

**IMPACT OF DECENTRALIZATION POLICY ON COMMUNITY BASED FISHERIES
MANAGEMENT: A LESSON FROM THE CASE OF LOMBOK BARAT, INDONESIA**

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ABSTRACT

This paper provides analysis on the current trends for decentralization of fisheries management in Indonesia. In Indonesia, decentralization has been processed by the establishment of Undang-Undang (UU) 22/1999 (local autonomy law), which is a product of the Reform movement to correct the centralism practiced in the New Order or Soeharto era (1966-1998). By this law, local government has gained new authorities of marine-fisheries management. According to this law as far as 12 miles of sea area from coastline is under provincial government authority, and within those 12 miles there are 4 miles under the authority of the local or district government (article 3 and 10). Theoretically decentralization is considered as the most appropriate form of fisheries governance to enable for local governments to fundamentally control local fishing by community based management system (CBFM). The CBFMs in Indonesia were established and rooted in traditional fishing communities. Nevertheless, the role of these systems has been somewhat undermined by the central government during the New Order Period (1966-1998) because political decision states that marine areas must be nationally owned. The legal products, especially the Fisheries Law and the Rural Governance law supporting such political decisions are critically analyzed. In the decentralization era, however, these traditional systems may be reconsidered as the main social and cultural capital of fisheries management, particularly for coastal fisheries. Based on a

case study in Lombok Barat, this article reveals some positive impacts of decentralization policy : state's recognition of CBFMs, devolution of fisheries management to the local people, and strengthening of CBFMs. These impacts show that decentralization can be an external factor for strengthening the CBFM system. However, the strength of CBFM also comes from the process of how the local institution is built. This paper identifies some agendas which are being encountered both in the central and local levels. This is related to the need of improvement of the legal framework, the capacity building of the local government, and the revitalization of the local institution.

Keywords: Decentralization policy, community based fisheries management, awig-awig, local autonomy, Indonesia

INTRODUCTION

Decentralization can be defined as the transfer of authority and responsibility for public functions from the central government to subordinate or quasi-independent government organizations or even the private sector and community associations (Rondinelli, 1999; Cohen and Petterson, 1999; Smith, 1985). In Indonesia, decentralization has been processed by the establishment of *Undang-Undang (UU) 22/1999* (local autonomy law), which is a product of the Reform movement to correct the centralism practiced in the New Order or Soeharto era (1966-1998). By this law, local government has gained new authorities of marine-fisheries management. According to this law as far as 12 miles Water Sea area from shoreline is under provincial government authority, and within those 12 miles there are 4 miles under the authority of the local or district government (article 3 and 10). These authorities include: (a) exploration, exploitation, conservation, and marine resources management within the authority water area, (b) administrative management, (c) zone management, (d) law enforcement of local regulation or central government regulations that are deconcentrated to local government. The elucidation of article 10 states that the territorial sea does not restrict traditional fishing rights, but rather traditional fishers may go fishing everywhere. Nevertheless, what the law means by "traditional fishing rights" is not clear enough yet, so it makes the local government difficult to create more detail regulation.

Overall, this is quite different from the situation before, which is characterized by the centralization policy. The centralization of fisheries management was characterized by the existence of national policy states that all marine waters are state property, to be managed centrally, through the provincial, regency, and village offices of the central government, for the benefit of the entire nation (Ruddle, 1993)

To implement the local autonomy law, the central government released a government regulation, called *Peraturan Pemerintah (PP) 25/2000*. This regulation has identified a detailed description of authorities of both central and provincial government over marine and fisheries affairs, but it has not identified a detailed authority of the local (district/regency) government. According to *PP 25/2000*, the authority of the provincial government are :

- a) To set policy and management of exploration, conservation, management, and utilization of marine resources beyond 12 miles,
- b) To set policy and regulation of management and utilization of valuable goods and wrecked ship beyond 12 miles of sea water,
- c) To set a policy and regulation of marine borders which includes sea water autonomous areas borders and borders based on the international marine law
- d) To set a measure of coastal and small island management
- e) To enforce law in seawater both beyond and within the 12 miles that correlates with specific and

international matters.

