



REPORT

VILLAGE REGULATION FOR COASTAL AREA MANAGEMENT IN OGOTUA AND MALALA VILLAGES

Toli-Toli Regency, Sulawesi Tengah

This Project is executed by the Mohamed bin Zayed Species Conservation Fund, with financing from the GEF, implementation support by UNEP and technical support from the CMS Dugong MoU Secretariat.





FOREWORDS

Duyung (*Dugong dugon*) or dugong is one of 35 sea mammals that often found in seagrass, is an animal protected by law nationally and internationally. Dugong and its habitat conservation effort in Indonesia was not just done by government, but also by some international organizations, they are *United Nation Environment Programme-Conservation Migratory Species* (UNEP-CMS) that collaborated with Muhamed bin Zayed Species Conservation Fund (MbZ) through *Dugong and Seagrass Conservation Project* (DSCP) program. ID3 Implementation in Toli Toli Regency is focusing on dugong and seagrass conservation that is community-based. Community's involvement on monitoring marine and fishery resources is an extension of government in the field, so the community surveillance group (pokmaswas) presences is very needed in granting dugong and seagrass habitat presence. Besides, involvement from authority that has role to manage regulation in each its region, like local government and village would also support the success from conservation activity and guarantee sustainable fishery in Toli Toli Regency.

Toli-Toli, February 2018

Author



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INTRODUCTION

1.1 Background

Dugong is a herbivore mammal that lives in shallow water, its distribution ranges from East Africa until Vanatu, on the southwest New Guinea Papua. Dugong's distribution in Indonesia is very thorough and almost spread in all of shallow water of Indonesian sea. Its presence in Indonesia is still very difficult to find, only some places at eastern Indonesia, like Sangihe, Alor, and Papua. Marsh (2002) predicted that at 1970, dugong population in Indonesia was 10.000 dugongs. But at 1994, its population decreased to 1000 dugongs. Besides its presence that's hard to find, dugong is also classified as a protected animal and based on IUCN (1996), dugong is classified as vulnerable.

Tolitoli Regency is one of example location in DSCP-ID3 implementation location in Indonesia. Tolitoli Regency has dugong population that according to local people, is still often seen, meanwhile its presence' threat frequency to dugong's life increases in the last few years. That result is verified on introductory survey in several coastal regions in Tolitoli Regency, added by hunting activity potency that still there in several villages and marine sector development that still has not considered KKPD (Kawasan Konservasi Perairan Daerah)/ Marine Region Conservation Area presence and seagrass habitat that is critical for local dugong's preservation. Therefore, it has become objective consideration about the need of DSCP-ID3 activity in Tolitoli Regency.

One of its activity of ID3 implementation that has become DSCP Indonesia responsibility is a harmonization and integration of regulation in seagrass and dugong management within conservation area in Tolitoli. Coastal Area and Small Islands Zonation Plan/ Rencana Zonasi Wilayah Pesisir dan Pulau - Pulau Kecil (RZWP3K) of Sulawesi Tengah Province has been declared as local regulation in December 10th, 2017. Within that zonation plan, some key habitats of dugong that is identified from community's participative map is not included in conservation area, so one of its management strategy is creating management plan on village level to protect dugong habitat that later should be appointed through village government. Therefore, as a pilot step, there needs an agreement and needs to summarize management plan of dugong and seagrass on village level together with pokmaswas and village apparatus to accommodate dugong and seagrass habitat protection through FGD (focus group discussion). Hopefully, the final aim of this activity is management plan on village level that is agreed by village community that later is appointed through village regulation.



1.2 Objectives

Here are the objectives of this activity:

1. Conducting socialization of conservation area that is allocated within RZWP3K of Sulawesi Tengah Province to Pokmaswas in Santigi, Malala, and Ogotua Village.
2. Summarizing an early draft of management plan on village level with pokmaswas and village apparatus' representative that could accomodate dugong and seagrass habitat protection in areas that have not been accomodated within RZWP3K.

1.3 Location

The activity is conducted on January to April 2018 in Malala and Ogotua Village.



