

**THE LEGAL FUNCTIONS OF MARINE CONSERVATION FORUM
IN SUPPORTING
THE DEVELOPMENT OF MARINE CONSERVATION AREAS IN
ROTE NDAO REGENCY**

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ABSTRACT

Marine Conservation Areas have significant contributions to many aspects of human life. Conservation of marine resources performed by governments and non-governmental organizations and institutions is therefore considered highly important. The purpose of this study was to identify the legal functions of Marine Conservation Forum in Rote Ndao regency. This qualitative inquiry employed interview method to collect data from the study participants who were the members of the Forum. Primary and secondary legal materials including the 1945 Constitution, Laws and Government Regulations were also used and analysed in this study. The findings indicated that Rote Ndao Marine Conservation Forum was established with the Decree of Rote Ndao Regent No. 116 / Kep / HK / 2017 and normatively functioned in supporting the development of marine conservation programs in Rote Ndao regency. The Forum functioned in facilitating community participation in the implementation of marine conservation-related activities and programs. However, low level of understanding of the members of the Forum about its activities and programs, low participation of the Forum's members and lack of strategies and protocol to follow during activity or program implementation, were found to be the barriers to the successful implementation of its activities and programs. The improvement of understanding and quality of the members of the Forum is therefore required. Besides, there is a need to develop strategies and protocol to follow by all members in implementing activities and programs of the Forum. Further studies to understand what could be done by the local government support and improve the performance of the Forum are recommended.

Key words: legal functions, Marine Conservation Forum, Rote Ndao regency

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INTRODUCTION

Marine resources have important benefits for human life. Therefore, the destruction of marine conservation areas will have negative impacts on many aspects of community life (1). This has prompted governments and various non-governmental organizations and institutions to promote and maintain marine conservation areas in order to protect the natural resources or marine resources (1, 2). Marine conservation is defined as the protection and preservation of ecosystems in oceans and seas (3). Marine conservation focuses on limiting human-caused damage to marine ecosystems, restoring damaged marine ecosystems, and preserving vulnerable species of the marine life (3, 4).

In Indonesia, the preservation of marine conservation areas has been stipulated in the Government Regulation No. 60/2007, article 1, which defines the Marine Conservation Area as a protected marine area, managed using a zoning system, to maintain sustainable management of fish resources and the environment (5). Moreover, according to Law No. 27/2007, conservation areas in coastal areas and small islands are coastal areas and small islands with certain characteristics that are protected for the sustainable management of coastal zone and small islands (6). Besides, the International Union for Conservation of Nature (IUCN) defines conservation area as a protected area which is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values (3).

The above Government Regulations as well as various Decrees of Governors and Regents have become the bases for the protection practices of marine conservation areas in Indonesia, including in East Nusa Tenggara province and Rote Ndao regency in particular (5-9). Rote Ndao regency has a Marine Conservation Forum that functions to invite and involve the community members in the efforts to protect and conserve marine conservation areas in the district. This study therefore aimed to identify the legal functions of the Rote Ndao Marine Conservation Forum in supporting the management of Marine conservation activities and programs in the regency in relation to the prevailing laws and regulations; legal cooperation between the Rote Ndao Marine Conservation Forum and other institutions to support the management of Marine conservation programs in the regency; constraints to the Marine Conservation Forum in performing its duties and functions to

support the management of marine conservation areas; and strategies used by the Forum for the implementation of its duties and functions in supporting the management of marine conservation areas in the regency.

METHODS

Study Design and Data Collection

This qualitative study was conducted in Rote Ndao district in 2017. In-depth interview method was employed to collect data from the participants. The use of qualitative study was useful since it enabled direct interaction between researcher and interviewees, and provided researcher with opportunities to observe the situation and setting where the respondents lived, worked and interacted (10, 11). The participants were the members of Rote Ndao Marine Conservation Forum.

The focus of this research was on the legal functions of the Rote Ndao Marine Conservation Forum in supporting the management of marine conservation programs in Rote Ndao regency in relation to the prevailing laws and regulations; legal cooperation between the Rote Ndao Marine Conservation Forum and other institutions to support the management of marine conservation programs in Rote Ndao regency; barriers to the Marine Conservation Forum in performing its duties and functions to support the management of marine conservation areas in the regency; and strategies of the Forum in the implementation of its duties and functions in supporting the management of marine conservation areas in Rote Ndao regency.

