

eFight
South East Asia

Project FireFight South East Asia

A Review of Legal, Regulatory and Institutional Aspects of Forest and Land Fires in Indonesia



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Prepared by

Dr. Dicky Simorangkir & Sumantri

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Eucalyptus plantation in Congo by Dr. Takeshi Toma, Cifor

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Fire danger sign in Tesso Nilo, Riau, Sumatra by Mark Hurley

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The forest fires of 1997 and 1998 created enormous ecological damage and human suffering and helped focus world attention on the problem. There is a growing concern within **WWF – The World Wide Fund for Nature** and **IUCN – The World Conservation Union** that action is needed to catalyse a strategic international response to forest fires. There are no ‘magic bullets’ or ‘instant solutions’. The issues to be addressed are complex and cut across many interests, sectors, communities, nations and regions. WWF and IUCN believe that action only take place when fires are burning, with little attempt to address the underlying causes.

This is why the two organisations have joined forces and developed **Project Firefight South East Asia** to secure essential policy reform through a strategy of advocacy using syntheses and analyses of existing information and new outputs. More specifically, the project aims to enhance the knowledge and skills of key stakeholders

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APBD	Anggaran Pendapatan Belanja Daerah (Provincial/District Budgeting System)
APBN	Anggaran Pendapatan Belanja Negara (National Budgeting System)
APHI	Asosiasi Pengusahaan Hutan Indonesia (Association of Indonesian Forest Concession Holder)

DPRD

Dewan Perwakilan Rakyat Daerah (Provincial/District

RLPS	Rehabilitasi Lahan dan Perhutanan Sosial ([Directorate General of] Land Rehabilitation and Sosial Forestry), former RRL
RPH	Resor Pengusahaan Hutan (Forest Management Resort)
RRL	Reboisasi dan Rehabilitasi Lahan ([Directorate General of] Reforestation and Land Rehabilitation)
Satgas PBP	Satuan Tugas PBP (Task Force PBP)
Satkorlak PBP	Satuan Koordinasi Pelaksana PBP (Implementation Coordination Unit PBP)
Satlak PBP	Satuan Pelaksana PBP (Implementation Unit PBP)
Satlakdalkarhutla	Satuan Pelaksana Pengendalian Kebakaran Hutan dan Lahan (Implementation Unit for Forest and Land Fire Control)
SK	Surat Keputusan (Decree)
TKNKL	Tim Koordinasi Nasional Kebakaran Lahan (National Coordination Team for Land Fire)
TKNPKHL	Tim Koordinasi Nasional Pengendalian Kebakaran Hutan dan Lahan (National Coordination Team for Forest and Land Fire Control)
TKPKHL	Tim Koordinasi Pengendalian Kebakaran Hutan dan Lahan (Provincial Coordination Team for Forest and Land Fire Control)
TKP2BA	Tim Koordinasi Pusat Penanggulangan Bencana Alam (National Co-ordination Team for Natural Disaster Management)
UU	Undang-Undang (Act)

- All terms used in legal instruments related to forest fire management should be technically sound, clearly defined and consistently used throughout the regulatory regime;
- The regulatory regime should provide a balance of prevention and mitigation measures;
- Measures for forest fire prevention and control should apply to all categories of forests and extend to areas outside forests and plantations;
- Offenders should be responsible for costs incurred in rehabilitating burnt forest areas;
- Fines should be pegged to the cost of restoring areas burnt, in addition to fixed penalties for specific violations. The regulatory regime could establish a national fund for restoring areas burnt by forest fires;
- Clear guidelines should be established on what constitutes sufficient evidence to prove violations to ensure that charges against offenders can be sustained in court;
- Unambiguous enforcement provisions and institutional mechanisms to implement them should be set up; and
- In addition to assigning penalties for violations by private sector actors, the forest fire regulatory regime should set accountability standards for public sector authorities and specify the consequences of failures to meet those standards.

b) In relation to institutional aspect:

- Establish clear definition and appropriate distribution of fire management responsibilities and roles of governmental agencies and other stakeholders related to various types of land ownership and different tasks in fire management.
- Improve coordination and cooperation within and among various governmental agencies through clearly defined and agreed procedures and mechanisms. Moreover, the agency responsible for fire management must have sufficient authority to conduct cross-sectoral coordination among relevant agencies. If this is not possible, then a forum or board with high-level government officers from different agencies should be assigned the responsibility. This forum/board should be a permanent institution that allows development of long-term strategies and implementation of permanent activities.
- Define clear organisational structure within an agency, and in the case of a coordination forum/board, among involved agencies.
- Allocate sufficient resources, especially financial, staff and equipment.
- Improve skills and knowledge through both formal and informal education.

1. Introduction

Table 1: Causes of the 1997/98 forest fire in Indonesia

Cause	%
Large-scale land conversion	34
Shifting cultivation	25
Permanent agriculture	17
Social conflict with local community	14
Transmigration	8
Natural causes	1

Source: World Bank (2000), p. 10. [http://www.worldbank.org/indonesia/indonesia.htm](#)

2. Legal and regulatory frameworks

Indonesia's development of the legal and regulatory frameworks on forest and land fire issues can be divided into three phases:

- the Dutch colonial period, before the independence of Indonesia in 1945;
- between 1945 and the fall of New Order (Suharto) Regime in 1998; and
- the 'Reformation' period from 1998.

2.1. Dutch colonial period

From the legal point of view, the management of forest and land fires in Indonesia began in the second quarter of 20th century, when Indonesia was still a Dutch colony. Basically, all the regulations issued during that period were intended to protect the state forests in Java and Madura, more specifically the valuable teak plantations, and nature reserves from fire and to control the local communities' agricultural burning activities.

In 1927, for example, a Forest Ordonansi for Java and Madura prohibited the use of fire in state forests including sanction or punishment for any violation (Article 20, Paragraph 1 and 2). Likewise, the Provinciale Bosverordening Midden Java, issued by the local government in Central Java in 1932, regulated fire use during dry periods with very detailed guidelines and procedures (time/period, site, techniques, etc.) and directed the activities on fire preparedness during dry/fire season (Article 14). Other regulations such as the Rijksblad-Soerakarta Ongko 11. Pranatane Papatih Dalem Katitimangsan Kaping 30 Agustus 1939 ongko 7 (Rijksblad-Soerakarta Kingdom No. 11 concerning the regulations related to forest management in Kesunanan Soerakarta¹ on August 30, 1939 No. 7), particularly Articles 45 and 50, and the Rijksblad-Soerakarta Ongko 12. Pranatane Papatih Dalem Katitimangsan Kaping 30 Agustus 1939 ongko 8 (Rijksblad-Soerakarta Kingdom No. 12 concerning the regulation related to forest management in Kesunanan Soerakarta on August 30, 1939 No. 8), particularly Article 11, contain similar contents.

2.2. From 1945 to the New Order Regime

The colonial regulations were still in force after Indonesia became independent in 1945. Until the early 1960s, the laws and regulations on forest and land fires in Indonesia did not change significantly. Fire was not a major issue to warrant special mention or a section in the regulations. It was reflected also in the institutional structure of

¹ During the Dutch colonial period, Kesunanan Soerakarta was a 'sultanate' located in Central Java. Under the Indonesian government, Kesunanan Soerakarta still keeps its status as an 'autonomous' sultanate without administrative authority outside the palace area. Its huge former administrative area was split and integrated into a few districts.

government agencies at all levels, where there was no special section or unit dealing with forest and land fire issues. Land and forest management activities focused mainly on Java and not on the other islands with their extensive forest and land resources. Additionally, fires in those days were small in scale with negligible social, economy and environmental impacts.

The few regulations that focused on forest prevention at the local level were:

- Lombok Raad on May 30, 1947 regulating fire prevention in the forest, bush (alang-alang/*Imperata cylindrica*) and other plantations on idle land.
- Kingdom's Council of Bali No. 9/1948 formally announced administration and arrangement of burning practices.

With the beginning of large-scale forest and land management activities in the outer islands that was triggered by the Agrarian and Forestry Act in the mid-1960s, forest protection received greater attention. However, forest fire management remained unimportant, and was only mentioned as a by-line, e.g. "Forest protection efforts including to prevent and mitigate the degradation of forest and forest product caused by ..., fire,"² Nevertheless, for the first time a legal basis for forest management, including fire management, prevailed across the country.

During the 1970s, forest fire regulation saw no major changes until the mid-1980s, especially after big fire outbreaks in 1982/83. The massive forest destruction and large-scale land conversion to plantations led to increasing forest and land fire occurrences. The immense negative social, economic, and environmental impacts of fire and haze, but particularly the increasing pressure from the international community, forced the Indonesia government to focus on more comprehensive actions including improvement of the legal and regulatory frameworks. Since then many regulations have been developed at different levels (Box 1).

