What future direction for forest tenure reform implementation in Indonesia?
Perspectives of national-level stakeholders

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Key messages

• Taken together, forest tenure reform implementation in Lampung and Maluku provinces capture key issues common across different settings in Indonesia, e.g. coordination among government actors, limited government budgets and uncertainty created by changing forestry regulations. In addition, other issues that are specific to one or the other province (e.g. lack of recognition of customary rights, inadequate capacity of implementing agencies, and lack of community knowledge and awareness) are also illustrative of broader tenure challenges in other parts of Indonesia. The findings from a participatory prospective analysis (PPA) study have provided central government with better information from different sites.

• Most national stakeholders, including government officials from the Ministry of Environment and Forestry who are responsible for forest reform implementation (Sub-directorate Community Forestry, Community Plantation Forest, Village Forest, and Partnership, and Forest Management Unit Division), as well as non-government stakeholders reviewed positively the sub-national action plans developed by stakeholders in Lampung and Maluku who were interested in securing local community tenure rights. These action plans emphasized multi-stakeholder collaboration (Maluku) and the strengthening of forest management units (FMUs) in Lampung, which is in line with national strategy to improve tenure reform implementation on the ground.

• The outcome of PPA, including drivers of constraints to tenure security, future scenarios of tenure reform and action plans, informed a recent national-level initiative to improve forest tenure reform implementation that promises to secure local rights, e.g. Working Group of Social Forestry and government regulation (PP No 83) that shortens the process of obtaining a license for social forestry.

• Perceptions among the national stakeholders indicate that the implementation of sub-national action plans aimed at securing tenure rights of local communities will be very challenging due to unclear boundaries and overlapping existing land uses among forest users. Hence, collaboration among stakeholders is key to the process.

• National stakeholders agree that the PPA approach can be adopted by the Working Group of Social Forestry at province level, with a focus on increasing community awareness and ownership of reforms under the social forestry scheme, including customary forest. The PPA is not a top-down approach, it builds intimacy and strengthens communication among stakeholders. It is thus important for the working group to create a new bureaucratic culture that promotes collective action during the implementation of the Social Forestry scheme.

Introduction

Indonesia is the fourth most populous country in the world with a population of over 255 million. It contains the third largest tropical rain forest in the world. Based on Indonesia’s Forestry Law No. 41/1999, forestlands are classified as state and private forests (Devwi 2016; Liswanti et al. 2016; Siscawati et al. 2017). The total area of forest and water conservation is 126 million ha (KLHK 2016). A large area (84 million ha or 70%) is categorized as state forest and the remaining 42 million ha, or 30%, is inhabited by indigenous peoples and used under unique and ancient land and forest tenure systems (AMAN 2012, ITTO 2014). Many of these areas are claimed de facto as customary territory.

In response to continuous resistance of communities and civil society mobilization, the Government of Indonesia started to recognize communities’ rights to forest resources through the implementation of forest tenure reforms in the late 1990s. In 1998, the government recognized the rights of customary communities through KDTI scheme (Kawasan Dengan Tujuan Istimewa/ Zones with Special Purpose) in Lampung province over damar agroforests of Krui (Fay and de Foresta 1998; Michon et al. 2000). This is the first group in Indonesia whose customary territory was legally recognized and who were invited to claim a special use and management permit for their ‘forestland’ (Herawati et al. 2017).

1 Ministerial Decree No. 47/1998
In 1999, this was used as a legal basis in forestry law for adopting Social Forestry (SF) schemes that were widely implemented as a central component of forest tenure reforms. In 2014, the government of newly elected President Jokowi committed allocated 12.7 million ha² of state forest to recognize tenure of indigenous communities through SF.

The SF reforms broadly can be differentiated according to the nature and extent of tenure rights granted to communities in different categories of forest. For instance, in protection forests, communities are constrained from harvesting timber but are permitted to collect non-timber forest products (NTFPs) for subsistence, commercial use or both, while in production forest, participating communities are permitted to grow timber trees and to harvest them (Banjade et al. 2016). Another milestone for expanding communities’ rights was the implementation of the Constitutional Court Ruling of 2013 (MK35), which required reassignment of state forests to customary communities living within or adjacent to state forests. Indonesia’s customary and statutory tenure systems have both evolved over time offering different bundles of rights to forest-adjacent communities (Siscawati et al. 2017).