Types and Resources of Legal Materials

Primary legal materials employed in this study included the 1945 Constitution, Law No. 23/2014 on Regional Government (12), Law No. 5/1990 on the Conservation of Biological Resources and Ecosystems (13), Law No. 32/2009 on Environmental Management (14), Law No. 31/2004 on Fisheries as amended by Law No. 45/2009 on Amendment to Law No. 31/2004 on Fisheries (15), and Law No. 1/2014 about Amendment to Law No. 27/2007 on the Management of Coastal Areas and Small Islands (6). Government Regulations were also used including Government Regulation No. 60/2007 concerning Conservation of Fish

Resources (5), Regulation of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. : PER. 17 / MEN / 2008 about Conservation Areas in Coastal Areas and Small Islands (16), Decree of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. : 5 / KEPMEN-KP / 2014 on the National Marine Conservation Area in East Nusa Tenggara Province (17), Decree of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia No. : 6 / KEPMEN-KP / 2014 on Management Plan and Zonation of National Park of Sawu Sea in East Nusa Tenggara Province 2014-2034 (9), and Regional Regulation of East Nusa Tenggara Province No. 4 /2007 on Coastal Area Management (18). Likewise, this study also utilized Decrees of governor and regent such as Decree of the Governor of East Nusa Tenggara province No. : 109 / KEP / HL / 2015 on Coastal Conservation Council of East Nusa Tenggara Province (7), and Decree of Rote Ndao Regent (No. 273 / KEP / HK / 2014 on Rote Ndao Marine Conservation Forum (8). The secondary legal materials used in this study included books, theses, journal articles and documents that discuss about institutional collaboration in the management of marine conservation areas.

Data analysis

The recorded data were transcribed into coding sheets and translated into English. Data were analysed using a thematic analysis framework where the transcriptions from each respondent was repeatedly read and commented. Open coding was made to produce a long list of themes, followed by close coding where all the similar themes were grouped under the same theme to reduce the list of themes to a manageable number of themes (19).

RESULTS

Legal Basis of Rote Ndao Marine Conservation Forum

Rote Ndao Regency was established in 2014. Marine Conservation Forum is one of its departments or Bodies which mainly functions to preserve Marine resources in the district. The members of the Forum have been regularly changed every year with the aim to strengthen its main functions, tasks and needs. However, it seems that the interests of the

Forum are still directly controlled by the Regional Secretariat of Rote Ndao District through the Administration Section of the Economy, Development and Natural Resources which is technically incompatible with the tasks and principles of the Forum. The presence of the Forum is supposed to be the main duty and function of the Department of Fisheries and Marine of the District. Legally, the Regent of Rote Ndao regency has established Marine Conservation Forum with the Decree of Rote Ndao Regent No. 116 / Kep / HK / 2017 on Steering Committee, Implementation Team, Resource and Secretariat of Rote Ndao Marine Conservation Forum on 21 February 2017. The issuance of the regent's decision replaces the 2016 Decree of Rote Ndao Regent No. 264 / Kep / HK / 2016 (8).

Duties and Functions of Rote Ndao Marine Conservation Forum

Job descriptions or the details of the duties and functions of Rote Ndao Marine Conservation Forum have been stipulated with the Decree of Regent of Rote Ndao No. 116 / Kep / HK / 2017 about Steering Team, Implementation Team, Resource and Secretariat of Marine Conservation Forum of Rote Ndao Regency, Budget year 2017, on 21 February 2017 in appendix II, Column 4 (8).

In general, the duties of the Forum are to support the management of Marine Conservation of Rote Ndao regency in an effective way; facilitate community participation and control over the management of Marine Conservation in the regency; support the policies of government and related agencies at both central and regional level for the development of Marine Conservation in Rote Ndao regency; increase the capacity of stakeholders in efforts to manage the Marine Conservation area in the regency more effectively and sustainably; provide active and constructive feedback and review to central and local government, management bodies and other parties related to marine resources management in the regency; facilitate and conduct observation and research to support the management of marine conservation areas in the district; facilitate and implement coordination and cooperation with stakeholders and relevant agencies in the management of marine conservation areas in the regency; facilitate and conduct socialization and public consultation in channelling the aspirations of the parties to support the management of marine conservation areas in the regency; assist the local government in monitoring and evaluating the implementation of marine conservation management in the regency;

facilitate and hold education sessions for the communities to support the management of marine conservation areas in the regency; facilitate the synchronization of cross-sectoral programs and activities related to the management of marine conservation areas in the regency; and raise funds for the implementation of marine resource conservation program and activities in the regency (8).

Furthermore, the functions of the Forum are as a forum for stakeholders to support the management of marine conservation areas in Rote Ndao regency in an effective, collaborative and adaptive way; as a multi-stakeholder consultation and coordination Body in the regency; as a multi-stakeholder information, communication and education centre in the regency; as the coordination centre for control and supervision of marine conservation in the regency; and as a forum to support education and research in underpinning the management of marine conservation areas in Rote Ndao regency (8).

