



**Jakarta, April 17<sup>th</sup>, 2024**

**Response to the Genesis Foundation research report entitled "Astra Agro Lestari Encroaches on Indonesian Forest Areas," April 2, 2024.**

We refer to the [article](#) and research [report](#) published by the Bengkulu Genesis Foundation on its website on April 2<sup>nd</sup>, 2024, with the title "Astra Agro Lestari Encroached Forest Areas in Indonesia."

First of all, we would like to convey that:

- (1) PT Astra Agro Lestari (AAL) and its subsidiaries operate in accordance with, and comply with all applicable laws and regulations in Indonesia.
- (2) AAL has a Sustainability Policy established in 2015 and since then, PT AAL has never and does not have any plan to carry out new land development.

We deeply regret that the Bengkulu Genesis Foundation published the results of research commissioned by Milieudefensie – Friends of the Earth Netherlands in December 2023 (page 2 footnote of the report) regarding forest encroachment associated with PT AAL's oil palm plantations using only data available in the public domain, without confirming the origin data from the company.

We managed to identify the limitations of the data sources utilized in the research, as described in the research report, which might lead to results that differ significantly from the actual conditions, including:

1. The Bengkulu Genesis Foundation merely utilized the Nusantara Atlas Map and land plot maps from Land Affairs and Spatial Planning/National Land Agency (ATR/BPN) as data sources for the research of deforestation in forest areas accused of PT AAL.
2. The Bengkulu Genesis Foundation also explained that government data regarding the Rights to Cultivate (HGU) is not public.



Those two illustrations above suggest that the Bengkulu Genesis Foundation does not use HGU data/location permits for PT AAL subsidiaries, which are legitimately granted by the Indonesian government. HGU data is very basic material for studying the overlap between forest areas and HGU/oil palm plantation business permits. Without verified HGU/location permit data, study results can be misleading.

Indications of the use of data that causing misleading conclusion are described in the following cases:

- (1) Genesis' reference data shows that the plantation area boundaries differ from the shape of HGU/location permit of PT AAL's subsidiaries.
- (2) Genesis' reference data shows that the plantation area analyzed is located in two different districts from HGU/location permissions of PT AAL subsidiary.
- (3) Genesis' reference data shows larger plantation hectarages than HGU/location permits of PT AAL subsidiaries.

Details of the use of data in the study that can be misleading are described in Appendix 1.

### **Overlapping Forest Areas (Kawasan Hutan) Versus Palm Oil Plantations Were Mistaken for Deforestation**

We also identified that the Genesis report did not review historical regulations that evolved over time, especially concerning national spatial planning and its implications for the overlap between HGU and Forest areas. HGU is a legal product. Cases of overlap between HGU and Forest Areas interpreted as a form of deforestation in the Genesis Study report can give the public a misleading perception. The issue of overlapping forest areas and HGU/permits for oil palm plantations has been regulated in the UUCK (Job Creation Law).

It should be noted that regulatory changes always occur over time. In several cases in Indonesia, during the regional spatial planning programs, the government repeatedly revised regulations related to spatial planning as can be seen in Appendix 2.



Based on regulations as in Appendix 2, the Ministry of Forestry and Environment has been redesignating forest estates in stages, which has resulted in numerous cases where parts of the HGU areas were returned to Forest estates, despite the fact that the HGU was secured long before the Decree on the Determination of Forest Estates was published. PT AAL HGU data versus forest area designation can be seen in Appendix 3.

### **Replanting activities are mistaken for deforestation**

Genesis reports deforestation within forest areas in 15 AAL subsidiary concessions between 2015 and 2023. We clarify that this data is very inaccurate. Since the Sustainability Policy was established in 2015, AAL has never cleared any lands for new development.