SUMMARY OF COASTAL MANAGEMENT PLAN IN VILLAGE LEVEL

RZWP3K of Sulawesi Tengah Province has been appointed as regional regulation on December 10th, 2017. Within that zonation plan, dugong migration lane has been facilitated within RZWP3K of Sulawesi Tengah, but some of dugong's key habitats that have been identified from community's participative map is excluded from conservation area, they are Tanjung Jalegeh and water within Lingayan Island, Ogotua Village. During January- March 2017, KKHL (Directorate of Conservation and Marine Biodiversity) of Marine and Fishery Affair Ministry (KKP), Marine and Fishery Agency of Sulawesi Tengah, Fishery Agency of Tolitoli Regency, and Bogor Agricultural University/ Institut Pertanian Bogor (IPB) has done Focus Group Discussion (FGD) to agree and summarize of dugong and seagrass management plan in village level with pokmakswas and local apparatus to accomodate dugong and seagrass habitat protection.

So far, Perdes plan of Ogotua and Malala has been arranged and there is a draft to be sent to Head of Village, BPD, and local pokmaswas, meanwhile Perdes plan of Santigi village has not been made because of internal problem within village government. The next strategy is finalize Ogotua and Malala Perdes Plan, that later is handed to Head of Village and BPD. After it is approved by BPD, local apparatus together with DSCP would guard that Perdes plan to Regional Secretary.

Result of meeting and discussion are:

1. Full support and commitment from local apparatus of Ogotua and Malala Village about of coastal management, community-based PerDes forming.
2. Harmonize and verify the management plan document of zonation in Tolitoli Regency and Strategical National Area/ Kawasan Strategis Nasional (KSN), in this context is Lingayan Island, Ogotua Village. This verification needs to be done so there would be no overlap between regulation in village level plan with regional zonation regulation plan and KSN.
3. Legality and strengthen the group organization to support monitoring activity on village level.



ATTACHMENT

1. Perdes Draft of Coastal Village Management in Ogotua

OGOTUA VILLAGE REGULATION
DAMPAL UTARA DISTRICT, TOLITOLI REGENCY
NUMBER YEAR 2018

IN REGARD TO

MARINE PROTECTION AREA

BY THE GRACE OF GOD ALMIGHTY

HEAD OF OGOTUA VILLAGE,

- Consider : a) that coastal management should be controlled so there would be balance between utilization and protection in supporting sustainable development that's environmentally insightful;
- b) that according to forum by some members also in time of government's policy in preserving coastal and marine resource, so coastal and marine protection needs to be written in a Village Regulation as an embodiment of community that aware of law and environment;
- c) that according to point (a) and (b) above, there needs regulation in Ogotua Village about Marine Protected Area.
- Remember : 1. Consitution Number 29 year 1959 about Forming Regions of Level II in Sulawesi (Lembaran Negara Republik Indonesia year 1959 Number 74 Tambahan Lembaran Negara Number 1822);
2. Constitution Number 5 year 1990 about Natural Resources and Its Ecosystem Conservation (Lembaran Negara Republik Indonesia year 1990 Number 49, Tambahan Lembaran Negara Republik Indonesia Number 3419);



3. Constitution Number 6 year 1996 about Indonesia's Marine Area (Lembaran Negara Republik Indonesia year 1996 Number 73, Tambahan Lembaran Negara Republik Indonesia Number 3647);
4. Constitution Number 31 year 2004 about Fishery (Lembaran Negara Republik Indonesia year 2004 number 118, Tambahan Lembaran Negara Republik Indonesia Number 4433); as it changed to Constitution Number 45 year 2009 about Constitution change number 31 year 2004 Fishery (Lembaran Negara Republik Indonesia year 2009 number 154, Tambahan Lembaran Negara Republik Indonesia number 5073);
5. Constitution Number 26 Year 2007 about Penataan Ruang (Lembaran Negara Republik Indonesia Year 2007 Number 68, Tambahan Lembaran Negara Republik Indonesia Number 4725);
6. Constitution Number 27 Year 2007 about Coastal Area and Small Islands Management (Lembaran Negara Republik Indonesia Year 2007 Number 84, Tambahan Lembaran Negara Republik Indonesia Number 4739) as it changed into Constitution Number 1 Year 2014 about changing of Constitution Number 27 Year 2007 about Coastal Area and Small Islands Management (Lembaran Negara Republik Indonesia Year 2014 Number 2, Tambahan Lembaran Negara Republik Indonesia Number 5490);
7. Constitution Number 32 Year 2009 about Environmental Protection and Management (Lembaran Negara Republik Indonesia Year 2009 Number 140, Tambahan Lembaran Negara Republik Indonesia Number 5059);
8. Constitution Number 12 Year 2011 about Forming Constitution Regulation (Lembaran Negara Republik Indonesia Year 2011 Number 82, Tambahan Lembaran Negara Republik Indonesia Number 5234);
9. Constitution Number 6 Year 2014 about Village (Lembaran Negara Republik Indonesia Year 2014 Number 7, Tambahan Lembaran Negara Number 5495);



