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INDONESIA REGIONAL POLICY BRIEFING #1: EVALUATING THE STATUS OF DEFORESTATION POLICY

Policy brief prepared by AlphaBeta – Part of Access Partnership for the
Tropical Forest Alliance

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About this briefing

TFA has identified the need to build awareness of relevant policy developments in Indonesia among corporate stakeholders related to **deforestation and related supply chain risks**. In service of this objective, TFA commissioned AlphaBeta – Part of Access Partnership to develop regular regional policy briefings for Indonesia, with the aim of providing comprehensive and impartial information on the policy and geopolitical context related to deforestation and the forest-positive agenda in Indonesia to help downstream supply chain companies engage with policymakers. Aspects covered by these briefs include policy developments and updates from current events related to forest protection, sustainable land use, agricultural production and trade, green finance, climate, and land rights. This is the first of the six briefings, which aims to provide an overview of the **general policy landscape related to deforestation in Indonesia**. It covers four major aspects of deforestation-related policies in Indonesia – a summary of progress over the past decade, major stakeholder groups involved in influencing deforestation laws, current socio-political and economic issues, and **relevant future trends**. Subsequent briefs will cover new policy developments, current events, and issues on related agendas.

Summary of insights

- **A “decade of progress” has placed Indonesia at the forefront of tackling tropical deforestation.** Indonesia has made significant strides in addressing tropical deforestation associated with commodities such as palm oil in the last decade. Forest loss peaked over 2012-15, and then displayed marked and steady declines, with annual loss falling to 0.84 million hectares in 2021 – a third of 2016 levels. Green growth policies, stricter and better enforced forest concession and licensing laws, corporate action towards no-deforestation, no-peat, and no-exploitation (NDPE) supply chains, and multistakeholder action including the Forest Law Enforcement, Government and Trade (FLEGT) trade partnerships between Indonesia and European countries have played an important role in enabling this progress.
- **Four key issues pose significant challenges to the next “decade of delivery”.** Indonesia’s Forestry and Other Land Use (FOLU) Net Sink 2030 plan sets a legally binding target of net-zero deforestation by 2030. Achieving this target will require addressing four challenges. The first is economic pressures that have driven up prices of palm oil and threaten to reverse recent efforts to intensify palm oil production, including supply reductions in vegetable oil from Ukraine and diversion of domestic palm oil supply towards biodiesel (B35). The second is a breakdown in relationships between the key Indonesian ministries and non-state actors, particularly civil society organisations (CSOs), which threatens international cooperation. The third is the tensions between the mandatory Indonesian Sustainable Palm Oil (ISPO) certification scheme that has faced significant criticism and the market-driven but voluntary Roundtable for Sustainable Palm Oil (RSPO) certification scheme. Finally, supply chain traceability remains a major challenge, with current systems being insufficient to track and reduce deforestation risk across complex value chains.
- **There are two key policy windows in the next 6-12 months to strengthen the deforestation agenda:** Global multilateral processes in coming months including UNFCCC’s COP27, UNCBD’s COP15, and Indonesia’s G20 presidency (including B20 task forces) provide platforms for renewed dialogue to address deforestation, as evidenced by significant momentum generated for the net-zero agenda post-COP26. Additionally, the Indonesian presidential elections of 2024 could provide a platform for new leadership to strengthen Indonesia’s commitments to net-zero deforestation and low-carbon, inclusive growth. Popular support remains to minimize deforestation in Indonesia, as evidenced by the failure of the “Omnibus Law” on job creation that was struck down as unconstitutional following civil protests over environmental concerns.

I. The Background – A decade of progress

Indonesia has made significant strides over the past decade in addressing tropical deforestation associated with commodities such as palm oil, rubber, and pulp and paper. Over 2002-21, The Global Forest Watch reports that Indonesia lost nearly 10 million hectares or 11% of primary forest and nearly 29 million hectares or 19% of total tree cover between 2002 and 2021, over half of which was concentrated in the palm-oil producing provinces of Riau and West, East, and Central Kalimantan.¹ However, the extent of tropical forest and tree cover peaked between 2012-15 and then has markedly and steadily declined since 2016. Annual tree cover loss in 2021 (0.84 million hectares) was down over two-thirds from 2016 levels (2.4 million hectares), with primary forest loss in 2021 down by 80% from 2016 levels. Commodity-driven deforestation similarly peaked in the early part of the decade and by comparison reported over 60% declines on average in 2013-15, with even more significant declines post-2016. This was driven by increasing intensification and productivity in the palm oil sector and a ninefold expansion of social forestry, which involves engaging local communities in forestry activities, since 2014.²