Table 2 lists the most important regulations on land and fire management issues that are still in effect today. Their contents are briefly described in Appendix 1. Important notes about these regulations include:

- Government Regulation No. 28 of 1985 on Forest Protection was actually the first to specifically regulate the forest fire prevention and suppression effort nationally. It carries three important points:
 - 1) Forest burning practices in Indonesia have been prohibited with exception for special cases approved by the legal authority (Article 10, Paragraph 1);
 - 2) Community living surrounding forest area shall obligate to participate in forest prevention and suppression efforts (Article 10, Paragraph 2); and
 - 3) Prevention and suppression efforts of forest fires in the province shall be regulated by Provincial Regulation with consideration of the Decree of the Minister for Forestry (Article 10, Paragraph 3).
- The Minister's Decree mentioned above was issued one year later as the Decree of the Minister for Forestry No. 195/Kpts-II/1986 on Guidelines for Forest Fire Prevention and Suppression Efforts. This is the first national prevailing regulation that provided guidelines on the development of provincial and district forest fire organisations, such as

² Forestry Act No. 5 of 1967, Chapter V, Article 15, Paragraph (1) to (4).

Box 1: Hierarchy of regulations

The Indonesian Forest Policy has a basis in the Constitution 1945 (Undang-Undang Dasar 1945), which mandates the government to manage all natural resources in Indonesia for the welfare of people (Article 33). This is

Pusat Pengendalian Kebakaran Hutan (Pusdalkarhut - Centre of Forest Fire Control), Pos Komando Pelaksana Pengendalian Kebakaran Hutan (Poskolakdalkurhat - Command Post for Forest and Land Fire Control Implementation), and Satuan Pelaksana PBP (Satlak PBP- Implementation Unit PBP) (see Section III.2.1.3). The decree was revised in 1995 with the Decree of the Minister for Forestry No. 260/Kpts-II/1995, which also established the Pusat Pengendalian Kebakaran Hutan

Nasional (Pusdalkarhutnas - National Centre of Forest Fire Control) (see Section III.1.2).

- One of the most important legal products in this period is the Environmental Management Act No. 23 concerning Environment Management that was issued in 1997 and superseded the Act No 4 of 1982 concerning Basic Provisions for the Management of Living Environment. This was a big step towards the law enforcement related to forest and land fire issues. In the past, fire ignition was seen as a ‘personal-crime’ and guilty could deflect the accusations. The new act recognises corporate liability for environmental crime, including the crime causing forest and land fires. Thus, that every concession or plantation company is responsible for fire outbreaks in its concession area. The experience in Riau, Sumatra in 2001 has shown that the new act is, to some extent, effective enough to sanction the suspected fire offenders (Box 2).
- Until 1998, ‘fire problems’ have been treated sectorally, either as forestry, agricultural or, more generally, environmental issues. Except Act No. 23 of 1997, all national-level regulations were not higher than the Ministerial Decrees, particularly from the Ministry of Forestry and Minister for Environment, which prevail only sectorally. Even after several ‘national disaster’ fire outbreaks since 1982/83, no effort has been made to develop a nationally binding and comprehensive legal basis for forest and land fire management.
- Apart from those listed in Table 2, there are many other regulations issued by Directorate Generals within different ministries, particularly Ministry of Forestry and Ministry of Agriculture. However, they are omitted because they can be seen only as Technical Guidelines and factually have no ‘binding-power’ over other stakeholders involved in forest and land fires issues. They prevail only for specific sectors. Examples from such technical guidelines are the Decrees of the Director General of Forest Protection and Nature Conservation No. 242-248/1994, the Decree of the Director General of Forest Utilization No. 222/1994, and the Decree of the Director General of Plantation No. 38/1995, which are clearly directed at the forest and plantation concessionaires ‘only’ (Figure 1).
- Most of the Technical Guidelines and the Ministerial Decrees mentioned focus on suppression and/or crisis management aspects and not on fire management *per se*.

Table 2: Important regulations on forest and land fire issues

Regulation	Issued	Remarks
Act No. 4/1982 on Basic Provisions for the Management of Living Environment	1982	
Government Regulation No. 28/1985 on Forest Protection	1985	Will be strengthened
Forestry Ministerial Decree No. 523/Kpts-II/1993 on Forest Protection in Concession Area	1993	
Forestry Ministerial Decree No. 188/Kpts-II/1995 on Establishment of the National Forest Fire Control Centre (Pusdalkarhutnas)	1995	
Forestry Ministerial Decree No. 260/Kpts-II/1995 on Guidelines for Forest Fire Prevention and Suppression Efforts		

Table 2. Continued

2.3. Reformation period (from 1998)

The fall of the New Order Regime in May 1998 radically changed the political landscape in Indonesia. One of the biggest issues in the so-called 'Reformation' period is the decentralisation and de-concentration of authority and responsibility from the central to the regional (provincial and district) governments in all sectors except for foreign policy, monetary and fiscal matters, defence, judiciary issues and religion. The regional government, particularly at the district level, will gain more power and autonomy.

Issuing the Forestry Act No. 41/1999, which superseded the Forestry Act No. 5/1967, marked the onset of the reformation process in the forestry sector. Heavy pressure from different community groups that demanded changes in the forestry sector, particularly for recognition of traditional law, clarity of local community's forest utilisation rights and their involvement in forest management, was a major factor for the change. The new Act placed more emphasis on forest protection, nature conservation and provision against criminal activity (Appendix 1). Together with Environment Management Act No. 23 /1997, the Forestry Act led to the development of the Government Regulation No. 4/2001 concerning Control of Environmental Degradation and Pollution in Correlation with Forest and Land Fires, which strengthens the criminal provisions stipulated in the Act No. 23/1997.

The government has also developed a Judicial Coordinating Team for Forest and Land Fires with the Decree of the Coordinating Minister for People's Welfare and Poverty Alleviation No. 06/Kep/Menko/Kesra/III/2000, which consists of representatives from various government institutions/agencies such as police, prosecutor, environmental, forestry, plantation agencies, etc. Years of government failures to identify and bring fire offenders to the court (especially after the big fires in 1997/1998) were partly because of the lack of integrated and inter- and cross-sectoral co-ordination among relevant agencies.

Another important legal product in this period is the Decree of Minister for Forestry and Estate Crops No. 107/1999 on Plantation Permit that aims to reduce fire outbreaks in plantations. This decree strengthens the Government Regulation No 28/1985 on Forest Protection, which prohibits the use of fire in land clearing for plantation development.

On the other hand, no nationally binding and comprehensive legal basis for forest and land fire management was developed during this period. Looking at the regulations enacted after the fall of the old regime (Table 2), the regulatory framework focused more on decentralisation and improvement of organisation and work systems of the Ministry of Forestry and Bapedal. Moreover, the government is obviously trying to handle forest and land fire problems through a disaster management approach under the co-ordination of Bakornas PBP and its secretariat.

Unfortunately, the new Forestry and Environment Acts are yet to be supported by revisions of the lower hierarchy Ministerial Decrees, regional regulations and Technical Guidelines, which are necessary for forest and land fire management at the field level. Thus, while most of the 'umbrella' regulations have been revised during the last three years, the 'operational' regulations are not updated (Figure 1). This is particularly important at the regional level since the regional governments now have the main responsibility to manage forest and land fires in their respective province or district. Except for the development of organisational structure for fire management

Sources: Report of the Ministry of Forestry to CGI (Consultative Group of Indonesia) in 2001 and articles in various newspapers.

in some provinces and districts, no regional government has reformed its legal and regulatory framework for forest and land fires significantly. The few new regulations and technical guidelines at the local level are also more focused on suppression than prevention. Even worse, the regional government tended to ignore the existing

At the national level, institutions and agencies that deal with or are responsible for the management of forest and land fires are mainly from the:

- forestry sector, mainly the Ministry of Forestry and Pusdalkarhutnas, because most of fires occurred in forest area due to forest management practices and forest conversion/land clearing activities;
- environmental sector, mainly Bapedal and TKNKL/TKNPKHL, because forest and land fires, including the resulted haze, pollute and damage the environment; and
- disaster management sector, mainly Bakornas, because big-scale forest and land fires can result in disaster for human and environment.

Before 1998, the provincial and district agencies ‘only’ implemented policies determined by the central government in Jakarta. However, since decentralisation, and consequently the following reorganisation of governmental agencies at the provincial and district levels, some major changes are evident. Section 3.1 will focus on three institutions at the national level, and Section 3.2 will describe the institutional framework at the provincial and district levels.

