

DEFINING ILLEGALITY IN LAND CONVERSION



FOREST
TRENDS

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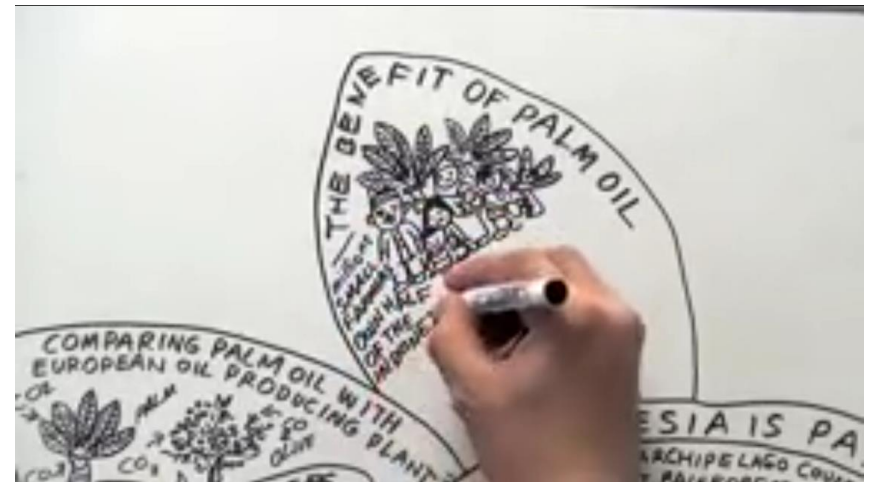
Structure of the Presentation



- **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**

Case Study: PT Suryamas Cipta Perkasa (PT SCP) central Kalimantan, Indonesia



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**

A scenic landscape of rolling green hills and a dense forest under a cloudy sky. The foreground is filled with lush green trees, while the background shows layers of hills fading into the distance under a bright, overcast sky.

Thank you

For further info see: www.forest-trends.org
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