centralisée, imposée d'en haut, se mettent en place à travers cette région des processus de décentralisation et de cogestion. Dans ce contexte, les arrangements coutumiers et les savoirs traditionnels conservent-ils encore une certaine pertinence pour la gestion des pêcheries et du secteur côtier ? C'est pour explorer ce domaine que l'ICSF a organisé l'atelier de Lombok qui avait donc pour objectifs de :

- Débattre du rôle et de la pertinence des connaissances traditionnelles et des arrangements coutumiers dans la gestion des pêches et du secteur côtier en Indonésie ;
- Comment faire pour mieux apprécier l'intérêt des droits traditionnels à la ressource, en les adaptant au besoin pour réaliser les objectifs de la gestion des pêcheries et du secteur côtier en conformité avec les obligations nationales et internationales ;
- Améliorer la compréhension et renforcer les liens entre institutions traditionnelles, décideurs politiques, chercheurs et autres intervenants.

Parmi les Indonésiens présents, il y avait des représentants d'institutions coutumières : *Panglima Laot* d'Aceh, *Sasi Laut* de Haruku, Moluques centrales, *Parompong* de l'archipel de Spermonde, Sulawesi du Sud, *Mane'e* des îles Talaud, Sulawesi du Nord, *Awig Awig* de Tanjung Luar, NTB, *Awig Awig Lombok Utara* de Gili Indah, NTB, et les pêcheurs de baleines de Lamalera, Nusa Tenggara oriental (NTT). Étaient également là des représentants de groupements de gestion communautaire, de syndicats de pêcheurs, d'organisations non gouvernementales (ONG), d'associations de femmes, et des universitaires et des fonctionnaires de divers services.

Ouverture officielle et exposés

Procédant à l'ouverture de l'atelier, John Kurien, coordinateur de l'Équipe animatrice de l'ICSF, a souhaité la bienvenue aux participants. Puis Ali Syahadan, responsable du DKP au NTB, a souligné que le gouvernement de cette

province avait reconnu officiellement le système *awig-awig* dans le cadre de ses initiatives de cogestion des pêches. Chandrika Sharma, Secrétaire exécutive de l'ICSF, a ensuite fait une brève présentation de cette organisation.

Dans le discours d'ouverture, Suseno Sukoyono, représentant le MMAF, a fait remarquer que l'Indonésie est l'un des rares pays de la région Asie à s'être doté d'une législation globale des pêches (Loi n° 31 de 2004) pour l'ensemble de la filière nationale dans sa zone économique exclusive (ZEE). Cette loi reconnaît le rôle des règles coutumières, de la sagesse locale et de la participation communautaire dans la gestion des pêches. Les changements déclenchés au cours de la Période des réformes, en particulier par le processus de décentralisation, ont conduit à un basculement du système de gouvernance des pêches. Les ordres venaient d'en haut ; la base peut maintenant faire remonter des idées, ce qui encourage la participation communautaire. Les institutions coutumières (*awig-awig*, *panglima laot*, *sasi*...) se sentent à nouveau concernées. Il serait souhaitable de développer des systèmes de gestion imbriqués, avec des rôles bien définis pour les diverses parties concernées et à tous les niveaux (national, provincial, districts, local), notamment en matière de droits et de responsabilités. L'un des grands défis de la décentralisation, et qui ouvre de vastes possibilités, c'est de faire participer pleinement tous ces acteurs à l'élaboration de programmes de cogestion réalistes et prometteurs, a souligné l'orateur.

Après cette intervention s'est déroulée une séance consacrée aux exposés de représentants d'institutions coutumières, animée par Luky Adrianto. Eliza Kissya, des Moluques, a décrit le système *sasi* de la région. Le terme *sasi* signifie littéralement *interdiction* et détermine ce que les gens doivent faire ou ne pas faire pour respecter les

valeurs traditionnelles. Ce système existe depuis plus de quatre siècles. Les usagers de la ressource observent des périodes d'ouverture et de fermeture des pêcheries, et le *kewang* (chef) détient l'autorité pour faire respecter les règles et punir au besoin les contrevenants. Eliza Kissya a plaidé pour une reconnaissance officielle de l'*adat* (droit coutumier) et du savoir traditionnel par les Autorités et pour un appui de leur part. « Si l'État ne nous reconnaît pas, cela veut dire que l'État n'est pas reconnu parce que, en fait, c'est nous qui constituons l'État », a-t-il ajouté. Il a aussi soulevé le problème de l'érosion des côtes et demandé que l'Administration s'en occupe de près.

