

## *Exploration of Justice in the REDD+ Project Implementation in Indonesia*

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### **Abstract**

Reduced Emissions from Deforestation and Degradation “Plus” (REDD+) was first proposed at The 13th Conference of Parties of the United Nations Framework Convention on Climate Change as a climate change mitigation plan. It claimed to be just for both developed and developing states because it distributes the benefits evenly. In contrast, the forested country which mostly located in developing states does not actually experience the justice when implementing REDD+. Although the concept of justice is contentious it can be examined through its three dimensions: distribution, representation, and recognition. In this paper, I will explore the relationship between justice and REDD+, focusing on Indonesia as one of the targeted forested countries in the REDD+ project as case study example. Then I give an overview of the REDD+ project in Indonesia. Subsequently, I will examine how REDD+ is being implemented in Indonesia by drawing upon the three dimensions of justice. Finally, I will conclude my essay by reflecting the analysis whether the REDD+ project in Indonesia is just. The finding provides a basis for concluding that REDD+ project in Indonesia is unjust and arises new problems from its implementation. This also infers that three elements of justice are interrelated in the implementation of REDD+ and global justice is required in mitigation plan.

Keywords: REDD+, Justice, Indonesia

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## Introduction

The 13th Conference of Parties of the United Nations Framework Convention on Climate Change (hereinafter The COP-13 UNFCCC) in Bali, December 2007 introduced Reduced Emissions from Deforestation and Forest Degradation (hereinafter REDD+) as a global response to encounter climate change (Astuti and McGregor, 2015). This mechanism concentrates on forests protection by rewarding economic incentives to a forested country that put value more on standing forest than cutting it down (Katerere, 2010), or rather be called Payments for Ecosystem Services (hereinafter PES). The rationale of REDD+ was based on the assumption of insufficient pricing of the carbon services of forests that caused deforestation which led to the idea to incentivise people and countries who protect forests (Astuti and McGregor, 2015). Although deadlock was faced during the drafting of REDD+ financing mechanism, whether to be a market based or a fund based mechanisms (Dooley, 2010), the latter explanation stated that both of the financing mechanism can work in sequence for different national circumstances (Anon, 2008).

REDD+ concentration on forest protection was also referred to Stern research, which discovered that the land usage change, forest conversion, and forest degradation contributed almost one-fifth of global emissions. It also considered as the second largest global greenhouse gases (hereinafter GHG) contributor (Stern, 2007: 653). In addition to that, REDD+ is believed as the cheapest and quickest strategy to reduce GHG emission (McGregor et. al., 2015). For instance, 250 tonnes of carbon are released immediately by cutting down a hectare of forest especially on peatland, whereas only 5-10 tonnes restore carbon per year by a hectare reforestation. What is more, it avoids the difficult politics in wealthy countries by adopting an offset mechanism (Anon, n.d.). Furthermore, countries can do business as usual, especially developed countries which had the binding obligation to reduce their domestic emissions under the Kyoto Protocol (Long, Roberts and Dehm, 2010).

Naturally, REDD+ as a new climate change mitigation plan generated a contestation. On one hand, the proponents of REDD+ argued that REDD+ provides financial incentives for forest protection in developing countries (Lounela, 2015), promotes justice to local communities because they will be rewarded if they protect forests (ibid), and considers as the cheapest way to reduce GHG by doing business as usual. On the other hand, critics argue that REDD+ is one kind of a neo-liberalisation of nature (McGregor et. al., 2014) which facilitates the extension of capitalism's interests (Arsel and Büscher, 2012), distorts local populations' values (Lounela, 2015), green grabbing (Fairhead, Leach and Scoones, 2012), and neo-colonization by producing injustices (Birrell, Godden and Tehan, 2012). The dimension of justice is a serious issue in the global debate over REDD+ (Sikor and Cãm, 2016) due to its plural notions as pointed out by Sikor (Sikor, 2013).