The study findings indicated that the Forum has been normatively functioning and implementing its duties. It gets full support from the local government of Rote Ndao regency including facilities and financial support. The expenses for all activities and programs carried out by this Forum as parts of the implementation its duties and functions are charged to the local budget. This is in accordance with the fourth dictum of the Decree of Rote Ndao Regent, No. 116 / Kep / HK / 2017, February 21, 2017, which states that all the expenses for proposed activities and programs of the Marine Conservation Forum are charged to the Regional Revenue and Expenditure Budget of Rote Ndao regency. This is an indication that the Forum is an association of educated people in the field of environmental conservation and of government agencies as well as community organizations and stakeholders in the field of environment. This Forum receives direct support from the local government, especially the Regent of Rote Ndao regency and the members of the Regional House of Representatives of Rote Ndao.

“Institutionally, Rote Ndao Marine Conservation Forum is quite effective in performing its duties and functions because it has been given juridical authority through the decision of Regent of Rote Ndao regency” (Respondent 1).

“Rote Ndao Government gives strong political will and support to Marine Conservation Forum in maintaining Marine Conservation Areas responsibly

and sustainably, and provides the Forum with strategic roles to carry out its tasks and function” (Respondent 2).

Barriers to the Implementation of Duties and Functions of Rote Ndao Marine Conservation Forum

The results of this study showed several barriers to the implementation of the Forum’s main duties and functions. They included low level of understanding of its members about the duties and functions of each section of the forum. Most of them still focused on the implementation of their basic tasks and functions in their respective departments; inadequate capacity of members of the Forum in relation to the management of marine conservation areas; the Secretariat of the Forum was not functioning to mobilize the role of each stakeholder of the Forum; lack of commitment of members to performing their duties and functions; and lack of transparency in the management of programs and activities to support the management of coastal and marine biological resources. These were supported by the following statement:

“There is a need to improve the understanding and capacity of members of Marine Conservation Forum about their roles and functions in the Forum and to have regular meetings to discuss program synergy and evaluate the implementation of activities” (Respondent 4).

These barriers had led to a number of impacts facing the Forum. For example, low capacity of members of Forum had impacted on limited implementation of the functions and duties of the Forum; program coordination and synergy had not been implemented; the secretariat of the Forum was not functioning optimally; regular meetings had not been held, except for meetings for the preparation of activities; and the activeness of the forum members was still very limited because they still focused more on the implementation of the main tasks of each department.

Cooperation of Marine Conservation Forum of Rote Ndao Regency in the Management of Regional Conservation Program

Marine Conservation Forum was established to facilitate collaboration among people concerned with the management of marine conservation areas in Rote Ndao regency. A common forms of cooperation carried out by the members of this Forum were to encourage communities to care for the conservation of marine areas, to provide a deep and extensive understanding for them about the maintenance and preservation of the marine territory with all its contents, and to build a system of mutual cooperation of fishermen and coastal communities to have a sensitivity to the conservation functions and to foster the community to preserve and conserve rare marine animals. This collaboration was between people who were the members of the Forum and who had expertise in the field of fisheries and marine, community leaders who had concerns about marine and fishery conservation issues and people who had done research in the conservation area of the National park of Sawu Sea:

“Coastal areas in Rote Island should be developed into marine tourism areas that continue to be managed properly so that they become attractive tourism areas for the people of Indonesia and foreign tourists” (Respondent 7).

“We who have joined the Rote Ndao Marine Conservation Forum are the ones who are concerned with the future of Rote Ndao regency. We educate and provide people with information so that they understand about sustainable development and how the marine resources they have now can be conserved to be enjoyed by their future generations” (Respondent 11).

However, the study found that the Forum did not have any specific strategy or protocol to follow in establishing collaboration with people within communities for the management of marine conservation areas. This was acknowledged by the participants as a weakness that needs to be improved for the better future performance of the members of the Forum:

“I think this Forum needs to have strategies and guidelines that can be followed in developing collaboration with the communities so that the conservation of marine area can run as planned” (R15).

“This forum should be a tiered organization in establishing cooperative networks at the provincial level with the Provincial Marine Conservation Council of East Nusa Tenggara province” (R19).

The Cooperation Pattern of Rote Ndao Marine Conservation Forum

The paradigm and management of marine conservation areas in Indonesia seem to have entered a new era. There are two aspects to look at. Firstly, the authority of the management of conservation area is no longer a central government monopoly but has been decentralized into local government obligations as stipulated in law. Second, the management of marine conservation area is regulated by a zoning system (17).

Referring to Law No. 31/2004 on Fisheries and its amendments (Law No. 45/2009) and Government Regulation No. 60/2007 on Conservation of Fish Resources, there are 4 zone divisions that can be developed into marine conservation areas, namely: core zone, sustainable fishery zone, utilization zone and other zones (5, 15). Law No. 27/2007 on the Management of Coastal Areas and Small Islands as amended by Law No. 1/2014 also regulates zoning in coastal conservation areas and small islands (6).

