

# The Wisdom of Tradition

**A recent workshop in Indonesia focused on customary arrangements and traditional ecological knowledge systems in coastal and fisheries resources management**

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

Indonesia, and other parts of southeast and south Asia, have a long, often centuries-old, tradition of fishing. Not surprisingly, systems of internal governance, including over coastal and marine living resources, have also evolved over the generations. While some of these systems continue to exist, albeit in changed forms, some have disappeared due to a number of factors. Today, as the limitations of centralized, top-down management systems are increasingly evident, co-management and decentralization processes are being put in place across the region. Do customary arrangements and related traditional knowledge systems still have relevance for fisheries and coastal areas management in such a context? It was to explore such issues that ICSF organized the workshop with the following objectives:

- to discuss the role and relevance of traditional knowledge and customary arrangements in fisheries and coastal area management in Indonesia;
- to review how customary rights to resources and arrangements can be better recognized and adapted

to meet fisheries and coastal area management objectives, consistent with national and international obligations; and

- to strengthen understanding and links between customary institutions, policymakers, researchers and others.

Participants from Indonesia included representatives of customary institutions such as the *Panglima Laot*, Aceh; *Sasi Laut*, Haruku, Central Maluku; *Parompong*, Spermonde Islands, South Sulawesi; *Mane’e*, Talaud, North Sulawesi; *Awig Awig*, Tanjung Luar, NTB; and *Awig Awig Lombok Utara*, Gili Indah, NTB, as well as whale hunters from Lamalera,

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East Nusa Tenggara (NTT). Also attending were representatives from community-based management groups, fishermen's unions, non-governmental organizations (NGOs), women's groups, universities and government departments.

## Formal recognition

Opening the workshop, John Kurien, co-ordinator of the ICSF Animation Team, welcomed the participants. Ali Syahadan, head of DKP, NTB, pointed out that the NTB government has formally recognized the *awig-awig* system as part of its fisheries

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co-management efforts. Chandrika Sharma, Executive Secretary, ICSF, provided a brief introduction to the activities of ICSF.

In his keynote address, Suseno Sukoyono from the MMAF pointed out that Indonesia is one among the few countries in the Asian region to have developed comprehensive fisheries

such as *awig-awig*, *panglima laot*, *sasi*, etc. There is a need to develop nested management systems, with clearly defined roles for national, provincial, district and local stakeholders, especially on rights and responsibilities. The full participation of all stakeholders in developing realistic, successful, co-management programmes is one of the major challenges and opportunities of decentralization, he stressed.

The opening session was followed by presentations by representatives of customary institutions, in a session moderated by Luky Adrianto. Elliza Kissya from Maluku, described the region's *sasi* system. *Sasi*, literally meaning 'ban', determines what people should or should not do, based on traditional social values. The system has been in existence for at least 400 years, Resource use is regulated through open and closed seasons, with the *kewang*, or chief, vested with the authority to implement regulations and impose sanctions on those who violate them. Kissaya made a strong case for government recognition and support of customary law (*adat*) and traditional knowledge for resources management. "If the State does not acknowledge us, then we do not acknowledge the State, because we are truly the ones who make the State", he said. Kissaya

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legislation—Law Number 31 of 2004—to manage the national fishing industry in its exclusive economic zone (EEZ). The law recognizes the role of customary laws and local wisdom as well as community participation in fisheries management. The change initiated during the Reform Era, especially by the decentralization process, has led to a shift in fisheries governance system from a top-down to a bottom-up approach, which encourages community participation. This has revived community involvement in fisheries management, especially of traditional institutions

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60 delegates from Indonesia, the Philippines, Thailand, Malaysia and India, met at Lombok, Indonesia, for the ICSF workshop on "Customary Institutions in Indonesia: Do They Have a Role in Fisheries and Coastal Area Management?"

also highlighted the problem of coastal erosion, which needs serious attention from the government.