3.1. Organisations at the national level

3.1.1. Ministry of Forestry (Departemen Kehutanan)

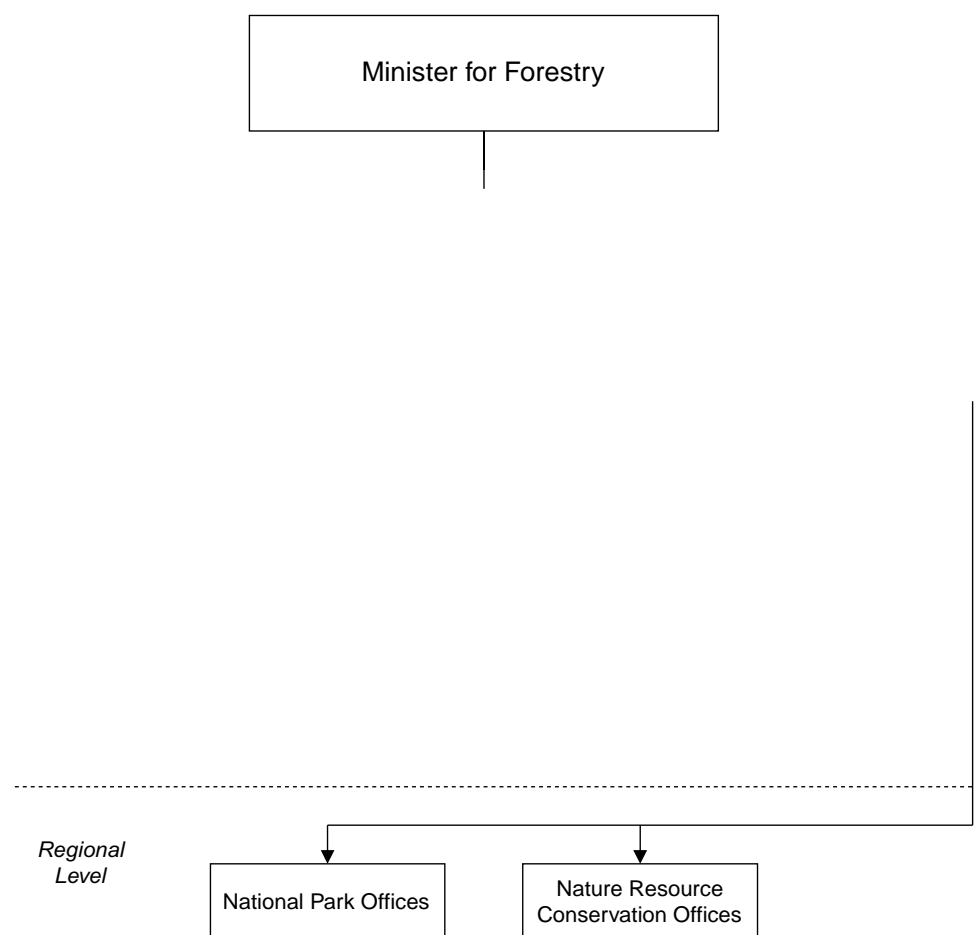
There was no special unit or section that dealt with forest fire issues until the separation of the Ministry of Forestry (former Directorate General of Forestry) from the Ministry of Agriculture in 1983. Basically because of the severe fire outbreaks during 1982/83, a Forest Fire Section was formed under the Sub Directorate of Forest Security, Directorate of Forest Protection, Directorate General of Forest Protection and Nature Conservation (Perlindungan Hutan dan Pelestarian Alam [PHPA]).³

In the next decade, regular fire occurrences, especially major outbreaks during the El-Niño years in 1987, 1991 and 1994, brought fire-related issues to the fore. The Ministry of Forestry upgraded the Section to a Sub Directorate of Forest Fire under the Directorate of Forest Protection in 1994. At the same time, a National Forest Fire Control Centre (Pusdalkarhutnas) was established as an ad-hoc committee within the Ministry. In 2000, the Sub Directorate was upgraded to a Directorate of Forest Fire Control. This reflects the increasing importance of forest and land fire problems in

Organisation structure

The structure of the Fire Section has thus changed several times. The latest structure based on the Forestry Ministerial Decree No. 123/Kpts-II/2001 on Organisation and Work System is shown in Figure 2.

Figure 2: Organisational structure of fire divisions/sections within the Ministry of Forestry



- Sub-Directorate of Fire Prevention and Suppression on forest fire prevention and suppression, including planning, procurement and dissemination of fire fighting equipments.
- Sub-Directorate of Fire Impact on forest fire impact, including legal and environmental impacts of fire.

3.1.2. National Forest Fire Control Centre (Pusdalkarhutnas)

Although the Fire Section became a Sub Directorate, it was obvious that such a ‘small’ unit was unable to deal with large-scale fires, which needs comprehensive approach and formal inter-section co-ordination within the Ministry and among fire related institutions in the provinces and district across Indonesia. As a result, the Ministry of Forestry established the National Forest Fire Control Centre or Pusdalkarhutnas with the Decree of the Ministry of Forestry No. 195/86. In 1995, the functions and organisational structure of Pusdalkarhutnas were renewed with Decree No. 188 on the Establishment of Pusdalkarhutnas and No. 260 on the Guidance on Forest Fire Prevention and Suppression. In 1998, the functions and organisational structure of Pusdalkarhutnas were renewed with the Decree of the Minister for Forestry No. 97/1998 on Emergency Procedure for Forest Fire Crisis.

Organisational structure

Pusdalkarhutnas is an *ad hoc*

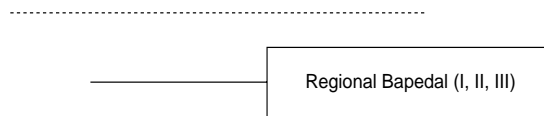
3.1.3. Environmental Impact Management Agency (Bapedal)

The environment management in Indonesia is the responsibility of the Ministry of Environment. However, as a 'State Ministry' with limited resources, it basically focuses on advising and supporting the President in environmental matters and formulating environmental policy for other government agencies. Increasing environmental problems until late 1980s and consequently the need for more supervision and control in the field have then led the government to issue the Presidential Decree No. 23/1990 to establish

Organisation structure

Much as the structure of the Ministry of Forestry, the institutional set-up of Bapedal has changed several times following these revisions. The latest organisational structure of Bapedal in relation to fire issue is based on the Decree of the Head of Bapedal Kep-25/2001 on Organisation and Work System of Bapedal (Figure 4).

Figure 4: Organisational structure of Bapedal in relation to fire disaster



Main functions and tasks

Since the issuing of the Presidential Decree No. 23/1990, the functions and tasks of Bapedal have been revised through the Presidential Decree No. 77/1994, the Presidential Decree No. 10/2000, and the Presidential Decree No. 166/2000. The latest one mandated Bapedal to assess and formulate national policies to control environmental impact, and to assist and support other governmental agencies in environmental damage prevention, impact management, and improvement of environmental quality. In this context it has to be realised that Bapedal deals only with environmental issues with no special focus on fire management *per se*. It is a non-departmental institution without any authority to sanction or revoke concession licenses of recalcitrant companies. Bapedal can only give recommendations to relevant departments for taking measures against lawbreaker.

Bapedal has no special unit or division to deal with land and fire issues. Of the four Deputies within Bapedal, only the Deputy for Environmental Law Arrangement

can claim some input to the issues. In general, this Deputy assists the Head of Bapedal to formulate policy on law enforcement and assess environment impact and environment management tools, with the support of various centres such as the Centre of Environment Disaster Recovery that co-ordinates the preparedness to emergencies caused by environment disasters. Specifically the centre has to:

- formulate technical policy on the co-ordination and implementation of preparedness and emergency response to environment disaster;
- formulate risk analysis on environment disaster and co-ordinate the procedure of preparedness and emergency response with other related parties;
- plan and co-ordinate the monitoring and detection of the environment disaster potential with other relevant parties;
- plan, implement and maintain the co-ordination of tools/equipment and personnel to be systematically prepared and responsive to environment disaster;
- co-ordinate the evaluation of environment disaster causes and work system of preparedness and emergency response at post-emergency condition to avoid similar disaster in the future;
- co-ordinate training, simulation, personal skill improvement and regular system evaluation and controlling to improve and maintain the work system of preparedness and response to environment disaster; and
- provide services for preparedness and control of emergency conditions.

Separate divisions within the centre manage each type of ‘environment disaster’ that includes forest fire and drought, flood and landslide, and land and sea pollution. The Division of Drought and Fire Disaster Emergency supports the centre in coordinating the preparedness and emergency response to forest and land fires as well as drought.