Dans leurs exposés, Pieter Tedu Bataona et Bona Beding ont décrit la pêche à la baleine telle qu'elle se pratique à Lamalera, une localité située au sud de l'île de Lembata, province de NTT. Cette pêche existe depuis des siècles, et les baleines sont chassées surtout de mai à septembre. Avant le démarrage de la saison, des cérémonies élaborées ont lieu pour obtenir la bénédiction des ancêtres. Le *lama fa* (chef harponneur) tient compte d'un certain nombre de règles. Par exemple, il ne doit jamais cibler une baleine pleine ou allaitante. Les pratiques traditionnelles de Lamalera assurent la pérennité de la ressource et contribuent à la sécurité alimentaire des îliens.

Tony Liusanda a décrit les coutumes du *mane'e* de Kakorotan, département de Talaud, province de Sulawesi du Nord. Les îles Kakorotan, situées le plus à l'est de l'Indonésie, sont riches en récifs coralliens. Des règles traditionnelles qui précisent où et quand la pêche est autorisée, ou prohibée par l'*ehá* (interdiction), ont permis de préserver cet habitat. Des rites et des cérémonies élaborées se rattachent aux activités de pêche. La mer avec ses ressources est considérée comme le lait maternel. C'est le *kepala desa* (leader du village) qui a le pouvoir de fixer les règles et

de les faire respecter, par des sanctions au besoin.

La présentation du système *parampong* de Makassar, Sulawesi du Sud, a été faite par Chairil Anwar. Les *rompongs* sont des dispositifs concentrateurs de poissons confectionnés avec des éléments naturels. Des règles traditionnelles définissent le droit de pêcher aux abords de ces installations et les modalités de répartition des captures.

La présentation du système *awig-awig* du nord de Lombok, province de NTB, a été faite par Samsul Muhyin du Lembaga Musyawarah Nelayan Lombok Utara (LMNLU). Le LMNLU, créé en mars 2000, rassemble actuellement 32 groupes de pêcheurs, soit un total de 1 572 adhérents. Le LMNLU fonctionne dans les trois districts de Pemenang, Tanjung et Gangga.

Il a redynamisé l'*awig-awig* basé sur des valeurs et institutions coutumières. Cette réactivation a reçu l'appui du gouvernement local via ses initiatives de cogestion qui reconnaissent officiellement l'autorité des institutions coutumières en matière de gestion des ressources. Des zones ont été délimitées et des règles instaurées pour lutter contre les méthodes de pêche destructrices (dynamite...), surtout quand elles dégradent le récif corallien. On s'est également accordé sur les sanctions à infliger en cas de non respect. Le récidiviste se verra confisquer son matériel de capture. Grâce à ce système, les atteintes à la réglementation ont diminué.

Un autre exposé sur la relance du système *awig-awig* dans l'est de Lombok, province de NTB, soutenu également par le gouvernement local dans le même contexte, a été fait par M. Saifullah. Il a décrit la création du Kelembagan Komite Pengelolaan Perikanan Laut (KPPL), qui est chargé notamment de préparer les plans de gestion, de suivre et faire appliquer les règles de l'*awig-awig* élaborées par

les communautés et de maintenir le contact avec l'Administration. Le KPPL régional est constitué de six personnes : cinq représentant les villages de la région et un représentant des Autorités. L'orateur précise aussi qu'un mécanisme de résolution des conflits, et pour traiter les affaires de non respect des règles, au besoin par des sanctions, a été mis en place. Il note que ce type de gestion participative réussit bien.

Reconnaissance officielle

M. Adli Abdullah a donné des détails sur le *panglima laot*, une institution qui existe en Aceh depuis des siècles. Au cours des années qui ont suivi l'Indépendance, le *panglima laot* était passablement en sommeil. Il a redémarré en 1982, et après le tsunami de 2004 dans l'océan Indien. L'État a officiellement reconnu son rôle dans la Loi n° 2 de 2006 relative à l'administration de l'Aceh. La mission principale du *panglima laot* est d'encadrer la pêche en mer par la réglementation traditionnelle. Les sanctions sont infligées aux contrevenants par un tribunal coutumier qui se réunit le vendredi. Parmi les mesures réglementaires, citons la confiscation éventuelle du bateau, l'interdiction de pêcher certains jours (vendredi, jours de fête et de congé...). Actuellement le *panglima laot*, collabore avec le gouvernement local et la FAO pour élaborer et rédiger un projet de *qanun* (loi) sur la pêche inspiré du droit coutumier en Aceh dans ce domaine. Le *panglima laot* a aussi créé la Fondation Pangkai Merurenou Aneuk Nelayan (YPMAN) pour l'amélioration des conditions de vie dans les communautés de pêcheurs. L'YPMAN a reçu un financement important en 2001 lorsque le *panglima laot* a saisi un navire thaïlandais qui pêchait illégalement dans les eaux indonésiennes et a gardé le produit de sa revente (11,6 milliards de roupies

locales, soit 1,2 million de dollars). Cet argent sert surtout à financer l'instruction d'enfants dans le besoin.