**Appendix 1. Clarification of deforestation allegations in each PT AAL subsidiary whose maps are available in the Genesis report.**

No.	Company name	Genesis Report Statement (all data in Ha)	AAL clarification
1	PT Tunggal Perkasa Plantations	<ol style="list-style-type: none"><li>1. The PT TPP concession area overlaps with a forest area of 1,869.69 in the Convertible Production Forest (Hutan Produksi Konversi - HPK) of Riau Province according to SK 903/MENLHK/STJEAN/PLA. 212/2016.</li><li>2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 1,054.51 Ha.</li></ol>	<ol style="list-style-type: none"><li>1. In the GENESIS Map, there is a PT TPP concession, with data originating from the Atlas Nusantara platform. However, the website does not explain the source of the concession boundaries for the Sumatra region (invalid).</li><li>2. No deforestation was found by PT AAL during 2015-2023 based on the interpretation of satellite imagery and the company's palm oil planting data.</li><li>3. The open land cover area is a replanting activity within the HGU.</li></ol>
2	PT Gunung Sejahtera Ibu Pertiwi	<ol style="list-style-type: none"><li>1. The PT GSIP concession area overlaps with a forest area of 312.75 located in the Permanent Production Forest (Hutan Produksi Tetap -HP) of Central Kalimantan Province SK 903/Menhut-II/2012.</li></ol>	<ol style="list-style-type: none"><li>1. In the GENESIS Map, there is a PT GSIP concession, which data originated from the Atlas Nusantara platform.</li><li>2. No deforestation was found by PT AAL during 2015-2023 based on the interpretation of satellite imagery and the company's palm</li></ol>



		<p>2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 49.50 Ha.</p>	<p>oil planting data.</p> <p>3. The open land cover area is a replanting activity within the HGU.</p>
3	PT Agro Manara Rachmat	<p>1. The PT AMR concession area overlaps with a forest area of 188.72 Ha within the Permanent Production Forest (HP) of Central Kalimantan Province SK 903/Menhut-II/2012.</p> <p>2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 77.80 Ha.</p>	<p>1. In the GENESIS Map there is a PT AMR concession which data originated from the Atlas Nusantara platform.</p> <p>2. It was found that land clearing of 0.19 ha in the conservation area within PT AMR's HGU in 2021-2022 was carried out by the community. The company continues to endeavour to overcome problems by conducting regular reviews, continuous geospatial monitoring, and ongoing collaboration with the community.</p> <p>3. The current condition of the land is abandoned and has turned into bushland.</p>
4	PT Surya Indah Nusantara Pagi	<p>1. The PT SINP concession area overlaps with a forest area of 237.94 Ha within the Permanent Production Forest (HP) of Central Kalimantan Province SK 903/Menhut-II/2012.</p> <p>2. GENESIS stated that there</p>	<p>1. In the GENESIS Map there is a PT SINP concession which data originated from the Atlas Nusantara platform.</p> <p>2. No deforestation was found by PT AAL during 2015-2023 based on interpretation of satellite imagery and the company's palm oil</p>



		was deforestation during 2015 – 2023, covering an area of 294.21 Ha.	planting data.
5	PT Persada Bina Nusantara Pagi	<ol style="list-style-type: none"><li>1. The PT PBNA concession area overlaps with a forest area of 37.84 Ha within the Permanent Production Forest (HP) of Central Kalimantan Province SK 903/Menhut-II/2012.</li><li>2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 144.06 Ha.</li></ol>	<ol style="list-style-type: none"><li>1. The correct company name is PT Persada Bina Nusantara Abadi (PT PBNA)</li><li>2. In the GENESIS Map there is a PT PBNA concession which data originated from the Atlas Nusantara platform.</li><li>3. No deforestation was found by PT AAL during 2015-2023 based on satellite image interpretation.</li><li>4. The open land cover area is a replanting activity within the HGU.</li></ol>
6	PT Bhadra Cemerlang	<ol style="list-style-type: none"><li>1. Genesis states that the location of PT Bhadra Cemerlang is in East Kotawaringin Regency (this data does not match internal data).</li><li>2. The concession area of PT Bhadra Cemerlang overlaps with a forest area of 38.64 Ha within the Permanent Production Forest (HP) of Central Kalimantan Province SK 903/Menhut-II/2012.</li></ol>	<ol style="list-style-type: none"><li>1. In the GENESIS Map there is a PT Bhadra Cemerlang (PT BCL) concession which data originated from the Atlas Nusantara platform.</li><li>2. The location of the PT BCL concession district is different from the GENESIS map. In Genesis' version of PT BCL, the company is located in East Kotawaringin Regency, while AAL's PT BCL is located in East Barito Regency, Central Kalimantan.</li><li>3. No further explanation is needed because the reference information</li></ol>



