

Press Release

KSDAHE Draft Bill: New Inclusive Paradigm Shift Needed to Address Future Conservation Challenges

Jakarta, October 8th, 2023. The Civil Society Coalition for a New Paradigm of Conservation urges KLHK (Ministry of Forestry and Environment) and DPR RI (RI House of Representative) not to simply revise Law 5 of 1990 concerning KSDAHE. The KSDAHE Bill which is currently being discussed by Commission IV DPR, KLHK, and Committee II DPD RI must be placed as a starting point for transformative change in the implementation and inclusive conservation paradigm in this country.

This transformative change and inclusive approach is crucial as Law 5/1990, which was enacted 33 years ago, is no longer relevant to the current and future challenges of conserving Indonesia's natural and biological resources. It also does not adequately support the much-needed involvement and protection of communities in natural resource conservation. If we reflect on the portrait of damage to natural resources and ecosystems, including mangrove ecosystems, karst ecosystems, peat ecosystems, and ecosystems of coastal areas and small islands, the value reaches 10.12 million hectares in the form of deforestation of natural forests.



Aerial photo of Aru's natural forest cover separated by small straits



FWI's Campaign and Policy Intervention Manager, Anggi Putra Prayoga emphasized that *"The conservation mandate as stated in Law 5/90 is still conventional by interpreting conservation efforts with the division of areas, not based on their functions. We assess that the damage to natural resources that occurs outside conservation areas reaches 90% and it is always considered natural to be destroyed. In fact, there are 76 million hectares of important areas for conservation that are currently outside the status of Conservation Areas (read: Essential Ecosystem Areas). These include mangrove ecosystems, peat, karst, high conservation value areas, animal corridors, and biodiversity parks that are in danger of being lost. The approach in Law No.5/90 is also wrong because it still equates the management of small islands with large islands and their main islands, and this is biased"*.

WGII Campaigner Asti Noor added, *"There needs to be a rights-based conservation paradigm shift in conservation governance in Indonesia to answer the complexity of conservation conflicts that have occurred so far. The KSDAHE Bill should be able to reflect a holistic and interdisciplinary dimension, especially aspects of protection, recognition of rights and participation of indigenous peoples and local communities, which until today have not been evident in the KSDAHE Draft Bill, even some of these related aspects have been deleted in the DIM version of the KSDAHE Draft Bill in July 2023."*

Conflicts between communities and area managers, even human-animal conflicts, as well as higher environmental and ecosystem degradation have shown indications of the inadequate implementation of policies in the field of conservation, and have become a common concern at the global level, this was responded massively at the *Conference of the Parties on Convention of Biological Diversity (COP-15 CBD)* meeting, where Indonesia is one of the parties that agreed to this convention.

"The KSDAHE Bill should reflect important targets in the Kunming Montreal Global Biodiversity Framework (KM-GBF). It is noted that 7 of the 23 KM-GBF targets set include elements of indigenous and local communities in sustainable use, protection of traditional knowledge, participation, equitable benefit sharing, and FPIC (Free, Prior, Informed Consent). Indigenous Peoples and Local Communities should no longer be placed as objects of Conservation, but should be recognized as subjects or actors of Conservation itself, as the facts on the ground show. This is in accordance with the mandate of COP-15 on CBD towards Vision 2050 "Living in Harmony with Nature". said Cindy Julianty, WGII Program Manager.

Conservation areas in Indonesia currently cover 26.89 million hectares (KSDA, 2022), equivalent to 47.1 percent of the total GBF Post 2020 target. According to keybiodiversityareas.org, Indonesia has 494 areas or the equivalent of 3,3672,800 hectares that are rich in biodiversity, but more than 50 percent of the area is outside conservation areas. This condition causes the potential loss of biodiversity outside conservation areas to be even higher. Kehati Program Manager, Burhan Jayadattri added, *"The emergency of the biodiversity crisis, climate change crisis, and the recent pandemic requires decisive action, and a joint commitment, especially from the government to change its perspective on biodiversity*



protection. The KSDAHE Draft Bill should be able to fill the void of the mandate for conservation efforts outside the area with various landscape settings".

Satriya Putra as Legal Coordinator of Garda Animalia added, "In addition, an important highlight in the renewal of Law Number 5 of 1990 is the criminal provisions and law enforcement in the field of conservation. Of course, the KSDAHE Draft Bill provides strengthening by adjusting the provisions of the current criminal law. This can be seen from the holding of phrases to create a deterrent effect, the addition of evidence, the expansion of PPNS authority, making corporations a legal subject that can be punished."

Civil Society Coalition Urges Openness of Information on the Discussion of the KSDAHE Draft Bill

The process of drafting the KSDAHE Draft Bill so far is considered closed and cannot accommodate the input of the parties. There are at least 718 Problem Inventory Lists (DIM) that must be discussed immediately. Satriya Putra as Legal Coordinator of Garda Animalia said, *"The discussion meeting of the KSDAHE Draft Bill which was held behind closed doors by the Working Committee (Panja) clearly undermined the spirit of democracy. Panja has closed the opportunity for openness and public involvement in the discussion of this bill. The previous series of processes, where the public was still involved by the legislature, was apparently interpreted as mere participation. Minutes, Meeting Notes, and Brief Reports on the latest DIM conditions should be open to the public and easily accessible."*

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Editor's Notes

1. AKKM (Community Managed Conservation Areas) or ICCAs (Indigenous and Community Conserved Areas) are natural resource and environmental management practices by indigenous peoples and local communities based on local wisdom or local customs.
2. Working Group ICCAs Indonesia (WGII) identified at least 4.2 million hectares of AKKMs in Indonesia with a total of 492222.6439 hectares of AKKMs documented and registered by WGII. Indications of potential AKKMs may increase considering that the total area of customary territories registered in BRWA currently reaches 26.9 million hectares.
3. Natural Forests are Forests that consist primarily of native trees that have never been planted by humans. Natural forests do not include plantations and forest plantations.
4. Deforestation is all forms of changes in land cover conditions from forests to non-forests caused by natural conditions and or deforestation actors, either legally or illegally within a certain period of time that is temporary or permanent. FWI noted that the damage to natural forests (deforestation) during the period 2017 to 2021 reached 10.12 million



hectares, of which 15.43 percent occurred in Protected Forest Areas and 9.06 percent occurred in KSA / KPA (Nature Reserve Areas / Nature Conservation Areas).

5. Essential Ecosystem Areas, abbreviated as KEEs, are areas outside of Nature Reserves, Nature Conservation Areas and Hunting Parks that are ecologically important for biodiversity. KEEs include Wetland Ecosystems, Wildlife Corridors, High Conservation Value Areas and Taman Kehati.

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