In their presentation, Pieter Tedu Bataona and Bona Beding described the whaling practices of Lamalera, a village in the southern coast of Lembata Island, NTT. Whaling has been practised for centuries, and whales are caught mainly during the May-September period. Elaborate ceremonies to seek ancestral blessings are performed before the whaling season starts. Several customary rules bind the *lama fa* (chief harpooner). On no account, for example, must a pregnant or nursing whale be harpooned. Lamalera's traditional practices ensure that whaling is sustainable and contributes to the food security of the islanders.

Tony Liusanda described the *mane'e* customs in Kakorotan in the Talaud Regency of North Sulawesi. The Kakorotan islands in the easternmost part of Indonesia are rich in coral reefs. Traditional rules that determine when and where fishing is allowed or prohibited (through *ehá* or ban) have served to conserve coral reefs. Elaborate rituals and ceremonies are associated with fishing. The sea and its resources are likened to the milk of a mother. The *kepala desa*, or village leader, is vested with the authority to make and implement rules and impose sanctions.

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

The presentation on the *awig-awig* system in North Lombok, NTB, was by Samsul Muhyin of the Lembaga Musyawarah Nelayan Lombok Utara (LMNLU, Fishermen's Forum Institution). The LMNLU, formed in March 2000, presently comprises 32 fishermen's groups, with a total membership of 1,572. The LMNLU functions in the three districts of Pemenang, Tanjung and Gangga. The LMNLU has revived the traditional system of *awig-awig* (meaning

'ban'), based on customary values and institutions. This revival has been supported by local government initiatives towards co-management, which formally recognize the authority of customary institutions to manage resources. Zones have been demarcated, and regulations put in place to prohibit destructive fishing techniques, like dynamiting, especially if they destroy coral reefs. Sanctions for dealing with violations have also been agreed on. Repeated violations would lead to confiscation of fishing gear. As a result of the system, violations have reduced.

Another presentation on the revival of the *awig-awig* system in East Lombok, NTB, supported by the provincial government as part of co-management efforts, was made by M. Saifullah. He described the formation of the Kelembagaan Komite Pengelolaan Perikanan Laut (KPPL,

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

#### **State recognition**

M. Adli Abdullah provided information on the *panglima laot*, an institution that has existed for several centuries in Aceh. During the early years of Indonesia's independence, the *panglima laot* was relatively dormant. It re-emerged in 1982, and following the Indian Ocean tsunami of 2004

## The Lombok Statement

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

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

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

WE believe that marine and coastal resources management regimes should uphold environmental sustainability, social justice and gender equality, especially of marginalized members of coastal communities, including poor widows, neglected children, the disabled and the permanently ill.

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

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

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

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

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

1. Acknowledge and protect *adat* law and traditional knowledge that have been handed down from generation to generation, have become part of our nation's cultural identity and have helped in conserving and managing marine and fisheries resources. This can be achieved by recognizing and integrating *adat* law and traditional knowledge into the

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its role has been recognized by the State through Law No.2 of 2006 on Aceh's administration. The main task of the *panglima laot* is to regulate fishing at sea through customary marine law. Sanctions are meted out to violators by a customary court assembly that meets on Fridays. Regulatory measures include confiscation of boats and prohibition of fishing on certain days, like Fridays, festivals and holidays. At present, the *panglima laot*, along with the local government and the Food and Agriculture Organization of the United

Nations (FAO) is involved in designing and formulating a draft *qanun* (law) on fisheries, guided by Aceh's customary marine law. The *panglima laot* has also established the Pangkai Merurenou Aneuk Nelayan Foundation (YPMAN) to improve the quality of life of fishing communities. YPMAN received substantial funds in 2001, when the *panglima laot* confiscated a Thai vessel fishing illegally in Indonesian waters, and kept the proceeds from its sale (IDR11.6 bn, or US\$1.2 mn). The *panglima laot* now has IDR60 bn (US\$6.4 mn), which is used

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national legal system, giving due consideration to diversity of value systems, national unity and gender equality.

2. Grant greater preference to sustainability of coastal and fisheries resources, and to the growing domestic fish consumption needs.
3. Adopt an economic paradigm that prioritizes the principles of social justice and environmental sustainability over economic growth; that effectively prevents environmental violations in relation to marine affairs and fisheries, especially from illegal, unreported, and unregulated (IUU) fishing; extractive activities; and various policies at local, provincial, and national levels that threaten the marine ecosystem and the sustainability of living resources.

