Marine Spatial Planning:

Resolving or entrenching conflicts over and in ocean space?

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'For many, the ocean is the new economic frontier ... it is increasingly recognized as indispensable for addressing many of the global challenges facing the planet in the decades to come, from world food security and climate change to the provision of energy, natural resources and improved medical care.'

OECD (2016, 13)

'We are witnessing collective struggles from across the world, by communities who are being dispossessed. Women are leading battles to resist efforts to wipe out our histories and homogenise our identity and culture. We are struggling against neoliberal forces and the historical consequences of colonialism and post-colonialism. The grabbing of our resources is nothing new. Yet, ocean, water and land grabbing today is taking many new forms and is justified in new ways. We find ourselves in conflict with extractive industries, the expansion of big infrastructure projects, as well as capital-intensive fisheries, aquaculture and agriculture. All of these are known to be worsening climate change, as well as severely polluting our environment.'

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Introduction

Research methodology

This report is based on on-going collaborative research between the Transnational Institute (TNI) and Indonesian traditional fisher folk union, *Kesatuan Nelayan Tradisional Indonesia* (KNTI). The aim is to explore the emergence of Marine Spatial Planning (MSP) at the national level in Indonesia, and to compare MSP's promise to resolve conflicts over ocean space with the actual dynamics unfolding on the ground in fishing communities where MSP processes have begun. First, we conducted a literature review and desk study of secondary documents about MSP globally and in Indonesia. Then, using a participatory action research (PAR) methodology[1], together with KNTI leaders, throughout 2018 we carried out field work and developed an initial investigation in North Sulawesi, a province where MSP has already been implemented. Findings from this research were then drafted, shared and discussed with fishing community members and Civil Society Organisations (CSOs) in 6 different coastal provinces (North Sulawesi, South Sulawesi, North Kalimantan, East Nusatengara (NTT), East Java and Jakarta Special Capital Province). Besides being sites where MSP is already being rolled out or has been fully implemented, these communities were chosen for their diversity in terms of level of fisher mobilisation and familiarity with MSP.

Discussions in most cases were structured in a series of 4 workshops. The first workshop was an open discussion about the fisheries context in the community. The second workshop was a presentation about the role of fisher people (*hak-hak nelayan*) in society and the human rights (*hak asasi manusia*) they hold as fisher people, with particular attention to marginalised groups. The third workshop presented the global context of MSP within the 'Blue Economy' (*ekonomi biru*) policy frameworks, current global struggles against ocean grabbing (*Perampasan laut*), the Indonesian context of MSP and debates about political strategies among and within fisher movements. The fourth workshop focused on participatory mapping (*pemetaan partisipatif*) of the coastal area, and analysis of the government's MSP process and proposed zoning maps.

Participatory mapping is '[a way for people] to identify the territory they use, and the different natural resources that they rely on for various livelihood activities.'[2] By contrast, when ocean space is mapped scientifically, resulting maps are sometimes missing knowledge that only fisher people have, for example about the location of their fishing grounds. Regarding MSP more specifically, a lot of information is already on the official maps of the government, but many communities have never seen them, nor have they been involved in the mapping itself.

As gender dynamics structure resource use in many fishing communities, this series of workshops was also conducted with groups of women to understand how they were specifically impacted by MSP. To strengthen the work on gender issues related to MSP, KNTI has engaged with *Solidaritas Perempuan*, a feminist social movement, and its local office based in Makassar, South Sulawesi. These workshops were complemented with fourteen interviews with fishers and community leaders, five interviews with government officials, two interviews with academics, and sixteen interviews with social movements and local CSOs.

Main findings

Based on this research we argue that, in the case of Indonesia, the initial outcomes of MSP have not lived up to its promise. Our key observations can be summarized as follows: First, the introduction of MSP into national legal frameworks was facilitated by the longstanding influence of international development agencies on policy making processes, combined with the large number of different sectors competing for ocean resources, which are of central importance to the country's economy. MSP was therefore introduced as an ideal solution to Indonesia's internal conflicts over ocean space. Second, despite its promise to resolve conflicts over ocean space, where it is being rolled out, we see that MSP is failing to do this in at least four ways:

1   Governance conflict: it has caused tension within government over the rollout of MSP.

2   Village-scale conflicts: it has created conflict within communities, especially over how resettlement is handled.

3   Gender conflict: it has exacerbated existing tensions in gender relations.

4   Social and environmental conflicts over extraction: Conflict between fishers and other ocean activities has not been dealt with but displaced. Ecological problems, job loss, and piracy, have deepened these conflicts.

Map of Indonesia, photo: Central Intelligence Agency, public domain

These on-going conflicts reflect the fact that Indonesia's policy focus clearly prioritises large-scale infrastructure and real estate development as well as dirty coal-based energy, all of which have serious social and environmental consequences that cannot be resolved by MSP. Fishers and coastal communities, many of whom have been living in these areas for generations, are legitimate rights holders in these territories.[3] Yet their rights are being violated and thousands of people are being forced into desperate conditions as their land and waters are grabbed for other uses and/or pollution and environmental degradation undermine their livelihoods.

We explain these findings in the following sections. First we provide a historical perspective on how global policy discourse has pushed for conflicts over ocean space to be managed through the years. Next we ground our analysis in Indonesia, looking at the legal and policy context from which MSP emerged. Thirdly we zoom in further, to the provincial level, to examine four different types of conflicts that we observed in relation to the rollout of MSP on the ground. Finally, we explore some of the key political questions and reactions among social movement actors that have been put forward in response to MSP in Indonesia.

How have conflicts over ocean space been resolved historically?

Ocean space is, and has historically been, a place where many activities unfold. Some, like shipping, transport and military activities, seek regulatory regimes that allow for high levels of mobility, facilitating frequent but fluid passage of ships and cargo. Others, like offshore drilling for oil and gas want the kind of consistent access and control to specific places that private property or long term leases allow. Others, like fishing, need consistent access to specific fishing grounds, but also depend on the ecological health of the entire ocean. Given these different needs and priorities, the challenge for ocean governance is and has been how to manage competing interests. Especially since the expansion of offshore oil drilling after WWII, the ocean 'has emerged as a site of social conflict'[4] between these different uses.

The United Nations Convention on the Law of the Sea (UNCLOS), negotiated from 1958-1982, established Exclusive Economic Zones (EEZs) which extended the sovereignty of coastal and island states to a distance of

200 nautical miles (370.4 km) from the coast. This was seen as a compromise, granting the area of the EEZ for exploitation of seabed resources and the allocation of fishing grounds, while opening the high seas mainly for transport and shipping. At the same time, states agreed to allow passage of ships through their EEZ if these conformed to basic protocol. This transfer of control over EEZs to nation states changed the way massive areas were to be governed, and represents the 'largest single enclosure in history'.[5] Previously many coastal and marine areas were managed customarily at the community level. UNCLOS moved the nation state to the centre of decisions over who can access which parts of the ocean and seas and, by extension, questions of who benefits and how from the ocean and associated resources.

