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Case Study *Developing a District Law in Minahasa on Community- Based Integrated Coastal Management*

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USAID - INDONESIA COASTAL RESOURCES MANAGEMENT PROJECT
KOLEKSI DOKUMEN PROYEK PESISIR 1997 - 2003

Koleksi Dokumen Proyek Pesisir 1997 - 2003

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Koleksi Proyek Pesisir –Kata Pengantar

Selama lebih dari 30 tahun terakhir, telah terdapat ratusan program —baik internasional, nasional maupun regional— yang diprakarsai oleh pemerintah, serta berbagai organisasi dan kelompok masyarakat di seluruh dunia, dalam upaya menatakelola ekosistem pesisir dan laut dunia secara lebih efektif. USAID (The United States Agency for International Development) merupakan salah satu perintis dalam kerja sama dengan negara-negara berkembang untuk meningkatkan pengelolaan ekosistem wilayah pesisir sejak tahun 1985.

Berdasarkan pengalamannya tersebut, pada tahun 1996, USAID memprakarsai Proyek Pengelolaan Sumberdaya Pesisir (Coastal Resources Management Project—CRMP) atau dikenal sebagai Proyek Pesisir, sebagai bagian dari program Pengelolaan Sumberdaya Alam (Natural Resources Management Program). Program ini direncanakan dan diimplementasikan melalui kerja sama dengan Pemerintah Indonesia melalui Badan Perencanaan Pembangunan Nasional (BAPPENAS), dan dengan dukungan Coastal Resources Center University of Rhode Island (CRC/URI) di Amerika Serikat. Kemitraan USAID dengan CRC/URI merupakan kerja sama yang amat penting dalam penyelenggaraan program-program pengelolaan sumberdaya pesisir di berbagai negara yang didukung oleh USAID selama hampir dua dasawarsa. CRC/URI mendisain dan mengimplementasikan program-program lapangan jangka panjang yang bertujuan membangun kapasitas menata-keelola wilayah pesisir yang efektif di tingkat lokal dan nasional. Lembaga ini juga melaksanakan analisis dan berbagi pengalaman tentang pembelajaran yang diperoleh dari dan melalui proyek-proyek lapangan, lewat program-program pelatihan, publikasi, dan partisipasi di forum-forum internasional.

Ketika CRC/URI memulai aktivitasnya di Indonesia sebagai mitra USAID dalam program pengelolaan sumberdaya pesisirnya (CRMP, atau dikenal dengan Proyek Pesisir), telah ada beberapa program pengelolaan pesisir dan kelautan yang sedang berjalan. Program-program tersebut umumnya merupakan proyek besar, sebagian kecil di antaranya telah mencapai tahap implementasi. CRC/URI mendisain Proyek Pesisir untuk lebih berorientasi pada implementasi dalam mempromosikan pengelolaan wilayah pesisir dan tujuan-tujuan strategis USAID, seperti pengembangan ekonomi dan keamanan pangan, perlindungan kesehatan masyarakat, pencegahan konflik, demokrasi partisipatoris, dan perlindungan kelestarian lingkungan melalui pengelolaan sumberdaya pesisir dan air.

Kegiatan Proyek Pesisir menempatkan Indonesia di garis depan pengembangan model baru dan peningkatan informasi baru yang bermanfaat bagi Indonesia sendiri dan negara-negara lain di dunia dalam hal pengelolaan sumberdaya pesisir. Sebagai negara keempat terbesar di dunia, dengan kurang lebih 60 persen dari 230 juta penduduknya tinggal di dalam radius 50 kilometer dari pesisir, Indonesia secara sempurna berada pada posisi untuk mempengaruhi dan memformulasikan strategi-strategi pengembangan pengelolaan pesisir negara-negara berkembang di seluruh dunia. Indonesia juga merupakan negara kepulauan terbesar di dunia dengan lebih dari 17.500 pulau, 81.000 kilometer garis pantai, dan Zona Ekonomi Eksklusif (ZEE) seluas 5,8 juta



CRMP/Indonesia Collection

–Preface

Over the past 30 years, there have been hundreds of international, national and sub-national programs initiated by government, organizations and citizen groups that attempted to more effectively govern the world's coastal and marine ecosystems. Among these efforts, the U.S. Agency for International Development (USAID) has been a pioneer since 1985 in working with developing countries to improve the management of their coastal ecosystem to benefit coastal people and their environment.

Building on its experience, as part of its Natural Resources Management Program, USAID initiated planning for the Indonesia Coastal Resources Management Project (CRMP, or Proyek Pesisir) in 1996. This program was planned and implemented in cooperation with the Government of Indonesia through its National Development Planning Agency (BAPPENAS) and with the support of the Coastal Resources Center at the University of Rhode Island (CRC/URI) in the United States. USAID's partnership with CRC/URI has been central to the delivery of coastal resources management programs to numerous USAID-supported countries for almost two decades. CRC/URI designs and implements long-term field programs that work to build the local and national capacity to effectively practice coastal governance. It also carries out analyses and shares experiences drawn from within and across field projects. These lessons learned are disseminated worldwide through training programs, publications and participation in global forums.

When CRC/URI initiated work in Indonesia as a partner with USAID in its international Coastal Resources Management Program, there were numerous marine and coastal programs already ongoing. These were typically large planning projects; few projects had moved forward into "on-the-ground" implementation. CRC/URI designed Indonesia's CRMP to be "implementation oriented" in promoting coastal governance and the USAID strategic goals of economic development and food security, protection of human health, prevention of conflicts, participatory democracy and environmental protection through integrated management of coasts and water resources.

The CRMP put Indonesia in the forefront of developing new models and generating new information useful in Indonesia, and in other countries around the world, for managing coastal resources. Being the fourth largest country in the world, with approximately 60 percent of its 230 million people living within 50 kilometers of the coast, Indonesia is perfectly positioned to influence and shape the coastal management development strategies of other developing countries around the world. It is the world's largest archipelago state, with 17,500 islands, 81,000 kilometers of coastline, and an Exclusive Economic Zone covering 5.8 million square kilometers of sea –more than three times its land area. Indonesia is also the richest country in the world in terms of marine bio-

kilometer laut persegi -lebih tiga kali luas daratannya. Indonesia menjadi negara terkaya di dunia dalam hal keragaman hayati (biodiversity). Sumber daya pesisir dan laut Indonesia memiliki arti penting bagi dunia internasional, mengingat spesies flora dan fauna yang ditemukan di perairan tropis Indonesia lebih banyak daripada kawasan manapun di dunia. Sekitar 24 persen dari produksi ekonomi nasional berasal dari industri-industri berbasis wilayah pesisir, termasuk produksi gas dan minyak, penangkapan ikan, pariwisata, dan transportasi. Beragam ekosistem laut dan pesisir yang ada menyediakan sumberdaya lestari bagi sebagian besar rakyat Indonesia. Hasil-hasil lautnya mencukupi lebih dari 60 persen rata-rata kebutuhan bahan protein penduduk secara nasional, dan hampir 90 persen di sebagian desa pesisir. Masyarakat nelayan pedesaan cenderung menjadi bagian dari kelompok masyarakat termiskin akibat eksploitasi berlebihan, degradasi sumberdaya, serta ketidakmampuan dan kegagalan mereka memanfaatkan sumberdaya pesisir secara berkelanjutan.

Di bawah bimbingan CRC/URI, Proyek Pesisir, yang berkantor pusat di Jakarta, bekerja sama erat dengan para pengguna sumberdaya, masyarakat, industri, LSM, kelompok-kelompok ilmiah, dan seluruh jajaran pemerintahan. Program-program lapangan difokuskan di Sulawesi Utara, Kalimantan Timur, dan Provinsi Lampung (sebelah selatan Sumatera) ditambah Provinsi Papua pada masa akhir proyek. Selain itu, dikembangkan pula pusat pembelajaran pada Pusat Kajian Sumberdaya Pesisir dan Lautan (PKSPL) di Institut Pertanian Bogor (IPB), sebagai perguruan tinggi yang menjadi mitra implementasi Proyek Pesisir dan merupakan fasilitator dalam pengembangan Jaringan Universitas Pesisir Indonesia (INCUNE).

Komponen program CRMP yang begitu banyak dikembangkan dalam 3 (tiga) lingkup strategi pencapaian tujuan proyek. Pertama, **kerangka kerja** yang mendukung upaya-upaya pengelolaan berkelanjutan, telah dikembangkan. Kemudian, ketika proyek-proyek percontohan telah rampung, **pengalaman-pengalaman dan teladan baik dari kegiatan-kegiatan tersebut didokumentasikan dan dilembagakan dalam pemerintahan**, sebagai lembaga yang bertanggung jawab dalam jangka panjang untuk melanjutkan hasil yang sudah ada sekaligus menambah lokasi baru. Kegiatan ini dilakukan lewat kombinasi **perangkat hukum, panduan, dan pelatihan**. Kedua, Departemen Kelautan dan Perikanan yang baru berdiri didukung untuk mengembangkan **peraturan perundangan dan panduan pengelolaan wilayah pesisir nasional untuk pengelolaan pesisir terpadu yang terdesentralisasi**. Pengembangan peraturan perundangan ini dilakukan melalui suatu proses konsultasi publik yang partisipatif, terbuka dan melembaga, yang berupaya mengintegrasikan inisiatif-inisiatif pengelolaan wilayah pesisir secara vertikal dan horisontal. Ketiga, proyek ini mengakui dan berupaya **memperkuat peran khas yang dijalankan oleh perguruan tinggi dalam mengisi kesenjangan kapasitas pengelolaan wilayah pesisir**.

Strategi-strategi tersebut didasarkan pada prinsip-prinsip:

- **Partisipasi** luas dari berbagai pemangku kepentingan (*stakeholders*) dan pemberdayaan mereka dalam pengambilan keputusan
- **Koordinasi** efektif berbagai sektor, antara masyarakat, dunia usaha, dan LSM pada berbagai tingkatan
- Penitikberatan pada **pengelolaan yang terdesentralisasi** dan kesesuaian antara pengelolaan/pengaturan di tingkat lokal dan nasional
- Komitmen untuk menciptakan dan **memperkuat kapasitas organisasi dan sumberdaya manusia** untuk pengelolaan pesisir terpadu yang berkelanjutan
- Pembuatan **kebijakan yang lebih baik yang berbasis informasi dan ilmu pengetahuan**

Di **Sulawesi Utara**, fokus awal Proyek Pesisir terletak pada pengembangan praktik-praktik terbaik pengelolaan pesisir terpadu berbasis masyarakat, termasuk pembuatan dan implementasi rencana daerah perlindungan laut (DPL), daerah perlindungan mangrove (DPM), dan pengelolaan pesisir tingkat desa, serta pemantauan hasil-hasil proyek dan kondisi wilayah pesisir. Untuk melembagakan kegiatan-kegiatan yang sukses ini, dan dalam rangka memanfaatkan aturan otonomi daerah yang baru diberlakukan, Proyek Pesisir membantu penyusunan peraturan pengelolaan wilayah pesisir, baik berupa Peraturan Desa, Peraturan Daerah (Perda) Kabupaten, maupun Perda Provinsi. Selain itu, dikembangkan pula perangkat informasi sebagai alat bagi pengelolaan wilayah pesisir, seperti pembuatan atlas wilayah pesisir. Dalam kurun waktu 18 bulan terakhir, kegiatan perluasan program (scaling up) juga telah berhasil diimplementasikan di 25 desa pesisir di Kecamatan Likupang

diversity. Indonesia's coastal and marine resources are of international importance with more plant and animal species found in Indonesia's waters than in any other region of the world. Approximately 24 percent of national economic output is from coastal-based industries such as oil and gas production, fishing, tourism and transportation. Coastal and marine ecosystems provide subsistence resources for many Indonesians, with marine products comprising on average more than 60 percent of the protein intake by people, and nearly 90 percent in some coastal villages. Rural coastal communities tend to be among the poorest because of overexploitation and degradation of resources resulting from their inability to sustainably and successfully plan for and manage their coastal resources.

Under the guidance of CRC/URI, the Jakarta-based CRMP worked closely with resource users, the community, industry, non-governmental organizations, academic groups and all levels of government. Field programs were focused in North Sulawesi, East Kalimantan, and Lampung Province in South Sumatra, with an additional site in Papua in the last year of the project. In addition, a learning center, the Center for Coastal and Marine Resources Studies, was established at Bogor Agricultural Institute, a CRMP implementation partner and facilitator in developing the eleven-member Indonesia Coastal University Network (INCUNE).

The many components of the CRMP program were developed around three strategies for achieving the project's goals. First, **enabling frameworks** for sustained management efforts were developed. Then, as pilot projects were completed, **experiences and good practices were documented and institutionalized within government**, which has the long-term responsibility to both sustain existing sites and launch additional ones. This was done through a combination of **legal instruments, guidebooks and training**. Second, the new Ministry of Marine Affairs and Fisheries (MMAF) was supported to develop a **national coastal management law and guidelines for decentralized integrated coastal management (ICM)** in a widely participatory, transparent and now institutionalized public consultative process that attempted to vertically and horizontally integrate coastal management initiatives. Finally, the project recognized and worked to **strengthen the unique role that universities play in filling the capacity gap for coastal management**.

The strategies were based on several important principles:

- Broad stakeholder **participation** and empowerment in decision making
- Effective **coordination** among sectors, between public, private and non-governmental entities across multiple scales
- Emphasis on **decentralized governance** and compatibility between local and national governance
- Commitment to creating and **strengthening human and organizational capacity** for sustainable ICM
- Informed and **science-based decision making**

In **North Sulawesi**, the early CRMP focus was on developing community-based ICM best practices including creating and implementing marine sanctuaries, mangrove sanctuaries and village-level coastal management plans, and monitoring project results and coastal conditions. In order to institutionalize the resulting best practices, and to take advantage of new decentralized authorities, the CRMP expanded activities to include the development of village, district and provincial coastal management laws and information tools such as a coastal atlas. In the last 18 months of the project, a scaling-up program was successfully implemented that applied community-based ICM lessons learned from four original village pilot sites to Likupang sub-district (kecamatan) with 25 coastal villages. By the end of the project, Minahasa district was home to 25 community coral reef sanctuaries, five mangrove sanctuaries and thirteen localized coastal management plans. In

Barat dan Timur. Perluasan program ini dilakukan dengan mempraktikkan berbagai hasil pembelajaran mengenai pengelolaan pesisir terpadu berbasis masyarakat dari 4 lokasi percontohan awal (Blongko, Benteran, Tumbak, dan Talise). Pada akhir proyek, Kabupaten Minahasa telah memiliki 25 DPL, 5 DPM, dan 13 rencana pengelolaan pesisir tingkat desa yang telah siap dijalankan. Sulawesi Utara juga telah ditetapkan sebagai pusat regional untuk Program Kemitraan Bahari berbasis perguruan tinggi, yang disponsori oleh Departemen Kelautan dan Perikanan dan difasilitasi oleh Proyek Pesisir.

Di **Kalimantan Timur**, fokus dasar Proyek Pesisir adalah pengenalan model pengelolaan pesisir berbasis Daerah Aliran Sungai (DAS), yang menitikberatkan pada rencana pengelolaan terpadu Teluk Balikpapan dan DAS-nya. Teluk Balikpapan merupakan pintu gerbang bisnis dan industri Provinsi Kalimantan Timur. Rencana Pengelolaan Teluk Balikpapan (RPTB) berbasis DAS yang bersifat inter-yurisdiksi ini merupakan yang pertama kalinya di Indonesia dan menghasilkan sebuah model untuk dapat diaplikasikan oleh pemerintah daerah lainnya. Rencana pengelolaan tersebut, yang dirampungkan dengan melibatkan partisipasi dan konsultasi masyarakat lokal secara luas, dalam implementasinya telah berhasil menghentikan konversi lahan mangrove untuk budidaya udang di sebuah daerah delta, terbentuknya kelompok kerja (pokja) terpadu antarinstansi untuk masalah erosi dan mangrove, terbentuknya sebuah Organisasi Non Pemerintah (Ornop) berbasis masyarakat yang pro aktif, dan jaringan Ornop yang didanai oleh sektor swasta yang berfokus pada isu-isu masyarakat pesisir. Selain itu, telah terbentuk Badan Pengelola Teluk Balikpapan, yang dipimpin langsung oleh Gubernur Kalimantan Timur berikut 3 Bupati (Penajam Paser Utara, Paser, dan Kutai Kartanegara), dan Walikota Balikpapan. Seluruh kepala daerah tersebut, bersama dengan Menteri Kelautan dan Perikanan RI, ikut menandatangani Rencana Pengelolaan Teluk Balikpapan tersebut. Rencana Pengelolaan Teluk Balikpapan ini telah mendorong pemerintah daerah lain untuk memulai program-program serupa. Kalimantan Timur juga telah ditetapkan sebagai pusat regional untuk Program Kemitraan Bahari berbasis perguruan tinggi, yang disponsori oleh Departemen Kelautan dan Perikanan, dan difasilitasi oleh Proyek Pesisir.

Di **Lampung**, kegiatan Proyek Pesisir berfokus pada proses penyusunan rencana dan pengelolaan strategis provinsi secara partisipatif. Upaya ini menghasilkan Atlas Sumberdaya Pesisir Lampung, yang untuk pertama kalinya menggambarkan kualitas dan kondisi sumberdaya alam suatu provinsi melalui kombinasi perolehan informasi terkini dan masukan dari 270 stakeholders setempat, serta 60 organisasi pemerintah dan non pemerintah. Atlas tersebut menyediakan landasan bagi pengembangan sebuah rencana strategis pesisir dan program di Lampung, dan sarana pembelajaran bagi Pusat Kajian Sumberdaya Pesisir dan Lautan (PKSPL) IPB, yang telah menangani program pengelolaan pesisir di Lampung. Sebagai contoh kegiatan pelaksanaan awal tingkat lokal dari Rencana Strategis Pesisir Provinsi Lampung, dua kegiatan berbasis masyarakat telah berhasil diimplementasikan. Satu berlokasi di Pematang Pasir, dengan titik berat pada praktik budidaya perairan yang berkelanjutan, dan yang lainnya berlokasi di Pulau Sebesi di Teluk Lampung, dengan fokus pada pembentukan dan pengelolaan daerah perlindungan laut (DPL). Model Atlas Sumberdaya Pesisir Lampung tersebut belakangan telah direplikasi oleh setidaknya 9 (sembilan) provinsi lainnya di Indonesia dengan menggunakan anggaran provinsi masing-masing.

Di **Papua**, pada tahun terakhir Proyek Pesisir, sebuah atlas pesisir untuk kawasan Teluk Bintuni - yang disusun berdasarkan penyusunan Atlas Lampung-telah diproduksi. Kawasan ini merupakan daerah yang lingkungannya sangat penting, yang tengah berada pada tahap awal aktivitas pembangunan besar-besaran. Teluk Bintuni berlokasi pada sebuah kabupaten baru yang memiliki sumberdaya alam melimpah, termasuk cadangan gas alam yang sangat besar, serta merupakan daerah yang diperkirakan memiliki paparan mangrove terbesar di Asia Tenggara. Proses penyusunan atlas sumberdaya pesisir kawasan Teluk Bintuni ini dilaksanakan melalui kerja sama dengan Ornop lokal, perusahaan minyak BP, dan Universitas Negeri Papua (UNIPA). Kegiatan ini mengawali sebuah proses perencanaan partisipatif dan pengelolaan pesisir terpadu, yang mengarah kepada mekanisme-mekanisme perencanaan partisipatif untuk sumberdaya pesisir di kawasan tersebut. Para mitra-mitra lokal telah menunjukkan ketertarikan untuk menggunakan Atlas Teluk Bintuni sebagai rujukan awal (starting point) dalam mengembangkan 'praktik-praktik terbaik' mereka sendiri, misalnya pengelolaan pesisir berbasis masyarakat dan pengelolaan teluk berbasis DAS bagi Teluk Bintuni.

the last few months, due to its significant capacity in coastal management, North Sulawesi was inaugurated as a founding regional center for the new national university-based Sea Partnership Program sponsored by the MMAF and facilitated by the CRMP.

In **East Kalimantan**, the principal CRMP focus was on introducing a model for watershed-based coastal management focusing on developing an integrated coastal management plan for Balikpapan Bay and its watershed. Balikpapan Bay is the commercial and industrial hub of East Kalimantan Province. The resulting inter-jurisdictional watershed-based Balikpapan Bay Management Plan (BBMP) was the first of its kind in Indonesia and provides a model for other regional governments. The BBMP, completed with extensive local participation and consultation, has already resulted in a moratorium on shrimp mariculture in one delta region, the creation of mangrove and erosion interdepartmental working groups, a new proactive community-based NGO and a NGO-network supported by private sector funding that is focused on coastal community issues. The BBMP also resulted in the formation of the Balikpapan Bay Management Council, chaired by the Provincial Governor and including the heads of three districts (Panajam Paser Utara, Pasir and Kutai Kartengara), the Mayor of the City of Balikpapan and the Minister of Marine Affairs and Fisheries, who were all co-signatories to the BBMP. The BBMP has already stimulated other regional governments to start on similar programs. In the last few months, East Kalimantan was also inaugurated as a founding regional center for the new national university-based Sea Partnership Program sponsored by the MMAF and facilitated by the CRMP.

In **Lampung**, the CRMP focused on establishing a participatory provincial strategic planning and management process. This resulted in the ground-breaking Lampung Coastal Resources Atlas, which defines for the first time the extent and condition of the province's natural resources through a combination of existing information and the input of over 270 local stakeholders and 60 government and non-government organizations. The atlas provided the foundation for the development of a Lampung coastal strategic plan and the program served as a learning site for Bogor Agricultural Institute's Center for Coastal and Marine Resources Studies that has since adopted the management of the Lampung coastal program. As a demonstration of early local actions under the Lampung Province Coastal Strategic Plan, two community-based initiatives - one in Pematang Pasir with an emphasis on sustainable aquaculture good practice, and the other on Sebesi Island in Lampung Bay focused on marine sanctuary development and management - were implemented. The atlas model was later replicated by at least nine other provinces using only provincial government funds.

In **Papua**, in the final year of Proyek Pesisir, a coastal atlas based upon the Lampung atlas format was produced for Bintuni Bay, an environmentally important area that is in the early stages of major development activities. Bintuni Bay is located within the newly formed Bintuni District that is rich in natural resources, including extensive natural gas reserves, and perhaps the largest contiguous stand of mangroves in Southeast Asia. The atlas development process was implemented in cooperation with local NGOs, the petroleum industry (BP) and the University of Papua and began a process of participatory planning and integrated coastal management that is leading to mechanisms of participatory planning for the coastal resources in the area. Local partners have expressed their interest in using the Bintuni Bay atlas as a starting point for developing their own set of "best practices" such as community-based coastal management and multi-stakeholder, watershed-based bay management for Bintuni Bay.

Pengembangan Universitas merupakan aspek penting dari kegiatan Proyek Pesisir dalam mengembangkan pusat keunggulan pengelolaan pesisir melalui sistem Perguruan Tinggi di Indonesia, dan memanfaatkan pusat ini untuk membangun kapasitas universitas-universitas lain di Indonesia. Pusat Kajian Sumberdaya Pesisir dan Laut (PKSPL) yang dikembangkan di Institut Pertanian Bogor (IPB) telah dipilih sebagai mitra utama, mengingat posisinya sebagai institusi pengelolaan sumberdaya alam utama di Indonesia. Selain mengelola Lampung sebagai daerah kajian, PKSPL-IPB mendirikan perpustakaan sebagai referensi pengelolaan pesisir terpadu nasional, yang terbuka bagi para mahasiswa dan kalangan profesional, serta menyediakan layanan peminjaman perpustakaan antaruniversitas untuk berbagai perguruan tinggi di Indonesia (situs web: <http://www.indomarine.or.id>). PKSPL-IPB telah memprakarsai lokakarya tahunan pembelajaran pengelolaan pesisir terpadu, penerbitan jurnal pesisir nasional, serta bekerja sama dengan Proyek Pesisir mengadakan Konferensi Nasional (KONAS) Pengelolaan Pesisir Terpadu, yang kini menjadi ajang utama bagi pertukaran informasi dan studi kasus pengelolaan pesisir terpadu di Indonesia. Kegiatan dua tahunan tersebut dihadiri 600 peserta domestik dan internasional. Berdasarkan pengalaman positif dengan IPB dan PKSPL tersebut, telah dibentuk sebuah jaringan universitas yang menangani masalah pengelolaan pesisir yaitu INCUNE (Indonesian Coastal Universities Network), yang beranggotakan 11 universitas. Jaringan ini menyatukan universitas-universitas di wilayah pesisir di seluruh Indonesia, yang dibentuk dengan tujuan untuk pertukaran informasi, riset, dan pengembangan kapasitas, dengan PKSPL-IPB berperan sebagai sekretariat. Selain INCUNE, Proyek Pesisir juga memegang peranan penting dalam mengembangkan Program Kemitraan Bahari (PKB) di Indonesia, mengambil contoh keberhasilan Program Kemitraan Bahari (Sea Grant College Program) di Amerika Serikat. Program ini mencoba mengembangkan kegiatan penjangkauan, pendidikan, kebijakan, dan riset terapan wilayah pesisir di berbagai universitas penting di kawasan pesisir Indonesia. Program Kemitraan Bahari menghubungkan universitas di daerah dengan pemerintah setempat melalui isu-isu yang menyentuh kepentingan pemerintah lokal dan masyarakat, serta berupaya mengatasi kesenjangan dalam kapasitas perorangan dan kelembagaan di daerah.

Proyek Pesisir mengembangkan usaha-usaha di tingkat **nasional** untuk memanfaatkan peluang-peluang baru yang muncul, seiring diberlakukannya Undang-Undang tentang Otonomi Daerah. Pada periode 2000-2003, Proyek Pesisir bekerja sama dengan Departemen Kelautan dan Perikanan, BAPPENAS, instansi nasional lainnya, pemerintah daerah, lembaga swadaya masyarakat (LSM), dan perguruan tinggi dalam menyusun rancangan undang-undang pengelolaan wilayah pesisir (RUU PWP). Rancangan undang-undang ini merupakan salah satu rancangan undang-undang yang disusun secara partisipatif dan transparan sepanjang sejarah Indonesia. Saat ini RUU tersebut sedang dipertimbangkan oleh Dewan Perwakilan Rakyat (DPR). RUU disusun berbasis insentif dan bertujuan untuk mendukung pemerintah daerah, LSM, dan masyarakat lokal dalam memperoleh hak-hak mereka yang berkaitan dengan isu-isu desentralisasi daerah dalam pengelolaan pesisir. Dukungan lain yang diberikan Proyek Pesisir kepada Departemen Kelautan dan Perikanan adalah upaya mengembangkan kapasitas dari para staf, perencanaan strategis, dan dibentuknya program baru yang bersifat desentralistik seperti Program Kemitraan Bahari.

Koleksi dokumen dan bahan bacaan ini bertujuan untuk mendokumentasikan pengalaman-pengalaman Proyek Pesisir dalam mengelola wilayah pesisir, memberikan kesempatan yang lebih luas kepada publik untuk mengaksesnya, serta untuk mentransfer dokumen tersebut kepada seluruh mitra, rekan kerja, dan sahabat-sahabat Proyek Pesisir di Indonesia. Produk utama dari koleksi ini adalah ***Pembelajaran dari Dunia Pengelolaan Pesisir di Indonesia***, yang dibuat dalam bentuk Compact Disc-Read Only Memory (CD-ROM), berisikan gambaran umum mengenai Proyek Pesisir dan produk-produk penting yang dihasilkannya. Adapun Koleksi Proyek Pesisir ini terbagi kedalam 5 tema, yaitu:

- **Seri Reformasi Hukum**, berisikan pengalaman dan panduan Proyek Pesisir tentang proses penyusunan rancangan undang-undang/peraturan kabupaten, provinsi, dan nasional yang berbasis masyarakat, serta kebijakan tentang pengelolaan pesisir dan batas laut
- **Seri Pengelolaan Wilayah Pesisir Regional**, berisikan pengalaman, panduan, dan rujukan Proyek Pesisir mengenai Perencanaan dan Pengelolaan Daerah Aliran Sungai (DAS), profil atlas dan geografis pesisir Lampung, Balikpapan, Sulawesi Utara, dan Papua

University development was an important aspect of the CRMP, and the marine center at Bogor Agricultural Institute, the premier natural resources management institution in Indonesia, was its primary partner, and was used to develop capacity in other universities. In addition to managing the Lampung site, the Center for Coastal and Marine Resources Studies established a national ICM reference library that is open to students and professionals, and provides an inter-university library loan service for other universities in Indonesia (Website: <http://www.indomarine.or.id>). The Center initiated an annual ICM learning workshop, a national peer-reviewed coastal journal and worked with the CRMP to establish a national coastal conference that is now the main venue for exchange of information and case studies on ICM in Indonesia, drawing over 600 Indonesian and international participants to its bi-annual meeting. Building from the positive experience with Bogor and its marine center, an Indonesia-wide network of 11 universities (INCUNE) was developed that tied together key coastal universities across the nation for information exchange, academic research and capacity development, with the Center for Coastal and Marine Resources Studies serving as the secretariat. In addition to INCUNE, the CRMP was instrumental in developing the new Indonesia Sea Partnership Program, modeled after the highly successful U.S. Sea Grant College Program, that seeks to develop coastal outreach, education, policy and applied research activities in key regional coastal universities. This program, sponsored by MMAF, connects regional universities with local governments and other stakeholders through issues that resonate with local government and citizens, and addresses the gap of human and institutional capacity in the regions.

National level efforts expanded to take advantage of new opportunities offered by new laws on regional autonomy. From 2000 to 2003, the CRMP worked closely with the Ministry of Marine Affairs and Fisheries, the National Development Planning Agency (BAPPENAS), other national agencies, regional government partners, NGOs and universities to develop a new national coastal management law. The National Parliament is now considering this law, developed through one of the most participatory and transparent processes of law development in the history of Indonesia. The draft law is incentive-based and focuses on encouraging local governments, NGOs and citizens to assume their full range of coastal management authority under decentralization on issues of local and more-than-local significance. Other support was provided to the MMAF in developing their own organization and staff, in strategic planning, and in creating new decentralized programs such as the Sea Partnership Program.