For the local government, the legal framework of the Autonomy Law (*UU 22/1999*) and *PP 25/2000* are not clear enough to implement decentralization. This was because the central government has not formulated a detailed regulation yet that clearly delineate a boundary of the fisheries management decentralization containing what local government are obliged or prohibited to do in order to result expected decentralization practices. This condition leads to the difficulties for the local government in formulating the local policy. In this issue, Ford (1999) states “The constitutions should be used to enshrine the broad principles on which decentralization is to operate, including the rights and responsibilities of all level government [...] A series of regulations associated with each law should interpret and detail the practices and measures by which the related law will operate”.

How is the linkage of between concept of decentralization and fisheries management? Decentralization is a bridge to increase local community or people participation in fisheries management. However, fisheries managers increasingly recognize that fisheries management cannot be conducted effectively without cooperation and participation of fishers to make laws and regulation work (Pomeroy and Berkes, 1997). Moreover, Jentoft *et.al* (1998) argued that participation of fishers in regulatory decision-making, implementation, and enforcement is important due to at least two reasons. *Firstly*, the fishers possess knowledge, based on their experience, “*that may fruitfully add to fisheries science and hence, produce more enlightened, effective and equitable remedies and solutions to the management challenge*”. *Secondly*, participation of fishers enhances the legitimacy of regulatory regime, and hence, compliance. Based on these arguments, Jentoft *et.al* (1998) went to the conclusion that “*a more bottom up approach is called for, the management system must be decentralized and users should be granted both rights and responsibilities through delegation of management authority*”.

Therefore, there is an identical concern between decentralization and community based fisheries management (CBFM). The goals of CBFM include the greater participation of fisheries management process, self-reliance of local level institutions, and responsive decision making process so that CBFM becomes consistent with the aims of democratization and empowerment (Pomeroy and Berkes, 1997). Meanwhile, “*the goal of decentralization is greater participation and efficiency by getting people of at lower levels more involved in the decision making processes and procedure that affect them*” (Pomeroy and Berkes, 1997). However, greater democratization and development of local community are the promise of decentralization (Pomeroy and Berkes, 1997).

The question arises is : how does decentralization policy affect the role of local users to govern and manage local marine fisheries resources?

THE RISE OF COMMUNITY BASED FISHERIES MANAGEMENT SYSTEM: Case of Lombok Barat Regency

Lombok Barat is regency in Nusatenggara Barat Province that encompasses the mainland and 18 small islands. Total area of Lombok Barat Regency is 3,001.64 km², with a land area of 1,649.15 km² and sea area of 1,352.49 km², whereas the coastline length is 327.27 km. Lombok Barat Regency has two main waters: Java Sea in the northern part and Indian Ocean in the southern part. Based on the Report of Fisheries Service of Lombok Barat (2002), the potential of marine capture fisheries resources is 15.964 tons per year (Maximum Sustainable Yield/MSY), while the production reached 12.982 ton, so exploitation rate is around 81%. This seems too high for Lombok Barat, which is still dominated by traditional fisheries. The potential of aquaculture consists of 873 hectares for brackish water culture and 2,236 hectare for mari culture such as pearl, seaweed, and dragon fish. The actual utilization reaches 53.4% and 80.7% for brackish water culture and Mari culture, respectively.

The rise of local institution of fisheries management or called community based fisheries management in Lombok Barat actually constituted the local fishers response to the monetary crisis and the national reform from 1998, which was marked by the dismissal of Soeharto from his presidential position. Such reform movement led to the unaccountability of the government authority, including the authority to enforce formal rules in fisheries. Accordingly, the local people initiated to revitalize the local institution called *awig-awig*, which was applicable in these areas long time ago. *Awig-awig*, which means “a local rule”, was part of the cultural system of the Lombok people. Nevertheless, the term “*awig-awig*” itself actually stemmed from a Bali term, because of the Bali Empire’s occupation of Lombok in the past. The Bali people, however, in *Banjar* or pastoral life, culturally had been bounded to the tradition, which was formulated as *awig-awig*, the unwritten customary law that should be obeyed by all *Banjar* community (Bachtiar, 2002). Proposals to establish *awig-awig* in Lombok Barat arose following the recognition of increasing local use of destructive fishing practices, especially bombing or dynamiting, a practice which originally stems from Japanese troops’ practice during the colonization period in Gili, Lombok Barat beginning 1942. Aside overcoming destructive fishing practices, the establishment of *awig-awig* is also devoted to protect traditional fisheries and keep traditional culture related to fisheries.

