



Policy Recommendations for Indonesia

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Introduction

The Partnership for Democratic Local Governance (DELGOSEA) started with the replication of best practices on local governance in February 2011. Since this time, 16 pilot cities in the five countries Cambodia, Thailand, Indonesia, the Philippines and Vietnam, have gathered experiences in implementing success stories from other countries in their own city. Transferring a best practice beyond political frameworks and cultural backgrounds of course might have impacts on the design of each replication project. After more than a year of replicating best practices, this paper shall share first insides of challenges and restrictions the countries faced implementing project on good local governance.

This paper will specifically concentrate on the situation faced in Indonesia. The short and coherent recommendations will be followed by an analysis which explains the need for change and adaptation of certain public policies. The analysis is based on the experience made in the Tarakan City, Pangkalpinang City, Kupang City, and Wakatobi Regency, within the political framework. The analysis part will be accompanied by a clear advocacy plan outlining concrete steps for advocacy activities in the next months.

With this paper DELGOSEA wishes to strengthen the awareness of policy- and decision-makers and lobby for better frameworks allowing for better local governance in Indonesia.



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Recommendations - Summary

1. To the national government for additional funding for the local government through the revision of Law no. 32/2004 about the Local Government, especially article 243 item number 10: inter-regions cooperation.
2. To the national government to encourage the development of small and medium enterprises groups and those involved in illegal mining using humane approaches. The recommendation is based on Law number 4 year 2009 on Coal and Mineral Mining; Law number 27 year 2007 on the Use of Small Islands, and Law number 32 year 2009 on the Protection and Environmental Management.

Specific supports needed by the local government are:

- Experts provided by the Ministry of Marine and Fishery Affairs to the local level to draft the Sea Zone/RTRW Local Regulations;
 - Distribution of information about the Sea Zone and related laws, coaching and trainings for small and medium enterprises groups and those involved in illegal mining;
 - Encourage the Corporate Social Responsibility (CSRs) of large enterprises to empower communities and/or community groups (provide trainings and other useful activities to improve the quality of life) based on Law number 40 year 2007 about Incorporated Company (Perseroan Terbatas/PT) article 74; and Law number 25 year 2007 about Investment (article 15,17 & 34).
3. To the national government to prioritize the development of sea transportation by formulating a national strategic document which set the overall activities of shipping and inland water in order to serve the economic needs. In addition to that national governments to accelerate (a) the completion of the Marine Law draft which has been in the National Parliament for almost eight years; (b) Draft Accelerated Development of Islands Area Law at the national parliament in 2012. These two Laws need to be synchronized with the Law number 32/2004 (see recommendation number 1).
 4. To the national government to increase the budget amount to assist the establishment of the Regional Disaster Mitigation Agency (Badan Penanggulangan Bencana Daerah/BPBD) at the local level and to finance the disaster mitigation as a way to facilitate the disaster mitigation and



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disseminate all disaster related information, based on Law number 24 year 2007, article 12 letter 'h' on Disaster Management.

Problem Analysis

Kupang is a municipality in East Nusa Tenggara province which having difficulties in waste management due to increasing volume of both households and non-households wastes, without adequate human and financial resources and ambiguous definition of responsibility from each stakeholder in its community. This municipality requires additional resources (funding, waste treatment facilities, etc.) as well as public participation to reduce waste generation and improving waste treatment.

Securing funds to cover the construction and operation of the waste treatment system are highly important for the communities' health and the local environment.

Since the untreated waste water for example can spread disease and contaminate drinking water sources, it is important to be included in the provision of funding the needs to educate governments and the public about the risks of diseases caused by contaminated water.

Environmental Preservation for Sustainable Management of Social and Economic Development)

Environmental preservation plays major role not only in ensuring the continuous availability of natural resources, but in ensuring the quality of life itself.

Preservation of coral reef is considered very important by Wakatobi. Coral reefs acts as food source and natural habitat for marine organisms. They also serve as the protective element of the coastal ecosystems, wave breaker and prevent abrasion. Damage to coral reefs will not only diminish the potential income from marine resources, but endanger the life of people in the coastal line as well. Dumping industrial and domestic waste to the sea, illegal fishing and improper conduct of deep sea oil drilling and offshore mining (such as lead mining that polluted the sea area of Pangkalpinang) are some of the source of these damages.

Forestry is another environmental issue that needs to be addressed. Forest provide natural habitat for thousands of animals and plants species, retain rain water, provide clean air, prevent landslide, and many other usages. This national asset needs to be protected from damaging conduct such as illegal logging that reduces the forest area significantly every year.

