

COMPLETION REPORT

Marine Biodiversity Laws in Indonesia and Japan: A comparative Study

Dr. Laely Nurhidayah (+1)
Researcher
Research Center for Society and Culture
Indonesia Institute of Sciences (LIPI)

Marine Biodiversity Laws in Indonesia and Japan: A Comparative Study

This study examines the implementation of the Convention on Biological Diversity (CBD) on the conservation and sustainable use of marine biodiversity in Japan and Indonesia. Understanding legal framework in responding to deteriorating and the loss of marine biodiversity is essential in both countries to achieve goal 14 Sustainable Development Goals (SDGs) life below water. The study employs qualitative research method and data is gathered through interview and field observation. Fieldworks were conducted both in Indonesia (Padang and Padang Pariaman Districts) in June 2016 and Japan (Kyoto and Tokyo Prefectures) in November 2016.

The study finds the following comparative situations. Firstly, there are differences on the problems threatening marine biodiversity in Indonesia and in Japan. The problems in Indonesia include: overfishing, IUU (Illegal, Unreported, Unregulated) Fishing and marine pollution. However, the most prominent challenge based on case study in Padang West Sumatra is integrating marine conservation and food security. On the other hand, the problems in Japan include overfishing, pollution, climate change, settlement in inland sea area such as in Honshu and Shikoku, sewage pollution, and eutrophication. Rapid development is a major challenge to marine biodiversity in Japan, for example, road construction along the coastline that negatively affect sea turtle habitat. Local environmental NGO has limited role in fighting the rights of biodiversity

Secondly, both the legal frameworks on conservation and sustainable use of marine resources in Indonesia and Japan are in place but fragmented. They are regulated under several legislations and sub-legislations. Indonesia marine biodiversity regulated under several legislations namely: Law No 5/1990 on Conservation of Living Resources and their Ecosystems; Law No 45/2009 amendment to Law No 31/2004 on Fishery; Law No 1/2014 amending Law No 27/2007 on Management of Coastal Areas and Small Islands; Law No 32/2014 on Sea/Marine Affairs; and Law No 32/2009 on Environment Protection and Management. Japan legal frameworks in protecting marine biodiversity are regulated under several legislations including: Basic Act on Ocean Policy (April 2007); Basic Act on Biodiversity (May 2008). In addition, Marine Protected Areas (MPAs) are regulated under several laws and regulations such as Natural Parks law, Nature Conservation law, Wildlife Protection and Appropriate Hunting law, Act on the Protection of Fisheries Resources, Prefectural Fishery Coordinating regulations, and formal (published) or informal (unpublished) agreements of Fishing Cooperative Association (FCAs) members. While the target is 10%, the Ministry of Fishery only manages 8.7% MPA. Clarity in defining management area is required, as there is unresolved issue whether voluntary MPAs manage by FCA are also included.

Thirdly, in terms of institutional framework there are overlapping authorities and governance bodies managing marine conservation areas at national level both in Indonesia and Japan. The Ministry of Environment and Forestry (MoEF) oversees seven marine national parks while the Ministry of Marine Affairs and Fisheries (MMAF) initiated most of local marine conservations areas. In Japan, Ministry of the Environment; Ministry of Agriculture, Forestry, and Fisheries and Prefectural governments manage MPAs and protect its biodiversity.

Fourthly, in terms of community participation, the research found involvement of Indigenous communities in managing marine resources in Indonesia. On the other hand, while the term indigenous is not used in Japan, a Fishing law in Japan established by the Japan Meiji incorporated local practices in the management of community based fishing area.

Publication of the Results of Research Project:

Verbal Presentation (Date, Venue, Name of Conference, Title of Presentation, Presenter, etc.)

23 November 2016, Yaesu Hall Tokyo Japan, Marine Biodiversity in Indonesia and Japan: A Comparative Study, Laely Nurhidayah.

Thesis (Name of Journal and its Date, Title and Author of Thesis, etc.)

We plan to write 7000-8000 words article as a result of this project and submit to international journal for considered in publication this year.

Book (Publisher and Date of the Book, Title and Author of the Book, etc.)