



# INDONESIA’S FOREST MORATORIUM: IMPACTS AND NEXT STEPS

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## EXECUTIVE SUMMARY

Indonesia has taken a significant step toward improving management of forest resources through its moratorium on new licenses to convert primary natural forests and peat lands. By extending the initial moratorium for two more years until 2015, Indonesia has reaffirmed its commitment to sustainable development. The new moratorium creates a much-needed window of opportunity to undertake critical forest governance reforms. If implemented, these reforms could lead to long-term improvements in the way land-use decisions are made in the country for the benefit of global climate stability and the Indonesian people.

In this paper, WRI presents research on challenges to the implementation of the moratorium at the local level, and the state of ongoing governance reforms. The intended audiences are national and subnational government policymakers involved in the design and implementation of the moratorium and associated governance reforms.

Our key findings are:

- **Most local officials interviewed know little about the moratorium.** The effectiveness of the moratorium is hampered by poor understanding of what lands the moratorium protects and what activities are prohibited in these areas. For example, five out of eight interviewed officials from district forest agencies knew the types of land protected from new conversion permits by the moratorium, while only three out of eight knew the areas protected by the official moratorium map within their district boundaries.

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- **The national government has provided limited technical guidance to local government agencies.** This includes technical guidance for implementing, monitoring, and enforcing the moratorium. Because administrative and regulatory authority is decentralized to the district level, the moratorium will only be effective if it is clearly understood, implemented, monitored, and enforced at the local level.
- **Governance reforms have progressed slowly.** The Indonesian government has made headway toward improving key permitting processes, accelerating spatial planning, and strengthening data coordination, transparency, and access. While these reforms may have progressed in the absence of the moratorium, the extension of the moratorium provided additional momentum to advance key changes.

The paper also identifies opportunities for progress with the recently extended moratorium. Priorities include: strengthening the permit review process; accelerating and revising the designation of state forest areas; recognizing community land claims; and evaluating potential greenhouse gas emissions of new permits.

An important achievement of the moratorium is the creation of a much-needed window of opportunity to develop critical forest governance reforms. In May 2013, the moratorium was extended for an additional two years. This extension will facilitate continued reductions in deforestation and greenhouse gas emissions and will afford Indonesia an opportunity to continue to strengthen forest governance. However, obstacles to achieve widespread reforms are formidable and progress will require sustained leadership and careful alignment of incentives. Long-term positive impacts will depend on whether Indonesia capitalizes on the opportunities for reform that the moratorium provides.

## INTRODUCTION

In 2009, Indonesia's President Susilo Bambang Yudhoyono announced a commitment to reduce the country's greenhouse gas emissions by more than 26 percent by 2020, or by 41 percent with international assistance, compared to business as usual.<sup>1</sup> The nation aims to achieve 87 percent of this goal by reducing emissions from deforestation and peat land conversion.<sup>2</sup> At the same time, Indonesia aims to increase agricultural production of 15 major crops, including doubling palm oil production by 2020 from 2009 levels.<sup>3</sup> These goals are achievable only if Indonesia implements major and comprehensive policy reforms.

To help ensure that agricultural growth does not come at the expense of climate goals, in May 2011 Indonesia put into effect a two-year moratorium on new concessions to convert primary natural forests and peat lands to oil palm and timber plantations and selective logging areas.<sup>4</sup> In May 2013 this moratorium was extended for two years. This extension will allow time for the national government—with participation from local government, industry, and civil society—to improve processes for land-use planning and permitting, to strengthen data collection and information systems, and to build institutions necessary to achieve Indonesia's low-emission development goals.<sup>5</sup>

## STUDY OBJECTIVES

In this working paper, WRI and partners present new research evaluating the impacts of the first two years of the moratorium. This work builds on previous research described in **Box 1**. The goal of this research was two-fold:

1. To assess the level of understanding, monitoring, and enforcement of the moratorium among government officials at the local level.
2. To measure progress of the forest management and governance reforms facilitated by the moratorium.

The analysis and findings are described in the following sections.

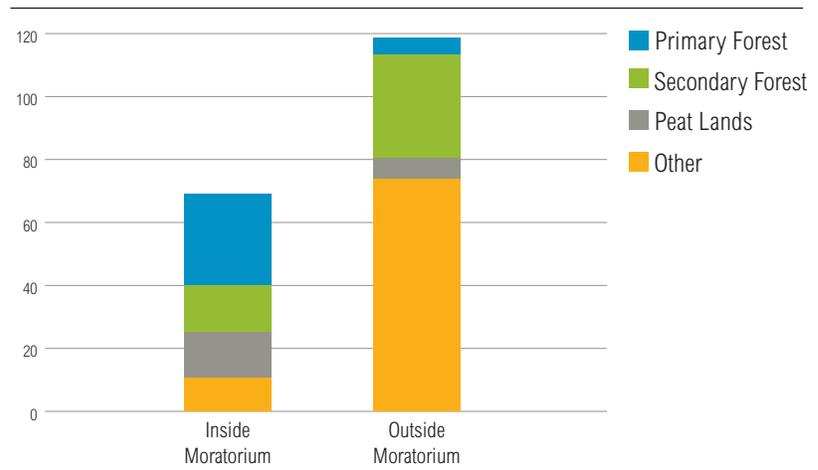
## Box 1 | Previous WRI Research

In 2011, WRI and partners analyzed the July 2011 version of the Indicative Moratorium Map (IMM) published by the Ministry of Forestry to delineate land off-limits to new permits. The IMM has since been updated; the most recent publicly available map was published in May 2013. Our previous research described the construction, composition, and coverage of the July 2011 IMM. The objective of the analysis was to:

- Quantify the area of primary forests, secondary forests, and peat lands included and excluded from the IMM,
- Estimate the carbon stocks included and excluded from the IMM,
- Quantify the potential extent and impact of forest loss and peat land development due to exemptions for existing concessions within the IMM,
- Assess the added protection afforded by the moratorium by taking into account potential redundancy with existing protection mechanisms, and
- Use satellite imagery and near real-time deforestation detection to observe forest loss within the IMM boundaries.