It is critical to continue this momentum with participation of all relevant stakeholders across commodity production value chains. Green growth policies at the national and subnational level have played an important role in stimulating this progress. For instance, forest concession and licensing laws have been updated to reflect changes in socioeconomic priorities while maintaining strict forest protections. In 2018, the Indonesian Government issued a 3-year ban on new licenses for palm oil plantations and in 2019 imposed a permanent ban on new licenses in primary and peat forests. A new multi-purpose licensing scheme allows companies to avail a

single license for a range of forest uses, incentivising other forest uses beyond timber including non-timber forest products, eco-tourism, and gradually for carbon trade. Enforcement has also continued to improve. In March 2022, the government withdrew concession permits from 15 companies covering nearly half a million hectares of forests to improve governance and transparency, following the revocation of over 2,000 mining, plantation, and forest-use permits in January due to non-compliance or lack of use.³ Corporate action has also been instrumental. Commitments to no-deforestation, no peat, and no exploitation (NDPE) supply chains, increased trade and market premiums for sustainable products, partnerships with civil society, and greater focus on smallholders.

II. The Actors – Key decision makers

There are five major categories of deforestation policies in Indonesia, key laws for which have been summarised in an Appendix document that accompanies this policy brief. There are six major groups of actors involved in influencing these laws:

- **Government agencies:** The Ministry of Environment & Forestry (MoEF) is the lead authority for nearly all forest matters. The MoEF has authority over issues at the national level, including managing land and forest fires, setting environmental laws and quality standards, and developing and implementing programs geared towards achieving national priority targets.⁴ Other relevant federal ministries include Agriculture, Industry, Trade, and Investment. Relevant agencies under these ministries include the Directorate of Plantations, the Peatland and Mangrove Restoration Agency, the Forestry Police, Forestry Security Unit, and Forestry Supervisor. Subnational governments including at the provincial and district levels are similarly key decision-makers, although the extent of their authority is lower.⁵
- **Political leadership:** Political leaders set the agenda for relevant deforestation policies, including via broader national economic plans and climate targets. Additionally, leaders at the federal, provincial, and district level determine the strictness of deforestation laws and the distribution of forest concessions. While political leaders play an important role setting the general direction for other key decision makers to follow in terms of deforestation policies and activities, they are not the only actors. They work with other actors including market actors, international aid agencies, and local governments.
- **Market actors:** Upstream actors include all that influence commodity production and related deforestation, including producers, traders, and financiers. Downstream actors include producers and sellers of products that contain at-risk commodities like palm oil, including fast-moving consumer goods (FMCG) companies, manufacturers, and retailers – both local and overseas. KADIN – the Indonesian Chamber of Commerce & Industry, is also relevant through its representation of both upstream and downstream market actors, including state-owned enterprises and MSMEs, and its strategic direction to be inclusive and collaborative.
- **Civil society organisations (CSO):** These include international and local non-profits whose mission is to reduce deforestation and encourage conservation. CSOs such as HuMA focuses on legal reform issues relating to land and other natural resources, while other CSOs such as WALHI and Greenpeace Indonesia focus on advocating for environmental protection and human rights.
- **Consumers:** These include both domestic and overseas end-users of products containing at risk-commodities like palm oil, whose purchasing decisions can influence the use of commodities as inputs. Governments in consumer countries also exert pressure on both upstream and downstream actors through sustainable sourcing policies and climate finance.

There are also several notable avenues for multistakeholder action to combat deforestation:

- **Jurisdictional (or landscape) approaches:** These are multistakeholder coalitions with representation from local government, private sector, and CSOs that operate at the subnational levels and combine elements of sustainable sourcing, landscape conservation, and community engagement. Examples include the Siak Pelalawan Landscape Programme (SPLP) in Riau, which brings together a coalition of eight palm oil purchasing and consumer goods companies with support from district governments and Proforest,⁶ and the Berbak Green Prosperity Partnership in Jambi, which is an inclusive peatland management model that brings together palm oil and rubber supply chain companies, implementation agencies, several universities, and local CSOs.⁷

- **Trade agreements:** Trade agreements and partnerships with consumer governments also play an important role in reducing deforestation risk. For instance, the Forest Law Enforcement, Government and Trade (FLEGT) – Voluntary Partnership Agreements (VPA) are key to promoting trade in legal timber products and improving forest governance and are a leading example of global multistakeholder collaboration. The European Union (EU) and Indonesia ratified this agreement in 2014,⁸ and a similar agreement was ratified with the UK in 2019.⁹
- **Consumer government alliances:** Alliances of consumer governments including the Amsterdam Declaration, which was launched in 2015, and the extended Amsterdam Palm Oil Declaration, are designed to eliminate deforestation in supply chains.¹⁰ Although not legally binding, they provide resources for engagement between public sector agencies and support for private sector commitments.