Last but not least, we invite all members of society, the government, and the international community to lend political recognition to the model of an economy based on the needs of the people, built upon *adat* law arrangements and traditional knowledge that uphold the principles of social justice, equality and environmental sustainability.

Lombok, 5 August 2009

**This Statement is hereby endorsed by:**

1. Panglima Laot Aceh
2. Sasi Negeri Haruku, Central Maluku
3. Sea-farming of Thousand Islands (Kepulauan Seribu)
4. Ola Nua Lefa Hari, Lamalera, East Nusa Tenggara
5. Parompong Pulau Barrangcakdi, South Sulawesi
6. Mane'e Pulau Kakorotan, North Sulawesi
7. Taluak Impian Women Fisheries Group, Lake Maninjau, West Sumatra
8. Mina Bada Lestari, Lake Maninjau, West Sumatra
9. KIARA (Koalisi Rakyat untuk Keadilan Perikanan—People's Coalition for Fisheries Justice)
10. KPPL (Komite Pengelolaan Perikanan Laut—Marine Fisheries Management Committee), East Lombok

11. LMNLU (Lembaga Musyawarah Nelayan Lombok Utara—North Lombok Fishermen Forum Institution)
12. KNTI (Kesatuan Nelayan Tradisional Indonesia—Indonesian Traditional Fishermen Unity)
13. SNI (Serikat Nelayan Indonesia—Indonesian Fishermen's Union)
14. SNSU (Sarekat Nelayan Sumatera Utara—North Sumatra Fishermen's Union)
15. WALHI (Wahana Lingkungan Hidup Indonesia—Friends of the Earth Indonesia)
16. Centre for Legal Research of Coastal and Marine Resources Management, Faculty of Law, Pattimura University
17. Social Division, Lab. SEPK, Faculty of Fisheries and Marine Sciences, Brawijaya University, Malang
18. JALA (Jaringan Advokasi untuk Nelayan Sumatera Utara—Advocacy Network for North Sumatra Fishermen)
19. Bina Desa Jakarta
20. Fishermen of Negeri Ouw, Saparua, Central Maluku
21. East Lombok Marine and Fisheries Committee

**The Workshop was also attended by representatives from:**

1. International Collective in Support of Fishworkers (ICSF),
2. Sustainable Development Foundation (SDF), Thailand
3. Sahabat Alam Malaysia (SAM)
4. Jaringan Orang Asal Se-Malaysia (JOAS)
5. CBCRM Learning Centre Philippines
6. YADFON Foundation, Thailand
7. Penang Inshore Fishermen Welfare Association (PIFWA), Malaysia
8. Lanao Aquatic and Marine Fisheries Center for Community Development (LAFCCOD), Philippines
9. Integrated Rural Development Foundation of the Philippines (IRDF) Inc.
10. Centre for Limnology Research (LPI)
11. Centre for Coastal and Marine Research (Pusat Penelitian Pesisir dan Laut – P3L), Mataram University

primarily for the education of needy children.

The workshop also saw several presentations from non-indigenous organizations in a session moderated by Dede Irving Hartoto. They focused on organizational efforts to improve fisheries management and the livelihoods of fishing communities. The following groups made presentations: Mina Bada Lestari, Maninjau Lake, West Sumatra; Sea Farming group, Provinsi Kepulauan Seribu; coral conservation group from Jambianom, Lombok; the clam

and sea snail collection group from the Saparua community, Ambon, Maluku; the Serikat Nelayan Indonesia (SNI, the Indonesian Fishermen Union); and the Serikat Nelayan Sumatera Utara (SNSU, the North Sumatra Fishermen Union).

