

Indonesian and Climate Change

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Abstract

This article will describe about how the Indonesian government's efforts to follow and to prevent harmful impact of climate change. Indonesia itself has actively participated in various international joint efforts against climate change. One significant movement is following the REDD+ mechanism. Indonesia itself internally facing two problems, namely the implementation of REDD+; tangled regulations and jurisdictions also issue regarding rights of indigenous peoples. Even Indonesia have to provide guidance to the rule of law, it was felt that the existing rules still allow to implement the REDD scheme. It also found that the positive practices of the displacement of indigenous people with using named PRISAI (Prinsip, Kriteria, Indikator Safeguards) form. It is expected that this form will be followed by practice in the areas in Indonesia.

I. Introduction

Indonesia as one of the countries classified as developed countries, does not cease to carry out development with a view to the prosperity of its citizens. However, with the various cases that arise regarding the inevitability "clash" between development and destruction of forests, it is very important for the Indonesian government and also for other countries to return their attention to the issue of global warming and climate change.

Based on that, each of countries is focusing to reduce the deforestation and forest degradation on their own neighborhood. Active role by reducing the emission in each of countries will help and might be (to limit the massive destruction caused by emission).

Efforts in collaborate and contribute in environmental degradation delivered not only by countries, moreover also being delivered by the UNFCCC. In UNFCCC, countries had been ordered to minimize the rate of climate change; countries must to stabilize their greenhouse gases (GHG).

The UNFCCC had brought the intense discussion to countries by using the Conference of the Parties (COP) mechanism. One of the pivotal stages in COP meetings it was the 13 COP when they created the Reduced Emissions from Deforestation and Degradation (REDD) agreement, which addressed countries participant's efforts for preserving their forest and will get financial support for it.

On this writing we will see how Indonesian government focusing on handling issues of climate change and forest governance.

This writing depicting how is Indonesian government enforcing the Reduced Emissions from Deforestation and Degradation plus' (REDD+).² In order to reduce deforestation that comes out from Global Greenhouse (GHG).³

Being birthed by UNFCCC⁴ in the Thirteenth Conference of the Parties⁵ (COP 13) in Bali and continues

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² The initial program of Reducing emissions from deforestation and forest degradation (REDD) is the term used to describe national policies and project activities that preserve existing forests and prevent the release of emissions, which result from deforestation and forest degradation. On the COP 11-2005, they emphasized document agenda on item 6 about how countries to take a stimulate actions in deforestation problems.

The COP 13 (being held in Bali-2007 also well-known as Bali Action Plan), became a tremendous important stage of REDD discussion, where the countries pursuing of REDD next. The elaboration of the REDD must align with sustainable management of forests, conservation of forest carbon stocks and enhancement of forest carbon stocks. This also inspired the REDD become as REDD+ with three phases approaches.

³ Based on the Human Development Report released by the United Nations Development Programme (UNDP) in 2008, Indonesia was placed as the country ranked 14th for carbon emitter in the world. The size of the amount of emissions in a country of course also affected area and population of the country. Thus, if emissions are taken into account is the amount of emissions per unit area or per capita population of Indonesia is not including the large emitters.

The IPCC also stated that countries such as Brazil thought to be contributing sufficiently high emission, respectively 2,563 and 1,372 MtCO₂e. The third rank emitters is the agricultural sector, with a total of 2,912 MtCO₂e emissions are dominated by the Chinese state, followed by Brazil and India.

While carbon emissions originating from waste are estimated at 635 MtCO₂e were mostly from the United States, China and India. Total carbon emissions produced by the four sectors accounted for approximately 20 645 MtCO₂e.

⁴ The objective of the UNFCCC is to stabilize concentrations of greenhouse gases (GHG) anthropogenic to avoid 'antropogonik dangerous threat to the climate system. Controlled gas is methane, nitrogen oxides, and carbon dioxide. The ultimate goal of this convention is to achieve stabilization of greenhouse gas concentrations in the atmosphere at a certain level that avoids dangerous anthropogenic threat to the climate system.