All of four pilot cities, especially Kupang, feel the necessity of environmental preservation, which included appropriate waste segregation, liquid toxic



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management, wastewater treatment, solid waste management and recycling process as recommended by Tarakan. Industrial waste does possess higher level of hazards, but the amount of domestic waste should not be underestimated. Without proper handling and firm enforcement of law, the great number of population and industry would aggravate the sea, air and land pollution. If handled correctly, recycling industry could also provide significant source of income from waste levy and recycled products.

Recommendation to the national government to encourage the development of small and medium enterprises groups and those involved in illegal mining using humane approaches. The recommendation is based on Law number 4 year 2009 on coal and mineral mining; Law number 27 year 2007 about the use of small islands, Law number 32 year 2009 on the Protection and Environmental Management, Law number 40 year 2007 about Incorporated Company (Perseroan Terbatas/PT) article 74; and Law number 25 year 2007 about Investment (article 15,17 & 34).

This recommendation was raised by Pangkalpinang municipality which is situated in the Bangka Belitung province. Fishery sectors in this city are having conflict of interest with the mining industry and experienced significant derivation due to environmental damage. Environmental preservation along with sea mapping and sea zoning need to be commenced immediately to salvage fishery in this area.

Cooperation between all parties at the national and regional levels is essential, including with the national and local law enforcement institutions and parliaments. For example before the approval of the Local Regulation draft on Spatial Planning, the Special Committee in charge of reviewing the draft should strictly reject the draft if there was a clause in it about the distribution of zoning mines at sea because it threatens the marine resource and against the Law number 4 year 2009 (Mineral and Coal Mining) and Law number 32 year 2009 (Environmental Protection and Management).

Recommendation to the national government to prioritize the development of sea transportation by formulating a national strategic document which set the overall activities of shipping and in land water in order to serve the economic needs. In addition to that national governments to accelerate (a) the completion of the Marine Law draft which has been in the National Parliament for almost eight years; (b) Law on the Acceleration of Development of Islands Area being drafted at the national parliament in 2012.

For a country that comprised of 77% sea area, Indonesia has barely scratched the potential of its sea resources. As a maritime country, cooperation and coordination in the usage of sea resources is crucial for Indonesia, especially in regulating not only the usage of Indonesia sea territory, but all of the resources contained within the sea as well. Some regions has considerably less land area



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compared to its sea (Wakatobi is an extreme example where its land area only comprised 3% of its total region). However, this should be done with high caution and consideration to avoid any overlaps or conflicts with other aspects or existing laws (country border, trading, and environment, mining, and so on).

This cooperation and coordination should bring positive enforcement towards the national income. If properly managed, with the sea area of 6.1 million square km, Indonesia should be able to easily multiply its fishery product. Other resource that has potential to be developed is tourism. Of the 17,504 islands within Indonesian territory, not more than a dozen of them have been utilized as tourist destination. Not to mention the tourism potential from the coral reefs which would made magnificent deep sea diving destination. Oil and gas resources should also received significant benefits from this law.

Sea transport is the most ideal means of transportation for small islands in Indonesia. Inner seas such as Java and Banda Sea which are relatively calm could be utilized as transportation route between large islands in Indonesia, and also as an alternative route for sea transportation between Australia and other Asian countries. These transportation routes could also be easily utilized as cruise routes for tourism purposes. Floating hospital or schools might be more effective to serve remote coastal areas without the necessity to build any airport. All maritime affairs need to be arranged under the Maritime Law, which has not been existed yet at the national level. The Maritime Law draft which is currently in the Parliamentary House for almost eight years has to be finalized with the support of cross-ministries.

To the national government to increase budget amount to assist the establishment of the Regional Disaster Mitigation Agency (Badan Penanggulangan Bencana Daerah/BPBD) at the local level and to finance the disaster mitigation as a way to facilitate the disaster mitigation and disseminate all disaster related information, based on Law number 24 year 2007, article 12 letter 'h' on Disaster Management.

According to the newly created national disaster risk map there are 321 cities and regencies (65%) in Indonesia at high risk of disaster and 173 (35%) are at risk (data from the National Disaster Mitigation Agency, March 2012). The disaster risk mapping is established based on 13 types of disasters in Indonesia among others earthquakes, tsunamis, volcanic eruptions, cyclones, droughts, floods, landslides, tidal waves, land and forest fires, epidemics and outbreaks of disease, failure of technology, fire and building settlements, and social conflicts. Included in the mapping are the hazard mapping, the vulnerability mapping, and the capacity mapping.



