



International Resources Group

Removing Conflicts Among Indonesian Laws relating to Coastal Resources Management

Indonesia's Coastal Resources Management Project II

July 2005

Challenge:

Indonesia's body of laws governing coastal and natural resources form a complex and sometimes conflicting fabric of rules, regulations, prohibitions, and sanctions that are often poorly understood by communities and businesses and poorly implemented by agencies and courts. Under these conditions, even the best of laws will not mitigate the continuing loss of coastal resources, nor will they improve economic development. Even as principles of good governance such as participation, transparency and accountability begin to take root under Indonesia's era of reform and decentralization, these principles must begin with a sound legal framework that is well understood by civil society and routinely implemented and enforced by the government.

Initiative:

In September 2003, the United States Agency for International Development (USAID) asked International Resources Group (IRG) to launch an initiative to better harmonize laws relating to coastal resource management. The USAID team negotiated the scope and terms of the initiative with its two primary governmental partners, Bappenas (the National Development Planning Board) and the Ministry of Marine Affairs and



Fisheries (MMAF). The new program was designed to develop four tools for improving capacity in legal analysis and understanding.

- Create a bilingual, web-based database and search engine of more than 3,000 laws relating to natural resource management, to be periodically updated and housed in the public domain accessible to all.
- Produce an analytical treatise on laws relating to coastal management that addresses issues and opportunities in harmonizing laws.
- Design a guidebook on developing regional laws for coastal management, including (1) the principles of good governance, (2) the process for drafting good laws, including effectively implementing public consultation strategies, and (3) the contents of laws relating to coastal management, such as spatial planning, inter-agency coordination, and minimum standards certification.
- Draft an enforcement handbook that provides specific citations of laws relating to coastal resources management for regulated activities with sanctions and penalties for violations.

Region: Asia
 Country: Indonesia
 Sector: Coastal and Natural Resources Management
 Duration: September 2003-September 2005
 Client: USAID



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Each of these four products was conceived to address a specific problem facing the legal system of Indonesia. The database, in a user-friendly format, addresses lack of access and knowledge relating to enacted laws. The analytical treatise provides a more sophisticated analysis for academics, NGOs, government officials, and lawyers and judges. The guidebook provides the basic concepts, principles, and techniques for lawmaking to regional governments and stakeholders. The enforcement handbook provides to enforcement agents, prosecutors and judges, as well as to the regulated community at large, a concise yet comprehensive, accessible, easy-to-follow handbook that contains the essential excerpts from laws relating to sanctions, fines and penalties.

Activities:

To accomplish these ambitious objectives, the Bappenas created an interdepartmental, multi-stakeholder "Harmonization Team" that included government officials from five different departments, five NGOs, and three universities with IRG advisors serving as the Secretariat for the Team as well as technical and legal advisors. Supported by the IRG advisors, the Harmonization Team hosted a series of workshops, review meetings and drafting sessions to prioritize tasks and conduct the work. Programming to create the user interface for the database was accomplished locally, and an IRG team of local lawyers assisted in the analysis of laws, construction of the database and the other products.

Key Results to Date:

The database is complete, in bilingual format, and includes more than 3,000 laws. It can be accessed at www.pesisir.or.id until it is permanently hosted by local organizations. It is significantly more



comprehensive than any other existing database in Indonesia, and provides a powerful and flexible search engine to allow the user to seek information on laws based on specific terms and keywords. All other products will be distributed to related partners. The guidebook, enforcement handbook, and narrative analysis are all currently in production, with 500 copies each to be printed and distributed to counterparts. Copies will also be available online at the website housing the database.

Next Steps:

As USAID's Coastal Management Project wraps up in September, 2005, Government of Indonesia partners are already incorporating these products into such programs as the World Bank Coral Reef Management Project, the Asian Development Bank Marine and Coastal Resources Management Project, and other government initiatives. A number of local institutions and organizations are being interviewed as potential hosts for the database to ensure it remains in the public domain and is maintained.

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