⁵ Institutions that support the UNFCCC negotiation process under the umbrella of the UNFCCC is the Conference of Parties (CoP), the Conference of the Parties is the supreme body, or who has the ultimate authority to make decisions at once is an

continues discussed in Copenhagen (COP 15), Cancun (COP 16), Durban (COP 17), Doha (COP 18), Warsaw (COP 19), REDD¹ growing as an agreement that addressed countries participants efforts for preserving their forest and giving financial support for it.²

In COP 16 countries comply with standard of application due to the REDD mechanism. The countries participants must to set up basic standards regarding with:³

1. National strategy or action plan
2. National forest reference emission level and/or reference level (combination of sub-national forest reference emissions levels and/or forest reference levels)
3. Robust and transparent national forest monitoring system for monitoring and reporting on activities with, if appropriate, subnational monitoring and reporting as an interim measure
4. System for providing information on how the REDD+ safeguards are being addressed and respected (Decision 1/CP, 16, Article 71).

In addition, countries also being requested for mapping the causing of deforestation and forest degradation land tenure and forest governance issues, gender considerations⁴ and the REDD+ safeguards, ensuring the full and effective participation of relevant stakeholders include indigenous people and local communities.

This article will be addressed for parts of how is Indonesian implementation for REDD+ preparedness and the impact of REDD+ to the local communities.

II. Discussion

A. Indonesian regulations: Indonesia scheme

Indonesia as a tropical country and have a large of forest being one of the REDD participant, in addition Indonesia has involve with UNFCCC and Kyoto Protocol for environmental protection. In the detailed above we will see the issued regulations by Indonesian:

- a. Indonesia had created Forestry Ministerial regulation Number P.68/Ministry of Forestry II/2008. This Regulation basically control the procedure for application and approval of REDD demonstration

association of the parties to ratify the convention. CoP is responsible for maintaining the consistency of international efforts in achieving the main objectives of the convention. Thus the CoP has the opportunity to review the effect of the action taken by the parties in relation to the achievement of the objectives of the Convention. CoP was held annually, except in certain circumstances if the other party wants. Venue CoP is based on bids submitted by prospective host. If there is no bid, automatically CoP will be held at the UNFCCC secretariat in Bonn, Germany. In the Climate Change Convention, there are 2 large blocks consisting of developed countries (developed or Industrialized countries) and developing countries (developing countries). Both of these groups is the group of countries which have voting rights in the convention. In addition, there are also non-governmental organizations (non-governmental organization) and international institutions (international organization) which do not have voting rights in any closed meeting of convention, but can make the process of interaction with each country individually and collectively through opportunities in outside the formal events (side events or special events).

² The UN REDD stated that “deforestation and forest degradation, through agricultural expansion, conversion to pastureland, infrastructure development, destructive logging, fires etc., account for nearly 20% of global greenhouse gas emissions, more than the entire global transportation sector and second only to the energy sector. It is now clear that in order to constrain the impacts of climate change within limits that society will reasonably be able to tolerate, the global average temperatures must be stabilized within two degrees Celsius. This will be practically impossible to achieve without reducing emissions from the forest sector, in addition to other mitigation actions. Furthermore, Reducing Emissions from Deforestation and Forest Degradation (REDD) is an effort to create a financial value for the carbon stored in forests, offering incentives for developing countries to reduce emissions from forested lands and invest in low-carbon paths to sustainable development. "REDD+" goes beyond deforestation and forest degradation, and includes the role of conservation, sustainable management of forests and enhancement of forest carbon stocks. “ See <http://www.un-redd.org/aboutredd>

³ Simon Butt, Rosemary Lyster and Tim Stephens, *Climate Change and Forest Governance Lessons from Indonesia*, Routledge, 2015.

⁴The UN Permanent Forum on Indigenous Issues (UNPFII), released in February 2015, reporting feasibility shortcomings from REDD+ programs:

- a. Violation of customary land rights
- b. Increased political marginalization
- c. Denial of the right to participate in financial benefits from the program
- d. Inability to participate effectively due to lack of information
- e. Exploitative carbon contracts
- f. Money directed to fraudulent participants
- g. Decreased local food production, loss of livelihood, and threats to food security
- h. Increased tension between indigenous groups and the government

See <http://undesadspd.org/IndigenousPeoples/UNPFIIISessions.aspx>.