This previous analysis demonstrated that the moratorium would need to be strengthened to contribute significantly to Indonesia's greenhouse gas emissions reduction goal of 26 percent by 2020. There are 28.4 million hectares of primary forests and 14.9 million hectares of peat lands within the boundaries of the IMM (**Figure A**).

Figure A | Area Inside Indonesia's Moratorium



However the moratorium's effectiveness in contributing to Indonesia's climate goal is limited because of (1) the exempted concessions containing 3.5 million hectares of carbon-rich primary and peat forests, (2) the limited additional benefit of the moratorium (only 26 percent of the IMM provides additional legal protection beyond what is provided by existing Indonesian laws and regulations), (3) the exclusion of secondary forests, and (4) ongoing deforestation within moratorium boundaries.

Despite these challenges long-term positive impacts could be achieved if significant governance reforms are accomplished during the remaining moratorium. These reforms include improving data quality, transparency, and coordination; revising spatial plans; improving processes for issuing permits; and strengthening enforcement mechanisms. One of the objectives of the current study is to assess progress toward these reforms.

## 1 | EVALUATION OF UNDERSTANDING, MONITORING, AND ENFORCEMENT OF THE MORATORIUM

We next asked the question: **How effectively has the moratorium been implemented and what were the primary challenges to implementation?** The Ministry of Forestry published the Indicative Moratorium Map (IMM) to delineate land off-limits to new permits in 2011 and updated it in 2012. Under the decentralization of Indonesia’s government, some aspects of administrative and regulatory authority were transferred to local district governments, including the authority to issue certain forest conversion permits outside Ministry of Forestry-controlled “forest area”<sup>6</sup> land and recommend permits for Ministry of Forestry approval within forest area.<sup>7</sup> As a result, the moratorium will be more effective in reducing harmful deforestation if it is clearly understood, implemented, monitored, and enforced at the local level. While this analysis focuses on local government officials, we acknowledge that stakeholders including local companies, NGOs, and the media also play a role in ensuring the effective implementation of the moratorium.

We selected eight districts for in-depth interviews with local government officials. Districts were selected to represent ranges in moratorium coverage and historic deforestation rates, and based on ease of access.<sup>8</sup> Interviews were conducted

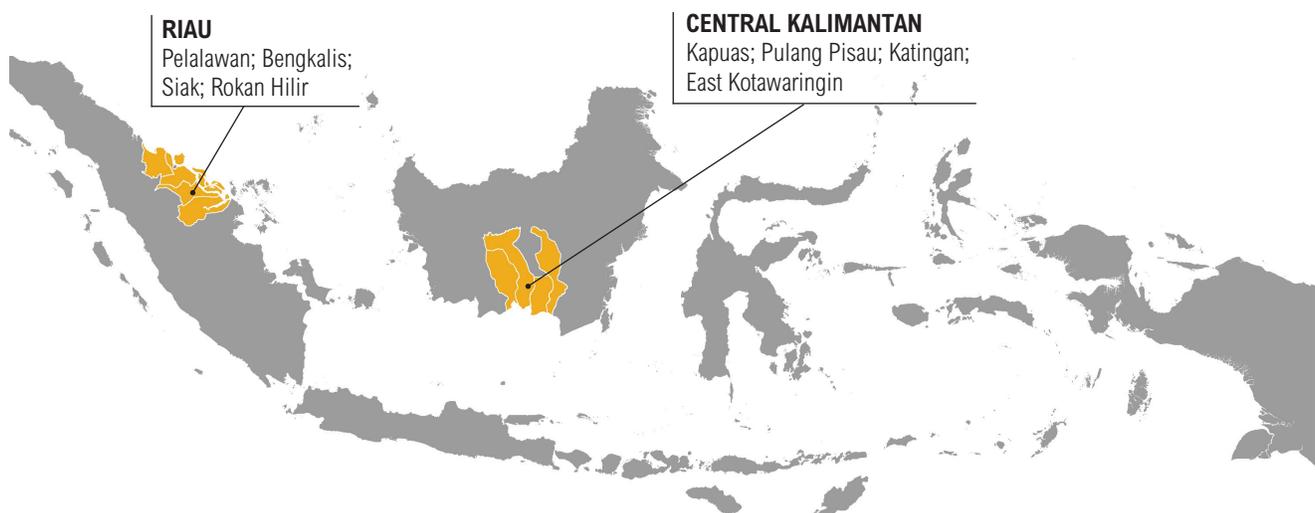
in eight districts in two provinces: Kapuas, Pulang Pisau, Katingan, and East Kotawaringin in Central Kalimantan and Pelalawan, Bengkalis, Siak, and Rokan Hilir in Riau province.

In each target district, a project team led by Puter Foundation Indonesia conducted interviews with representatives of five local government work units responsible for land or forest management: the Regional Development Planning Agency, the Forest Service, the Environment Agency, the Agricultural Service, and the Integrated Licensing and Investment Board. The roles and responsibilities of each of these agencies are summarized in **Table 1**. All five agencies serve as technical advisors to the District Head in the permitting process. They do not by themselves issue permits. A total of 45 people were interviewed.

The interview questions were designed to ascertain the key challenges that districts face in implementing, monitoring, and enforcing the moratorium. The full set of interview questions are listed in Appendix 1. Questions were grouped under three themes:

1. *Awareness and understanding of the moratorium:* whether the agency officials understand what forest types are protected, what activities are allowed within the IMM boundaries, and whether the IMM is available in usable form at the local level.