		<p>3. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 39.58 Ha.</p>	<p>is incorrect.</p>
7	PT Subur Agro Makmur	<p>1. The PT SAM concession area overlaps with a forest area of 1,336.18 Ha within the Convertible Production Forest located in South Kalimantan Province SK.435/Menhut-II/2009.</p> <p>2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 4,027.65 Ha.</p>	<p>1. In the GENESIS Map there is a PT SAM concession originating from the Atlas Nusantara platform.</p> <p>2. No deforestation was found by PT AAL during 2015-2023 based on the interpretation of satellite imagery and the company's palm oil planting data.</p>
8	PT Cakung Permata Nusa	<p>1. The PT CPN concession area which overlaps with the forest area is 3,396.09 Ha, consisting of Permanent Production Forest and Convertible Production Forest located in the South Kalimantan Province (2,804.2 ha) SK.903/Menhut-II/2012 and Convertible Production Forest located in Central Kalimantan Province</p>	<p>1. In the GENESIS Map there is a PT CPN concession which data originated from the Atlas Nusantara platform.</p> <p>2. Most of the PT CPN's HGU concession referenced in Genesis' report is no longer part of PT AAL since 2008. Currently, the total area of PT CPN's HGU owned by PT AAL is only 529.67 ha .</p> <p>3. No deforestation was found by PT AAL during 2015-2023 based on interpretation of satellite imagery and the company's palm oil</p>



		(591.89 ha) SK.529/Menhut-II/2012 2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 16,208.33 Ha	planting data 4. The open land cover area is a replanting activity within the HGU.
9	PT Letawa	1. The PT LTW concession area overlaps with a forest area of 139.47 Ha in the Convertible Production Forest (HPK) of West Sulawesi Province according to SK.862/Menhut-II/2014 2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 218.82 Ha.	1. In the GENESIS Map there is a PT LTW concession originating from the Atlas Nusantara platform. However, the website does not explain the source of the concession boundaries for the Sulawesi region (invalid) 2. No deforestation was found by PT AAL during 2015-2023 based on interpretation of satellite imagery and the company's palm oil planting data 3. The open land cover area is a replanting activity within the HGU.
10	PT Mamuang	1. The PT MMG concession area overlaps with a forest area of 297.02 Ha in the Protected Forest and Convertible Production Forest of West Sulawesi Province according to SK.862/Menhut-II/2014. 2. GENESIS stated that there	1. In the GENESIS Map there is a PT MMG concession which data originated from the Atlas Nusantara platform. However, the website does not explain the source of the concession boundaries for the Sulawesi region (invalid). 2. No deforestation was found by PT





		<p>was deforestation during 2015 – 2023, covering an area of 313.13 Ha.</p>	<p>AAL during 2015-2023 based on the interpretation of satellite imagery and the company's palm oil planting data.</p> <p>3. The open land cover area is a replanting activity within the HGU.</p>
11	PT Pasangkayu	<p>1. The PT PSKY concession area overlaps with a forest area of 614.83 Ha in the Protected Forest of West Sulawesi Province according to SK.862/Menhut-II/2014.</p> <p>2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 1,401.72 Ha.</p>	<p>1. In the GENESIS Map there is a PT PSKY concession which data originated from the Atlas Nusantara platform. However, the website does not explain the source of the concession boundaries for the Sulawesi region (invalid).</p> <p>2. A field verification was carried out by the Inspectorate General of the Ministry of Forestry on November 2014 and 20 October 2016, with the result that there was no evidence of any criminal acts in the forestry sector committed by PT PSKY and PT MMG regarding the alleged report. The report mentioned that the ones who committed encroachment in the HL were the community around the area for farming and building social and public facilities (mosques, elementary schools, health centres, settlements), and</p>