- activities, as well, to evaluate and monitoring the methodology, technology and institutional REDD+.
- b. The second regulation is Minister of Forestry Republic of Indonesia Number: P.30 / Menhut-II / 2009 about Procedures for Reducing Emissions From Deforestation and Forest Degradation (REDD). This Regulation set up procedures for the implementation of REDD, including the requirements that must be met, verification and certification, as well as the rights and obligations of REDD.
 - c. Minister of Forestry Republic of Indonesia Number: P. 36 / Menhut-II / 2009 as the third regulation covering Procedures for Licensing of The Use of Absorption and / or Carbon Storage In Production Forests And Forest Protected. This Regulation set up a business license REDD through carbon sequestration and storage, in hence also set the financial balance, the procedures for the imposition, collection, remittance and use of state revenue from REDD.
 - d. President of the Republic of Indonesia Regulation Number 61 Of 2011 about National Action Plan For Greenhouse Gas Emission Reduction.
 - e. President of the Republic of Indonesia Regulation Number 71 of 2011 about Operation of the National Greenhouse Gas Inventory.

B. Indonesia Implementation: Key concerns about the implementation on REDD+

B. 1. Tangled regulations and jurisdictions

Indonesia participating¹ in national appropriate mitigation actions (NAMA's) under the Cancun Agreement contained in national policy framework and action on climate change. To advance and promote the effort nationally, the Indonesian government enacted the Presidential Regulation No. 61 – the National Action Plan for GHG emission reduction (Rencana Aksi Nasional Penurunan Emisi Gas Rumah Kaca, henceforth to be mention as RAN-GRK) on September 20, 2011.

After the launch of the National Action Plan for Greenhouse Gas Emission Reduction as outlined in the Presidential Decree No. 61/2011, the status of the progress of the implementation of this policy should be seen, where some of the activities covered by the RAN-GRK include sectors such as energy, forestry, transportation (transportation), industrial and trash.

Accordance with NAMAs, Indonesia RAN-GRK concludes the participation from national through local or district or region in Indonesia is important. Guidelines for Implementation of the Action Plan for Greenhouse Gas Emission Reduction This is a general guideline for the Ministry / Agency, local government (provincial, district and city) in implementing the RAN / RAD-GRK. The division of tasks will be carried out in accordance with the mandate of Presidential Decree no. 61/2011.

One of the requirements that are important in the implementation of RAN-GRK is the application in the local level (RAD-GRK) is Article 6, paragraphs 3 and 4.²

Minister of National Development Planning / Head of BAPPENAS duty: receiving documents RAD- GHG set by the Governor Regulation no later than twelve (12) months after the issuance of Presidential Regulation No. 61/2011.

Furthermore, the emission reduction target area that assigned by governor regulation will be the target of local area and also (the bottom) local government institution that hold government affairs.

In the context of the preparation of the institution at the regional level, it is necessary to understand the impact on the preparation of regional organizations, as stated in Article 12 Paragraph 2 of Regulation No. 38/2007 concerning Division of Government Affairs. Meanwhile, the governance provisions regarding the preparation of regional organizations need to be done within the framework set out in Regulation No. 41/2007 on regional organization.

Since the RAN-GRK established, there are 33 provinces that joined with it. Most of the province submitted in the end of 2012 and the rest of them in 2013 (Papua, West Papua and South Kalimantan).³

The late response due to complex regulation and overlapping between jurisdictions also is the weakness impetus of REDD+ application. This is not the only concern that exists, implementation problems at the local level is also being debated. The local interest as describe and being regulate by the regional autonomy, had delivered local government in deciding their development in region. By having the RAD-GRK REDD had

¹ On the environment pillar, Indonesia has voluntarily committed itself to reducing green house gas emissions to mitigate global warming and manage climate change. Indonesia has established related regulations, institutions, and enacted several policy documents to make climate change mitigation actions available. Nationally Appropriate Mitigation Actions (NAMAs) introduced in the Bali Action Plan are expected to be the main vehicle for mitigation actions in Indonesia.

