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Forest and Biodiversity Protection in Indonesia: Prospects and Challenges

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Threat to Biodiversity

Forest is a home for most species rich habitat type on earth essential for human well-being. However, there is an accelerating and alarming decline of biodiversity worldwide. It is argued that we are in the midst of the sixth great wave of extinctions in geologic history.¹ Evolutionary Biologist estimate that the current rate of extinction is 1,000 times the natural rate and the number of threatened species is increasing across all taxonomic groups.² A study conducted by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) concluded that increasingly rapid loss of animals and plants species due to habitat degradation, invasive species, pollution and climate change.³ Similarly, Indonesia's biodiversity is increasingly under serious threat from environmental crimes include: deforestation and illegal logging, poaching, illegal wildlife trade, and forest fires. The major habitat degradations are mostly as result of forest conversion into oil palm plantations and wood fiber plantations and mining particularly in Sumatra and Kalimantan.

International Framework

While historically, the protection of biodiversity has been considered as domestic law. Currently at international level conservation of biological diversity has been considered as common concern of humankind. This has been acknowledged by the Convention on Biological Diversity. This principle encompass that conservation of biological diversity is global environment concern and need collective actions to protect them.⁴ The protection of habitat has been the favored approach in protecting biodiversity besides protection of species. A habitat loss is key factor driving extinction of flora and fauna. Several International Conventions addressing this issue include: The Convention on Biological Diversity (the CBD), The Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), and the Ramsar Convention 1971.

Indonesia's national Legal Framework

Indonesia has ratified and adopted those three International Conventions above into domestic law. At Indonesia domestic level, there are several legislation which aims in protecting and conserving biodiversity at national and local level in Indonesia. These include Law No 5/1990 on Conservation of Living Resources and Their Ecosystem, Law No 32/2009 on Environment Protection and Management, Law No 41/1999 on Forestry Law, Law No 26/2007 on Spatial Planning Law and Law No 23/2014 on Local Government. However, the laws on protection of habitats in Indonesia are challenges all the time by other sectoral legislation which regulate resources exploitation for example oil palm plantation, timber and

¹ David Hunter, James Salzman, Durwood Zaelke, International Environmental Law and Policy, Fifth Edition, Foundation Press, 2015, p 1002.

² Ibid.

³ Philip Guelpa, Study finds alarming decline in biodiversity worldwide, World Socialist Website, 14 May 2018, <https://www.wsws.org/en/articles/2018/05/14/biod-m14.html>

⁴ Ibid.

mining. Law No 5/1990 on Conservation of Living Resources and Their Ecosystem for example is important legislation in protecting biodiversity in Indonesia. With this legislation several protected areas under central government level management has been established. There are 54 national parks covering 16.232.132,17 million ha from 120 million ha whole forest areas and 554 terrestrial protected areas (27,140,384.54 ha). However according to Bappenas only 70 % from 554 protected areas has served a function of conservation as mandated, 30 percent has been degraded. Law No 5/1990 is also regulating the protection of species. Further regulation regarding the list of species protected under this law is regulated under Government Regulation No 7/1999 on Preserving Flora and Fauna. It is shown from the lists that many species now are threatened, previously there are 292 protected flora and fauna in 1999 now the lists are increasing into 921 species.

Prospects of Biodiversity Protection

To complement main legislation above which aims in protecting forest and biodiversity, there are several opportunities from the current changes of policy and legal landscape in Indonesia which may benefited directly and indirectly the conservation of biodiversity in Indonesia. These include moratorium of conversion of primary forest and peatland, peatland restoration, one map policy, social forestry and revision of Law No. 5/1990. Moratorium can halt habitat degradation. Moratorium is conducted as a result from REDD+ initiative with funding from Norway. Indonesia launched moratorium program with the enactment of Presidential Instruction No 10/2011 regarding Suspension of Granting of New Licenses and Improvement of Governance of Natural of Primary Forest and Peatland. This moratorium is extended every two years with the Presidential Instruction No 6/2013, Presidential Instruction No 8/2015, and its extended again until 2019 under Jokowi administration with the enactment of Presidential Instruction No. 6/2017 on New License Moratorium and Improvements to Management of Primary/Natural Forest and Peatlands. In addition, in 2016, after the worst forest fires in 2015 Jokowi has launched peatland restoration with the establishment of peatland restoration agency (BRG). BRG was mandated to plan and implement the peat ecosystem restoration for a period of 5 (five) years of approximately 2,000,000 (two millions) hectares of degraded peatland. 7 Priority provinces include: Riau, Jambi, South Sumatra, West Kalimantan, Central Kalimantan, South Kalimantan and Papua). Other initiative which can help habitat protection is One Map Policy (OMP) which was launched in 2011 and portal site set to launch in August 2018. OMP is aimed to establish one single integrated map consist of 85 thematic maps solution for overlapping land use claims that has been occurred for long time. In 2013, Forest Watch Indonesia (FWI) found that 14.7 million hectares had overlapping licenses for forest concessions, industrial forest plantations, and mining areas. In addition, Indonesia has launched major policy changes to expand social forestry designations from 1 % (1.1 million hectares) to 10 % (12,7 million hectares).⁵ One the aims of social forestry is to achieve conservation outcomes as community involved in conserve and managing forest.⁶ Another initiative is the revision of Law No 5/1990 on Conservation of Living Resources and Their Ecosystem. Despite, a promising and robust provisions to improve biodiversity protection such as the protection of species not listed under Indonesia regulation but listed under CITES, recognition of indigenous conservation areas, increase the sanctions and penalty

⁵ M.R Fisher, et al, Assessing the New Social Forestry Project in Indonesia: Recognition, Livelihood and Conservation, *International Forestry Review* 20(3):346-361. 2018.

⁶ Ibid.

for environmental crimes. The government has decided to stop the revision and argued that the current legislation is enough to protect biodiversity.

Way Forward

Despite those prospect above, Indonesia needs to address major challenges in biodiversity protection include overlapping, conflicting and incomprehensive laws between biodiversity conservation and resources exploitation, lack of stricter law enforcement, corruptions, lack of capacity at local level, and lack of awareness of local people. The changes of law enforcement institutional framework with the establishment of new law enforcement division which has been established under the Ministry of Environment and Forestry brings hope to further improve law enforcement in forestry sector. In addition, the role of KPK (Commission on Eradication on Corruption) are essential in controlling corruptions in forestry sector. Furthermore, in spite of the lack of evidence that local management will lead to conservation, the government need to promote wider involvement of local communities and indigenous people to practice their traditional knowledge and wisdom in protecting and conserve biodiversity. Finally, Biodiversity conservation needs involvement of many stakeholders include governments, NGOs, Private entities, academics and local communities to further promote and enhance the effort to conserve biodiversity protection for present and next generation.