10. Constitution Number 23 Year 2014 about Regional Government (Lembaran Negara Republik Indonesia Year 2014 Number 244, Tambahan Lembaran Negara Number 5587);
11. Constitution Number 32 Year 2014 about Maritime (Lembaran Negara Republik Indonesia Year 2014 Number 294, Tambahan Lembaran Negara Number 5603);
12. Government Regulation Number 38 Year 2007 about Dividing Government Business Between Central Government, Provincial Government, and Regency/ City Government (Lembaran Negara Republik Indonesia Year 2007 Number 82, Tambahan Lembaran Negara Republik Indonesia Number 4737);
13. Government Regulation No. 60 Year 2007 about Fishery Resources Conservation (Lembaran Negara Republik Indonesia Year 2007 Number 134, Tambahan Lembaran Negara Republik Indonesia Number 4779);
14. Government Regulation Number 64 Year 2010, about Disaster Management within Coastal and Small Islands Area (Lembaran Negara Republik Indonesia Year 2002 Number 109, Tambahan Lembaran Negara Republik Indonesia Number 5154);
15. Regional Regulation of Tolitoli Regency Number 18 Year 2008 about Environmental Management (Lembaran Daerah Kabupaten Tolitoli Year 2008 Number 18, Tambahan Lembaran Daerah Number 38);
16. Regional Regulation Kabupaten Tolitoli Number 9 Year 2000 about Changing Names of Regional Regency Level II Buol Tolitoli became Tolitoli Regency (Lembaran Daerah Kabupaten Tolitoli Year 2000 Number 8 Seri D Number 8);

Along with Agreement Together

OGOTUA VILLAGE CONSULTATIVE AGENCY

and

HEAD OF OGOTUA VILLAGE

D E C I D E D:



Determine : OGOTUA VILLAGE REGULATION ABOUT
MARINE PROTECTED AREAS

CHAPTER I GENERAL CLAUSES

Article 1

Within this Village Regulation, what is meant by:

1. Village is Ogotua Village.
2. Village Government is Head of Village and Officials of Ogotua Village.
3. Village Government is Ogotua Village Government and Ogotua Village Consultative Agency as organizer of village government.
4. Community is a group of people that live in Ogotua that consist of cultural people and local people that are fishermen, cultivators, and others.
5. Community participation is community's involvement in coastal and marine environment management.
6. Community Surveillance Group (Pokmaswas) is Lingayan Guard.
7. Marine Protected Areas is

CHAPTER II PRINCIPLES, OBJECTIVES, AND TARGETS

Article 2

Coastal management is based on principles below:

- a. continuity;
- b. integrate;
- c. community-based;
- d. balance;
- e. community empowerment;
- f. accountable and transparent; and
- g. local wisdom acknowledgement.

Article 3

Marine and coastal management has objectives to:

- a. creating coastal resource management system sustainably and environmentally insightful;
- b. creating equity in economy benefits of coastal resources to increase community welfare;



- c. preserving coastal ecosystem function to keep supporting sustainable development; and
- d. creating people who are aware of law in coastal management.

Article 4

The targets of coastal and marine management are:

- a. synergistic coordination of coastal management regulation in Ogotua;
- b. creating plans, decree, and coordination of priorities in coastal management in order to utilize coastal resources efficiently and consistently;
- c. creating balance between resource utilization and preserving coastal ecological functions;
- d. accommodate aspirations and interests of local community through attempt of community empowerment in managing coastal resources sustainably; and
- e. creating accountability in coastal management.