3.1.4. National Co-ordination Team for Land Fire (TKNKL) and National Coordination Team for Forest and Land Fire Control (TKNPKHL)

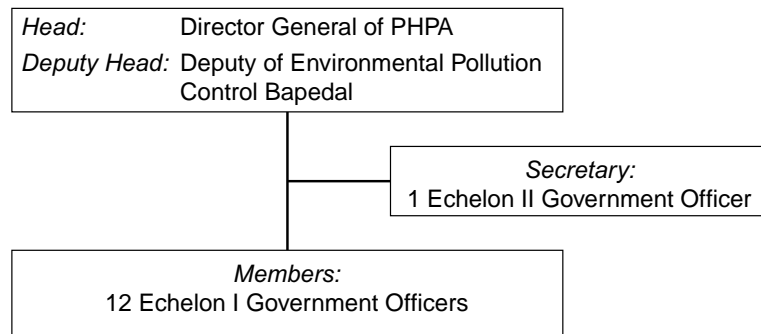
The first Co-ordination Meeting on Environment Management and Sustainable Development, the Co-ordination Meeting between Ekkuwasbang and Indag and the Decree of Coordinating Minister for Industry and Trade No. 335/MK.INDAG/10/1994 all led to Decree No. 18/MenLH/1995, which established the National Co-ordination Team for Land Fire (TKNKL). While Pusdalkarhutnas was set up by the Ministry of Forestry for forest fire management, TKNKL concentrates on the management of land fires (i.e. fires outside state forest area). In implementing its activities, TKNKL was supported by a Secretariat that has been established with the Decree of the Minister for Environment No Kep-07/MenLH/2/1996.

However, the massive fire outbreaks in 1997 indicated that TKNKL was unable to cope with the problems as it was. Following more co-ordination meetings in the offices of Coordinating Minister of People Welfare, of Bakornas PBP, and of

Organisational structure

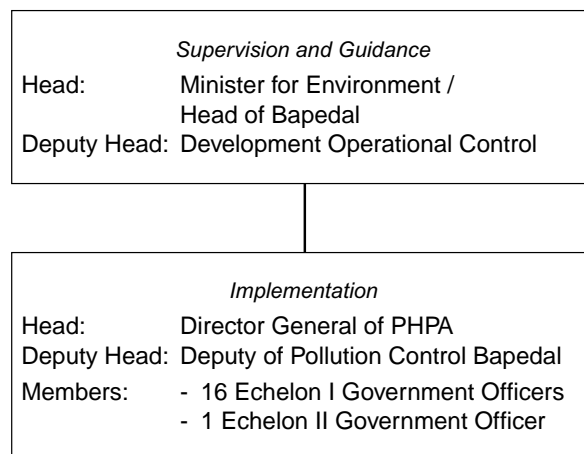
TKNKL and TKNPKHL are non-structural institutions, functioning as and when needed. TKNKL is headed by the Director General of Forest Protection and Nature Conservation of the Ministry of Forestry and has 14 Echelons I (Director General’s level) and 1 Echelon II (Director level) government officers from various ministries and agencies as its members (Figure 5).

Figure 5: Organisational structure of TKNKL



Compared to TKNKL, TKNPKHL is politically more powerful and influential, since it is under the leadership of the Minister for Environment. The team members are made up of 16 Echelon I and 1 Echelon II government officers from various ministries and agencies (Figure 6).

Figure 6: Organisational structure of TKNPKHL



Main functions and tasks

Based on the Decree of Minister for Environment No. 18/MenLH/1995 the main functions and tasks of TKNKL lie in:

- formulating national policy on forest fire prevention and suppression;
- co-ordinating operations at the central and regional/local levels; and
- formulating systems for human resource development, control mechanism, information reporting and incentive development.

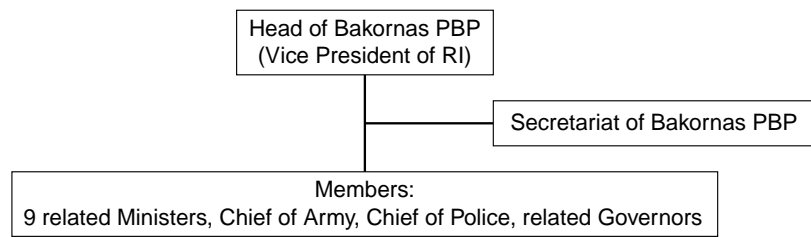
The functions and tasks and of TKNPKHL are similar in some aspects. Based on the Decree of Minister for Environment No. 40/MenLH/1997, TKNPKHL is responsible for the implementation of the two first tasks of TKNKL and additionally for the:

- planning of operational budget; and
- co-ordinating with the Satuan Koordinasi Pelaksana PBP (Satkorlak PBP - Implementation Co-ordination Unit).

3.1.5. National Co-ordination Board for Disaster Management and Refugee Control (Bakornas PBP)

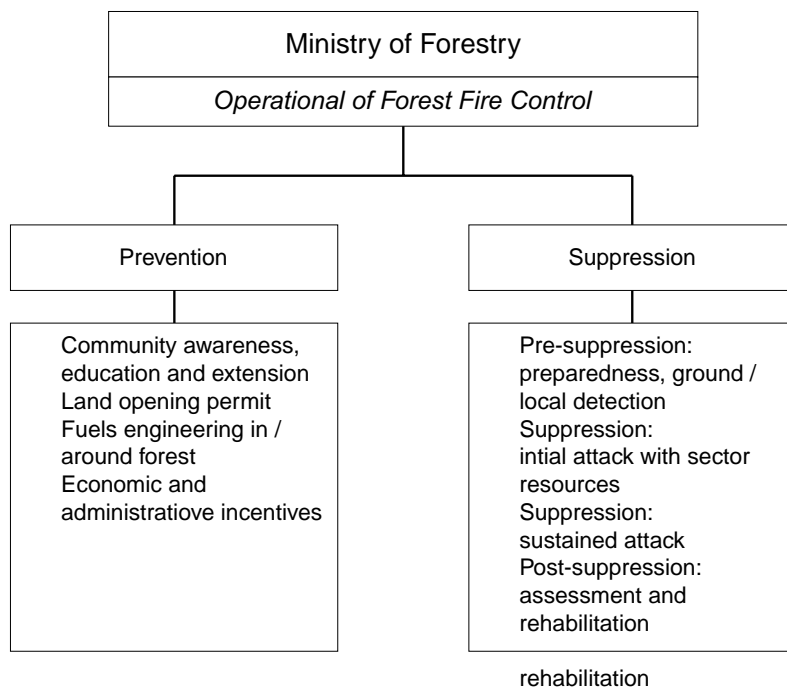
The development of the National Co-ordination Board for Disaster Management and Refugee Control's dates back to the early years of Independence with the establishment of Badan Penolong Keluarga Korban Perang (BPKKP - Aid Agency for Families of

Figure 7: Organisational structure of Bakornas PBP



Bakornas PBP is a non-structural co-ordination board and functions only when multi-sectoral action is needed during a disaster. The Secretariat of Bakornas PBP (Figure

The Secretariat of Bakornas PBP published a booklet, which contains a description of the linkages among and the roles and responsibilities of Bapedal, Bakornas PBP and the Ministry of Forestry (Secretariat of Bakornas PBP, 2000). This is accepted as the 'co-ordination or structure guideline' by all involved parties and followed in



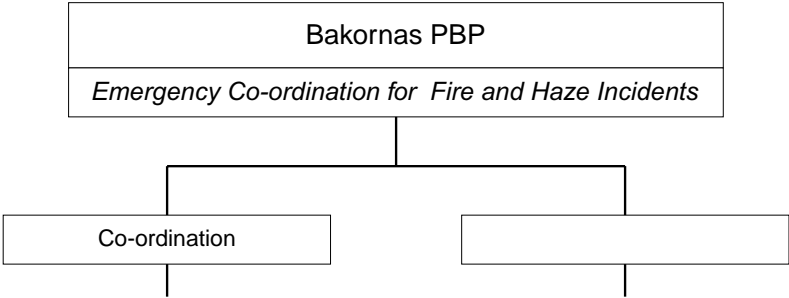


Table 3: Important agencies/institutions involved in the forest and land fire management at national, provincial, and district levels

Level	Agencies					
	Forestry		Environment		Disaster/ incident	Others
National	Ministry of Forestry	Pusdalkarhutnas	Bapedal		Bakornas PBP	Other related institution (Ministry of Agriculture, Search and Rescue Agency, Police, Military, Transmigration, BMG**, LAPAN***, BPPT+, etc.)
Province	Provincial Forestry Service and UPT* of the Ministry	Pusdalkarhutla	Regional and Provincial Bapedal		Satkorlak PBP	
District	District Forestry Service	Poskolakdal-karhutla		Satlak PBP		
		Satlakdal-karhutla			Satgas PBP	

3.2.1. Forestry sector

Before the issuing of the Act No.22/1999 on Local Government and Government Regulation No. 25/2000 on Government Authority and Province Authority as Autonomous Region, forest management policies were basically set by the central government in Jakarta. Even the provincial and district forestry offices and agencies are under the direction of the Ministry of Forestry when implementing the programmes.