Two themes in state-led ocean governance emerged strongly after the creation of EEZs. Firstly, in an international political environment dominated by neoliberalism, privatisation and marketization of ocean

resources were seen as the most efficient ways to manage access and to address environmental concerns. Perhaps the most well known mechanism for this is the implementation of 'Individual Transferable Quotas' (ITQs). ITQs are a type of quota that allocate a share of the 'Total Allowable Catch' for a given species to individual fishers or vessel owners, such that they can be sold to others. Effectively, this approach converts traditional or existing rights to fish stocks into transferable goods: 'What were once public resources are enclosed as private property for the benefit of a few. And this new form of marketable property is presumed to lead to increased efficiency––as the least efficient operations sell their quota to the most efficient ones, thus reducing total capacity––and better stewardship of the resource.'[6]

Secondly, the environmental degradation that was becoming visible in the ocean was taken up in public debate, especially after the 1992 Earth Summit in Rio de Janeiro, Brazil. Like the new 'sustainable development' focussed environmental policy initiatives that gained ground post-Rio, Integrated Coastal Management (ICM) or Integrated Coastal Zone Management (ICZM) sought to integrate environmental and economic solutions. These efforts were initially developed and pushed by the USAID-sponsored International Coastal Resources Management Program (ICRMP), and a 'network of intergovernmental and nongovernmental organisations, and individual ocean research and policy institutes'[7] based in the United States, Western Europe and Australasia. The United Nations subsequently took up – and encouraged the diffusion of - ICM via aid flows, conferences, technical tools, and workshops throughout the 1990s.[8]

This assistance targeted legal and regulatory structures at the national level, with the objective of increasing economic development. Given the social and ecological concerns emerging about ocean resources, one of the key issues used to mobilise support for these policy ideas has been the destruction of coral reefs. Advocates of ICM approaches blame this destruction on 'open access governance' of marine resources, laying the groundwork for privatisation in the name of preserving coral reefs.[9] Critics of this approach argue, 'Integrated Coastal Management is a regulatory instrument that is intended to reorganise coastal spaces and political systems for the purpose of enabling investment penetration by state and international capital. It does so by organising the coast into a new arena for investment and by politically and spatially marginalizing pre-existing resource users.'[10]

Territorial planning was always part of the ICM vision but with improved technology, as well as the growing global blue growth discourse,[11] the idea of Marine Spatial Planning (MSP) has now emerged as a key tool to execute this vision. In the words of the European MSP Platform, 'Blue Growth is the long term strategy to support sustainable growth in the marine and maritime sectors as a whole [...] MSP can facilitate the development of these Blue Growth sectors in a context of increasing competition for space and limited ecosystem resources.' As the World Bank explains, 'Marine and coastal spatial planning and integrated maritime surveillance are needed to give authorities, businesses and communities a better picture of what is happening in this unique space. Digital mapping of maritime and coastal space and natural assets can form the basis for cross-sector analysis and planning in order to prevent conflicts and avoid externalities. [...] Integrated coastal zone management can enhance the protection of coastal and near shore resources while increasing the efficiency of their uses.'[12]

"MSP is envisioned as a conflict-mitigating process, which '[a]llocates space in a rational manner that minimizes conflicts of interest and, where possible, maximizes synergy among sectors."

In its current form and as it has been taken up across the world, 'MSP focuses on *efficient allocation of marine space* to different marine activities, including nature conservation' (emphasis added).[13] That the allocation of space is seen as a continual process rather than a one-off event is key to this definition. MSP is envisioned as a conflict-mitigating process, which '[a]llocates space in a rational manner that minimizes conflicts of interest and, where possible, maximizes synergy among sectors.'[14]

The first international meeting on MSP was organised in 2007 by the Intergovernmental Oceanographic Commission (IOC) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and developed the following definition of MSP: 'A process of analysing and allocating parts of three-dimensional marine spaces to specific uses, to achieve ecological, economic, and social objectives.'[15] Ten years later, in March 2017, a Second International Conference on MSP was

organised, where IOC/UNESCO, joined forces with the EU Commission's Directorate-General for Maritime Affairs and Fisheries (DG Mare). The main objective of the conference was to assess the 'contribution of MSP to sustainable blue growth and marine ecosystem conservation' as well as to 'identify priorities for the future of MSP.' MSP has also been touted as an important policy tool for achieving the Sustainable Development Goals (SDGs).[16]

The expansion of MSP around the world (it is now used in at least 42 countries) has raised concerns that, by prioritising technical knowledge, it can have a marginalising effect on some actors and contribute to 'control-grabbing'. MSP may end up 'neutralizing rather than empowering disadvantaged and voiceless actors [... by] facilitating elite capture and creating power imbalances that negatively affect knowledge integration from less powerful stakeholders, like small-scale fishers.'[17]

MSP in Indonesia

Indonesia is the biggest archipelagic state in the world. It is made up of around 17, 500 islands and a maritime space of 5.8 million km2, which far surpasses its terrestrial area of just 1.8 million km2. Since the 1957 declaration of total sovereignty over the archipelagic waters, the Indonesian state has been struggling to assert control over the marine territories that connect its land base.

The large proportion of Indonesia's sovereign territory that is, in fact, water means that, 'the contribution of the coastal and marine related activities to the national economy, both from renewable and non-renewable extraction, is estimated to be one-quarter of Indonesia's Gross Domestic Product (GDP). Among the 10 most populated countries of the world, none come close to matching this level of economic dependence on the ocean.'[18] These activities involve a wide range of competing interests. At the same time, international financial and development institutions like the World Bank and USAID have shown an interest in and commitment to shaping the governance of ocean resources in Indonesia since the '90s (as we illustrate below). These two factors—highly contested ocean space and sustained involvement of international actors—help explain why Indonesia has so enthusiastically launched a nationwide MSP campaign.

Jokowi's blue growth...for whom?

