Structure of the Presentation

- What do we mean by illegal conversion?
- Common non-compliances
- Case study: Indonesia
- Challenges to addressing illegality
- What we need to know
- Conclusions
Greenpeace

Indonesian Embassy, Brussels
What do we mean by illegal conversion?

- Illegality in land conversion occurs where practices of Governments and private companies contravene established legal processes.
- It results from non-compliance with the relevant laws in the national legal framework.
- It can occur during the process of issuance of rights to convert forests or in relation to environmental and social regulatory requirements for companies operating in these areas.
Common non-compliances

- Clearing forest without required corresponding clearance permit
- Permit for conducting clearance was obtained without following due process
- Clearing forest in designated protected area
- Failure to enforce required environmental mitigation measures during forest clearance
- Failure to comply with provisions in contract
EIA and Telepak report in 2012 alleged that PT SCP:

• Obtained plantation permit without an approved environmental and social impact assessment (AMDAL)

• Operated in deep peat area, which is protected by law in Indonesia

• Operated outside concession boundaries

• Failed to mitigate fire risk during land clearance
Challenges to addressing illegality

- Legislation may be confusing or contradictory
- Lack of transparency around permit allocation processes
- Framework for assessing applicability of regulations may be unclear, creating ‘loopholes’
- Unclear boundaries of authority between various Ministries, Departments and Agencies
- Need market mechanisms to address illegality in the production of agricultural commodities
What we need to know

- Current land use allocations clearly mapped
- Clarity on regulatory requirements governing issuance of licenses
- Regulatory requirements governing forest clearance practices and associated environmental and social obligations clarified
- Reliable quantitative data to be able to better understand the scale of the problem and where to focus efforts
Conclusions

- Increase focus and support to processes of land classification, land use allocation and gazetting as a fundamental approach to strengthening resource governance
- Ensure clarity in the national legal frameworks governing conversion
- Clarify roles and responsibilities of various national and local authorities for decision-making on land conversion
- Increase public awareness and demand-side drivers for legal agricultural commodities
Thank you

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