The collection of CRMP materials and resources contained herein was produced to document and make accessible to a broader audience the more recent and significant portion of the CRMP's considerable coastal management experience, and especially to facilitate its transfer to our Indonesian counterparts, colleagues and friends. The major product is **Learning From the World of Coastal Management in Indonesia**, a CD-ROM that provides an overview of the CRMP (Proyek Pesisir) and its major products. The collection is organized into five series related to general themes. These are:

- **Coastal Legal Reform Series**, which includes the experience and guidance from the CRMP regarding the development of community-based, district, provincial and national laws and policies on coastal management and on marine boundaries
- **Regional Coastal Management Series**, which includes the experience, guidance and references from the CRMP regarding watershed planning and management, and the geographical and map profiles from Lampung, Balikpapan, North Sulawesi and Papua

- **Seri Pengelolaan Wilayah Pesisir Berbasis Masyarakat**, berisikan pengalaman dan panduan Proyek Pesisir dan desa-desa percontohnya di Sulawesi Utara mengenai keberhasilan kegiatan, serta proses pelibatan masyarakat dalam pengelolaan pesisir
- **Seri Perguruan Tinggi**, berisikan pengalaman, panduan, dan rujukan Proyek Pesisir dan PKSPL-IPB mengenai peranan dan keberhasilan perguruan tinggi dalam pengelolaan pesisir
- **Seri Pemantauan Pesisir**, berisikan pengalaman, panduan, dan rujukan Proyek Pesisir mengenai pemantauan sumberdaya pesisir oleh masyarakat dan pemangku kepentingan, khususnya pengalaman dari Sulawesi Utara

Kelima seri ini berisikan berbagai **Studi Kasus**, **Buku Panduan**, **Contoh-contoh**, dan **Katalog** dalam bentuk *hardcopy* dan *softcopy* (**CD-ROM**), tergantung isi setiap topik dan pengalaman dari proyek. Material dari seri-seri ini ditampilkan dalam Bahasa Indonesia atau Bahasa Inggris. Sedianya, sebagian besar dokumen akan tersedia baik dalam Bahasa Indonesia maupun Inggris. Namun karena keterbatasan waktu, hingga saat koleksi ini dipublikasikan, belum semua dokumen dapat ditampilkan dalam dua bahasa tersebut. Masing-masing dokumen dalam tiap seri berbeda, tetapi fungsinya saling mendukung satu sama lain, yaitu:

- **Studi Kasus**, mendokumentasikan pengalaman Proyek Pesisir, dibuat secara kronologis pada hampir semua kasus, dilengkapi dengan pembahasan dan komentar mengenai proses dan alasan terjadinya berbagai hal yang dilakukan. Dokumen ini biasanya berisikan rekomendasi-rekomendasi umum dan pembelajaran, dan sebaiknya menjadi dokumen yang dibaca terlebih dahulu pada tiap seri yang disebutkan di atas, agar pembaca memahami topik yang disampaikan.
- **Panduan**, memberikan panduan mengenai proses kegiatan kepada para praktisi yang akan mereplikasi atau mengadopsi kegiatan-kegiatan yang berhasil dikembangkan Proyek Pesisir. Mereka akan merujuk pada **Studi Kasus** dan **Contoh-contoh**, dan sebaiknya dibaca setelah dokumen **Studi Kasus** atau **Contoh-contoh**.
- **Contoh-contoh**, berisikan pencetakan ulang atau sebuah kompilasi dari material-material terpilih yang dihasilkan atau dikumpulkan oleh proyek untuk suatu daerah tematik tertentu. Dalam dokumen ini terdapat pendahuluan ringkas dari setiap contoh-contoh yang ada serta sumber berikut fungsi dan perannya dalam kelima seri yang ada. Dokumen ini terutama digunakan sebagai rujukan bagi para praktisi, serta digunakan bersama-sama dengan dokumen **Studi Kasus** dan **Panduan**, sehingga hendaknya dibaca setelah dokumen lainnya.
- **Katalog**, berisikan daftar atau data yang dihasilkan pada daerah tematik dan telah disertakan ke dalam **CD-ROM**.
- **CD-ROM**, berisikan file elektronik dalam format aslinya, yang berfungsi mendukung dokumen-dokumen lainnya seperti diuraikan di atas. Isi CD-ROM tersebut bervariasi tiap seri, dan ditentukan oleh penyunting masing-masing seri, sesuai kebutuhan.

Beberapa dokumen dari Koleksi Dokumen Proyek Pesisir ini dapat diakses melalui internet di situs Coastal Resources Center (<http://www.crc.uri.edu>), PKSPL-IPB (<http://www.indomarine.or.id>), dan Proyek Pesisir (<http://www.pesisir.or.id>).

Pengantar ini tentunya belum memberikan gambaran detail mengenai seluruh kegiatan, pekerjaan, dan produk-produk yang dihasilkan Proyek Pesisir selama tujuh tahun programnya. Karena itu, kami mempersilakan pembaca untuk dapat lebih memahami seluruh komponen dari koleksi dokumen ini, sembari berharap bahwa koleksi ini dapat bermanfaat bagi para manajer pesisir, praktisi, ilmuwan, LSM, dan pihak-pihak terkait lainnya dalam meneruskan model-model dan kerangka kerja yang telah dikembangkan oleh Proyek Pesisir dan mitra-mitranya. Kami amat optimis mengenai masa depan pengelolaan pesisir di Indonesia, dan bangga atas kerja sama yang baik yang telah terjalin dengan seluruh pihak selama program ini berlangsung. Kami juga gembira dan bangga atas diterbitkannya Koleksi Dokumen Proyek Pesisir ini.

- **Community-Based Coastal Resource Management Series**, which includes the experience, and guidance from the CRMP and its North Sulawesi villages regarding best practices and the process for engaging communities in coastal stewardship
- **Coastal University Series**, which includes the experience, guidance and references from the CRMP and the Center for Coastal and Marine Resources Studies regarding the role and accomplishments of universities in coastal management
- **Coastal Monitoring Series**, which includes the experience, guidance and references from the CRMP regarding community and stakeholder monitoring of coastal resources, primarily from the North Sulawesi experience

These five series contain various **Case Studies**, **Guidebooks**, **Examples** and **Catalogues** in hard copy and in **CD-ROM** format, depending on the content of the topic and experience of the project. They are reproduced in either the English or Indonesian language. Most of the materials in this set will ultimately be available in both languages but cross-translation on some documents was not complete at the time of publishing this set. The individual components serve different, but complementary, functions:

- **Case Studies** document the CRMP experience, chronologically in most cases, with some discussion and comments on how or why things occurred as they did. They usually contain general recommendations or lessons learned, and should be read first in the series to orient the reader to the topic.
- **Guidebooks** are “How-to” guidance for practitioners who wish to replicate or adapt the best practices developed in the CRMP. They will refer to both the **Case Studies** and the **Examples**, so should be read second or third in the series.
- **Examples** are either exact reprints of key documents, or a compilation of selected materials produced by the project for the thematic area. There is a brief introduction before each example as to its source and role in the series, but they serve primarily as a reference to the practitioner, to be used with the **Case Studies** or **Guidebooks**, and so should be read second or third in the series.
- **Catalogues** include either lists or data produced by the project in the thematic area and have been included on the **CD-ROMs**.
- **CD-ROMs** include the electronic files in their original format that support many of the other documents described above. The content of the CD-ROMs varies from series to series, and was determined by the individual series editors as relevant.

Several of the documents produced in this collection of the CRMP experiences are also available on the Internet at either the Coastal Resources Center website (<http://www.crc.uri.edu>), the Bogor Agricultural Institute website (<http://www.indomarine.or.id>) and the Proyek Pesisir website (<http://www.pesisir.or.id>).

This preface cannot include a detailed description of all activities, work, products and outcomes that were achieved during the seven-year CRMP program and reflected in this collection. We encourage you to become familiar with all the components of the collection, and sincerely hope it proves to be useful to coastal managers, practitioners, scientists, NGOs and others engaged in furthering the best practices and frameworks developed by the USAID/BAPPENAS CRMP and its counterparts. We are optimistic about the future of coastal management in Indonesia, and have been proud to work together during the CRMP, and in the creation of this collection of CRMP (Proyek Pesisir) products.

Dalam kesempatan ini, kami ingin menyampaikan penghargaan yang setinggi-tingginya kepada seluruh mitra di Indonesia, Amerika Serikat, dan negara-negara lainnya, yang telah memberikan dukungan, komitmen, semangat, dan kerja keras mereka dalam membantu menyelesaikan Proyek Pesisir dan segenap kegiatannya selama 7 tahun terakhir. Tanpa partisipasi, keberanian untuk mencoba hal yang baru, dan kemauan untuk bekerja bahu-membahu -baik dari pihak pemerintah, LSM, universitas, masyarakat, dunia usaha, para ahli, dan lembaga donor-'keluarga besar' pengelolaan pesisir Indonesia tentu tidak akan mencapai kemajuan pesat seperti yang ada sekarang ini.



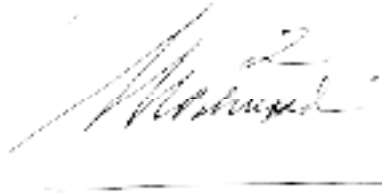
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25 Agustus 2003

We would like to acknowledge and extend our deepest appreciation to all of our partners in Indonesia, the USA and other countries who have contributed their support, commitment, passion and effort to the success of CRMP and its activities over the last seven years. Without your participation, courage to try something new, and willingness to work together—government, NGOs, universities, communities, private sector, experts and donors— the Indonesian coastal family could not have grown so much stronger so quickly.



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August 25, 2003

DAFTAR KOLEKSI DOKUMEN PROYEK PESISIR 1997 - 2003 CONTENT OF CRMP COLLECTION 1997 - 2003

Yang tercetak tebal adalah dokumen yang tersedia sesuai bahasanya
Bold print indicates the language of the document

PEMBELAJARAN DARI PENGELOLAAN WILAYAH PESISIR DI INDONESIA **LEARNING FROM THE WORLD OF COASTAL MANAGEMENT IN INDONESIA**

1. CD-ROM Latar Belakang Informasi dan Produk-produk Andalan Proyek Pesisir
CD-ROM *Background Information and Principle Products of CRMP*
-

SERI REFORMASI HUKUM **COASTAL LEGAL REFORM SERIES**

1. Studi Kasus Penyusunan RUU Pengelolaan Wilayah Pesisir
Case Study Developing a National Law on Coastal Management
2. Studi Kasus Penyusunan Perda Minahasa Pengelolaan Sumberdaya Wilayah
Case Study Pesisir Terpadu Berbasis Masyarakat
Developing a District Law in Minahasa on Community-Based
Integrated Coastal Management
3. Studi Kasus Batas Wilayah Laut Provinsi Sumatera Selatan dan Provinsi Bangka-
Case Study Belitung
The Marine Boundary Between the Provinces of South Sumatera and
Bangka-Bilitung
4. Studi Kasus Konsultasi Publik dalam Penyusunan RUU
Case Study A Public Consultation Strategy for Developing National Laws
5. Panduan Penentuan Batas Wilayah Laut Kewenangan Daerah Menurut
Guidebook Undang-Undang No.22/1999
Establishing Marine Boundaries under Regional Authority Pursuant to
National Law No. 22/1999
6. Contoh Proses Penyusunan Peraturan Perundangan Pengelolaan
Example Sumberdaya Wilayah Pesisir
The Process of Developing Coastal Resource Management Laws
7. Contoh Dokumen-dokumen Pendukung dari Peraturan Perundangan
Example Pengelolaan Wilayah Pesisir
Example from Development of Coastal Management Laws
8. CD-ROM Dokumen-dokumen Pilihan dalam Peraturan Perundangan
CD-ROM Pengelolaan Wilayah Pesisir
Selected Documents from the Development of Coastal Management
Laws
9. CD-ROM Pengesahan Perda Minahasa Pengelolaan Sumberdaya Wilayah
CD-ROM Pesisir Terpadu Berbasis Masyarakat
Enactment of a District Law in Minahasa on Community-Based Inte-
grated Coastal Management

SERI PENGELOLAAN WILAYAH PESISIR DAERAH
REGIONAL COASTAL MANAGEMENT SERIES

1. Panduan Penyusunan Atlas Sumberdaya Wilayah Pesisir
Guidebook *Developing A Coastal Resources Atlas*
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Example *Lampung Coastal Management Program*
3. Contoh Rencana Strategis Pengelolaan Terpadu Teluk Balikpapan dan Peta-
Example peta Pilihan
*Balikpapan Bay Integrated Management Strategic Plan and Volume
of Maps*
4. Contoh Atlas Sumberdaya Wilayah Pesisir Pilihan
Example *Selected Compilation of Coastal Resources Atlases*
5. CD-ROM Rencana Strategis Pengelolaan Terpadu Teluk Balikpapan
CD-ROM *Balikpapan Bay Integrated Management Strategic Plan*
6. Katalog Database SIG dari Atlas Lampung (Edisi Terbatas, dengan 2 CD)
Catalogue *Lampung Atlas GIS Database (Limited Edition, with 2 CDs)*
7. Katalog Database SIG dari Atlas Minahasa, Manado dan Bitung (Edisi
Catalogue Terbatas, dengan 2 CD)
*Minahasa, Manado and Bintung Atlas GIS Database (with 2 CDs)
(Limited Edition, with 2 CDs)*
8. Katalog Database SIG dari Atlas Teluk Bintuni (Edisi Terbatas, dengan 2 CD)
Catalogue *Bintuni Bay Atlas GIS Database (Limited Edition, with 2 CDs)*
9. Katalog Database SIG dari Teluk Balikpapan (Edisi Terbatas, dengan 1CD)
Catalogue *Balikpapan Bay GIS Database (Limited Edition, with 1 CDs)*

SERI PENGELOLAAN SUMBERDAYA WILAYAH PESISIR BERBASIS MASYARAKAT
COMMUNITY-BASED COASTAL RESOURCES MANAGEMENT SERIES

1. Studi Kasus Pengelolaan Sumberdaya Wilayah Pesisir Berbasis Masyarakat di
Case Study Sulawesi Utara
Community Based Coastal Resources Management in North Sulawesi
2. Panduan Pengelolaan Sumberdaya Wilayah Pesisir Berbasis Masyarakat
Guidebook *Community Based Coastal Resources Management*
3. Panduan Pembentukan dan Pengelolaan Daerah Perlindungan Laut Berbasis
Guidebook Masyarakat
Developing and Managing Community-Based Marine Sanctuaries
4. Panduan Pembersihan Bintang Laut Berduri
Guidebook *Crown of Thorns Clean-Ups*
5. Contoh Dokumen dari Pengelolaan Sumberdaya Wilayah Pesisir Berbasis
Example Masyarakat di Sulawesi Utara
*Documents from Community-Based Coastal Resources Management
in North Sulawesi*
6. CD-ROM Pengelolaan Sumberdaya Wilayah Pesisir Berbasis Masyarakat
CD-ROM *Community-Based Coastal Resources Management*

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1. Studi Kasus Pengembangan Program Kemitraan Bahari di Indonesia
Case Study *Developing the Indonesian Sea Partnership Program*
2. Contoh Pencapaian oleh Proyek Pesisir PKSPL-IPB dan INCUNE (1996-2003)
Example *Proyek Pesisir's Achievements in Bogor Agricultural Institute's Center for Coastal and Marine Resources Studies and the Indonesian Coastal University Network (1996-2003)*
3. Contoh Kurikulum dan Agenda Pelatihan Pengelolaan Sumberdaya Wilayah Pesisir Terpadu
Example *Curriculum and Agenda from Integrated Coastal Resources Management Training*
4. Katalog Abstrak "Jurnal Pesisir dan Lautan" (1998-2003)
Catalogue *Abstracts from "Pesisir dan Lautan Journal" (1998-2003)*
5. CD-ROM Dokumen Perguruan Tinggi Kelautan
CD ROM *Coastal University Materials*

**SERI PEMANTAUAN WILAYAH PESISIR
COASTAL MONITORING SERIES**

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Case Study *Developing a Stakeholder-Operating Coastal Monitoring Program in North Sulawesi*
2. Panduan Pemantauan Terumbu Karang dalam rangka Pengelolaan
Guidebook *Coral Reef Monitoring for Management (from Philippine Guidebook)*
3. Panduan Metode Pemantauan Wilayah Pesisir oleh FORPPELA, jilid 1
Guidebook *FORPPELA Coastal Monitoring Methods, Version 1*
4. Panduan Pemantaun Terumbu Karang Berbasis Masyarakat dengan Metode Manta Tow
Guidebook *Community-Based Monitoring of Coral Reefs using the Manta Tow Method*
5. Contoh Program Pemantauan oleh Para Pemangku Kepentingan di Sulawesi Utara Tahun Pertrama, Hasil-hasil FORPPELA 2002 (dengan 1 CD)
Example *Year One of North Sulawesi's Stakeholder-Operated Monitoring Program, FORPPELA 2002 Results (with 1 CD-ROM)*

Untuk informasi lebih lanjut, silakan menghubungi:
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Case Study
Developing a District Law in
Minahasa on Community-Based
Integrated Coastal Management

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2003. Study Case Developing a District Law in *Koleksi Dokumen Proyek Pesisir 1997-2003, Seri Reformasi Hukum*, M. Knight, S. Tighe (editors), Coastal Resources Center, University of Rhode Island, Narragansett, Rhode Island, USA, 60 pp

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More details on publication of Proyek Pesisir can be found at www.pesisir.or.id
More details on publication of NRM can be found at www.nrm.or.id
More details on publication of CRC can be found at www.crc.uri.edu.

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Table of Contents

Preface	v
Acknowledgements	xi
Abbreviations and Indonesian Terms	xii
1. Legal Framework	1
1.1. General Governance and Regional Autonomy	1
1.2. Coastal Management	3
1.2.1. The Central Level	3
1.2.2. Regional Jurisdiction over Coastal Waters	4
1.2.3. Coastal Management in Minahasa	5
2. Community-based Initiatives in Minahasa District	7
2.1. Establishment of Village Marine Protected Areas	7
2.2. Institutional Partners	8
2.3. Institutionalization of Community-based Coastal Management in Minahasa District	9
3. Development of a New Law by Minahasa Legislature	10
3.1. Process	10
3.1.1. Initial Discussions and Issue Identification	10
3.1.2. First Round of Public Consultations	11
3.1.3. Negotiations and Drafting	11
3.1.4. Establishment of Panitia Khusus and Second Round of Public Consultations	13
3.1.5. Engagement with Administration, and Enactment	14
3.1.6. Socialization and Media Outreach	14
3.2. Substance	15
3.2.1. Overview	15
3.2.2. Section-by-Section Summary and Discussion	15
4. Assessment	24
4.1. Procedural Issues	24
4.2. Substantive Issues	25
5. Conclusion	28
References	29
Appendix:	
Text of the Minahasa Perda as enacted (in English and Indonesian)	32

Preface

The materials in this Law Reform Series represent part of a cumulative effort in law reform and governance in coastal management in Indonesia from 1997-2003. Over these seven years, the United States Agency for International Development (USAID) provided funds to support the Coastal Resources Management Project (CRMP) in a cooperative program with the Indonesia National Development Planning Agency (BAPPENAS), the Ministry of Marine Affairs and Fisheries (MMAF), and regional governments in the Provinces of Lampung, East Kalimantan and North Sulawesi, the City of Balikpapan, and the Districts of Penajam Paser Utara, Pasir and Minahasa, among others. Through this cooperative program, the CRMP engaged in law reform in a variety of ways that integrated lessons learned from each part of the program to inform the evolution of new legal and enabling frameworks.

Law itself is one of the foundations of society, and it shapes the behavior and activities of its citizens. In order to sustain and institutionalize the concepts and activities of coastal management and good governance, the CRMP sought to internalize these concepts and activities into the fabric of society through its legal system. Transparent and participatory legal reform ensures the legitimacy of laws and, as a result, increases the chance of their implementation.

Law reform in Indonesia has assumed even greater importance in light of the revolution in governance that has swept the country since 1998. A series of statutes in 1999 laid the seeds for a democratic form of government and at the same time shifted significant management authority from the central government to regional governments. Governments at all levels—central, provincial, district and village—are developing new laws and entirely new paradigms of thought to address these two trends. While the challenges to draft new laws in a new setting are most daunting, the rewards and opportunities are most profound. In Indonesia new laws now are being written that will establish the legal framework for many years to come.

Especially in the area of coastal management, governance and law reform have seen rapid and profound changes in recent years. The establishment of a new ministry within the central government—the Ministry of Marine Affairs and Fisheries—and the establishment of regional marine jurisdictions for provincial and district governments, create unique opportunities to develop new laws and policies regarding coastal management that can have lasting impacts within the country.

When one thinks of examples of law reform, one may think of the laws themselves. However, law reform is more a process than a product. It is not only the substance of new laws that is important. Equally important is the process through which laws are conceived, drafted, socialized, enacted and finally implemented. When done in a transparent, participatory and inclusive manner, this process facilitates an evolution in thought as to

how government and civil society interact with one another in mutual governance. This is the meaning of true law reform.

The CRMP invested significant resources into law reform at all levels of government and within all segments of society. This effort focused on two aspects of law reform: the process of developing and implementing new laws as well as the content of the laws. The CRMP helped create new paradigms for public consultations, drafting and negotiating, outreach and public relations that are now serving as models for a range of activities in a variety of regions across Indonesia. In addition, the CRMP helped enact a series of laws that have been landmarks in terms of natural resources management in Indonesia.

The CRMP assisted in the enactment of laws at each level of government, including village ordinances, district and provincial laws and a national law that is still pending. It assisted villages in Lampung and North Sulawesi to develop ordinances for formalizing the management of their marine protected areas and, more generally, managing their coastal resources. It assisted the District of Minahasa to develop and enact a law on integrated community-based coastal management that empowers and guides the district government as well as villages to undertake new coastal management initiatives. The CRMP worked with the Province of North Sulawesi through Sam Ratulangi University to develop and enact a law on coastal management focusing on broader provincial issues. In East Kalimantan, it is engaged with the District of Penajam Paser Utara and the City of Balikpapan in developing laws for coastal resources governance. The CRMP also assisted the Ministry of Marine Affairs and Fisheries to draft a law creating a national vertically nested coastal governance system that also encourages horizontal coordination in the regions. On the verge of enactment, this draft law, with the process through which it was developed, is the first of its kind in Indonesia's history.

Taken individually, each effort represents a successful example of law being developed in a collaborative, participatory and transparent manner. Each one represents a law that is specifically tailored to the needs of the jurisdiction for which it is written. Taken collectively, these laws represent something much greater, however. They represent a comprehensive, cohesive approach to law reform that reaches into all aspects of coastal management, a truly integrated, nested system of governance that flows in three directions: from bottom to top, top to bottom and horizontally across the sectors and stakeholders. These efforts also represent law reform as a living, iterative process that is continually being refined and improved.

The documents in this series illustrate the breadth and depth of the CRMP's efforts in law reform. This Series includes guidebooks, case studies and examples that address not only the text of enacted laws and regulations, but also the working documents consisting of studies, drafts, minutes of meetings, consultations, press releases, brochures, and so on, which underscore the basic fact that law reform is an interactive, evolving process.

The documents are presented in either Indonesian or English languages, and sometimes in both. Ultimately, most documents will be available in Indonesian. However, at the time of printing, the translations of some documents were not available. The documents and CDs included in the Series are:

1. **Case Study:** Developing a National Law on Coastal Management
2. **Case Study:** Developing a District Law in Minahasa on Community-Based Integrated Coastal Management
3. **Case Study:** The Marine Boundary Between the Provinces of South Sumatra and Bangka-Belitung

4. **Case Study:** A Public Consultation Strategy for Developing National Laws
5. **Guidebook:** Determining Marine Boundaries under Regional Authority Pursuant to National Law No. 22/1999
6. **Example:** The Process of Developing Coastal Resources Management Laws
7. **Example:** Examples from the Development of Coastal Management Laws
8. **CD-ROM:** Selected Documents from the Development of Coastal Management Laws
9. **CD-ROM:** Enactment of a District Law in Minahasa on Community-Based Integrated Coastal Resources Management

These documents should be read in conjunction with one another, and contain cross-references to each other. In particular, the CD of Selected Documents contains many of the supporting documents that were developed or used by the CRMP and its counterparts. The materials in this series represent not only successful models for coastal management in a decentralized Indonesia, but also models for management of other natural resources, in other governance systems, and in other countries. The issues discussed and challenges faced in these efforts apply in many other contexts and it is hoped that their availability in this set will maximize their value.

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Proyek Pesisir, also known as the Coastal Resources Management Project (CRMP), conducted activities in North Sulawesi, Indonesia, from 1997 to 2003 with the goal to improve community-based capacity for integrated coastal management. The CRMP was funded by the U.S. Agency for International Development (USAID) through a cooperative agreement with the Coastal Resources Center (CRC) of the University of Rhode Island (URI). It initially focused its efforts on developing Marine Protected Areas (MPAs) in four villages, working intensively with the communities to foster self-sufficiency in MPA development and community-based coastal resources management. In conjunction with these village-based efforts, the CRMP worked with district and provincial governments to engage them in the process. As the CRMP developed a strategy to expand beyond the four villages, it sought to strengthen the institutional and legal framework for coastal management at all levels of government. One of the primary components of this strategy was to work with the District of Minahasa to develop a new law on integrated coastal management.

The CRMP's decision to scale-up and work more directly with the District of Minahasa takes place in the context of very dramatic changes in law and government since 1998. Indonesia is in the midst of nothing less than a revolution in governance. Since the start of the Reformasi Era in 1998, it has laid the seeds for a democratic form of government and at the same time it has shifted significant management authority from the central government to regional governments. Governments at all levels - central, provincial and district - are developing new laws and entirely new paradigms of thought to address these two trends. District governments in particular - who are the greatest beneficiaries of decentralization - have begun to craft new laws on virtually all subjects. In many instances, they do so despite very little experience and expertise in legislative drafting or implementation.

The District of Minahasa has long had coastal management as one of its first priorities given the interest in coastal issues within the communities (to large extent generated through the work of the CRMP) and the existence of Bunaken National Marine Park (also assisted through USAID's Natural Resources Management Program) that lies in part

within the District's boundaries. In addition, Minahasa is located in close proximity to heavy maritime activity in neighboring municipalities of Bitung and Manado. With its new authority under decentralization, the District desired to lay the foundations for integrated, community-based coastal management through the development of a new district law, or *Peraturan Daerah (Perda)*. The CRMP offered to assist to the District of Minahasa in its effort to develop the new law, which in turn would support and strengthen the CRMP's work in the region.

More importantly, as the first of its kind in Indonesia, the Perda can now serve as a model for other districts throughout Indonesia. It stands as a model both in terms of the process in developing the law, as well as in the substance of the law.

This report documents the process and explains the substance of the Perda. It also describes the context in which the Perda was developed, and the basis on which the Perda can serve as a model for other districts. This report does not in itself constitute the record for the Perda. That record exists in the volumes of reports, minutes of meetings, videos and drafts of documents, of which the most important are reproduced in the CD on Selected Documents from the Development of Coastal Management Laws. This report merely seeks to distill, in an objective and thorough manner, that record into a summarized compilation that allows the reader to quickly ascertain the various aspects relating to the Perda. So that the reader can gauge the merits of both the process and substance, a separate section offers an analysis of both the strengths and shortcomings of the *Perda*. It is hoped that this report will serve as a valuable tool to government and non-government agencies in developing new laws in the future.

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Abbreviations and Indonesian Terms

BAPEDALDA	: Regional Environmental Impact Management Agency
BAPPEDA	: Regional Development Planning Agency
BAPPENAS	: National Development Planning Agency
BPD	: Village Representative Body
BPPK	: Coastal Management Council of Minahasa
BPPT	: Agency for the Assessment and Application of Technology
Bupati	: Regent, Head of Kabupaten
Camat	: Head of Kecamatan
CRC	: Coastal Resources Center
CRMP	: Coastal Resources Management Project
Desa	: Village
DMI	: Indonesia Maritime Council
DKP	: Ministry of Marine Affairs and Fisheries
DPK Minahasa	: Fisheries and Marine Affairs Office of Minahasa
DPL	: Marine Protected Area
DPR-RI	: Indonesia House of Representatives
DPRD	: Regional House of Representatives
ICM	: Integrated Coastal Management
Kabupaten	: District
Kecamatan	: Sub-district
KepMen	: Ministerial Decree
KepPres	: Presidential Decree
Kota	: Municipality
KTF	: Kabupaten Task Force
MMAF	: Ministry of Marine Affairs and Fisheries (also DKP)
MoF	: Ministry of Forestry
MPA	: Marine Protected Area (also DPL)
MPR	: People's Consultatives Assembly
PAC	: North Sulawesi Provincial Advisory Council
Pansus	: Special Commission within Parliament
Perda	: Regional Law
Perdes	: Village Ordinance
RUU PWP	: Draft Act on Coastal Management
UNSRAT	: University of Sam Ratulangi, Manado, North Sulawesi
URI	: University of Rhode Island
USAID	: United States Agency for International Development
UU	: National Statute or Law that has been approved by the DPR
Walikota	: Mayor, Head of Kota

The change in governance (and the difference between policy and management) is underscored in the treatment of coastal waters. Act No. 22/1999 (Article 3) establishes a local marine area under the jurisdiction of the province, up to 12 nautical miles from the island baseline, in which the province is given authority over exploration, exploitation, conservation, and management of the sea. Pursuant to Article 10(3), the district may establish jurisdiction over one-third of the provincial waters, seaward from the island baseline.² With respect to the maritime areas within the jurisdiction of the central government, specifically within the Exclusive Economic Zone (EEZ) beyond the twelve mile mark, the central government maintains direct responsibility for activities. According to Regulation No. 25/2000, (Art. 2(3)(2)(a)), it can determine conduct on exploration, conservation, processing and exploitation of natural resources in those waters.

While management authority has thus been shifted to the district, it is not absolute. Apart from the five areas of governance explicitly withheld for the central government, the central government can withhold other areas of governance through regulation (Act No. 22, Art. 7(2)). Districts must still abide by central government laws which the central government can still enforce. In addition, the provinces have certain managerial authority, although it is still largely undefined and vague. Specifically, according to Article 9 of Act No. 22/1999, the province maintains authority in three circumstances: (1) authority over intersectional district government affairs, such as matters that affect two or more regencies; (2) in lieu of the district for matters not yet, or not able to be, handled by the district; and (3) administrative authority delegated from central government.

If Act No. 22/1999 is the vehicle for decentralization, then Act No. 25/1999 is the engine. It provides for a large shift of budgetary management from the central government to the regional government, particularly with revenues derived from natural resource consumption. The central government used to collect 80 percent of natural resource revenues, with 20 percent to regional governments. Under the new formulas, the central government gets 20 percent of natural resource revenues, specifically forestry, fishing and mining, while the regional governments with jurisdiction over the resources get 80 percent (Art. 6(5)). Regulation 104 (Articles 9 and 10) elaborates upon those allocations, providing that of the 80 percent revenues that go to regional governments, 16 percent go to the provincial governments, and 64 percent goes to the districts according to various distributions, with 32 percent, as a general rule, going to the particular district in which the activity is taking place.

