

Contents

<i>Table of legislation</i>	viii
<i>Table of cases</i>	xxiii
<i>List of abbreviations</i>	xxvi
<i>Glossary</i>	xxix
<i>Preface</i>	xxxiii
1 Introduction	1
<i>Key concerns about the implementation of REDD+</i>	2
<i>Public or private funding for REDD+?</i>	6
<i>Conclusion</i>	15
2 The international legal framework for REDD+	17
<i>The Bali Action Plan</i>	17
<i>Outcomes of the UNFCCC negotiations since 2009: a focus on REDD+</i>	19
<i>Global average temperatures</i>	20
<i>Extending the life of the Kyoto Protocol</i>	20
<i>Developing country commitments</i>	21
<i>Developing a new legally binding protocol, instrument or outcome</i>	22
<i>The financial mechanism</i>	23
<i>Reducing Emissions from Deforestation and Degradation (REDD+)</i>	23
<i>Ensuring legitimacy</i>	35
<i>The Rights of Indigenous People</i>	37
<i>Conclusion</i>	42
3 Indonesia and international climate law and policy	45
<i>Indonesia's greenhouse gas emissions profile</i>	46
<i>Indonesia and the UNFCCC and Kyoto Protocol</i>	46
4 The institutional environment for REDD+ in Indonesia	56
<i>From integralism to fragmentation</i>	56
<i>Decentralisation and jurisdictional conflicts</i>	59

vi	<i>Contents</i>	
	<i>The Supreme Court</i>	60
	<i>The Constitutional Court</i>	62
	<i>Corruption</i>	63
	<i>Customary law, participation, consent</i>	67
	<i>Prior informed consent and public participation</i>	70
	<i>Transparency and accountability</i>	73
	<i>Conclusion</i>	74
5	Implementing international law in Indonesian law	78
	<i>Indonesia and international law</i>	78
	<i>Indonesian legal scholarship</i>	80
	<i>Indonesian judicial treatment of international law</i>	82
	<i>Conclusion</i>	86
6	National regulatory framework for REDD+ in Indonesia	89
	<i>The Forestry Law (1999)</i>	89
	<i>REDD-related laws issued by the President of Indonesia</i>	92
	<i>REDD+-related laws issued by the Forestry Ministry</i>	94
7	Jurisdictional conflicts and REDD+	101
	<i>National-regional jurisdictional conflict</i>	102
	<i>National-level conflict</i>	108
	<i>Rules of the game for resolving jurisdictional disputes – the hierarchy of laws</i>	109
	<i>Bureaucratic review</i>	111
	<i>Judicial review by the Supreme Court</i>	113
	<i>Conclusion: implications for REDD+</i>	117
8	Judicial and administrative relief and remedies	120
	<i>Overview of the Indonesian judicial system and standing</i>	120
	<i>Remedies</i>	128
	<i>Obstacles to judicial relief</i>	130
	<i>The Ombudsman</i>	135
	<i>Freedom of information</i>	136
	<i>The 2008 FOI Law</i>	136
	<i>Implementation problems</i>	142
	<i>Information Commission decisions</i>	142
	<i>Potential problems</i>	143
	<i>Conclusion</i>	145
9	The Indonesian Constitutional Court and REDD+	150
	<i>The Constitutional Court: jurisdiction, precedent and decision making</i>	151
	<i>Maintaining State control</i>	153
	<i>Upholding traditional rights</i>	160

	<i>Contents</i>	vii
	<i>Empowering local governments</i>	167
	<i>Conclusion</i>	171
10	Conclusion	173
	<i>Index</i>	178