Although Indonesia has recently made significant progress in issuing laws and regulations and setting ambitious targets for recognizing community rights over forestland, implementation of the reforms has been extremely slow. The reform implementation processes involve various agencies at local, provincial and national levels, which have, in many cases, overlapping and conflicting mandates (Banjade et al. 2016). Overlapping claims on forestland among local communities, companies and government forest service institutions also have implications for how rights can be exercised and negatively affect the tenure security of local communities, often resulting in severe conflict. To resolve these conflicts, recognition and enforcement of the rights of local people is important. In addition, while the government has the role of resolving conflicts among stakeholders, approaches to solving these requires coordination and collaboration among various stakeholders in the forestry sector and beyond. The government is promoting multi-stakeholder processes in forest governance through a working group on the acceleration of SF at national and provincial level. The group includes government, non-governmental organizations (NGOs), universities and other parties. The aims are to socialize, facilitate and target communities at the site level, to conduct sustainable forest management/utilization and business development, and to assist the government in verifying applications for access.

Two provinces were selected for this study. While Lampung province has a relatively longer history of SF programs, Maluku province, particularly the West Seram district, has a history of informal customary systems. In addition, the multiplicity of rights that emerged from different systems and authorities, including the customary rights, forestry reforms, as well as a more recent constitutional court ruling, compounded by increasing marketization of the local economy have created confusion about whose authority persists. This has resulted in uncertainty and tenure insecurity for local communities. Hence, we employed multi-stakeholder collaborative foresight approach known as participatory prospective analysis (PPA) in Maluku and Lampung provinces in order to generate cross-sectoral understanding of factors affecting local tenure security and reform implementation in both provinces.

This brief provides a national stakeholder’s perspective on the most relevant results from the PPA processes in the provinces of Maluku and Lampung. In particular, we presented national actors mandated with reform implementation with the results for sub-national PPAs in Maluku and Lampung with the aim of sharing key findings on factors influencing tenure security at sub-national level as well as sub-national plans for mitigating insecurity and enhancing security. The purpose of this was to elicit their reactions and encourage discussion of national support for sub-national efforts to secure local community forest tenure.

Reform types

We worked with seven communities in Lampung and five customary communities in Maluku (Figure 1). Both have different tenure system and reform types (see Table 1).

The SF schemes grant rights to manage forests through HKm and HTR to the local communities for 35 years. The former KDTI area is now allocated to HTR scheme (Banjade et al. 2016; Herawati et al. 2016).

Participatory prospective analysis

Participatory prospective analysis (PPA) is a foresighting, scenarios-based approach. It is designed to explore and anticipate change, and to facilitate interaction among multiple stakeholders with different, often conflicting, interests. It is a collaborative approach that was used in this study as an entry point to engage key stakeholders involved in reform implementation and to ensure that local voices were heard in discussions of forest tenure reform and forest tenure security. The success of the SF schemes is contingent upon whether, to what extent and how relevant actors are engaged during the reform implementation process (Liswanti 2012; Liswanti et al. 2016; Siscawati et al. 2017). Using PPA, we facilitate interaction among multiple stakeholders with different and often conflicting interests, with the aim of developing future scenarios.

Who, what, when?

The implementation of PPA consists of several steps that include a series of workshops and consultation meetings. The outcome of

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2 Achievement of Social Forestry up to 31 January 2019, see https://www.tropicalpeatlands.org/presentation/social-forestry-in-4-years/
3 These schemes include: community forest HKm (hutan kemasyarakatan), forest people plantation HTR (hutan tanaman rakyat), village forest HD (hutan desa), forest partnership (kemiteraan) and customary forest HA (hutan adat). Based on Ministerial Decree of Forestry number 83/2016 about Social Forestry.
4 See Liswanti et al. (2016) and Herawati et al. (2016) for definition of PPA approach in the context of GCS tenure project.
3. Each step is usually determined through consensus among participating expert members (Bourgeois et al. 2017). Table 2, below, provides a summary of the stakeholders involved in each of the provinces, the main questions the PPA asked and some of the main results. The stakeholders with different backgrounds and experience are selected and we namely the expert group. The word ‘expert’ refers here to a person with a special skill, knowledge, insight or ability in a particular domain based on research, experience, judgment or occupation.