Furthermore, Chan and Satterfield argued that PES has been constrained to match a utilitarian justice concept which emphasised distribution over participation and recognition: upgrading cumulative human well-being is the main objective of environmental management, even though some people were left behind (Chan and Satterfield, 2013). In other words, the greatest advantage is the foremost objective of environmental management. This over-emphasis on distribution inferred that PES derived from the core of neoclassical economics – the Pareto principle (Muradian et

al., 2010). Interventions are ‘socially optimal’ in Pareto principle, in simple words, ‘it is okay to be better off if there is no one worse off’. PES implementation works as if ‘the beneficiaries of environmental management compensate those who bear additional costs. The recipients of payments would be better off in comparison with their previous position and with the previous practice of using regulations to outlaw certain resource use practices without compensation’ (Sikor and Câm, 2016).

In contrast, the forested country does not actually experience the justice when implementing REDD+. Instead, REDD+ promotes inequitable forest governance that discriminates forest societies and infringed their rights (Goodman and Roberts, 2009). However, Schlosberg pointed out that the concept of justice remains ambiguous and plural due to the development of diverse theories (Schlosberg, 2007). Since the concept of justice is debatable, it should be contested along its three key dimensions: ‘the economic dimension of distribution, the political dimension of representation, and the cultural dimension of recognition’ (Fraser, 2010). Moreover, Fraser revealed that those three dimensions are interlinked and integrated to each other (Fraser, 2000).

In this paper, I will explore the relationship between justice and REDD+, focusing on Indonesia as one of the targeted forested countries in REDD+ project as case study example. Then I give an overview of REDD+ project in Indonesia. Subsequently, I will examine how REDD+ is being implemented in Indonesia by drawing upon the three dimensions of justice. Finally, I will conclude my essay by reflecting the analysis whether REDD+ project in Indonesia is just.

### **REDD+ implementation in Indonesia**

As the host of the The COP-13 UNFCCC, Indonesia saw REDD+ as a positive possible strategy not only to reduce emission but also assure financial benefit from carbon trading (Budi et al., 2012). Subsequently, under President Susilo Bambang Yudhoyono era, Indonesia took the pledge to reduce its emissions by 26% by 2020 or 41% reduction with international assistance (Ibid).

Moreover, several international donors were interested in assisting Indonesia’s commitment of REDD+. The first REDD+ project in Indonesia began in 2007 when 100 million USD was granted to reforest 70.000 hectares of peatland, re-flood 200.000 hectares of degraded peat swamp, and then plant 100 million trees in Kalimantan by Australia (Olbrei and Howes, 2012). However, the project was officially established in 2009 namely Indonesia-Australia Forest Carbon Partnership/IAFCP) and launched in January 2010 as the Kalimantan Forests and Climate Partnership (hereinafter the KFCP) by Indonesian Ministry of Forestry (Lounela, 2015). The partnership was about to rehabilitate degraded peatland that once the Mega Rice Project Area in Central Kalimantan to reduce GHG emission (Ibid), which had been legalised by Presidential Instruction No. 2 of 2007 (Ibid). Nonetheless, the project faced many difficulties and considered unjust, thus it only last for six years without any significant success until being terminated in July 2013 (Ibid).

In addition to that, Indonesia signed a Letter of Intention (hereinafter the LoI) worth 1 billion USD with Norway in May 2010. It aimed to support the capacity development and implementation of REDD+. However, this grant was performance-based

payments: Indonesia has to meet predetermined conditions in the LoI to be rewarded (Budi et al., 2012). The LoI comprised of three main phases: the readiness phase (started May 2010); transformation phase (from January 2011 until 2017) and the contribution to verified emission reductions phase (from 2014 onwards). Each phase consisted specific activities, as described in Table 1. One of the terms is establishing an REDD+ agency, which is REDD+ Task Force that established through Presidential Decree No. 19 of 2010. As a matter of fact, Indonesia is still struggling on the second phase. Even though the implementation of the two-year forest moratorium has been extended twice, it does not show any sign of success.