The above rules divide the zones into 3 zones, namely core zone, restricted use zones and other zones, where limited utilization zones can be used for fisheries and tourisms. It should be emphasized that sustainable fishery zones are never regulated in previous conservation area management regulations (9). The zoning system that provides space for sustainable fisheries and marine tourisms and decentralized management authority has become a new paradigm for the management of marine, coastal areas and small islands in Indonesia.

The regulation of zoning systems and decentralization in conservation area management is the fulfilment of the rights for local communities, especially fishermen. Therefore, the concern that conservation area management will reduce the access of fishermen as stated by many parties is very unlikely. In fact, the traditional rights of the communities are highly recognized in the management of conservation areas.

Barriers to the Cooperation among the Members of Rote Ndao Marine Conservation Forum

Evaluation of the implementation of the previous programs indicated several obstacles to the cooperation among the members of the Forum. The previous programs have been implemented but have not been able to oblige all members of this forum to continue to collaboratively develop strategies for the sake of the implementation of sustainable conservation activities. The cooperation among them members of the Forum should be based on a guideline that is prepared and socialized to get input from various stakeholders and to get support from the local government.

The findings from the field showed that members of this forum had not really contributed to solving marine-related problems within the communities in the district. For example, the problems of household waste management, environmental hygiene, coastal waste, fisheries, marine fish bombing, and endangered fish conservation and others:

“There are many problems in the internal Rote Ndao Marine Conservation Forum and within the communities, and therefore the Forum must continually improve itself so that in the future it can work effectively and become an example for other districts” (R11).

DISCUSSION

Rote Ndao Marine Conservation Forum was established with the aim to encourage people within communities and societies in the regency to contribute to the maintenance and development of marine conservation areas and marine resources (1, 8). This Forum comprises people with good educational backgrounds and expertises in marine conservation, fisheries and environment, who are concerned with problems related to the management of marine resources and development of marine conservation areas in Rote Ndao regency. This is in line with marine conservation practices that have been undertaken in many other countries (20-22). However, the findings of the current study suggest that the Forum was not yet well established and lacked strategies and protocol to follow in performing its duties and functions. These have been indicated to influence the implementation of its activities and programs, leading to low quality results. Another

consequence of the lack of strategies and protocol was that a number of the members of this Forum were not actively involved in the implementation of its activities and programs.

Confirming the results of several previous studies (23, 24), the current study findings also report several barriers to the implementation of the Forum's activities and programs. They included low understanding level of the members of the Forum about the duties and functions of each section of the forum. The vast majority of the Forum's members were still focusing on the implementation of their basic tasks and functions in their respective departments. Other identified barriers were inadequate capacity of members of the Forum in relation to the management of marine conservation areas; the Secretariat of the Forum was not functioning to mobilize the role of each stakeholder of the Forum; lack of commitment of members to the Forum; and lack of transparency in the management of programs and activities to support the management of coastal and marine biological resources. Such barriers were also indicated to have negative impacts on the performance of the members of the Forum in the actual program implementation (1, 2, 4).

The results of the present study also show that the Forum was a legal Body fully supported by the local government of Rote Ndao in terms of facilities and financial support (8). As a Body of the local government, all the expenditures related to the implementation of its activities and programs are charged to the local government budget (8). However, this study also suggests that the interests of the forum were still directly controlled by the Regional Secretariat of Rote Ndao District through the Administration Section of the Economy, Development and Natural Resources which was technically incompatible with the Tasks and Principles of the Forum. This was an indication that the Forum was not fully independent in performing its duties and function and in the implementation its activities and programs.

Furthermore, the results of the current study convincingly indicate that the promotion to intensify conservations to marine areas and marine resources through zoning system will have positive impacts on the people especially fishermen within communities in the regency (1, 2, 4). The study reports that the regulation of zoning system and decentralization in conservation area management will lead to the fulfilment of the rights for local communities and fishermen in particular (9). It will continue to facilitate the access

of the poor including the fishermen to marine resources, and support economic development of the locals.

CONCLUSIONS

The current study reports that Rote Ndao Marine Conservation Forum has normatively been functioning in supporting the development of marine conservation program in Rote Ndao regency. It plays a role in facilitating community involvement in the implementation of marine conservation-related activities in the regency. This study also shows several barriers to the implementation of such activities and programs, including low level of capacity and understanding of the members of the Forum about its activities and programs, lack of willingness of the Forum's members to actively contribute to its activities and programs, and lack of strategies and protocol to follow during activity or program implementation. These findings indicate the need for the improvement of the skills and quality of the members of the Forum through trainings so that they fully understand their duties and functions and the missions and visions of the Forum. Besides, there is also a need to develop strategies and protocol to follow by all members in implementing activities and programs of the Forum. Further studies to understand what could be done by the local government support and improve the performance of the Forum are recommended.

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