Fisheries revenues are handled differently. They are to be distributed to the regencies, but "in equal sums to regencies throughout Indonesia" (Reg. 104/2000, Art. 11(2)). This is a fundamental difference compared with regional revenues from other natural resource uses that distributed primarily to the district of origin. This difference highlights the fact that fisheries are treated as true commonly owned, national resources, to be shared by all. The result of this difference is that an individual district will receive significantly less revenue from fishing activities within its own jurisdiction than other natural resource activities. This provision removes much of the pecuniary interest – and the immediate incentive – for district governments to sell off fishing rights, as they are already doing with concessions in the forestry sector.

² There are two notable exceptions to these new regional authorities. First, the seabed underneath the sea territory is not explicitly included in the maritime area, so that authority for management of the seabed remains under central government control. This includes rights to conduct activities on the seabed, such as oil, gas and mineral extraction. Second, traditional fishing rights are not restricted by the regional territorial sea delimitation.

Act 25/1999 provides that the districts will receive most of the public revenues. However, as the bulk of income is derived from natural resource use, the revenue distribution will vary enormously from region to region (Brown, 1999). More importantly, the bulk of the income is to be used for administrative expenditures, such as operating new bureaucracies in the regions, and to support the transfer of thousands of civil servants from the central government to the regional governments (GTZ, 2003). Thus, very little new revenue will go to development projects and resource conservation.

While these four laws – Acts No. 22/1999 and 25/1999, and Regulations No. 25/2000 and 104/2000 – form the central pillars of decentralization, there are almost 1000 other regulations, decrees and guidelines that are in the process of being modified to be consistent with them (GTZ, 2003). Further still, numerous questions remain as to the extent of central and provincial authority and exactly how the authority is to be exercised in light of the emphasis on district authority. Until recently, there was an effort by the central and provincial governments to revise the newly established system to restore some authority to themselves. For example, DPR recently commissioned a study to revise Act No. 22, which recommended that regional jurisdiction over territorial seas within twelve miles of the island baseline be revoked, with jurisdiction of those waters being returned to the central government (Hoessein, 2001). In March 2002, the President committed to maintain the current regional autonomy laws, and merely look to clarify or elaborate them, without revising or retracting them. With this recent commitment, the central and regional governments can now begin in earnest to implement the regional autonomy laws and develop policies and laws on their own, consistent with existing law.

1.2. Coastal Management

1.2.1. The Central Level

Indonesia is the largest archipelago state in the world, with the second longest coastline behind Canada. More than 140 million people – 60 percent of the population – live within 50 kilometers of the coastline (Idris, 2002). Indonesia's coastal resources are vital to the country: 24 percent of the Gross National Product is derived from coastal resources; 60 percent of the population's protein food source comes from fish, and 90 percent of the marine fish harvested come from within 12 miles of the shoreline (Idris, 2002). Indonesia's coastal resources are also vital to the world: Indonesia is home to 30 percent of the world's mangroves, and about 15 percent of the world's coral reefs (Hinrichsen, 1998). These resources are under great stress, and are being degraded and destroyed at an alarming rate. For example, 40 percent of Indonesia's mangroves have already been destroyed; roughly 70 percent of its coral reefs have been partially or totally destroyed (Hinrichsen, 1998).

The existing legal regime governing coastal resources in Indonesia is, in a word, sectoral. There are approximately 22 parliamentary laws and hundreds of regulations and ministerial decrees that relate to these resources (Putra, 2002). These laws can be loosely grouped into six categories. **Marine spatial laws** relate to geographic delimitations of the ocean, and jurisdictional control over the maritime zone. **Marine sectoral laws** relate to uses of ocean resources and activities on the sea. **Terrestrial spatial laws** relate to general planning aspects on the land, as well as jurisdictional issues regarding land management, such as the agrarian and spatial planning laws. **Terrestrial sectoral laws** constitute the bulk of laws relating to coastal resource management that relate to land-based impacts to the sea and

land within the coastal area. In recent years, **environmental legislation** has sprung up relating to environmental protection and natural resource conservation. These laws are not sectoral, because they do not govern any one sector. Rather, they form a substantive and procedural overlay for all other sectors, and their requirements must be satisfied in the conduct of all activities. Finally, there is the **legislation relating to decentralization**, which also forms an overlay to all other laws. Table 1 identifies the 22 laws affecting coastal resources in Indonesia.

Among the statutes and regulations affecting coastal resources, there are a profound number of conflicts, gaps and overlaps among them. There are several reasons for this. First, Indonesian laws themselves are often vague and broad, so that conflicts can arise even within a single law (i.e., one law may offer two or more broad goals or principles that may conflict when applied in specific circumstances).

Second, the rules of statutory construction for resolving differences among laws are not formally codified. As in most countries, Indonesia recognizes the premise that laws enacted later in time take priority over laws enacted earlier in time, and laws that are more specific take priority over more general laws. However, without codification of these rules, there is no consistent application. Furthermore, the laws contain only implied repeals of previous laws, which are often very difficult to implement.

Third, where conflicts do arise, in the past they generally had not been resolved through the judiciary, but rather with the issuance of a Presidential Decree or Ministerial Decree. This approach undermines the use of precedent in resolving conflicts and increases legal certainty (Heydir, 1986).

Conflicts also exist with respect to enforcement. Different laws have different sanctions and liability for similar offenses. Sanctions, such as criminal versus civil penalties, vary widely. Different Acts also have different standards of liability, such as negligence, intentional or strict, for almost identical violations. This complicates enforcement and prosecution efforts (Patlis, 2003).

1.2.2. Regional Jurisdiction over Coastal Waters

The jurisdiction of coastal and marine waters and the seabed below has seen a number of changes over the years. Article 33(3) of the Constitution of 1945 provides that all natural resources within Indonesian territorial lands and waters are managed by the state for the benefit of the people. From 1945 to 1960, regional governments had jurisdiction up to three nautical miles seaward from the low tide mark (Putra, 2002). With the enactment of Act No. 4 in 1960 relating to Marine Waters, the central government reclaimed jurisdiction over those waters. Two laws were enacted in the 1970s relating to village administration and local governance – Act No. 5/1974 and Act No. 9/1979 – which provided that village boundaries end at the coastline, reaffirming central jurisdiction over coastal waters. However, in 1992, Act No. 24 relating to Spatial Planning was enacted. Article 9 of this law provided that in developing spatial plans, regional governments should take into account marine waters and use other laws in the regulation of marine waters. However, without specific provisions, it was little exercised.

As discussed above, Act No. 22/1999 explicitly establishes regional government jurisdiction over nearshore marine waters. Specifically, the province can establish jurisdiction up to 12 nautical miles seaward from the island baseline, while the district can manage up to one-third provincial waters. Regulation 25/2000 elaborates on the meaning of these authorities, and discusses the authorities of each level of government in the various jurisdictions.

1.2.3. Coastal Management in Minahasa District

In 1991, the Province completed a comprehensive spatial plan that was memorialized through a *Perda* (North Sulawesi Province, 1991). The spatial plan takes into account a Presidential Decree that was issued in 1990 that defined and provided guidelines for conservation areas (*KepPres* 32/1990). According to that Presidential Decree, 'conservation areas' included sanctuaries and natural reserves, and 'utilization areas' included production forests, agriculture, mining, industry and tourism. The 1991 spatial plan allocated the area *Cagar Alam Laut Bunaken-Manado Tua* as a marine nature reserve (*kawasan suaka alam laut*). However, along the coast from Manado (including Bunaken) to north and east to Bitung was also identified as a coastal tourism area (*kawasan wisata pantai*). The area designated as Bunaken National Park, thus fell into two classifications – conservation and tourism. Goals for tourism included the development of tourist attractions, while goals for conservation included research on resources, and rehabilitation and conservation of those resources. While the spatial plan is too general in scope to contain any specific conflicts, certainly the inherent tension between conservation and tourism is evident (Putra, 2002).

In 1992, the District of Minahasa followed with its own spatial plan (Minahasa 1992). The plan paralleled that of the Province by designating the northern coast from the border with Manado through Wori (encompassing Park area) as a tourism zone. This is the primary document that has guided coastal management in the District of Minahasa, and has been used to shape activities that subsequently were approved by the regional government. This spatial plan, however, focuses almost exclusively on terrestrial planning, with no provision for marine spatial planning. The spatial plan was followed in 1994 with a four-year basic management plan or *pola dasar* (Minahasa, 1994).

A series of regional *Perda* at both the provincial and district levels were enacted in 1995 and 1996, creating a regulatory structure for tourism and conservation. A Gubernatorial Decree in 1995 prohibited trash disposal in rivers that flowed into Manado Bay and affected Bunaken National Park. Minahasa enacted two *Perda* on tourism, requiring permits for hotels and other tourist sites and annual reports to the tourism agency (Minahasa, 1995a), and imposing entrance fees for tourist sites (*Perda* Minahasa No. 28/1995b). Minahasa also enacted a *Perda* in 1996 requiring a permit for operating a fish market (Minahasa, 1996). In 1997, the Province prepared a plan for tourism, in which it reaffirmed that the primary tourist destination is the area stretching from Manado to Wori, covering Bunaken National Park, Manado Bay and its reclamation area, and Tasik Ria beach (Kanwil Deparpostel Sulawesi Utara, 1997).

Part of Minahasa District comprises Bunaken National Marine Park. Bunaken National Marine Park was formally established in 1991 (MoF, 1991), and inaugurated by President Suharto in December 1992. The Ministry of Forestry, which has jurisdiction over all national parks (both terrestrial and marine), has responsibility for management of the resources within the park boundaries, although the District is still responsible for administrative matters within its jurisdiction. The Ministry developed a 25-year management plan for the Park, completed in 1997, which was based primarily on a zoning scheme.

The first law enacted by Minahasa under regional autonomy was a *Perda* relating to Fishing, *Perda* No. 1/2000, signed on June 19. That law provides for a series of fees for permits, licenses and maps required by fishing vessels operating within the district waters. It does not actually regulate fishing activities, but merely establishes the fee structure for documents, which was authorized by Regulation No. 20/1997.

Another law enacted by Minahasa, Perda No. 6/2000, provided for village governance consistent with Act No. 22/1999, specifically authorizing the development and enactment of village ordinances and the establishment of a village representative body, or Badan Perwakilan Desa (BPD).

Community-based Initiatives in Minahasa District

The process and results of CRMP in assisting four villages in North Sulawesi to establish MPAs have been thoroughly documented (Crawford and Tulungen, 1998). In 2000, there were four MPAs in four villages – Blongko, Talise, Bentenan and Tumbak – each codified by a village ordinance, or *Perdes*. The villages have hosted numerous visits from officials and representatives from central government offices, foundations, donor agencies, and other regional governments and villages around Indonesia. This report provides a summary of the CRMP's work in assisting to establish the MPAs and promote community-based coastal management in Minahasa. The *Perda* has its immediate roots and initial impetus in this work, so to understand the evolution of the *Perda* and its contents, the reader must have some background on the CRMP's earlier work.

2.1. Establishment of Village Marine Protected Areas

The CRMP began its activities in North Sulawesi with the selection of four villages – Blongko, Talise, Bentenan and Tumbak – based on several rapid assessments conducted in 1997 (Pollnac, 1997). The criteria on which the selection was made consisted of ecological conditions and potential for coastal resources of a village, and the social and economic conditions of a village, such as dependence of the village on coastal resources, commitment of the village to project ideals, capacity to act as center for information transfer, involvement of local government, role of women, etc. (Crawford et al., 1997).

Once the villages were selected, the CRMP trained and placed extension officers to live in each of the villages and to work with the communities on all levels, with the objective to improve the capacity of village communities to manage their coastal resources. These activities covered the gamut of issues involved in coastal resource management, including agro-forestry projects, clean water projects, scientific field surveys, establishment of new management committees, development of policies, financial administration and management of small grants, creation of outreach programs, and enactment of new laws (Fraser, 1999).

The CRMP extension officers first evaluated the enabling conditions for effective management. In Talise, for example, villagers were concerned about the legal status of their lands – they did not possess title to the land on which they lived, and thus had little incentive to establish an MPA. The CRMP's initial work in Talise entailed facilitation between the local government and the village to secure land titles. Title was secured for 220 homes within the village, and presented to the villagers in a formal ceremony by the Minister of Marine Affairs and Fisheries (CRC, 2001). Title to the agricultural fields surrounding the village is still pending. Nevertheless, the CRMP's initial work led to two benefits: it created incentive for the villagers to

conserve their resources now that they had a long-term stake in them; and it established a high degree of trust with the CRMP staff.

Next, the CRMP extension officers assisted villagers in developing the technical capacity for establishing an MPA. For example, extension offices demonstrated to villagers how to conduct manta-tow surveys to measure coral reef coverage. It was largely on the basis of these studies that sites for MPAs were selected. Villagers then applied other criteria to the selection of the site, such as feasibility of enforcement. In Blongko, for example, villagers were considering three sites. One site had excellent coral cover, but was not in the bay facing the village, and therefore not visible from the shore. Enforcement would require continual monitoring by boat. Another site has less coral cover, but could be observed from the shore, and therefore presented a much easier means of enforcement. The villagers chose the second site, within the bay.

Once sites were selected, buoys and other markers were used to designate the boundaries. Management measures were discussed among the teams that had been formed. Discussions were facilitated by the CRMP extension officer. Villages established management committees and education committees for decisionmaking. Finally, the measures were codified in the form of a village ordinance.

The first ordinance was prepared by Blongko in 1998, prior to the enactment of Act No. 22 and the start of decentralization. There were significant questions regarding the authority of the village to enact a law governing a MPA. Indeed, it was labeled as a *keputusan desa*, or village decision, rather than a *Perdes*, or village regulation. It further had been concluded that while the authority existed, it was important that the ordinance be formally recognized by the *Camat*, or head of the sub-district, which was done through a formal decision. Talise and Tumbak were next to enact ordinances to establish the boundaries of their MPA and to regulate activities within. Bentenan followed in 2002 with enactment of a *Perdes* to codify and memorialize the establishment of MPAs in the respective villages.

2.2. Institutional Partners

Since the inception of the North Sulawesi project, the CRMP's work has involved collaboration with institutional partners, including regional counterparts in the various branches of government at the district and provincial levels. These relationships have been critical to the success thus far of the CRMP's work. For example, the initial design of the North Sulawesi project was done in conjunction with a Provincial Advisory Council (PAC), which consisted of members from ten provincial and district agencies and the regional university, University of Sam Ratulangi (UNSRAT) (Dutton and Titayanto, 1998). Membership included representatives of the Departments of Fisheries, Forestry, Agriculture, Tourism, Mining, Water Resources, the Provincial Planning and Development Board (*Bappeda*), the Provincial Environmental Agency (*Bapedalda*), the National Park Authority within the Ministry of Forestry, and numerous other groups. The chair is the Provincial *Bappeda*. The PAC was involved in the design and conduct of the rapid assessment, the development of the criteria for selection of project sites, and the actual selection of sites.

A Kabupaten Task Force (KTF) was formed in 1998, to ensure that District representatives were also engaged in the CRMP's work. The KTF consisted of representatives of relevant departments, including Fisheries, Forestry, Agriculture, Tourism, Mining, Water Resources, District *Bapedalda*, and *Bappeda*. It also included members from UNSRAT and a local NGO,

Kelola. The chair is District *Bappeda*. Unlike the PAC, the KTF had NGO representation. The KTF and the Provincial Working Group ensured that all levels of regional representation were engaged in the CRMP's work.

2.3. Institutionalization of Community-based Coastal Management in Minahasa District

As the four village MPAs took shape in Minahasa, the district and provincial governments, together with interagency groups such as the KTF and PAC, and other stakeholders, agreed to develop a program to institute MPAs in other villages throughout Minahasa (Crawford and Tulungen, 1999). Implementation proceeded sporadically through 2001 as a result of funding variability and political shifts. The regional budget of North Sulawesi and Minahasa had been curtailed as a result of redistribution of funds pursuant to Act No. 25/1999. Nevertheless, specific proposals were developed for replication and scaling-up in Likupang for 2001-2002 (Kasmidi et al., 2002).

The link between this process and the development of a new law on coastal management was essential to the vision and the projected effectiveness of these efforts. The overarching goal was to "enable the government to become an effective agent for coastal resource management" (CRC, 2002). This goal included enactment of a District *Perda* that would designate a lead agency for coastal resource management, and that would provide a clear mandate to assist communities to establish MPAs and other community-based resource management options.

3

Development of a New Law by Minahasa Legislature

3.1. Process

3.1.1. Initial Discussions and Issue Identification

Individual members of the District parliament, DPRD, had been familiar with the CRMP's work as the success of the Blongko MPA and the other village MPAs gained more attention. In addition, four DPRD members (one from each non-military political party) sat on the KTF. The CRMP and the KTF had invited DPRD to participate in major CRMP and community-based activities. At one KTF meeting in 2000, the discussion focused on the need for additional government support for community MPAs. Several members of the DPRD invited CRMP and KTF staff, in February 2001, to make a presentation on the work of the CRMP and the concept of community-based MPAs. Shortly thereafter, the CRMP arranged a trip to Blongko so that DPRD members could see firsthand the work there. During that trip, the need for a District *perda* was again discussed. DPRD members visited coastal villages during March 2001, and held several meetings with CRMP staff during the spring. The support for a *Perda* was strong, especially as a DPRD initiative.

The CRMP sought a formal commitment from DPRD in July 2001 regarding the development of a *perda* for coastal management. Staff from the Manado office arranged a meeting with two representatives from each political party represented in the DPRD. During that meeting, CRMP staff presented a brief outline of the concept of a *Perda*. After all participants discussed and agreed to the concept, it was decided that each member should sign a joint letter of commitment for initiating the development of a *Perda*. A letter of a commitment, to be signed by 10 members of DPRD, is a prerequisite for initiating the development of a new *Perda* within DPRD.

The outline that was discussed during that meeting was very basic, and focused almost exclusively on the development of MPAs. The concept was to develop a *Perda* to promote and encourage MPA replication among villages within Minahasa. This was the experience of both CRMP and the District until that time. It was a topic about which much information was known, and had already proven to have positive results for the resource. The existing MPAs, particularly Blongko, had also generated significant public awareness locally and positive media coverage nationally. The development of a *Perda* on MPAs seemed quite natural. After this meeting, a drafting team was formed that consisted of the original 10 members of DPRD that signed the commitment letter, several CRMP staff, and several professors from the Faculties of Law and Fisheries at UNSRAT. The team met regularly through August and September 2001 to complete a first draft.

The first draft, appearing on the CD on "Selected Documents from the Development of Coastal Management Laws", focused almost exclusively on establishing MPAs within the District. It included detailed provisions on criteria for site selection, methodologies for site selection,

processes for socialization and participation, and requirements for codification and enforcement. One article related MPA establishment to integrated coastal management, but apart from that, the draft focused on MPAs.

It was also in these initial stages that members of the law faculty at UNSRAT, in conjunction with the DPRD members and CRMP staff, began preparing a 'white paper', a document similar in function to an academic study that explained the basis of the law, its purpose, its contents, and the justification for its enactment. At the national level, such an academic study is required for most statutes enacted by the DPR. While not required at the district level, such a study represents good public policy and serves many benefits in helping to guide the deliberations of the lawmakers and stakeholders, and in helping to explain it to the public at large. The final version is reproduced on the CD of Selected Documents.

3.1.2. First Round of Public Consultations

The members of DPRD engaged in a very extensive and informal consultation early in the process (Tangkilisan and Ering, 2002). In September and October 2001, members of DPRD traveled to 34 villages in three *kecamatan* (Likupang, Tenga and Belang), to meet with village heads, community leaders and other community members. The meetings were arranged in advance, and were well attended. Some, but not all of the meetings were documented, although the minutes from these meetings were not systematically maintained or distributed. A report prepared by a local NGO, Kelola, describes the consultation process, and is reproduced on the CD of Selected Documents.

Villagers were outspoken in those meetings, providing a number of comments. Indeed, comments received during the consultations were extremely perceptive and sophisticated. The overall reaction was that, while communities supported a *Perda* that encouraged and standardized the establishment of MPAs in Minahasa, they believed that such a *Perda* was too narrow in scope. The large majority of villagers desired that the DPRD address coastal issues more generally, including destructive fishing; mangrove conversion; land-based pollution; particularly from mining in the northern coast of Minahasa; waste disposal; water and wastewater treatment that was affecting coastal areas. Villagers further desired stronger enforcement measures, requesting the inclusion of provisions relating to performance bonds for new businesses that affected coastal resources, fee payments, and forfeiture provisions for products and vehicles used to conduct illegal activities (For example, some villagers wanted the District officials to be able to confiscate boats and fish caught with illegal fishing techniques). Unlike the standard format and tenor of public consultations, these consultations were not merely a presentation, or socialization, of views to the community. They were legitimate and intensive efforts to seek meaningful input from the community.

3.1.3. Negotiations and Drafting

Shortly after the consultations, the CRMP invited four members of DPRD to a week-long workshop and consultation in Jakarta with staff of DKP, held 10-14 Sept. 2001. DKP was in the process of developing a new national law on coastal management (*Rancangan Undang-Undang tentang Pengelolaan Wilayah Pesisir dan Pulau Pulau Kecil* (RUU PWP-PPK)) that promoted regional decision-making, and CRMP wanted to bring both regional and central government representatives together to discuss their respective endeavors. Meetings were held in Jakarta and Anyer, West Java. These meetings provided an invaluable opportunity for communication between regional and national government officials, and a sharing of ideas, perspectives, programs and plans. DKP made a series of presentations to the Minahasa

DPRD members regarding their work at the national level, in particular in the development of the RUU PWP-PPK. DPRD members in turn made presentations to DKP regarding coastal management in Minahasa, discussing the draft *Perda*. In addition, the DPRD members had a series of working sessions with CRMP legal staff, as well as DKP staff. These sessions provided an opportunity for DPRD members to learn more about integrated coastal management (ICM), which was the basis of the RUU PWP-PPK, and the basis of CRMP's overall project design. Many discussions focused on the use of MPAs as a tool for ICM, but also underscored the fact that numerous other tools also existed for ICM. These discussions reinforced the comments that were received during the public consultation process: a *Perda* focusing on MPAs was too narrow, and it should be expanded to address broader issues relating to coastal management, in particular ICM.

The DPRD drafting team and its advisors thus heard from two sources that the draft *Perda* should be expanded to include coastal management more generally, rather than focus on MPAs exclusively. When they returned to Minahasa, they began redrafting the *Perda* with this broader focus. A weeklong series of all-day negotiations in late September 2001 led to a major revised draft, reproduced on the CD of Selected Documents.

This second revised draft was elaborate and complicated. It attempted to tackle all aspects of coastal management. More than 50 terms were included in the definitions in Article 1. They included scientific terms relating to marine and coastal science and management, terms not used in the *Perda*. It included several chapters on institutional arrangements, including the establishment of a coordinating body and designation of a lead agency. It further included an array of village-based activities, including development of coastal management plans, spatial plans, village MPAs, and village regulations, each with minimum criteria and standards. Lastly, it included District-wide prohibitions of a vast range of activities that negatively affected coastal resources, although each prohibition allowed for certain exceptions to be provided through a permitting system. Prohibitions applied to fishing practices that had any negative impact on coral reefs and fisheries habitat, mangrove conversions, sand mining and extraction, waterfront and coastal development, and development in estuaries and wetlands. The permitting system was to be defined in subsequent regulation by the *Bupati*. In addition, a certification program was established, loosely modeled on the program established at the national level in the RUU PWP-PPK. This program was set up in name only, without detail as to its parameters or implementation. The draft *Perda* also contained sanctions and performance bonds.

The draft was circulated to a number of advisors and academics for review and comment. There was a consensus that the *Perda* was too detailed, and too elaborate for meaningful implementation. There was a strong belief that the District and villages did not have adequate capacity to carry out the provisions of the *Perda* as drafted. The prohibitions, if fully implemented, would effectively shut down a large degree of current activities throughout Minahasa, or, to the extent that the activities were to continue unimpeded, the prohibitions would be effectively meaningless. The permit process in particular was heavily criticized as being too vague and unworkable. In sum, the draft *Perda* was seen as too heavy-handed, too regulatory, too bureaucratic, too complicated.

Another weeklong series of all-day drafting sessions was held in January 2002. In attendance were DPRD members (ranging from 3 to 8 members at any given time during the week), CRMP staff, and members of the marine and law faculties at UNSRAT. During these sessions, the participants discussed the comments on the draft, and crafted a new revised draft *Perda* that formed the basis for the enacted version. During these discussions, the drafting team agreed to pare down the *Perda* to the basic components of coastal manage-

ment policy. The team kept and streamlined the provisions relating to institutional arrangements; it deleted the prohibitions and permitting provisions; it clarified the authorities and activities to be conducted at the village level. It made a great number of technical improvements, such as deleting definitions that were not used in the *Perda*, clarifying the scope and authorities of the *Perda*, and removing inconsistencies among provisions. This draft was the subject of the next round of public consultations.

3.1.4. Establishment of *Panitia Khusus* and Second Round of Public Consultations

The *Panitia Khusus*, or *Pansus*, is a special committee appointed by the head of the DPRD to oversee the legislative effort. This includes drafting, consulting and administering the draft law through the point of enactment. The *Pansus* was formed on February 18, 2002, with a formal decree by the Head of the DPRD of the District of Minahasa, Decision No. 5 Year 2002. The *Pansus* consisted of 17 members, representing all 5 political parties (*Golkar*, PDIP, *Reformasi*, TNI-Polri, and *Kebangkitan Bangsa*), and all 5 commissions, including the Commissions on Economics, Development, Finance, Social Welfare, and Governance.

The *Pansus* developed an agenda for consultations and enactment to run through the spring. The second round of consultations was more formal than the first. One reason was that this round of consultations took place under the auspices of the *Panitia Khusus (Pansus)* of the DPRD, and the second reason was that there was an effort to address criticisms of the first round. As mentioned previously, a regional NGO, Kelola, was contracted to prepare a report analyzing the results of the first round of consultations (reproduced on the CD of Selected Documents). Many of these issues were addressed in the months of February 2002 through enactment. Minutes were kept of all meetings, including internal as well as public meetings.

On February 21-24, 2002, the *Pansus* met as a whole to discuss general concepts included in the *Perda*, and to meet with the former Minister of Marine Affairs and Fisheries, Pak Sarwono Kusumaatmadja. As the *Pansus* held public consultations, they also met internally. On March 18, 2002, *Pansus* members met to give formal presentations of comments on the *Perda*.

The *Pansus* met with various stakeholders throughout Minahasa. The *Pansus* hosted a meeting in Tondano, the District seat, for NGOs and business interests. More than 50 stakeholders attended the meeting (13 NGO and three businesses) on April 9, 2002. While some concerns were raised, DPRD members discussed the *perda* and clarified provisions, so that in the end, only technical changes were suggested. Over the course of two days, April 26-27, 2002, members of the drafting group convened to make minor changes.

On May 14, 2002, members of the *Pansus* traveled to two *kecamatan* — Kema and Tombariri — which were two *kecamatan* not previously visited. During these meetings, they met with each village head (*hukum tua*), community leaders, sub-district personnel, and non-government representatives.

The central government — the Ministry of Marine Affairs and Fisheries specifically — remained involved in assisting and commenting on the draft *perda*. On April 25, 2002, Ministry staff met with members of the *Pansus* and the drafting team. Again on June 7-8, 2002, Ministry staff were in Manado and met with the *Pansus* and drafting team to discuss the *Perda*. That second visit also coincided with one of the regional consultations that the Ministry was holding on the RUU PWP-PPK.

3.1.5. Engagement with the District Administration and Enactment

The *Perda*, up until this time, was strictly a DPRD initiative. There was little formal involvement with the administrative branch of government, namely the office of the *Bupati*. There was some informal contact, however. The KTF, which included administrative officials, was engaged in the issues and discussions. In addition, several members of the negotiating team from UNSRAT worked with the Legal Affairs Bureau of the *Bupati*'s office. However, administrative staff had not been involved in the negotiations. On May 7, and again on May 29, the Pansus met with the administrative offices of the District. This included *Bappeda*, as well as Departments of Forestry, Water, Tourism, Education, Mining and Energy, Finance, Transportation, Fisheries, the Regional Environmental Agency (*Bapedalda*), Police, Permitting and Monitoring offices, and the Legal Bureau.

The *Perda* was enacted on June 26, 2002. The formal ceremony was widely attended by stakeholders and received considerable publicity, discussed in the next section. The *Perda* was codified as *Perda* No. 2/2002.

The Minahasa Coastal Management Board was formally established a year after enactment, on July 31, 2003, in accordance with Minahasa Decree No. 195/2003. Pursuant to the *Perda*, the Board is convened for two years, from 2003 to 2005. The Board consists of seven District departments (Fisheries and Marine Affairs, Forestry, Water Resources, the Environmental Impact Assessment Board or *Bapedalda*, the Development and Planning Board or *Bappeda*, the Law and Human Rights Bureau, and the Community Development Board). It also consists of two local University members, three NGOs (two coastal and one law related NGO), one fishermen's association, one coastal village head, and three community representatives.

3.1.6. Socialization and Media Outreach

Socialization and media outreach was a key component of building public awareness for the *Perda*, both as it was being developed and after it was enacted. More generally, the CRMP promoted public awareness by hosting frequent visits to CRMP field sites in Blongko, Talise and elsewhere. These visits were made by surrounding village leaders, regional and national government officials, and other NGOs, donor and lender project staff. These visits were often reported in local press.

The CRMP also promoted the issue with various media, including print, TV and radio. On February 26, 2002, the CRMP helped produce a radio press conference with the former Minister of Marine Affairs and Fisheries, Mr. Sarwono Kusumaatmadja. Articles in the local papers appeared periodically, coordinated with consultations. Significant press was generated with the enactment of the *Perda* on June 26, 2002, featuring radio and TV shows and articles in local and national newspapers and journals.

Several meetings and workshops were held after enactment as well. This included a meeting on July 25, 2002, among the Pansus and DKP to discuss implementation. A workshop was held in Jakarta on October 27-28, 2002, with over 100 participants in attendance, to discuss the *Perda* and its use as a model for other coastal districts throughout Indonesia.

3.2. Substance

3.2.1. Overview

The Minahasa *Perda* establishes the basic philosophical and institutional framework for coastal management in the District. As a 'framework law,' it does not seek to regulate specific sectors or specific activities affecting coastal resources. Rather, it looks to provide the setting or foundation for future management. This foundation addresses the four basic components of governance: process, institutions, information, and funding. The *Perda* accomplishes several basic elements of governance:

1. it defines key terms, such as 'coastal area' and 'public participation;'
2. it clarifies authorities and responsibilities among agencies and lower levels of government;
3. it creates new mechanisms and programs for coordination, education, training and outreach;
4. it identifies basic criteria for coastal management that should be followed by a village (in some cases, these criteria are mandatory; in other cases, they are voluntary); and
5. it mandates funding for implementation.