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The local governments are required to prioritize the development of disaster management, one of them by establishing the Regional Disaster Mitigation Agency (BPBD) in each city and regency. So far there are 138 cities and districts that have not established yet the BPBD, and the ones who established the BPBD are not supported with adequate equipment and human resources.

The establishment of the BPBD is in accordance to:

1. Regulation of the National Disaster Agency number 3 year 2008 about Guidelines on the Establishment of the Regional Disaster Agency.
2. Law number 24 year 2007, article 12 letter 'h' of on Disaster Management.
3. Regulation of the Minister of Home Affairs number 46 year 2008 on Guidelines for Organization and Administration of BPBD
4. Regulation of the Head of BNPB number 3 year 2008 on Guidelines for Establishment of the BPBD.

The establishment of BPBD at the local level is crucial because the local government is the key actors in the disaster mitigation and preparedness, and the overall coordination of the emergency response, while the central government is only assisting in the technical, administrative, and funding matters.

However, there is a government regulation no. 41/2007 about the organization of regional units which requires the maximum number of agencies in each region. There are regions that have not established yet the BPBD (Regional Disaster Mitigation Body/Agency) because they have reached the maximum number of agencies in their region. Another reason is because they consider the establishment of BPBD is not crucial because they considered their area as not a disaster prone area. After all, what matter the most are how one region perceive the disaster institution, the meaning of 'disaster' as well as the importance of a special unit of disaster mitigation. Disaster in a broad meaning is not only the natural disaster but also all human made related disaster such as epidemic, deforestation, and soon.

Seeing the urgency to build a mitigation unit in each region to ease the communication and aid from central level to regions, the special disaster unit can be in form of agency, government unit, special body, or other form as agreed by the national and the respective area. There should be a way to synchronize the law no. 24/2007 with Law 32/2004 and the Government Regulation No. 41/2007.



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Facing the lack of resource/technical assistance as well as budget to assist the establishment of disaster mitigation unit/agency/body at the local level, the local government can tap the budget provided at the national level by the Coordinating Ministry for People's Welfare (KEMENKOKESRA) based on the 4 programs priority of KEMENKOKESRA in 2012 in which the disaster management is one of their priorities.

In addition to disaster mitigation at the local level, it is important also for the National Government to share the disaster information with other ASEAN countries which can be done through the ASEAN forum. The information-sharing provides the ASEAN countries with the opportunity to address gaps in regional and national disaster preparedness, management and response. This is important as a way to protect social and economic assets from floods and other disasters in the region, in particular for those areas with rapid economic growth.

Advocacy Plan

Recommendations	Occasions	Main Actors	Results and Follow Up
To the national government to get additional funding for the local government through the revision of Law number 32 year 2004 about the Local Government, especially article 243 item number 10: inter-regions cooperation.	Meeting with the Team Leader of Law No.32/2004 Revision Dr. Made on 27 th April 2012	LGAs (ADEKSI, APEKSI, ADKASI)	
	<ul style="list-style-type: none"> 6th June 2012 Hearing with Special Committee of Law No. 32/2004 19 June 2012 hearing with PANSUS Law No. 32/2004 	LGAs (ADEKSI, ADKASI) LGA (APEKSI)	The National Parliament is preparing the List of Issues (Daftar Isian Masalah/DIM) before submit it to the President
	Currently in the process of waiting for endorsement of the law (in the plenary session at the national parliament) in Q4 2012.		



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<p>To the national government to encourage the development of small and medium enterprises groups and those involved in illegal mining using humane approaches.</p> <p>The recommendation is based on Law number 4 year 2009 on coal and mineral mining; Law number 27 year 2007 about the use of small islands, Law number 32 year 2009 on the Protection and Environmental Management; Law number 40 year 2007 about Incorporated Company (Perseroan Terbatas/PT) article 74; and Law number 25 year 2007 about Investment (article 15,17 & 34).</p>	<p>Lobby to the Ministry of Marine and Fishery;</p> <p>Lobby to the Ministry of Mining and Energy Affairs;</p> <p>Lobby to the Ministry of Cooperatives and Small and Medium Enterprises;</p> <p>Lobby to State Ministry of Disadvantaged Area Development;</p> <p>Lobby to the Ministry of Environment;</p> <p>In occasions:</p> <ul style="list-style-type: none"> - ADEKSI's Technical Meeting on Social Conflicts; and Religion, and Ethnicity, Race and Inter-Group Conflicts (SARA) in October 2012. - ADKASI's National Working Meeting in October 2012. <p>More follow up meetings will be discussed during the Technical Meeting and the National Working Meeting.</p>	<p>ADEKSI, ADKASI, APEKSI.</p>	
<p>Recommendations</p>	<p>Occasions</p>	<p>Main Actors</p>	<p>Follow Up Actions</p>