Au cours d'une autre séance animée par Dede Irving Hartoto, les participants ont également écouté plusieurs exposés d'organisations non autochtones qui portaient sur diverses initiatives visant à améliorer la gestion des pêcheries et les conditions de vie dans les communautés locales. Voici leurs noms : Mina Bada Lestari, Lac Maninjau, au Sumatra occidental ; groupe Sea Farming, Provinsi Kepulauan Seribu ; groupe de protection des coraux de Jambianom, Lombok ; groupe des récolteurs de coquillages et escargots de la communauté de Saparua, Ambon, aux Moluques ; Serikat Nelayan Indonesia (SNI), Union syndicale des pêcheurs indonésiens ; Serikat Nelayan Sumatera Utara (SNSU, Union syndicale des pêcheurs de Sumatra du Nord).

Le deuxième jour, il y a eu deux exposés au cours d'une séance animée par Adli Abdullah. Le premier, fait par Luky Adrianto sur le thème *Construire le rôle des institutions coutumières dans la gestion des pêches en Indonésie*, s'inspirait du document d'information spécialement préparé pour cet atelier de Lombok. Il a dit que les institutions communautaires actuelles de gestion des pêches peuvent être réparties comme suit : les anciennes (*sasi, panglima laot, mane'e, lamalera*), les prémodernes (*awig-awig, rampong*), les modernes (groupement pour l'élevage *Mina Bada Lestari*, SNI, SNSU). Elles diffèrent par leur degré de complexité et les modifications encourues au fil du temps pour tenir compte de divers aspects de la gestion des pêches : délimitation de zones, règlements, sanctions, suivi, autorité gestionnaire... L'Indonésie reconnaît le rôle du droit coutumier et de la sagesse locale ; il reste à mettre en œuvre des systèmes de cogestion qui marchent bien, a conclu l'orateur. Élaborant sur le même sujet, Arif Satria a parlé des moyens de renforcer

les institutions communautaires existantes et de mettre en place des modes de cogestion appropriés pour les ressources côtières et halieutiques.

Puis Adrian Lasimbang a décrit le système *tagal* pratiqué au Sabah, Malaisie. Le *Tagal*, qui se fonde sur l'antique droit coutumier de l'*adat*, signifie *prohibition* dans la langue kadazan. Il vise à assurer une exploitation durable des ressources disponibles par la propriété et la responsabilité collectives. Le *Tagal*, appelé aussi *bombon* dans certains secteurs du Sabah, est utilisé par les populations autochtones Kadazandusun et Murut depuis des générations. Le *tagal* est habituellement géré par le leader du village et entériné par le chef indigène. Le système varie d'une communauté à l'autre pour ce qui est des règles, des interdits et du mode de gestion ; mais il y a les éléments communs : périodes d'ouverture et de fermeture, répartition équitable, partage des responsabilités. Les succès du *tagal* ont été reconnus par la Loi sur les pêcheries intérieures et l'aquaculture du Sabah (2003), ce qui a conduit à la création de comités *tagal* au niveau des districts et pour l'ensemble du Sabah. La Direction des pêches collabore étroitement avec les Ong pour renforcer les capacités de ces comités. L'orateur a également évoqué les problèmes et les tensions qui accompagnent l'adaptation d'un système traditionnel au contexte actuel.

Ces exposés ont été suivis de débats animés. L'une des questions soulevées a été la participation des femmes. Il a été dit que, en général, elles n'ont aucune place dans les processus décisionnels traditionnels. Alors comment faire pour promouvoir les valeurs de partage et d'équité et veiller à ce que les femmes aussi aient leur mot à dire ? Plusieurs participants ont déclaré qu'il serait nécessaire de sensibiliser les gens à ces aspects. Les connaissances traditionnelles, les institutions coutumières ne devraient

pas être objectifiées par les chercheurs et autres gens. Il faut que les relations entre ces institutions et les différents niveaux administratifs concernés par les accords de cogestion soient basées sur un partenariat équilibré et le respect mutuel. Sinon, il est possible que ces institutions soient détruites et que disparaissent le savoir et les valeurs qu'elles véhiculent.

