

# WALHI Newsletter

Third Edition

October 2022



## Indonesia needs a Sustainable Solution to the climate crisis, not a False Solution!

After 40 years of experiencing massive exploitation in the forestry sector, the Indonesian government has started to make some corrections by continuing the moratorium on permits in primary forests, reviewing large concessions of extractive industries, and the distribution of forest and land to the people through the Social Forestry and Land for Agrarian Reform (tora) programs.

The renewed collaboration and MoU between Indonesia-Norway signed on 12 September 2022 was welcomed by WALHI. Norway commits to support the Government of Indonesia's FOLU (Forestry and Other Land Use) Net Sink 2030 Operational Plan, an ambitious plan to approve the carbon sinks in the forestry sector by reducing emissions from deforestation, forest degradation, and highly carbon-rich peatlands and increase the carbon absorption through the restoration of forests,

Fig 1. An aerial picture of Pari Island, Kepulaun Seribu, North Jakarta. As one of the smallest island of the world's biggest, the island is currently facing a threat of sinking due to climate crisis.



peatlands, and mangroves. This could make Indonesia a model in the reduction of emissions from forests and land use.

In order to make this plan be effective, Walhi sees five crucial strategies and conditionalities;

1. Reduce deforestation by revoking more permits for commercial concessions and a moratorium on new permits for oil palm plantations and mining;
2. Accelerate the recognition and protection of Community-based Area Management (WKR), in forest and coastal areas, as well as on small islands;
3. Support the community economy that thrives by maintaining and restoring forests, as well as management of environmental services;
4. Stop and restore the environmental degradation, stop all environmental crimes by enforcing the law;
5. Adopt a new Law on Climate Justice and revoke the regulations that become the source of environmental destruction in Indonesia;

The acceleration of the recognition of WKR-areas is a sustainable solution to the climate crisis. This is a necessary prerequisite for the GoI to achieve FOLU Net Sink because WKR restores the community's local economy and also contributes to the recovery of the ecosystem.

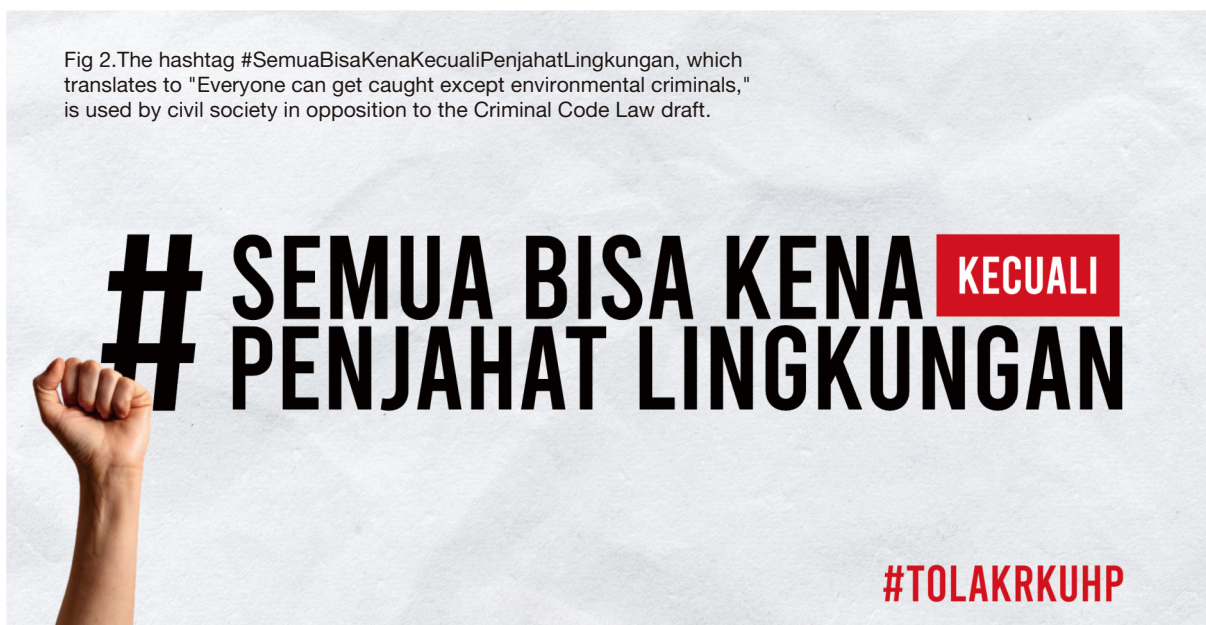
## The RKUHP (Criminal Code Bill) is a setback for environmental law enforcement and a threat to Indonesia's environmental protection efforts