It does not seek to regulate particular sectors, or specific activities. The DPRD believed that such regulations could be better developed, with greater information, greater participation, and greater capacity for enforcement, after the basic institutional framework was established.

3.2.2. Section-by-Section Summary and Discussion

3.2.2.1. Considerations and Legal Authorities

These sections are part of the preamble, and set the stage for the substantive contents of the *Perda*. The first section provides that the *Perda* is enacted with consideration that sustainability of coastal resources requires a balance between conservation and development; that the coastal area is considered part of the resources for the welfare of the communities, and that sustainable development is to be ensured through integrated, community-based management.

The 'authorities' section cites the laws and regulations on which the *perda* draws its authority for its enactment and subject-matter. The recitation consists of the following:

1. Article 33 paragraph (3) of the Constitution of 1945
2. Act of People's Consultative Assembly No. IX of 2001 on Agrarian Restructure and Natural Resources Management: this Decree of the MPR
3. Law No. 29 of 1959 on Establishment of the District Governments of Sulawesi.
4. Law No. 9 of 1985 on Fisheries
5. Law No. 5 of 1990 on Conservation of Biological Natural Resources and their Ecosystems
6. Law No. 9 of 1990 on Tourism
7. Law No. 24 of 1992 on Spatial Plans
8. Law No. 6 of 1996 on Indonesian Waters
9. Law No. 23 of 1997 on Environmental Management
10. Law No. 22 of 1999 on Regional Autonomy

11. Law No. 41 of 1999 on Forestry
12. Government Regulation No. 68 of 1998 on Natural Sanctuary Areas and Natural Preservation Areas
13. Government Regulation No. 19 of 1999 on Pollution Control and Marine Degradation
14. Government Regulation No. 25 of 2000 on Authorities of Federal Government and Provincial Governments as Autonomous Regions
15. Presidential Decree No. 32 of 1990 on Protected Areas
16. Presidential Decree No. 44 of 1999 on Technique of Legislation and Form of Government Regulation and Draft of Presidential Decree
17. Regional Regulation of Kabupaten Minahasa No. 3 of 1992 on Spatial Master Plan of Kabupaten Minahasa
18. Regional Regulation of Kabupaten Minahasa No. 2 of 2000 on Village Representatives Body
19. Regional Regulation of Kabupaten Minahasa No. 3 of 2000 on Organizational Structure of Village Government Administration;
20. Regional Regulation of Kabupaten Minahasa No. 6 of 2000 on Village Regulations;
21. Regional Regulation of Kabupaten Minahasa No. 13 of 2000 on Organizational Structure and Works of Offices of Kabupaten Minahasa;
22. Regional Regulation of Kabupaten Minahasa No. 14 of 2000 on Organizational Structure and Works of Technical Offices of Kabupaten Minahasa;
23. Regional Regulation of Kabupaten Minahasa No. 15 of 2000 on Organizational Structure and Works of Kecamatan Administration.

There are several noteworthy authorities that are cited. The first, Article 33(3) of the Constitution, is the one very well-known provision of the Constitution states that “the land, the waters and the natural resources within shall be under the powers of the State and shall be used to the greatest benefit of the people.” Of course, the Constitution as a whole is the supreme law of the land, and is further the source of all lower laws at both national and regional levels. In this regard, the *Perda* should not limit the recitation to Article 33(3). Indeed, other provisions of the Constitution are equally relevant as Article 33(3). For example, Article 18, as recently amended, provides for the establishment of districts and the authority of districts to enact regional laws. Article 18A(2) provides that “the use of natural and other resources shall be regulated and administered with justice and equity according to law.” In addition, Article 18B(2) provides that the state recognises and respects traditional communities along with their traditional customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia.” These provisions of the Constitution should be included in the recitation.

The Decree of the MPR (Tap MPR) No. 9 of 2000 is also an important cite, even though it does not contain specific mandates. It expresses the direction, or intent of MPR, with respect to a particular issue. Article 3 of the Decree provides that management of natural resources, including marine resources, should be managed optimally, fairly, sustainably and in an environmentally friendly manner. It calls on laws to be based on principles of respect for community and human rights, rule of law, sustainability, integration and coordination, transparency, etc. It states that laws should be enacted or revised to be consistent with the decree.

3.2.2.2. Chapter I: Definitions

On the whole, the 32 terms that are defined in Chapter I, Article 1, primarily relate to administrative and governmental functions in implementing the law. Approximately two-thirds of the terms define the key officials and representative bodies of the district and village governments, such as region, regional government, regional head, DPRD, BPD, village, village government, village head, village regulations, coastal information center, and coastal management body. Several terms set up the framework for public participation and traditional community rights, in defining community-based management, community leader, local/traditional community, community participation.

Several terms define basic concepts relating to substantive issues of coastal governance, including integrated coastal management, coastal resources, coastal-dependent uses, ocean, coast, shoreline, beach, and marine protected area. While these terms are broad, they are consistent with international standards and practices. For example, 'integrated coastal management' is defined as a process for managing coastal resources and their habitat in a manner that is integrated among government, resource users and community members, integrated between vertical and horizontal planning, integrated between land and sea ecosystems, integrated between science and management, in such a way that improves community welfare and sustainability. This definition covers all the major aspects of definitions put forward by the United Nations GESAMP and FAO, academic scholars, and other nations.

The final version of the *Perda* did not include a large number of scientific and technical terms relating to definitions for specific resources, such as seabed, estuary, watershed, etc., which had been included in earlier versions. This was a positive step by the DPRD, because those terms were not used in the *Perda*, and thus did not need to be defined. Furthermore, inclusion of such terms at this point would lock in definitions that, upon further review, might be different.

The one weakness in this Article is a technical one. The definitions should be cross-referenced with the substantive articles in which they are used. This is a drafting convention and not a substantive issue, although it does greatly strengthen the connections between defined terms and their application within the law. For example, Article 13 discusses 'public participation.' Article 13(3) states that all planning and development decisions must be done with public participation, and Article 13(4) elaborates that 'public participation' must entail dissemination of information and draft decisions with sufficient time for comment, meetings that are attended by a majority of invited community members, and responses to comments. Cross-references to these provisions in the definition of Article 1 would be valuable. Similarly, another important term in Article 1, 'coastal dependent use,' should be cross-referenced with its substantive use in Article 17.

3.2.2.3. Chapter II: Scope

Article 2 defines the scope of the *Perda* to cover all coastal villages, and coastal resources. A 'coastal village' is defined in Article 1 as a village that has a shoreline. Thus, inland villages are not subject to the *Perda*. This provision gives relatively clear boundaries to the *perda*: while the definition of the 'coastal area' follows ecological boundaries, the scope of the *Perda*, relying on 'coastal village,' follows administrative boundaries.

Article 3 provides that the existing regulations regarding the national parks within Minahasa remain in place, and are not altered by this *Perda*. This applies specifically to two national parks within the geographic boundaries and administrative jurisdiction of Minahasa: Bunaken

National Marine Park and Tangkoko National Park. This too was a vital issue to address: without specifically stating that existing regulations would remain in place, questions would have arisen as to the priority of central regulations vis-a-vis regional regulations regarding the national parks. Indeed, this issue had been debated during negotiations, and was finally resolved with the current language.

3.2.2.4. Chapter III: Principles, Objectives, Benefits and Priorities

Article 4 discusses the principles for community-based integrated coastal resource management. These include: (1) balance and sustainability in order to protect ecosystem functions; (2) integration of activities and decisions among sectors, between management and science, among stakeholders and among geographic areas; (3) community involvement and participation; (4) community empowerment in economic terms; (5) accountability and transparency; (6) recognition of traditional knowledge and customs. These principles contain a mix of substantive principles promoting sustainability and ecological integrity; procedural principles promoting good governance through integrated decisionmaking, accountability, participation and transparency; and equitable principles promoting economic empowerment of communities and recognition of local and traditional community practices.

Article 5 discusses the objectives of the *Perda*: (1) establish priorities for resource management; (2) mitigate and, if possible, eliminate activities destroying coastal resources and habitat; (3) ensure and protect the condition of coastal resources and habitat; (4) encourage and improve capacity for cooperative and integrated decisionmaking among all stakeholders; (5) improve capacity for management at the local and village levels.

The goals are basic and general, to be applied across-the-board. The Article does not identify individual objectives or goals with respect to specific activities, such as fishing, mangrove conversion, tourism, waste disposal, industrial or urban development, etc. These will be developed over time, in developing priorities. Only the broad themes are laid out at this point: mitigate or eliminate destructive activities, and protect the resources as they exist now. This is to be done through improvement of capacity of decision-making, particularly at the local level.

Article 6 identifies the intended benefits of the *Perda* and this type of community-based integrated management: (1) efficient and consistent use of resources through integrated planning and coordination; (2) protection of important areas from degradation and habitat loss; (3) economic development of coastal resources in a sustainable and equitable manner; (4) development of accountability and leadership.

Article 7 identifies specific priorities, which includes: (1) improvement of coordinated decision-making; (2) preserving coastal habitat through MPAs; (3) acknowledgement of community rights; (4) capacity-building through education, training and outreach; (5) improving coastal fisheries by eliminating destructive fishing practices; and (6) improving spatial planning. These priorities are more specific than the objectives stated in Article 5, and they further relate to specific provisions in the *Perda*. For example, Articles 8-15 establish the institutional structure for coordinated decision-making at the district and village levels; Articles 19-22 provide for MPA establishment; Articles 23-25 provide for traditional community rights; Articles 26-30 provide for education and training.

To some extent, it may seem redundant to have a layered approach to principles, objectives, benefits and priorities, but each one serves a slightly different purpose and has a slightly

different perspective. To be sure, each one discusses the same fundamental concepts: integrated, coordinated decisionmaking; improvement of resource conditions; improvement of economic conditions; improvement of social conditions. However, tackling each of these concepts from four different perspectives can help stakeholders visualize the relationship of the law to each of these concepts.

3.2.2.5. Chapter IV: Institutions and Coordination

This Chapter establishes the institutional framework for coastal management in Minahasa. Article 8(1) explicitly states that the Minahasa District Department of Fisheries and Marine Affairs (*Dinas Perikanan dan Kelautan Kabupaten Minahasa*, or DPK) is responsible for coastal management, and for coordination with the Coastal Management Council (*Badan Pengelola Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat*, or BPP). The DPK is to carry out its mission consistent with this law.

Articles 9 establishes the BPP and its membership. The *Bupati* appoints members for two-year terms, whose term can be renewed for one additional term thereafter. The BPP can consist of between 9 and 17 members, each from government agencies and institutions, NGOs, village representatives, and community leaders from coastal areas. Members of the BPP from outside government agencies shall be chosen in an open and democratic manner through a meeting of the groups those members are to represent. This process is to be determined in greater detail by a formal *Bupati* decision. The structure of the BPP is to be determined by the members themselves, formalized by a *Bupati* decision.

The goal of this article is to create a coordinating management body that will represent the diverse array of interests among coastal resource users. The provisions seek to give sufficient direction and detail so that the arrangements are not entirely arbitrary, and at the same time, provide enough flexibility to allow for necessary adaptations and changes as the institutions take shape. Thus, membership can range from 9 to 17, allowing for adequate representation of geographic and sectoral interests in Minahasa, while preventing the BPP from becoming too large and unwieldy. Term appointments are intended to ensure new and different interests periodically on the BPP, and to prevent complacency among members. While the *Bupati* has final say over appointments, the provision regarding community-chosen members is intended to require to *Bupati* to consider those individuals recommended by respective interest groups.

Article 10 provides that the BPP shall work with other institutions to strengthen community participation in coastal management at the village level, and to develop institutional capacity at the district level. Decisions are to be made by consensus, with input from the public. Article 11 lists the specific duties of the BPP: coordinate coastal management policies from central to village levels; disseminate policies; coordinate implementation of policies; coordinate technical and financial assistance to villages; identify issues/problems relating to coastal management in villages; implement monitoring and evaluation for management activities; and establish a coastal information center. This center is intended to serve as a clearing-house for data and information, housed physically in a convenient location that is readily accessible. The BPP is to meet every three months and prepare an annual report on activities to the Minahasa DPK. The BPP can also provide technical opinions on activities regarding coastal activities. Article 12 provides that government agencies give assessments or opinions regarding their proposed coastal activities, in writing, to the BPP.

3.2.2.6. Chapter V: Community-based Integrated Coastal Area Management in Kabupaten Minahasa

This Chapter essentially provides the roadmap for the remaining provisions of the *Perda*. Article 13(1) states that community-based integrated coastal management may include the following: (1) development of a management plan; (2) development of MPAs; (3) development of coastal spatial plans; (4) recognition of traditional management practices; (5) acknowledgement of traditional rights; and (6) education, training and outreach. Article 13(2) states that these endeavors are intended to be further elaborated in village regulations, or *Perdes*. The wording of this article is very deliberate: these endeavors are not required to be done in whole or in part; they are authorized to be done by coastal villages, to the extent that it is warranted or desired.

Article 13(3) and (4) relate to public participation. Article 13(3) states that all activities – planning, development, monitoring – are to be implemented with community participation. Article 13(4) states that public participation includes: identification of proposed activities, plans and programs; allowing for public comments during sufficient time periods; holding meetings and consultations attended by a majority of invited participants; and providing responses to comments, with explanations. These provisions are among the most important in the *Perda*. They define ‘public participation’ in a way that is unique among most regulations – they include significant detail in identifying the components of ‘public participation.’ Most laws will define and use the term only in a vague sense, without specificity. This law states that public participation must be a part of all proposed decisions, and it must include a publication of a draft or proposed decision, an opportunity to comment, meetings, and a response to comments.

3.2.2.7. Chapter VI: Management Planning at the Village Level

This Chapter authorizes villages to develop coastal management plans, and further provides for the standards and criteria to be included in such plans. In general, the plans must be consistent with the goals and principles of the *Perda*. The contents, as stated in Article 14, can include conservation of natural resources, development of community capacity, acknowledgement of local laws and customs, etc. The plan must be developed with public participation, including input from neighboring villages, and must address comments received. The village head must endorse the plan. Article 15 provides for the formation of a village coastal management body that will coordinate with the District BPP, and both of these groups are to be involved in the development and implementation of the management plan.

3.2.2.8. Chapters VII and VIII: Village Regulations and Spatial Plans

Article 16 explicitly recognizes the authority of villages to enact *Perdes*, or village ordinances. The process must involve public participation as the *Perda* defines it. All persons within the jurisdiction of the village must abide by the *Perdes*. Article 17 authorizes villages to develop spatial plans. The only requirement is that the plan prioritize for coastal-dependent uses. An earlier draft of the *Perda* had included an explanation of the meaning of ‘coastal dependent uses,’ which would have been an important provision to keep. The term has a settled definition in some foreign jurisdictions, but it is a relatively new concept here, especially at the local level. Without elaboration on its meaning, there is little guidance in the *Perda* in how to interpret that provision. Article 18 provides for the process of developing spatial plans, and again requires public participation, coordination with neighboring villages, and codification in the form of a *Perdes*.

3.2.2.9. Chapter IX: Marine Protected Areas

This Chapter is among the most detailed of the *Perda*, in large part because the origins of the *Perda* lay in this Chapter, and the experience of the District rests in this subject. Article 19 authorizes the establishment by villages of MPAs. Article 20 provides for the principles to determine MPAs: they must be integrated, community-based, and based on ecological considerations. Existing MPAs are grand-fathered. All MPAs should include restrictions against destructive activities within their boundaries. Article 21 discusses the socialization of MPA development, including outreach regarding the goals and ecological importance of the MPA, and the requirement for public participation. The criteria and process for establishing the MPA is discussed in Article 22, including site selection. The site must maintain good coral reef coverage. The elucidation to this Article states that coral cover should approximate 50 percent of the area of the MPA. The MPA must be sited in a place that is easy to reach and be monitored by the community. It should also contain important habitats other than coral reefs, such as mangroves, estuaries, and seagrass beds. MPAs that cross village jurisdictions must be established jointly by the two villages. The MPA shall be established through village regulation.

3.2.2.10. Traditional Law and Community Rights

Articles 23-25 provide for recognition of traditional rights and laws that have been exercised by certain coastal communities regarding traditional uses of coastal resources, although certain caveats and conditions are imposed. Article 23 provides that the traditional uses, rights and laws be memorialized in writing to the District government and the BPP. Article 24 further provides that the rights will be recognized insofar as they do not destroy coastal resources, and are consistent with the principles of the *Perda*. Article 24 also provides that local communities have a right to know and agree to activities that are conducted, prior to issuance of any permit by the regional government. Article 25 provides the process for recognition of such rights: the practices must be documented and discussed with the District government and BPP; the government will seek public participation on the decision; the *Bupati* will issue a formal decision granting recognition.

3.2.2.11. Education and Outreach

Article 26 provides for a basic right for the community to be educated regarding goals and uses of coastal resource management. Articles 27 and 28 identify specific objectives such as raising capacity, raising awareness, and raising level of participation in decisions. Article 29 discusses specific programs that would provide education programs for teachers of primary, secondary and vocational schools, government workers, informal and formal adult education programs for communities. It also provides for media outreach, through newspapers, radio, TV and other outlets.

3.2.2.12. Authorities and Responsibilities

Chapter XII (Article 31-33) clarifies the authorities and responsibilities within regional coastal management. According to Article 31, the District is responsible for implementing the *Perda*, including development and implementation of District-wide plans and guidelines. It is also responsible for coordinating among the various institutions. The District is also to identify areas within the its coastal zone warranting special management considerations. It is also to coordinate issues arising between two *kecamatan*. Authority and responsibility of the *kecamatan*, pursuant to Article 32, is to coordinate coastal management among villages

within its jurisdiction, provide technical assistance to villages, and to serve as liaison between villages and the District on funding issues. The authority and responsibility of the village is implementation of village-based programs, taking into account the District spatial plan and in accordance with this and other laws.

3.2.2.13. Miscellaneous Provisions

Chapters XIII and XIV relate to businesses and industries that affect coastal resources. Article 34 provides that users of coastal resources outside the community must have an agreement in writing with the local community through the village head (*hukum tua*) and the village representative board (BPD). It also provides for performance bonds and assurances, but defers this issue to further stipulations by the *Bupati* and the BPP. Article 35 states that the District shall provide for funding for implementation, although without specifying how much. Matching grants can be provided to villages, through which the villages must contribute some portion of the total amount. The elucidation explains the definition and purpose of matching grants, stating that they represent a shared responsibility between recipients and grantors, and that they create a sense of ownership in the resource and in the grant itself. The budget shall also cover activities of the BPP.

These provisions are among the weakest of the *Perda*. There is a great deal of generality among them. They also do not conform with the overall tone and nature of the preceding chapters, which serve as enabling provisions for villages. At the behest of the community representatives, the DPRD drafted provisions relating to performance bonds and agreements for coastal-based activities. These provisions have already raised concerns among businesses within the region. In theory, they are provisions that can greatly strengthen transparency in industrial permitting and coastal development decisions, but they need to be elaborated carefully in a *Bupati* decision.

Chapter XV applies to oversight and evaluation, which according to Article 36, is to be coordinated by the District and the BPP, with community involvement and knowledge. Chapter XVI relates to dispute resolution, with Article 37 authorizing resolution among the parties (negotiation), resolution through a third-party (mediation), or resolution through the court system (litigation). The provisions relating to dispute resolution do not authorize anything that is not already established or authorized under existing law. They do not address the substantive problems in current dispute resolution efforts, particularly within the court system. To the extent the provisions encourage alternative dispute resolution among parties, there is benefit to their inclusion. The provisions relating to sanctions also do not elaborate anything that is not already provided in existing law. Indeed, given that the *Perda* is non-regulatory in nature, the issue of sanctions need not even arise.

Chapter XVII, Article 39, provides for sanctions. One of the most important aspects of the *Perda* is contained in this Chapter. The Article states that the District will abide by and assist to enforce village sanctions. The Article also authorizes villages to impose sanctions that may be stricter and more severe than sanctions under District laws, provided that provisions are not in conflict with the District laws. Thus, if the District has a civil penalty for violating prohibitions within an MPA, a village may impose higher penalties for the same violation.

With respect to sanctions at the district level, however, it serves more to reinforce existing sanctions rather than create any new sanctions. The *Perda* is almost entirely administrative in nature, and clarifies authorities rather than prescribe activities; in reality, there is no place for sanctions in such a *Perda*. The language states that persons within the District must abide by existing laws, and will otherwise be subject to sanctions under existing laws.

The strongest provision in these chapters is the requirement for funding for implementation. While there is no specific amount provided, and certainly there need not be a provision in the *Perda* to provide for funding, the fact that there is a mandatory requirement to provide for funding for implementation is an extremely important step in solidifying the commitment to implement the law.

4

Assessment

The previous discussion provides a close reading of the *Perda* and provides an analysis of its contents. This section takes a broader look at the *Perda*, including its innovations, positive aspects and deficiencies.

4.1. Procedural Issues

One of the major keys to success in enacting the *Perda* lay in the very initial meeting held between the CRMP and DPRD members in July 2001 (see discussion, 4.1.1). This meeting set the stage for all future meetings in two fundamental ways. First, because the CRMP arranged to meet two representatives of every political party, politics was immediately taken off the table as an issue. There would be no opportunity to turn the issue of coastal management into a political one. Second, because a letter of intent was signed at the end of that first meeting, there was an immediate sense of commitment, and an immediate sense of responsibility. With each party equally represented and equally committed to the concept of a *Perda* on coastal management, the stage was set for success.

Another key to success was the extensive public participation that took place. This was instrumental in a number of vital aspects: (1) it served to better inform the DPRD members as to the needs and desires of the communities, resulting in a significant change to the scope of the *Perda*; (2) it served to raise the awareness of community members as to the need for better coastal management, which facilitated enactment and will help implementation; (3) it strengthened commitment among stakeholders.

A third key to success was the documentation and explanation of the process. This includes the development of several academic papers on the reasons for developing a new law, and explanations of the legal basis for the law. It also includes the extensive notes that were kept at major meetings, including use of video and audio tapes for recording. Records were kept not only of public consultations, but also of drafting sessions and negotiations. These records have two benefits: (1) internally, they assist the process of legal drafting and negotiating by allowing drafters to revisit old debates and earlier decisions, and thus develop a stronger, clearer sense of subsequent discussions; and (2) externally, they form the basis of transparency in the process, which builds confidence among community members and other stakeholders. For example, there were times when community members complained that the process was not adequately transparent, but DPRD was quickly able to respond by producing the records from the various meetings. This type of accountability goes hand-in-hand with the public participation.

A fourth key to success was the media campaign that occurred simultaneously with *Perda* development in the spring. The media campaign involved all forms, from billboards to television. Public awareness of coastal issues in Minahasa attained extremely high levels, largely

because of the efforts of the CRMP in concert with the regional government. This created not only interest in, but knowledge of, coastal issues, so that when DPRD attended public meetings, they were greeted by a well-informed public who could discuss substantive aspects of policy.

Some procedural deficiencies were also evident, however. The initial public consultations within the 34 villages were not well documented. While the report prepared by the Manado-based NGO, Kelola, and commissioned by the CRMP, recounted many of the major comments of those meetings, they were not recorded contemporaneously and well distributed.

Another shortcoming in the process was the timing of some of the background materials. The 'white paper' was begun early in the process, but not completed until the nearly the time that the *Perda* was enacted. This paper, and related materials such as the academic study, are intended to guide lawmakers and inform the public. As a result, in ideal circumstances, they should be completed even before there is a draft law. It is these documents that should help answer the question whether a new law is even appropriate. The white paper certainly assisted the efforts of the lawmakers, but it would have assumed additional significance if it had been completed earlier in the process.

Perhaps the most significant shortcomings – even acknowledged by the DPRD members afterwards – was the lack of engagement with the administrative offices of the *Bupati* until near the end of the process. Officials within the administration knew informally of the *Perda* development, through the work of the KTF and discussions among individuals. However, there was no formal involvement until eight weeks prior to enactment, nine months into the process. This left very little meaningful opportunity for the *Bupati*'s staff to review, digest and suggest substantive revisions to the draft *Perda*. Given that it is the administrative branch of the government that will be implementing the *Perda*, this was a tremendous opportunity lost. The reason for not engaging earlier is purely traditional: laws historically either originated with the DPRD, which would shepherd the draft *Perda* through the process until enactment and then hand it to the *Bupati* for implementation, or they originated with the *Bupati*, in which case his staff would develop the law, and then formally introduce it into the DPRD when virtually complete. It was very rare to find that the two branches would coordinate in developing a new *Perda* for enactment. However, given that the legislative branch enacts laws for administrative implementation, in the interest of good and efficient governance, it is imperative that this coordination take place.

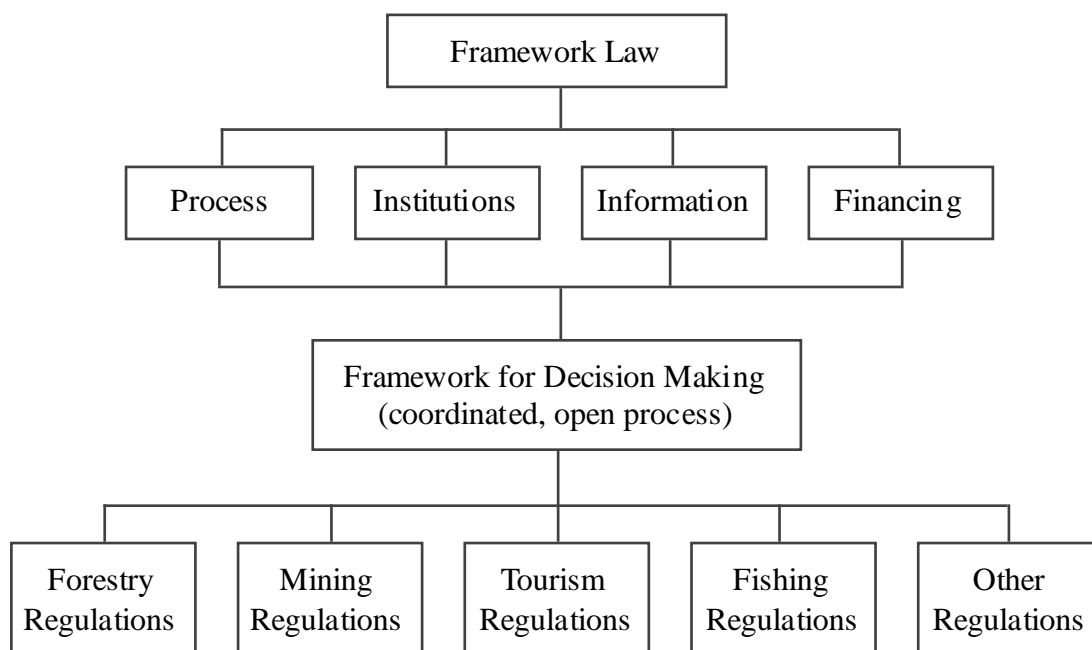
4.2. Substantive Issues

One of the most important reasons for the success of this *Perda* is that it does not seek to do too much. Early drafts contain a tremendous array of articles, very few of which were likely to be implemented due to lack of funding or lack of training. Even though the DPRD desired to show immediate action, it was convinced that poor enforcement of overambitious provisions would not result in better coastal management. Consequently, it developed the notion of a framework law, one that establishes the basic institutional arrangements for governing coastal resources, without providing for detailed substantive regulatory provisions for which it had little or no information or ability to enforce.

It makes sense to start with a basic law that serves as a foundation, or framework, for other laws. A framework law will deal with the basic goals, principles, processes, and standards of an area of governance (Andreen, 2000). It will lay down the basic mechanisms for governance – setting an agenda for action, coordination, establishing necessary institutions, en-

ensuring necessary funding, perhaps tackling some basic substantive elements such as education and outreach. It may set up processes for information access and distribution, or it may establish the mechanics for administrative review and accountability. Specifically, framework legislation would look to accomplish several things: (1) establish an agenda for coastal resource management, including the goals, the vision, the priorities for actions to conserve and manage resources; (2) delineate the roles and responsibilities of institutions engaged in coastal resource management (which may include creating or modifying governmental and non-governmental bodies); (3) establish the informational needs for future management initiatives; (4) secure funding sources for coastal resource management; and (5) to the extent possible or practical, establish some programs and activities to fulfill the agenda (Patlis, 2002).

Creating a Legal Framework



What is not included in a framework law is equally important: it doesn't attempt to manage activities in which there is only limited experience or knowledge. It leaves such management for subsequent laws. In a district where capacity is weak or experience is thin, the district will not be able to adequately write a new law that is highly detailed and technical. Even if it succeeds in writing such a law (often with outside help through a donor agency project or international non-government organization), the district may not have the ability to adequately implement or enforce the law. A framework law is a means to build capacity in gradual steps.

As a political matter, a framework law has additional benefits. Because it doesn't attempt to overreach in regulating stakeholders, it does not alienate stakeholders, which would only create friction and dilute the usefulness of the law. Rather, it serves to build a constituency around a particular issue, such as the need to better manage natural resources for all stakeholders. Difficult political issues, such as specific regulations, can be tackled subsequently, after a political base and an educated civil society is established.

Consider Article 1 on Definitions. An early draft included upwards of 50 definitions of scientific and biological terms that were not even used in the law. In the end, these were all

deleted, and the 30 terms defined in the enacted version relate mostly to administrative and governmental purposes. Again, this clarifies the basic tools of governance that Minahasa will employ, rather than confusing the regulatory framework with superfluous and imprecise definitions of scientific terminology.

Also consider the evolution of the substantive provisions. An early draft contained prohibitions on a wide range of activities, with a general exception for activities that were to be permitted through a permitting system that had not been clearly defined in the law. These provisions disappeared in light of expected difficulties in implementation.

Provisions relating to funding for implementation of the *Perda* occupied much attention during deliberations. Originally, the authority to mandate funding for the *Perda* within the *Perda* itself was unclear. This was clarified, and funding levels were then set to be three percent of the regional budget (APBD). In the end, however, this provision was removed as the DPRD could not commit to that level. The language that was adopted states that the District shall allocate funding each year for implementation, without specifying a minimal amount. Even this is a major accomplishment, as funding for implementation is rarely, if ever, explicitly provided within the law itself.