Discussions de groupes

Le deuxième jour a été consacré aussi aux discussions en groupes. Quatre groupes ont été formés : 1) Institutions coutumières et pêcheurs traditionnels, 2) Ong, 3) Structures universitaires et gouvernementales, 4) Participants étrangers (non Indonésiens). Il a été demandé aux groupes de débattre de deux questions : a) Dans le contexte actuel, les institutions coutumières et les savoirs traditionnels ont-ils encore une utilité ?, b) Si oui, comment les mieux mettre en valeur et les intégrer dans la gestion des pêcheries et du littoral ?

En général, il y avait consensus dans tous les groupes pour dire que les arrangements coutumiers et les systèmes de savoirs traditionnels associés restent toujours très utiles. Les comptes-rendus des groupes ont souligné divers aspects dont il faudrait s'occuper : documenter et topographier les arrangements et les systèmes de savoirs existants, obtenir leur reconnaissance officielle, développer les capacités des institutions traditionnelles pour en faire des partenaires égaux dans la cogestion des ressources côtières et halieutiques avec l'Administration, militer afin que les communautés aient le droit d'utiliser et de gérer les ressources disponibles en se fondant sur les valeurs positives de justice sociale, d'équité et de partage, demander la reconnaissance de leurs droits collectifs sur les ressources côtières et halieutiques, lesquelles sont menacées par les grosses sociétés et d'autres intérêts. À cet égard, il faudrait

veiller à ce que la Loi n° 27 de 2007 relative à la gestion du littoral et des petites îles, notamment dans ses dispositions concernant les permis d'utilisation des eaux côtières (*Hak Pengusahaan Perairan Pesisir-HP3*), n'entraîne pas l'éviction des communautés traditionnelles et ne les prive pas de l'accès aux ressources de cet environnement.

Le dernier jour, les participants ont débattu sur le projet de Déclaration élaboré à partir des discussions de groupes qui avaient eu lieu la veille. Ce texte a été adopté et il réaffirme l'importance du rôle que jouent encore le droit coutumier et le savoir traditionnel dans la gestion de la ressource. Les participants ont également pu visiter deux villages (Jambianom et Gili Sulat) pour constater par eux-mêmes comment les systèmes d'*awig-awig* reprennent vie dans la province de Nuga Tenggara occidentale (NTB). À Jambianom, au nord de Lombok, les autorités locales et les membres de la communauté ont décrit les efforts réalisés pour protéger les récifs coralliens et effectuer des transplantations de coraux dans le cadre de l'*awig-awig*. À Gili Sulat, dans le département de Lombok-Est, les visiteurs ont appris comment des règles basées sur l'*awig-awig* ont été instaurées afin de protéger et de gérer la mangrove et les ressources côtières.

Cet atelier de Lombok a sans doute été le premier où des représentants d'institutions coutumières venus de diverses régions de l'Indonésie ont pu rencontrer à la fois des Ong, des chercheurs, des responsables des pouvoirs publics et d'unions syndicales de pêcheurs pour débattre de la gestion du littoral et des ressources halieutiques. Le message final de cette réunion était clair : les arrangements coutumiers et les savoirs traditionnels associés peuvent et doivent tenir un rôle essentiel dans ce domaine. Comme le demande la Déclaration de Lombok, il faut pour

cela les intégrer dans le cadre juridique national en accordant l'attention requise à la diversité des systèmes de valeur, à l'unité nationale et à l'égalité des sexes, accorder la préférence à la durabilité des ressources côtières et halieutiques et aux besoins de la consommation intérieure qui augmentent, adopter des politiques économiques qui placent la justice sociale et la durabilité

environnementale avant la croissance économique, inviter tous les acteurs sociaux, le gouvernement et la communauté internationale à accorder leur soutien politique à un modèle économique qui réponde aux besoins de la population en s'inspirant des principes de l'adat et des savoirs traditionnels.

Tiré de la revue SAMUDRA, n° 54, novembre 2009. 3

Appendix 6

La sabiduría de las tradiciones

Un seminario recientemente celebrado en Indonesia discute acuerdos consuetudinarios y acervo ecológico tradicional de gestión de recursos pesqueros

Del 2 al 5 de agosto de 2009 sesenta delegados de Filipinas, Tailandia, Malasia y la India se reunieron en Lombok, Indonesia, en un seminario sobre “Instituciones tradicionales en Indonesia y su papel en la gestión pesquera y la ordenación del litoral”. El seminario fue organizado por el Colectivo Internacional de Apoyo al Pescador Artesanal (CIAPA) en coordinación con el Ministerio de Pesca y Asuntos Marítimos de Indonesia, así como con el Departamento de Pesca y Océanos del Gobierno Provincial de Nusa Tenggara Occidental (NTB).