Table 1. Phases of Indonesia – Norway LoI

<b>Phase</b>	<b>Activity</b>
<b>Readiness phase</b>	<ul style="list-style-type: none"> <li>• finalise a National REDD+ Strategy following consultation</li> <li>• set up an REDD+ agency that reports directly to the President</li> <li>• arrange a national monitoring, reporting, and verification (MRV) framework</li> <li>• devise a funding instrument</li> <li>• select a pilot province</li> </ul>
<b>Transformation phase</b>	<ul style="list-style-type: none"> <li>• Receive payment for performing the first phase</li> <li>• MRV</li> <li>• Suspend new forest conversion licence for two year</li> <li>• Enforce the law and resolve land tenure conflict</li> <li>• Launch pilot province</li> </ul>
<b>Contribution to verified emission reductions phase</b>	<ul style="list-style-type: none"> <li>• MRV</li> <li>• Receive payment</li> </ul>

Overall, despite being initiated for 10 years now, both REDD+ projects in Indonesia do not bring any benefit. As a matter of fact, it promotes injustices to local people whose area is affected and creates new issues which will be discussed further below.

## **Multi-Dimensional Justice**

### **Distributional Justice**

First of all, the economic dimension is the easiest dimension to be examined, because it is measurable. Distributional justice associates with property right transfer and profit sharing. In the narrow sense, the distribution of economic incentives in REDD+ projects (Sikor, 2010) in Indonesia. While in the wider sense, the distribution of advantages in REDD+ as a climate change mitigation strategy. In this part, I try to answer what Sikor pointed out as the critical question in distributional justice ‘services to whom?’ and ‘services provided by whom?’ (Sikor and Càm, 2016) in REDD+ strategy, especially in its implementation in Indonesia. Those questions also follow by next question of ‘who will receive the benefits?’ and ‘how it is being

distributed?', which relates to the issues of participation and decision making (Ibid).

The answer to the question 'services to whom?' and 'services provided by whom?' is obvious. Since global GHG reduction supposed to be the foremost aims of REDD+, still the burden of doing so are highly place-based (Marion Suiseeya, 2016). To be more precise, the REDD+ services provided by forested country to supposedly reduce the carbon emission for the global world, however, this objective has been displaced to create a source of low price carbon credits for developed countries and promote carbon offset projects as doing business as usual. The report entitled '*What a Scam! Australia's REDD offsets for Copenhagen*' (Goodman and Roberts, 2009) and the article '*Norway admits that "We haven't seen actual progress in reducing deforestation" in Indonesia*' (Lang, 2016) revealed that the donor's countries of REDD+ project in Indonesia desired to be 'carbon neutral' while doing business as usual.

As one would expect, this practice contradicts polluter pays principle (UNFCCC, 1992) and common but differentiated responsibilities principle (Ibid) considering developed countries has a historical responsibility of climate change. The historical responsibility is based on a research that indicated that GHG remains in the atmosphere for 100–120 years (Roberts and Parks, 2007). Lang argued that carbon sinks maintenance in forested countries is not a solution to reduce GHG since the developed countries continue to do business as usual by burning fossil fuels (Lang, 2009). Therefore, developed countries should not only require making extreme emissions cuts immediately (Roberts and Parks, 2007) but also compensate developing countries for developing a sustainable practice (Okereke and Dooley, 2010).

On the other hand, the question of 'who will receive the benefits?' and 'how it is being distributed?' requires a deeper analysis of forested country regulation and its implementation. When the KFCP first announced in 2007, the Government of Indonesia and Australia were enthusiastic. They claimed that the KFCP would help both Indonesia and Australia to participate in carbon emissions reductions and carbon trading market. Moreover, Alexander Downer, Australia's Minister of Foreign Affairs, proclaimed that the project could bring instant and concrete profits in mitigating climate change (Lang, 2011). However, he did not mention who would receive those advantages (Lang, 2011).

These benefit distribution questions have both vertical and horizontal dimensions. Vertical dimension means the distribution between the central government and local actors. Whereas horizontal dimension means identifying who are the local actors (Sikor and Câm, 2016). Elite capture and certain groups exclusion might happen if the benefits do not distribute properly.

In Indonesia, the incentive distribution of REDD+ has been regulated in Ministry of Forestry Regulation No. 36/Menhut- II/2009. That regulation stipulated that the incentives of REDD+ will be distributed to several actors depending on the tenure status and the type of forests. Nonetheless, this regulation had an objection from the Ministry of Finance because the Ministry of Forestry overstepped the Ministry of Finance's authority in governing state finance (Indonesia, 2003). State finance defines in the Law No. 17 of 2003 on State Finance as 'all rights and obligations of the state

that can be valued in money, as well as everything in cash or in the form of goods that can be owned by the state in connection with the implementation of the rights and obligations' (ibid). As per January 2017, this issue of overlapping regulation has not been addressed even though the Ministry of Forestry Regulation has been revised twice.