			<p>the complainants (MPKS and Walhi Sulawesi) cannot prove the HL complaint/encroachment.</p> <p>3. No deforestation was found by PT AAL during 2015-2023 based on the interpretation of satellite imagery and the company's palm oil planting data.</p> <p>4. The open land cover area is a replanting activity within the HGU.</p>
12	PT Rimbun Alam Sentosa	<p>1. The PT RAS concession area overlaps with the forest area of 6,312.61 Ha in Limited Production Forest, Permanent Production Forest and Convertible Production Forest of West Sulawesi Province according to SK.869/Menhut-II/2014.</p> <p>2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 14,303.37 Ha.</p>	<p>1. In the GENESIS Map there is a PT RAS concession which data originated from the Atlas Nusantara platform. However, the website does not explain the source of the concession boundaries for the Sulawesi region (invalid).</p> <p>2. No deforestation was found by PT AAL during 2015-2023 based on interpretation of satellite imagery and the company's palm oil planting data.</p>
13	PT Sawit Jaya Abadi	<p>1. The PT SJA1 concession area overlaps with the 769.02 Ha forest area in the Protected Forest and Permanent Production</p>	<p>1. In the GENESIS Map there is a PT SJA1 concession which data originated from the Atlas Nusantara platform. However, the website does not explain the</p>



		<p>Forest of Central Sulawesi Province according to SK.869/Menhut-II/2014.</p> <p>2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 908.80 Ha.</p>	<p>source of the concession boundaries for the Sulawesi region (invalid).</p> <p>2. No deforestation was found by PT AAL during 2015-2023 based on interpretation of satellite imagery and the company's palm oil planting data.</p>
14	PT Cipta Agro Nusantara	<p>1. The PT CAN concession area overlaps with the forest area of 4,709.16 Ha in the Limited Production Forest and Permanent Production Forest of Central Sulawesi Province according to SK.869/Menhut-II/2014.</p> <p>2. GENESIS stated that there was deforestation during 2015 – 2023, covering an area of 9,124.27 Ha.</p>	<p>1. In the GENESIS Map there is a PT CAN concession which data originated from the Atlas Nusantara platform. However, the website does not explain the source of the concession boundaries for the Sulawesi region (invalid).</p> <p>2. The deforestation data stated at 9,124.27 ha far exceeds the HGU area owned by PT CAN, which is only 1,628.31 ha.</p> <p>3. No deforestation was found by PT AAL during 2015-2023 based on interpretation of satellite imagery and the company's palm oil planting data.</p>
15	PT Agro Nusa Abadi	<p>1. The PT ANA concession area overlaps with a forest area of 65.77 Ha in the Protected Forest of Central</p>	<p>1. In the GENESIS Map there are PT ANA concession which data originated from the Atlas Nusantara platform. However, the</p>



		<p>Sulawesi Province SK.869/Menhut-II/2014.</p> <p>2. GENESIS stated that there was deforestation during 2015 – 2023 covering an area of 45.67 Ha.</p>	<p>website does not explain the source of the concession boundaries for the Sulawesi region ( invalid ).</p> <p>2. Not found deforestation carried out by PT AAL during 2015-2023 based on interpretation of satellite imagery and the Company's oil palm planting data.</p>
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## **Appendix 2. Development of spatial planning regulation changes :**