Tanto Indonesia como otros países del sur y el sudeste asiáticos cuentan con una larga tradición pesquera que se remonta a siglos atrás. A nadie sorprenderá por lo tanto que a lo largo de las generaciones surgiesen sistemas de gobernanza interna que regulan, entre otros, los recursos costeros y marítimos. Algunos de esos sistemas se han adaptado y sobreviven, mientras otros han desaparecido por causas diversas. Hoy en día, cuando se pone en evidencia las limitaciones de los regímenes de gestión centralizados e impuestos de arriba abajo, los procesos de cogestión y de descentralización comienzan a extenderse por toda la región. Cabe preguntarse si los acuerdos consuetudinarios y los sistemas de conocimiento ancestrales siguen siendo pertinentes para la gestión de la pesca y del espacio litoral en el contexto actual. El taller de Lombok fue convocado por el CIAPA a fin de explorar esta idea, con los siguientes objetivos concretos:

- discutir el papel y pertinencia del conocimiento tradicional y de los

acuerdos consuetudinarios en la ordenación pesquera y costera de Indonesia;

- estudiar la mejor manera de reconocer los derechos a los recursos y los acuerdos tradicionales y de adaptarlos a los objetivos de gestión costera y pesquera fijado en las normas nacionales e internacionales, y
- tender puentes entre instituciones tradicionales, políticos, investigadores y otros, y aprender a conocerse mutuamente.

Los participantes indonesios incluían a representantes de instituciones de derecho consuetudinario como el *Panglima Laot*, de la provincia de Aceh; *Sasi Laut* de Haruku, Maluku Central; *Parompong*, de las islas Spermonde, Sulawesi Sur; *Mane'e* de Talaud, Sulawesi Norte; *Awig Awig*, de Tanjung Luar, NTB; y *Awig Awig Lombok Utara*, Gili Indah, NTB, así como los cazadores de ballenas de Lamalera, Nusa Tenggara oriental (NTT). Participaron igualmente representantes de asociaciones de gestión comunitaria, sindicatos de pescadores, organizaciones no gubernamentales (ONG), agrupaciones de mujeres, universidades y departamentos gubernamentales.

Reconocimiento formal

En la sesión de apertura John Kurien, coordinador del Equipo de Animación del CIAPA dio la bienvenida a los asistentes. Ali Syahadan, jefe del Departamento de Pesca de NTB señaló que el gobierno provincial ha reconocido oficialmente el sistema *awig-awig* como elemento integral de sus esfuerzos de cogestión pesquera. Chandrika Sharma,

secretaría ejecutiva del CIAPA, expuso brevemente la actividad del Colectivo.

Suseno Sukoyono, del MMAF, señaló en su discurso que Indonesia es uno de los escasos países asiáticos que cuenta con una normativa pesquera integral, la ley 31 de 2004, que regula la actividad pesquera del país en su zona económica exclusiva (ZEE). La norma reconoce el papel del derecho consuetudinario y del acervo tradicional así como la participación comunitaria en la gestión pesquera. Los cambios introducidos en la Era de Reforma, sobre todo el proceso de descentralización, han dado un vuelco al sistema de gobernanza de la pesca, de ser impuesto desde arriba a iniciado desde abajo, lo que alienta la participación comunitaria. Con ello se ha conseguido reavivar la participación de las comunidades en la ordenación pesquera, en especial de las instituciones tradicionales como *awig-awig*, *panglima laot*, o *sasi*. Resulta necesario desarrollar estos regímenes de gestión preexistentes, definiendo perfectamente los papeles respectivos, derechos y deberes de cada socio, a escala nacional, provincial, de distrito o local. En su opinión uno de los principales desafíos de la descentralización, y también una de las oportunidades que brinda, consiste en la participación plena de todos los socios en el establecimiento de programas de cogestión realistas y exitosos.

Terminada la sesión de apertura comenzaron las presentaciones a cargo de los representantes de instituciones tradicionales en un debate moderado por Luky Adrianto. Elliza Kissya, de Maluku, describió el sistema *sasi* típico de la región. El término significa literalmente “prohibición”, ya que el sistema determina lo que puede o no puede hacer cada uno, con base en valores sociales tradicionales. El régimen existe desde hace al menos cuatro siglos. La explotación de recursos se regula mediante períodos de veda y períodos de pesca. El *kewang* o jefe cuenta con autoridad para hacer observar las normas e imponer sanciones

a los infractores. Kissaya aboga por el reconocimiento del sistema por parte del gobierno y pidió apoyo para el uso del derecho consuetudinario (*adar*) y de los conocimientos tradicionales a favor de la gestión de recursos. “Si el Estado no nos reconoce, entonces nosotros no reconocemos al Estado, ya que somos nosotros los que constituimos el Estado”, según sus palabras. Kissaya mencionó asimismo el problema de la erosión del litoral, que requiere una cuidadosa atención del gobierno.