President Joko 'Jokowi' Widodo's has made Indonesia's seas the centre of his economic policy, pushing for marine infrastructure investments and ramping up shipping via Indonesia's sea lanes.[19] In line with this vision the government launched its so-called blue revolution (*revolusi biru*) in 2010, aiming to re-orient the country's ocean policy towards a combination of 'development' and 'conservation'. The 'blue revolution' therefore focussed on attracting investment in the development of maritime infrastructure, particularly ports, mining, and reclamation projects (the creation of artificial islands and land 'reclaimed from the sea'), while at the same time advocating for the conservation of marine areas (facilitating further development of the tourism industry). Jokowi's government hosted the 2017 World Ocean Summit and the 2018 Our Ocean Conference, both of which discussed how best to transition into and facilitate the 'blue economy'. These conferences gather governments, large environmental NGOs, investment funds and other private sector actors to discuss the ocean as a new economic frontier. Consequently, the Indonesian state is part of a global network of actors mobilising, and
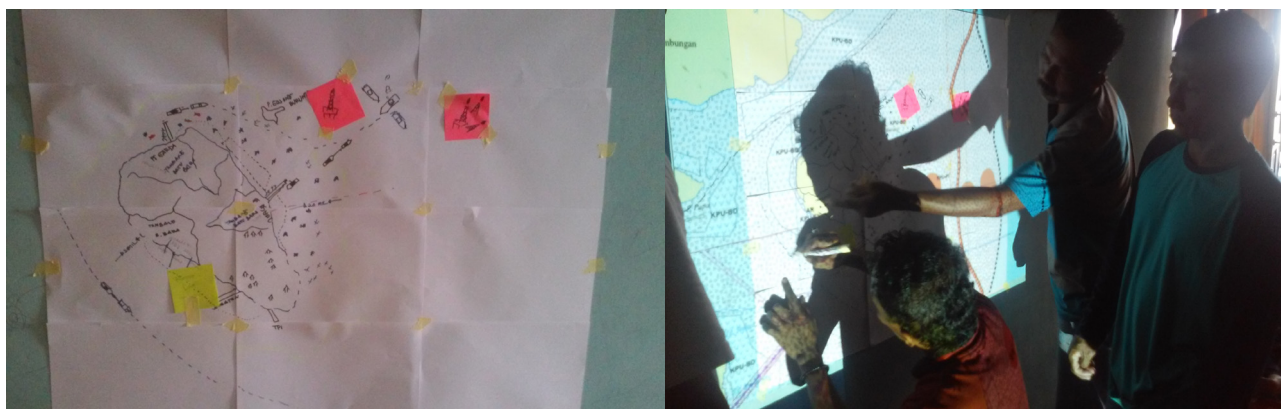
Participatory mapping workshop in Bunyu on the 30th of May 2018
Photo: T. Josse

being mobilised around, the blue growth concept. Jokowi's ambitious vision involves transforming Indonesia into what he calls the 'world's maritime axis' (*poros maritim dunia*) and identifies the maritime sector as one of four national priority sectors (in addition to food, energy and tourism). Yet, at the same time, he insists, it also involves 'utilis[ing] marine resources in the name of the national interest and people's welfare'.[20]

The issue of people's welfare in relation to the use and control of marine and coastal resources is particularly pressing in a country with more than 6 million small-scale fishers, who generate 80-95 per cent of the total catch[21] and rely directly on coastal resources for their lives and livelihoods. KNTI is a grassroots movement of small-scale fishers, with around 300,000 members spread across 18 provinces. For these small-scale fishers, the President's lofty vision and its associated policy implications present considerable threats. Both the 'development' aspect involving, for example, ports, mining, land reclamation[22] and tourism,[23] and the 'conservation' aspect, including for example the establishments of marine protected areas and blue carbon policies,[24] often conflict with fishers' traditional ways of life.

In this context of competition for the use of ocean space, MSP is framed as a neutral tool to allocate access and use rights. In practice, MSP in Indonesia is a mapping process that consists of two components: a coastal zoning map of the 12 nautical mile (22.22 km) area of coastline and small islands (referred to as RZWP3K, *Rencana Zonasi Wilayah Pesisir dan Pulau Pulau Kecil*), as well as a National Marine Spatial Plan of the marine areas from 12 to 200 nautical miles (22.22 to 370.4 km) (RTRLN *Rencana Tata Ruang Laut Nasional*). Together, these components will fully map the entire exclusive economic zone (EEZ) of the nation and serve as the basis for allocating permits to different users. As of yet, work has begun only on the coastal zoning process (in 19 of 34 Provinces at the time of writing). So far, the maps issued have led to four different use designations: conservation, sea lanes, specific national strategic area (meaning these areas can be set aside for anything deemed to be a 'strategic project') and public usage. But the situation regarding protection measures for the tenure rights of small-scale fisher folk is still uncertain. As it stands, there has been little to no prioritisation of small-scale traditional fisher folk in the allocation of ocean and coastal areas (see Bangka Island Case below for one exceptional example)

Historical and legal framework: the role of international donors

One way the blue revolution has been fuelled is by introducing MSP into Indonesian national legislation. In fact, the concept of RZWP3K appears much earlier than its official implementation. It was first included within the Coastal Law of 2007 (*Undang Undang Pesisir dan Pulau Pulau Kecil UU* No. 27/2007). Then in 2014 the local government law was amended so that the zoning itself (the process of drawing the map) would be implemented by provincial governments (e.g. *Perda RZWP3K provinsi Sulawesi Utara; Perda RZWP3K provinsi Kalimantan Utara, Perda RZWP3K provinsi Jawa Timur*). The national implementation framework launched later, in 2016, as part of national government regulations (MP. Ministry of Marine and Fisheries Regulation No. 23/PERMEN-KP/2016 on the Management of Coastal Areas and Small Islands).

The changes in ocean governance introduced by the 2007 Coastal Law mirror the global-level trends outlined above. Furthermore, the main international actors pushing for institutional reforms and territorial planning have provided regular loans and grants to carry out this work in Indonesia since at least 1997. USAID funded *Proyek Pesisir* and World Bank funded COREMAP both highlight problems of coral reef and coastal environmental destruction to encourage regulatory reforms and marine spatial planning. We argue that these two key projects helped to lay the groundwork for the passage of the 2007 Coastal Law, which introduced a privatization scheme (HP-3) in coastal areas and paved the way for the implementation of marine spatial planning.