² Ministry of National Development Planning / National Development Planning Agency, *Guidelines for Implementation of the Action Plan for Greenhouse Gas Emission Reduction*, 2011, see http://ranradgrk.bappenas.go.id/rangrk/images/documents/Buku_Pedoman_Pelaksanaan_Rencana_Aksi_Penurunan_Emisi_GRK_Bahasa.pdf

³ Ministry of National Development Planning / BAPPENA, *Portrait of the Action Plan for Greenhouse Gas Emission Reduction (RAD-GRK)*, S, page 20, see http://ranradgrk.bappenas.go.id/rangrk/images/documents/Buku_Potret_RAD_GRK_Bahasa.pdf.

influenced them with the portion of forest that initially for development of their region.

Another problems are aspects of tenure is caused by several factors, among others:

1. The problems that come from governments and agencies
 - a) Forest governance is still problematic; forest boundaries are unclear in the field as a result of the strengthening of the forest area that has not been completed yet.
 - b) Unclear Interpretation of the State right in control rule the earth, water and natural resources contained therein.
 - c) Status and forest boundaries still unclear
 - d) Lack of formal recognition of indigenous peoples' rights
 - e) Ineffective and ego-sectorial coordination
 - f) The rampant corruption in the issuance of permits (KP, HGU, IUPHHK, etc.)
 - g) Dominance of political interests
 - h) Low performance of bureaucratic
2. Obstacle for the community:
 - Limited access to public participation
 - Lack of conflict resolution mechanisms for cases of agrarian and natural resource management

On January 21, 2015 President Jokowi signed Presidential Regulation No. 16/2015 which integrated the BP REDD+ along with the National Council on Climate Change (DNPI)¹ are integrated² into the Ministry of Environment and Forestry. The simplification and streamlining of departments by Jokowi is an effort to improve and coordinate activities related to forestry and the environment. Hopefully the merging of two agencies will bring Ministry of Environment and Forestry more transparent and accountable.

B. 2. Ignoring the rights of indigenous peoples: Relocation and land taking

Indonesia government³ has a more complex situation in establishing the REDD+. The problem are overlapping jurisdiction, dismantling of authorization (especially in the previous stage, Indonesia has their own agency for REDD handling), there is no adequate FPIC⁴ in addressing the interest of all stakeholders particularly for the

¹ At Yudhoyono president time, the establishment of a new agency (temporary or ad hoc) institution was a common strategy and made matters more complex. Criticizes for the ad hoc institution came because of some of ministries being taking out of their authority.

² Delivery of the duties and functions BP-REDD + and DNPI contained in Article 59. Furthermore, in Chapter VIII Final Provisions, Article 63 paragraph c and d, the President revoked PerPes number 62/2013 of the Management Board Decrease Greenhouse Gas Emissions From Deforestation, Forest Degradation and Land peat and Presidential Regulation No. 46 Year 2008 on the National Council on Climate Change has been revoked.

³ Indonesia's REDD+ National Strategy is a 40-page document prepared by the Indonesian REDD+ Task Force and published in June 2012. It has the long-term goal of ensuring that Indonesia's forests become a net carbon sink by 2030. The medium term goal is to achieve the 26-41% reduction in the country's emissions over projected business as usual levels by 2020. The short-term goal (2012-2014) is to improve institutions, governance, spatial plans, and the investment climate to fulfill Indonesia's commitment to reduce greenhouse gas emissions while maintaining economic growth.

⁴ Under the 'Stakeholder Participation' section, there are several paragraphs under on implementing FPIC principles. The section sets out seven principles for implementing FPIC as follows:

- a. The application of this protocol involves consultation with the relevant indigenous peoples, local communities, and other members of the public affected by the implementation of REDD+ programs/projects/activities;
- b. Consultation is carried out without force, intimidation, manipulation, or pressure in any form to seek the consent of indigenous peoples and local communities who are potentially affected by REDD+ programs/projects/ activities;
- c. Effective and fully participative consultation involves indigenous and local communities in every step and process that affects them either directly or indirectly. The participation of indigenous peoples can be done through their traditional authorities, or through representative organizations selected on the basis of traditional systems adhered to by the given indigenous community.
- d. Consultation aims to achieve broad consensus or the specific agreement of the indigenous and local communities potentially affected. There are various forms of agreement: tentative agreement, temporary agreement, partial agreement, agreement with specific stipulations, agreement with other options, and full agreement; all of which are decided upon by the concerned public through legal mechanisms, indigenous law practices, or local traditions and habits;
- e. Consultation is based on complete, balanced, honest, unbiased, and easily understood information concerning the alternatives and choices existing for the public within the implementation of REDD+ activities, along with the consequences of each alternative choice. This information is meant to create leeway for broad consensus, with all parties having access to existing opportunities;
- f. Consultation with the public must be done within an adequate frame of time before permits are legalized or activities commenced, and must be done respectfully with adherence to all stipulations and time considerations required within the consultation process;
- g. The FPIC consultation process is the beginning of ongoing or regular communication between members of the community and the would-be implementers of REDD+ activities. There must be agreement on the manner of public

indigenous people.¹ One of the key concern points that Simon and others had seen, is how the involute situation between the center of government and local government in reading and applying the REDD+ (in this book the writers call it as horizontal and vertical jurisdiction iceberg). The indigenous people issues also rise in Indonesian REDD+ enforcement.

There is pro and contra regarding REDD+ for local people. From the positive side of REDD+, they tend to think that REDD+ could opening the opportunity for compensation, which is not only coming from the logging and sale of non-timber forest, but also through efforts to maintain the existence of the stand or plants in the woods in the future, communities also can still continue to use the services of the forest environment, food, raw materials and medicines, in addition to add their new revenues from sustainable forest management. The use of timber and non-timber forest products in a country will depend on the country's national policy on REDD+. Besides additional financial benefits, REDD+ can also be used to clarify land ownership, provides an alternative to the use of trees (in addition to utilize timber and non-timber forest conventional), establishing an effort to obtain proper approval and management mechanisms of the complaints (claims), as well as improve the system forest governance at local level.

Several of countries had being examined the existing of REDD, as result, the "arrangement" of country for REDD had breached the protection of law. In contrast, the negative views come that REDD+ had erased the indigenous people right.² Some cases such as land rights (including the right of use / utilization and ownership), indigenous peoples' rights, issues related to procedural matters, issues related to the inequality of the distribution of compensation, as well as issues related to the ethics of the compensation imposed on stake holders who engage in activities that do not environmentally friendly, moral and cultural issues related to the use of the ecosystem as commodity.³

Due to this, REDD change its framework with safeguards and negotiated under the auspices of the UNFCCC attempt to address it. The fields of governance; establishing baselines and national reference levels; monitoring, reporting of forest-dependent local communities, and the conservation of biodiversity.

One of interesting element in REDD+ safeguard⁴ is the using of Free Prior Inform Consent (FPIC) especially with indigenous people. Indonesian government with UKP4 / SATGAS REDD+ safeguards cooperation initiating a new approach. The safeguards framework drawn up taking into accounts the achievement of the standard safeguards that exist, relying on the national and international legal frameworks and processed with the included input from various stakeholders.

Safeguards framework that was developed was named PRISAI (Prinsip, Kriteria, Indikator Safeguards): Principles, Criteria, Indicators Safeguards Indonesia abbreviated by PRISAI.

PRISAI⁵ has been tested at several locations in Indonesia, one in district of West Kutai in East

consultations, its protocols and mechanisms, including those for complaints and conflict resolution relating to each stage of REDD+ activities.

¹ The 'Conflict Resolution' heading in a section on the Moratorium, there are more commitments on human rights. The steps to be taken on conflict resolution are:

- a. Involve local communities in all processes, from planning to implementation and evaluation, throughout the new permit moratorium period;
- b. Formulate alternative models for natural resource related conflict resolution based on the fulfillment of human rights as stipulated in international human rights conventions and national legal instruments that have adopted human rights principles;
- c. Effectively take advantage of every opportunity to resolve conflicts through the application of local customs and practices, along with establishing a conflict resolution team with representatives from various sectors and independent parties;
- d. Formulate regulations that require non-government institutions (including Forest Management Units run by State-Owned Enterprises) to formulate standard operational procedures, which incorporate principles of inclusiveness through FPIC and other human rights standards.