CHAPTER III

REGIONS OF MARINE PROTECTED AREA

Article 5

- (1) Marine Protected Area in Jalejeh Village.
- (2) Area of Jelajah Village as written at verse (1) covers regions that are located at straight lines that connect:
 - a. Boundary Point I: 120°15'45,022" East longitude - 0°57'38,729" North latitude;
 - b. Boundary Point II: 120°16'10,152" East longitude - 0°58'9,057" North latitude.
 - c. Boundary Point III: 120°15'52,788" East longitude - 0°58'23,724" North latitude; dan
 - d. Boundary Point IV: 120°15'23,235" East longitude - 0°57'54,599" North latitude.
- (3) Regions of Marine Protected Area as written at verse (2) is attached at Attachment I as one part of this Village Regulation.

CHAPTER IV

MARINE PROTECTED AREA MANAGEMENT

Article 6

- (1) Marine Protected Area Management is conducted at determined location as arranged within Article 5 verse (2).
- (2) Marine Protected Area Management as mentioned at verse (1) for seagrass ecosystem and coral reef ecosystem.
- (3) Everyone is required to preserve seagrass ecosystem and coral reef ecosystem.
- (4) The duty to keep the seagrass and coral reef ecosystem to grow as mentioned at verse (3) is conducted by people of Ogotua and people who live outside Ogotua.

Article 7

- (1) Kegiatan tambat labuh dilarang merusak terumbu karang.
- (2) Kegiatan pariwisata dan perikanan dilarang menginjak terumbu karang.

CHAPTER V

UTILIZATION

First Chapter

Fish Capture

Article 8

Everyone is forbidden to capture fish within the Marine Protected Area.

Second Chapter

Aquaculture

Article 9

Everyone is forbidden to practice Aquaculture within the Marine Protected Area.



Third Chapter

Service and Research

Article 10

Utilization within the Marine Protected Area is prioritized for activities below:

- a. Research;
- b. Education; and
- c. Tourism.

CHAPTER VI

ORGANIZATION

Article 11

- (1) Conducting management of Marine Protected Area is conducted by Pokmaswas.
- (2) In conducting its functions, Pokmaswas has roles and authorities as followed:
 - a. Keeping and monitoring Marine Protected Area;
 - b. Conducting/ empowering Village Regulation;
 - c. Coordinate fund donation from community according to regulations within Village Regulation;
 - d. Giving recommendation for improvement/ forming the future Village Regulation.
- (3) In conducting its roles, Pokmaswas is getting help from village government and community as needed.

Article 12

- (1) Pokmaswas structure as written at Article 13 verse (1) must be consisted of:
 - a. Group leader;
 - b. Secretary;
 - c. Treasurer;
 - d. Planning and Collaboration Division
 - e. Collaborative Business; and
 - f. Supervising and Monitoring Division
- (2) Roles and functions as a group leader as mentioned at verse (1) point (a) are:
 - a. Responsible to monitor implementation regarding workplan;
 - b. Coordinate with village government and related agency;



- c. Coordinate with supervisor and organization at regency level;
 - d. Coordinate with related organization in village level; and
 - e. Helping village government in composing events and budget in managing coastal area.
- (3) Roles and functions as a secretary as mentioned at verse (1) point (b) are:
- a. As leader's representative when leader is unable to attend;
 - b. Helping leader coordinate and manage the head of divisions;
 - c. Managing administration and correspondence;
 - d. Preparing documents or archiving;
 - e. Helping leader and head of divisions in composing events, schedule, and budget.
- (4) Roles and functions as a treasurer as mentioned at verse (1) point (c) are:
- a. Responsible in financial management;
 - b. Manage and write cashflow of the group; and
 - c. Monitor and evaluate utilization of fund in every division.
- (5) Roles and functions as a planning and collaboration division as mentioned at verse (1) point (d) are:
- a. Arranging workplan of group in coastal area and Green Belt location
 - b. Conduct network and collaborate with related party in managing coastal area in Green Belt location
 - c. Monitor and evaluate the event as its roles and function, and giving recommendation for improvement if needed.
- (6) Roles and functions as a collaborative business division as mentioned at verse (1) point (e) are:
- a. Manage assets of alternative occupation business group (MPA);
 - b. Strengthen socio-economy capacity of village community;
 - c. Initiate and widen marketing network;
 - d. Fundraising and manage funding from third party;
 - e. Develop creative economy business include women; and
 - f. Monitor and evaluate the event as its roles and function, and giving recommendation for improvement if needed.
- (7) Roles and functions as a supervision and monitoring division as mentioned at verse (1) point (f) are:
- a. Help to analyze the data for management planning of coastal area and Green Belt Location;
 - b. Supporting local regulation application that's written within Village Regulation;
 - c. Conducting monitoring for coastal area and Green Belt Location;
 - d. Coordinate with law enforcement apparatus; and