USAID funded Proyek Pesisir

USAID partnered with the Government of Indonesia to fund 'The Coastal Resource Management Project (CRMP),' dedicating $13 million to expanding the ICM vision in Indonesia. The project was implemented through a cooperative agreement with the Coastal Resources Center at the University of Rhode Island (CRC-URI) from 1997 to mid-2003.[25] Project officers explain that, 'Progress [on ICM in Indonesia] to date has largely been assisted by outside donor organisations, but received a tremendous boost from the central government itself with the creation of a new Ministry of Marine Affairs and Fisheries in 1999 [...] With this new ministry, there is now an opportunity for the development of a strong nationwide program for integrated coastal management.'[26] Project goals included

'spatial planning and land-use requirements specifically for coastal areas, issuing standards for spatial planning, mandating priorities for coastal-dependent uses, and identification of areas for special management actions, environmental protection or hazards control.'[27] The project evaluation, carried out after completion by a team of three international and three national experts, called for further modifications of Indonesian institutions. 'The real need, as defined by various legal experts, is to create new institutional arrangements, [and] formulate a national legislation framework on coastal resource management.'[28]

World Bank funded COREMAP

The Government of Indonesia launched the Coral Reef Rehabilitation and Management Program (COREMAP), funded primarily by World Bank loans, plus smaller grants from the Global Environmental Facility as well as some of its own funds, in May 1998. It was planned to last for 15 years, divided into three phases, with over $120 million in grants. The program objective was described as follows: 'to protect, rehabilitate and achieve sustainable use of coral reefs and associated ecosystems in Indonesia, which will, in turn, enhance the welfare of coastal communities.'[29]

Phase 1 – Initiation (1998-2004)

This initiation phase focused on establishing the regulatory framework and awareness on the ground. A key outcome was:

'[S]upport for drafting the revised Fisheries Act and the Coastal and Marine Resources Management Act, models laws defining permitted and prohibited activities, zoning of marine parks and coordination of monitoring, control and surveillance activities, and institutionalization of local rules for community-based marine resources management' [30]

This focus on reshaping the legal framework for coastal management was effective and contributed to the passage of the Coastal Law in 2007, during the next phase.

Phase 2 – Acceleration (2005-2011)

The second phase also helped to launch the:

'Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI) in 2009 in partnership with five neighboring countries. [...] As a part of the conservation commitment embodied in the CTI, the Government of Indonesia (GOI) pledged to place 20 million hectares of marine space under Marine Conservation Area management by 2020 to meet its

obligations to the Convention on Biological Diversity and other international agreements.'[31]

The Coral Triangle Initiative is,

'an international conservation scheme for the region that sidesteps gained and established local environmental protection arrangements. Established in 2007, this Marine Protected Area (MPA) – which also covers Indonesia, Malaysia, Papua New Guinea, Solomon Islands, and Timor-Leste – has been dubbed as the Amazon of the seas because of its high marine biodiversity. An estimated 120 million people live in coastal communities in this region, the majority depending on fisheries for their livelihoods or food security.'[32]

The initiative has systematically excluded small-scale fisher organisations from decision-making processes and blocked access to traditional fishing grounds.[33]

Phase 3 - Institutionalization (2014-2019)

Following the establishment of the new coastal regulatory framework in 2007, institutionalisation of and support for MSP has become a key focus of the project:

'[T]he GOI [Government of Indonesia] has passed a law requiring all coastal districts (about 450) as well as provinces to map and plan the use of their marine space through Zoning Plans. As part of COREMAP-CTI's support for a decentralized approach to coastal (and coral) resources management, the project will help the seven project districts develop 'these Zoning Plans;'[34]

In sum, one of the aims of both the World Bank/GEF funded COREMAP program and the USAID funded *Proyek Pesisir* was to change Indonesia's legal structures governing ocean resources. After some ten years of engagement these expectations were met and the Indonesian government passed the Coastal Law in 2007.

The Coastal Law of 2007 was very controversial within the Indonesian civil society, especially the system of coastal concessions (HP-3), which the law introduced. A coalition of Civil Society Organisations[35] took the issue to the Constitutional Court of the Republic of Indonesia, claiming that this system of concessions creates the possibility of private acquisition of coastal areas. Although it technically allowed 'customary communities' to obtain these concessions, the law gave priority to 'business entities'. 'Moreover,' as the Court ruling states, 'the required process of administration and requirements for the granting of the HP-3 are definitely not easy for customary communities to meet.' In

2010 the Court ruled that the HP-3 coastal privatisation scheme was unconstitutional.[36] However, this ruling only recognised the concession system as unconstitutional, not the Coastal Law itself, nor the lack of clear protections for fishers' rights in the allocation of ocean space.

Rather than granting private concessions, MSP is now proposed as a way to allocate permits to use ocean space among competing interests, and to resolve conflict. Community consultation is suggested as an important mechanism for establishing priorities in the allocation process. However, our fieldwork shows that little to no meaningful consultation is taking place. Plus, it appears that the process of establishing priorities for access to ocean space is taking place in other political spheres. For example, phase three of the COREMAP set out to develop coastal 'nodes of growth' by 'creating enabling conditions for development of marine based investments and enterprise.'[37] The following cases suggest that the resulting MSP process, as carried out on the ground, is far from neutral in regards to which enterprises and investments take priority, and it fails to resolve conflict.

MSP on the ground: 4 types of conflict

1. Intra-state conflict: Jakarta Bay

For President Jokowi the development of major infrastructure projects ('Strategic Projects') is key to establishing Indonesia as the world's 'maritime axis'.[38] In January 2016, prior to the MSP mapping processes, the Government issued a regulation which aimed to accelerate the development of infrastructure projects, purportedly to meet basic needs and improve community welfare.[39] After the mapping processes were announced, this regulation was revised, to ensure that infrastructure development and MSP were linked and implemented in parallel.[40] To this end, Article 19 in the RZWP3K regulation stipulates that all infrastructure development must comply with the coastal and marine spatial plans. However, the article also gives the Minister of Agrarian and Spatial Planning or Head of National Land Agency the authority to change spatial plans in order to accommodate infrastructure projects. This means that if a decision reached by a participatory process through the coastal and marine spatial plans is in conflict with any 'strategic project', it can be undermined by this one Minister – giving the Minister enormous power to effectively rewrite existing plans. This prioritising of 'strategic projects' and shifting of power away from lower levels of government was further consolidated through the Presidential Instruction No. 1/2016, which mandates the Ministry of Agrarian and Spatial Planning to override lower levels of government's implementation of the coastal zoning law if they do not accommodate what are deemed to be strategic projects.

As a result, conflicts that emerge today are not only between government agencies (for example about whether to create a mining or a conservation area), but also between different scales of government (for example between district and provincial governments) with overlapping mandates for the same coastal and ocean spaces. In other words, very often, the state is actually in conflict with itself within and between different scales of government.