Authority in the forestry sector now lies mostly with the Governor at

Provincial and District Forestry Service (Dinas Kehutanan Propinsi dan Dinas Kehutanan Kabupaten/Kota)

Forestry Services at the province and district levels share the same functions to:

- formulate technical policy;
- conduct technical assistance;
- issue licenses; and
- provide public services on forestry matters.

In practice, the Provincial Forestry Service has greater administrative and co-ordination role for forest management activities in a province, particularly cross- and inter-district activities, while the District Forestry Service is the highest authority for all management activities of state forest within its administrative areas. This covers also protection and security of state forest areas, including prevention, mitigation, suppression and control of forest fire.

The organisational structures of Provincial and District Forestry Services vary depending on local conditions and needs. Moreover, forestry services may be absent in provinces and districts without any forest area, or be combined with other sectors, e.g. Forestry and Plantation Service (Dinas Kehutanan dan Perkebunan).

Technical Executing Unit of Directorate General of PHKA

National Park Office (Kantor Taman Nasional)

Based on the Forestry Ministerial Decree No. 185/Kpts-II/97, the National Park Office is responsible for the management of national parks focusing on natural resource and ecosystem conservation. This covers also protection and security of national parks, including prevention, mitigation, suppression, and control of forest fire.

Agency for Natural Resource Conservation (Balai Konservasi Sumberdaya Alam - BKSDA)

Based on the Forestry Ministerial Decree No. 204/Kpts-II/97, the Agency for Natural Resource Conservation is to manage conservation areas such as Nature Sanctuary, Natural Ecotourism Park, Forest Park, and Hunting Park and to conserve plants and animals within and outside of those areas in accordance with prevailing regulations. This also includes protection and security of forest conservation areas, including prevention, mitigation, suppression, and control of forest fire.

Pusdalkarhutla (Provincial Centre of Forest and Land Fire Control)

The Pusdalkarhutla is a non-structural organisation or forum consisting of representatives of provincial governmental agencies/institutions that deal directly or indirectly with fire issues in the province. The development of this centre started with the issuing of the Decree of the Minister for Forestry No. 195 in 1986. This decree regulated that fire-prone provinces have to establish a Centre of Forest Fire Control (Pusdalkarhut/ Pusat Pengendalian Kebakaran Hutan) through a Governor Decree or Provincial Regulation. The Governor is the General Head of the centre, while the Head of the Regional Forestry Office is the Vice General Head, the Head of Provincial Forestry

members of the centre. Its main function is to co-ordinate the roles, responsibilities and activities of the members in fire suppression and control.

In turn, the Pusdalkarhut is supported by Pos Komando Pelaksanaan Pengendalian Kebakaran Hutan (Poskolakdalkarhut - Command Post for Forest Fire Control Implementation) at the Kesatuan Pengusahaan Hutan (KPH - Forest Management Unit) level and Satlakdalkarhut at the Bagian Kesatuan Pengusahaan Hutan (BKPH - Forest Management Sub-Unit) or Resor Pengusahaan Hutan (RPH - Forest Management Resort) level.⁵ While Poskolakdalkarhut is responsible to Pusdalkarhut, Satlakdalkarhut is to Poskolakdalkarhut (Figure 13). The main functions and tasks of these institutions are:

Pusdalkarhut

- Co-ordinate with Satkorlak PBP in respective region/province; and
- Determine policy and actions to be taken regarding forest and land fire control operation.

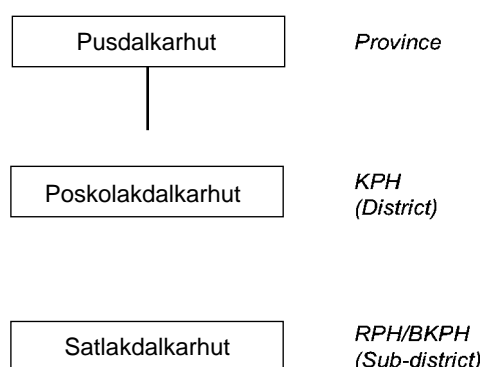
Poskolakdalkarhut

- Prepare operational action plan;
- Conduct horizontal and vertical co-ordination;
- Hold operational command in the field; and
- Provide report on operational actions taken.

Satlakdalkarhut

- Carry out forest fire control/suppression operations;
- Provide report on operation to Poskolakdalkarhut; and
- Mobilise community (as volunteer) in forest fire control operation.

Figure 13: Vertical relationships among Pusdalkarhut, Poskolakdalkarhut and Satlakdalkarhut based on Forestry Ministerial Decree No. 195/1986



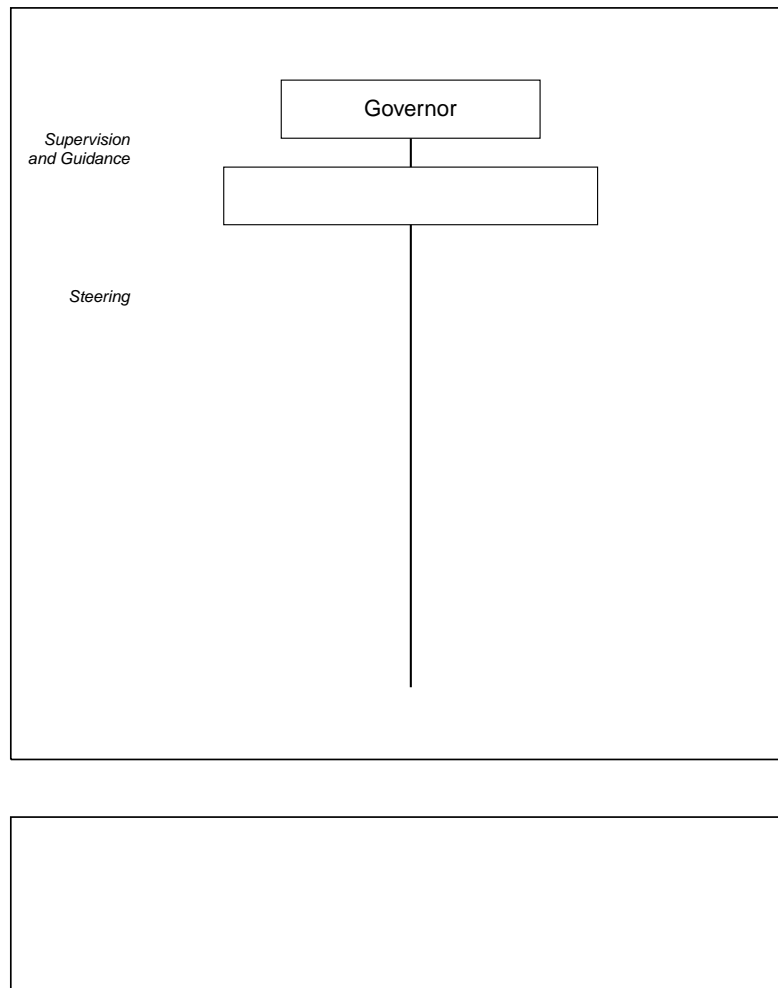
⁵ Under Indonesian forest management system, a state forest area in a province is divided into several KPH, where each one usually covers the state forest area within a district. Furthermore, this unit is divided into BKPH or RPH with each one usually covering the state forest area within a sub-district.

Following the Decree of the Minister for Forestry No. 195/86 some provinces have developed Puskardarhut, Poskolakdarhut and Satlakdarhut, e.g. Jambi as regulated in Provincial Regulation No. 6/1988 concerning Efforts of Forest Fire Prevention and Suppression.