Figure 1 | **Districts Where Interviews Were Conducted**



Source: World Resources Institute.

2. *Monitoring implementation of the moratorium:* identifying the agencies responsible for monitoring, and assessing the process of monitoring; solicits open-ended responses from these agencies regarding the challenges of implementing and monitoring the moratorium.
3. *Enforcement of the moratorium:* whether permits have been denied since issuance of the moratorium, whether there is knowledge of violations of the moratorium, and what recourse is available if violations are detected.

Table 1 | **Agencies Interviewed and their Key Responsibilities under the Moratorium**

AGENCY	RESPONSIBILITIES RELATED TO THE IMPLEMENTATION OF THE MORATORIUM
Regional Development Planning Agency—BAPPEDA	<ul style="list-style-type: none"> <li>■ Overseeing and planning for regional development, including developing low-emission spatial plans</li> <li>■ Allocating forest and nonforest land, or reassigning these categories</li> </ul>
Forest Service—Dinas Kehutanan	<ul style="list-style-type: none"> <li>■ Providing technical advice to licensing requests in Forest Areas (<i>Kawasan Hutan</i>) and moratorium areas</li> <li>■ Monitoring private sector activities in Forest Areas (<i>Kawasan Hutan</i>)</li> </ul>
Environment Agency—Badan Lingkungan Hidup (BLH)	<ul style="list-style-type: none"> <li>■ Monitoring private sector activities on peat lands, including conducting environmental impact assessments</li> <li>■ Providing technical recommendations on permit applications, including consulting the IMM to determine if the permit violates the moratorium</li> </ul>
Agricultural Service—Dinas Pertanian	<ul style="list-style-type: none"> <li>■ Planning for agriculture areas, including consulting the IMM to determine if the permit violates the moratorium</li> <li>■ Mapping peat land</li> </ul>
Licensing and Investment Board—Kantor Perijinan Terpadu dan Badan Penanaman Modal Daerah	<ul style="list-style-type: none"> <li>■ Managing information on the location and history of permits</li> </ul>

## Awareness and understanding of the moratorium

Overall the local Forest Service (*Dinas Kehutanan*) respondents from all eight districts demonstrated the clearest understanding of the moratorium, as shown in **Table 2**. The Regional Development Planning Agencies (BAPPEDA) and the Environmental Agencies (*Badan Lingkungan Hidup*) also demonstrated awareness of the moratorium and understanding of the areas it protects and the types of activities it prevents. However, the Agricultural Service (*Dinas Pertanian*) and the Integrated Licensing and Investment Board (*Kantor Perijinan Terpadu dan Badan Penanaman Modal Daerah*) had very limited knowledge of the moratorium, perhaps in part because their national ministry counterparts were not included in the moratorium's Presidential instruction.

Respondents from the Agricultural Service and the Integrated Licensing and Investment Board demonstrated little working knowledge of the types of forests the moratorium protects or what activities it prohibits. This lack of knowledge is concerning given the role these agencies play in critical activities related to the moratorium. For example, the Agricultural Service is tasked with mapping peat lands, and the Integrated Licensing and Investment Board is tasked with managing permit information. Because the Agricultural Service and the Integrated Licensing and Investment Board representatives gave limited answers, the detailed findings focus on responses from the Forest Service, the Environmental Agency, and the Regional Development Planning Agency.

Respondents from the Forest Service, the key agency for implementing the moratorium, in five out of eight districts knew the types of land the moratorium protects from new conversion permits. However, only three districts out of eight knew the specific locations of those areas within their jurisdictions, and only one district had conducted field work to check the accuracy of the IMM. Other Forest Service respondents were aware of the website where the IMM could be downloaded but had not yet done so.

All respondents were generally aware of the moratorium, but many did not learn about the proclamation in time to properly implement the policy. Fourteen of 24 agencies learned of the initiative in 2011 when the president signed the moratorium, while four Forest Service, four Environmental Agency, and two Regional Planning Agency respondents did not learn of the moratorium until 2012 during the second moratorium map revision.

Table 2 | Awareness of Moratorium among Agencies in Eight Districts

DISTRICT	FOREST SERVICE	DISTRICT PLANNING AGENCY	DISTRICT ENVIRONMENTAL AGENCY	AGRICULTURAL SERVICE	LICENSING AND INVESTMENT BOARD
Pelalawan	■	■	■	■	■
Siak	■	■	■	■	■
Bengkalis	■	■	■	■	■
Rokan Hilir	■	■	■	■	■
Kotawaringin Timur	■	■	■	■	■
Katingan	■	■	■	■	■
Kapuas	■	■	■	■	■
Pulang Pisau	■	■	■	■	■

■ Demonstrated overall solid understanding. Clearly answered 5-6 questions.      ■ Demonstrated moderate understanding. Clearly answered 3-4 questions.      ■ Demonstrated limited understanding. Clearly answered 1-2 questions.

Note: A scoring system was developed to compare knowledge of the moratorium among agencies and districts. The system took into account whether the respondents (1) were aware of the moratorium, (2) knew the type of lands protected by the moratorium (3) had used the IMM to delineate areas protected by the moratorium in their district, (4) knew the activities permitted by the moratorium, (5) knew what constituted a violation of the moratorium and (6) knew who was responsible for monitoring the moratorium.

In the absence of an effective awareness-raising campaign from the central government, it was up to the agencies' own initiative to learn about the moratorium. Six Forest Service and two Environmental Agency respondents learned about the moratorium from the Ministry of Forestry website,<sup>9</sup> while four Forest Service, four Environmental Agency, and five Regional Planning Agency respondents learned from provincial department offices. All respondents stated that there was no formal outreach in their districts to disseminate information on the moratorium.