Awig-awig, however, is an institutional capital for fisheries management. Institutional capital is the stock of rights and rules within resource management decisions (Hanna, 1998). Common institutional characteristics of community based management identified by Ruddle (1999), which are clear territorial boundary, rules, authority, and sanctions, are applicable to *awig-awig* system. There are four types of *awig-awig* established by the local people in different area, Kecamatan Tanjung, Gangga, Pemenang, Bayan, and Kayangan. Using Ostrom’s framework (1990), these *awig-awig* are practiced both as operational and collective rule. Among those *awig-awig*, *Lembaga Masyarakat Nelayan Lombok Utara (LMNLU)* has the higher level function to subordinates others and become representative of the fishers in northern part of Lombok Barat. The interesting point is that what the local fisher ruled is compatible to the formal rules. Nevertheless, concerning physical sanctions without resulting a death is still questioned because this such sanction is supposed to be violating the human right value and out of the formal rules as well. Nevertheless, there is no warning to the authority of *awig-awig* to withdraw such sanctions.

The result of *awig-awig*, however, is very meaningful for the marine resources sustainability, because *awig-awig* was effective to overcome destructive fishing practices. This means that such *awig-awig* become “rule-in use” as Ostrom (1990) called. The effectiveness of most *awig-awig* was caused by the bottom up planning and participative approach that led to the increasing of the local fishers’ sense of stewardship over the resources. Furthermore, the various *awig-awig* rules made the local fishers easier to enforce them because of the suitability of such rules to specific communities, in terms of culture and social structure of the local people, and their ecosystem. Nevertheless, *awig-awig* implementation has been dealing with some problems related to operational supports, such as the availability of speedboats, communication facilities, and so on. In addition, sometimes accountability of the traditional authority was questioned by the members like what happened in Gili Indah that then led to unenforceability of zoning rules. The main cause of unenforceability of zoning system was that *awig-awig* was supposed to be an interest of tourism rather than fisheries, so a conflict between people who engage in tourism and traditional fishers who felt marginalized by tourism through *awig-awig* was becoming inevitable. Nevertheless, overall *awig-awig*, particularly on prohibition of destructive fishing, have been effectively enforceable.

One important point is that existence of *awig-awig* is recognized by the Lombok Barat Regency Government (LBRG). Even, the LBRG officially recognized through signing up to the written document of *awig-awig*, especially in Gili Indah village. The LBRG realized that devolution to the local people was meaningful to make the effectiveness of monitoring, controlling, and surveillance. The LBRG felt that the role of *awig-awig* was helpful in attempting to overcome the destructive fishing practices. The local government recognition of *awig-awig* showed that there was devolution to the local people to manage

their coastal area. Nevertheless, this devolution actually existed by chance rather than by design. This means that such devolution occurred because of initiation of the local people in responding political instability during the Reform era, rather than design by the local government. This constituted the local fishers response to the monetary crisis and the national reform in 1998, which was marked by the dismissal of Soeharto from his presidential position. This is a critical period for political situation in Indonesia. This political instability led to the unaccountability of the government authority, including the authority to enforce formal rules in marine fisheries. The local people, therefore, initiated to replace the formal rules through revitalization of local institution called *awig-awig*, which were effectively applicable in this area long time ago until the New Order period in 1966. Between 1966-1999, *awig-awig* had not been valid because of the centralization policy in fisheries management.