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<p>Recommendation to the national government to prioritize the development of sea transportation by formulating a national strategic document which set the overall activities of shipping and inland water in order to serve the economic needs. In addition to that national governments to accelerate (a) the completion of the Marine Law draft which has been in the National Parliament for almost eight years; (b) Law of Island Regions being drafted at the national parliament. These two Laws need to be synchronized with the Law number 32 year 2004 (see recommendation number 1).</p>	<p>Lobby to Ministry of Marine and Fishery Affairs;</p> <p>Lobby to the Ministry of Transportation;</p> <p>in occasions: ADKASI's National Working Meeting in October 2012.</p> <p>More follow up meetings will be discussed during the National Working Meeting.</p> <p>LGAs event (APEKSI, ADEKSI, ADKASI) in November 2012 for the socialization of the law draft of Small Islands to members of LGAs. The Terms of Reference is ready to be sent to the MOHA (International Co-operation Section) in September 2012.</p>	<p>ADKASI, APEKSI, ADEKSI</p>	
<p>Recommendations</p>	<p>Occasions</p>	<p>Main Actors</p>	<p>Follow Up Actions</p>
<p>Recommendation to the national government to increase budget to assist the establishment of the Regional Disaster Mitigation Agency (Badan Penanggulangan Bencana Daerah/BPBD) at the local level as a way to facilitate the disaster mitigation and disseminate all disaster related information.</p>	<p>Lobby to the Finance Ministry;</p> <p>Lobby to the Coordination Ministry of People's Welfare;</p> <p>Lobby to the Ministry of Environmental;</p> <p>in occasions: -The Fifth Asian Ministerial Conference on Disaster Risk Reduction is scheduled</p>	<p>APEKSI, ADEKSI, ADKASI</p>	



	<p>22 to 25 October 2012 by the United Nations Office of Disaster Risk Reduction (UNISDR) in Yogyakarta. LGAs are asked by the UNISDR to invite their members with expected results among others: recommendations from the local government to the national government on disaster issues. This event will be used to raise the recommendation.</p> <p>- APEKSI is designing the training workshop for Head BPBD/Regional Disaster Mitigation Body and related agencies on Disaster Risk Management and Climate Change Adaptation. The planned output is a recommendation to be presented at the ACMDRR event (see explanation above) in Yogyakarta. There are also planned in cooperation with Mercy Corps.</p>		
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Recommendation 1:	
<p>To the national government to get additional funding for the local government through the revision of Law number 32 year 2004 about the Local Government, especially article 243 item number 10: inter-regions cooperation.</p> <p>Funding could be used for the environmental preservation for sustainable management and economic development the appropriate waste segregation, liquid toxic management, wastewater treatment, solid waste management and recycling process.</p> <p>Funding could be in form of DAK/Special Budget Allocation.</p>	<p>Amendment of the existing National Law.</p>
<p>Requested Amendment:</p>	<p>Law number 32 year 2004 about the Regional Government, chapter Inter-regions Cooperation, article 243 item number 10.</p>
<p>Addressee:</p>	<ol style="list-style-type: none"> 1. Revision Team of Law number 32 year 2004 (Head of Team: Dr. I Made Suwandi MSsoc. 2. Special Committee of the National Parliament in charge for the revision of law.
<p>Submitted by:</p>	<p>National/central government to the national parliament</p>
<p>How to Advocate:</p>	<p>Lobbying through the official meetings arranged by the Special Committee of the National Parliament. Currently the draft is at the final stage, waiting for the endorsement at the parliamentary.</p>



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Recommendation 2:	
The national government to encourage the development of small and medium enterprises groups and those involved in illegal mining using humane approaches.	Law enforcement.
Requested law enforcement	<ul style="list-style-type: none"> • Illegal Mining Law number 4 year 2009 on coal and mineral mining; Law number 27 year 2007 about the use of small islands; and Law No32/2009 on the Protection and Environmental Management. • The Corporate Social Responsibility (CSR) Law number 40 year 2007 about Incorporated Company (Perseroan Terbatas/PT) article 74 and Law number 25 year 2007 about Investment (article 15,17 & 34).
Addressee:	To Ministry of Mining and Energy, the Ministry of Marine and Fishery Affairs, the Ministry of Cooperative and Small and Medium Enterprises.
Submitted by:	ADEKSI, ADKASI, APEKSI.
How to Advocate:	<p>Lobby to the Ministry of Marine and Fishery; to the Ministry of Mining and Energy Affairs; to the Ministry of Cooperatives and Small and Medium Enterprise; to State Ministry of Disadvantaged Area Development; to the Ministry of Environment; through ADEKSI's Technical Meeting on Social Conflicts; and Religion, Ethnicity, Race and Inter-Group Conflicts (SARA) in October 2012; ADKASI's National Working Meeting in October 2012.</p> <p>More follow up meetings will be discussed during the Technical Meeting and the National Working Meeting.</p>