5

Conclusion

The Minahasa *Perda* was the first regional law enacted to address integrated coastal management. Since then, two other *Perda* have been enacted in District Bengkayang in West Kalimantan, and District Gresik in East Java (Putra, 2003). Under the leadership of the Ministry of Marine Affairs and Fisheries, perhaps another 40 districts are presently developing *Perda* to manage coastal resources (Rudiyanto, 2003). The Minahasa *Perda* provides an excellent model for these efforts, but it must be remembered that it is not the only model. In some cases, more detailed regulations may be appropriate. In other cases, a framework might be established with an emphasis on land-based activities affecting to coastal resources, rather than Minahasa's emphasis on MPAs and sea-based activities.

The major innovation and significance in Minahasa's approach – and the primary lesson for other districts — lies in the DPRD's openness to adapt to comments and revise the draft *Perda* as it went through the process. The outreach on the part of DPRD and CRMP lent support to this. This adaptive and participatory process is essential to craft a law that has legitimacy in the form of public support. It is also essential to craft a law that resides within the capabilities and capacity of the implementing agencies, as well as within the needs and aspirations of the public.

Significant work remains to be done. Both the legislative and administrative branches of the District government must work together to develop a budget and plan for implementation. This is already being done. The BPP was recently formed, in July 2003, and is ready to begin its duties. At the provincial level, on May 26, 2003, the province of North Sulawesi enacted a *Perda* on coastal management, *Perda* No. 38/2003, which supports the District legal framework but does not provide significant detail or guidance beyond the Minahasa *Perda* itself.

The legal and institutional infrastructure is developing for dramatically improving coastal resource management, particularly at the regional level. The Ministry of Marine Affairs and Fisheries is currently developing the RUU PWP-PPK, which has undergone one of the most extensive and public consultation processes of any statute. The draft law, supported by the Academic Study, promotes regional integrated coastal management, and seeks to encourage compliance with national standards and criteria through voluntary, incentive-based approaches. In addition to changing legal frameworks, the political framework is also improving. A national association of districts (*Asosiasi Pemerintah Kabupaten Seluruh Indonesia*—APKASI) convenes regularly to discuss and promote issues important to districts throughout Indonesia. The role of NGOs and civil society also continues to expand in public policy and legal reform. These developments can prove invaluable tools in using the Minahasa *Perda* as a model and lesson for regional coastal management in Indonesia.

References

- Alm, J. and R. Bahl. 1999. Decentralization in Indonesia: Prospects and Problems (Jakarta, unpublished report prepared for US AID).
- Andreen, William. 2000. Environmental Law and International Assistance: The Challenge of Strengthening Environmental Law in the Developing World, 25 Columbia J. Evil L. 17, 37-38.
- Asia Foundation, First Indonesia Rapid Decentralization Appraisal (IRDA): Synopsis Report April 2002. Jakarta.
- Asian Development Bank. 2002. Draft Country Governance Assessment Report: Indonesia. Jakarta.
- Brown, T.M. 1999, Economic Crisis, Fiscal Decentralization and Autonomy: Prospects for Natural Resource Management, August 1999 (Jakarta, published by the Natural Resources Management Project).
- Crawford, Brian R., C. Rotinsulu, J. Kusen, E. Mantjoro, A. Siahainenia. 1997. A Community-Based Coastal Resources Management Approach: Results of Initial Baseline Surveys in the Villages of Bentenan and Tumbak, North Sulawesi, Indonesia. Presented at the International Seminar on Maritime Communities in a Changing World, Manado, North Sulawesi, Indonesia, 23-26 Sept., pp. 4.
- Crawford, Brian R. and J.J. Tulungen. 1999. Scaling-Up Initial Models of Community-Based Marine Sanctuaries into a Community Based Coastal Management Program as a Means of Promoting Marine Conservation in Indonesia. Coastal Resources Management Project – Indonesia. Coastal Resources Center, University of Rhode Island and the U.S. Agency for International Development. Jakarta.
- CRC 2001. Coastal Resources Center, University of Rhode Island, Proyek Pesisir Workplan Implementation Report No. 6 (October 1999 – March 2000), Administration Report AR-01/03-E, Jakarta.
- CRC 2002. Coastal Resources Center, University of Rhode Island, Proyek Pesisir Year Five Workplan (April 2001 – March 2002), Administration Report AR-01/01-E, Jakarta.
- Departemen Kelautan & Perikanan (DKP). 2001. Direktorat Jenderal Pesisir dan Pulau-Pulau Kecil, Naskah Akademik Pengelolaan Wilayah Pesisir.
- Dutton, Ian and T. Pieter. 1998. Proyek Pesisir: Developing Models for Sustainable Use of Coastal Resources, Alami, Vol. 3, No. 1, p. 9.
- Fraser, Nicole, B. Crawford, A. Siahainenia, F. Pua, C. Rotinsulu. 1999. Transforming Unsustainable and Destructive Coastal Resource Use Practices in the Villages of Tumbak and Bentenan, North Sulawesi, Indonesia, Phuket Marine Biological Center Special Publication 20:5-20.
- GTZ (Deutsche Gesellschaft fur Technische Zusammenarbeit), 2003. Project Support for Decentralization Measures (SfDM), Decentralization News Issues No. 1-16. Available online: <http://www.gtzsfdm.or.id>, March.
- Heydir, Laurel. 1986. *Peran Sekretariat Negara Dalam Proses Pembentukan Peraturan Perundangan*. Skripsi. Departemen Pendidikan dan Kebudayaan, Universitas Gadjah Mada, Fakultas Hukum.
- Hinrichsen, Don. 1998. Coastal Waters of the World: Trends, Threats and Strategies. Washington, D.C.: Island Press.

- Hoessein, Prof. Dr. Bhenyamin, SH et al. 2001. *Pemikiran Filosofis, Yuridis dan Sosiologis Revisi UU No. 22 Tahun 1999 dan UU No. 25 Tahun 1999*. Sekretariat Jenderal Dewan Perwakilan Rakyat, Republik Indonesia and U.N. Development Program, 2001
- Hofman, Bert and K. Kaiser. 2002. The Making of the Big Bang and Its Aftermath: A Political Economy Perspective. Paper presented at Conference "Can Decentralization Help Rebuild Indonesia?" by International Studies Program, Andrew Young School of Policy Studies, Georgia State University. 1-3 May. Atlanta.
- Idris, Irwandi. 2002. *Pokok-Pokok Pikiran Naskah Akademik dan Rancangan Undang Undang Pengelolaan Wilayah Pesisir*. Departemen Kelautan dan Perikanan, Presentasi kepada Lembaga Swadaya Masyarakat (LSM). Hotel Millenium, Jakarta, Indonesia. April 25.
- Kasmidi, Meidiarti, J.D. Kusen, and D.F. Wowiling. 2002. *Perubahan Peran Berbagai Lembaga Terkait Dalam Perluasan Pengelolaan Sumberdaya Pesisir Berbasis Masyarakat*. Presentation given at the National Conference on Coastal Management (Konperensi Nasional III Pengelolaan Sumberdaya Wilayah Pesisir di Indonesia), Denpasar Bali, 21 – 24 May.
- Minahasa 1992. *Rencana Umum Tata Ruang Kabupaten Minahasa*
- Minahasa 1994. *Rancangan Pola Dasar Pembangunan Daerah Kabupaten Daerah Tingkat II Minahasa 1994/1995-1998/1999*.
- Minahasa 1995a. *Perda No. 29/1995 Tentang Penyelenggaraan Usaha Pondok Wisata*.
- Minahasa 1995b. *Perda No. 28/1995 Tentang Tanda Masuk/Penggunaan Fasilitas Obyek Wisata*.
- MoFE. 1991. Decree by the Ministry of Forestry No. 730/kpts-II/1991.
- Patlis, J.M., R. Dahuri, M. Knight, J. Tulungen. 2001. Integrated Coastal Management in a Decentralized Indonesia: How It Can Work, *Jurnal Pesisir & Kelautan (Indonesian Journal of Coastal and Marine Resources)*, Vol. 4, No. 1., Bogor, Indonesia.
- Patlis, Jason. 2003. The Role of Law and Legal Institutions in Determining the Sustainability of Integrated Coastal Management Projects in Indonesia. *Jurnal Pesisir & Kelautan (Indonesian Journal of Coastal and Marine Affairs)*, Special Edition No. 1. Bogor, Indonesia.
- Pollnac, R.B., C. Rotinsulu and A. Soemodinoto. 1997. Rapid Assessment of Coastal Management Issues on the Coast of Minahasa. Coastal Resources Management Project – Indonesia. Coastal Resources Center, University of Rhode Island and US AID, pp. 40.
- Putra, Sapta. 2003. Head of Sub-Directorate of Integrated Coastal Zone Management, Direktorat Jenderal Pesisir dan Pulau-Pulau Kecil, DKP, pers. comm. March 2003.
- Putra, Sapta. 2002. Integrated Coastal Zone Management in North Sulawesi, Doctorate thesis, James Cook University, Australia, Ch. 4.
- Sulut 1991. *Perda No. 3/1991 Tentang Rencana Struktur Tata Ruang Propinsi Daerah Tingkat I Sulawesi Utara*.
- Tangkilisan, Noni and M.E. Ering. 2002. *Berbagai Peluang Memunculkan Aturan dari Masyarakat: Pengembangan Peraturan Daerah Tentang Pengelolaan Sumberdaya Wilayah Pesisir Berbasis Masyarakat*. Presentation given at the National Conference on Coastal Management (Konperensi Nasional III Pengelolaan Sumberdaya Wilayah Pesisir di Indonesia), Denpasar Bali, 21 – 24 May.

REGIONAL REGULATION OF MINAHASA DISTRICT ON INTEGRATED COMMUNITY-BASED MANAGEMENT OF COASTAL RESOURCES

**PERATURAN DAERAH KABUPATEN MINAHASA
NOMOR 2 TAHUN 2002 TENTANG
PENGELOLAAN SUMBERDAYA WILAYAH PESISIR
TERPADU BERBASIS MASYARAKAT
DI KABUPATEN MINAHASA.
DENGAN RAHMAT TUHAN YANG MAHA ESA
BUPATI MINAHASA**

**REGIONAL REGULATION OF MINAHASA DISTRICT
NUMBER 2 YEAR 2002
ON INTEGRATED COMMUNITY-BASED MANAGE-
MENT OF COASTAL RESOURCES IN MINAHASA
DISTRICT
IN THE NAME OF THE ALMIGHTY GOD
REGENT OF MINAHASA**

Menimbang :

- a. Bahwa lingkungan hidup Indonesia sebagai karunia dan rahmat Tuhan Yang Maha Esa kepada rakyat dan bangsa Indonesia merupakan ruang bagi kehidupan dalam segala aspek dan matryanya;
- b. Bahwa dipandang perlu melaksanakan pengelolaan lingkungan hidup termasuk sumberdaya alam, untuk melestarikan dan mengembangkan kemampuan yang serasi, selaras dan seimbang guna menunjang terlaksananya pembangunan berkelanjutan yang berwawasan lingkungan;
- c. Bahwa pembangunan wilayah pesisir merupakan bagian dari pembangunan seluruh wilayah perairan Indonesia dengan segenap sumberdaya alam yang terkandung di dalamnya untuk kesejahteraan seluruh rakyat Indonesia;
- d. Bahwa sejak diterapkannya kebijakan dan strategi pembangunan wilayah pesisir dan laut yang berorientasi pada pembangunan berkelanjutan, maka semakin terbukti bahwa masyarakat memiliki kemampuan untuk mengelola sumberdaya alam dengan baik;
- e. Bahwa untuk menjaga keseimbangan pembangunan wilayah pesisir dan laut maka harus dilakukan upaya-upaya terpadu berbasis masyarakat melalui swadaya dan partisipasi dari, oleh, dan untuk masyarakat, termasuk lembaga yang terkait, guna melindungi daya dukung lingkungan hidup akibat tekanan dan atau perubahan langsung maupun tidak langsung yang ditimbulkan oleh suatu kegiatan;
- f. Bahwa untuk pengelolaan sumberdaya wilayah pesisir di Kabupaten Minahasa, perlu dituangkan dalam suatu Peraturan Daerah.

Mengingat :
1. Pasal 33 ayat (3), Undang-undang Dasar 1945;

Considering :

- a. *That the living environment of Indonesia is a gift and blessings from god the almighty for the people and races of Indonesia constituting an area of life in each aspect and dimension;*
- b. *Whereas, it is deemed necessary to implement the management of the living environment including natural resources for preservation and development as harmoniously as possible, in accordance with and balancing use of financial investment, development, sustainability and appropriate scope;*
- c. *Whereas, development of the coastal area forms part of the development of the water area of Indonesia with the entire natural resources that are contained within for the welfare of all the people of Indonesia;*
- d. *Whereas, when strategic development of the coast and ocean are oriented to sustainable development, the community will be increasingly capable of managing natural resources in a good manner;*
- e. *Whereas, to watch over the balanced development of the coast and ocean, efforts need to be made for integrated, community-based management through self-support and participation from, by and for the community, including associated institutions, in order to protect the capacity of living resources with resulting pressure and/or direct or indirect alteration that emerges through a certain activity;*
- f. *Whereas, management of natural resources of the coast of Kabupaten Minahasa needs to be incorporated into law.*

Viewing :
1. Article 33 paragraph (3) of the Constitution of 1945;

2. Ketetapan Majelis Permusyawaratan Rakyat Nomor IX Tahun 2001 tentang Pembaruan Agraria dan Pengelolaan Sumberdaya Alam;
3. Undang-undang Nomor 29 Tahun 1959 tentang Pembentukan Daerah-daerah Tingkat II di Sulawesi. (Lembaran Negara Tahun 1959, Tambahan Lembaran Negara Nomor 1822);
4. Undang-undang Nomor 9 Tahun 1985 tentang Perikanan, (Lembaran Negara Tahun 1985 Nomor 46, Tambahan Lembaran Negara Nomor 3299);
5. Undang-undang Nomor 5 Tahun 1990 tentang Konservasi Sumberdaya Alam Hayati dan Ekosistemnya. (Lembaran Negara Tahun 1990 Nomor 49, Tambahan Lembaran Negara Nomor 3419);
6. Undang-undang No. 9 Tahun 1990 tentang Kepariwisata (Lembaran Negara Tahun 1999 Nomor 78, Tambahan Lembaran Negara Nomor 3427);
7. Undang-undang Nomor 24 Tahun 1992 tentang Penataan Ruang. (Lembaran Negara Tahun 1992 Nomor 115, Tambahan Lembaran Negara Nomor 3501);
8. Undang-undang Nomor 6 Tahun 1996 tentang Perairan Indonesia (Lembaran Negara Tahun 1996 Nomor 73, Tambahan Lembaran Negara Nomor 3647);
9. Undang-undang Nomor 23 Tahun 1997 tentang Lingkungan Hidup (Lembaran Negara Tahun 1997 Nomor 68, Tambahan Lembaran Negara Nomor 3699);
10. Undang-undang Nomor 22 Tahun 1999 tentang Pemerintahan Daerah (Lembaran Negara Tahun 1999 Nomor 60, Tambahan Lembaran Negara Nomor 3839);
11. Undang-undang Nomor 41 Tahun 1999 tentang Kehutanan (Lembaran Negara Tahun 1999 Nomor 167, Tambahan Lembaran Negara Nomor 3888);
12. Peraturan Pemerintah Nomor 68 Tahun 1998, tentang Kawasan Suaka Alam dan Kawasan Pelestarian Alam (Lembaran Negara Tahun 1998 Nomor 8132, Tambahan Lembaran Negara Nomor 3776);
13. Peraturan Pemerintah Nomor 19 Tahun 1999, tentang Pengendalian Pencemaran dan/atau Perusakan Laut. (Lembaran Negara Tahun 1999 No. 155, Tambahan Lembaran Negara No. 3816);
14. Peraturan Pemerintah Nomor 25 Tahun 2000, tentang Kewenangan Pemerintah dan Kewenangan Provinsi sebagai Daerah Otonom, (Lembaran Negara Tahun 2000 Nomor 54 Tambahan Lembaran Negara Nomor 3952);
2. *Act of People's Consultative Assembly No. IX of 2001 on Agrarian Restructure And Natural Resources Management;*
3. *Law No. 29 of 1959 on Establishment of the Second Level Region of Sulawesi (State Gazette of 1959, Supplement to State Gazette No. 1822);*
4. *Law No. 9 of 1985 on Fishery (State Gazette of 1985, No. 46, Supplement to State Gazette No. 3299);*
5. *Law No. 5 of 1990 on Conservation of Biological Natural Resources and the Ecosystem, (State Gazette of 1990 No. 49, Supplement to State Gazette No. 3419);*
6. *Law No. 9 of 1990 on Tourism, (State Gazette of 1999 No. 78, Supplement to State Gazette No. 3427);*
7. *Law No. 24 of 1992 on Spatial Plans (State Gazette of 1992 No. 115, Supplement to State Gazette No. 3501);*
8. *Law No. 6 of 1996 on Indonesian Waters (State Gazette of 1996 No. 73, Supplement to State Gazette No. 3647);*
9. *Law No. 23 of 1997 on Environment (State Gazette of 1997 No. 68, Supplement to State Gazette No. 3699);*
10. *Law No. 22 of 1999 on Regional Government (State Gazette of 1999 No. 60, Supplement to State Gazette No. 3839);*
11. *Law No. 41 of 1999 on Forestry (State Gazette of 1999 No. 167, Supplement to State Gazette No. 3888);*
12. *Government Regulation No. 68 of 1998 on Natural Sanctuary Areas and Natural Preservation Areas (State Gazette of 1998 No. 132, Supplement to State Gazette No. 3776);*
13. *Government Regulation No. 19 of 1999 on Pollution Control and Degradation of Sea (State Gazette of 1999 No. 155, Supplement No. 3816);*
14. *Government Regulation No. 25 of 2000 on Authorities Of Federal Government And Provincial Governments As Autonomous Regions (State Gazette of 2000 No. 54, Supplement No. 3952);*

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| 15. Keputusan Presiden Nomor 32 Tahun 1990 tentang Kawasan Lindung; | 15. <i>Presidential Decree No. 32 of 1990 on Protected Areas;</i> |
| 16. Keputusan Presiden Nomor 44 Tahun 1999 tentang Tehnik Perundang-undangan dan bentuk rancangan Peraturan Pemerintah dan rancangan Keputusan Presiden (Lembaran Negara Tahun 1999 Nomor 70); | 16. <i>Presidential Decree No. 44 of 1999 on Technique of Legislation and Form of Draft of Government Regulation and Draft of Presidential Decree (State Gazette of 1999 No. 70);</i> |
| 17. Peraturan Daerah Tingkat II Kabupaten Minahasa Nomor 3 Tahun 1992 tentang Rencana Umum Tata Ruang Kabupaten Daerah Tingkat II Minahasa (Lembaran Daerah Kabupaten Minahasa Tahun 1992 Nomor 3); | 17. <i>Regional Regulation of Kabupaten Minahasa No. 3 of 1992 on Spatial Master Plan of Kabupaten Minahasa (Regional Gazette of Kabupaten Minahasa of 1992 No. 3);</i> |
| 18. Peraturan Daerah Kabupaten Minahasa Nomor 2 Tahun 2000 tentang Badan Perwakilan Desa; | 18. <i>Regional Regulation of Kabupaten Minahasa No. 2 of 2000 on Village Representatives Body;</i> |
| 19. Peraturan Daerah Kabupaten Minahasa Nomor 3 Tahun 2000 tentang Susunan Organisasi Pemerintah Desa; | 19. <i>Regional Regulation of Kabupaten Minahasa No. 3 of 2000 on Organizational Structure Of Village Government Administration;</i> |
| 20. Peraturan Daerah Kabupaten Minahasa Nomor 6 Tahun 2000 tentang Peraturan Desa. | 20. <i>Regional Regulation of Kabupaten Minahasa No. 6 of 2000 on Village Regulations;</i> |
| 21. Peraturan Daerah Kabupaten Minahasa Nomor 13 Tahun 2000 tentang Susunan Organisasi dan Tata Kerja Dinas Kabupaten Minahasa. | 21. <i>Regional Regulation of Kabupaten Minahasa No. 13 of 2000 on Organizational Structure And Works Of Offices At Kabupaten Minahasa;</i> |
| 22. Peraturan Daerah Kabupaten Minahasa Nomor 14 Tahun 2000 tentang Susunan Organisasi dan Tata Kerja Lembaga Teknis Daerah Kabupaten Minahasa. | 22. <i>Regional Regulation of Kabupaten Minahasa No. 14 of 2000 on Organizational Structure And Works Of Technical Offices At Kabupaten Minahasa;</i> |
| 23. Peraturan Daerah Kabupaten Minahasa Nomor 15 Tahun 2000 tentang Susunan Organisasi dan Tata Kerja Kecamatan. | 23. <i>Regional Regulation of Kabupaten Minahasa No. 15 of 2000 on Organizational Structure And Works Of Kecamatan Administration;</i> |

Dengan persetujuan

With the approval (of the House of representatives of Kabupaten Minahasa)

MEMUTUSKAN

DECIDED

Menetapkan:

To enact:

PERATURAN DAERAH KABUPATEN MINAHASA TENTANG PENGELOLAAN SUMBERDAYA WILAYAH PESISIR TERPADU BERBASIS MASYARAKAT DI KABUPATEN MINAHASA.

REGIONAL REGULATION OF MINAHASA REGENCY ON THE COMMUNITY-BASED MANAGEMENT OF COASTAL RESOURCES ESPECIALLY AT MARINE CONSERVATION AREAS WITHIN MINAHASA REGENCY

BAB I KETENTUAN UMUM

CHAPTER I: GENERAL PROVISIONS

Pasal 1

Article 1

Dalam Peraturan Daerah ini yang dimaksud dengan:

In this Regional Regulation:

1. Daerah adalah Kabupaten Minahasa;
2. Pemerintah Daerah adalah Pemerintah Kabupaten Minahasa;
3. Kepala Daerah adalah Bupati Minahasa;
4. Dewan Perwakilan Rakyat Daerah selanjutnya disingkat DPRD adalah Dewan Perwakilan Rakyat Daerah Kabupaten Minahasa;

1. *Region is the District of Minahasa;*
2. *Regional Government is the Government of Minahasa District;*
3. *Regional Head is the Mayor of Minahasa District;*
4. *DPRD refers to the DPRD of Minahasa District;*

5. Otonomi Daerah adalah kewenangan Daerah Otonom untuk mengatur dan mengurus kepentingan masyarakat setempat menurut prakarsa sendiri berdasarkan aspirasi masyarakat sesuai dengan peraturan perundang-undangan;
6. Kecamatan adalah wilayah kerja Camat sebagai perangkat Daerah Kabupaten;
7. Desa adalah kesatuan masyarakat hukum yang tersebar dibebanapa jaga memiliki kewenangan untuk mengatur dan mengurus kepentingan masyarakat setempat berdasarkan asal-usul dan adat istiadat yang diakui dalam sistem Pemerintahan Nasional dan berada di daerah Kabupaten;
8. Desa Pesisir adalah desa dan atau nama lain yang memiliki garis pantai;
9. Pemerintah Desa adalah Hukum Tua dan Perangkat Desa;
10. Hukum Tua adalah Kepala Desa menurut Hukum Adat di Minahasa;
11. Badan Perwakilan Desa selanjutnya disebut BPD adalah badan perwakilan yang terdiri atas pemuka-pemuka masyarakat yang ada di Desa yang berfungsi mengayomi adat istiadat, membuat Peraturan Desa;
12. Peraturan Desa adalah peraturan yang ditetapkan oleh Hukum Tua atas persetujuan BPD dalam rangka penyelenggaraan otonomi daerah yang diserahkan kepada pemerintah desa sebagai pelaksanaan dan penjabaran peraturan perundang-undangan yang lebih tinggi;
13. Keputusan Hukum Tua adalah semua keputusan yang merupakan pelaksanaan dari Peraturan Desa dan kebijaksanaan Hukum Tua, yang menyangkut pemerintahan dan pembangunan di desa sepanjang tidak bertentangan dengan keputusan umum maupun peraturan perundang-undangan yang berlaku;
14. Tokoh Masyarakat adalah seseorang yang dipandang memiliki pengetahuan yang luas tentang kemasyarakatan dan lingkungan pada umumnya dan dihormati oleh masyarakat, pemerintah serta pihak lainnya;
15. Masyarakat lokal atau masyarakat tradisional adalah kelompok orang atau masyarakat yang mendiami suatu wilayah tertentu dan menjalankan tatanan hukum, sosial dan budaya yang ditetapkan oleh mereka sendiri secara turun-temurun;
16. Subyek Hukum adalah orang pribadi dan / atau kelompok orang dan / atau badan hukum;
5. *Regional autonomy is the authority of Autonomous Areas to regulate and manage in the local community self-interest following individual initiative based on community aspirations and consistent with the system of legislation;*
6. *Kecamatan is the working area of the Camat who is part of the administrative body of the District;*
7. *Village is a unit of community law that is the biggest of several jurisdictions that possess a duty to regulate and manage in the local community self interest based on local customs that are recognized under the system of National Government and that exist in the District;*
8. *Coastal Village is a village and/or other type of small community that has coastline;*
9. *Village Government is the village head and the administrative body of the village;*
10. *Village Head is the village head in accordance with the legal custom of Minahasa;*
11. *Board of Village Representatives, hereinafter shall be referred to as BPD, is a body of representatives that stands atop the leadership of the community and functions to protect customary law and makes laws of the village;*
12. *Village regulations are regulations that are decided by the Village Head with agreement of the BPD in a framework of organization of regional autonomy that is transferred to the village to implement;*
13. *Decision of the Hukum Tua are all decisions that implement village laws and policy of the Village Head that consist of implementation from the village law and policy that involve the governance and development of the village, consistent with decisions and laws;*
14. *Community Leader is someone who is viewed to possess broad knowledge of the community and environment and is respected by the community, government and others;*
15. *Local community or traditional community is a group of people or a community that is located in a certain area and follows a legal arrangement, social and culture that is decided by them alone and passed down from generation to generation;*
16. *Legal subject is a person and/or group and/or legal body;*

17. Pengelolaan adalah rangkaian kegiatan terhadap sumberdaya wilayah pesisir yang dilakukan secara swadaya dan partisipasi aktif dari oleh dan untuk masyarakat disertai kerjasama aktif pihak-pihak terkait yang meliputi perencanaan, perlindungan dan pemanfaatan secara berdaya guna dan berhasil guna bagi masyarakat;
17. *Management is a framework of activities about coastal natural resources that are done in a self-supporting manner; are done with active participation from, by and for the community working together with other associated parties; is comprised of planning, protection and use; and provides efficient and productive use for the community;*
18. Badan Pengelola Pesisir adalah tim yang dibentuk melalui surat keputusan Bupati yang bertugas untuk melakukan koordinasi, monitoring, evaluasi kegiatan serta pembinaan, penegasan peraturan dalam sumberdaya wilayah pesisir di Kabupaten Minahasa;
18. *Coastal Management Body is a team formed through a decision letter from the Regent that has a duty to perform coordination, monitoring, evaluation activities along with establishment and adoption of regulations about the coastal resources of Kabupaten Minahasa;*
19. Pengelolaan Pesisir Terpadu adalah suatu proses pengelolaan sumberdaya alam pesisir dan jasa lingkungan yang mengintegrasikan antara kegiatan pemerintah, dunia usaha dan masyarakat, perencanaan horisontal dan vertikal, ekosistem darat dan laut, ilmu pengetahuan dan manajemen sehingga pengelolaan sumberdaya tersebut dapat meningkatkan kesejahteraan masyarakat dan berkelanjutan;
19. *Integrated Coastal Management is a process of managing the natural coastal resources and important surrounding that integrate among activities of government, global efforts and communities; plan horizontally and vertically; ecosystem of land and sea; science of knowledge and management such that the management of these resources raises community welfare and sustainability;*
20. Pengelolaan Berbasis Masyarakat adalah pengelolaan yang dilakukan secara bersama antara pemerintah, masyarakat dan pihak lain, dalam merencanakan, melaksanakan, memantau dan mengevaluasi pengelolaan sumberdaya wilayah pesisir;
20. *Community Based Management is management that brings together government, communities and others in planning, implementation, monitoring and evaluation of management of coastal resources;*
21. Partisipasi Masyarakat adalah keterlibatan masyarakat dalam kegiatan pengelolaan sumberdaya wilayah pesisir;
21. *Community Participation is community involvement in the management of coastal resources;*
22. Wilayah Pesisir Kabupaten Minahasa adalah ruang kesatuan geografis antara perairan laut dan darat di Kabupaten Minahasa yang berisi berbagai aspek ekologis, dimana wilayah darat adalah wilayah yang meliputi seluruh wilayah administratif yang dipengaruhi oleh laut, sedangkan di bagian wilayah laut adalah wilayah perairan kabupaten sesuai peraturan yang berlaku;
22. *Coastal Area of Kabupaten Minahasa is the geographic area between the waters of the sea and land of Kabupaten Minahasa, that contains various ecological aspects, where the land area comprises the entire administrative area that is influenced by the ocean, while the water area shall be those designated as belonging to the jurisdiction of the District according to the prevailing laws;*
23. Sumberdaya Wilayah Pesisir adalah unsur lingkungan hidup yang terdiri atas sumberdaya manusia, sumberdaya alam, baik hayati maupun non-hayati, dan sumberdaya buatan, termasuk sumberdaya perairan laut, estuari (mulut sungai) mangrove (hutan bakau), terumbu karang, pasir, batu-batuan, padang lamun, pulau-pulau kecil, dan tata pemukiman desa;
23. *Coastal Area Resources area elements of the living environment that consist of: human and natural resources, biological and non-biological resources and resource products; including resources of the waters of the sea, estuaries, mangrove, coral reefs, sand, rock, laum field, small islands and system of coastal communities;*
24. Ketergantungan pemanfaatan pada wilayah pesisir adalah suatu kegiatan dan pemanfaatan yang mempunyai hubungan khusus dengan sumberdaya wilayah pesisir yang dilakukan di wilayah pesisir untuk hasil pemanfaatan;
24. *Coastal-dependent benefits are certain activities and benefits that possess a special connection with the resources of the coast and that are conducted in the coastal area in order to produce benefits;*
25. Pulau adalah daerah daratan yang terbentuk secara alamiah yang berada di atas permukaan air;
25. *Island is an area of land that is naturally formed above sea level;*

26. Laut adalah ruang wilayah lautan yang merupakan kesatuan geografis beserta segenap unsur terkait padanya yang batas dan sistemnya ditentukan berdasarkan aspek fungsional;
27. Pantai adalah luasan tanah termasuk sedimen yang membentang di sepanjang tepian laut yang merupakan perbatasan pertemuan antara darat dan laut, terdiri dari sempadan pantai dan pesisir;
28. Garis pantai adalah garis yang dibentuk oleh perpotongan garis air rendah dengan daratan pantai yang dipakai untuk menetapkan titik terluar di pantai wilayah laut;
- 29. Garis sempadan pantai** adalah garis batas yang diukur dari air laut pasang tertinggi ke arah daratan mengikuti lekukan pantai dan atau disesuaikan dengan topografi setempat;
- 30. Daerah Perlindungan Laut** dan atau nama lain adalah daerah pesisir dan laut yang dapat meliputi terumbu karang, hutan bakau, lamun, atau habitat lainnya secara sendiri atau bersama-sama yang dipilih dan ditetapkan untuk ditutup secara permanen dari kegiatan perikanan dan pengambilan biota laut yang dikelola oleh masyarakat setempat serta ditetapkan dalam peraturan desa;
- 31. Kesepakatan Masyarakat Desa** adalah kesepakatan antar masyarakat dan atau dengan pihak lain yang dituangkan dalam suatu surat kesepakatan bersama, yang ditanda tangani oleh pemerintah desa, tokoh-tokoh masyarakat dan agama, serta saksi-saksi;
- 32. Pusat Informasi Pesisir (PIP)** adalah sarana yang disediakan oleh Pemerintah Kabupaten yang dijadikan sebagai tempat bekerja, belajar, mengolah serta penyebaran informasi tentang berbagai hal yang berhubungan dengan wilayah pesisir bagi semua pihak, termasuk mengumpulkan dan menyimpan semua peraturan perundang-undangan, informasi ilmu pengetahuan, maupun hasil penelitian yang berhubungan dengan pengelolaan sumberdaya di wilayah pesisir.
26. *Ocean is an area of sea that forms a contiguous geographic unit along and whose boundaries are systematically determined based on functional aspects;*
27. *Beach is an area of land, including sediment, that extends along the length of the edge of the sea and forms a boundary between the sea and land and forms the border of the beach and sand;*
28. *Coast line is the line formed by action of the low tide on the beach and that is used to establish the limit of the coastal beach;*
29. *Beach Demarcation Line is the boundary line that is measured along the land at the highest high tide line following the indentations of the beach and/or appropriate with the topography of the vicinity;*
30. *Marine protected area and/or another name is an area of the coast and ocean that comprises coral reefs, mangrove, or other individual habitats or together that are chosen and determined to be **closed permanently from fishing activity and taking of ocean biota by the local community through decision of village regulation;***
31. *Agreement of the village community is an agreement among the community and/or with others that is incorporated into an agreement letter that is signed by the village government, community and religious leaders with witnesses;*
32. *Coastal information center is a tool that is developed by the government of the Regency; that becomes a place for work, study and improving distribution of information about various things connected with the coastal area for everyone; including arranging and storing regulations, scientific monitoring information, and results of studies that are connected with the management of the coastal area.*

BAB II RUANG LINGKUP

Pasal 2

Ruang lingkup Peraturan Daerah ini yaitu pada semua Desa Pesisir dan sumberdaya wilayah pesisir di Kabupaten Minahasa, dikelola secara terpadu dan berbasis masyarakat, sebagai Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat.