AGENDAS FOR STRENGTHENING CBFMS

In attempt to strengthen CBFMs the existing legal framework must be noticed. This is one of the most important supra-community factors that affect the community based fisheries management systems (Pomeroy *et.al*, 2001). The dismantlement of CBFMs in Indonesia was caused by some existing legal framework that undermines the existence of CBFMs as local institutions in fisheries management practice. For example, the Fisheries Law (*UU Perikanan No 9/1985*), which is the highest rank of legal product on the fisheries sector, still prevails whereas in fact this Fisheries Law consists of articles containing centralistic approaches and do not recognize the role of CBFMs. In addition, as a consequence of *Undang-Undang No 5 1979* (the Rural Governance Law) there was no recognition of traditional marine tenure or traditional fisheries management practices. This Rural Governance Law intended to make uniformity of the rural governance system and certainly led to neglecting customary system in terms of administrative and resources governance. Accordingly, one of the most important points of the legal framework reforms is a state legitimization of local institutions. The amendment of such laws should be taken to harmonize the legislation products in trying to assure decentralization of fisheries management effective. Regarding developing a proper legal framework for decentralization, which contains a state recognition of local or traditional institutions, Japan case can be a good lesson to be learned. Japan, however, has a long historical background in the process of establishment fisheries law, which stemmed from traditional rules (see Matsuda, 1991)

Beside the legal framework, capacity building of the local government is necessary for strengthening CBFMs. The local government, however, is required to formulate a proper policy with respect to the sustainable fisheries management in coastal water areas. The local governments should have capacity to create a blue print of local integrated fisheries management, which harmonizes traditional and formal governance. The blue print contains strategy of fisheries management (planning, implementation, and MCS) on the basis of participatory approach. Then, this is followed by the willingness to collaborate with communities and other local organizations, such as NGO. To support this technical capacity, the local governments, however, must develop adequate capacity on administration skill, political savvy, adaptability (WWF, 2000). This is important to deal with the complexity of institutional arrangement, to form strategic alliances, and to deal with the external changes. Based on the case of Lombok Barat, the local government has still focused on development of technical expertise capacity of the officers through participation on various training courses held by external body, such as university and higher level government. However, this effort is not enough to enhance capacity of *dinas* in respecting to decentralization. As Knight and Lowry (2003) noted, the local government is still weak in administration planning, which leads to difficulties in facilitating the complex inter-sectoral planning for integrated coastal management. Therefore, *dinas* still needs to enhance the capacity on administrative expertise, creating strategic alliances to other bodies, such as fishers association, NGOs, private sectors,

and inter-sectoral and multilevel governments. However, some guidelines for the local government about how to implement decentralization of fisheries management on the basis of community-based management are needed. This is necessary so that the local governments have such references to set policies, formulate regulations, form district fisheries agency structure, and to collaborate with local community dealing with issues of fisheries management.

CONCLUDING REMARKS

Decentralization can accelerate the rise of community based fisheries management (CBFM) system, which is broadly recognized as an alternative of fisheries management model. This is becoming true with the case of *awig-awig* in Lombok Barat, that there are some positive impacts of decentralization.. *Firstly*, state recognition to CBFMs arises. This is possible to occur because the local government realizes that in practice the local people are responsible to manage their marine resources, especially in monitoring, controlling, and surveillance (MCS). This local people role is important to support the local government in conducting the authority in achieving sustainable fisheries management. *Secondly*, such recognition leads to devolution of fisheries management to the local people. This devolution leads to the increasing of responsibility of the local people over the marine resources, which is empirically effective to overcome destructive fishing practices. This implies the rise of sustainability at the local level. *Thirdly*, by this devolution, the local people have more opportunity to strengthen their institution including revitalizing traditional norms of fishing, capacity building of MCS, developing mutual collaboration with other fisher association and NGO, and developing economic activities. These impacts mean that decentralization can be a positive external factor for strengthening CBFM system. However, the strength of CBFM also comes from the process of how the local institution is built. Three *awig-awig* described here are originally local people initiative. This is a main internal factor of why *awig-awig* can survive so it can enhance the efforts to create sustainable fisheries management.

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