### Monitoring implementation of the moratorium

All local government respondents stated that they believed there were no stipulated monitoring activities for which they were responsible. Two respondents added that monitoring could not be conducted because no funding had been allocated for monitoring activities. Four Forest Service, two Environmental Agency, and four Regional Planning Agency respondents did not know who was responsible for conducting monitoring activities on the moratorium areas. The lack of mandate, resources, and guidance for monitoring effectively prevents local agencies from enforcing the moratorium.

In all eight districts at least one key agency had very limited understanding of the moratorium and therefore presumably was unable to contribute effectively to its implementation.

### Enforcement of the moratorium

The roles of the Forest Service, Environmental Agency, and Regional Planning Agency are generally to make technical recommendations regarding whether or not a land-use permit application meets criteria for approval. Most local government officials interviewed responded that there had been no new permit applications, or that their agency had not yet been asked to review new requests. Forest Service respondents in four districts stated that their agency was evaluating permit requests, primarily via field checks, for peat lands. Forest Service respondents in only two districts indicated that permits had been rejected in their districts because of the moratorium.

Respondents from three districts acknowledged forest loss within the boundaries of the IMM, and stated that it was caused by local people establishing farms and businesses. Respondents from two districts stated that violations were observed, but that they were within legal permits issued before the moratorium that may not have been incorporated into the IMM. Only one district acknowledged that a violation occurred on land managed by a company, though responses to this question could have been biased.<sup>10</sup>

## General recommendations from local government agencies

These findings demonstrate that district-level governments suffer from a lack of information about the moratorium, which results in limitations on monitoring and enforcement. These challenges include limited access to up-to-date information, lack of implementation guidance, and the absence of a monitoring and enforcement mechanism to incentivize compliance. Although the presidential instruction establishing the moratorium directs the Minister of the Interior to provide guidance and oversight for local implementation of the moratorium, a consistent mechanism to do so has not yet been developed. As a result, the effectiveness of the moratorium as estimated in Section 1 may be limited.

At the district level, interview respondents indicated that the moratorium was a central government initiative with little to no consultation with local government agencies.<sup>11</sup> As a result, there was limited support at the district level for implementation, monitoring, or enforcement of the moratorium. Recommendations from respondents for improving the effectiveness of the moratorium include:

1. Improve vertical coordination between local government agencies and national government by disseminating information at the district level.
2. Support incorporation of the IMM into the formal spatial planning process. This process determines all zoning and land classification in the country and is carried out at the national, provincial, and district levels.<sup>12</sup> This coordination is a critical step to achieve local compliance with the moratorium goals.
3. The Ministry of Forestry should involve local district agencies in creating and updating the IMM and provide funding to carry out field work to ensure that the IMM reflects the situation on the ground. The moratorium map is revised every six months with public input through a website.<sup>13</sup> However, local government respondents stated that there was little effort to involve district governments in the moratorium map development or revision process.
4. The Ministry of Forestry or the REDD+ Task Force should develop and disseminate clear technical guidance, including roles and responsibilities of national, provincial, and local government agencies, for monitoring and enforcing the moratorium.

## 2 | REVIEW OF PROGRESS TOWARD THE GOVERNANCE REFORMS OUTLINED BY THE MORATORIUM

WRI and partners next asked: **What are the statuses of the forest governance reforms proposed during the moratorium?** Providing time to enable the implementation of forest governance reforms was a stated goal of the moratorium. Reforms are needed to ensure long-term improvement in forest and land use management, reduce deforestation, and prevent greenhouse gas emissions.

The presidential instruction establishing the moratorium explicitly mandated relevant government agencies to improve forest governance<sup>14</sup> through specific measures coordinated by the Indonesian REDD+ Task Force under the Presidential Delivery Unit for Development Monitoring and Oversight (UKP4).<sup>15</sup> These measures include instructions to agencies for improving the process of issuing permits for conversion of forests, accelerating the spatial plan revision process, and strengthening spatial data coordination and harmonization. The REDD+ Task Force has also begun several initiatives to achieve these reform goals, some of which were not explicitly mentioned in the presidential instruction but are required to achieve overall goals. WRI and partner organization Forest Watch Indonesia reviewed six key activities being coordinated by UKP4:<sup>16</sup>

1. Developing a centralized database for all geospatial information in Indonesia (OneMap)
2. Improving permit coordination and transparency
3. Strengthening the permit review process
4. Revising regulations on permits in forest areas
5. Accelerating the process of forest area gazettelement
6. Including community maps in the formal spatial planning process.

We assessed progress on these governance reforms via interviews with national and provincial government officials, and national nongovernmental organization representatives. Key activities were identified for each reform, and the progress of each activity was assessed. The progress in each activity over the past two years, and the work yet to be completed, is summarized and presented in more detail in **Table 3**.

Table 3 | **Summary of Geographic Scope and Progress of Ongoing Governance Reforms**