In addition to that, the implementation showed distributional injustice. In her research, Lounela discovered some distributional injustices in the KFCP, such as, unequal treatment to the villagers, giving more incentives to the project staff, lack of funding, and unfair payment – even though the villagers were told to plant rubber trees to get payment, the project did not tell it should be success, therefore only the villagers who successfully growing seedling get paid, those who failed did not get paid (Lounela, 2015). Likewise, it affected the harmony among the community to the land as they see it as common goods, eliminated the customary activities, and caused a dispute between villagers (Ibid).

From the explanation above, it also can be concluded that REDD+ leads to the alleviation of decentralisation (Phelps, Webb and Agrawal, 2010) and tends to recentralize forest governance (Sikor and Càm, 2016). The central government will give pressure to the local level to avoid non-payment risk and increase the market value of forests (Phelps, Webb and Agrawal, 2010). Thus, the central government still has the biggest role. Regarding this matter, the famous justice theorist, John Rawls suggested balancing social and economic inequalities, in order to achieve 'the greatest benefit to the least-advantaged members of the society,' (Rawls, 1999) which brings to the political dimension of justice – procedural justice.

### **Procedural Justice**

The second dimension of justice is procedural since environmental governance decisions give impact on distribution. Procedural justice means that everyone should be able to participate in decision-making process (Schlosberg, 2007). According to Sikor the question of this notion of justice would be 'how do people participate in decision-making?' and 'who decides which people are recognised to have an interest in a particular ecosystem?' (Sikor and Càm, 2016) Those questions are based upon different benefit which people get from ecosystem services (Ibid).

Procedural justice issues in REDD+ is essential, on the ground that local societies and marginal groups that actually dwell in and highly rely on the forests sometimes do not feel being represented enough by the central government (Okereke and Dooley, 2010). Moreover, participation in REDD+ projects are a complicated issue, because there are so many actors involves and it is almost impossible to gather all societies in targeted area which sometimes so large (Lounela, 2015). Therefore representatives are needed yet there is a possibility of power abuse which leads to elite capture.

As a matter of fact, UNFCCC Decision 1/CP.16 has identified procedural and recognition justice in its safeguards (paragraph 2 of annexe I to UNFCCC Decision 1/CP.16). It mandates the forested countries to respect the indigenous peoples and members of local communities' knowledge and rights and involve relevant stakeholders, such as indigenous peoples and local communities, in decision making. Additionally, it requests forested countries to report the implementation of the

safeguards in the latter decision, yet it does not mention what form and when to do so (Sikor and Càm, 2016).

Those norms have been adopted by the government of Indonesia in Minister of Forestry Regulation No. 30/Menhut- II/2009 which stipulated a general guideline for REDD+ implementation in Indonesia. Although one of the provision is the requirements for submitting applications to be involved in REDD+ activities it does not mention about a process of Free Prior and Informed Consent (hereinafter FPIC) for relevant stakeholders – in this case indigenous people. It only mentions that customary forests can be REDD+ sites which required a copy of Minister of Forestry Decree as the manager of customary forest which procedures to obtain such decree that recognised as the customary manager are complicated (Budi et al., 2012).

Furthermore, FPIC is fundamental and challenging at the same time (Howell and Bastiansen, 2015). It is a sign that local communities who lived in the affected area are involved in planning, implementation and benefit distribution meaningfully (Ibid). By reason that it is framed and highly influenced by western point of view, the process to acquire FPIC is uncommon, unattainable, or inconvenience for affected societies (Colchester and Ferrari, 2007). Besides that, the terminology used in dissemination and documents is peculiar to local communities, even if it is in Indonesian (Howell and Bastiansen, 2015). What is more, the description and marketization of REDD+ project to donors, policy makers, and other actors differ from the terminology that used to describe to local communities (Ibid). Withal, the uncertainty of future shape of REDD+ would make consent neither be truly informed nor free due to asymmetrical power relation (Ibid).