III. The Challenges – Key progress areas for a decade of delivery

Four key issues in the policy landscape affect efforts to meet Indonesia's net-zero deforestation goal by 2030:

1. **Global economic uncertainty:** Falling global vegetable oil supply due to droughts in South America and Canada, the Ukraine crisis, as well as uneven economic recovery post the pandemic, are increasing demand for palm oil and driving up prices. Indonesia's strategy to increase the palm oil content for local biodiesel from 30% to 35% (B35) has also reduced availability of palm oil for cooking and other non-fuel applications, raising domestic prices. This could drive future plantation expansion through deforestation at the cost of current intensification efforts, as lower palm oil prices play a significant role in reducing plantation expansion.¹¹ The Indonesian government took a series of temporary measures to secure domestic supply in the midst of high palm oil prices, including through domestic market obligation (DMO) quotas at pre-determined prices, which followed a three-week ban in May 2022 on palm oil exports that stabilised domestic prices.¹² The ban, however, also helped create a rising stockpile of palm oil which revived plans for the B35 strategy and spurred the government to accelerate export shipments.¹³ Efforts to address the stockpile have had varying effects – on one hand, the B35 rollout has been delayed again over renewed fears of higher prices¹⁴, while shipment acceleration programmes and the waiver of the palm oil export levy from 15 July to August 31 have not provided the desired export boost due to new DMO rules, delays in securing new export permits, and shipment backlogs from the time of the export ban taking priority. These short-term price fluctuations due to necessary but perhaps uncoordinated measures have created uncertainty for farmers, processing enterprises, manufactures, exporters, and buyers.
2. **Breakdown of dialogue between state and non-state actors:** The Indonesian government has previously encountered challenges in engaging with non-state or non-local actors on the domestic forest agenda, particularly international CSOs, at times severing ties altogether. For instance, MoEF abruptly ended its partnership with WWF in 2020, citing concerns related to public communications and lack of accountability in operations.¹⁵ In 2021, Indonesian authorities also cancelled a partnership between Unilever-owned Dove and Conservation International (CI) to protect and restore 20,000 hectares of Sumatran Tiger habitat in North Sumatra, citing concerns over illegalities in self-declared carbon projects.¹⁶ More recently, local CSOs have also faced challenges in government engagement. In June 2022, Sawit Watch, HuMa, WALHI, ELSAM and Greenpeace Indonesia filed a public interest lawsuit against the President and Trade Minister over a failure to ensure the affordability and availability of palm-based cooking oil, also issuing an open challenge to the government over its lack of promised action in reforming and auditing the palm oil sector.¹⁷ 35 Indonesian CSOs also recently issued a joint statement commenting on the EU's recently announced Due Diligence Regulation (EUDDR), which seeks to build deforestation-free supply of six tropical commodities (including palm oil and timber).¹⁸ Although welcoming the intent of the initiative and providing constructive feedback on it, its perceived "one-sided" approach has been heavily criticised in that it does not provide "incentives and support to reduce and prevent deforestation in producer countries" while "disregarding the potential direct consequences it has on independent smallholders" via their potential exclusion from supply chains. This trend is counterproductive as it contravenes the established norm of using international cooperation, transparency, and inclusivity between governments, private sector, and civil society.

3. **Competing commodity traceability schemes:** The lack of well-defined commodity traceability laws is a challenge, and there are tensions between the two notable traceability schemes for palm oil – the Indonesian Sustainable Palm Oil (ISPO) certification and the voluntary Roundtable on Sustainable Palm Oil (RSPO). Although made mandatory by Presidential Regulation No 44 of 2020,¹⁹ ISPO has been heavily criticised by observers for relying on official frameworks which recognise only a fraction of indigenous land claims to enforce the ban on conversion of indigenous land, while also not explicitly calling for protection of secondary forests or providing independent monitoring of the certification scheme.²⁰ The voluntary RSPO certification scheme, meanwhile, is an important international reference for palm oil sustainability and is granted to producers that adhere to its Principles and Criteria. It covers a small but growing share of the Indonesian palm oil sector, with over 2.3 million hectares of production land (~16% of national total) and 11.1 million tonnes of palm oil (~23% of national total) RSPO-certified as of 2021.²¹ While both schemes encourage sustainable palm oil production, both draw legitimacy from different sources which has spurred tensions. The RSPO is driven primarily by international CSOs and downstream companies from developed countries, and thus has greater international market acceptance, while the state driven ISPO could be viewed as an expression of the Indonesian government's sovereignty.²²