In 1995, the structure above has been changed with the issuing of Decree of the Minister for Forestry No. 188/1995 on the Establishment of Puskardarhutnas and No. 260/1995 on the Guidance on Forest Fire Prevention and Suppression Effort, which was later revised by the Decree of the Minister for Forestry and No. 97/1998 on Emergency Procedure for Forest Fire Crisis. The decrees stipulate that under the direction of Puskardarhutnas the Governor has to establish Pusat Pengendalian Kebakaran Hutan dan Lahan (Puskardarhutla - Centre of Forest and Land Fire Control) in the province, which is supported by Satlakdarhutla at district level and Fire Brigades. Compared to former organisational structure and function, the newer Puskardarhutla

Figure 14: Structure of Puskarhutla in Riau Province⁶

Figure 15: Structure of Pusdalkarhutla in West Java Province⁷



The function of the Regional Bapedal is regulated in the Decree of Bapedal’s Head No. Kep-136/1995, which is to provide technical guidance and laboratory services (such as sample analysis) in environmental impact control to local governments in their respective administrative areas. The Regional Bapedal are the ‘prolonged arm’ of the central government and basically provides ‘only’ administrative and technical support to the local government. On the other hand, the implementation of environmental impact control programmes/activities in each province or kabupaten, which covers environmental risk analysis, monitoring, detection and evaluation of environmental disaster potential, training and human resource development on environmental issues, are the responsibility of the Bapedal Daerah Propinsi or Kabupaten/Kota. There is no consistent organisational structure for Regional and Local Bapedal Offices; differences are often due to diverse local conditions and needs.

3.2.3. Disaster management sector

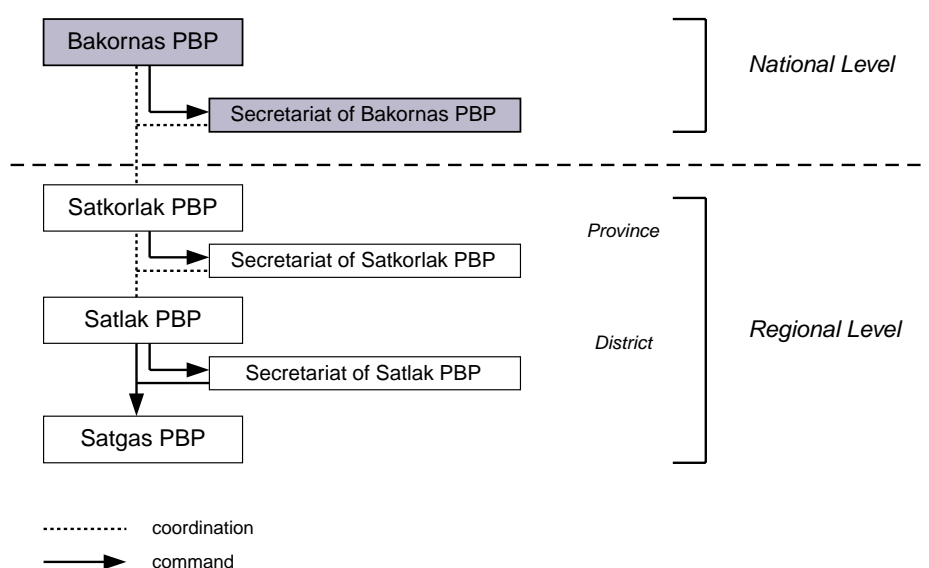
Under the co-ordination of Bakornas PBP and its Secretariat at the national level, several institutions in the provinces and districts are responsible for the implementation of disaster management and refugee control activities/efforts. Based on the Decree of the Secretary of Bakornas PBP No. 2 in 2001, a province has to develop a Satkorlak PBP, and a district a Satlak PBP, including the Satgas PBP.

Organisational structure

The Satkorlak PBP and Satlak PBP are non-structural co-ordination ‘forums’ in the province and district respectively. While Satkorlak PBP is directly responsible to the Governor, Satlak PBP is responsible to the Bupati. Both forums function as and when a disaster requires cross-sectoral actions.

Each forum is supported by a Secretariat. Field operational activities related to disaster management and refugee control are conducted by Satgas PBP under the Head of Satlak PBP. The connections and relationships between the institutions described above are shown in Figure 16.

Figure 16: Structure of disaster management agencies/institutions



The organisational structure and work procedure of Satkorlak PBP and its Secretariat in the provinces are different from each other because it depends solely on the decision of the Governor as the Head of Satkorlak PBP. This applies also to Satlak PBP and its Secretariat in the districts, which heads the Bupati as the Head of Satlak PBP. Generally, the structure for Satkorlak PBP is set up as shown in Figure 17, and for Satlak PBP in Figure 18.

Figure 17: Structure of Satkorlak PBP

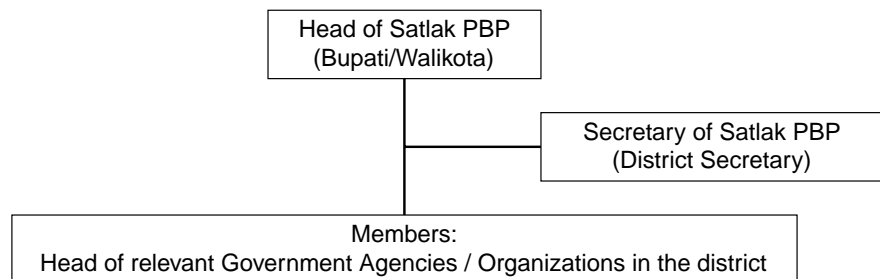
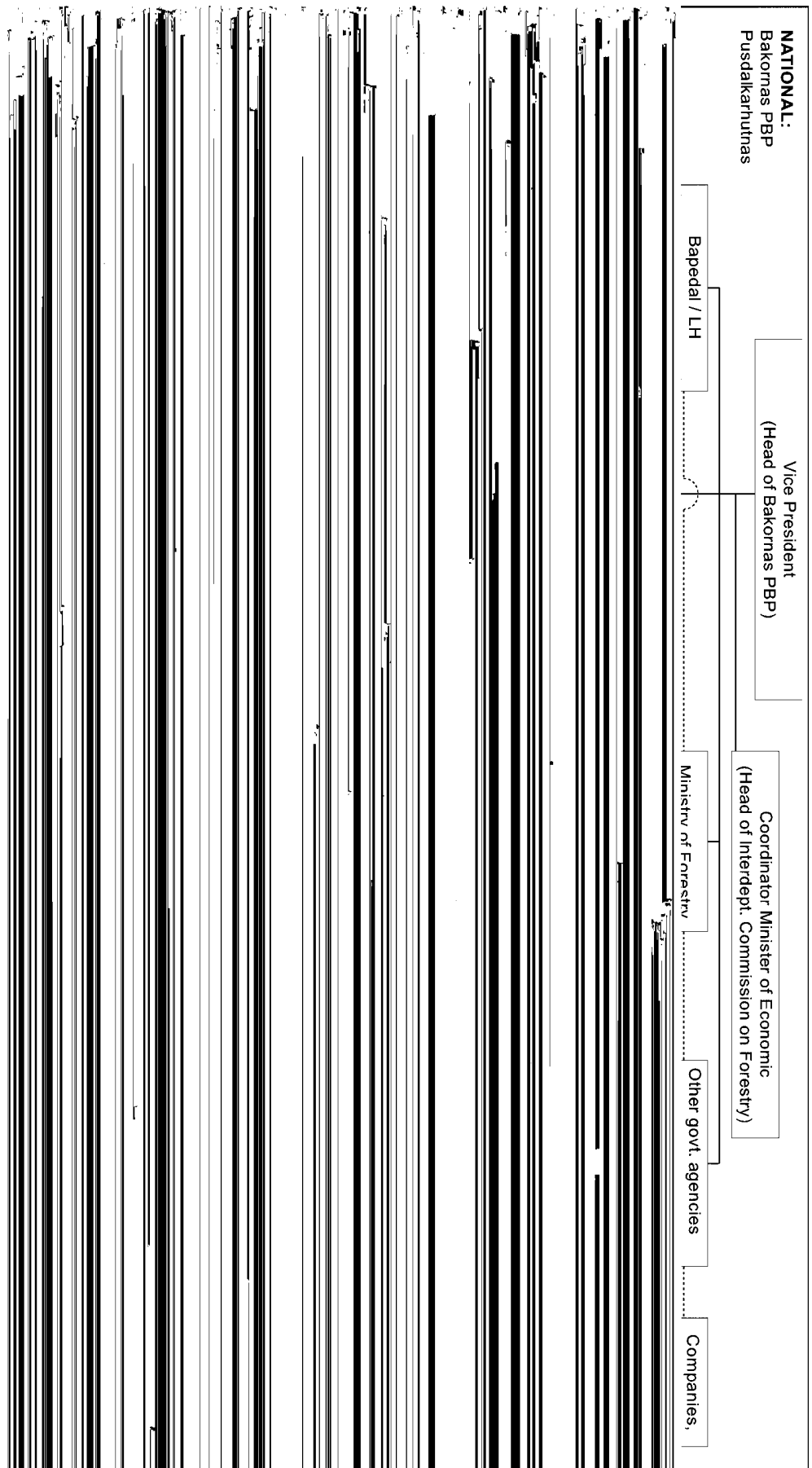


Figure 19: Organisational structure of forest and land fire management



Theoretically, Indonesia does not lack the legal and institutional tools to regulate and manage forest and land fires. Significant numbers of relevant laws and regulations

- most agencies/institutions emphasise suppression than prevention in their (short-term) programmes and activities; and
- commitment and willingness to allocate available resources (staff, finance, technology, equipment, etc.) for prevention is less available than for suppression of forest and land fires.