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Recommendation 3:	
<p>Recommendation to the national government to prioritize the development of sea transportation by formulating a national strategic document which set the overall activities of shipping and inland water in order to serve the economic needs. In addition to that national governments to accelerate (a) the completion of the Marine Law draft which has been in the National Parliament for almost eight years; (b) Law of Island Regions being drafted at the national parliament.</p>	<p>-Acceleration of the endorsement of laws.</p>
<p>Request:</p>	<p>To the National Parliament to call relevant parties to discuss and accelerate the endorsement of draft of Marine Law and Law of Island Regions.</p> <p>To the Ministry of Transportation and Ministry of Marine Affairs to together with LGAs formulate a national strategic document about the sea transportation development.</p>
<p>Addressee:</p>	<p>The National Parliament, the Ministry of Fishery and Marine Affairs, the Ministry of Transportation.</p>
<p>Submitted by:</p>	<p>APEKSI, ADEKSI, ADKASI</p>
<p>How to Advocate:</p>	<p>-Through lobby to Ministry of Marine and Fishery Affairs; and to the Ministry of Transportation; during ADKASI's National Working Meeting in October 2012 (and follow up meetings depend on the discussion during the National Working Meeting).</p> <p>-By presenting points of recommendation to the national parliament members and related ministries during LGAs' event to socialize the draft of Islands Regions Law in November 2012.</p>



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Recommendation 4:	
Recommendation to the national government to increase budget to assist the establishment of the Regional Disaster Mitigation Agency (Badan Penanggulangan Bencana Daerah/BPBD) at the local level as a way to facilitate the disaster mitigation and disseminate all disaster related information.	Implementation of National Law and National Regulations.
Requested implementation of law and regulations	<ol style="list-style-type: none"> 1. Regulation of the National Disaster Agency number 3/2008 about Guidelines on the Establishment of the Regional Disaster Agency 2. Law number 24, article 12 letter 'h' of on Disaster Management. 3. Regulation of the Minister of Home Affairs No.46/2008 on Guidelines for Organization and Administration of BPBD 4. Regulation of the Head of BNPB No.3/2008 on Guidelines for establishment of the BPBD.
Addressee:	The Ministry of People's Welfare; the National Agency of Disaster, the Ministry of Home Affairs.
Submitted by:	APEKSI, ADEKSI, ADKASI.



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<p>How to Advocate:</p>	<p>The advocacy team lobbying to the Ministry of Marine and Fishery; to the Ministry of Mining and Energy Affairs; to the Ministry of Cooperatives and Small and Medium Enterprises; to the State Ministry of Disadvantaged Areas Development; and to the Environmental Ministry during ADEKSI's Technical Meeting on Social Conflicts; and Religion, and Ethnicity, Race and Inter-Group Conflicts (SARA) in October 2012; and ADKASI's National Working Meeting in October 2012 (follow up meetings will be arranged during the Technical Meeting and the National Working Meeting).</p> <p>Through the recommendation of one of Apeksi's event will submit/forward to the Coordination Ministry of Welfare of People, Ministry of Home Affairs, Ministry of Apparatus Empowerment and Bureaucracy Reform and Head of BNPB.</p>
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Conclusion

The 'Partnership for Democratic Local Governance in Southeast-Asia' project (DELGOSEA) will support any national effort towards the implementation of the above mentioned policy-recommendations.

The DELGOSEA network, which consists of 32 partner cities and 11 Local Government Associations (LGAs) in five countries, will contribute to the implementation of the recommendations by providing the empirical and academic knowledge gathered through analysis and project implementation. All DELGOSEA publications are available to policy-makers in order to share already acquired knowledge and experiences.

Furthermore, DELGOSEA provides the policy-makers with a vast network of experts - our strategic partners - who have been involved in one or more instances of the project's life cycle.

On the transnational level, DELGOSEA is establishing ties with ASEAN in order to alleviate the policy-recommendations to the whole Southeast-Asian community. The support of ASEAN then shall be used to support and guide national initiatives in implementing the policy-recommendations.

Following DELGOSEA's policy recommendations will contribute to the improvement of living conditions of disadvantaged groups in Indonesia by increasing their participation in local planning and decision-making.



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