KNTI organizing fishing communities to help them making their human rights recognized, North Kalimantan, May 2018, photo: T. Josse

This conflict between state actors is currently playing out in one of the 'strategic projects' underway: the Jakarta Bay Reclamation (part of The National Capital Integrated Coastal Development (NCICD)). This project involves building 17 islands in the Bay from mined sand imported from other areas of Indonesia. The islands are to be developed for tourism and luxury real estate.
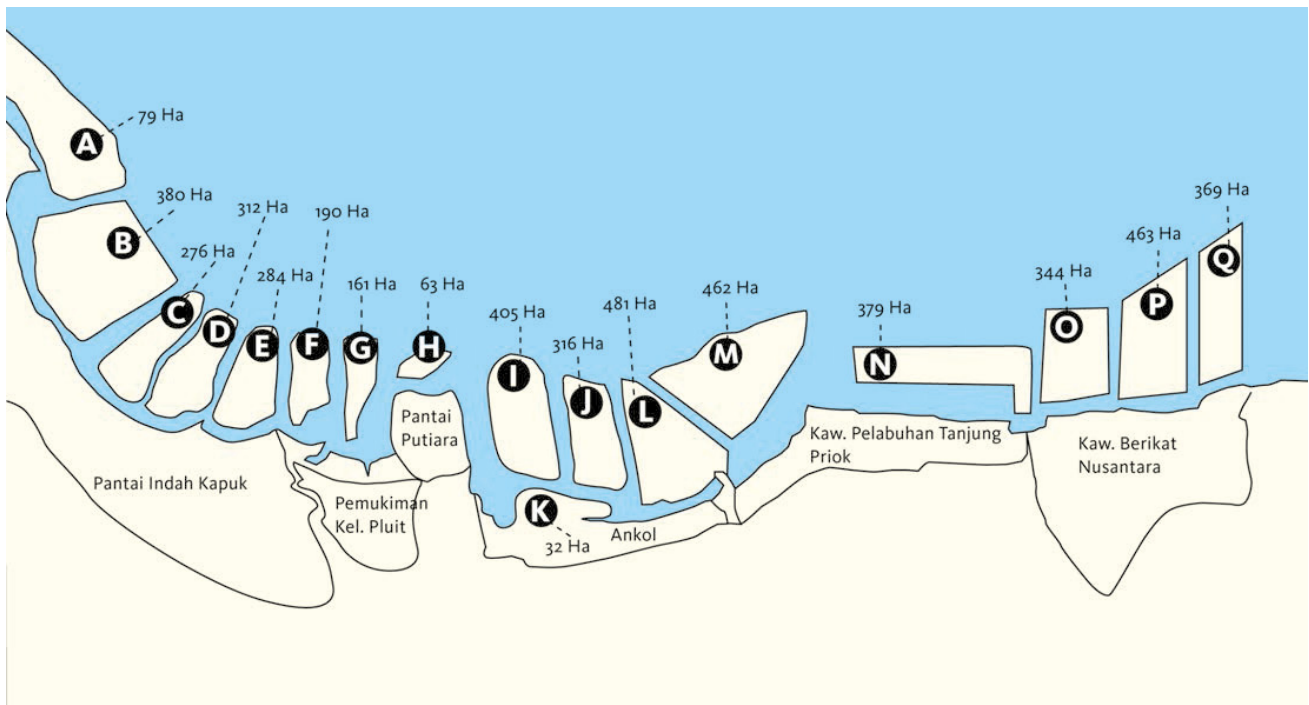
Jakarta reclamation project
Photo: SHNet http://sinarharapan.net/2016/04/reklamasi-teluk-jakarta-ini-pandangan-knti/

The project was initially launched under President Suharto in 1995 but was blocked for years by the Ministry of Forestry and Environment on the grounds that the project 'would increase the risk of flooding, […] damage[e] marine ecosystems, and reduc[e] household incomes of fishing families.'[41] This was challenged by the property developers, who were victorious in the Indonesian Supreme Court in 2011. Since then the project has been moving forward based on concessions from the Jakarta provincial government. All constructions have, however, been met with continuous challenges put forward by fisher folk and other residents in the Jakarta Bay – now organised through the Save the Jakarta Bay Coalition: KNTI, KIARA, Walhi, Solidaritas Perempuan, LBH Jakarta, ICEL. In response to recent protests, the Ministry of Forest and Environment suspended development of some of the islands in 2016.[42]

The MSP-tool was launched in this contentious battlefield. In the midst of increasing critique at the provincial level, the central-level government invoked article 19 to turn NCICD into a 'strategic project' of national importance. As a result, the provincial government has lost authority over the project and the central-level government is now, legally, free to introduce whatever zoning plan it sees fit to develop the President's vision. Meanwhile, the mayor of Jakarta continues to push the central government to relinquish authority over the project back to the provincial government.

2. Inter- and intra-village conflicts: North Sulawesi

In 2014 a mining company got a permit to explore the coastal area of Bangka Island, in order to develop iron-ore mining. In response to the request for the permit, the provincial government commissioned an assessment of the area and concluded that the mining site was too small to be profitable. This didn't stop the mining company, however, since the actual agenda was to mine for gold and rare micrometals that *would* be profitable ventures; they had applied for an iron-ore permit in order to avoid the taxes on micrometals.[43]

The lives and livelihoods of Bangka Island's small-scale fishers, who live in the area and fish the waters immediately adjacent to the prospective mining sites, would be massively impacted by the project. Construction was initiated with no consultation of any kind, sparking internal division within the village about how to react to the project. Some villagers decided to sell their lands and accept relocation to houses on the South of the island with no electricity or other basic facilities, while others tried to resist and remain in their homes. According to interviews with female villagers, the decision to sell and move was typically taken by men in the household. When distressed women returned to their former village asking for support, they were turned away by those who had remained. [44]

In this context MSP was used by the provincial government as a legal tool to formalise and legitimise the mining project. According to interviews with villagers from the fishing community, the provincial government declared that: 'if this area is defined as a mining area on the map, there is no reason why a mining project could not be developed in this area.'[45] In this manner, priorities were defined by the provincial government through the MSP process, and then used as a tool to claim to villagers that the area was 'in fact' a mining area.

However, the tides turned in Bangka Island when a new governor, more supportive of fisheries and tourism, came to power. The Save Bangka Island Coalition, composed of small-scale fisher people, CSOs and community-based tourism resorts, pushed him to change the strategic objectives of the coastal planning process. As a result, the governor ultimately decided to re-work the coastal zoning. This re-working opened space for participation of village representatives, along with members of the Save Bangka Island Coalition, to advocate for the prioritisation of small-scale fishers' rights and local tourism development and against the mining project. Their struggles proved successful: the mining project was stopped and it became illegal for the company to continue its coastal mining activities.