Pieter Tedu Bataona y Bona Beding describieron la caza de ballenas en Lamalera, una aldea en el litoral meridional de la isla de Lembata, NTT. La caza de ballenas se practica desde hace siglos en la región, en general en el período de mayo a septiembre. Antes de comenzar la sesión los habitantes de la aldea llevan a cabo complejas ceremonias a fin de garantizar la buena disposición de sus dioses. El arponero (*lama fa*) sigue normas ancestrales: no puede, por poner un ejemplo, atacar a una ballena preñada o lactante. Las prácticas tradicionales garantizan la sostenibilidad de la faena al tiempo que contribuyen a la seguridad alimentaria de la población.

Tony Liusanda explicó las costumbres *mane'e* de Kakorotan, en el distrito de Talaud en Sulawesi norte. En el archipiélago de Kakorotan, en el extremo oriental de Indonesia, abundan los arrecifes coralinos. Las normas tradicionales que determinan cuándo y dónde se puede pescar (mediante *ehá*, veda) han permitido la preservación de los arrecifes. La pesca se acompaña de sofisticados ritos y ceremonias. El mar suele compararse con el seno materno, que nutre y alimenta. El jefe de la aldea, o *kepala desa*, ostenta la autoridad necesaria para establecer y ejecutar las normas e imponer sanciones.

A continuación Chairil Anwar presentó el régimen *parompong* de Makassar, en Sulawesi sur. Un *kompong* es un dispositivo de agregación de peces que se construye con materiales

naturales. Existen reglas tradicionales que definen el derecho a pesca en torno al *kompong* y que regulan el reparto de la captura.

El sistema *awig-awig* de Lombok norte, provincia de NTB, corrió a cargo de Samsul Muhyin, representante del *Lembaga Musyawarah Nelayan Lombok Utara* (LMNLU, Asociación de Pescadores). El LMNLU, establecido en marzo de 2000 agrupa actualmente a 32 asociaciones de pescadores con un total de 1.572 miembros. Opera en los distritos de Pemenang, Tanjung y Gangga. La asociación ha conseguido reanimar el régimen tradicional del *awig-awig* (un término que también significa “prohibición”), basado en valores e instituciones tradicionales. La iniciativa ha recibido el respaldo de los esfuerzos de las autoridades locales a favor de la cogestión, que han reconocido oficialmente la autoridad de las instituciones tradicionales para manejar los recursos. Se han demarcado las zonas de pesca y se han establecido normas que prohíben las prácticas destructivas como la pesca con dinamita, especialmente las que destruyen los corales. Se han acordado asimismo las sanciones contra los infractores: la reincidencia significa la confiscación de los aparejos. La reanudación del sistema ha conseguido frenar las infracciones.

El sistema *awig-awig* fue el tema de una segunda presentación, esta vez sobre su aplicación en Lombok este, NTB, una iniciativa respaldada por el gobierno provincial en sus esfuerzos a favor de la cogestión. M. Saifullah expuso la formación del *Kelembagan Komite Pengelolaan Perikanan Laut* (KPPL, Comité de Gestión de la pesca), responsable, entre otras cosas, de la preparación de planes de gestión, vigilancia y observancia de las normas *awig-awig* definidas por las comunidades y de las relaciones con el gobierno. El comité regional consta de seis miembros, cinco representantes de sendas aldeas de la región y uno del gobierno. Según Saifullah, se ha creado asimismo

un método para resolver conflictos, sancionar infracciones e imponer penas y el sistema de participación ha demostrado tener éxito.

Reconocimiento del Estado

M. Adli Abdullah presentó el *panglima laot*, una institución creada hace siglos en Aceh. En los primeros años después de la independencia de Indonesia, el sistema permaneció en un relativo letargo. Resurgió de sus cenizas en 1982 y después del tsunami del océano Índico de 2004 el Estado reconoció su vigencia con la ley nº 2 de 2006 de administración provincial. La principal tarea del *panglima laot* consiste en regular la pesca marítima mediante el derecho consuetudinario. Las sanciones a los infractores son impuestas por un tribunal tradicional que se reúne los viernes. Entre las normas de regulación figuran la confiscación de los barcos o la veda en ciertos días, como los viernes o los festivos. Actualmente el *panglima laot* colabora con el gobierno local y con la Organización de las Naciones Unidas para la Agricultura y la Alimentación (FAO) en la redacción de una propuesta de ley (*qanun*) sobre la pesca inspirada en el derecho consuetudinario de la provincia. El *panglima laot* ha establecido igualmente la Fundación *Pangkai Merurenou Aneuk Nelayan*, que aspira a mejorar la calidad de vida de las comunidades pesqueras. Las arcas de la fundación recibieron una considerable aportación en 2001 con la confiscación y venta de un pesquero tailandés que faenaba de forma ilegal en aguas indonesias, (11.600 millones de rupias indonesias, aproximadamente 1.200.000 dólares). El *panglima laot* cuenta actualmente con 60.000 millones de rupias (6.400.000 dólares) destinados principalmente a la educación de los niños necesitados.