REFORM	GEOGRAPHIC SCOPE OF NEW INITIATIVE	ASSESSMENT OF PROGRESS AS OF MAY, 2013
Developing a centralized database for all geospatial information in Indonesia (OneMap)	National initiative	<ul style="list-style-type: none"> <li>■ Modest progress overall</li> <li>■ National legal framework established</li> <li>■ National implementing regulation issued</li> <li>■ Substantial progress in Central Kalimantan</li> </ul>
Improving permit coordination and transparency	Pilot in Central Kalimantan	<ul style="list-style-type: none"> <li>■ Substantial progress in Central Kalimantan</li> <li>■ Limited progress nationally</li> <li>■ No national legal framework established</li> <li>■ No national implementing regulations issued</li> </ul>
Strengthening the permit review process	Pilot in three districts in Central Kalimantan	<ul style="list-style-type: none"> <li>■ Limited progress overall</li> <li>■ Substantial progress in pilot districts in Central Kalimantan</li> <li>■ No national legal framework established</li> <li>■ No national implementing regulation issued</li> </ul>
Revising regulations on permits in forest areas	National initiative	<ul style="list-style-type: none"> <li>■ Modest progress overall</li> <li>■ National implementing regulations issued</li> </ul>
Accelerating the process of forest area gazettement	Pilot in one district in Central Kalimantan and national cooperation agreement	<ul style="list-style-type: none"> <li>■ Modest progress overall</li> <li>■ National legal framework established</li> <li>■ National implementing regulations issued</li> <li>■ Progress in pilot district in Central Kalimantan</li> </ul>
Including community maps in the formal spatial planning process	National initiative	<ul style="list-style-type: none"> <li>■ Limited progress overall</li> <li>■ No national legal framework established</li> <li>■ No national implementing regulations issued</li> <li>■ Constitutional court ruling opens possibility of a national legal framework</li> </ul>

Source: The assessment of progress is a qualitative assessment based on the findings from the WRI study.

1. **Developing a central database for all geospatial information in Indonesia:** The Indonesian government lacks an official central database of geospatial information, including base maps for land cover and land allocation, on which to base land-use decisions. Each ministry has its own maps, which often do not agree and frequently overlap, fueling potential conflict among agencies making land-use decisions such as issuing permits or designating protected areas.<sup>17</sup> The discrepancies occur both between national ministries, and among local, provincial, and national agencies. It is common practice for the Ministry of Forestry, the Ministry of Development Planning, the provincial government, and the district head to all use different maps for the same geographic area.<sup>18</sup> Improved data coordination, transparency, and access are fundamental requirements for land-use decisionmaking and permit granting aligned with climate and development goals.

**Status:** The “One Map” Initiative aims to address this lack of clarity and consistency. “OneMap” is working to bring together spatial data issued by 13 government agencies.<sup>19</sup> This initiative is strengthened by Law 4/2011, giving the Geospatial Information Agency the mandate to work with UKP4 and take the lead in developing a single reference map<sup>20</sup> for all spatial decisionmaking in the country. The agency is producing detailed base maps on a 1:50,000 scale for the whole country and integrating these with data from the 13 participating agencies. The output of this work was expected by mid-2014. At an unspecified later date, the Geospatial Information Agency must also build a publicly accessible web-based portal to make all the maps and data available to the public.

**Obstacles:** Before the law on geospatial information was signed in 2011, Indonesia had no mandate for

sharing geospatial data among government agencies.<sup>21</sup> While the new law represents a significant step forward, challenges to the development of a centralized spatial database include weak coordination among government agencies (both vertical and horizontal), and no plan or mandate to incorporate subnational and district-level maps into the OneMap.

## 2. Improving permit coordination and transparency:

National agencies and local government offices often do not share information on permits for logging, mining, palm oil development, and other forest uses, or even spatial information more broadly. As a result, multiple forest users may operate in the same area, creating confusion and conflict.

**Status:** Indonesia's REDD+ Task Force is capitalizing on the moratorium to develop an online database of all forest licenses as part of the OneMap Initiative. The task force is focusing on Central Kalimantan, where a beta website is being tested at the time of writing with an unknown target date of completion.

**Obstacles:** The challenges of coordination and transparency are similar to those of developing a centralized spatial database in general. These challenges include weak coordination laterally among government agencies, weak coordination between national agencies and their subnational counterparts, and overlapping mandates for granting permits. Overlapping mandates present a particular challenge since there are several legal ways to acquire permits and multiple agencies may issue permits at the same time without coordinating with each other.

## 3. Strengthening the Permit Review Process:

Government agencies, such as the District Heads or the Ministry of Environment, do not regularly and consistently review the compliance of permits with Indonesian regulations. The neglected laws include regulations limiting conversion of peat lands and the requirements needed to obtain licenses within forest areas.

**Status:** The REDD+ Task Force is piloting a new review process in the districts of South Barito, Kapuas, and East Kotawaringin in Central Kalimantan. A law firm has been contracted to assess the legality of existing permits in these districts, and a memorandum of understanding has been signed with district officials. However, it is unclear if or how this assessment will

impact illegal permits. Additionally, in July 2013, the Indonesian Parliament passed a new law "Preventing and Eradicating Forest Destruction," which further clarifies the definitions of forest violations in state forest areas, establishes a new agency to conduct investigations of violations, and provides for a new ad hoc judge to tackle forest-related crimes.

**Obstacles:** The lack of a specific mandate has been the main challenge limiting comprehensive review of permits for compliance with Indonesian regulations. Other obstacles include a lack of technical guidance and data, for example maps of peat land extent, as well as limited legal recourse available if violations are identified.

## 4. Revising regulations on permits in forest areas:

The permitting process in the forest area (*kawasan hutan*) suffers from several bureaucratic challenges, including complex application processes, lack of transparency, and lengthy approval timelines.

**Status:** During the moratorium the Ministry of Forestry simplified the process for obtaining permits in certain high-priority areas. Some of these steps have been positive, for example, the Ministry of Forestry reduced the number of steps necessary for ecosystem restoration permits within forest areas, an important type of permit for REDD+ projects.<sup>22</sup> Other reforms may have led to increased conversion of forest land and could be counterproductive to the country's greenhouse gas emissions reduction goals. For example, the Ministry of Forestry added "areas needed for national food security" as a valid exception allowing permits in protected forests,<sup>23</sup> and the application process for timber permits in Ministry of Forestry-defined natural forests (*hutan alam*) was simplified. These new developments suggest that harmonization of the goals of the moratorium and REDD+ with other forest and land use regulations has not yet been a priority.