- e. Monitor and evaluate the event as its roles and function, and giving recommendation for improvement if needed.
- (8) Pokmaswas structure and committee names as mentioned at verse (1) are determined with Head of Village Decree.

CHAPTER VII

SANCTIONS

Article 13

- (1) Everyone who is directly violate the law within the Marine Protected Area as mentioned at Article 7 verse (1), Article 7 verse (2), Article 8, and Article 9 must be warned and make an agreement not to violate the law again.
- (2) Every same person who deliberately breaks the law as mentioned in verse (1) would be seizure and fined.
- (3) The fine amount as mentioned at verse (1) is determined based on trial result with the offender and witnessed by village apparatus or local law apparatus.

CHAPTER VIII

PROCEDURE FOR GIVING SANCTIONS

Article 14

- (1) Every person who finds out the violation toward Village Regulation must report to the member of Pokmaswas.
- (2) The following report must be accompanied by witnesses and evidence.
- (3) Decision of giving sanctions because of Village Regulation violation must be conducted by team consisted of village government, Pokmaswas and police within the organization forum with minimum of three people.
- (4) The head of forum and its members are determined through forum between head of village and Pokmaswas.
- (5) Giving sanctions to the offender could be conducted if the person has been proved that he/ she did the violation
- (6) To decide if someone is proven violating the Village Regulation, it must be supported by minimum 2 (two) evidence except the person is admitting his crime.
- (7) If this could not be done through forum as mentioned at verse (3), (4), (5) then it would be done through law.

CHAPTER IX

ACCEPTING AND UTILIZING FUND

Article 15

- (1) The fund obtained from sanctions application within the Marine Protected Area, the fine or fund from confiscation, is destined as income funding to fund treatment price needed for coastal area protection, and or as income fund for village/ organization to support events within the village;
- (2) Fund for treatment needed in protecting area must be given to Pokmaswas, meanwhile the income fund to support internal events must be managed by village government, or the other village authority that has the right to manage the fund;
- (3) The amount of fund that is destined for Marine Protected Area management is 70% (seventy percent) from accepted money for every violation for Pokmaswas, and the amount of fund that is destined for other activities within the village is 30% (thirty percent) from accepted fund from every violation for social interest;
- (4) Other fund that is gained through help and government participation and or other organizations that is not binding must be utilized maximally for Green Belt area management;
- (5) Procedure to fundraising must be conducted by local apparatus/ Pokmaswas.

CHAPTER X

CLOSURE CLAUSES

Article 20

- (1) Things that have not been arranged within this Village Regulation as long as regarding Marine Protected Area management, would be arranged next with Village Decree through village forum;
- (2) This Village Regulation must be applied effectively 3 (three) months since decreed so that everybody knows, order the invitee of this regulation with its placement within village sheets of Ogotua.
- (3) So that everybody knows, order the invitee of this regulation with its placement within the Regional News of Lombok Barat Regency



Inaugurated in Ogotua
Date
..., 2018

KEPALA DESA OGOTUA,
(Nama)

Inaugurated in Ogotua
Date 2018
REGIONAL SECRETARY OF TOLITOLI REGENCY,

ATTACHMENT 1. REGIONAL MAP OF GREENBELT PROGRAM IN OGOTUA VILLAGE