The organisational structure of some agencies involved in land and fire management also shows the emphasis on suppression rather than prevention. Within Bapedal, for example, the section responsible for fire issues is the *Division of Drought and Fire Disaster Emergency* under the Centre of Environment Disaster Recovery (see Section 3.1.3). This indicates that the agency is more reactive than proactive, dealing with fire issues when they will, or already have, become a disaster.

This situation is not unique only within governmental agencies, but is common in various forest fire management projects/programmes, national initiatives and international assistance (both long- and short-term) and in the private sector across Indonesia. Nevertheless, the repeated failures and ineffectiveness of suppression efforts in Indonesia, and the experiences in other more developed countries (e.g. USA in 2000 and Australia in 2001), have led some people to see that prevention is at least as important as suppression. In fact, governmental agencies/institutions have planned more fire prevention efforts in the last years, particularly with stronger involvement of local communities. However, field investigation has shown that governmental agencies still look at the community as an object rather than as a partner. They tend to ‘give-over’ the responsibility for fire prevention to the local communities without providing them the necessary support. This is partly caused by the agencies’ limited capacity, knowledge and experience.

4.1.2. Unsynchronised and inconsistent policies

Forest and land fires are greatly dependent on the policies of various sectors, particularly on land and natural resource (forest) management activities. In many cases, ***forest and land fire policies do not complement policies on other sectors, and vice versa***. One example is the policy on forest conversion for Hutan Tanaman Industri (HTI - industrial timber plantation) development, which since the middle of 1980s has led to large-scale opening of forest areas. These are very susceptible to fire. The World Bank (2001) reports that 34% of the 1997/98 fires were caused by large-scale land conversion. Any effort to manage forest and land fires in Indonesia, including regulatory and institutional developments, will not be effective as long as there is no change in land conversion policy.

Another example is the involvement of local community, which in the last years has become more critical due to the government’s limited capacity in managing forest and land fires. The local communities have been urged in many laws and regulations to be more active and to engage in fire management activities, particularly for prevention and suppression. However, Indonesia’s land-use and forest policies are still not designed to favour local community involvement. Many communities have existed for decades before the Indonesia government decided to declare their land as ‘state forest areas’. The villagers’ traditional access to the forest resources is denied, and in many cases whole communities were relocated to make way for HTI development or logging activities. Under such circumstances, poor local support and participation to protect the forest from fire is understandable.

see it as an additional responsibility over and above their ‘main’ jobs. Very often, regular meetings are attended by lower-level representatives with no decision-making authority. This defeats the purpose for establishing such forums in the first place. Moreover, the long and complicated procedures impede the planning and implementation process.

- Since such forums generally do not include available resources from non-governmental organisations (NGOs), universities, communities and others, they represent only the interests of the government and view problems from only one perspective.
- There are unclear and conflicting roles and responsibilities between various forums, particularly since some forums have been established without clarifying the existence and status of existing forums that more or less have the same function and task. Examples are the conflicting roles between TKNKL and TKNPkHL within Bapedal and between Puskarhutla and TKPKHL in East Kalimantan.

4.1.6. Weak enforcement of regulations

One of the biggest problems in managing forest and land fires in Indonesia is the *weak enforcement of laws and regulations*. The example of the company in Riau, highlighted in Box 2, is the *only* ‘success’ story for legal redress, even though since 1997 hundreds of forest concessionaires, plantation companies, and transmigration area developers have been identified and accused of using fire in their land-clearing activities. Only a few were brought to the court, and only small percentage had their operational permits suspended by the Ministry of Forestry. However, most of these sanctions were rehabilitated within three months after the suspension.

The failures to take legal action against these companies could be traced to the weaknesses of the laws enforcers as well as the lack of political will, which is influenced by the practices of corruption, collusion and nepotism.

On the side of governmental institutions, as the law implementer, there are *deficiencies in their capacity and capability*. With less than 10,000 forest rangers to cover the entire state forests in Indonesia,⁸ it is not surprising to find that they are unable to control, monitor and report all potential

knowledge that catered to different conditions (mostly developed countries with temperate climate). Notably, much local traditional knowledge on fire is also generally ignored and slowly being forgotten.

Weak law enforcement is also partially caused by the lack of accurate data and information on forest and land fires. Indonesia still has no ‘clearing house’ or information centre that can provide comprehensive and complete data and information on forest and land fires. The databases in the Ministry of Forestry and Bapedal, for example, are usually collected separately and kept in different formats, making it difficult to compile and verify them, particularly because of the weak co-ordination and co-operation between the agencies. Limited funds to develop communication systems, procure appropriate equipment and technology and, very critically, to enhance human resources compound the problems.

4.2. Basic problems

The weaknesses and constraints discussed above are symptoms of some basic problems in the Indonesian society, two of which are relevant to the context of this study: lack of incentives and vested interests.

4.2.1. Lack of incentives

There are not many incentives for *community* and other involved parties to protect the forest and land from fires. The overwhelming problem of unclear land-tenure in Indonesia leads very often to the situation where the local communities have no clear rights over land and natural resources and generally are not allowed to access and utilise them. The revisions of agrarian law and other natural resource-regulations during the last three years, which partly favours the local community have not changed the situation significantly. Certain parties have taken advantage of the ambiguity of the laws and regulations to abuse the system leaving the majority of local communities still insecure over ownership of the land and natural resources. Furthermore, many rural communities, especially outside Java, have *no skills or financial resources* other than to rely on traditional agricultural activities, using fire to prepare the land and to improve, at least for short term, the soil fertility.

The combination of both factors, lack of right over and access to the land and natural resources and their poverty, lead to the local community ignoring principles of sustainable land and forest management. In fact, many communities do not care about their environment, or else have no opportunity to do so. Moreover, they are reluctant to support the government’s programmes and activities, participating only when land and forest fires (including haze pollution) affect and threaten their livelihood directly. There are no incentives for them to report any violation of the law or monitor and collect new data on forest and land fires.

Similarly, there is lack of incentive for the *government officers* to conduct their tasks. *Low salary, career uncertainty and little appreciation of skills and knowledge* have resulted in a passive and unmotivated work attitude. Moreover, the common practice of *non-transparent rapid transfers or replacements* (sometimes on very short notice) makes government officers more concerned about how to keep their positions and not on how to conduct their tasks effectively.

The *private sector* also lacks incentives for good business practices. In timber

and crop plantation businesses, for example, since clear cutting and fire use promise additional profits and lower land clearing costs, these practices are consistently adopted by the companies. Moreover, the private companies have to set aside funds to cover huge *'illegal taxes' collected by various government offices/officers*, a common practice in Indonesia because government control is weak. Increasing pressure from the international community for the concessionaires to adopt sustainable land and forest management practices has yielded no impact yet. When concession rights are limited to one rotation period, and there is no guarantee that the rights would be renewed for the next rotation, the concessionaires are usually *not inclined to undertake long-term investment and operate instead to reap the 'highest profit in the shortest period'*.

Under such conditions, laws and regulations cannot be implemented effectively at all. The use of fire for land clearing has been prohibited since 1996, but few people take it seriously. Companies and communities still use fire and, so far governmental control and law enforcement has been minimal.

4.2.2. Vested interests

The policy on land and natural resource management and its implementation were generally strongly influenced by *economic interests that tend to marginalise environmental issues*. The policy on HTI and plantation development is a good example. Even though large-scale forest and land conversion for HTI and plantation development has been proven to be the cause of extensive fire outbreaks since the mid-1980s, so far the policy on HTI development has hardly changed. Huge forest areas, even protected natural forests and ecologically fragile peat and swamp areas, are still being converted every year. Large-scale forest conversion for other purposes such as transmigration, housing, industry, and mining to meet the demands and needs of increasing population and economic development is also ongoing. The situation is not expected to change much in the near future due to the prolonged economic crisis in Indonesia.

Converting and using forestland to meet the needs of the people is acceptable. The concern is that this may only be a cover for the economic interests of certain persons or groups. It is not so difficult to guess why a lot of HTI or oil palm plantations in Indonesia were developed in primary and good secondary forest instead in heavy degraded secondary forest, bush/grass land or other *'unproductive'* areas where the income from log sales would have been far less or non-existent. This is also the reason behind the decision to open mining or to construct roads in many protected areas across Indonesia.