El seminario continuó con una sesión dedicada a presentaciones de organizaciones no indígenas moderada por Dede Irving Hartoto. Los conferenciantes se centraron en

los esfuerzos organizativos destinados a mejorar la gestión pesquera y la subsistencia de las comunidades pesqueras. Las presentaciones corrieron a cargo de las siguientes organizaciones: *Mina Bada Lestari*, del lago Maninjau, Sumatra occidental; Asociación de Acuicultura Marina de la provincia de Kepulauan Seribu; Grupo de Conservación del Coral de Jambianom, Lombok; Grupo de Recolectores de Almejas y Caracoles Marinos de Saparua, en Ambon, Maluku; *Serikat Nelayan Indonesia* (SNI, Sindicato Indonesio de Pescadores); y *Serikat Nelayan Sumatera Utara* (SNSU, Sindicato de Pescadores de Sumatra Septentrional).

En el segundo día del taller la sesión moderada por Adli Abdullah contó con dos presentaciones. La primera, a cargo de Luky Adrianto versó sobre “El papel de las instituciones tradicionales en la gestión pesquera en Indonesia” y se basaba en un estudio preparado expresamente para este seminario. Adriano explicó que las instituciones comunitarias actuales pueden clasificarse en varias categorías: ancestrales (*sasi*, *panglima laot*, *mane’e* y *lamalera*), premodernas (*awig-awig*, *rampong*) y modernas (agrupación de acuicultores *Mina Bada Lestari*, SNI o SNSU). Todas son diferentes en el grado de complejidad que exhiben y en la manera en que a lo largo del tiempo han ido incorporando diversos componentes de la gestión pesquera como la demarcación de límites, la definición de normas, derechos, sanciones, sistemas de vigilancia y autoridad de gestión. Indonesia reconoce la importancia del derecho consuetudinario y del acervo tradicional. Hoy en día el principal desafío, en la opinión de Adrianto, radica en la aplicación práctica de sistemas eficaces de cogestión basados en este reconocimiento. Al hilo de esta idea, Arif Satria planteó cómo se puede reforzar las instituciones comunitarias y poner en pie regímenes de cogestión de recursos pesqueros y costeros.

La presentación de Adrian Lasimbang versó acerca del sistema

tagal practicado en Sabah, Malasia. El *tagal*, basado en derechos consuetudinarios ancestrales (*adat*), significa “prohibición” en lengua *kadazandusun* y busca la propiedad y responsabilidad colectiva de los recursos para una explotación sostenible. El *tagal*, también conocido como *bombon* en algunas zonas de Sabah es practicado por las poblaciones indígenas *kadazandusun* y *murut* desde hace generaciones. Un *tagal* suele estar gobernado por el jefe de la aldea, respaldado por el jefe nativo. El sistema cuenta con normas, prohibiciones y estructuras de mando diferentes en cada comunidad, pero todas cuentan con el denominador común de los conceptos de estaciones abiertas y cerradas, reparto de beneficios y de responsabilidades. Los logros del sistema han sido reconocidos en la Ley de pesca de bajura y acuicultura de Sabah de 2003, que promovió el establecimiento de comités *tagal* en los distritos y a nivel estatal. El departamento de pesca colabora con las ONG a fin de reforzar las capacidades de los comités. El ponente trató igualmente los problemas y las tensiones derivadas de la adaptación de estos sistemas tradicionales al contexto moderno.

Después de las presentaciones siguió un animado debate. Saltó a la palestra la participación de la mujer en la pesca. En líneas generales se reconoce que a la mujer se le niega cualquier papel en la toma de decisiones en las instituciones tradicionales. Alguien preguntó cómo pueden alentarse valores positivos como la equidad o el reparto de beneficios si no se permite a la mujer ocupar su lugar en los procesos de toma de decisiones. Varios participantes exigieron sensibilidad en el tratamiento de estos asuntos. Los investigadores no deberían cosificar las instituciones y el conocimiento tradicionales. La relación entre las instituciones tradicionales y los varios niveles de Gobierno en los regímenes de cogestión debe basarse en una asociación entre iguales y en el respeto mutuo. En caso contrario, tanto las instituciones como el acervo

y los valores que las sustentan pueden desmoronarse.

