

Process Framework for Involuntary Restriction on Access to Resources

1. **Date:** 1 May 2016
2. **Grant No.** 66009
3. **Grantee:** Yayasan Pengkajian dan Pengembangan Sosial
4. **Title:** Resuce Marine Biodiversity in South Beach Lebau
5. **Location:** Desa Bubu Atagamu, Desa Lebao, Desa Watohari
Solor Island
Kabupaten Flores
Nusa Tenggara Timur Province

CEPF KBA IDN 307 – Pantai Selatan Lebau

6. Project Background

The south coast of the island of Solor is known as the Lebau marine corridor. Solor is part of Kabupaten Flores Timur in the province of Nusa Tenggara Timur. The coast lies on the Savu Sea, which has a wealth of biological resources such as clams, sharks, stingrays, dolphins and a variety of reef fish. There are no definitive data on marine resources here. The area, at large, is known for its abundant resources and illegal catching of manta rays and overharvesting of fish. Dozens of villages stretch around the coast of the island of Solor. The focus of this grant is on three villages -- Bubu Atagamu, Lebao, and Watohari – with a total population of 1,916 people. Residents of these and the neighboring villages work primarily as dry-land farmers. A small portion work as a fisherman, but they are out-competed by outside fishers who have more knowledge and more sophisticated equipment.

Many outside fishermen come to the region between November and March to engage in bomb fishing, which is illegal. As many as 40-50 boats will be working in the area at this time of year, with each boat coming through the area weekly or more often. Reports are that the “outside” fishermen are from other parts of Flores, NTT, and NTB.

Fish bombing is not just a problem in these three villages, but the entire island and elsewhere in eastern Flores and the island of Adonara. Using bombs to catch fish is illegal under Indonesian law. Further, Indonesian law gives local fishermen prior use rights of their nearshore marine resources over people from elsewhere. Law No. 31 of 2004 prohibits destructive fishing, including explosives, chemicals, biological methods, equipment, and manner (Article 8), but there are no regional regulations in the kabupaten furthering the implementation of this law.

The Kabupaten government and the local communities all recognize the problem of over-fishing and wish to see better enforcement of the law. However, problems persist because of the following reasons.

- People have a poor understanding of the impact of bomb –fishing; there is misinformation about how damaging it is. People also have a poor understanding of which species need protection from over-fishing. They know what type of fish it is and its habitat, but do not understand its status or threats.

- People do not know whose responsibility it is to report or prevent illegal fishing. Individuals, communities, local government, and law enforcement agencies do not have a clear understanding of policies or responsibilities on marine security.
- Most people are farmers and focus on land management instead of the sea. An average family has less than 0.45 hectares of land and a small income.
- The waters off of the Lebau coast are not formally protected, so there are no site managers. The kabupaten government's department of marine affairs and fisheries has plans to protect 150 hectares of sea in the area, but has been told responsibility for management of the marine area lies with the province. But the provincial government does not have the capacity to engage in this work.
- People do not know the names of individual illegal bomb fishers, but people know where they come from, know where the explosives are sold, and know where the catch is sold. It is known there is a landing port in Larantuka, Flores with four fish-cooling plants that may be accepting illegal fish, and that there is an at-sea refrigerator ship that may accept illegal fish.
- There is poor coordination between government agencies: kabupaten government, provincial government, national government, police, coast guard, navy.
- Officially, the Indonesian National Police (POLRI) has the first line of responsibility for law enforcement, including arrest and investigation of illegal fishermen. The police office is in Larantuka on Flores Island, not far, but still on a different island. Thus, the police rely on the people of Solor to inform them when a crime has been committed. In fact, this is a common system for marine patrol, called *Laskar Bahari*, with the public having a formal role in sea surveillance while the police keep the power of arrest and investigation remains the job of the police. However, there is no formal *Laksar Bahari* system on the Lebau coast, yet.

Laskar Bahari "sea patrol" is a standard system. If communities are involved in sea patrols, they will have a better understanding of the sea and there will be a duty and responsibility of the government and society together.

This project will promote creating of 1-2 hectare marine protected areas in the three target villages, recruit 15 volunteers from each village and train them as *Laskar Bahari* to work in conjunction with the Department of Fisheries and marine of East Flores, East Flores Water Police, as well as other related government institutions in East Flores, and in exchange for these two efforts by the communities, provide support in sustainable agricultural and livelihood efforts.

