

**Proposal of Civil Society Networking
for the First Draft of National REDD+ Strategy
Jakarta, 25 October 2010**

In response to the first draft of National Strategy and National Action Plan for Reducing Emissions from Deforestation and Forest Degradation (Reducing Emissions from Deforestation and Degradation plus (REDD +) which is currently being developed and consulted by BAPPENAS (National Development Planning Agency), we are from civil society network involved in monitoring the development of REDD convey some input that we think are the main issue in forestry and in accordance with the empirical condition of Indonesia's forests over the years. We convey this input to some sections in this document, namely: introduction, goal and objectives, legal basis, definition, the main drivers of deforestation and tenure problem, National REDD+ strategy and complaint mechanism.

Introduction

The introduction describes Indonesia's commitment to climate change and some of the basic international law that became a reference why Indonesia needs to reduce emission by 26%. In our opinion, this section should also describe the national context, including national laws that have been advanced enough to answer the national environmental issues including deforestation and forest degradation. Some of these progresses are including Law No. 26 of 2007 on Spatial Planning which open the public participation in spatial planning. Law No. 32 of 2009 on Environmental Protection Management and also provide a space of participation in environmental planning, including ensuring that any development activities comply with the environmental plan.

In addition, the context of national-scale of forest destruction must also be a major reason why Indonesia needs to commit to prevent deforestation and forest degradation. The rate of Indonesian forest destruction is so serious that must be addressed immediately.¹ On the other hand, problems that accompany deforestation and forest degradation such as an ignorance of community's right to life, the damage of biodiversity and the depletion of water flow are not revealed by this document as the problem to be overcome by REDD strategies.

As a strategy, the introduction should be a background issue to be addressed or answered by the National REDD+ strategy. Without presenting a comprehensive context, this strategy will only be a tentative program devoted solely to respond to international issues and not a reflection on national issues.

➔ Proposal: need to draw in the national context as the background why the National REDD+ Strategy sets required. National context is the context of potential legislation that supports or inhibits efforts to reduce deforestation and forest degradation. And also the fact-based explanations of social issues such as access to forests and benefit and ecological issues such as deforestation and ecological disaster

Goal and Objectives:

The purpose of this document should also specifically answer the chaos of the forest industry. The aim should be offered a way out for the forest industry issues that bawdy chaos can be overcome. In addition, Indonesia's forests are a source of livelihood for most

¹ See FAO, 2010

indigenous and local communities, so the goal should be to ensure forest governance will recognize the right of people in and around forest areas.

- ➔ Proposal (1): need to include specific goals regarding the orientation of the reform efforts of the forestry industry.
- ➔ Proposed (2): Clear direction of objective to acknowledge community rights over forest areas for their welfare is assured

Legal Basis

In addition to the laws that have been cited in this draft, it should also include the Human Rights Law No 39/1999 (Human Rights), Public Disclosure Law No 14/2008 and the ratification of the Convention on Biological Diversity (CBD) Law No 5/1994. These Three Laws give some strong character for the National REDD+ Strategy sets forth that the REDD forests are not just talking physically but also forests in terms of economic and social. REDD in the UNFCCC negotiations is not just merely a discussion of REDD as a forests but also includes social issues such as social safeguards are referring to human rights instruments, including UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples).

- ➔ Proposal: CBD Ratification will need to put in National REDD+ Strategy, including the Freedom of Information Law and Human Rights Law, Law on the convention to eliminate discrimination against women and UNDRIP which has been approved by the Indonesian government.

Definition

Looking at the forest definition in this document seems to have brushed off concerns will include plantations as forests. Forest definition refers to the Law No 41/1999 is very loose.

- ➔ Proposal : need to provide forest definiton that is more tight by considering socio-ecological context of forest in Indonesia.

Drivers of Deforestation and Degradation and Problem of Forest Tenure

This document mentions four causes of deforestation, namely: (1) a weak spatial planning, (2) tenure, (3) ineffective forest management unit, (4) a weak of legal support and law enforcement. These four causes indeed are very significant and therefore this mapping needs to be appreciated. But it needs to clarify the bottom line behind the exposure of crucial issues about the relation between the causes of deforestation with tenure. The main question is whether there is a direct relationship between lack of clarity about tenure to deforestation and forest degradation?

In principle, the de facto control of society cannot be arbitrarily categorized as a cause of deforestation because if this argument amen then all the tenure that is not based on state law is considered as a contributor to deforestation. If checked the root cause, unclear tenure clearly departs from discriminatory state policies that stem from the colonial legal tradition in which something is considered valid only if the law recognized formally (Wignjosoebroto, 2002, Rahardjo, 2009). While many communities around the forest, never acquainted with the formality of forest tenure law but in fact able to prove they can manage forests sustainably.