The problematic Criminal Code Bill (RKUHP) was again discussed in parliament in recent sessions. CSOs have pointed at several regulations that are making the Bill a threat to environmental protection, such as provisions on environmental crimes, corporate criminal liability, and articles on civil liberties and democracy.

The current articulation of corporate responsibility will make it difficult to prove corporate crimes. Instead of regulating the legal status of corporate agents, the Bill exclusively targets individual vicarious liability, which has the potential to criminalize people. It is presumed that the adoption of vicarious liability, a situation in which one party is held partly responsible for the unlawful actions of a third party, is based on an inappropriate concept and assumption that vicarious liability in civil law can be applied to criminal law.

WALHI criticizes the Bill as it reflects the weakening of environmental law enforcement and contains many articles that threaten environmental fighters, making it difficult for people to demand excellent and healthy environmental conditions as mandated in the

Fig 2. The hashtag #SemuaBisaKenaKecualiPenjahatLingkungan, which translates to "Everyone can get caught except environmental criminals," is used by civil society in opposition to the Criminal Code Law draft.



1945 Constitution, and exacerbates conflicts over natural resources and expropriation of community-based area management in Indonesia. These articles are not only anti-democratic, they are prone to be misused to criminalize environmental activists. In 2021, WALHI documented 58 cases where people were criminalized for defending the environment. These articles can potentially hinder meaningful community participation in environmental protection, especially in the absence of minimum sanctions; and it provides relief and does not provide a deterrent effect for corporations.

## Young People in Java Call for Climate Justice and Intergenerational Justice

The climate crisis is one of four critical environmental issues that concerns young people in Indonesia, based on a survey of Indikator Politik and Indonesia Cerah in October 2021. The crisis has increased the incidence of climate disasters such as tropical cyclones, higher temperatures, sea level rise, floods and landslides. Young people realize that the climate crisis occurs due to the operations of extractive industries such as mining, monoculture plantations, and fossil fuel power plants. The forestry and energy sectors have massively contributed to GHG-emissions. Instead of pushing for climate solutions, the government offers various pseudo-climate solutions such as coal gasification, co-firing, to the massification of electric vehicle production, which triggers the expansion of nickel mining in multiple regions.

Young people realize that the climate crisis has adversely affected various vulnerable groups such as coastal communities, indigenous peoples, urban poor, women, the elderly, people with disabilities, and young people. Young people can see the socio-ecological crisis as a structural problem. This problem cannot be solved by simply

changing individual behavior but requires systematic changes in government policies and in corporate behavior.

Java is one of Indonesia's islands with the highest climate vulnerability and level of environmental damage. In July 2022, WALHI Java initiated the Java Youth Camp: Voice for Future. This forum gathered more than 300 young people from 6 provinces in Java to share their concerns, experiences, and knowledge in dealing with various threats of ecological crises. They came from multiple areas affected by the climate crisis and environmental conflicts, such as Wadas, Batu, Cirebon, Tambakrejo, and others. They face problems such as andesite mining, geothermal gas leaks, coal-fired power plants, land grabbing, etc.

The participants had the opportunity to share environmental problems in the region through the Learning Exchange Forum. Solidarity messages were exchanged and joint initiatives were planned. They addressed topics such as plastic pollution, water, and air pollution, climate crisis, ecological disaster, dirty energy, deprivation of living space, and ecological economy.