Nevertheless, the inter- and intra-village conflicts that the MSP-plan attempted to address remain unresolved. Villagers who accepted compensation never received the rest of their payment and promised jobs never materialised. These villagers now live on the Southern part of the island, with significant tension between the two villages remaining.[46]

3. The gendered impacts of MSP conflicts: South Sulawesi

Makassar, the capital of South Sulawesi, held a crucial position in maritime trade routes during the colonial era, linking Jakarta with the outer islands of the then Dutch East Indies. Today, under Jokowi's blue revolution policy, it similarly plays a central role as one of six major ports (along with Medan, Jakarta, Surabaya, Bitung and Sorong) that, as announced by the president at an ASEAN summit speech,[47] will benefit from the fact that 'forty percent of world trade happens in or around Indonesia's seas.'[48] Building on Makassar's historical role as a harbour, Jokowi's aim is to significantly expand and strengthen the port as a logistics centre. 'Indeed, the expansion of sea-lanes, the development of ports, and the construction of ships

should be interpreted as the beating heart of Jokowi's maritime doctrine.'[49] Consequently land reclamation and jetty construction began in 2015, undertaken by the state-owned PT Pelindo IV and state-run PT Pembangunan Perumahan. This is the first stage in a long-term strategy for Makassar that, according to the Master Plan, stretches all the way to 2032. The development has been bolstered by the clear prioritisation of port development by the World Bank: In 2016 the first of two development policy loans, in the amount of $400 million dollars was approved to 'enhance ports' performance'; 'improve logistics services'; and 'strengthen trade processing'.[50]

This project includes support for the Makassar port development. The provincial government (DPRD) of South Sulawesi has carried out three consultation meetings regarding the rollout of RZWP3K (coastal zoning map). However, little effort was made to ensure actual participation and women were not included. The CSOs invited were given just two days' notice, and individuals were invited as community representatives without having consulted with the rest of the community or received permission to speak on their behalf. Because of the way this process unfolded, activists from the Alliance to Save Coastal Areas (*Aliansi Selamatkan Pesisir*) argue that MSP is being used as a strategic tool to develop sand mining in Takalar and reclamation projects in Makassar in the interest of port development.[51] This coalition is made up of local members of WALHI (Indonesian Forum for the Environment; Indonesian member group of Friends of the Earth International), and *Solidaritas Perempuan* (SP), an Indonesian radical feminist movement organising women in rural and urban communities.

One of the overlooked constituencies in the development of the harbour is the local small-scale fishing population spread out across the coastline of Makassar, and especially the women in these communities. Since its initiation the project has steadily imposed physical limitations on fishers' access to the sea and the coast. Consequently their livelihoods, which are based on capturing, processing and selling fish, shrimp, crabs and mussels, are being steadily undermined. The fishing grounds that they used to have access to and have historically based their livelihoods on are now occupied by large ships transporting heavy equipment and materials, building new infrastructures on their former fishing grounds. Aside from blocking off access and destroying fishing grounds, this has led to the destruction of fishing gear, leading to cycles of debt when fishers attempt to replace gear but are unable to repay debts due to falling incomes from the degraded fishery.[52]

Women meeting in Tallo community, Makassar, May 2018
Photo T. Josse

At the same time, due to the accumulation of mud and rubbish on the coastline, harvesting of shells, typically done by women, has sharply decreased. With their primary income-generating activity curtailed by beach contamination, women must work harder to meet their families' needs, while still maintaining domestic chores such as cooking, cleaning, feeding their husband and children, managing the community, and taking part in the decision making processes. To shoulder this triple burden (production, reproduction and social community management), women's work in this coastal community requires around 18 hours per day.[53] Ironically, their role is still considered to be complementary to, or supporting, men's work. Indeed, women are often not seen as fishers even though they play a key role in the pre- and post-harvest activities. Thus their voices have been heard even less than men's in the consultation process. [54]

The loss of access to key sources of income has gendered impacts. In Makassar, workshops carried out with women fishers suggests that women, as family financial managers, are bearing the burden of seeking additional resources despite facing diminishing shellfish harvesting potential due to mining and port development activities. As a result women are forced to take on debt to meet the needs of their families, because of fishing gear destruction, but also because the cost of transportation for fishing and selling fish is increasing. At the same time, the possibility for

political engagement is limited. The minimal consultation that has been done regarding MSP is conditioned by the existing patriarchal structures in Indonesian society: when men are invited to a consultation process, they don't want their wives to participate as well. Taken together, these factors exacerbate gender-based conflict. According to interviews with women leaders from the community of Tallo, the loss of income is potentially increasing the occurrence of domestic violence, and is increasing female workload.[55] According to a member of SP, child abuse is also increasing, as child marriage is seen by indebted households as solution to financial difficulties.[56] Plus, as the Makassar reclamation project is implemented, the corporations involved in the project are offering jobs to the men, and the government is reaching out to the men of the communities to provide compensations for the destruction of their fishing grounds. But women are not gaining the same access to alternative jobs, and the reclamation would mean losing their traditional and cultural role in the community, increasing the political marginalisation and lack of recognition that they already face.[57]

Similar findings from a study of female mussel harvesters in the context of Jakarta Bay reclamation project suggest that the gendered impacts of MSP are not a specific to Makassar but also concern other communities impacted by MSP and development policies.[58] Members of SP have focused their resistance efforts on opposing the

reclamation project and RZWP3K because they see this infrastructure project as part of a broader pattern of neo-liberal development, which undermines women's roles in the society. As one woman from the Tallo community explains, their struggle is a 'double struggle': they are struggling against neo-liberalism and patriarchy, but they also face a 'struggle within the struggle' as men and movements fighting against neo-liberalism often rely on patriarchal values, forcing women to struggle for their rights within the movement itself.[59]

4. Vicious cycles of social and environmental conflict following coal extraction in North Kalimantan

The province of Kalimantan Utara already issued its zoning plan, but no consultation about RZWP3K was organised: focus groups and individual interviews made clear that a large majority of fisher people were not even aware of the process. A small minority of community leaders were aware of the existence of a zoning plan, but their understanding of the process was partial, and they were never consulted by the provincial government. Further-more, when interviewed, Provincial Government officials appeared unable to answer questions about RZWP3K.

The three islands visited perfectly illustrate how government officials understand the word 'consultation'. According to them this is nothing more than public awareness or 'socialisation' (sozializasi): first the government implements a project, and then officials organise a meeting to explain the program to the fishers. Thus, there is neither participation by, nor consultation of, local communities in the decision-making process.

RZWP3K in Kalimantan Utara is of strategic importance for the provincial government. In 2016 Indonesia was the fifth largest coal producer in the world. One key region for this sector is near the small islands of Tarakan and Bunyu, where spatial zoning is used to legitimise coal mining, coal transportation, and oil extraction. Participatory mapping workshops with fishers highlighted coal transportation as a critical issue for these coastal communities because the pollution is 'killing the fish and destroying our fishing grounds,' according to KNTI members. Pak Rustan, a founder of KNTI and local fisher leader, also explains that 'after a few years, coal pollution has impacted the growth of seaweed in aquaculture, endangering the source of livelihood fisher women rely on.'[60]

The consequences of coal pollution are very serious in North Kalimantan, and a lot of fishers and seaweed processors have had to stop fishing, or have resorted to illegally using trawlers, which is seen as a way to catch enough fish in polluted waters where traditional fishing gear is no longer efficient. As Pak Rustan explains 'illegal trawl fishing is common in Tarakan, increasing the destruction of the fishing grounds that coal is already causing, but the local government doesn't do anything to implement the law and protect traditional fisher people.'[61] Thus, illegal fishing is increasing tensions and conflicts within communities already affected by coal pollution.