As found in research of Ashwini Chhatre and Arun Agrawal, using original data from 80 forest jointly occupied by people in 10 countries spread across Asia, Africa and Latin

America, found that larger forest size and greater rule-making autonomy at the local level are associated with high carbon storage and livelihood benefits; differences in ownership of forest commons are associated with trade-offs between livelihood benefits and carbon storage. Two researchers argue that local communities restrict their consumption of forest products when they own forest commons, thereby increasing carbon storage.²

In Kalimantan, many communities provide a positive contribution to supporting the conservation area because of their value system also supports the region (Eghenter, C., Sellato, B., Devung, G. Simon., Eds, 2003). Sungai Utik Community in the Kapuas Hulu District, for example, has been widely known that they are able to manage forests sustainably even in the same place has been granted a concession license by the government. Even Sungai Utik Community became the first community of awarded Ecolabel certificate from the Ministry of Forestry for their ability to do sustainable forest management.³

➔ Proposal: Looking at the lessons of a number of cases of sustainable forest management by indigenous peoples / local, then there should be a clear clarification regarding the relationship between deforestation and conflict tenure, especially concerning to what extent community's tenure resulting in devastated forest ecosystems. And to what extent a historical tenure's and no formal law-based contributed to sustainable forest management. And to what extent of forest-based formal state law contributed to the destruction as well as forest conservation.

National REDD + Strategy

Draft of National REDD+ Strategy sets a number of strategies developed to achieve the goals set out to solve the problems of deforestation and forest degradation. It seems that the tenure aspect are contained in describing problems of deforestation and forest degradation, not linked well with the options of problem-solving strategies that are exposed. Essentially the strategy should answer the problem. In land-use sector development reform was unfolded on steps to reform at the level of land use. But there is no strategy on how to solve the issue differences between the claims by local law and the government/private sector with state law. In this case, there was a missing link between problems with the strategy.

➔ Proposed: need to include specific strategy on how to respond tenure conflict

Empirically-Historically, initiatives to tackle climate change through the development of REDD +, should not be seen as a new initiative, but must be seen as an oversight mechanism for damage or destructive force of the overall development policy. Clearly, the facts show that climate change caused by development patterns that over-consumption and over-exploitation of natural resources - mines, forests, soil, etc. - which releases as they are contained in the IPCC report (2007):

² Ashwini Chhatre and Arun Agrawal in Elinor Ostrom, ed, 22 July 2009, see in www.pnas.org/cgi/doi/10.1073/pnas.0905308106

³ Bulletin *Down to Earth* No. 70, *Agustus* 2006, Intip Hutan, Edisi I-06/Januari-Februari 2006, Antara 6 Agustus 2008, Majalah Kehutanan Indonesia Edisi VIII Tahun 2008

The primary source of the increased atmospheric concentration of carbon dioxide since the pre-industrial period results from fossil fuel use, with land-use change providing another significant but smaller contribution⁴

Without a holistic view on the paradigm of development, there will be some potential leakage that thwart REDD +. In addition, the pattern of development in the past that continue even up to now has led to conflicts that get rid of a lot of the poor and marginalized, including women and children. Therefore, to probe climate change from just one forestry sector alone, without a breakdown of building a good solution with non-forestry sector, will potentially lead to carbon leakage. Draft of National REDD+ Strategy sets still do not touch and give a good answer to the fundamental causal factors of climate change. By looking at the concentration of MRV on carbon, there is a strong tendency in this draft lead to the dominant as a net carbon accounting methodology that would potentially provide incentives for the commodities business emitters. Moreover, forest definition that is used tended to be open to manipulative practices that are often used by the forestry business. Strategies are developed to various sectors also tend to compromise on forest destruction. For example, in the context of mining and plantation, there was no strategy to set a quota or moratorium but still subtly encourage the expansion of the mining through the minimization of open pit mining and avoid mining in forest areas that are supposedly intact.

➔ Proposal: need to include strategy on quota and moratorium of mining, forest conversion and expansion of plantation in order to give space for sustainable forest.

Complaint Mechanism

The complaint mechanism and its resolution have not yet been presented in this draft. Complaints mechanism is an instrument to resolve grievances or complaints relating to problems in fulfilling the safeguards and related standards. If MRV is an instrument to see if a process has run to follow the standards set or not, complaints or appeals mechanism is a form of institution to accommodate the complaints against the processes that are not compliant or violate the rights, harm others or violate other rules.

➔ Proposal: need to include complaints mechanisms as institutional efforts to address and resolve complaints or objections of other party or some other parties affected by the project or policy of REDD +

⁴ IPCC, 2007: Summary for Policymakers. In: *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA.

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DTE

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BIC

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