Pasal 3

Peraturan Daerah ini memperhatikan ketentuan-ketentuan lain yang telah berlaku pada Taman Nasional dan Cagar Alam di Kabupaten Minahasa.

CHAPTER II: SCOPE

Article 2

These regulations for all coastal villages and resources of Kabupaten Minahasa that are to be managed in an integrated, community-based manner to be known as Community Based Integrated Coastal Resource Management

Article 3

These regulations consider other provisions that have already been made regarding National Parks and Natural Sanctuary in Kabupaten Minahasa

BAB III
PRINSIP, TUJUAN, MANFAAT DAN PRIORITAS

CHAPTER III
PRINCIPLES, OBJECTIVES, BENEFITS AND PRIORITIES

Pasal 4

Article 4

Prinsip Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat berdasarkan :

Principles of Community Based Integrated Coastal Resource Management:

- (1) Prinsip keseimbangan dan berkelanjutan, yaitu tiap kegiatan yang dijalankan harus memperhatikan pemulihan fungsi ekosistem sehingga pengembangan dan pemanfaatan sumberdaya mempertimbangkan kelestarian sumberdaya yang ada;
 - (2) Prinsip keterpaduan, yaitu semua kegiatan dalam pengelolaan sumberdaya wilayah pesisir dijalankan berdasarkan keterpaduan antar sektor, keterpaduan pengelolaan dan ilmu pengetahuan, keterpaduan antar pihak, dan keterpaduan ruang;
 - (3) Prinsip pengelolaan berbasis masyarakat, yaitu kegiatan dijalankan secara swadaya dan partisipasi aktif dari, oleh dan untuk masyarakat disertai kerjasama aktif semua pihak terkait, berdasarkan ketentuan perundang-undangan yang berlaku;
 - (4) Prinsip pemberdayaan masyarakat pesisir yaitu kegiatan dijalankan bertujuan untuk membangun kapasitas dan kemampuan masyarakat melaksanakan dan mengawasi pelaksanaan kegiatan sehingga masyarakat memiliki akses yang adil dalam pengelolaan sumberdaya wilayah pesisir;
 - (5) Prinsip akuntabel dan transparan, yaitu mekanisme kegiatan ditetapkan secara transparan, demokratis, dapat dipertanggungjawabkan, menjamin kesejahteraan masyarakat, serta memenuhi kepastian hukum, dijalankan oleh pemerintah, masyarakat, sektor swasta serta berbagai pihak lain yang berkepentingan;
 - (6) Prinsip pengakuan terhadap kearifan tradisional masyarakat lokal dalam pengelolaan sumberdaya pesisir yaitu penerimaan oleh pemerintah tentang kenyataan adanya ketentuan-ketentuan memelihara lingkungan alam sekitar oleh kelompok masyarakat yang telah dijalani turun-temurun dan telah menunjukkan adanya manfaat yang diterima masyarakat maupun lingkungan.
- (1) *Principle of balance and sustainability is that every activity that is done must consider restoration of ecosystem functions such that resource development and use considers preservation of existing resources;*
 - (2) *Principle of integration is that all activities in coastal resource management proceed based on integration among sectors, between management and science, among interests and among geographic areas;*
 - (3) *Principle of community based management is that activities proceed in a self-supporting manner with active participation from, by, and for the community with active cooperation of all stakeholders and based on legal decisions that are made;*
 - (4) *Principle of coastal community empowerment is that activities proceed with the objective of developing community capacity and capability to implement and oversee implementing activities such that the community possesses equitable access in the management of coastal resources;*
 - (5) *Principle of accountability and transparency is that a mechanism for deciding on activities that is transparent, democratic, responsible, manages community welfare, fulfills legal needs, proceeds through government, community and private sector with various others who are important;*
 - (6) *Principle of acknowledging traditional local community learning in management of coastal resources is that acceptance by the government concerning the existing knowledge of caring for natural resources by the community that is already handed down and that already indicates benefits that are received by the community as well as nature.*

Pasal 5

Article 5

Tujuan Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat adalah :

Objectives of Community Based Integrated Coastal Resource Management are

- (1) Menyusun dan menetapkan kerangka kerja dan prioritas pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat;
- (1) *Arrange and determine the work force and priorities for management of community based integrated coastal resource management;*

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| <p>(2) Mengurangi, menghentikan, menanggulangi, dan mengendalikan tindakan dari kegiatan-kegiatan merusak terhadap habitat dan sumberdaya di wilayah pesisir;</p> | <p>(2) <i>Reduce, put an end, address and prevent activities that destroy habitat and resources of the coast;</i></p> |
| <p>(3) Menjamin dan melindungi kondisi lingkungan dan sumberdaya wilayah pesisir, dalam rangka pembangunan di wilayah pesisir yang memperhatikan daya dukung lingkungan;</p> | <p>(3) <i>Manage and preserve conditions of the coastal surroundings and resources in a framework of development of the coastal area that considers the capacity of the surroundings;</i></p> |
| <p>(4) Mendorong kerjasama dan meningkatkan kapasitas pengelolaan wilayah pesisir secara terpadu antara masyarakat lokal, pemerintah, swasta, perguruan tinggi dan Lembaga Swadaya Masyarakat yang bergerak di bidang lingkungan;</p> | <p>(4) <i>Encourage cooperation and raise capacity of integrated coastal management among the local community, government, private parties, higher institutions and nonprofit community organizations that are active in the area;</i></p> |
| <p>(5) Meningkatkan kapasitas, kemampuan dan kemandirian mengelola sumberdaya wilayah pesisir secara terpadu oleh masyarakat lokal di tingkat pedesaan.</p> | <p>(5) <i>Improve capacity, capability and autonomy of integrated coastal management by the local community at the village level.</i></p> |

Pasal 6

Article 6

Manfaat Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat adalah :

Benefits of Community-Based Integrated Coastal Management Are

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| <p>(1) Terwujudnya rencana, penetapan dan koordinasi prioritas-prioritas pengelolaan sumberdaya wilayah pesisir dalam rangka memanfaatkan secara efisien dan konsisten kapasitas dan sumberdaya wilayah pesisir;</p> | <p>(1) <i>Formation of plans, decisions and coordination of priorities for management of coastal resources within the framework of efficient and consistent utilization of the capacity of coastal resources;</i></p> |
| <p>(2) Terlindunginya wilayah-wilayah penting dari degradasi akibat pemanfaatan dan konsumsi yang berlebihan, dan perusakan habitat;</p> | <p>(2) <i>Protection of important areas from degradation resulting from increasing use and consumption and loss of habitat;</i></p> |
| <p>(3) Berkembangnya sumberdaya wilayah pesisir bagi pemanfaatan ekonomi melalui cara-cara keilmuan yang benar dan adil secara ekonomis;</p> | <p>(3) <i>Development of coastal resources to benefit the economy through correct scientific means and in an equitable manner;</i></p> |
| <p>(4) Terwujudnya akuntabilitas dan kepemimpinan dalam pengelolaan pesisir.</p> | <p>(4) <i>Formation of accountability and leadership in coastal management.</i></p> |

Pasal 7

Article 7

Prioritas Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat adalah :

Priorities in Community-Based Integrated Coastal Management are:

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| <p>(1) Meningkatkan koordinasi pengambilan keputusan melalui proses antar sektor dalam membuat dan meninjau keputusan-keputusan yang berhubungan dengan pengelolaan wilayah pesisir;</p> | <p>(1) <i>Increasing coordinated decision making through processes among sectors to make and move forward decisions that build connections with coastal management;</i></p> |
| <p>(2) Melindungi habitat pesisir melalui penetapan dan pelaksanaan Daerah Perlindungan Laut;</p> | <p>(2) <i>Preserves coastal habitat through decisions and enforces implementation of Marine Protected Area;</i></p> |
| <p>(3) Meningkatkan keadilan dan partisipasi melalui pengakuan hak masyarakat tradisional;</p> | <p>(3) <i>Increase justice and participation through acknowledgement of traditional community law;</i></p> |
| <p>(4) Meningkatkan kapasitas melalui pendidikan, pelatihan dan pelayanan kepada masyarakat;</p> | <p>(4) <i>Increase capacity through education, training and service to the community;</i></p> |
| <p>(5) Memajukan dan mempertahankan sumberdaya perikanan pesisir melalui pengurangan dan</p> | <p>(5) <i>Move forward and strengthen coastal fisheries resources through reducing and eliminating destruc-</i></p> |

penghapusan kegiatan penangkapan secara merusak dan penetapan Daerah Perlindungan Laut berbasis masyarakat;

tive fishing activities and establishing community based marine protected areas;

- (6) Memperbaiki perencanaan tata ruang melalui prioritas ketergantungan pemanfaatan pada wilayah pesisir.

- (6) Improve spatial planning through giving priority to coastal-dependent activities.*

BAB IV

CHAPTER IV

INSTITUSI DAN KOORDINASI

INSTITUTIONS AND COORDINATION

Pasal 8

Article 8

- (1) Dinas Perikanan dan Kelautan Kabupaten Minahasa bertanggung-jawab dalam pengelolaan pesisir dan berkoordinasi dengan Badan Pengelola Pesisir kabupaten untuk melaksanakan peraturan daerah ini;
- (2) Dalam pelaksanaannya Dinas Perikanan dan Kelautan, menyiapkan Rencana dan Pedoman Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat sesuai Peraturan Daerah ini;

- (1) The Fisheries and Marine Affairs Office of Kabupaten Minahasa is responsible for coastal management and coordination with the district Coastal Management Body in implementing this regulation;*
- (2) In implementation, the Fisheries and Marine Affairs Office prepares plans and guidelines for Community-Based Integrated Coastal Management consistent with this regulation;*

Pasal 9

Article 9

- (1) Bupati menetapkan Badan Pengelola Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat Kabupaten, yang selanjutnya disebut Badan Pengelola Pesisir Kabupaten, untuk masa tugas 2 (dua) tahun dan dapat dipilih kembali dalam 1 (satu) kali masa jabatan berikutnya;
- (2) Keanggotaan Badan Pengelola Pesisir Kabupaten terdiri dari minimal 9 (sembilan) orang dan maksimal 17 (tujuh belas) orang, masing-masing dari Dinas dan Instansi terkait, Perguruan Tinggi, Lembaga Swadaya Masyarakat, Perwakilan Pemerintah desa pesisir, dan perwakilan tokoh masyarakat di wilayah pesisir;
- (3) Personalia yang berasal dari luar dinas atau instansi terkait, dipilih secara demokratis dan terbuka melalui musyawarah pada masing-masing komunitas, untuk diusulkan dan ditetapkan melalui Surat Keputusan Bupati;
- (4) Struktur Badan Pengelola Pesisir Kabupaten, ditentukan dan dipilih secara demokratis oleh seluruh anggota Badan Pengelola Pesisir Kabupaten, kemudian ditetapkan melalui Surat Keputusan Bupati.

- (1) The Regent shall establish the Community-Based Integrated Coastal Resource Management Board, hereafter referred to as District Coastal Management Board, for a period of two years, and can be reappointed for one more period;*
- (2) Membership of the Coastal Resource Management Board shall be between 9 and 17 people, each from government agencies and related institutions, higher institutions, LSMs, representatives of local village governments and local community leaders of coastal areas;*
- (3) Members from non-government agencies and other institutions can be chosen in a democratic and open manner through meeting of each community, to be proposed and decided through a decision letter of the Regent;*
- (4) The structure of the Kabupaten Coastal Board is identified in a democratic manner through members of the District Coastal Management Board, and then finalized through decision letter of the Regent.*

Pasal 10

Article 10

- (1) Badan Pengelola Pesisir Kabupaten, dapat bekerjasama dengan lembaga-lembaga dari dalam maupun luar negeri untuk meningkatkan peran serta masyarakat dalam pembangunan di tingkat desa maupun pengembangan kapasitas kelembagaan yang berhubungan dengan pengelolaan sumberdaya wilayah pesisir di Kabupaten Minahasa;

- (1) The District Coastal Management Board may work together with institutions from inside and outside the government to improve community participation in development at the village level, and to develop institutional capacity related to coastal resource management of Kabupaten Minahasa;*

- (2) Badan Pengelola Pesisir Kabupaten, melaksanakan penyusunan program badan pengelola melalui konsensus bersama antara anggota Badan Pengelola, setelah memperoleh masukan secara tertulis dari masyarakat desa;
- (3) Kelompok Pengelola Pesisir Desa bersama-sama Pemerintah Desa, Masyarakat desa dan Badan Perwakilan Desa dapat mengajukan rencana tata ruang wilayah pesisir desa yang bersangkutan.

- (2) *The District Coastal Management Board is to implement the development of the board's program through consensus together among members of the Board and through written input from the village community;*
- (3) *The Coastal Village Group, together with village government, villages and the Village Representative Body can file spatial plans for the relevant coastal village.*

Pasal 11

- (1) Tugas Badan Pengelola Pesisir Kabupaten adalah :
- a. Mengkoordinasi setiap kebijakan yang berhubungan dengan Pengelolaan Sumberdaya Wilayah Pesisir yang berasal dari pemerintah pusat, pemerintah provinsi, sampai ke tingkat desa;
 - b. Menjabarkan setiap kebijakan pemerintah kabupaten;
 - c. Menyebarkan kebijakan dan peraturan yang berlaku;
 - d. Mengkoordinasi pelaksanaan pengelolaan sumberdaya wilayah pesisir;
 - e. Mengkoordinasi bantuan teknis di bidang pengelolaan sumberdaya maupun di bidang dana ke desa-desa pesisir yang melakukan atau akan melakukan pengelolaan sumberdaya wilayah pesisir;
 - f. Mengidentifikasi, mengklarifikasi, mengverifikasi serta mencari solusi atas masalah yang berhubungan dengan pengelolaan sumberdaya wilayah pesisir yang muncul di pedesaan ataupun di lingkungan wilayah kabupaten pada umumnya;
 - g. Melakukan monitoring dan evaluasi atas setiap kegiatan pengelolaan sumberdaya wilayah pesisir yang dilakukan oleh pihak-pihak manapun di wilayah pesisir;
 - h. Menjalankan kegiatan Pusat Informasi Pesisir (PIP);
 - i. Mengadakan pertemuan koordinasi setiap 3 (tiga) bulan sekali, dan atau setiap saat apabila dianggap penting dan atau sesuai kebutuhan;
 - j. Tugas lain yang dianggap penting yang berhubungan dengan Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat dan yang tidak bertentangan dengan prinsip-prinsip, tujuan, manfaat dan prioritas yang diatur dalam Bab III, Peraturan Daerah ini;
 - k. Melaporkan kegiatan perkembangan sumberdaya alam di wilayah pesisir secara tertulis setiap tahun dan pada akhir masa tugas kepada Bupati, melalui Dinas Perikanan dan Kelautan.
- (2) Badan Pengelola Pesisir Kabupaten dapat memberikan pertimbangan teknis kepada Bupati dan Dinas Perikanan dan Kelautan serta instansi teknis terkait lainnya.

Article 11

- (1) *The duties of the District Coastal Management Board are to:*
- a. *Coordinate policies relating to coastal management that come from the national government, provincial government down to the village level;*
 - b. *Clarify every policy of the district government;*
 - c. *Disseminate policy and regulations that are made;*
 - d. *Coordinate implementation of coastal area management;*
 - e. *Coordinate coastal management technical and financial assistance to coastal villages that are implementing or that can implement coastal area management;*
 - f. *Identify, clarify, verify and seek solutions for problems connected with coastal area management that emerge in rural areas or in the general surrounding area;*
 - g. *Implement monitoring and evaluation for every management activity that is implemented anywhere in the coastal area;*
 - h. *Maintain a Coastal Information Center;*
 - i. *Hold coordination meetings every three months and or whenever there is thought to be a need;*
 - j. *Other duties that are regarded as important that are connected with Community-Based Integrated Coastal Management and that are not incompatible with principles, objectives, benefit and priorities that are directed from Section III of this Regulation;*
 - k. *Report in writing about development activities for natural resources in the coastal area every year and at the end of the time period to the Regent, through the Fishery and Marine Office.*
- (2) *The Kabupaten Coastal Management Board can give technical opinions to the Regency and Fishery and Marine Office along with associated technical institutions*

Pasal 12

- (1) Instansi teknis terkait mempunyai kewajiban memberikan penilaian dan pertimbangan terhadap suatu usul kegiatan usaha di wilayah pesisir;
- (2) Penilaian dan pertimbangan sebagaimana yang dimaksud dalam ayat (1) di atas wajib diserahkan secara tertulis kepada Badan Pengelola Pesisir Kabupaten.

BAB V

PENGELOLAAN SUMBERDAYA WILAYAH PESISIR TERPADU BERBASIS MASYARAKAT DI KABUPATEN MINAHASA

Pasal 13

- (1) Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat meliputi:
 - a. Pembuatan Rencana Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat;
 - b. Pembuatan Daerah Perlindungan Laut Berbasis Masyarakat;
 - c. Pembuatan Rencana Tata Ruang Pesisir Kabupaten;
 - d. Perlindungan, pengakuan serta persetujuan atas pengelolaan yang dilakukan secara tradisional yang sudah ada tentang pemanfaatan sumberdaya wilayah pesisir;
 - e. Pengakuan hak masyarakat lokal untuk memanfaatkan sumberdaya wilayah pesisir dalam lingkungan hak ulayat mereka berdasarkan hukum dan kebiasaan tradisional;
 - f. Penyelenggaraan pendidikan dan pelatihan lingkungan secara formal maupun informal;
- (2) Hal-hal pada ayat (1) butir (a) sampai butir (d) di atas, serta hal-hal yang berhubungan dengan pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat yang belum di atur dalam Peraturan Daerah ini, untuk tingkat desa dituangkan dalam Peraturan Desa.
- (3) Pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat dilaksanakan melalui partisipasi masyarakat yaitu keterlibatan masyarakat dalam semua tahapan perencanaan dan pengambilan keputusan, pemantauan dan evaluasi, dan pertanggung- jawaban atas pelaksanaan pengelolaan.
- (4) Partisipasi masyarakat meliputi:
 - a. Mengidentifikasi isu, masalah dan potensi;
 - b. Menyusun dan meninjau usulan kegiatan, program dan rencana;
 - c. Memberikan masukan terhadap usulan kegiatan sesuai waktu yang cukup dan disediakan untuk itu;
 - d. Menghadiri pertemuan dan konsultasi yang dihadiri oleh mayoritas masyarakat yang diundang dalam pertemuan dan konsultasi;
 - e. Memberikan persetujuan dan atau penolakan terhadap usulan kegiatan berdasarkan masukan masyarakat dan alasannya;
 - f. Menyusun kegiatan, program dan rencana pelaksanaan program;
 - g. Menyetujui atau menolak kegiatan, program dan rencana pelaksanaan program;

Article 12

- (1) *Associated technical institutions have a duty to give assessments and opinions about each proposed activity in the coastal area*
- (2) *Assessments and opinions, as mentioned in section (1), must be delivered, in writing, to the District Coastal Management Board.*

CHAPTER V

COMMUNITY-BASED INTEGRATED COASTAL AREA MANAGEMENT IN DISTRICT MINAHASA

Article 13

- (1) *Community-Based Integrated Coastal Area Management in District Minahasa is comprised of:*
 - a. *Development of a Community-Based Integrated Coastal Area Management Plan;*
 - b. *Development of Community-Based Marine Protected Areas;*
 - c. *Development of Coastal Spatial Plan for the District;*
 - d. *Protection, acknowledgement along with agreement of management that is implemented with existing traditions for use of coastal resources;*
 - e. *Acknowledgement of local community's rights to use coastal resources existing within their traditional environment, based on law and traditions;*
 - f. *Organize formal and informal environmental education and training;*
- (2) *Items in section (1) (a) to (d) above, in addition to other issues related to community-based coastal resource management not included in this regulation, are intended for village-level regulation.*
- (3) *Community-Based Integrated Coastal Management is implemented through community participation in all phases of planning and development decisions, monitoring and evaluation, and implementation.*
- (4) *Community participation includes:*
 - a. *Identifying issues, problems and opportunities;*
 - b. *Identifying and review proposed activities, programs and plans;*
 - c. *Giving inputs about proposed activities in a timely manner and responding to it;*
 - d. *Attending meetings and consultations that are attended by a majority of the community that is invited for meeting and consultation;*
 - e. *Giving agreement and or rejection concerning proposed activities based on community input and reasoning;*
 - f. *Arranging activities, programs and plan implementing programs;*
 - g. *Giving agreement or rejection to actions, programs and planned implementing program;*

h. Turut serta dalam pelaksanaan program sepanjang hal tersebut merupakan bagian yang dilaksanakan oleh masyarakat.

BAB VI

RENCANA PENGELOLAAN DI DESA

Pasal 14

- (1) Perencanaan pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat di desa, dilaksanakan berdasarkan prinsip, tujuan, manfaat dan prioritas yang telah ditetapkan dalam Bab III, pasal 4, 5, 6 dan 7 Peraturan Daerah ini.
- (2) Komponen perencanaan pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat di desa meliputi :
 - a. Konservasi sumberdaya lingkungan;
 - b. Pengembangan kapasitas masyarakat melalui pelatihan dan pendidikan lingkungan hidup;
 - c. Pengakuan hak-hak masyarakat lokal terhadap akses dan sumberdaya wilayah pesisir;
 - d. Penguatan kelembagaan desa;
 - e. Program pengembangan ekonomi masyarakat lokal secara berkelanjutan;
 - f. Program rehabilitasi sumber daya alam pesisir.
- (3) Tahapan perencanaan wilayah pesisir desa meliputi:
 - a. Identifikasi isu dan potensi;
 - b. Pembuatan perencanaan;
 - c. Persetujuan perencanaan dan pendanaan;
 - d. Pelaksanaan program;
 - e. Monitoring dan evaluasi.
- (4) Tahap perencanaan dilaksanakan melalui proses:
 - a. Pembuatan rencana oleh kelompok dalam desa;
 - b. Menyerahkan rencana kelompok kepada Hukum Tua desa tetangga untuk memperoleh masukan;
 - c. Pelibatan masyarakat secara aktif;
 - d. Melakukan perbaikan, jika diperlukan oleh kelompok yang dibentuk untuk itu;
 - e. Pemberian persetujuan oleh Hukum Tua.

Pasa1 15

- (1) Untuk melaksanakan perencanaan pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat di desa, maka desa dapat membentuk Kelompok Pengelola Pesisir Desa;
- (2) Kelompok Pengelola Pesisir Desa dibentuk oleh masyarakat desa melalui Rapat Musyawarah Desa dengan persetujuan Badan Perwakilan Desa dan ditetapkan melalui Surat Keputusan Hukum Tua;
- (3) Tugas dan tanggung jawab Kelompok Pengelola Pesisir Desa antara lain :
 - a. Melakukan koordinasi dengan Pemerintah Desa,

h. Assisting in implementing the above-mentioned items that are done by the community.

CHAPTER VI

MANAGEMENT PLANNING AT VILLAGE LEVEL

Article 14

- (1) *Planning authority for community-based integrated coastal area management is implemented based on principles, duties, benefits and priorities that have been determined in Chapter III, Articles 4,5,6 in this Regulation.*
- (2) *Components of community-based integrated coastal area planning include:*
 - a. *Conservation of natural environment;*
 - b. *Development of community capacity through training and education on the living environment;*
 - c. *Acknowledgement of local community law concerning access and coastal resources;*
 - d. *Strengthening village institutions;*
 - e. *Program to develop sustainable economies in local communities;*
 - f. *Program to rehabilitate natural coastal resources;*
- (3) *Planning phases for the coastal area include:*
 - a. *Identification of issues and potential;*
 - b. *Development of plans;*
 - c. *Adoption of plans and funding;*
 - d. *Implementation programs;*
 - e. *Monitoring and evaluation;*
- (4) *Planning phases to be implemented through the following process:*
 - a. *Development of a plan by groups in the villages;*
 - b. *Distribution of the group plan to the legal heads of neighboring villages to obtain input;*
 - c. *Involvement of the community in an active manner;*
 - d. *Make improvements, if needed by a group formed for this;*
 - e. *Approval by the legal village head.*

Article 15

- (1) *For implementing community-based integrated coastal management plan the village will form a Village Coastal Management Group;*
- (2) *Village Coastal Management Group is formed by the village community through a meeting with agreement of the Village Representative Body established through a decision letter of the village head;*
- (3) *Duties and responsibilities of the Village Coastal Management Group among others;*
 - a. *Coordinate with the village government, Village*

- Badan Perwakilan Desa, Pemerintah Kecamatan, dan Badan Pengelola Pesisir Kabupaten;
- b. Membuat rencana pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat;
 - c. Bersama dengan Badan Perwakilan Desa dan Pemerintah Desa menyusun dan merumuskan peraturan-peraturan desa yang berhubungan dengan pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat;
 - d. Membantu pemerintah desa dalam melaksanakan, memantau dan menilai pelaksanaan rencana pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat;
 - e. Melaporkan pelaksanaan pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat kepada masyarakat desa, Badan Perwakilan Desa dan Pemerintah Desa.

- Representative Body, Regency government and District Coastal Management Board;*
- b. Develop a plan for community-based integrated coastal management;*
 - c. Together with the Representative Village Body and village government, organize and arrange village regulations connected with community-based integrated coastal management;*
 - d. Assist the village government in implementing, assist and evaluate plan implementation;*
 - e. Report implementation to the village community, Village Representative Body and Village Government.*

BAB VII

PERATURAN DESA TENTANG PENGELOLAAN SUMBERDAYA WILAYAH PESISIR TERPADU BERBASIS MASYARAKAT

Pasal 16

- (1) Kebijakan tentang pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat di desa dituangkan dalam Peraturan Desa;
- (2) Proses pembuatan Peraturan Desa harus dilaksanakan melalui proses partisipasi masyarakat sebagaimana ditetapkan dalam peraturan daerah yang berlaku;
- (3) Peraturan Desa yang dibuat berisi ketentuan-ketentuan tentang pengelolaan sumberdaya wilayah pesisir yang dilakukan secara terpadu, hal yang diperbolehkan dan dilarang, sanksi dan atau denda, maupun mengenai hal-hal khusus yang menyangkut sumberdaya wilayah pesisir di desa;
- (4) Peraturan Desa ditaati oleh setiap orang termasuk pihak swasta maupun pemerintah yang akan melakukan kegiatan di wilayah pesisir dalam yurisdiksi desa tersebut, sepanjang peraturan desa tidak bertentangan dengan prinsip-prinsip umum yang diakui.

BAB VIII

RENCANA TATA RUANG PESISIR DESA

Pasal 17

- (1) Pemerintah Desa di wilayah pesisir dapat membuat Rencana Tata Ruang Pesisir Desa;
- (2) Prioritas Tata Ruang Pesisir Desa diarahkan kepada kegiatan-kegiatan yang memiliki ketergantungan pemanfaatan pada wilayah pesisir desa.
- (3) Rencana Tata Ruang Pesisir Desa ditetapkan melalui Peraturan Desa.