**Obstacles:** Significant changes to regulations on permits in forest areas are limited by pressures and interests from various stakeholders in the policymaking process. As a result the revisions thus far have been a mix of environmentally progressive rules and regulations, and revisions that are unlikely to reform key sectors with strong vested interests. Another key challenge is the lack of transparency, which contributes to rent-seeking behavior in the permitting process.

5. **Accelerating the process of forest area gazettement, delaying spatial plans:** Indonesia, like many nations, designates “official” forest land as a “forest area” (*kawasan hutan*). The designation of “forest area” provides the foundation for deciding what types of forest use can occur and where. It is a critical first step for improving land-use planning and forest management. A 2011 Constitutional Court Decision fundamentally changed the process for establishing forest areas, stating that all forest area must be “gazetted,” or officially mapped; beyond being designated by the Ministry of Forestry.<sup>24</sup> However, as of February 2012, only 11 percent of Indonesia’s 130.7 million hectares of forest area had been gazetted.<sup>25</sup> The extent and allocation of Indonesia’s forest area continues to be the major point of contention that stalls the development of more specific provincial and district-level spatial plans. As of May 2013, only 45 percent of provinces and 60 percent of the districts had finalized their spatial plans.<sup>26</sup>

**Status:** The moratorium allows the REDD+ Task Force, in collaboration with the Ministry of Forestry and local governments, to pilot measures to overcome conflicts and accelerate gazettement of forest areas. The task force has begun work in South Barito district, Central Kalimantan. Methods to speed up the gazettement process, such as conducting a multistakeholder meeting to discuss boundaries of forest areas, and developing an agency to guide the process,<sup>27</sup> are being tested. Twelve agencies in the Indonesian government signed an agreement in March 2013 to accelerate the forest gazettement process.<sup>28</sup>

**Obstacles:** The gazettement of the forest area has been delayed principally by disagreement between national and subnational entities regarding jurisdiction of land use decisionmaking. Since decentralization, which made subnational control possible, began in the early 2000s, the national Ministry of Forestry has been reluctant to cede power over land-use decisions to local entities while local governments are similarly reluctant to cede control of land-use decisions to the national level.

6. **Including community maps in the formal spatial planning process:** Lands occupied by local, traditional communities, known as *adat* areas, have historically gone unrecognized in Indonesia’s formal spatial planning system.<sup>29</sup> Ignoring *adat* communities’ land rights spurs poverty, hinders economic development, and deters environmental stewardship. Further, by not tak-

ing community input into account, the national government is missing the opportunity to incorporate detailed, up-to-date information about the state of natural resources that could be provided by local communities. This information can be vital to ensuring that spatial plans on paper match reality on the ground.

**Status:** During the moratorium, the REDD+ Task Force invited civil society through both electronic communications (email and website) and workshops to submit community maps and land-use plans,<sup>30</sup> a primary means for *adat* communities to articulate their legal claims. Thus far, 265 community maps covering 2.4 million hectares have been submitted, yet it is unclear whether or how this information has been used.

In addition, a May 2013 Constitutional Court ruling declared unconstitutional the articles in the 1999 Forestry Law that categorized customary land areas as part of Ministry of Forestry-controlled forest area.<sup>31</sup> This landmark legal ruling mandates the government to ensure formal recognition of community-made maps and plans. In June 2013, the Indonesian president publicly voiced his commitment to recognizing Indonesia’s traditional communities.<sup>32</sup>

**Obstacles:** Historically, there has been little incentive for the national government to recognize the rights of local communities over their traditional lands. This situation is slowly changing, but the legal mechanism and implementing regulations to incorporate community maps into the formal spatial planning process remains unclear.

## RECOMMENDATIONS AND NEXT STEPS

The findings of this research demonstrate that the moratorium was a key strategic step in the right direction for Indonesia to improve land-use management and reduce greenhouse gas emissions from deforestation and peat land conversion.

Fundamental governance reforms are key to achieving deeper emissions reductions to set the country on a low-emissions development trajectory. One of the ultimate goals of the moratorium is to establish robust governance systems so that when the moratorium is lifted, forest management and land use will not revert to business as usual. Our analysis provides insights on some priority next steps during the next two years to best take advantage of

the window of opportunity provided by the moratorium to achieve this goal. These recommendations include:

