



OPINION

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Reconciling differences for better forest and land use



CA | Khalsa

President Susilo Bambang Yudhoyono has just recently extended the country's forest conversion moratorium for two more years. As when the initial presidential decree on the moratorium issued two years ago, this extension has also been met with polarized reactions.

Parties supporting the extension of the moratorium applauded the decision and, furthermore, stated that the additional two years period would provide sufficient time

for the central government to continue reforming Indonesia's forest governance and policies.

In its newest analysis, World Resource Institute, for instance, believes that this moratorium extension can strengthen the country's forest governance, particularly if the government is focusing on tracking forest permits and strengthening permit review process.

The Institute argues that the aforementioned approaches can help

increasing the level of transparency in forest and land use governance, by providing a more complete set of permits data. With the factual situation whereby central and local governments often do not share information with each other on permits (e.g. for logging, mining, palm oil and other development activities), the provision of a more transparent set of permits data can help the governments to overcome conflicting claims over forest and land areas.

A group of environmental NGOs, including Walhi, when interviewed by The Jakarta Post, appear to support this argument by saying that the implementation of the extended moratorium needs to contribute at least to resolving prolonged natural resources conflicts.

Such reforms on the permit process, if comprehensively carried out for all Indonesian provinces and districts, may even lead to improving the level of certainty of doing business in Indonesia, especially in forestry, agriculture and other land-related sectors.

A 2008 report on investment climate in 33 provinces in Indonesia, conducted collaboratively by the Regional Autonomy Implementation Monitoring Committee (KPPOD) and Indonesia Investment Coordinating Board (BKPM), has identified uncertainty, claims and conflicts over land as some of significant barriers of investment.

The provision of a transparent and comprehensive set of permits data, in fact, can likely answer some criticisms thrown by the opponents of forest conversion moratorium.

It was revealed in the 2011 Indonesian Coal Report, for example, that a lengthy approval process of permits and unclear forestry boundary issues – likely resulting from overlapping permits over forest areas – have put a huge obstacle in mine operators. The introduction of forest conversion moratorium at that time and until now has been further viewed by these operators as additional “legislative nightmare”.

The development of a transparent and comprehensive set of permits data, especially if synergized with the already developed and refined moratorium-indicative map (MIM), therefore, could lead to an increase in legal certainty over forest and land use. Such approach could also contribute to the level of playing field for all land users and the wider public.

To date, the MIM has been updated and revised for a third time with the support of at least five ministries and institutions, i.e. Forestry Ministry, Agriculture Ministry, National Land Agency (BPN), Geospatial Information Agency (BIG), and the President’s Delivery Unit for Development Monitoring and Oversight (UKP4). It is arguably one of the most significant progresses achieved during the first two-year period of the implementation of forest conversion moratorium.

Using the easily accessed MIM, the wider public can provide comments and feedbacks with regard to forest cover data and situation in their respective areas.

The Indigenous Peoples’ Alliance of the Archipelago (AMAN), with the help of the Participatory Mapping Network (JKPP), for example, has built a set of indigenous maps and added on to the MIM. Such product which has

been submitted to the UKP4 and BIG as part of the MIM exercise may well be a good initial step to be used as the basis for implementing the recent decision made by the Constitutional Court that acknowledges indigenous and customary forests.

The importance of the MIM is clearly highlighted in the new Presidential Instruction No. 6 of 2013 that regulates the extension of forest conversion moratorium. In his instruction, not only the president emphasizes on its importance but also intends to use the MIM as the ultimate reference for the moratorium implementation and monitoring, as well as reforming the forest governance and its system in this country.

Regardless of the progress made in the MIM part, however, huge challenges still remain for forest conversion moratorium to continue and future efforts in reforming forest and land use in Indonesia to take place.

One of these is the fact that there is yet any (present or new) organisation or institution given a clear and strong mandate to officially coordinate – among ministries, agencies and different layers of governments – the implementation of forest conversion moratorium and further forest and land use governance reforms.

In the Presidential Instruction No. 6 of 2013, the President clearly instructs ministers, governors and *bupatis* (heads of districts) or mayors to halt issuing new development permits of primary forests and peat lands.

However, without a clear mechanism of coordination and governance structure, it is almost impossible for forest conversion moratorium to be implemented and for more serious forest management reform to commence, especially beyond 2014 – the year when Indonesians are busy with the national wide election.

The current National REDD+ Task

Force has insufficient power and mandate to perform such tasks, while the Forestry Ministry and other sectoral ministries have no cross-sectoral mandate either.

Furthermore, forest and land use governance in Indonesia is even more complex due to its decentralized system. Although the central government claims to have control over forest areas in the country, the reality on the ground may be different. With significant powers now rest with the district level, and a large share of state revenue goes to district governments, provincial and district governments can have much more say about forest and forestry.

Any institution given a mandate to coordinate forest and land use reforms hence is required to not only take into account provincial and local aspirations, but also proactively involve them in a decision-making process. A positive incentive mechanism may also need to be created to encourage local key stakeholders to support the reforms.

Without a definitive institution having a definite mandate to coordinate forest and land use management, the division of authorities, roles and responsibilities among different sectoral ministries and layers of governments will likely remain unclear in many respects.

Various laws, regulations and policies which have resulted in overlapping forest and land use management, are likely to continuously operate.

With the election period approaching rapidly, the windows of opportunity to strengthen the reforms have become more limited.

This year, therefore, seems to be the most appropriate time for the government to establish such institution or give such mandate to any current institution. Otherwise, the hope for future forest and land use governance reforms may be in jeopardy. 