4. **Lack of supply chain visibility:** Data collected by the Directorate General of Plantations (under the Ministry of Agriculture) as well as ISPO and RSPO certifications are unable to capture traceability throughout long and complex commodity value chains. For instance, palm oil traceability is challenging across palm oil growers (smallholder farmers and plantations), fruit traders, mills that crush the fruit to crude palm oil, refiners that make derivative products from crude oil, and finally the consumer-facing companies that use refined palm oil across their own product portfolio (cooking oil, biofuel, etc).²³ Furthermore, the current sustainability tracking mechanism for palm oil is expensive, requiring frequent auditing, monitoring and reporting with possibility of data manipulation. Therefore, there is a need to develop a robust traceability system along the value chain, potentially deploying blockchain technology, and real-time digital monitoring of products via geo-tagging and retrofitted Internet-of-Things (IoT) devices throughout. Open-source global online platforms such as TRASE are among the most well-developed datasets that track production to the jurisdictional level, assess deforestation risk, and identify companies involved using transaction and trade data – and should also be supported.²⁴

IV. The Opportunities – Key upcoming policy windows

There are many imminent policy windows that could provide an opportunity to strengthen the deforestation policy agenda in the coming 6-12 months:

1. **Multilateral processes in 2022:** Ongoing UN multilateral processes such as the UNFCCC's COP27 event in November 2022, and the UNCBD's COP15 event in December 2020 could provide a platform for further progress on net zero and nature positive agendas, for which reducing deforestation and restoring peatlands will be vital for Indonesia.²⁵ COP26 spurred significant momentum for Indonesia in this regard. For instance, days before COP26 in November 2021, President Joko Widodo ("Jokowi") signed a landmark presidential regulation on the Economic Value of Carbon (NEK), prioritising meeting Indonesia's nationally-determined contributions (NDC) target for 29-41% emissions reductions by 2030 through market-based climate change mitigation.²⁶ This commitment is part of Indonesia's long-term national development plan. At COP26, the President joined other world leaders in committing to net-zero deforestation.²⁷ In February 2022, MoEF released a decree on Indonesia's Forestry and Other Land Use (FOLU) Net Sink 2030 plan, which is a legally binding commitment from Indonesia for net-zero deforestation in 2030, signalling that Indonesia intended to press ahead with meeting its legal climate targets with its own resources and not wait for the US\$100 billion climate finance pledge made by developed countries in previous multilateral processes.²⁸ Indonesia has also released a new Green Taxonomy to encourage private sector investment in green growth and incentivise businesses to comply with ESG-related regulations, building off momentum at COP26 including via the announcement of the UN Glasgow Financial Alliance for Net Zero (GFANZ).²⁹ In addition to COP27, Indonesia's presidency

of the G20 summit this November also presents an opportunity to advance the net-zero deforestation agenda, with President Jokowi calling on the G20 to lead the world in tackling climate change and emphasising Indonesia's strategic position in doing so.³⁰ The B20, a process for G20 business communities, has an Energy, Sustainability, and Climate Taskforce that has been holding regular public consultations and side events in the run up to the summit in November – which provide an excellent platform for the private sector to participate in advancing deforestation free supply chains.³¹

2. **Indonesian presidential elections of 2024:** The presidential elections of 2024 could also provide an opportunity to bolster progress against deforestation. President Jokowi has bolstered Indonesia's efforts to reduce deforestation and prioritise the net-zero agenda during his tenure. New leadership could similarly address ongoing challenges, strengthen commitments to low-carbon growth, and promote inclusivity and transparency across Indonesia's forest governance system at the national and subnational level. Global evidence shows the potential downside of electing populist leadership that could reverse such momentum. For instance, the election President Jair Bolsonaro in Brazil in 2018 precipitated unprecedented policy support to deforest the Amazon to support economic growth, resulting in record levels of deforestation in Brazil, eliminating previous decades of progress that resulted from the Soy Moratorium among other initiatives.³² However, popular support in Indonesia remains clearly against deforestation. For instance, the recent "omnibus law" on Job Creation, a flagship COVID-era regulation introduced in 2020 to remove red tape and improve investment at the cost of workers rights and the environment, was struck down by the Constitutional Court as unconstitutional in November 2021, following mass protests from students, trade unions, and civil society groups.³³

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