1. **Improve awareness of the moratorium at the local level.** The current moratorium is limited by lack of awareness and technical guidance for implementation, monitoring, and enforcement at the local level. Ensuring a basic level of understanding at the district level will be a critical next step for boosting the moratorium's application. This awareness can be accomplished if the central government conducts broad outreach and disseminates technical guidance to the district level. The Ministry of Interior, tasked by the presidential instruction with providing guidance and oversight for local implementation of the moratorium, should improve outreach targeted at local forest services, planning agencies, and environment agencies. Targeting in-depth outreach efforts specifically at districts with historically high deforestation may be an efficient approach because the majority of observed violations of the moratorium occur within just a few districts.<sup>33</sup>
2. **Increase local government participation.** According to local government agencies, a key improvement needed during the moratorium is more widespread involvement of local agencies in updating the moratorium map, and incorporating it into formal and long-lasting spatial plans. Participation of local governments, including local forest services, planning agencies, and environment agencies, should be a priority for the Ministry of Forestry as it updates the map. Improving participation will be critical to ensuring alignment of the maps with the situation on the ground, and will ensure sufficient buy-in from key local actors to achieve effective implementation.
3. **Continue permit coordination and transparency.** The Geospatial Information Agency's work to develop an online, publicly accessible database of all provincial forest licenses—also commonly called OneMap—should be expanded to Indonesia's remaining 33 provinces. Mandates to increase transparency and harmonize permit data between national, provincial, and district governments should be systematically expanded to the rest of the country.
4. **Strengthen the permit review process.** The development of a new review process to evaluate permit compliance with Indonesian regulations—such as the limits on converting peat lands and the steps required to obtain a forest license—is being coordinated by UKP4. Such a review process will be facilitated by the ongoing steps to improve data availability under OneMap. This step should be followed by a stronger mechanism to revise or cancel permits found to be in noncompliance with the law.
5. **Designate forest areas.** A slow gazettement of official “forest areas” has stalled the development of district and provincial land use plans, which provide the foundation for land-use planning in the country. New mechanisms to overcome the conflicts slowing forest area gazettement are in the pilot phase. Lessons learned from this pilot phase should be compiled by the Ministry of Forestry, scaled up, and applied to the rest of the country.
6. **Formalize community plans.** Creating a mechanism for formal acceptance of community maps will invite a new flow of detailed information that can improve spatial planning for local communities and the nation. During the moratorium, the REDD+ Task Force invited the submission of community maps and land-use plans. This is a step in the right direction for recognition of Indonesia's customary communities. However, government ministries must provide further clarity on the legal mechanism and implementing regulations for incorporating community maps into the formal spatial planning process.
7. **Evaluate greenhouse gas emissions during permitting.** The new online permit database, coordinated by the Geospatial Information Agency, OneMap, should incorporate data on forest cover, peat land extent, and carbon stocks to enable accounting for greenhouse gas emissions risks. Such a system can also support efforts to shift agricultural expansion from forested land to non-forested “degraded land,”<sup>34</sup> a key component of low-emissions agricultural development. Importantly, outreach to local government agencies that are partly responsible for permit application and review will be a key component of this type of permitting reform.
8. **Monitor impacts of governance reforms.** A principal goal of the moratorium should be to strengthen governance so that when the moratorium is lifted, forest management and land use will not revert to business as usual. Whether or not the moratorium succeeds in setting the country on a low-emissions

development trajectory will depend on the effectiveness of current reforms. We propose that the new REDD+ Agency continue the work of the REDD+ Task Force in identifying indicators of progress toward, and the impacts of, these governance reforms. Additionally, the agency can put in place systems to monitor these indicators over time, and report their findings so the government can learn from its experiences and engage in results-based policymaking.

Curbing deforestation, reducing emissions, and improving quality of life for millions of Indonesian citizens hinges on sound forest governance. Extending the moratorium for two more years does not guarantee more emissions reductions or better forest management, but it is a critical starting point. Indonesia can now implement much-needed land-use reforms by seizing the rare opportunity provided by the moratorium.

## APPENDIX 1. LIST OF DISTRICT INTERVIEW QUESTIONS

Puter Foundation Indonesia used the interview questions below in interviews with various government officials in the agencies described in Table 1 in March 2013. This interview concentrated on eight districts in two provinces (Central Kalimantan and Riau). WRI compiled the findings into insights and recommendations for this report.

### Awareness

1. Did you know there is a moratorium on new licenses in peat land and primary forests? Where and when did you first hear about this news?
2. Do you know which areas in your district are included in the moratorium map? How do you know where these areas are? Has there been any information dissemination process of the presidential instruction?
3. Do you know what activities are permissible within the moratorium area? How do you know? Was this information included in an information dissemination process?

### Monitoring

1. Which department or agency is responsible for monitoring the implementation of the moratorium? How do they conduct monitoring?
2. Did your agency ever do field work related to monitoring the moratorium? Was this conducted in cooperation with the federal government?
3. In general, what are the constraints faced when implementing a moratorium on new licenses?

### Enforcement

1. Did you ever reject a permit because of the moratorium? What was the reason for the refusal?
2. Are you aware of any violation of the moratorium within the district? What type of permit did the entity responsible for the violation hold?
3. What are the criteria for a violation of the moratorium? Who (which agency/agencies) developed this criteria? Who approved the criteria?
4. In case of violation of the moratorium, to whom (which agency/agencies) is the violation reported? Who is responsible for reporting the violation? What is the process after reporting?
5. Have there ever been reports of violations by NGOs or other institutions? In these cases what action was taken?
6. Were there any objections or complaints from companies regarding the moratorium?