² The indication of no recognition for indigenous peoples, where no formal and informal engagement in planning and decision-making related to the natural resources in their traditional territories. It also shows the connection is less respect for social and environmental aspects in REDD +. For indigenous communities, they are maintaining the traditional rituals using sustainable nature (see some of the local wisdom of the indigenous peoples do not allow logging or harvesting of marine excessive or that could damage the ecosystem). In addition, it is necessary to enter. Attention to gender perspectives in the Strategy, must be included in REDD+, especially about paradigms and changing work of culture.

See *Dokumen Strategi Daerah Sulawesi Tengah*, Provinsi Sulawesi Tengah bekerjasama dengan Direktorat Jendral Planologi Kementerian Kehutanan dan UN-REDD Programme Indonesia, 2012, page 28.

³ Climate Change Monitoring and Information Networking (CCMIN), *Indigenous communities set to mark out their territory*, see on http://ccmin.aippnet.org/index.php?option=com_content&view=category&id=28&Itemid=158.

⁴ Safeguards become an important part of the implementation of REDD + not only as a supplement in an incentive but also become an integral part in the planning, implementation and evaluation.

⁵ Laurens Bakker, *Permasalahan Kehutanan di Indonesia dan Kaitannya dengan Perubahan Iklim Serta REDD+*, see <http://www.satgasreddplus.org/download/120306.siaran.pers.PRISAI.pdf>.

Kalimantan province, where this district is one of the work sites of WWF Indonesia Program, to determine the extent of PRISAI can be implemented in a region.

The objectives of PRISAI are:

1. Prevent the implementation of REDD + social risks and an environment that can injure the spirit of REDD + as a potential mechanism to save the environment and human
2. Encourage the establishment of a policy change in natural resources, particularly forest and peat lands that realizes the principles and practices of good governance, the principles of human rights and democratic spirit. PRISAI prepared taking into account the experiences of various standard that existing national and international legal frameworks as well as through the participatory and consultative process involving various stakeholders (government, business, NGOs, communities, financial institutions, developers)

Even though Indonesia has had regulations on environmental impact assessment (EIA), the Strategic Environmental Assessment (SEA) and Timber Legality Verification System (SVLK) and FPIC (translated as PRISAI in Indonesia), however, it is important to incorporate other elements for completing the ideal of protection in Indonesia regulations.

For improvement and fulfillment of regulation regarding with REDD +, I pointed out the urgency for creating the Human rights impact assessment (HRIA)¹ into the implementation of REDD+. The key important that being delivered by HRIA that will connect the issues that the affected communities in the area of REDD + targets.

With inserting obligation in keeping and maintaining the indigenous people participation (based on UNDRIP principles), and need of protection for vulnerable groups such as women, children (gender), and also the culture of participation, will be easily obtained by inserting it in the element HRIA and will easily to be synchronized with the national strategy of Indonesian REDD +.

III. Conclusion

Book on Climate Change and Forest Governance: Lessons from Indonesia has provided an interesting review based on the real condition of Indonesia for the implementation of REDD.

In my reviews, I personally consider that Indonesia was trying to put on and adjust their climate change policies, with preparing some changes. One of the highlights is the implementation of PRISAI (read it as Indonesian FPIC) implementation that derived from civil society groups and communities or indigenous peoples around and or groups that are in the area of natural resources, for taking into account the existence of the community in the implementing preparation of REDD +, as well as the advantages to them.

Even though there has been a changes in the original concept of REDD to REDD + by inserting new formula and protection, like safeguard policy, but the UN should emphasis the government to ensure the goals of REDD + is to maintain and save the forest. This is important, because some of the experiences of countries seen that in application of REDD + they tends to see it as an additional financial income (in terms of carbon trading) rather than protection and environmental sustainability.

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Link source:

<http://www.un-redd.org/aboutredd>

<http://undesadspd.org/IndigenousPeoples/UNPFIIISessions.aspx>.

¹BirkahLatif, *Mining in Indonesia: A Business and Human Rights Approach*, LLM paper, University of Washington, 2014.