**Perspectives of national stakeholders**

In December 2016, we organized a stakeholder forum at national level to disseminate the outcomes of the PPA, particularly to the national policy-makers. The aim was to solicit their policy, technical

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5. See Liswanti et al. (2016) and Herawati et al. (2016) for the steps involved in the process of the PPA approach.

and programmatic support to address constraints to reforms on the ground as well as to learn how national stakeholders support the implementation of action plans developed at sub-national level. Participants in the forum included government officials from the Ministry of Environment and Forestry, such as the Directorate Social Forestry and Partnership, who are responsible for forest reform implementation (Sub-directorate Community Forestry, Community Plantation Forest, Village Forest, Partnership, and Forest Management Unit Division), NGOs and universities. The sub-national governments from the study sites were also invited, including the Forestry Agency of Lampung and Maluku, Social Forestry and Partnership Agency of Papua Maluku and Medan, to give a useful feedback on the PPA outcome including driving forces, scenario building and the action plan. In total, 27 stakeholders (12 women and 15 men) participated in this forum.

Driving forces

During the PPA process, four key forces were identified as important in Maluku and Lampung (Table 3). According to the national stakeholders, those key forces are also faced by the implementing agency at both sub-national and national level and have been obstacles to local forest reform implementation, including budget allocation (e.g. insufficient budget at central government to support reform implementation in all provinces), governance issues (e.g. lack of coordination among government actors implementing the forest reform), communities’ rights (e.g. overlapping claims, unclear boundaries), and changes of policy and regulation (e.g. the enactment of Law 23/2014 or one map policy) (see Table 3).

The other key forces which only applied either in Lampung or Maluku are also observed during the PPA process (Table 4). These forces, which can be an obstacle or an opportunity, are important for driving the implementation of the forest reform.
for securing community rights in the future as well as improving local livelihood.

**Scenario building**

A scenario is a description of how the future may unfold according to an explicit, coherent and internally consistent set of assumptions about key relationships and driving forces (Bourgeois et al. 2017), which is created using a combination of driving forces. All stakeholders at sub-national level in both Lampung and Maluku have developed five contrasting scenarios. Scenario 2 was selected as the most desirable scenario. Stakeholders in Maluku considered scenario 2 to be an ambitious and idealistic scenario. It aims to secure local tenure security by recognizing the strong customary system alongside the statutory one. It also promotes women in forest resource management. In Lampung, scenario 2 emphasized strengthening forest management units (FMUs) and other devolved authorities as a pathway toward securing local tenure rights. In Lampung, the implementation of forest reform through SF is led by the FMU at district level. Since the enactment of the Law No 23 2014 the authority of the forestry sector was transferred from district to province level. The PPA finding on scenario building

7 Based on Indonesia’s Forestry Law No. 41/1999, an FMU is the smallest frontline government agency mandated to efficiently and sustainably manage Indonesia’s forest areas (see https://www.forclime.org/documents/Books/2012_BUKU_PERATURAN_LENGKAP_KPH.pdf).
elicited a positive response from many national stakeholders. In the case of Maluku, where forest reform has not been implemented, collaborative effort from relevant stakeholders will be key to successful forest reform implementation. In Lampung, where forest reform is more advanced, national stakeholders encourage the strengthening of the FMU, as this is in line with the national strategy of using FMUs as a backbone for implementing the forest reform on the ground. From the national stakeholder’s perspective, the scenario results highlighted key issues that constrain or enable local tenure security.

**From scenario to action**

The sub-national action plan was presented to the national stakeholder as a consensus of the actions that need to be undertaken, and the responsibilities/accountabilities that need to be shared, to ensure that the most desirable scenario could be implemented in the future. The action plan signals an endorsement by stakeholders who identified solutions to mitigate threats to local tenure security based on scenario 2 and what they expected to happen in the future.