The Youth Camp closed with a demonstration at the offices of the Ministry of Youth and Sports and the Ministry of Environment and Forestry. The youngsters criticized state policies failing to address climate and intergenerational justice. Young demonstrations read a declaration with four key demands, namely, 1) Implementation of an ambitious climate action plan; 2) drafting policies based on democratic and participatory values; 3) shift to the use of clean energy that is fair and equitable, maintaining local wisdom and based on community needs; and 4) transforming the economy based on people's sovereignty.

## Fishing Concessions: new threat for small scale fishermen

The Indonesian government continues its policy of sea concessions, especially in the 718 Fishery Management Area (WPP), which includes the Arafuru Sea and the Timor Strait. Previously, the Ministry of Maritime Affairs and Fisheries had stated that 12 companies from four countries (China, Taiwan, Thailand, and Malaysia) would obtain a special permit scheme.

In the latest development, the Minister of Maritime Affairs and Fisheries has issued two regulations to legalize the use of two private ports, which will be part of the concessions: the Tual Port and Benjina Port both in Maluku.

WALHI considers these concessions as a form of climate crisis maladaptation. The IPCC defines a maladaptation as a policy that can cause an increase in climate risks and vulnerability to the climate crisis.

Commercial fishing will force thousands of small-scale fishermen in eastern Indonesia to compete with large vessels and will encourage the exploitation of fish resources which are overexploited at this point.

## Myriad conflicts amid the management of the Komodo National Park

Situated in the lesser Sunda islands straddling between West and East Nusa Tenggara provinces, Komodo National Park (KNP) is home to many endangered wildlife and the long-dwelled Ata Modo tribe. The park which was listed as a UNESCO world heritage site in 1991 and has amassed increasing visitors every year. In 1977, UNESCO also inscribed the park area as a biosphere reserve.

The three main goals of KNP as a biosphere reserve are the preservation of biodiversity, the improvement of people's economic welfare by developing a sustainable and equitable economy and preservation of the local culture. However, the poor management of KNP has resulted in myriad conflicts. For instance, the ongoing theft of deer and galaxy coral.

Since the GoI declared KNP as one of the “10 new Balis” it has geared up investments in Labuan Bajo and the park. KNP has granted permits to private companies, such as PT Sagara Komodo Lestari, PT Komodo Wildlife Ecosystem and PT Synergindo Niagatama and one state-owned enterprise PT Flabomor to manage the park.

The commercial objectes of the new KNP-management will undoubtedly eliminate communities' source of livelihood who rely on tourism and marine. The current zoning

Fig 3. In July 2022, the communities from Komodo Village, Komodo island, staged a protest in Loh Liang, Komodo Island. This protest was a response of the government's agenda to increase the entrance ticket to Komodo National Park.



system has already narrowed their living space. Another concern is the super-premium tourism scheme, this premium scheme aims to attract more high end tourists, together with other 'premium' features, such as souvenirs shops and restaurants, which only further displace local workers there. The protest against these developments is happening since 2018.

In July 2022, the local community was staging a series of protests in response to the price hike of the entrance fee to KNP, from 250.000 to Rp 3.750.000. The protest, which took place both on the mainland in Labuan Bajo and on Komodo island, called the government to revoke all the commercial permits in KNP. However, the government deployed excessive force against the protesters, leading to the arrest of more than 50 people.

During the 44th World Heritage Committee session in 2021, UNESCO issued recommendations related to the park's management, such as halting its ongoing development. However, the Indonesian government stated that the existing regulations did not harm the 'Outstanding Universal Values' of the Park. The reality shows something different: building a large tourism infrastructure creates a big ecological and social impact. The Komodo dragons' habitat is being disturbed as the animal is a solitary being and the ecosystem's natural cycle will be damaged. The savage atmosphere will become rowdy due to the ongoing development, causing potential soil and air pollution.