On the second day of the workshop, there were two presentations in the session moderated by Adli Abdullah. The first, by Luky Adrianto, on "Constructing the Role of Customary Institutions in Fisheries Management in Indonesia", was based on the background study prepared for the

workshop. Adrianto said that current community institutions for fisheries management can be categorized as ancient (*sasi*, *panglima laot*, *mane'e* and *lamalera*), pre-modern (*awig-awig*, *rampong*), and modern (*Mina Bada* Lestaria farming group, SNI, SNSU). Institutions differ in their levels of complexity and how they have been modified over time to incorporate different components of fisheries

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management, such as delineation of boundaries, rules, rights, sanctions, monitoring systems and management authority. Indonesia recognizes the role of customary law and local wisdom. The challenge now is to implement effective co-management systems based on this recognition, Adrianto said. Elaborating on this aspect, Arif Satria reflected on how existing community institutions can be strengthened, and how co-management arrangements for coastal and fisheries resources can be put in place.

A presentation by Adrian Lasimbang dealt with the *tagal* system practised in Sabah, Malaysia. *Tagal*, based on age-old customary law or *adat*, means

'prohibition' in the Kadazandusun language, and aims at collective ownership and responsibility for the sustainable use of resources. *Tagal*, also known as *bombon* in some areas of Sabah, has been used by the indigenous Kadazandusun and Murut peoples for generations. A *tagal* is normally governed by the village headman and endorsed by the native chief. The system varies from community to community in terms of rules, proscriptions and management structure, but common to all are the concept of closed and open seasons, equal sharing and sharing of responsibility. The successes of the *tagal* system have been recognized by the Sabah Inland Fisheries and Aquaculture Enactment Act, 2003, which led to the creation of district and State-level *tagal* committees. The fisheries department works closely with NGOs to build up the capacities of *tagal* committees. Lasimbang also dwelt on some of the problems and tensions that have emerged as a traditional system gets adapted to a modern context.

Active discussions followed the various presentations. One issue raised was on women's participation in fisheries. In general, it was pointed out, women are denied any role in decisionmaking within customary institutions. How can positive values of sharing and equity be built up, while ensuring that women are not denied a role in decision-making processes, it was queried. Several workshop participants touched on the need for sensitivity. Customary knowledge and institutions must not be objectified by researchers and others. The relationship between customary institutions and various levels of government under co-management arrangements needs to be based on equal partnership and mutual respect. Otherwise there is the danger of these institutions getting destroyed, along with the knowledge and values they support.

### Customary institutions

The second day of the workshop featured group discussions. Participants were divided into four groups representing (i) customary institutions and traditional fishermen;

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Discussions during the field visits to Jambianom village in Lombok. Local authorities and community members described their efforts to protect the region's coral reefs


(ii) NGOs; (iii) academia and government institutions; and (iv) foreign (non-Indonesian) participants. The groups were asked to discuss two questions: (a) Do customary institutions and traditional knowledge systems have relevance in today's context?; and (b) If yes, how can this relevance be better recognized and integrated in fisheries and coastal area management?

In general, there was consensus among all groups that customary arrangements and the traditional knowledge systems associated with them continue to be highly relevant. The group reports stressed various needs: to document and map existing arrangements and knowledge systems, and seek their formal recognition; to develop the capacity of customary institutions, and empower them to become equal partners with the government to carry out coastal and fisheries resources management; to work towards recognition of the rights of communities to use and manage resources, drawing on positive values of social justice, equity and sharing; and to seek recognition of their collective rights over fisheries and coastal resources, given that these rights are being threatened by corporate and other interests. In this context, the need to ensure that the Coastal Area and Small Islands Management Law (No. 27, 2007), especially the provisions regarding the issue of Coastal Waters Utilization Licence (*Hak Pengusahaan Perairan Pesisir-HP3*), does not displace and deny access of traditional communities to coastal and fisheries resources, was highlighted.

On the last and final day of the workshop, participants debated a draft statement that had been prepared based on group discussions on the previous days. The statement (see box) that was adopted reaffirmed the important role of customary law and traditional knowledge in resources management.

Workshop participants were also taken on field visits to two villages, Jambianom and Gili Sulat, to see for themselves how the *awig-awig* systems are being revived in the NTB province. In Jambianom, North Lombok, local authorities and community members

described their efforts to protect coral reefs and transplant corals, drawing on the *awig-awig* system. In Gili Sulat, in East Lombok Regency, the visitors were told about how rules, based on *awig-awig*, have been put in place to protect and manage mangrove forests and coastal resources.

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

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