



OPINION

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The effectiveness of the 'marriage' of environmental and forestry ministry

Reducing deforestation and protecting the fragile environment while promoting forest production have been proved to be a challenging task for the previous forestry ministry. The merger of the environmental and forestry ministries into one agency is expected to at least ease the level of deforestation that is relatively high in Indonesia.

There are a number of challenges to achieve such an objective.

Traditionally, the forestry ministry has duties and functions to formulate and implement any government affairs in the field of forestry, including the designation, management and monitoring of the national forest estates, covering approximately 134 million hectares (70 percent of Indonesia's land surface) in 2011.

In the same year, however, it was reported that only 98 million hectares of these national forest areas were still forested (52 percent of the land surface).

Other sectors and activities such as agricultural plantations and mining have been blamed for such massive forest loss but since the forestry ministry has also been pushing to continuously perform by increasing Indonesia's export of timber-related products, including plywood and pulp and paper, the ministry is also

significantly responsible for continuous deforestation.

Several regulations, used as a regulatory framework to support the forestry ministry, clearly facilitate and support individuals, cooperatives, corporations and other entities to harvest and exploit timber and other forest products in the remaining forest areas.

These, among others, are Government Regulation (GR) No. 7 of 1990 on Industrial Timber Plantations, GR No. 51 of 1998 on Forest Resource Rent Provision, GR No. 3 of 2008 on Revision of GR No. 6 of 2007 on Forest Planning and Formulation of Forest Management and Utilization Plan, Minister of Forestry Regulation (MoFR) No. 35 of 2008 on Permits for Primary Forest Industrial Activity, and MoFR No. 50 of 2010 on Granting Licenses for Timber Production in Natural Production Forest.

In contrast, the environmental ministry has the government's duties to protect and sustainable manage the environment, including the formulation and implementation of national policy and program, the regulation of environmental impact assessment processes, and the collection of relevant environmental data. This ministry has a big stake to support forest protection and conservation.

Unlike the forestry ministry, the

environmental ministry has no direct control over particular forest areas, although they can conduct environmental monitoring. This ministry also had limited budget and personnel.

In some cases, the environmental ministry has proved to be effective in monitoring environmental protection as well as prosecuting those suspected to be violating environmental regulations.

One of recently few successful cases is the local court's ruling in Aceh in January 2014 that found a palm oil company, guilty of illegally burning forests within the Tripa peat swamps, considered as part of the protected fragile Leuser Ecosystem, and has to pay a fine of approximately US\$9 million as compensation and US\$21 million for restoration activities of the affected forests.

In this situation, the environmental ministry was seen as an instrumental part in ensuring law enforcement in the land use and forest sectors.

The combination of environmental and forestry ministry, if both capacity and capability can be effectively utilized and coordinated, can lead to better law enforcement activities, signaling the seriousness of the current administration to uphold and execute the law and regulations.

This combination, however, can undermine forest protection and conservation, and sustainable forest management, and lead to further deforestation, if exploitative nature of forest and similar industries appears to be dominantly coloring the decision of the combined ministry.

The environmental ministry, according to Law No. 32 of 2009 on Environmental Protection and Management, for instance, has been given a slightly greater control over monitoring and reviewing other governments' policies and permits, especially if these have potential environmental risks.

Such authority to review other government's policies and permits can be strengthened within the combined ministry especially with the fact that the current combined ministry has presumably more human resources and budget.

The combined ministry can, however, undermine the role of the previous environmental ministry to review and monitor and, to some extent, control environmental management and protection, in the case of forest and land management, if decisions have been made internally to prefer forest exploitation.

When it comes to laws and regulations on environmental and forest protection, the combined ministry at least now has a more than sufficient legal umbrella, including Law No. 5 of 1990 on Conservation of Biodiversity and Ecosystems, GR No. 60 of 2009 on Revision of GR No. 45 of 2004 on Forest Protection, in addition to Law No. 32 of 2009.

To show that the combined ministry has become better in promoting environmental and forest protection, the ministry can use specific regulations previously utilized by the forestry ministry

to deal with few upcoming challenges, including the recent Aceh provincial spatial plan (Qanun No. 19 of 2014) that does not mention the world renowned Leuser ecosystem, and the importance of its protection.

The home affairs ministry has responded to this plan and mentioned that there are 27 points needing to be corrected or revised by the provincial government.

The new environmental and forestry ministry can assist the home affairs ministry and the provincial government by showing that there are regulations such as PD No. 33 of 1998 on Leuser Ecosystem Area Management and Presidential Instruction (PI) No. 5 of 2001 on Eliminating Illegal Logging and the Illegal Timber Trade in the Leuser Ecosystem and Tanjung Puting National Park that need to be followed by the provincial government and incorporated as a regulatory framework of the provincial spatial plan.

The combined ministry can assist the provincial government and other sub-national governments to develop their respective areas by basing on the principles of sustainable development and green economies.

The combined ministry can further work together with relevant ministries, including the finance ministry, to develop further incentives so that other government's ministries and local governments to mainstream and implement such principles.

The current administration has decided to combine environmental and forestry ministries. Only with the actual outcomes on the ground, such as reduced deforestation, that this administration will be considered successful compared to the previous one.

The combined ministry now has the chance to prove to the general public that combining both ministries is the right decision for the sustainability of Indonesia. **C**



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