The project will push to create marine protected areas that prevent activities already defined as illegal (bombing) and that allow for sustainable fishing and use practices. No one will be prevented from accessing resources legally.

7. Participatory Implementation

Indonesian law states that the creation of a Marine Protected Area must be done with the Provincial Governor, the Ministry of Marine Affairs, the BKSDA, and provincial, kabupaten, and desa authorities. The steps to creation are:

- Biophysical study and provisional demarcation
- Community consultation and endorsement of final demarcation
- Preparation of management plan and community endorsement of management plan
- Approval of management plan (with the level of approval dependent upon the type of MPA created and the types of restrictions imposed).

As part of project preparation, YPPS consulted with:

- Dinas Kelautan dan Perikanan (DKP) Flores Timur
- Komando Distrik Militer 1624 Flores Timur:
- Kepolisian Resort (Polres) Flores Timur:
- Satuan Polisi Pamong Praja (Sat-Pol PP):
- Badan Perencana Pembangunan Daerah (Bappeda) Flores Timur

Each have stated that they support the goals of the project, including creation of MPAs and *Laskar Bahari*.

Laskar Bahari is a group of people who are equipped to help monitor the sea. Actual law enforcement activities (e.g., interdiction, arrest) will be carried out by appropriate authorities in accordance with the rules and regulations prevailing in Indonesia. The *Laskar Bahari* will not take over the duties and responsibilities of law enforcement officials. This project will empower the community to raise awareness about the importance of marine conservation and to prevent damage from illegal activities like bombing.

To ensure community “ownership” of the process of MPA identification and then the *Laskar Bahari*, YPPS will engage in:

- Public awareness campaigns on the value of the marine resources and the law as it already exists prohibiting destructive practices
- Training in sustainable fishing practices
- Participatory delineation of the MPAs
- Multiple public meetings to ensure stakeholder input

8. Criteria for eligibility of affected persons

Potentially affected people will be defined as the members of the three villages, and within reason, permanent residents from households in villages immediately adjacent to those. In the three villages, this includes people who make their living on the sea specifically in the small 1-2 hectare areas to be protected. “Affected persons” is defined not to include people engaged in activities already defined as “illegal” per Indonesian law (e.g., fishing with explosives) or from outside the immediate area.

9. Measures to assist the affected persons

YPPS predicts only nominal possible impacts on eligible affected persons. This will include some small number of people who can no longer fish in the three MPAs. Even this is to be determined, as the MPAs may actually allow sustainable fishing. The restrictions are yet to be determined – this will be done in a participatory manner.

To assist possibly affected people, and the entire communities, YPPS will provide training in sea weed cultivation and other sustainable agriculture activities.

10. Conflict resolution and complaint mechanism

Community members will of course be able to complain directly to government representatives and during stakeholder workshops. In addition, we will publicly post instructions, in Bahasa Indonesia, directing people to voice complaints to any of the following, in any order with which they are comfortable.

- Melkhior Koli Baran, chief executive, YPPS; baranmelky@yahoo.com; +62 81339481916
- Adi Widyanto, CEPF RIT team leader, Burung Indonesia: +62251 8357222; +6281511416370; a.widyanto@burung.org
- CEPF grievance at cepfexecutive@conservation.org

Should we receive any complaint or grievance, we will immediately consult with the RIT team leader and Kepala Desa, at a minimum.

11. Implementation Arrangements

YPPS is based in Larantuka, Flores, about one hour total travel time by land and sea to the sites on Solor. YPPS will organize itself as a government/policy advocacy team and a village/field team. Much of the government/policy work will be in Larantuka, the capital of the kabupaten. The government team will include the YPPS director, program coordinator, media officer, and finance officer. The field team will be two people and will rent a house/office on Solor. The two teams will gather once a month. The team consists of:

Melkhior Koli Baran, chief executive
Magdalena Rianghepat, program coordinator
Simon Petrus Pati Hokor, public awareness
Karolus Kaya Ola, policy and governance
Veronika Lamahoda, community engagement

12. Monitoring and Evaluation

Per project design, YPPS will be based on site for the life of the grant. Monitoring and evaluation of this process framework will be a natural part of monitoring and evaluation of the overall project. We will provide semi-annual reports on the implementation of this framework that provide:

- Location, date, and participation of all public consultations
- Description of any disputes/complaints and their resolution
- Copies of public announcements on site demarcation or decrees