These are some examples of conflicts between economics and environment interests. But there are also other kinds of conflicts that reflect weak co-ordination between different governmental agencies and between central and local governments.

The difficulties in organising cross- and multi-sectoral co-ordination in fire management are basically due to *sectoral interests and the arrogance of governmental agencies*. Generally they want to retain their power and responsibility for their own sector. Even if the planning and development of programmes can be co-ordinated, co-operation on implementation may be stalled. For example, according to the Secretariat of Bakornas PBP Bapedal is expected to investigate the causes of

To address the weaknesses and basic problems discussed, several requirements are needed to create conditions conducive for a balanced management of forest and land fires in Indonesia:

- a. First, there must be willingness from all relevant parties - government, NGO, private company, community and others - at all levels to contribute and actively participate in comprehensive and integrated programmes and activities. There must be understanding that forest and land fires are collective problems and everyone has to work together to deal with these problems.
- b. It is very important to develop incentive schemes for all parties involved in forest and land fire management, especially for the local community, government and private companies.
 - For local community, it is necessary to clarify and guarantee their rights over and access to land and natural (forest) resources. Alternative income sources and/or financial and technical support must be provided for the poorest to reduce the use of fire (slash-and-burn) in their agricultural activities.
 - For government officers, it must be ensured that they have sufficient income and facilities to conduct their functions and tasks. Fair, clear and transparent career mechanisms have to be guaranteed, where education, skills and knowledge are part of the main criteria for career advancement.
 - For private companies, it is very important that the government maintains existing procedures and regulations consistently. It is also very important that they are protected from all threats, extortion and 'illegal taxes'. For forest and plantation concessionaire in particular, they must have clear rights over their concession areas. Moreover, they should also be allowed to extend their concession rights subject to the evaluation of their performance. Providing incentives such as

- The regulatory regime should provide a balance of prevention and mitigation measures.
- Measures for forest fire prevention and control should apply to all categories of forests and extend to areas outside forests and plantations.
- Offenders should be responsible for costs incurred in rehabilitating burnt forest areas. Such a provision, if enforced, could be a powerful deterrent particularly to private sector actors.
- Clear guidelines on what constitutes sufficient evidence to prove violations to ensure that charges against offenders can be sustained in court should be established.
- Unambiguous enforcement provisions and institutional mechanisms to implement them should be set up.
- In addition to assigning penalties for violations by private sector actors, the forest fire regulatory regime should set accountability standards for public sector authorities and specify the consequences of failures to meet those standards.
- Fines should be pegged to the cost of restoring areas burnt, in addition to fixed penalties for specific violations. The regulatory regime could establish a national fund for restoring areas burnt by forest fires. In this context, the existing reforestation fund system should be improved, especially under following considerations:
 - The fund is not a levy but only a ‘guarantee’ that the companies will, if necessary, restore or reforestate their concession areas. If a company is unable to do so, the government can use the fund to engage a third party to accomplish the task. Conversely, the companies must also be guaranteed that their contributions will be refunded if they conduct the restoration or if such activities are not necessary.
 - The amount of money paid into the reforestation fund should not be so high that the companies consider it a levy. On the other hand, it should also not be too low to be seen as an extra cost. The appropriate level has to be discussed and agreed among all relevant parties.
 - More transparency in the procedure, control and supervision with stronger public involvement is needed. The restoration fund should be managed by an independent agency and not by the government or representatives of the companies.

5.2. Institutional aspect

- a. Clear definition and appropriate distribution of fire management responsibilities and roles of governmental agencies and other stakeholders (particularly local communities and private sector) related to various types of land ownership and different tasks in fire management must be established.
- b. Co-ordination and co-operation within and among various governmental agencies through clearly defined and agreed procedures and mechanisms should be improved. Moreover, the agency responsible for fire

management must have sufficient authority to conduct cross-sectoral co-ordination among relevant agencies. If this is not possible, then a forum or board with high-level government officers from different agencies should be assigned the responsibility. This forum/board should be a permanent institution that allows development of long-term strategies and implementation of permanent activities.

- c. Clear organisational structure must be defined within an agency, and in the case of a co-ordination forum/board, among involved agencies.
- d. Sufficient resources, especially financial, staff and equipment, must be allocated.
- e. Skills and knowledge must be improved through both formal and informal education (training, workshop, etc.).

6. Conclusion

After the fall of New Order Regime in 1998 and when the economic crisis hit South East Asia, the political, economic and social landscapes in Indonesia changed tremendously, especially because of its decentralisation process. This led to very fast and - sometimes radical - transformations of the legal, regulatory and institutional frameworks on forest and land fires in Indonesia. Many laws and regulations were issued at various levels across Indonesia every day. Several new agencies and institutions were developed while many existing organisations were dissolved or restructured.

This report reviewed the legal, regulatory and institutional aspects of forest and land fires in Indonesia up till the beginning of 2002. While it is important to review and analyse the modifications that took place during such a dynamic transition, it has been difficult to keep pace with the changes. For example, during the finalisation of this report, Bapedal was dissolved and merged with the Ministry of Environment by the issuance of Presidential Decree No. 2/2002 regarding the changes of Presidential Decree No. 101/2001 on Status, Task, Function, Authority, Organisation and Work System of the State Ministry and Presidential Decree No. 4/2002 regarding the changes of Presidential Decree No. 108/2001 on Organisation Unit and Task of Echelon I of the State Ministry. A petition to challenge the new Decrees has been filled at the Supreme Court. However, without waiting for the decision of the Supreme Court, the Ministry of Environment has already made structural changes following the directions provided by the Decrees. This will naturally affect the information and analysis provided in this report. However, since this is a new development and the impact is still unknown, the authors did not find it useful to integrate the change into this report.

It should be kept in mind that changes are still to be expected in the future. Therefore, the authors feel that such reviews should be carried out and the results disseminated regularly to inform and prepare stakeholders for their tasks in managing forest and land fires in Indonesia.

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- Holders of concession or licenses shall be responsible for forest protection including forest fire.
- The community should be involved in forest protection activities, including forest fire.
- No one is allowed to set fire to the forest. Forest burning is allowed only for special purposes such as to control forest fires, pest and diseases, and to manage natural habitats. In such cases, fire uses have to be approved by the legal authority.
- The penalty will be doubled for intentional or careless offences.

The budget is provided by both the central government through the National Budgeting System (APBN) and by the provincial/district government through the Provincial/District Budgeting System (APBD).

6.1. Authority of the central government

Article 23 states that the ‘Minister responsible for the forestry sector is to co-ordinate forest and/or land fire suppression beyond the boundaries of provinces or countries’ with no further explanation.

The Ministry of Forestry has added responsibilities that cover provision of equipment, development of human resources and international co-ordination for suppression purposes according to Article 24.

6.2. Authority of the provincial government

Article 27 states that the governor is responsible for controlling any damage and environment pollution related to forest and/or land fires that go beyond the boundaries of district or countries.

Article 28 states that in case forest and/or land fire occurs within the transboundary of the districts and councils, the governor is obliged to co-ordinate and control transboundary forest and/or land fires.

Article 29 states that the governor is allowed to establish or appoint a competent institution to manage forest and/or land fires in the area.

6.3. Authority of the government at the district/council level

Article 30 states that the Head of District is responsible for controlling any damages and/or environment pollution related to forest and/or land fires in the area.

Article 31 states that in case of forest and/or land fires, the Head of District is obliged to:

- control the fire;
- check the health of community living in respective districts affected by forest and land fires;
- assess the impacts; and
- announce to the community about the impact assessment and steps needed to reduce impact of forest and land fires.

7. Government Regulation No. 39 of 2001 concerning Execution of De-Concentration

Article 3 regulates the delegation of authority from central government to governor. Some of important tasks delegated are:

- Actualisation of Pancasila as state foundation and Constitution 1945, and socialisation of national policy in the province;
- Regional co-ordination, planning, implementation, technical assistance, monitoring and enforcement;
- Facilitation of collaboration and mediation of conflict between districts/cities in the province;

- Facilitation of implementation and law enforcement;
- Technical assistance under the direction of the district government; and
- Repressive monitoring of Regional Regulation, Decree of Head of Region and Decree of Regional House of Representative (DPRD) as well as Decree of Head of DPRD of the District.

The co-ordination between the governor and Head of District is formed by the order of Government Regulation No. 39 of 2001, Article 5:

- Paragraph (2): agencies/units in provincial services are authorised to conduct

