
Indonesia: new legislation, old problems

Intentional fires, tree monoculture plantations and mining are direct causes of deforestation in Indonesia. Additionally, indigenous peoples' traditional rights over their territories are ignored. As a result, the country's once vast and luxurious forests are vanishing and, according to two recent independent studies, deforestation rate is faster than what the authorities are used to admitting. A World Bank research, based on map studies, and issued last July estimates an annual forest loss of 1.5 million hectares during the last two decades. The results obtained by a research performed by the UK government-funded Regional Physical Planning Programme for Transmigration reveal similar figures to the previous one. Nowadays only 19.5 million hectares out of the 47 million hectares of forests that Indonesia had in 1996 remain unlogged. The paper points out that illegal logging is so serious a problem that most areas will not recover sufficiently to allow a second cutting cycle.

In such context, urgent action to address the problem is essential, but the government's response is not only totally inadequate, but even paves the way for further forest destruction. In the final period of President Habibie's interim regime a Forestry Act (Nr. 4/1999) was passed to substitute the previous 1967 Basic Forestry Law. Indonesian NGOs, IPOs, and academics consider that the new legislation is no advance to protect the country's forests and forest peoples. During the consultation process prior to its approval, civil society spokespersons had already expressed their opposition to the draft's content and to the process itself, arguing that it should have been more open and democratic.

The 1999 Forestry Act does not recognise the rights or protect the interests of forest peoples, which are named as "communities with customary laws" and not indigenous peoples. In this regard it is even worse that the 1960 Basic Agrarian Law, since it explicitly includes customary lands within state forests, which means that they can be granted as concessions to private or state-owned companies. Participation of communities is limited to guarding forests and reforestation programmes but nothing is mentioned about decision-making. Restrictions imposed to local communities for the use of forest resources are enormous what makes difficult for them to continue with their traditional land use practices.

Some positive aspects of the new Law -as the acknowledgement of the role of NGOs in monitoring forest developments, education programmes and reforestation- are not essential and do not change the general approach of the government, that refuses to address the underlying causes of deforestation and forest degradation in the country, and to give place to a democratic process regarding not only forest management but also the fate of the people who live in them and have been the real guardians of the forest.

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