CHAPTER VII

VILLAGE REGULATIONS CONCERNING COMMUNITY-BASED INTEGRATED COASTAL MANAGEMENT

Article 16

- (1) Policy concerning CBICM is to be entered in the Village Regulations;*
- (2) The process for making village regulations must include public participation as provided in this regulation;*
- (3) Village regulations may contain provisions relating to integrated management of coastal resources, activities that are allowed and prohibited, sanctions and/or fines, and specific items that concern coastal village resources;*
- (4) Village regulations are to be obeyed by every person including private parties and government that do activities in the coastal areas within the village jurisdiction, as long as the village regulation is consistent with the general principles recognized [in this law].*

CHAPTER VIII

VILLAGE COASTAL SPATIAL PLAN

Article 17

- (1) Village governments in the coastal area can develop village coastal spatial plans;*
- (2) Priority within the village coastal spatial plan is to be aimed at activities that have a dependence on coastal area of the village;*
- (3) The village coastal spatial plan is to be established through a village regulation.*

Pasal 18

- (1) Penentuan Rencana Tata Ruang Pesisir Desa ditetapkan melalui proses partisipasi masyarakat dan dapat dibantu oleh instansi pemerintah kabupaten, Lembaga Swadaya Masyarakat, Perguruan Tinggi atau lembaga penelitian;
- (2) Konsep Rencana Tata Ruang Pesisir Desa harus diserahkan oleh Hukum Tua desa yang bersangkutan kepada Hukum Tua desa-desa tetangga dan Badan Pengelola Pesisir Kabupaten untuk memperoleh masukan sebagai perbaikan;
- (3) Perencanaan Tata Ruang Pesisir Desa yang sudah ada sebelum adanya Peraturan Daerah ini masih tetap berlaku;
- (4) Perencanaan Tata Ruang Pesisir Desa untuk peruntukan khusus, harus dipertimbangkan melalui musyawarah desa bersama Badan Pengelola Pesisir Kabupaten;
- (5) Penetapan Tata Ruang Pesisir Desa harus mempertimbangkan batas dan luas wilayah desa.

BAB IX

DAERAH PERLINDUNGAN LAUT

Pasal 19

Untuk menjaga dan melindungi sumberdaya perikanan di perairan laut, setiap desa dapat membuat Daerah Perlindungan Laut berbasis masyarakat, dalam wilayah pesisir dan laut sebagaimana telah ditetapkan dalam peraturan yang berlaku.

Pasal 20

Prinsip pengelolaan Daerah Perlindungan Laut antara lain:

- (1) Harus dilakukan secara terpadu dan Berbasis Masyarakat serta memperhatikan prinsip, manfaat, tujuan dan prioritas yang diatur dalam pasal 4,5,6,dan 7 Peraturan Daerah ini;
- (2) Dilakukan oleh masyarakat desa yang berada di wilayah pesisir;
- (3) Berdasarkan kondisi ekologis wilayah pesisir, maka pembuatan Daerah Perlindungan Laut dapat dilakukan oleh 2 (dua) desa yang berdampingan;
- (4) Wilayah Pesisir yang telah ditetapkan oleh masyarakat sebagai Daerah Perlindungan Laut wajib dilestarikan;
- (5) Perencanaan yang ditetapkan dalam Daerah Perlindungan Laut, merupakan hak masyarakat setempat;
- (6) Pelaksanaan kegiatan dalam Daerah Perlindungan Laut, wajib memperhatikan hal-hal yang berhubungan dengan pelestarian maupun keberlanjutan sumberdaya alam;
- (7) Pemanfaatan Daerah Perlindungan Laut yang ditetapkan oleh masyarakat adalah sebesar-besarnya untuk kepentingan dan kesejahteraan masyarakat setempat;

Article 18

- (1) *Establishment of the village coastal spatial plan is to include a process of public participation and can be helped by Kabupaten government agencies, LSMs, higher institutions or training institutions*
- (2) *The concept village coastal spatial plan must be distributed to legal heads of neighboring villages and to the Kabupaten Coastal Management Body to provide comments for improvement*
- (3) *Village coastal spatial plans that already exist before this regulation remain valid*
- (4) *Coastal Village Spatial Planning for special allocation must be considered through a public meeting with the District Coastal Management Board.*
- (5) *Establishment of the village coastal spatial plan must consider the village boundaries and area.*

CHAPTER IX

MARINE PROTECTED AREA

Article 19

To protect and conserve marine fisheries resources, every village may develop community-based marine protected area as provided in this regulation.

Article 20

Management principles for marine protected areas include, among others:

- (1) *Must be made in an integrated manner and community basis along with consideration of principles, benefits and duties and priorities that are arranged in pasal 4,5,6, and 7 of this regulation;*
- (2) *Done by the village community that exists in the coastal area;*
- (3) *Based on ecological conditions of the coastal area, so production of the marine protected area can be made by two villages side by side*
- (4) *Coastal area that already has already been settled by the community as a marine protected area must be preserved;*
- (5) *Plans that have been settled in a marine protected area constitute community law of the place;*
- (6) *Implementing activities in the marine protected area, duty to consider things that are connected with preservation as well as sustainability of natural resources;*
- (7) *Use of the marine protected area that are settled by the community are very important to the welfare of the community;*

(8) Daerah Perlindungan Laut yang ditetapkan, secara permanen tertutup bagi berbagai kegiatan pengambilan dan perusakan sumberdaya di dalam dan di sekitar Daerah Perlindungan Laut, antara lain seperti penggunaan bahan peledak, segala jenis racun, alat-alat tangkap dengan aliran listrik dan atau baterey/accu.

Pasal 21

Penyelenggaraan dan penetapan Daerah Perlindungan Laut dilakukan melalui langkah-langkah yang melibatkan partisipasi masyarakat desa yaitu :

- (1) Pengenalan masyarakat dan sosialisasi tujuan dan manfaat Daerah Perlindungan Laut;
- (2) Melakukan inventarisasi kasus-kasus lingkungan hidup di desa bersama-sama masyarakat desa, Badan Perwakilan Desa dan atau lembaga lainnya, melalui pertemuan-pertemuan formal dan in-formal;

Pasal 22

Penetapan status Daerah Perlindungan Laut dilakukan melalui proses sebagai berikut :

- (1) Penentuan lokasi Daerah Perlindungan Laut adalah di dalam wilayah pesisir laut dan atau pulau kecil tidak berpenghuni dengan luas minimal 5 (lima) hektar, atau 15 (lima belas) sampai dengan 20 (dua puluh) persen dari luas terumbu karang, hutan bakau dan habitat lainnya dalam wilayah administrasi satu desa atau lebih;
- (2) Lokasi pesisir laut dan atau pulau kecil yang akan dijadikan Daerah Perlindungan Laut adalah suatu wilayah ekologis laut pada hamparan terumbu karang dengan kondisi tutupan karang setidaknya masih baik yaitu tutupan karangnya dikategorikan baik yang masuk dalam wilayah administratif satu desa atau lebih;
- (3) Lokasi Daerah Perlindungan Laut yang dipilih harus mudah dijangkau dan dapat dimonitor oleh masyarakat secara langsung;
- (4) Kawasan Daerah Perlindungan Laut yang ditetapkan dapat mencakup ekosistem hutan bakau, padang lamun, ratahan, landaian dan kemiringan terumbu; estuary dan habitat penting lainnya, baik secara bersama-sama ataupun sendiri sendiri;
- (5) Pulau atau pulau-pulau kecil yang akan dijadikan Daerah Perlindungan Laut adalah pulau atau gugusan pulau, karang kecil (napo) yang tidak berpenghuni, yang masuk atau terletak dalam wilayah administratif satu desa atau lebih;
- (6) Lokasi Daerah Perlindungan Laut yang berada di dalam 2 (dua) wilayah administrasi desa yang berdampingan, pengelolaannya dilakukan secara bersama-sama melalui suatu kelompok yang dibentuk untuk itu;
- (7) Lokasi Daerah Perlindungan Laut yang telah ditetapkan sebelum ada Peraturan Daerah ini, dinyatakan tetap berlaku sesuai dengan peruntukannya;

(8) *Marine protected area that is established permanently are closed for various activities of taking and damaging resources within and in the area of the marine protected area, among others use of explosives, all types of poisons, tools for catching with electricity and or batteries.*

Article 21

Organization and finalization of the marine protected area is done through steps that involve participation of the community, as follows:

- (1) *Introduction and socialization to the community is one objective and benefit of the marine protected area;*
- (2) *Prepare special inventory of the living environment in the village together with the village community, Village Representative Board, and other institutions through formal and informal meetings;*

Article 22

Establishment of the marine protected area shall be done pursuant to a process that includes:

- (1) *Determination of the location of the Marine Protected Area is to be within coastal waters and/or small islands, occupying an area of five to 15 hectares, with 20 percent or more of the area consisting of coral reef, mangrove and other habitat in the administrative area of a village*
- (2) *The location of the coast and/or island that can be designated as a Marine Protected Area is to be, ecologically, an area occupied by enclosed coral reef with good reef coverage remaining, and administrative area that is located in one or more village;*
- (3) *The location of the marine protected area to be chosen must be easy to reach and be directly monitored by the community;*
- (4) *The area of the marine protected area that is chosen can be enclosed ecosystem consisting of mangrove, seagrass, rattan, slope, estuary, and other important habitat together or individually;*
- (5) *Island or small islands that can become marine protected area have island or groups of islands, small coral that is not inhabited that is included or located in the area of one or more villages*
- (6) *The location of the marine protected area is in two contiguous village administrative areas management is done together through one group formed for this purpose*
- (7) *The locations of marine protected areas that are already established prior to enactment of this regulation remain in force and effect;*

- (8) Peralihan status Daerah Perlindungan Laut, akibat kepentingan khusus, harus dimusyawarahkan bersama oleh masyarakat, Kelompok Pengelola Pesisir Desa, dan Pemerintah Desa, kemudian melaporkan kepada Bupati melalui Badan Pengelola Pesisir Kabupaten;
- (9) Daerah Perlindungan Laut ditetapkan melalui Peraturan Desa.

- (8) *Modifying the status of a marine protected area or special importance, must be discussed together by the community, Coastal Village Group, village government, and then report to the Regent through the District Coastal Management Board;*
- (9) *The marine protected area is to be finalized through a village regulation.*

BAB X

CHAPTER X

HAK TRADISIONAL, HAK ULAYAT SERTA PEMANFAATAN PESISIR SECARA NYATA DARI, OLEH DAN UNTUK MASYARAKAT

TRADITIONAL LAW, TRADITIONAL RIGHTS, AND THE BENEFITS OF COASTAL RESOURCES FROM, BY AND FOR THE PEOPLE

Pasal 23

Article 23

Sistem pengelolaan sumberdaya wilayah pesisir dalam lingkup ulayat masyarakat lokal harus diberitahukan dan dilaporkan secara tertulis oleh Pemerintah Desa kepada Bupati melalui Badan Pengelola Pesisir Kabupaten.

Management system for coastal resources in the local community area must be disclosed and reported in writing by the village government with the Regent through the District Coastal Management Board

Pasal 24

Article 24

- (1) Pemerintah daerah mengakui hak-hak masyarakat lokal, perorangan maupun kolektif, atas usaha-usaha atau kegiatan budidaya, sistem penangkapan maupun cara penangkapan ikan serta pemungutan hasil laut lainnya, yang secara nyata telah menjadi praktek yang berlangsung luas dan lama, dan dilakukan dengan tidak merusak lingkungan serta memelihara keberlanjutan lingkungan pesisir.
- (2) Pemerintah desa berkewajiban menginventarisir dan melaporkan dalam bentuk tertulis semua data kegiatan masyarakat tersebut pada Pasal 23 di atas kepada Bupati melalui Badan Pengelola Pesisir Kabupaten;
- (3) Masyarakat lokal berhak untuk mengetahui dan memberi persetujuan atas setiap usaha atau kegiatan yang akan dilakukan pihak lain sebelum pemberian izin oleh pemerintah daerah.

- (1) *Regional government guarantees local community law, individually and collectively, for efforts or activities of their culture, fishing systems and collection of other ocean products that obviously already are practiced broadly and historically and are made without damaging the environment along with care and sustaining the coastal environment;*
- (2) *Village government has a duty to inventory and report in writing all community activities in Pasal 23 above to the Regent through the District Coastal Management Board;*
- (3) *The local community has a right to know and agree to every effort or activity that is done by others before they are given permission by the regional government.*

Pasal 25

Article 25

Proses pengakuan praktek-praktek dan kebiasaan-kebiasaan tradisional dalam pemanfaatan sumberdaya wilayah pesisir adalah sebagai berikut:

The acknowledgement of practices and usual traditions in the use of coastal resources are as follows:

- (1) Pemuka-pemuka adat dari kelompok masyarakat lokal mengumpulkan dan menyajikan bukti kepada Pemerintah Daerah melalui Badan Pengelola Pesisir Kabupaten bahwa masyarakat senantiasa menjalankan praktek-praktek tersebut secara teratur dan turun-temurun;
- (2) Pemerintah Daerah bekerjasama dengan Badan Pengelola Pesisir Kabupaten, melakukan peninjauan atas bukti ini untuk menyusun rancangan keputusan;
- (3) Bupati menetapkan keputusan, setelah melalui proses partisipasi masyarakat atas rancangan keputusan dimaksud diatas;

- (1) *Traditional local community leaders meet and provide evidence to the regional government through the District Coastal Management Board that the community has followed such practices in a systematic manner from generation to generation;*
- (2) *Regional government works together with the District Coastal Management Board to study the proof to arrange program decision making;*
- (3) *The Regent finalizes decision through a participative community process for program decisions as provided above;*

(4) Praktek-praktek dan kebiasaan-kebiasaan tradisional harus diberlakukan sesuai dengan prinsip-prinsip Peraturan Daerah ini.

(4) Practices and usual traditions must be done in accordance with the principles of this Regional Regulation.

BAB XI

CHAPTER XI

PENDIDIKAN LINGKUNGAN HIDUP PENGELOLAAN SUMBERDAYA WILAYAH PESISIR

EDUCATION ON ENVIRONMENT AND MANAGEMENT OF COASTAL RESOURCES

Pasal 26

Article 26

Masyarakat berhak memperoleh pendidikan lingkungan hidup mengenai tujuan dan manfaat sumberdaya wilayah pesisir bagi kesejahteraan masyarakat lokal masa kini dan masa mendatang, maupun bagi keberlanjutan lingkungan hidup.

The community has a right to to environmental education concerning the objectives and uses of coastal resources for welfare of the local community now and in the future, as well as sustainability of living environment.

Pasal 27

Article 27

Tujuan Pendidikan Lingkungan Hidup Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat adalah :

The objectives for environmental education about coastal community-based management are:

- (1) Untuk meningkatkan kapasitas sumberdaya manusia di wilayah pesisir secara terpadu, menyeluruh dan berkelanjutan;
- (2) Untuk meningkatkan partisipasi masyarakat yang tinggal di wilayah pesisir dalam hal pemanfaatan, pemeliharaan, pengawasan, dan pengamanan;
- (3) Untuk meningkatkan kesadaran masyarakat di wilayah pesisir sehingga sumberdaya wilayah pesisir dapat dimanfaatkan secara berkelanjutan guna menjamin kebutuhan generasi masa mendatang.

- (1) To raise capacity of human resources in the coastal area in an integrated manner, comprehensively and sustainability;*
- (2) To raise participation of coastal community in use, care, oversight and security;*
- (3) To raise awareness of coastal communities with the result that coastal resources can be used in a sustainable manner for coming generations.*

Pasal 28

Article 28

Manfaat Pendidikan Lingkungan Hidup dalam Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat adalah :

The benefits of education about the living environment in community-based integrated coastal resource management consists of:

- (1) Terpeliharanya sumberdaya dan lingkungan wilayah pesisir;
- (2) Meningkatnya ketrampilan masyarakat dalam mengelola, memanfaatkan maupun memelihara sumberdaya wilayah pesisir;
- (3) Meningkatnya hak dan tanggung jawab masyarakat dalam pemanfaatan dan pemeliharaan sumberdaya wilayah pesisir bagi kepentingan bersama baik di masa kini maupun di masa mendatang.

- (1) Caring for coastal resources and the environment;*
- (2) Raising community skills in management, use and care of coastal resources;*
- (3) Improving law and community responsibility in the use and care for coastal resources for now and the future.*

Pasal 29

Article 29

Kegiatan-kegiatan yang digunakan dalam Pendidikan Lingkungan Hidup untuk Pengelolaan Sumberdaya Wilayah Pesisir Terpadu Berbasis Masyarakat adalah:

Activities that are done in education about living environment for community-based integrated coastal resource management are:

- (1) Peningkatan kapasitas pemerintah dan masyarakat desa;
- (2) Peningkatan pengetahuan bagi guru-guru Taman Kanak-kanak, Sekolah Dasar, Sekolah Lanjutan Tingkat Pertama dan sederajat, Sekolah Menengah Umum/kejuruan dan sederajat melalui pendidikan formal yang berjenjang, dan pendidikan non-formal serta program lainnya;

- (1) Raising capacity of government and village community;*
- (2) Raising awareness of teachers of primary, secondary and vocational schools through formal and informal education, as well as all other programs;*

- (3) Pengembangan kurikulum muatan lokal, ekstra-kurikuler di sekolah-sekolah;
- (4) Penyuluhan, pelatihan, seminar, diskusi, lokakarya, maupun studi banding;
- (5) Melakukan penyebaran informasi melalui poster, brosur, surat kabar, tabloid, majalah, radio dan televisi maupun media lainnya.

Pasal 30

- (1) Penyelenggara pendidikan, penelitian, dan pelatihan secara formal maupun non-formal kepada siswa-siswa di sekolah-sekolah, melalui penyuluhan, pelatihan, lokakarya dilaksanakan oleh lembaga atau badan yang ditunjuk melalui keputusan Bupati, setelah memperoleh masukan dari Badan Pengelola Pesisir Kabupaten;
- (2) Keikutsertaan pihak-pihak tersebut di atas pada ayat (1), dilakukan melalui bentuk pembuatan kurikulum bermuatan lokal, atau melalui kegiatan ekstra kurikuler di sekolah-sekolah;
- (3) Penyelenggaraan program Pendidikan Lingkungan Hidup Terpadu Berbasis Masyarakat di desa, dilaksanakan dengan bantuan pendamping masyarakat.

BAB XII

WEWENANG DAN TANGGUNG JAWAB PENGELOLAAN SUMBERDAYA WILAYAH PESISIR

Pasal 31

Wewenang dan tanggung jawab Pemerintah Kabupaten dalam pengelolaan sumber daya pesisir terpadu berbasis masyarakat adalah:

- (1) Bertanggung-jawab dalam kegiatan-kegiatan yang diatur dalam Peraturan Daerah ini, dalam menyusun rencana-rencana, rencana tata ruang, koordinasi di antara berbagai institusi, menyetujui, memonitor serta mendorong berbagai kegiatan;
- (2) Mengidentifikasi wilayah-wilayah tertentu di dalam wilayah pesisir yang memiliki kepentingan nasional atau kepentingan Pemerintah Kabupaten, yang akan dikelola secara khusus oleh Pemerintah Kabupaten dengan persetujuan masyarakat lokal dan diterapkan melalui keterlibatan atau partisipasi masyarakat;
- (3) Menyetujui dan menjalankan ketetapan-ketetapan atau keputusan-keputusan yang dibuat oleh 2 (dua) Kecamatan, atau lebih;
- (4) Dalam penyelenggaraan pengelolaan, melakukan koordinasi dengan kabupaten atau kota lainnya dan atau provinsi;
- (5) Menyediakan bantuan teknis, pelayanan dan pendanaan ke tingkat kecamatan dan desa-desa;
- (6) Mengajukan permintaan bantuan teknis dan pendanaan untuk pengelolaan pesisir kepada pemerintah provinsi dan atau pemerintah pusat.

- (3) *Developing locally-focused curriculum and extra-curricular activities at schools;*
- (4) *Information, training, seminars, discussions, groups and study groups;*
- (5) *Distribute information through posters, brochure, newsletter, newspaper, radio, TV and other media.*

Article 30

- (1) *Organizers of education, training and research in a formal and informal manner to school students through information, training, groups implemented through institutions or bodies that are identified through decisions of the Regent and which already have input from the District Coastal Management Board;*
- (2) *Participation in the above activities is done through local curriculum or through extra-curricular activities at schools;*
- (3) *Organization of the education on integrated community-based coastal resources management is done in association with the community.*

CHAPTER XII

AUTHORITY AND RESPONSIBILITY FOR MANAGEMENT OF COASTAL RESOURCES

Article 31

Authority and responsibility of the District government in management of community based integrated coastal management are:

- (1) *Maintaining responsibility for activities that are called for in this regulation, in plans, spatial plans, coordination among various institutions, agreements, monitoring along with encouraging the various activities;*
- (2) *Identifying specific areas in the coastal areas that have primary importance to the nation or regional government that can be managed as special areas by the regional government with agreement of the local community and arranged through involvement or community participation;*
- (3) *Agreeing and proceeding with agreements or decisions that are made by two or more Kecamatan;*
- (4) *In operations of management, coordinating with other districts, cities or the province;*
- (5) *Providing technical assistance, help and funding to the Kecamatan and villages;*
- (6) *Sending requests for technical assistance and funding for coastal management to the provincial government or central government.*

Pasal 32

Wewenang dan tanggung jawab Pemerintah Kecamatan dalam pengelolaan sumber daya wilayah pesisir terpadu berbasis masyarakat adalah :

- (1) Mengkoordinasikan pengelolaan pesisir di antara desa-desa;
- (2) Menyediakan bantuan teknis dan pelayanan bagi desa-desa;
- (3) Mengajukan permintaan bantuan teknis dan keuangan untuk mengelola pesisir dari pemerintah kabupaten.

Pasal 33

Wewenang dan tanggung jawab pemerintah desa dalam pengelolaan wilayah pesisir terpadu berbasis masyarakat adalah :

- (1) Pelaksanaan administrasi desa mengenai program-program pengelolaan wilayah pesisir terpadu berbasis masyarakat dengan memperhatikan rencana tata ruang kabupaten;
- (2) Bertanggung jawab membuat dan melaksanakan rencana pengelolaan sumberdaya wilayah pesisir desa sebagaimana diatur dalam Peraturan Daerah ini.

BAB XIII

PERJANJIAN DAN JAMINAN LINGKUNGAN

Pasal 34

Pengelolaan Sumberdaya Wilayah Pesisir yang dilakukan oleh pihak lain selain masyarakat setempat harus memiliki :

- (1) Perjanjian tertulis yang dilakukan di hadapan Notaris antara pihak pemohon dengan masyarakat setempat melalui Hukum Tua dan Badan Perwakilan Desa serta Kelompok Pengelola Pesisir Desa setelah memperoleh persetujuan dari masyarakat desa yang bersangkutan;
- (2) Jaminan lingkungan dapat berupa deposito, dan atau bank garansi, dan atau jaminan pribadi sebagai jaminan kelestarian dan pemulihan lingkungan;
- (3) Prosedur perjanjian dan jaminan lingkungan untuk pengelolaan di wilayah pesisir mengikuti ketentuan dan pedoman yang dikeluarkan oleh Pemerintah Daerah bersama Badan Pengelola Pesisir Kabupaten.
- (4) Pedoman mengenai perjanjian, dan jaminan lingkungan akan diatur lebih lanjut melalui Surat Keputusan Bupati

BAB XIV

PENDANAAN

Pasal 35

- (1) Pemerintah Kabupaten akan mengalokasi dana untuk melaksanakan Peraturan Daerah ini, di dalam Anggaran Pendapatan dan Belanja Daerah (APBD)

Article 32

Authority and responsibility of the Sub-district government in community-based integrated coastal management are:

- (1) *Coordinating management of the coast among villages;*
- (2) *Providing technical assistance and help to villages;*
- (3) *Sending requests for technical assistance and finances for coastal management from the District government.*

Article 33

Authority and responsibility of village government in community-based integrated coastal management are:

- (1) *Administering and implementing village programs for integrated community-based management of coastal resources with consideration of spatial plans of the District;*
- (2) *Maintaining responsibility to make and implement a plan for management of village coastal resources in accordance with this regulation.*

CHAPTER XIII

AGREEMENTS AND ENVIRONMENTAL SECURITY

Article 34

Management of coastal resources that is performed by stakeholders other than the community must possess:

- (1) *A written agreement made in presence of a Notary among the stakeholder requesting business with the local community, through the Village Head and Village Representative Board, along with Village Coastal Management Group, after there has been agreement of the affected community;*
- (2) *Environmental performance bonds can take the form of deposits or bank guarantee and also private security such as preservation security and restoration of the environment;*
- (3) *Procedure for agreements and environmental performance bonds for management of coastal area shall follow stipulations and guidelines that are established by the District together with the Kabupaten Coastal Management Board;*
- (4) *Guidelines concerning agreements and environmental security can be provided in more detail by a decision letter of the Regent.*

CHAPTER XIV

FINANCING

Article 35

- (1) *The District government shall allocate funding for implementation of this regulation in the regional budget every year, and villages can prepare contri-*

setiap tahun, dan desa-desa menyiapkan kontribusi berupa uang, material/benda dan atau tenaga kerja;

- (2) Dana yang dibutuhkan untuk membiayai kegiatan pengelolaan sumber daya wilayah pesisir dapat diperoleh dari pungutan-pungutan atas berbagai komunitas lainnya sesuai dengan peraturan yang berlaku;
- (3) Dana yang dialokasikan untuk pelatihan, pengembangan kapasitas masyarakat, bantuan teknis, publikasi dan monitoring serta koordinasi program dialokasikan kepada desa-desa yang telah mempunyai program-program dan dilengkapi dengan rencana kegiatannya;
- (4) Sebagai tambahan atas bantuan keuangan yang diterima dari Pemerintah Kabupaten, desa-desa memiliki kebebasan untuk memperoleh dana dari masyarakat atau pihak-pihak lain sesuai kesepakatan bersama dan tidak bertentangan dengan peraturan yang berlaku;
- (5) Dana-dana yang diperlukan untuk menjalankan program pengelolaan sumber daya pesisir terpadu berbasis masyarakat ditetapkan sesuai dengan kebutuhan desa dan berdasar keputusan Rencana Pembangunan Tahunan Desa (RPTD) yang ditetapkan dalam Rapat Koordinasi Pembangunan (Rakorbang) atau sejenisnya, sebagai tambahan atas dana-dana yang dipungut oleh desa dari para donatur, pendapatan asli desa, dan atau dari pihak-pihak lain yang tidak mengikat;
- (6) Kegiatan-kegiatan yang dilakukan oleh Badan Pengelola Pesisir dibiayai melalui anggaran dari Pemerintah Kabupaten Minahasa dan atau dana lain yang tidak bertentangan dengan peraturan yang berlaku.

BABXV

PENGAWASAN DAN EVALUASI

Pasal 36

- (1) Pengawasan dan evaluasi dilakukan oleh Pemerintah Kabupaten dan Badan Pengelola Pesisir Kabupaten sekurang-kurangnya sekali setahun;
- (2) Pemeriksaan pelaksanaan program dan pendanaan dilakukan sesuai dengan peraturan yang berlaku;
- (3) Masyarakat mempunyai hak untuk meninjau hasil program dan aktivitas pengawasan yang berhubungan dengan pengelolaan sumberdaya wilayah pesisir terpadu berbasis masyarakat di desa.

butions in the form of money, material or labor;

- (2) Funding that is needed for financing management activities for coastal resources can be derived from taxes from the various communities in accordance with existing regulations;*
- (3) Funding that is allocated for studies, developing community capacity, technical assistance, publication and monitoring along with program coordination is to be allocated to villages that already have programs and that have completed a work plan;*
- (4) In addition to financial assistance that is received from the Kabupaten government, villages are free to get funding from the community or others in accordance with agreements that are not in conflict with existing regulations;*
- (5) Funding that is needed to implement community-based integrated coastal management programs appropriate to village needs based on the Annual Development Plan that is enacted in the Development Coordination Meeting or the like in addition to funding that is adopted by the village from donors, income in the villages and/or from others;*
- (6) Activities that are done by the Coastal Management Board are financed through the budget from the Government of Minahasa District and or other funding that is not in conflict with established regulations.*

CHAPTER XV

SUPERVISION AND EVALUATION

Article 36

- (1) Oversight and evaluation is done by the Kabupaten government and Coastal Management Board at least once each year;*
- (2) Evaluation of program implementation and funding is done appropriate with established regulations;*
- (3) The community has the right for observing program results and oversees activities in connection with the integrated community-based coastal resources management activities conducted at village level.*

BAB XVI

PENYELESAIAN SENGKETA

Pasal 37

- (1) Sengketa yang terjadi dalam pengelolaan di wilayah pesisir akan diselesaikan melalui musyawarah mufakat antara para pihak, sepanjang tidak menyangkut perkara pidana;
- (2) Apabila tidak terjadi musyawarah mufakat dalam sengketa yang dimaksud dalam ayat 1 (satu) di atas, maka para pihak dapat meminta penyelesaiannya di luar pengadilan, melalui badan yang dibentuk untuk itu, boleh dilakukan dengan melibatkan atau tidak melibatkan pihak pemerintah;
- (3) Dalam hal terjadi kerusakan lingkungan akibat kegiatan usaha yang bersifat bisnis, maka masyarakat yang terkena dampak kegiatan yang merugikan lingkungan tersebut, dapat mengajukan gugatan secara "class action" terhadap pelaku usaha.

Pasal 38

Apabila terjadi konflik pemanfaatan wilayah pesisir dan laut antara 2 (dua) desa yang saling berdekatan, diselesaikan secara musyawarah mufakat antar desa yang difasilitasi oleh pihak ketiga yang berwenang untuk itu.

BAB XVII

KETENTUAN SANKSI

Pasal 39

- (1) Setiap orang atau badan hukum dalam yuridiksi Kabupaten Minahasa harus mentaati setiap hukum maupun peraturan yang berlaku, yang ditetapkan oleh pemerintah;
- (2) Setiap orang atau badan hukum yang melakukan pelanggaran dan atau kejahatan terhadap lingkungan hidup dalam yuridiksi Kabupaten Minahasa berlaku ketentuan sanksi yang ditetapkan dalam peraturan perundang-undangan yang berlaku;
- (3) Peraturan Desa dapat memberlakukan ketentuan dan tindakan yang lebih ketat sepanjang tidak bertentangan dengan peraturan perundang-undangan yang berlaku;
- (4) Pemerintah daerah mengakui sanksi terhadap semua pelanggaran yang ditetapkan dalam peraturan desa sepanjang peraturan desa tersebut tidak bertentangan dengan peraturan perundang-undangan yang berlaku;

CHAPTER XVI

SETTLEMENT OF DISPUTES

Article 37

- (1) *Disputes that arise in coastal management can be resolved through a meeting among the parties, provided that the dispute does not involve criminal action;*
- (2) *If there is no meeting mentioned in subsection (1) above, then the parties can request settlement from an outside court through a body formed for this purpose, with or without involvement of the government;*
- (3) *In matters of resource damage resulting from general business activities, the community that is affected by the activity that caused the environmental damage may file a class action suit on the subject.*

Article 38

Whenever there is a conflict regarding the use of coastal resources among two adjacent villages, it can be settled through an assembly among the villages that is facilitated by a third party that is established for that purpose.