In practice, several prolonged disseminations were done to inform and consult local communities which are affected by REDD+ projects in Indonesia. Nonetheless, FPIC has never been taken seriously. They consider FPIC as another never ending hierarchical dissemination between affected villagers and local or central government (Ibid). Furthermore, attendance to dissemination which is mandatory conceded as consent in most cases over Cambodia and Laos (Marion Suiseeya, 2016).

In the end, people participation is a luxurious thing in REDD+ projects. Local people and indigenous people did the participation indirectly by electing their representatives through a democracy election. Moreover, according to Hobbes' theory of social contract, citizens have agreed to hand over their sovereignty to a person or council with the authority and power to carry out the contract, namely government (Hobbes and Macpherson, 1986). Therefore, the answer to the question 'who decides which people are recognised to have an interest in a particular ecosystem?' and 'how do people participate in decision making?' is the government which supposedly represent the affected people. Actually, indigenous people can participate in decision-making since they have self-determination and veto right that have been acknowledged internationally in UN Declaration on the Rights of Indigenous Peoples (hereinafter UNDRIP), albeit they are often misrecognized. In short, in order to involve in decision making, the participants should be recognised first.

## Recognition Justice

Another dimension of justice to be considered is recognition. Recognition relates directly to ecosystem service (Sikor and Câm, 2016). The third dimension, justice as recognition means to be involved in participation and gaining benefit from environmental management without having assimilation to the dominant culture (Martin et al., 2016). McQueen explained, according to Hegel, human freedom is based on recognition (McQueen, n.d.). Indigenous people rights are unique, they demand to be different (in the matters of the way of life, belief system, knowledge, thought, and value) yet not to be discriminated from other social, political, economic, and cultural rights. Consequently, misrecognition of cultural identity is one kind of human right violation as it has been acknowledged in the Universal Declaration of Human Rights (UDHR) since 1948, The International Covenant on Civil and Political Rights (ICCPR) since 1966, and the UNDRIP since 2007. Hegel further argued that misrecognition is a form of slavery due to the failure of recognition of other value by the dominant actors (Martin et al., 2016).

Apart from that, recognition injustice to the local community is inflicted by putting states at the centre of decision-making in REDD+ which leads to the legitimization over forest and recentralization (Phelps, Webb and Agrawal, 2010). Suiseeya classified threefold concerning this issue. Firstly, most forests in most REDD+ targeted countries are possessed by governments (Martin et al., 2016). Secondly, local societies whose nationality and/or regions have not been having formal state recognition may be excluded by the centralization of distribution of REDD+ benefits along with encouraging the continuation of subordination of marginalised group (Marion Suiseeya, 2016). Thirdly, indigenous people sometimes would rather demand to pursue self-determination and authority than recognise as the part of country's population (ibid).

For instance, forests in Indonesia are 100% owned by the government. It started in President Suharto and his allies' era which claimed 70% of Indonesia's forests as state-owned and utilised it for development (Astuti and McGregor, 2015). It even legalised in the Law No. 41 of 1999 on Forestry. Nevertheless, in 2013 Indonesia's Constitutional Court nullified some provisions in the Law No. 41 of 1999 that stated that customary forest belongs to the state (Anon, 2013). Some activists considered this award as a breakthrough towards indigenous people recognition. In fact, indigenous people and their rights have been recognised in article 18B of Indonesia Constitution. Moreover, customary forests now have been recognised and regulated explicitly in the Minister of Home Affairs Regulation No. 52 of 2014 on Indigenous People Recognition and Protection Guideline and the Minister of Forestry Regulation No. P.32/Menlhk-Setjen/2015 on Forest Rights. Recently, President Joko Widodo announced the recognition of nine customary forests in Indonesia (Jong, 2014; Parlina, 2016). This might be a green light of Indonesia's forest governance improvement in the future.

Although they have been recognised, it does not bring justice to them. The REDD+ project has neglected other forests' value by over-emphasising on conservation and carbon services (Marion Suiseeya, 2016). For example, just one year after the Constitutional Court recognised customary forests in 2013, four people of Semende Banding Agung Tribe in Bengkulu were sentenced to three years imprisonment and 1.5



billion Indonesian Rupiah worth of fine because of cultivating their customary's land (Satari et al., 2014; Anon, 2014). They did not know that their land was considered as national conservation forest by the government under the moratorium project in REDD+. This phenomenon occurs in many forest region in Indonesia, a recent case occurred in Papua, a man was arrested for illegal logging because of selling wood from his own land (Somba, 2016).