Table 5 summarizes the sub-national action plans generated from the PPA in Maluku and Lampung. These plans seek to address the issues of governance and policy/regulation, budgetary issues and other specific actions proposed in the two sites. In response to these action plans the national-level government found several obstacles to SF implementation. Hence, the PPA finding helped to provide central government with better information from different sites through this study.

Central government also explained that several efforts have been made to reduce constraints on reform implementation. For example, in 2016 the MoEF released a government regulation on SF (Peraturan Pemerintah /PP No 83). In this regulation, a new national structure, namely the Working Group of Social Forestry, was created to support the implementation of forest reform in all provinces. The working group is expected to maintain coordination with the implementing agency in district, province and central government to accelerate the reform processes.

The role of central government on reform implementation is to develop policy and to provide guidance on the implementation process, e.g. preparing norms, standards, procedures and criteria, and coordinating, synchronizing and providing technical support for implementing agency. At province level, the Forestry Agency and the Social Forestry Environmental Partnership Agency, as the main implementing agency of SF scheme, were encouraged by national stakeholders to address some of the key issues and asked to coordinate with the FMU in the district. FMUs were established by the central government in areas where FMU was not exist yet, such as in West Seram district. This FMU is expected to be the frontline of forest reform implementation on the ground.

The sub-national action plans also presented key issues that only occurred specifically on one site. In Maluku, for example, the action plan was developed to overcome longstanding issues that have delayed reform implementation. These issues include the establishment of local regulation of customary rights to land and forest resources, district spatial planning and land allocation for community-based forest management, and recognition of the authority of village institutions for proposing customary forest. The Maluku action plan, however, tended to prioritize issues that would be implemented in the short term, e.g. regional governance, budget allocation, potential tourism, and increasing knowledge, awareness and community empowerment. In Lampung, the forest reform has been advanced in some areas but progress is still slow in other areas, hence the action plans are targeted to improve the reform process by encouraging a significant role for the FMU in implementing SF on the ground. Some key issues need to be intensively managed such as the dynamics of SF regulation, improving reform implementation at the community level and facilitation of reform implementation by regional government. These issues can be managed by the Province Forestry Agency through the Working Group on Social Forestry and involving different stakeholders. Recent programs of the Province Forestry Agency include promoting regular meeting to improve coordination among stakeholders and providing capacity building through training and awareness to the community.

In addition, the national stakeholders also highlighted some crucial issues which are not included in the sub-national action plan, such as the community’s mindset, human resources and bureaucracy. These issues need more attention from local government. The following actions were suggested by the MoEF to overcome these issues and to improve reform implementation:

- Improve community awareness through changing the community mindset on utilizing forest resources, thus helping to reduce community dependence on the forest.
- Build capacity and community dialog of the community to improve the quality of human resources (HR competence raising, performance appraisal system and incentive systems).
- Build a good bureaucratic culture that covers the four principles of governance (responsibility, transparency, participation and accountability).

**Conclusions**

Through multi-stakeholders workshops, the PPA processes in Maluku and Lampung produced a desirable future scenario based on key driving forces that constrain forest tenure reform implementation. The sub-national stakeholders used the PPA output to establish action plans and shared it with national stakeholders. Combining two PPA processes in two different sites could help to determine general
### Table 5. Action plan implementation of forest tenure reform to strengthen tenure security in Maluku and Lampung.