In addition to these tensions, piracy is a big threat in the area. Indonesia is the largest thermal coal exporter in the world[62] and the shipping route along the sea border between Indonesia and the Philippines, off the coast of North Kalimantan, carries some $40 billion worth of cargo (largely coal) per year. Due to piracy attacks the chairman of the Indonesian Coal Mining Association and director of Jakarta-listed coal producer Toba Bara Sejahtera, Pandu Sjahrir has explained that, '[t]wo Indonesian coal ports have blocked departures of ships for the Philippines and more suspensions are expected.'[63]

To protect important shipping corridors, the national government is focussed on developing a strong security system on nearby Sebatik Island, and securing the sea lanes from pirate attacks on cargo ships. To do this Sebatik Island has been defined as a 'national strategic area', meaning the spatial zoning (National Strategic Area Zonation Plan, RZ KSNT) is under the authority of the central government. However, the development of secure sea lanes has deepened conflicts with fishers in this area, some of them facing collisions with commercial boats, putting them in extremely dangerous situations.[64]

It is clear that the national priority is the protection of coal shipping lanes, rather than fishers who have not been consulted in the zoning process. This leads to situations where fisher people are not only in danger because of piracy, but also because of coal boats changing their lanes to avoid piracy issues, and passing through fishing grounds. Indeed, in Kalimantan Utara fisher folk are robbed on a daily basis by pirates. Pirates threaten fishermen with guns, take their fish, their motors, and sometimes their boats. Some fishers have been killed. But the law is not enforced as the police are often wary of confronting the pirates who are organised in a mafia.[65]

As unemployment in coastal areas goes up so does economic desperation and piracy.[66] Carrying out what are essentially sea muggings, '[p]irates operate discreetly, for money.'[67] Prioritising the coal industry not only increases pollution in ocean waters and dangers at sea, it drives up unemployment among coastal communities leaving people with few options to make ends meet. This is likely to feed, rather than curb, the vicious cycle of social and environmental conflict created by piracy and coal.

Political strategies and key questions moving forward

Multi-scale coalition building

As MSP ploughs ahead, small-scale fishers are finding their livelihoods threatened. In the face of this coordinated global policy push, KNTI is focusing on supporting and connecting local level coalition building to feed into national level organising to challenge broader neoliberal political agendas.

For example, North Sulawesi was one of the first provinces to roll out a coastal zoning plan based on the Marine Spatial Planning principles. However, the development of the draft zoning plan was very far from the 'participatory' process envisioned. According to North Sulawesi local civil society organisations and villagers, the zoning plan for North Sulawesi was implemented as a top-down and technocratic process by the provincial government. To oppose the project, the Coalition Save Bangka Island was created, bringing together villagers, CSOs, academics, and some local tourism companies. The coalition deployed a number of tools across different scales to fight against the mining project, including international outreach campaigns, social media networking, advocacy towards the parliament, human-rights campaigns, and meetings with the president's staff. Initially the influence of the mining interests through their distinct channels - which according to local activists included bribery and a 'mafia-system' stretching from the villages to provincial politicians - proved more powerful.[68] MSP was therefore initially a tool used to implement mining objectives, seemingly in tune with the 'development' part of Jokowi's blue revolution. However, with the election of the new governor, more attuned to demands about fisheries and tourism, new political opportunities emerged and villagers used the process to develop their own vision of what the zoning of their fishing grounds should be. This ultimately allowed their rights to be recognised via an official regulatory tool. Bangka Island is the first (and only observed in this study) Indonesian example of civil society mobilising and

Coal transport ship entering fishing grounds, North Kalimantan.
Photo: T. Josse

organising through the MSP-process leading to a victory against a mining development project.

At the national scale, fisher people are not only making their voices heard about MSP, they are also targeting the neoliberal policies that are shaping it. From 8 to 15 October 2018, an IMF and World Bank summit was organised in Bali, and KNTI took part in the *Gerak Lawan* coalition, an alliance of more than 20 CSOs developing a counter-summit consisting of workshops, actions and cultural events, to reject WB and IMF policies, and particularly their impact on access and control of ocean areas. Shortly after, on 29 October, the 'Our Ocean Conference' was organised in Bali and KNTI led a coalition of ten CSOs to organise a counter event, the *Rembug Rakyat Laut* (Ocean's People Conference), to raise the voices of fishers. Fisher people from all over Indonesia converged in Jakarta, and a series of workshops was organised about Blue Growth schemes and MSP. A protest took place on 30 October, when fisher people published the Ocean's People Declaration.[69]

Tensions and challenges

Although coalition building has been effective in many cases to empower fishers confronted with MSP processes, tensions also emerge and threaten the sustainability of such alliances. In terms of strategy, one of the most common questions among KNTI members and allies is about whether to 'engage with or reject the MSP framework?' Tensions within coalitions emerge between those who favour 'inside strategies' consisting of engaging and advocating directly with the government/private sector in the consultative process, and demanding greater participation versus those who advocate for 'outside strategies' consisting of organising protests, court cases and media campaigns to refuse government/private sector projects facilitated through MSP. We found that while activists on the ground frequently use this binary language of either inside or outside, most of the time, fisher people will actually use more fluid combinations of strategies, depending on the opportunities available to them.

In the spring of 2019, the *Aliansi Selamatkan Pesisir* organised mass mobilisations and media campaigns against the coastal mapping process and the Makassar reclamation project. Unfortunately, even with a strong popular support and mass protests, the coastal map has nonetheless been set and enacted by the provincial government, without accommodating the demands of local fishing communities. Thus, many communities are already being threatened by the impacts of the reclamation project, for example being forced to take on debt. In this context, two strategies are being considered by fisher people: in the short term, they want to get compensation for the impacts already happening on the ground, while, in the longer term, they want the reclamation project to be stopped on the basis of the human rights violations it generates. It is true that these two strategies can be seen as contradictory. Accepting compensation from the government could mean legitimising the project that some communities want to reject. At the same time, however, compensation could give communities the support needed to continue developing legal strategies to oppose the project.

In addition to debates about inside versus outside strategies, the deeper political tensions within coalitions are revealed when we look at long term political vision. The example of Bangka Island in North Sulawesi shows clearly how fisher people opted to use an inside strategy to legitimise their fishing rights within MSP, with some success. However, this victory is based on fragile alliances between fishers and people working in tourism. In this case the alliance formed in the Coalition Save Bangka Island brought diverse interests together in the moment, but different long-term visions for how to manage and use ocean space may create political tensions and weaken the coalition.