Let's remember, in April 2021, East Nusa Tenggara was severely hit by the Seroja cyclone, which destroyed homes and caused the destruction of infrastructure worth trillions in value. The disaster area was next to KNP and being small islands, they are bearing similar vulnerability to climate change. The government should prioritize mitigation and optimize conservation in KNP rather than encourage investments.

## Obi Island in North Maluku is under attack

Nickel mining in North Maluku has caused severe deforestation. In the last 15 years, the regency of Central Halmahera, has lost 16,000 hectares of land due to nickel mining concessions and 1000 ha of pristine forest area is destroyed yearly due to increasing demand for nickel. These mining activities have also caused extreme sea pollution due to the release of heavy metals. Local fishermen find it difficult to capture fish, a major source of income and are now getting more impoverished.

Obi Island in North Maluku, is an island of 2500 km<sup>2</sup> which is now infused with five mining concessions with a total of 10.769 ha. Kawasi Village, one of the oldest villages on Obi Island, lost its water sources due to nickel mining. The Toduku River, located just next to the villagers residences and used for basic needs such as drinking, bathing, washing, and playing, is now filled with nickel ore waste sediment. The inhabitants have to buy bottled water which makes life much more expensive for them.

## A Climate Case Against PT Holcim Filed by Pari Island Residents, Indonesia

There's growing awareness and concern about impact of the climate crisis which begins to threaten Pari Island, one of the Thousand Islands North of Jakarta. Four residents of Pari island are calling for climate justice and filed a legal case against the Swiss cement company Holcim in Switzerland. This case is based on the principle of Loss & Damage which is high on the agenda of many countries in the Global South at the UNFCCC-talks.

The plaintiffs argue that Holcim has a huge responsibility as a market leader in the cement industry, a sector which produces a high level of greenhouse gases. The Intergovernmental Panel on Climate Change (IPPC) recommends reducing overall emissions by 43 percent by 2030 to limit global warming to 1.5 degrees, as agreed within the Paris Climate Agreement. Holcim failed to set a reliable reduction target and is aiming for a “net zero”. Moreover, its cement production increased in 2021 with 7% compared to 2020.

Holcim's emission reduction plans actually fall far short of what is needed to achieve the goal of limiting global warming to 1.5 degrees. Therefore, this Swiss company not only bears the historical responsibility for the current climate crisis but also bears a share of the responsibility for global warming in the future and for the impacts that climate change will cause in the years and decades to come, including on Pari Island.



Fig 4. An sign of warning that it is associated with upcoming development on Pari Island. People who remove, take or destroy the sign will be charged for breaking the law.

Due to the real burden and impact faced by the people of Pari Island, these four representatives are demanding that Holcim takes its responsibility for the threat to the safety of the Pari Island inhabitants and pay for material damage due to rising sealevel. Furthermore, the residents also demand that Holcim reduces its emissions by 43% in 2030 and 69% in 2040. Holcim is also required to bear the costs of climate change mitigation actions needed on Pari Island. This includes mangrove planting and/ or flood defense.

You can sign the petition here: <https://callforclimatejustice.org/en/call/>

## CSOs are urging Japan to stop promoting false solutions like hydrogen, ammonia co-firing, and LNG

The Japanese government, one of the world's largest financiers of fossil fuels, was hosting Tokyo GX Week from September 26 to October 7. Prime Minister Fumio Kishida's administration promotes the so-called "GX (Green Transformation) strategy" to decarbonize society. The Japanese government claims it is essential to accelerate "transitions" utilizing a wide range of technologies and energy sources, taking into account the conditions of each country. The Japanese government is promoting investments into controversial energy sources, such as fossil hydrogen and ammonia domestically and also overseas.

