

MPA NEWS



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Perspective | Re-centralization of marine resource management in Indonesia, and its implications for MPAs

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In 2014 at the end of his term, Indonesia's President S.B. Yudhoyono passed a law that changed the roles of local and provincial governments in marine resource management. Under prior law, district (i.e., local) governments had held authority to manage marine resources out to four nautical miles from the coastline, with provincial governments then managing from the 4-nm line to 12 nm (see footnote). But under the new law, Law No. 23 of 2014, that local authority was transferred to the provincial level. As a result, provincial governments now have authority from the shore to 12 nm - including for exploration, exploitation, conservation, marine spatial planning, and other management of marine resources - and local governments have none.

Impact of Law No. 23/2014

Currently, Indonesia has established 17.30 million hectares (173000 km²) of marine protected areas, or 82% of the total commitment of the Government of Indonesia to establish 20 million hectares by 2020. Of those MPAs, about 42% or 7.26 million ha were established through districts' initiatives in the form of local MPAs. The local MPAs were initiated and managed by district government, while the rest have been managed centrally through the Ministry of Forestry and Environment and the Ministry of Marine Affairs and Fisheries. The latter Ministry also provides assistance and technical guidance to every local MPA, especially on how to manage the areas effectively to benefit the local community. [For a graph showing the progress in local MPA coverage in Indonesia from 2003 to 2015, go to <https://oct.to/ZZq>]

The withdrawal of district authority in managing marine resources has implications for the planning and management of local MPAs. First, effective management has become more challenging. Capacity-building programs by many actors - including governments and NGOs - have been focused to this point at district level. At the provincial level, there is currently a lack of human resources capacity to manage existing (local) MPAs. In addition, the distance from provincial governments' offices to local MPAs is significantly farther than from local government offices, thus making management more expensive.

Second, the legal existence of local MPAs is threatened. With authority on marine conservation and spatial planning now only at provincial and national levels, any decrees of Regents or Mayors on coastal and marine areas are no longer valid. For those local MPAs that are fortunate to be considered as important areas for the provinces or central government, they will likely be designated as provincial or national MPAs. The rest of the local MPAs will be in limbo.

Third, local MPAs that have been reserved by the Regent/Mayor will have no management. Currently, management of each local MPA is handled by the District Agency of Marine and Fisheries. Under the new law, the district agency no longer has that authority. Furthermore, District Government is no longer allowed to request budgets for marine conservation. It is possible that the District Agencies for Marine and Fisheries will be dissolved.

Fourth, progress toward achieving the 20 million-ha target for MPA coverage in Indonesia is likely to be hampered. There is only one province, Southeast Sulawesi, that has established a provincial MPA - it is 10,371 ha and was designated in 2013. So far there has been little interest from other provinces to develop an MPA. There is a need for efforts from the central Ministry of Marine Affairs and Fisheries and marine conservationists to convince provincial governments to allocate part of their marine territories for conservation areas to sustain their fishery resources.

Alternative solutions

1. Raise the status of local MPAs to a higher level. Local MPAs, which currently have been reserved by Regent/Mayor, should be strengthened through the provincial governor's provision in the new law so that their existence is guaranteed. When a local MPA is seen to have a national strategic value or high conservation value, its status could be upgraded to a national MPA.

Furthermore, there should be a tripartite meeting among the central, provincial, and district governments to agree to lift up local MPAs into provincial or national level interest. District government should explain the values and current management status of the protected areas that have been reserved, and enlighten the importance of keeping them as conservation areas.

2. Combine several local MPAs through a decree of the Governor. In cases where several local MPAs exist in one province, the provincial Governor could invite and discuss with all those districts to lift up those MPAs into a provincial protected area. Hence, one Governor's decree could strengthen several district MPAs.

3. Delegate provincial MPA management. To deal with the challenge of distance, provincial governments may delegate management of these MPAs to district governments. This approach could be possible in the form of Assistance Duty (TP - Tugas Pembantuan) or other mechanisms. The Assistance Duty can occur after the MPA status is elevated to provincial level.

4. Establish a network of MPAs. Local MPAs that have a biophysical linkage with others should be managed as MPA networks, a joint management of several individual MPAs. Related to this approach, capacity building of management staff at the provincial level is needed, specifically for ecosystem-based MPA management and for creating a good coordination mechanism with the districts.

In conclusion, a change of authority in managing marine resources makes many people nervous. In addition to the alternative solutions described above, intensive communication of the Law 23/2014's material is needed so that more parties will become aware of the changes. Lastly, government regulations as a derived law are also crucial so that the questions and concerns of many parties could be answered.

Footnote:

The central government has authority to establish, for the national level interest, special areas such as free trade areas, forest/nature/cultural reserves, and marine parks out to 200 nm from shore and within provincial/district waters.

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