<table>
<thead>
<tr>
<th>Maluku</th>
<th>Lampung</th>
<th>Feedback from national stakeholder for the implementation of sub-national action plan</th>
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<tbody>
<tr>
<td><strong>Governance and policy/regulation on forest reform (SF)</strong></td>
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<tr>
<td>• Establish Forest Management Unit</td>
<td>• Consult directly with national stakeholder (MoEF and other stakeholders)</td>
<td>• Improve coordination between sectors by integrating programs from different sectors, e.g., integrating the action plan with the local agency’s, such as regional planning agency, policies.</td>
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<tr>
<td>• Develop working group for coordination with different sectors</td>
<td>• Coordination meeting with sub-national stakeholders</td>
<td>• Establish FMUs at local level to improve the implementation of the SF scheme. This was supported by many stakeholders, who suggested that the authority of FMU should not be limited. The FMU will be key to the success of the SF scheme on the ground.</td>
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<tr>
<td>• Raise awareness on existing regulation between sectors</td>
<td>• Integrate development programs across different sectors (agriculture, livestock, fisheries, plantation, tourism and renewable energy sectors)</td>
<td>• Develop policy at district government level to strengthen community institutions (village institutions) and help them create rules (village rules).</td>
</tr>
<tr>
<td>• Advocate for sub-national government agencies</td>
<td></td>
<td>• Submit grant proposals to central government. Previously, granting permits for the SF scheme showed little progress under the authority of the Regents (District) and Governor (Province), but since 2016, the community can directly submit their proposal to central government, to accelerate the process of obtaining a permit and to improve integration of the program with local government.</td>
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| **Regional and budgetary issues for forest reform**                    |                                                                        |                                                                                    |
| • Integrate SF scheme into local regulations or the provinces’ midterm regional planning | • Support province and district regulation for conservation purpose to get benefit-sharing from PES | • Map potential partners for financial support. Lack of budget is the most important factor affecting the reform process. Mapping partners who can financially support the implementation of the SF scheme is important, e.g., in Maluku province, some international/national agencies, such as Rain Forest Alliance, Samdhana and AMAN, have committed to supporting the project. |
| • Maintain domestic production within forest reform implementation (e.g. eagle wood) | • Request support from legislators for adequate resources for the forest development program |                                                                        |
| • Use village funds for infrastructure during the reform process       |                                                                        |                                                                                    |

| **Other key issues (local context)**                                   |                                                                        |                                                                                    |
| • Establish district regulations for recognizing customary rights     | • Increase coordination among various sectors, primarily government officials to improve the implementation of the SF program | • Establish local regulations for local people and use these as a basis for the recognition of customary communities and for proposing customary forests. |
| • Increase control on implementation and regulation on land allocation and spatial planning | • Communicate SF regulations to relevant stakeholders | • Change mindsets. Customary rights in Maluku follow a patrilineal system (following male lineage). This mindset needs to change; the rights for distributing asset should be equal between male and female. There has been no in-depth exploration of views and emotions on this gender issue. |
| • Revise district spatial planning from conversion production forest (HPK – Hutan Produksi Konversi) to area for other use (APL – Areal Penggunaan Lain) | • Create a champion of forest extension personnel at village level | • Central government support for the initiative for community assistance, e.g., tourism potential can be in line with community development. |
| • Identify potential areas for tourism to be integrated with the SF program | • Provide community technical assistance to develop management and working plans |                                                                        |
| • Increase collaboration with relevant agencies to provide infrastructure | • Create internal rules for farmers’ group for enhancing economy created by community. |                                                                        |
| • Involve indigenous women in reform implementation and strengthening any program related to indigenous women | • Provide community assistance to create a cooperative for the formalization process |                                                                        |
| • Improve communication on SF, including regulations for the community | • Make institutional arrangements to establish FMU with independent financial organization and build human resource capacity |                                                                        |
| • Establish NTFP businesses and training entrepreneurship               |                                                                        |                                                                                    |

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*APL is a non-forest area falling under the administration of the National Land Agency. It covers state and private lands. Currently, around 30% is formally titled as privately owned lands. See [https://www.cifor.org/gcs-tenure/research/research-sites/indonesia/](https://www.cifor.org/gcs-tenure/research/research-sites/indonesia/)*
issues at national level and how well national stakeholders address those issues in forest tenure reform implementation in Indonesia to ensure tenure security of the forest community.

In general, the national stakeholders had a positive reaction to the key issues raised at sub-national level especially to the action plans that encouraged local governments to be more proactive and creative in overcoming key issues in their area. Nevertheless, some of the national stakeholders were skeptical that the action plans could be implemented on the ground due to obstacles to reform implementation at national level, such as governance, policy/regulation and budget, as explain in the Table 5. Therefore, action plans are needed to prioritize these issues.

References