Instituciones tradicionales

Durante el segundo día del taller se llevaron a cabo debates en grupo. Los participantes se dividieron en cuatro grupos que representaban i) instituciones y pescadores tradicionales; ii) ONG; iii) instituciones académicas y gubernamentales, y iv) participantes extranjeros, no indonesios. Se pidió a cada grupo debatir dos cuestiones: a) ¿Resultan pertinentes las instituciones y los conocimientos tradicionales en el contexto actual?, y b) en caso afirmativo, ¿cómo puede conseguirse que su importancia se vuelva más visible y se integre en la gestión pesquera y costera?

Todos los grupos se mostraron de acuerdo en que los regímenes de derecho consuetudinario y los sistemas de conocimiento tradicional que los sustentan mantienen plenamente su validez. Los informes presentados por los grupos destacaron varias necesidades: documentar y elaborar un mapa de la distribución de los regímenes existentes y exigir su reconocimiento oficial; desarrollar la capacidad de las instituciones tradicionales y conseguir así que se transformen en socios en pie de igualdad con el Gobierno a fin de que asuman la gestión de recursos costeros y pesqueros; impulsar el reconocimiento de los derechos de las comunidades a explotar y manejar los recursos con base en valores positivos de justicia social, equidad y reparto; y obtener un reconocimiento de sus derechos colectivos sobre la pesca y los recursos costeros, para contrarrestar la amenaza que suponen los intereses empresariales y de otro tipo. En este contexto se necesitan garantías de que la Ley de gestión de costas e islas pequeñas (N° 27 de 2007) y concretamente las disposiciones relativas a la expedición de Licencias de explotación de aguas costeras (*Hak Pengusahaan Perairan Pesisir*) no atenta contra los derechos de acceso de las comunidades tradicionales

a las aguas y a los recursos ni las expulsa de sus tierras.

En el tercer y último día del seminario los participantes discutieron un texto de una declaración redactada con base en los resultados de los debates previos. La declaración (ver cuadro) adoptada insiste en el papel esencial del derecho consuetudinario y del acervo tradicional en la gestión de recursos.

Se organizaron igualmente visitas de campo a dos aldeas, Jambianon y Gili Sulat, para que los participantes en el seminario pudieran conocer de primera mano la recuperación de los regímenes *awig-awig* en la provincia. En Jambianon, al norte de Lombok, las autoridades y los miembros de las comunidades locales describieron los esfuerzos desplegados en la protección del arrecife coralino mediante el trasplante de corales con base en el sistema *awig-awig*. En Gili Sulat, en la zona oriental, se explicó a los visitantes de qué forma se habían establecido normas inspiradas en el *awig-awig* para proteger y conservar los manglares y los recursos costeros.

El taller de Lombok tal vez constituya la primera ocasión en la que los representantes de instituciones tradicionales de varias regiones de Indonesia se han reunido con las ONG, investigadores, representantes gubernamentales y sindicatos de pescadores con miras a discutir los problemas de la gestión de recursos costeros y pesqueros. El mensaje final del seminario es incuestionable: los regímenes de gestión tradicionales y los sistemas de conocimiento que los sustentan pueden y deben desempeñar un papel fundamental en el manejo de recursos costeros y pesqueros.

El informe fue publicado en la Revista SAMUDRA N° 54 de noviembre de 2009. 3

THE INDONESIA WORKSHOP

Report

Customary Institutions in Indonesia: Do They Have a Role in Fisheries and Coastal Area Management?

The International Collective in Support of Fishworkers (ICSF) organized a three-day workshop in Lombok, Indonesia, during 2 – 5 August 2009, to discuss the role and relevance of traditional knowledge and customary arrangements in fisheries and coastal area management in Indonesia. The workshop also examined how customary rights to resources and arrangements can be better recognized and adapted for fisheries and coastal area management. The workshop sought to strengthen understanding and links between customary institutions, policymakers, researchers and others. It also examined gender issues in the context of traditional knowledge and customary arrangements.



This is the report of the Indonesia workshop. It includes the Lombok Statement issued at the workshop and endorsed by a range of organizations, as well as detailed accounts of the group discussions and field visits. The report will be useful for researchers, policymakers, non-governmental organizations and all those interested in fisheries, traditional knowledge and coastal area management.



ICSF is an international NGO working on issues that concern fishworkers the world over. It is in status with the Economic and Social Council of the UN and is on ILO's Special List of Non-Governmental International Organizations. It also has Liaison Status with FAO. As a global network of community organizers, teachers, technicians, researchers and scientists, ICSF's activities encompass monitoring and research, exchange and training, campaigns and action, as well as communications.