It is important to note that most of the hydrogen and ammonia available today are produced by burning fossil fuels. Promoting co-firing hydrogen and ammonia in existing coal or gas-fired power plants is problematic as they have little effectiveness in



Fig 5. On September 28, 2022, activists staged a protest in front of Japanese Embassy in Jakarta, Indonesia. Activists are calling the Japanese government to stop #FalseSolution and begin to relating to decarbonation.

reducing GHG-emissions, some research even points out that emissions can increase. Furthermore, as the cost of renewable energy is going down, there is little sense in promoting such fuels. Contrary to what the government is saying, these technologies are delaying the transition and are prolonging the use of fossil fuels.

There should be a real debate on energy transition, with the IPCC's recommendations as a guideline. Governments should stop to accommodate the corporates' interests in fossil fuels. They are using the current climate crisis as an opportunity to increase corporate control over the energy market. Japanese investment in fossil fuels in Indonesia, such as the ammonia project at Suralaya Power Plant in Banten or the Masela LNG Project (with CCUS?) in Arafura Sea, are examples of 21st-century colonialism. Indonesia is currently experiencing an oversupply of electricity (up to 6.7 GW on the island of Java-Bali alone), which provides a huge opportunity to stop expansion of fossil energy and invest massively in renewable energy.

We protest against Japan's GX strategy that promotes false solutions and we demand the Japanese government to address the energy needs of communities based on strict social and ecological criteria.

## President Jokowi's speech does not reflect 100% Indonesian independence

President Joko Widodo's annual speech on August 17 to the members of parliament on the occasion of the 77th Independence Day left policies and efforts to restore the environment in the dark and didn't address the increasing ecological disasters.

There were three highlights related to Indonesia's so called inclusive, just, and sustainable development. First, industrialisation of the abundant natural resources. Second, rehabilitation, green industry, clean energy, and food production. Third, legal, social, political, and economical protection of the people. These three points were stitched together with cheerful narratives, but made clear there's a huge gap between DPR (People's Consultative Council) and the reality in the communities.

It became clear that the current government considers the environment as a source of exploitation. During his administration 11.7 million hectares of concessions were granted, mainly in the mining sector. This makes him the champion of all president who served the country.

The clean energy claims don't match with reality. Energy generation is still dependent on coal, and contributes up to 40% to our carbon emissions. The sector is rampant with corrupt practices and doesn't take the climate crisis seriously.

WALHI also objects against the claim that legal, social, political, and economic protection for the people is being strengthened. WALHI, together with many other CSOs, have documented criminalisation, harassment and even violence against numerous activists. For example, the protests against the Omnibus Law (Job Creation

Law) were the largest since reformasi, but they were met with repression and arrests. Our democratic space also narrowed due to the Electronic Information and Transactions law, the authorities have shown to have an allergy to criticism.

After 77 years of independence it is ironic that, of the 53 million ha of land ownership and concessions granted by the government, less than 5% was designated for the citizens and 94.8 percent for corporations. The question is, what future society do we want for our country?

## Protecting Mangroves from LNG Terminal Construction

WALHI Bali, WALHI National and local adat leaders from Bali met with the Directorate General of Natural Resources and Ecosystem Conservation in Jakarta to bring a clear message that the people in Bali are rejecting the planned construction of the Sidakarya LNG terminal. This terminal would destroy the high density mangrove area of the Ngurah Rai Forest Park (Tahura) and the coast of Sanur coast.

Close to the mangroves, there are also coral reefs that are still in a good condition. To allow ships entering the terminal, a channel has to be dredged with a depth of 15 meters and a width of 145 meters, while the distance to the coral reef ecosystem is less than 500 meters. The coral reef map of Bali indicates that the dredging location is in an indicative coral reef area of 5.2 ha, and should be protected from waves. The Sanur coastline is also the habitat of 400 traditional fishing families living in Intaran Village. It is crucial to protect the Sanur coastline from massive destruction as it would deprive those families from their daily income.

In a first reaction, the governor of Bali promised to oppose the project, but Walhi insisted to get a formal statement, as they experienced many times that officials changed their position on controversial projects.



Fig 6. Local communities and indigenous peoples in Bali are taking the street to demand the cancellation of LNG Terminal development that destroy the living space of the people and mangrove ecosystem.