1. Until 1980, based on Forestry Law no. 5 of 1967, forest estates were managed based on registers and partial designation of forest estates.
2. From 1980 to 1992, the spatial planning of forest estates was determined through the Forest Use Agreement (TGHK), which was determined by the Minister of Agriculture with strengthening regulations in Law no. 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems.
3. From 1992 to 1999, Law no. 24 of 1992 concerning Spatial Planning. The spatial planning of forest estates is based on the results of the integration between RTRWP and TGHK
4. From 1999 to 2005, Law no. 41 of 1999 concerning Forestry, spatial planning of forest estates is based on the designation of forest and water areas determined by the Minister of Forestry.
5. From 2005 to 2007, with the issuance of Law no. 32 of 2004, which replaced Law no. 22 of 1999 concerning regional government, spatial planning of forest estates started to have implications due to several provinces and districts/cities proposing revisions to the Provincial Spatial Planning (RTRWP) and District Spatial Planning (RTRWK) as well as the need to use infrastructure with the expansion of government administrative areas.
6. From 2007 to today, with the issuance of Law no. 26 of 2007 which replaced Law no. 24 of 1992 concerning Spatial Planning, the spatial planning of forest estates is undergoing adjustments in line with the RTRWP revision process.
7. Government Law (PP) No. 26 of 2008 concerning National Regional Spatial Planning (RTRWN), is a guideline for preparing national long-term and national medium-term development plans to realize integration, linkage and balance of development between provincial regions, as well as harmony between sectors, determining the location and function of space for investment, spatial planning of national strategic areas and spatial planning of provincial and district/city areas.
8. In 2010, the issuance of PP no. 10/2010 concerning Procedures for Changing the Use and Function of Forest Estates as well as PP 24/2010 concerning the Use of Forest



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estates, in accordance with the dynamics of national development and community aspirations, in principle forest estates can change their use or function.



### Appendix 3. HGU issuance that predates the forest estate designation for PT AAL.

No.	Subsidiaries	Year of Permit Issuance	Year of Decree of Forest Area Designation (SK Penetapan Kawasan Hutan)
1	PT Tunggal Perkasa Plantations	1995	903/MENLHK/SETJEN/PLA.2/12/ <b>2016</b>
2	PT Eka Dura Indonesia	1988	903/MENLHK/SETJEN/PLA.2/12/ <b>2016</b>
3	PT Sawit Asahan Indah	1990	903/MENLHK/SETJEN/PLA.2/12/ <b>2016</b>
4	PT Pasangkayu	1997	862/MENHUT-11/ <b>2014</b>
5	PT Mamuang	1997	862/MENHUT-11/ <b>2014</b>
6	PT Letawa	1994	862/MENHUT-11/ <b>2014</b>
7	PT Rimbun Alam Sentosa	2011	869/MENHUT-11/ <b>2014</b>
8	PT Sawit Jaya Abadi	2010	869/MENHUT-11/ <b>2014</b>
9	PT Agro Nusa Abadi	Not in forest estate	
10	PT Cipta Agro Nusantara	2016	869/MENHUT-11/ <b>2014</b>
11	PT Surya Indah Nusantara Pagi	2004	529/MENHUT-II/ <b>2012</b>
12	PT Persada Bina Nusantara Pagi	2004	529/MENHUT-II/ <b>2012</b>
13	PT Agro Menara Rachmat	1997	529/MENHUT-II/ <b>2012</b>
14	PT Gunung Sejahtera Ibu Pertiwi	1997	529/MENHUT-II/ <b>2012</b>



15	PT Bhadra Cemerlang	2004	529/MENHUT-II/ <b>2012</b>
16	PT Subur Agro Makmur	2009	435/MENHUT-II/ <b>2009</b>
17	PT Cakung Permata Nusa	2001	435/MENHUT-II/ <b>2009</b>
18	PT Borneo Indah Marjaya	Not in forest estate	
19	PT Tri Buana Mas	Not in forest estate	