CHAPTER XVII

PROVISIONS ON SANCTIONS

Article 39

- (1) *Each person or legal body within the jurisdiction of Kabupaten Minahasa must adhere to every law or regulation made that is settled by the government;*
- (2) *Every person or legal body that commits a violation and or felony regarding living resources in the jurisdiction of Kabupaten Minahasa shall be subject to sanctions that are established in regulations and laws;*
- (3) *Village regulations can establish provisions and penalties that are more severe as long as they are not in conflict with existing laws and regulations;*
- (4) *The regional government shall recognize any sanctions facing all violations that is enacted in village regulations as long as the village regulations do not conflict with existing laws and regulations;*

(5) Badan Pengelola Pesisir Kabupaten berwenang membantu melakukan penyelidikan perkara yang berhubungan dengan Peraturan Daerah ini.

(5) The Regional Coastal Management Body has authority to help investigate cases that are connected with this regulation.

BAB XVIII

CHAPTER XVIII

KETENTUAN PENUTUP

CLOSING PROVISIONS

Pasal 40

Article 40

(1) Hal-hal yang belum cukup diatur dalam Peraturan Daerah ini sepanjang mengenai pelaksanaannya akan diatur melalui Surat Keputusan Bupati;

(1) All other matters to which this Regional Regulation is silent, so far as concerning the implementation of this Regional Regulation, will be provided in the Regent Decree.

(2) Peraturan Daerah ini mulai berlaku pada tanggal diundangkan;

(2) This Regional Regulation commences to take effect on the date of its promulgation.

(3) Agar setiap orang mengetahuinya, memerintahkan pengundangan Peraturan Daerah ini dengan penempatannya dalam Lembaran Daerah Kabupaten Minahasa.

(3) In order for every one to take cognizance of this Regional Regulation, it is hereby instructed that this Regional Regulation is promulgated in the Regional Gazette of Kabupaten Minahasa.

Pada : Hari Rabu, tanggal 26 Juni 2002
Ditetapkan di Tondano
BUPATI MINAHASA
D. TANOR
Diundangkan di Tondano
Pada tanggal 1 Juli 2002

*On: Wednesday, 26th June 2002
Stipulated in Tondano
REGENT OF MINAHASA
D. TANOR
Promulgated in Tondano
On 1st July 2002*

PLH, SEKRETARIS DAERAH KABUPATEN MINAHASA

DAY-TO-DAY CARETAKER, SECRETARY OF KABUPATEN MINAHASA ADMINISTRATION

HERMANUS TATAREDA
LEMBARAN DAERAH KABUPATEN MINAHASA

*HERMANUS TATAREDA
REGIONAL GAZETTE OF KABUPATEN MINAHASA*

NOMOR 5 TAHUN 2002
PENJELASAN
ATAS
PERATURAN DAERAH KABUPATEN MINAHASA

*NUMBER 5 OF 2002
ELUCIDATION
OF
REGIONAL REGULATION OF KABUPATEN MINAHASA*

NOMOR 2 TAHUN 2002
TENTANG
PENGELOLAAN SUMBERDAYA WILAYAH PESISIR TERPADU
BERBASIS MASYARAKAT DI KABUPATEN MINAHASA.

*NUMBER 2 OF 2002
ON
INTEGRATED COMMUNITY-BASED MANAGEMENT OF COASTAL RESOURCES
IN KABUPATEN MINAHASA*

I. Umum.

I. General

1. Sumberdaya wilayah Pesisir secara historis sangat penting bagi Minahasa seperti dari segi budaya, keamanan pangan, pencegahan terhadap bencana alam dan gelombang laut, ekonomi, keanekaragaman biologis, sosial budaya, dan keindahan alamnya. Sumberdaya ini mencakup ikan, yang menyediakan sumber makanan utama; hutan bakau bagi perlindungan pantai terhadap gelombang dan erosi, dan bagi pemanfaatan ekonomi kehutanan; berbagai jenis pohon untuk rempah-rempah dan buah-buahan, menyediakan sumberdaya ekonomi utama untuk perdagangan; mineral yang diambil seperti emas; dan terumbu karang yang mendukung industri pariwisata yang

1. Historically, coastal resources have always been very essential for Minahasa, in terms of its culture, food security, prevention against natural disasters and high tide, economy, bio-diversity, social and culture and the beauty of its landscape. These resources include fish, which accounts for the primary food resource; mangrove which provides protection against surfs and erosion, and economic benefits from forestry; various species of plants which produce spices and fruits, providing the major commodities for trade; minerals such as gold; and coral reefs, the attraction of which support the growing tourism industry, support the ecosystem and fish breeding. Coastal resources have helped

sedang berkembang, selain mendukung ekosistem juga bergantungnya upaya-upaya perikanan. Sumberdaya wilayah pesisir telah membentuk budaya tradisional masyarakat selama berabad-abad, sehingga habitat pesisir di Minahasa merupakan tempat yang kaya berdiannya keanekaragaman biologis unik yang tidak hanya bagi Indonesia tetapi juga seluruh dunia.

formed culture and tradition of the population for centuries, and the coastal areas of Minahasa have been the habitat for bio-diversities which are unique not only for Indonesia but also the world over.

2. Sumberdaya pesisir di Minahasa telah mengalami berbagai ancaman yang semakin besar dan beraneka ragam, seperti pertumbuhan penduduk, dampak negatif pembangunan, peningkatan sampah anorganik dan organik, semakin besarnya tekanan pada perikanan di daerah, disamping itu terjadi pula peningkatan kegiatan-kegiatan ilegal dalam industri perikanan dan pertambangan. Krisis ekonomi telah meningkatkan tekanan lebih besar pada pembangunan ekonomi sehingga mengabaikan konservasi lingkungan. Peningkatan konsumsi, pemanfaatan yang berlebihan dan degradasi sumberdaya wilayah pesisir semakin menurunkan nilai dan keberadaan sumberdaya pesisir sehingga mengancam potensi ekonomi, sosial budaya, alam serta kesejahteraan masyarakat di Minahasa.
2. *Minahasa's coastal resources have been subjected to various and growing number of threats, such as population growth, adverse impacts of developments, increased quantity of organic and inorganic wastes, increasing pressure from fishing activities in the area, in addition to increasing number of illegal fishing and mining activities. The economic crisis has put more pressure on economic development such that conservation has been neglected. Increased consumption, over exploitation, and degradation of coastal resources have reduced existence and value of coastal resources, thus posing threats to economic potential, social and culture, environment and welfare of the Minahasans.*
3. Melihat pentingnya sumberdaya pesisir dan kebutuhan untuk mengelola dan melindungi sumberdaya ini lebih baik bagi masa depan, maka dibutuhkan suatu tindakan penanggulangan secepatnya. penyusunan dan pemberlakuan peraturan daerah pengelolaan sumberdaya pesisir yang spesifik, merupakan langkah awal untuk menciptakan kerangka kerja bagi pengelolaan sumberdaya wilayah pesisir secara terpadu di Minahasa. Kerangka kerja ini untuk mengembangkan visi, agenda, prinsip dan tujuan bagi pengelolaan sumberdaya wilayah pesisir secara terpadu di Minahasa. Peraturan Daerah bermaksud mengembangkan suatu kelembagaan dan proses administratif untuk mengambil keputusan pengelolaan dimasa datang. Dengan demikian Peraturan Daerah ini lebih terfokus pada proses dan kelembagaan dan bukan pada aturan dan sanksi. Setelah mekanisme koordinasi, serta proses bagi partisipasi masyarakat, pendanaan dan aturan-aturan dilaksanakan, maka peraturan daerah tambahan menyangkut hal-hal dan kegiatan spesifik yang berhubungan dengan pengelolaan pesisir dapat dikembangkan.
3. *Considering the importance of coastal resources and urgency to the better management and protection of these coastal resources for future benefits, immediate measures must be taken. Putting in place a regional regulation specifically governing the coastal resources will become one important step in creating the framework for integrated management of Minahasa's coastal resources. Such framework serves the base for developing vision, agenda, principles, and objectives of the integrated management of coastal resources in Minahasa. Such Regional Regulation shall help create the institution and administrative processes for future decision making. Thereby, this Regional Regulation will be focusing more on processes and institutions rather than providing rules and imposing sanctions. Following the coordination and public participatory mechanism, there will be funding and implementation of rules, such that more specific regulations relating to coastal management can be developed.*
4. Peraturan Daerah ini konsisten dengan ide-ide dan tujuan-tujuan otonomi daerah yang tertuang dalam Undang-undang Nomor 22 Tahun 1999 dan Undang-undang Nomor +5 Tahun 1999. Undang-undang tersebut telah memberikan kewenangan pada kabupaten untuk mengelola dan mengatur dirinya sendiri, termasuk pemanfaatan dan konservasi sumberdaya alamnya. Peraturan Daerah ini bertujuan untuk memberdayakan masyarakat untuk membangun dan menetapkan program-program pengelolaan sumberdaya pesisir.
4. *This Regional Regulation is consistent with ideas and objectives of decentralization as laid down in Law No. 22 of 1999 and Law No. 25 of 1999. These Laws allows Kabupaten to manage itself, including the exploitation and conservation of its natural resources. This Regional Regulation means to empower the people to develop and create programs for the management of their own coastal resources in accordance with the principles as contemplated in the Regional Regulation – community-based management, capacity building of the people, inte-*

sir mereka, mengikuti prinsip-prinsip peraturan daerah – pengelolaan berbasis masyarakat, penguatan kapasitas masyarakat, keterpaduan kegiatan dan pengambilan kebijakan, kelestarian dan keberlanjutan ekologi, partisipasi masyarakat, pengakuan hak masyarakat tradisional.

5. Sebagian besar masyarakat di wilayah pesisir adalah nelayan yang menggantungkan kehidupannya pada sumberdaya wilayah pesisir khususnya perikanan sebagai sumber pendapatan lainnya. Kesulitan menangkap ikan di perairan pesisir dekat pantai akhir-akhir ini menjadikan masyarakat tersebut harus mencari ikan lebih jauh. Dengan dibuatnya sistem pengelolaan sumberdaya wilayah pesisir terpadu, masyarakat dapat lebih mudah memperoleh ikan di perairan pesisir dekat pantai yang pada gilirannya akan meningkatkan kehidupan mereka.
5. Peraturan Daerah ini juga bertujuan untuk memberikan pengakuan dan kewenangan kepada masyarakat melalui upaya penyusunan kerangka kerja, prosedur, dan prioritas pengelolaan sumberdaya wilayah pesisir di Kabupaten Minahasa, sehingga Peraturan Daerah ini memberikan penguatan kepada masyarakat dalam pengelolaan sumberdaya wilayah pesisir melalui pendidikan, latihan dan pelayanan kepada masyarakat. Oleh karena itu prioritas dan kerangka kerja yang dilaksanakan oleh pemerintah daerah secara bersama-sama dengan masyarakat akan tercapai kesejahteraan bagi seluruh rakyat di Minahasa.

II. Pasal demi pasal :

BAB I

Pasal 1

Angka 1 sampai dengan 19 Cukup jelas

Angka 20

Dalam pengelolaan berbasis masyarakat semua pihak mempunyai peran masing-masing sesuai dengan kemampuan dan fungsinya, yaitu masyarakat berpartisipasi dalam perencanaan, pelaksanaan dan evaluasi, sedangkan pemerintah setempat memberikan bantuan teknis, dana dan dukungan kebijakan dalam semua tahap pengelolaan, dan pihak terkait lainnya seperti swasta, perguruan tinggi, lembaga formal dan informal lainnya juga berpartisipasi dalam setiap langkah pengelolaan serta memberikan kontribusi dana dan bantuan teknis dalam pengelolaan.

Angka 21

Partisipasi masyarakat merupakan keterlibatan dan peran serta masyarakat secara spontan dalam semua tahapan mulai dari perencanaan, pengambilan keputusan, pemantauan, evaluasi, dan pertanggung jawaban atas pelaksanaan pengelolaan pesisir.

Angka 22 sampai dengan 32 Cukup jelas

gration of activities and decision making, conservation and sustainability of the ecology, participation of the public, recognition of traditional rights of the indigenous people.

5. *The majority of coastal population are fishermen who are dependant on coastal resources, particularly fishery, as their source of income. The increasing difficulties of catching fish in coastal areas have forced them to fish farther away. With the integrated community-based management of coastal resources in place, it will be easier for the people to fish in areas close to shore and therefore improve their welfare.*
6. *This Regional Regulation also acknowledges the rights of the people to set out the framework, procedure and priorities in managing coastal resources in Kabupaten Minahasa, such that this Regional Regulation will empower the people in managing their coastal resources through education, training and supports. With such priorities and the cooperation between the regional government and the people, improved welfare of all the Minahasans can be achieved.*

II. Article by Article

CHAPTER I

Article 1

Numbers 1 through to 19 are self explanatory.

Number 20

Under this Integrated Community-Based Management scheme, each party will have their own roles to play in accordance with their respective capacity and functions, such that the public participates in the planning, implementation and evaluation, while the local government may provide technical assistance, funds and policies in all phases of the management, and all other relevant parties such as private parties, universities, formal and informal organizations may also participate in each step of the management and provide contribution of funds and technical assistance to the (coastal resources) management.

Number 21

The participation of the public shall be spontaneous participation in all phases, from the planning, decision making, monitoring, evaluation and accountability for the implementation of coastal resources management.

Numbers 22 through to 32 are self explanatory.

BAB II

Pasal 2

Desa pesisir merupakan desa-desa yang secara administratif memiliki garis pantai.

Pasal 6

Ayat (1)

Kapasitas dan sumberdaya yang dimaksud adalah kemampuan teknis yang dimiliki dan tersedia di daerah. Sumberdaya yang dimaksud adalah sumberdaya manusia dan dana.

Ayat (2)

Wilayah penting seperti pantai, estuary, terumbu karang, hutan bakau, yang masih baik dan belum dirusak. Degradasi yaitu mengurangnya kapasitas wilayah atau habitat dalam menjalankan fungsinya. Perusakan habitat seperti penggunaan bahan peledak di wilayah terumbu karang, penebangan bakau yang tidak memperhatikan kelestarian, penggunaan alat tangkap dan cara penangkapan ikan yang merusak dan tidak mempertimbangkan kelestarian habitat

Ayat (3)

Pemanfaatan ekonomis adalah pemanfaatan sumberdaya untuk pengembangan ekonomi masyarakat seperti budidaya perikanan, pengembangan pariwisata, penambangan, pertanian, transportasi serta usaha ekonomis lainnya. Cara-cara keilmuan yang benar adalah cara-cara yang sesuai dengan kaedah ilmu pengetahuan. Adil secara ekonomis adalah bahwa keuntungan ekonomi yang diperoleh dalam pemanfaatan sumberdaya wilayah pesisir memberikan manfaat yang besar bagi masyarakat.

Ayat (4)

Tanggung-jawab dan kepemimpinan dari masyarakat dalam penegakan hukum lingkungan dan pengelolaan sumberdaya wilayah pesisir terpadu, dapat terlaksana jika masyarakat diserahkan kepemimpinan dan kepercayaan untuk melaksanakan hal tersebut.

BAB IV

Pasal 8

- Ayat (1) Cukup jelas
- Ayat (2) Cukup jelas
- Ayat (3) Cukup jelas

Pasal 9

Ayat (1)

Badan Pengelola Pesisir Kabupaten ini merupakan bagian dari otoritas publik daerah dan memiliki hubungan yang kuat dengan masyarakat melalui perwakilan yang dibentuk.

Ayat (2)

Jumlah anggota harus terdiri dari 40 % (empat puluh persen) dari instansi, dan perwakilan pemerintah dan 60% (enam puluh persen) berasal dari

CHAPTER II

Article 2

Coastal villages have administrative powers over their coastlines.

Article 6

Paragraph (1)

The capacity and resources pertain to the technical capacity owned and available in the area. The resources means both human and funding resources.

Paragraph (2)

Important areas include beaches, estuaries, coral reefs, mangrove which are still in good condition and undamaged. Degradation pertains to the reduction of capacity of area or habitat in performing their functions. Acts destructive to habitats include uses of explosive to mine corals, clearance of the mangrove areas conducted without regards to conservation, uses of fishing instruments which are damaging and disregarding habitat conservation.

Paragraph (3)

Economic benefits mean the utilization of resources for developing the economic capacity of the people, such as fishery culture, tourism development, mining, agriculture, transport and all other economic enterprises. The term 'correct scientific means' shall mean uses of such methods which are supported with science. Economically equitable shall mean that the management of coastal resources shall bring in economic benefits to the people.

Paragraph (4)

The accountability and leadership by the people in enforcing the laws on the environment and in integrated community-based management of coastal resources can be realized if the people is given the leadership and trusts to implement them.

CHAPTER IV

Article 8

- Paragraph (1), Self Explanatory*
- Paragraph (2), Self Explanatory*
- Paragraph (3), Self Explanatory*

Article 9

Paragraph (1)

This Kabupaten Coastal Board forms part of the local public authority and shall have strong ties with the public through their representatives.

Paragraph (2)

Membership is composed of 40% (forty percent) representatives from government agencies, and 60% (sixty percent) representatives from universi-

perguruan tinggi, Lembaga Swadaya Masyarakat dan perwakilan masyarakat.

Ayat (3)

Apabila komunitas ternyata tidak dapat memilih wakil secara musyawarah, maka penetapan wakil dari komunitas tersebut akan dilakukan melalui kesepakatan mayoritas. Apabila melalui cara konsensus atau kesepakatan mayoritas tidak tercapai, maka penetapan wakil dari komunitas tersebut diselenggarakan melalui pemungutan suara secara terbuka;

Pasal 10

Ayat (1)

Kerjasama kelembagaan dapat meliputi kerjasama di bidang bantuan teknis dan dana.

Ayat (2)

Kesepakatan bersama dapat merupakan kesepakatan mayoritas anggota yang didukung oleh pendapat sejumlah besar anggota masyarakat desa yang berhak dan memiliki kepentingan terhadap sumberdaya alam yang ada di sekitar desa.

Penyelenggaraan musyawarah desa hendaknya memperhatikan peran serta seluruh bagian masyarakat dewasa, termasuk perempuan. Dengan demikian, musyawarah desa tidak saja sekedar suatu musyawarah yang bersifat formal yang hanya menyertakan pihak-pihak tertentu saja, tetapi harus menyertakan semua pihak yang berkepentingan.

Masukan dari masyarakat desa diperoleh melalui musyawarah desa, yang mengagendakan secara khusus rencana pengelolaan sumberdaya wilayah pesisir yang diajukan oleh Badan Pengelola, yang menyangkut tata ruang dari desa bersangkutan;

Pasal 11

Ayat (1)

Badan Pengelola tidak bertanggung-jawab untuk membuat keputusan dan melaksanakan program dari Dinas Perikanan dan Kelautan dan instansi terkait lainnya.

Pasal 12

Ayat (1)

Kewajiban memberi pertimbangan dan penilaian ini merupakan salah satu bentuk fasilitas yang diberikan pemerintah terhadap setiap usaha yang merupakan inisiatif masyarakat.

Ayat (2)

Kewajiban menyerahkan kepada Badan Pengelola Pesisir Kabupaten menyatakan keturutsertaan positif dan langsung dari masyarakat dalam proses yang berhubungan dengan penentuan pemanfaatan sumberdaya alam, khususnya wilayah pesisir.

ties, NGOs and the public.

Paragraph (3)

If the society fails to elect their representatives through amicable manner, the elected representatives shall be decided by a simple majority of votes. If both the consensus and voting procedures fail, the representatives of the community are to be elected in an openly administered voting.

Article 10

Paragraph (1)

The institutional cooperation may cover those in the areas of technical and financial assistance.

Paragraph (2)

The adopted decisions may be based on the supports of majority of the villagers which have the rights and interests/stake in the natural resources of such village.

The process of deliberation shall involve participation of all adults, including women. Such that the process is not merely a formality, attended only by certain parties, but it shall be attended by all interested parties.

Inputs from villagers may be obtained from village meetings, especially held to discuss the planned management of coastal resources proposed by the Coastal Board, which will touch on spatial issues for the village concerned.

Article 11

Paragraph (1)

The Coastal Board shall not be responsible for making decisions and implementing the programs from the Fishery and Marine Office and other relevant agencies.

Article 12

Paragraph (1)

Such obligation to provide consideration and assessment constitute one of the facilities given by the Government to any planned enterprise proposed by the public.

Paragraph (2)

The obligation to deliver such assessment to the Kabupaten Coastal Board (the assessment) shall mention the positive and direct participation of the public in determining the uses of natural resources , particularly coastal resources.

BAB V

Pasal 13

Ayat (4)

Pengambilan keputusan lewat proses partisipasi dilaksanakan secara musyawarah dan kesepakatan dari mayoritas masyarakat. Partisipasi masyarakat disini dijelaskan secara rinci untuk mempertegas perlunya pelibatan masyarakat secara umum dalam semua aspek perencanaan dari kelompok masyarakat yang tertinggal, masyarakat kecil, perempuan. Proses pengambilan keputusan dapat dilakukan dalam bentuk musyawarah formal dan in-formal, pertemuan keagamaan, dan pertemuan-pertemuan lainnya termasuk pertemuan dengan kelompok-kelompok masyarakat di tingkat dusun dan atau lingkungan, ataupun pertemuan dengan kelompok profesi seperti petani, nelayan, pedagang dan lain-lain, dan menjadi kesepakatan masyarakat desa

Ayat (5) Cukup jelas

BAB VI

Pasal 14

Ketentuan yang ditetapkan dalam pasal ini merupakan usulan atau tidak merupakan keharusan tetapi merupakan pedoman bagi pembuatan perencanaan yang baik. Untuk membuat perencanaan yang baik dan lengkap masyarakat desa pesisir perlu dibantu lewat pendampingan masyarakat atau pelayanan oleh Dinas Perikanan dan Kelautan, Badan Pengelola Pesisir Kabupaten atau instansi teknis terkait lainnya.

Pasal 15

Ayat (1)

Pembentukan Kelompok Pengelola Pesisir Desa dilaksanakan oleh masyarakat desa. Pembentukan ini tidak sebagai suatu kewajiban, sehingga kelompok ini diserahkan kepada masyarakat untuk menentukan dapat atau tidak kelompok pengelola pesisir seperti yang dimaksud. Kelompok Pengelola Pesisir Desa dimaksud, yaitu jika di desa telah memiliki kelompok yang dapat melakukan perencanaan pengelolaan pesisir maka kelompok ini dapat diintegrasikan ke dalam kelompok tersebut. Namun jika dibentuk atas kesepakatan masyarakat, maka tugas dan kewajiban tersebut antara lain sebagaimana dimaksudkan dalam ayat (3) pasal ini.

Ayat (2) Cukup jelas.

Ayat (3) Cukup jelas.

BAB VII

Pasal 16

Ayat (1)

Proses Pembuatan Peraturan Desa, harus menga-

CHAPTER V

Article 13

Paragraph (4)

The participatory decision making shall be conducted by deliberation and majority approval of the public. The detailed form of public participation is meant to affirm the necessity of public involvement in general in all aspects of planning, involving various groups such as underdeveloped community, marginal groups, and women. Decision making may be conducted in a formal or informal deliberation, religious gatherings and all other types of meeting, including gathering of community groups at dusun (sub-village) level or lingkungan level, or meeting with profession groups such as farmers, fishermen, traders and others, and the adopted decisions shall be the decisions of the village.

Paragraph (5) Self Explanatory.

CHAPTER VI

Article 14

The provisions contained in this Article shall be viewed as a recommendation and not as a mandatory obligation, but shall serve as guide in making good plans. In order to produce good and comprehensive plans must be supported with community service program or assistance from the Fishery and Marine Office, the Kabupaten Coastal Board or other relevant agencies.

Article 15

Paragraph (1)

The creation of the Village Coastal Group is to be performed by the villagers. The creation of such group is not an obligation, and therefore the public shall decided whether or not such group has to be formed. If the village already has a group which draws up plans on coastal resources management, such group shall be included in the Village Coastal Group. However, if the formation is based on agreement of the public, the duty and responsibility of such group shall be as stipulated, among others, in paragraph (3) of this Article.

Paragraph (2), self explanatory.

Paragraph (3), self explanatory.

CHAPTER VII

Article 16

Paragraph (1)

The process of legislating a village regulation shall

cu pada Peraturan Daerah Kabupaten Minahasa Nomor 6 Tahun 2000 tentang Peraturan Desa.

Ayat(2)
Pembuatan peraturan desa merupakan kewenangan desa sebagaimana diatur dalam Peraturan Daerah ini.

Pasal 22

Ayat(1)
Idealnya lokasi yang ditetapkan sebagai Daerah Perlindungan Laut adalah kawasan yang memiliki tutupan karang hidup yang baik (50 %) walaupun demikian lokasi dengan tutupan karang yang lebih rendah masih dapat dijadikan pilihan jika kriteria ini tidak terpenuhi dan apabila kawasan desa tidak memiliki hamparan terumbu karang dengan tutupan karang hidup mencapai 50 %. Lokasi seharusnya merupakan habitat terumbu karang namun lebih baik jika mencakup habitat hutan bakau dan padang lamun, lokasi juga harus berada dalam jarak pandang dari pemukiman agar dapat diawasi oleh masyarakat

BAB X

Pasal 23

Cukup jelas

Pasal 24

Ayat(1)
Pengakuan Hak Pengelolaan Wilayah Pesisir pada hakekatnya memenuhi makna pemenuhan prinsip pengakuan hak-hak *"the indigenous people"*, termasuk hak-hak masyarakat lokal, sebagaimana diamanatkan dalam Agenda 21 dari Deklarasi Rio. Juga sebagai pelaksanaan dari Agenda 21 Indonesia. Pengakuan atas hak pengelolaan sedemikian perlu dinyatakan secara eksplisit oleh karena pengakuan mengandung sifat suatu pernyataan yang menerima adanya eksistensi hak masyarakat atas lingkungan alam di sekitarnya, yang telah berlangsung berdasarkan latar belakang sejarah yang cukup panjang antara lingkungan dengan masyarakat local.

Masyarakat memiliki hak atas informasi *"(right of information)"* atas program yang dijalankan di sekitar wilayah desanya, oleh karena pengalihanmanfaat atau pengalihgunaan atau pengalihusahaan sumberdaya alam ke tangan pihak lain, akan mengurangi akses masyarakat atas sumberdaya tersebut.

Bab XI

Pasal 26

Jenis pendidikan dan pelatihan dapat diberikan oleh Dinas Perikanan dan Kelautan, Badan Pengelola Pesisir maupun instansi lainnya, perguruan tinggi atau lembaga swadaya masyarakat lainnya yang mempunyai kapasitas untuk itu.

be based on the provisions of Regional Regulation of Kabupaten Minahasa No. 6 of 2000 on Village Regulations.

*Paragraph (2)
The authority to legislate a village regulation shall vest to the village concerned in the manner provided in this Regional Regulation.*

Article 22

*Paragraph (1)
As a matter of ideal, areas which can be designated as Marine Protected Area shall have good 'living' coral coverage (50%), however, areas with less coral coverage may also be designated as such in the case that a village does not have areas with 50% coral coverage. The locations shall be a habitat for coral reefs and it will be better if the areas also include habitat of mangrove and lamun field. The locations should be within visible distance from settlements so as to enable the people to watch them.*

CHAPTER X

Article 23

Self Explanatory

Article 24

*Paragraph (1)
The recognition of rights to manage Coastal Areas in fact amounts to fulfilling the rights of the the indigenous people, including the rights of the local population, as contemplated in Agenda 21 of the Rio Declaration. Also as implementation of Indonesia's own Agenda 21. The recognition shall be expressly made, because such recognition carries a statement that the public has the rights to manage their own natural environment, such that the ties between the environment and the people have been existing for a long period.*

The public has the right for information regarding the programs implemented in their areas. Therefore, any transfer of benefits, uses or utilization with regard to the natural resources to any other parties will reduce access of the public to their resources.

CHAPTER XI

Article 26

Education and training may be provided by the Fishery and Marine Office, the Coastal Board, as well as other institutions, universities, non government organizations having the necessary capacity to do so.

Pelaksanaan pelatihan dan pendidikan kepada masyarakat dapat meliputi:

- a. Pengamatan terumbu karang (manta tow training)
- b. Penyuluhan dan Pendidikan Lingkungan Hidup tentang terumbu karang, lamun, mangrove (hutan bakau) dan habitat lainnya;
- c. Membuat rencana tentang Daerah Perlindungan Laut;
- d. Penyuluhan tentang Hukum Lingkungan dan Hukum Laut;
- e. Pengamatan terhadap habitat dan ekosistem wilayah pesisir;
- f. Pelatihan pengorganisasian kelompok dan keuangan kelompok;
- g. Pelatihan pembuatan Peraturan Desa;
- h. Pelatihan lainnya yang dianggap perlu yang berhubungan dengan Daerah Perlindungan Laut;
- i. Pelatihan rehabilitasi dan budi daya sumber daya di wilayah pesisir.

Bab XIV

Pasal 35

Ayat (1)

Dana pendamping (kontribusi) ini merupakan bentuk tanggung jawab masyarakat terhadap kepedulian mereka dalam mengelola sumberdaya, menciptakan rasa memiliki dan kepedulian terhadap pengelolaan sumberdaya mereka. Besar dana kontribusi ini disesuaikan dengan kemampuan dan kapasitas masyarakat.

Ayat (2)

Kebutuhan dana dalam pelaksanaan Peraturan Daerah ini oleh Masyarakat, Dinas dan Badan Pengelola Pesisir Kabupaten dilakukan melalui proses Rapat Koordinasi Pembangunan (rakorbang) atau sejenisnya setiap tahun.

Such education and training activities may cover the following:

- a. Monitoring of coral reefs (the manta tow training);*
- b. Environmental Training on coral reefs, lamun field, mangrove and other habitats;*
- c. Making plans on Marine Protected Area;*
- d. Training on Law on Environment and Law of the Sea;*
- e. Monitoring of the habitats and ecosystems at coastal areas;*
- f. Training on organization and its finance;*
- g. Training on legislating village regulations;*
- h. All other training deemed appropriate in relation to Marine Protected Area;*
- i. Training on rehabilitation and culture of resources at coastal areas.*

Chapter XIV

Article 35

Paragraph (1)

The Contributing Fund (known as Dana Pendamping) represents the responsibility of the public in natural resources management, creates a sense of ownership and care for the due management of natural resources. The amount of such Contributing Fund shall be adjusted to the financial capacity of the public.

Paragraph (2)

The funds required by the public, relevant offices and Kabupaten Coastal Board, for the implementation of this Regional Statutes is to be addressed by and at Development Coordinating Meeting or any similar meetings conducted on an annual basis.



BAPPENAS