If not MSP, then what?

Regardless of communities' strategies, it is clear that MSP does not address the root of the conflicts that coastal communities face. So, while tactical alliances can be useful in the short term, ultimately confronting MSP requires a clear idea of alternative ways of dealing with conflicts over ocean space. MSP has been presented as a 'silver bullet' capable of resolving the many competing interests in Indonesia's vast marine territory. How do fishers propose to resolve conflicts over ocean space, including those emerging from MSP? Developing these ideas is an ongoing political process within KNTI and coastal communities throughout Indonesia, which we do not propose to resolve here. But given the nature of the conflicts that we observed in the wake of MSP implementation, we can identify some key questions moving forward, which we hope might be useful for future debates.

As seen in the case of Jakarta Bay, MSP implementation is shaped by conflicts within the state itself between different agencies and levels of government. This case brings up questions about ocean governance. Who should be in

Protest in front of the Presidential palace during the Ocean's People Conference in Jakarta, 30th October 2018
Photo Ragil Chandra

charge of making decisions about access to and control of ocean space? How should it be managed? In fact, as part of the World Forum of Fisher Peoples' KNTI has dedicated years of organising to contributing to the development of an alternative vision of fisheries governance, as described in the Voluntary Guidelines for Securing Sustainable Small Scale Fisheries (FAO, 2014), which would have profound impacts on ocean governance more broadly. Do these guidelines provide a viable alternative in Indonesia? What are the main barriers to their implementation? What does a Human Rights Based Approach to fisheries governance look like in the Indonesian context and what would the implications be for other ocean industries?

In addition to failing to resolve conflicts between different uses of marine space, MSP has also caused deep conflicts within fishing communities, which are still not resolved. For instance in the case of North Sulawesi divide and conquer tactics have left lasting tensions between and within local villages. What kinds of conflict transformation methods are needed to repair this damage? What mechanisms can be put in place to avoid future tensions of a similar nature?

MSP is also exacerbating existing tensions in gender relations. Women's exclusion from mapping processes, in particular, has increased the oppressions that they already suffer from. What does gender justice look like in fishing villages? What kinds of policies are needed to facilitate

more equitable gender relations in these contexts? How is KNTI working to dismantle patriarchy internally and in the work that it does?

Finally, the way that MSP has been rolled out in Indonesia has prioritised dirty coal-based energy. In contrast to the definition of MSP drawn from UNESCO/IOC documents, conflict between fishers and other ocean activities related to coal in Indonesia has not been dealt with but only displaced while ecological problems, job loss, and piracy, deepen existing conflicts. What alternative systems and ways of relating to the ocean could provide good jobs and environmental protection? Current approaches to maritime security are leaving fishers vulnerable to piracy. How can safety and justice be assured?

Indeed, many of these questions are not new to KNTI members, Indonesian small-scale fishers and allies. Sessions during the Ocean's People Conference in 2018 focused on exploring alternatives to the blue economy framework, like climate justice, food sovereignty and agroecology. The challenge facing KNTI now is how to balance the need for inclusive deliberation about these long term political questions with the very urgent need for action in the face of the rapid rollout of MSP and the different projects that it facilitates, which threaten the livelihoods of small-scale fishers and fish-workers across the country.

Endnotes

1   Two key principles of PAR are the following: the pursuit of social change and the democratization of the knowledge process. Thus, some elements are different from classical social science, as described by Bacon et al. (2005): the people participating in the process are the source of data, information is gathered in a participatory way, people are actors of the process, and the community uses the process itself. Action research is a political practice, drawing on Paulo Freire's 'critical pedagogy' – the researched are researchers. They hold knowledge and can analyse it, the researched are co-decision makers in the research process (Freire, 1970). C. Bacon, V.E. Mendez, and M. Brown, "Participatory Action Research and Support for Community Development and Conservation: Examples from Shade Coffee Landscapes in Nicaragua and El Salvador," Center Research Brief (University of California, Santa Cruz: Center for Agroecology and Sustainable Food Systems, 2005); Paulo Freire, *Pedagogy of the Opressed*, trans. Myra Bergman Ramos, 30th Anniversary Edition (New York and London: Continuum, 1970).

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3   As recognized by the SSF Guidelines

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13   Jay, S., W. Flanner, J. Vince et al. (2013) International Progress in marine Spatial Planning. In: Chircop A, S. Coffen-Smout and M. McConnell (eds) *International Progress in Marine Spatial Planning, Ocean Yearbook 27*, Leiden: Martinus Nijhoff Publishers, 171-212, quote on p. 176

14   Ehler, C.N. and F. Douvere (2006) Visions for a Sea Change. Report of the First International Workshop on Marine Spatial Planning. IOC Manual and Guides, 46: ICAM Dossier 3, Paris: UNESCO, quote on p. 13

15   Ehler, C.N. and F. Douvere, 13

16   See for example: https://sdgresources.relx.com/special-issues/sustainable-development-goals-through-marine-spatial-planning

17   Svein Jentoft (2017), Small-scale fisheries within maritime spatial planning: knowledge integration and power, *Journal of Environmental Policy & Planning*, 19(3), 266-278, Quote on p. 273 For a case of how such power-imbalances play out, see M. Barbesgaard (2019) Ocean and land control-grabbing: The political economy of landscape transformation in Northern Tanintharyi, Myanmar. *Journal of Rural Studies*, 69, 195-203

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This report is based on on-going collaborative research between the Transnational Institute (TNI) and the Indonesian traditional fisher folk union, Kesatuan Nelayan Tradisional Indonesia (KNTI). For the past decade, Marine Spatial Planning (MSP) has become a popular policy tool to resolve conflicts over and in ocean space. Proponents claim that MSP can ensure a process that balances competing interests between different users of ocean space from large-scale extractive industries, to tourism companies to small-scale fishers. This report looks into the on-the-ground implications of MSP as it is currently unfolding in Indonesia: does MSP really solve conflicts and create win-win-win solutions on the economic, social and ecological front as proponents claim? Delving into a series of cases across the country, the report shows that far from solving conflicts, MSP creates new or exacerbates old conflicts over control of and access to coastal and marine resources. Such conflicts particularly impact on fishers and coastal communities who are the legitimate rights holders in these territories. As the report concludes, for fisher peoples' movements the roll-out of MSP therefore raises important strategic questions concerning whether and how to engage in the process. With the increasingly global nature of MSP, the report's analysis and discussion is relevant far beyond Indonesia.

Kesatuan Nelayan Tradisional Indonesia (KNTI): Indonesia Traditional Fisherfolks Union – established in 25 regions in Indonesia with around 300,000 members, including a youth group. KNTI is also a member of the World Forum of Fisher Peoples.

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