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Indonesia's Commitment to Paris Agreement and the Kalimantan Dreams

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Under Indonesia's commitments to the United Nations Framework Convention on Climate Change (UNFCCC), Indonesia is required to submit the Nationally Determined Contributions (NDC) which detail the country's plan to reduce emissions in accordance with the goals of the Paris Agreement. In 2016, Indonesia prepared the first NDC which laid down very ambitious goals. Indonesia voluntarily pledged to reduce emissions by 29% independently, or an emissions reduction of up to 41% with international assistance. In order to realize the goals set forth in the NDC, Indonesia has taken a number of steps at the national level. These include the 2017 'National Strategy on NDC Implementation', which prescribes nine strategies for the NDC implementation, and includes several indicators on how the NDC implementation will be achieved nationally .

Although some of the larger cities and districts have already enacted climate change related regulations, such as Bandung, Jakarta, and Surabaya, the majority of smaller cities and districts do not have such regulations in place. Where small cities and districts do have these in place, their ability to implement these regulations is limited. Climate provisions are enshrined in various laws such as regulations for protection and empowerment of farmers, environmental management and protection, as well as through regulations on disaster management. The majority of local government institutions remain unclear on how best to tackle climate change issues, let alone on how to implement the requirements of the NDCs at local government level.

Compounding these factors , Indonesia's forest fires have hit hard again in 2019. Based on data from the Ministry of Environment and Forestry (MoEF), fire hotspots have reached now already for this year reached over 1700 areas as of August 2019. The number of hotspots for 2019 is up by 39% compared with forest fires in the previous year across the same period. Considering Indonesia's greenhouse gas (GHG) emissions are comprised of a 48% contribution from land use and land use change related emission, of which forest fires are included (BURS/UNFCCC, 2016), the situation does not look promising for achieving the annual NDC targets. One of the largest hotspot area is the island of Kalimantan, where at least 95 of forest fires were spotted in August 2019 alone, with an alarming level of air pollution blanketing neighboring Sarawak in Malaysia.

On top of current increased rate of emissions for 2019, on August 16, 2019, Indonesia's President, Joko "Jokowi" Widodo, presented his state of the union address to the Indonesian parliament, asking for their blessings in an ambitious plan to move the capital megacity from Jakarta in Java to a new site in Kalimantan. How does this entail Indonesia's NDC implementation? There are a few things we can favor to be optimistic about.

Firstly, Kalimantan hosts a large forest area, and is designated as lungs of the world. Kalimantan hosts 32.1% of Indonesia's peatland (BBDSLIP, 2011). Yet, these forests are disappearing, due to rapid forest conversion for industrial farmland, with 6.04 million hectares converted during the period from 2000-2017 (CIFOR, 2019). The deterioration of Kalimantan's forest areas at this rate, precedes any additional pressures generated by the increased urban demands of a new capital city in the region. How do we make sure that development of the new capital city does not interfere with the remaining forest condition in Kalimantan?

Jokowi has asserted that the new capital city will be 'green' and environmentally conscious, based on learnings from a highly polluted capital city in Jakarta. Regardless of where in Kalimantan the new capital is located, chances are highly likely that existing forest cover will be present in the area. Instead of removing the forest cover, one possibility would be to build the capital in and around the forest as a truly green capital city. Lessons can be learned from already existing 'green cities' of the world. Singapore, Nanning, Seattle, to name a few. Not only do these cities maintain greenery within the city vicinity, they also house green infrastructure urban housing, transportation, building, services, and waste with management systems based on environmentally conscious choices. Moving the capital city to Kalimantan presents an *opportunity* for Indonesia to reach their NDC targets.

Secondly, support from the judicial authority is presented. Although perceptions are large of the Court as an institution in which to settle disputes, rather than as an institution that can drive a movement with through judiciary powers. However, this perception might change for the better for Indonesia's NDC implementation. The Supreme Court recently issued a cassation decision (3555K/PDT/2018), which rejected an appeal filed by the President against a ruling that the national administration and its provincial counterpart failed to do enough to prevent the devastating forest fires in West and Central Kalimantan and many other provinces during 2015. The Palangka Raya district court's verdicts which were supported by the High Court and Supreme Court, were not about compensation for victims, but instead impetised the Government to enact eight Governmental Regulation on various environmental issues in order to deter forest fires. The verdict included demands for the Government to set up a collaborative committee to evaluate and revise forest permits based on environmental considerations for Central Kalimantan. This included law enforcement towards companies whose concession forest areas had undergone forest fires, a development of a road map for avoidance, early detection, management, rescue, and recuperation of forest fires victims, and environment rehabilitation.

Climate, forest fires, and environmental degradation rehabilitation through litigation systems has become a global phenomenon. Countries such as China and India, have been using litigation to force environmental improvement in their countries. The Central government of China, sue local governments in order to force local governments to combat climate change impacts and adhere to China's NDC. In India, various individuals have filed claims against the government or companies to act on climate change, for example, by urging the government to act on climate change mitigation (Pandey v. India), such as to prevent further recession of glaciers near Rohatang Pass by via restrictions on tourist traffic and deforestation (the National Green Tribunal v. State of Himachal Pradesh and others).

Thirdly, the Ministry of Environment and Forestry has predicted that in 2026-2027, 50% of Indonesia's carbon emissions will come from the energy sector. Aside from emissions from the forest fires, Indonesia also needs to pay attention to emission from the energy sector. Unfortunately, policies which favor environmentally friendly manufactured consumer products, are almost non-existent. For example, electric cars in Indonesia still cost twice as much as the original price of that in their origin countries of manufacture, due to the high rates of tax and tariffs imposed on electric cars. This pricing mechanism doesn't appeal to the middle-income customers, whom are the biggest market in Indonesia. Similar pricing mechanisms are in place for household solar panels, alternative fuels, and so on, act as consumer deterrents for much needed uptake of green technologies. Whether the capital will be moved to Kalimantan or not, Indonesia is in need of an improved climate-supportive policy landscape in which to drive NDC implementation.

Indonesia needs to pay close attention to land use (including forest fires) and energy sectors to achieve targeted commitments in the NDC. Moving the capital to Kalimantan should be a determination to foster NDC achievement, rather than a hinderance.

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