The difficult thing in recognition is to legalise customary forest, by reason of the unavailability of official customary land maps. In most cases, indigenous people draw their customary land map by hand and often leave diverse meaning (Johnston et al., 2014). Thus, benefits should be distributed by responsibilities not by rights, because indigenous people have their own knowledge to conserve their forest and actually the displacement of other value is unnecessary even if conserving forests for carbon services of forests hold universal value (Marion Suiseeya, 2016).

In addition to that, Savaresi admitted that FPIC principle is a precondition for planning and implementing REDD+, it gives governments, international organisations, and the private actors obligation to negotiate and collaborate with potentially affected (Savaresi, 2013). Unexpectedly, the UN safeguards do not mention anything about the obligation of international assistance (in this case the donor countries) to recognise and respect forested country's indigenous people rights even though they have implicit human rights obligation. Likewise, the agreement between Indonesia and Australia whereas the LoI between Indonesia and Norway mentioned indigenous people rights (Lang, 2009).

## **Conclusion**

As climate change issue is an extremely urgent and carbon emission should be reduced, immediate climate change mitigation plan is required. However, REDD+ is incompatible with the idea of a mitigation plan, GHG emission would not be decreased, if the states still do business as usual and monetize forests. In fact, REDD+ is a hasty and fragile project by the technocrats, it is not well-planned because the final form remains uncertain (Howell and Bastiansen, 2015). That does not make any sense when all nations agreed that climate change is a global issue, yet on one hand, they put the responsibility into one party and on the other hand another party expects to harvest profits (Anon, 2010). While it is true that forests conservation is the quickest way to reduce GHG emission, the responsible should be balanced to developed and developing countries. Moreover, public participation from forests people is necessary and recognising other values of the forest should be taken into account when devising mitigation. Therefore, it would not be a 'zero sum up game'.

The notion of forests conservation and emission reduction to encounter climate change in Indonesia is actually promising. Since Indonesia's forest is considered as one of the world's most extensive area (Budi et al., 2012). Moreover, Indonesia tropical forests and biodiversity is on the third rank behind Brazil and the Democratic Republic of Congo (FWI/GWF. 2002).

Nonetheless, REDD+ project which originally designed to be a mitigation plan did not bring any benefit in Indonesia for 10 years. Additionally, its drawbacks outweigh the advantages. As a matter of fact, REDD+ project highlighted unfair forest

management within its three dimensions in Indonesia. Furthermore, new problems arise from REDD+ implementation.

First, REDD+ in Indonesia is obvious injustice in distribution, both in the broader or narrow sense. In the broader sense, it put all the cost on the targeted country while the donor country harvest benefit. Whereas in the narrow sense, the incentives do not distribute evenly. Even more, it arises new problems, such as re-centralisation and elite capture.

Secondly, REDD+ projects which highly localised does not involve local people in decision making because of the application of social contract theory. The participation through FPIC which actually a good mechanism, strongly related to the third dimension of justice, recognition. The problem about FPIC is the norms is assigned by the developing country which made confusion to the targeted people considering they have their own knowledge and thought of forest conservation.

Lastly, by giving too much power to the central government, REDD+ failed to recognise its local people in the targeted areas (Bolin and Tassa, 2012). Additionally, recognition is hard to do because of the absent of customary land map. It also failed in recognising other forests value by focusing on conservation even though the customary forest has been recognised in Indonesia. Moreover, it causes disharmony between indigenous people by disputing land tenure to earn financial profits from the project. Overall, procedural and recognition injustice lead to human rights violation, such as discrimination and marginalisation.

It can be inferred that recognition justice is the ultimate justice dimension above all. This is mainly because of what Fraser concluded as interrelated justice (Fraser, 2000). If the affected people is not being recognised, they could not participate in decision making and if they could not participate, they could not get fair benefit distribution. I also noted that global justice (Sen, 2001) should be applied in climate change mitigation plan as it is a global issue.

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