## ENDNOTES

1. Fogarty 2009.
2. DNPI 2010.
3. Maulia 2010.
4. Presidential Instruction 10/2011, available at [http://www.kemendagri.go.id/media/documents/2011/09/19/i/n/inpres\\_no.10-2011.pdf](http://www.kemendagri.go.id/media/documents/2011/09/19/i/n/inpres_no.10-2011.pdf)
5. Gingold et al. 2012.
6. All land, water, and natural resources in Indonesia are designated as either within the forest area (*kawasan hutan*) or non-forest area (*area penggunaan lain*). Forest areas fall under the jurisdiction of the national Ministry of Forestry; non-forest areas fall under the jurisdiction of the local district government under local autonomy policy.
7. Barr et al. 2006.
8. Chosen districts have between 15% and 65% of their total area covered under the moratorium.
9. Ministry of Forestry's website [www.dephut.go.id](http://www.dephut.go.id).
10. This violation was reported by the local government to the UKP4 task force for law enforcement, but the details are not publically available.
11. According to Indonesian law on subnational governments (Law 32/2004), the local government (district/municipality or kabupaten/kota) is independent from the central government and the district head is directly elected by the district's constituents. Provincial governments have the mandate to report to the president, but the districts do not. It is unclear how much cooperation between the different layers of government is required by the law and enforced. For more information see Law 32/2004, available at [http://www.kpu.go.id/dmdocuments/UU\\_32\\_2004\\_Pemerintahan%20Daerah.pdf](http://www.kpu.go.id/dmdocuments/UU_32_2004_Pemerintahan%20Daerah.pdf)
12. For more information on the Indonesian spatial planning process, refer to Law 26/2007, available at <http://www.bkkbn.go.id/jdih/Peraturan%20PerundangUndangan%20Pusat/UU%20No.26-2007%20penataan%20ruang.pdf>
13. Public input for the moratorium map was posted on the REDD+ Task Force's website, available at [www.satgasreddplus.org](http://www.satgasreddplus.org).
14. The mandates were laid out in a Presidential Instruction document, available at [http://www.kemendagri.go.id/media/documents/2011/09/19/i/n/inpres\\_no.10-2011.pdf](http://www.kemendagri.go.id/media/documents/2011/09/19/i/n/inpres_no.10-2011.pdf)
15. The Indonesian REDD+ Task Force is an Indonesian government body established through Presidential Regulation 19/2010 with the task to coordinate all REDD+ related activities in the country. More information is available at <http://www.satgasreddplus.org/en/>. In September 2013, the President signed a decree establishing a managing agency for REDD+ that has the mandate to, among many things, develop a national REDD+ strategy and policies; develop REDD+ safeguards; manage REDD+ funding and benefits distribution; coordinate GHG measurement and monitoring, reporting, and verification; and build the capacity of other ministries and agencies to implement REDD+ activities. More information is available at <http://www.thejakartapost.com/news/2013/09/08/government-officially-forms-redd-agency.html>.
16. This is not an exhaustive list of the activities being carried out to advance REDD+ readiness and forest governance reform in the country.
17. One documented example can be seen in UKP4's comparison of the Ministry of Forestry and Ministry of Environment's land cover map for the island of Papua.
18. World Resources Institute. "Comparison of Ministry of Forestry 2010, Ministry of Forestry 2013, and Provincial 2013 Maps." Unpublished.
19. OneMap will include information from: national land registry maps; Department of Interior maps; infrastructure and transport data; communication and IT maps; Ministry of Public Works maps; Ministry of Culture and Tourism maps; Statistics Agency maps; Ministry of Energy and Mineral Resources maps; Ministry of Forestry maps; Ministry of Agriculture maps; Ministry of Marine Affairs maps; Meteorology and Geophysics Agency maps; and Aerospace Agency maps.
20. Base maps in the 1:50,000 scale to be produced by BIG include information on land cover; rivers, coasts, and other water bodies; altitude; significant land marks and buildings; road, rail, and other transportation infrastructure; and administrative boundaries with consistent names for all attributes. Source: BIG website, accessible at <http://www.bakosurtanal.go.id/peta-rupabumi/>.
21. The Indonesian Law on Geospatial Information (UU 4/2011) regulates how different Indonesian government agencies share and use spatial data for policymaking purposes. Available at [http://www.bakosurtanal.go.id/assets/download/UU\\_IG/UU%20NO%204%20THN%202011%20TENTANG%20INFORMASI%20GEOSPASIAL.pdf](http://www.bakosurtanal.go.id/assets/download/UU_IG/UU%20NO%204%20THN%202011%20TENTANG%20INFORMASI%20GEOSPASIAL.pdf)
22. The Minister of Forestry Regulation 26/2012 revises Minister of Forestry Regulation 50/2010. It reduced two steps that are required to apply for an ecosystem restoration concession.
23. This exception includes a requirement to empower communities and restore ecosystem services when a special permit's lease expires.
24. According to Law 41/1999 on forestry, the gazettement of forest areas or pengukuhan kawasan hutan must progress through four steps: (1) forest area designation, (2) forest area boundary demarcation, (3) forest area mapping, and (4) forest area stipulation. The constitutional court decision further strengthened this regulation.
25. Wells et al. 2012.
26. Database Status Perda RTRW Provinsi/Kabupaten/Kota. Direktorat Jenderal Penataan Ruang, Kementerian Pekerjaan Umum. Available at <http://www.penataanruang.net/informasi.asp#fragment-11>
27. The governor of Central Kalimantan officially requested the Ministry of Forestry to establish this agency. As of March 2013, his request was being reviewed by the Ministry for State Reform.
28. Geospatial Information Agency (Badan Informasi Geospasial: BIG) website, <http://www.bakosurtanal.go.id/berita-surta/show/penan-datanganan-nota-keepakatan-tentang-reformasi-tata-kelola-sektor-kehutanan>.
29. This system is referred to as the Rencana Tata Ruang Wilayah (RTRW).
30. Documentation can be accessed through the REDD+ Task Force's press release, available at [http://www.satgasreddplus.org/download/20121113\\_PERS\\_RELEASE\\_Indigenous\\_Map\\_integrated\\_in\\_One\\_Map\\_ENG.pdf](http://www.satgasreddplus.org/download/20121113_PERS_RELEASE_Indigenous_Map_integrated_in_One_Map_ENG.pdf)
31. Constitutional Court Decision 35/2013, see Jakarta Globe article by Pasandaran (2013) available at <http://www.thejakartaglobe.com/news/constitutional-court-annuls-government-ownership-of-customary-forests/>
32. The Indonesian President was quoted as saying, "I am personally committed to initiating a process that registers and recognizes the collective ownership of adat territories in Indonesia. This is a critical first step in the implementation process of the Constitutional Court's decision." Cabinet Secretariat, Republic of Indonesia website, "President SBY and CEO Polman Urge Business Sector and Civil Society to Achieve Sustainable Growth at TFA 2020," June 27, 2013, available online at <http://www.setkab.go.id/international-9290-.html>
33. Unpublished research by WRI shows that 75 percent of large-scale deforestation events occurred within just 20 districts during the moratorium.
34. Gingold et al. 2012.

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