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Revisiting the Path towards Environmental Justice in Indonesia: Devils in the Details?

Authors: Annisa D. Amalia[1], Nurul Isnaeni[2], Ardian Alhadath[3]

Summary[4]

The growing concern over environmental degradation and its impacts on future generations has forced global actors to put forward the principles of environmental justice. However, even though the principles have been mainstreamed and adopted in various policies at all levels, the practices remain flawed. In addition to questions over the state's political will, capacity and development mindset, forms of resistance from local society also serve as the key practical barrier to realizing the principles of environmental justice. To address these challenges, a system of good governance, which is based on not only the inclusive dialogue but also consensus among stakeholders, must be effectively maintained in order to break the walls impeding the realization of 'environmental justice'.

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[1] *Lecturer, Department of International Relations, Universitas Indonesia*
[2] *Senior Lecturer, Department of International Relations, Universitas Indonesia*
[3] *Senior Consultant, ERM Indonesia, Timika*

The Pursuit for Environmental Justice

The 1994's UNDP human development report explicitly acknowledges environmental degradation as one of global 'silent crisis' affecting people's lives and posits environment as one among seven essential components of human security agenda. Beforehand, the term 'environmental justice' has been introduced in the early 1980s to emphasize the need to ensure equal protection of all people from environmental hazards as the ecological ecosystem are essential to support people' sources of livelihood. It gives birth to principles of distributive justice, equal participation, respect for differences, state's responsibility and sustainability. However, the term itself is considered vague that it allows space for contestation regarding its implementation. When the environmental justice is adopted into various policies on security and development, the stakeholders often interpret it differently based on their own needs and interests. If environmental justice means protecting all communities from environmental harms based on a just treatment, 'how much protection' and 'how equal' are enough, and according to whom? The state, private actors, society, and interest groups act as layers of actors benefitting differently, as well as bearing varying degree of responsibility of fulfilling the principles. Moreover, the principles are very wide-ranging and ambitious that they might end up in achieving nothing; adding complicatedness within our pursuit for 'environmental justice'.

Beyond the Virtue of the Environmental Justice

The principles of 'environmental justice' have been continuously mainstreamed in a number of policy documents in various levels – international, national, local. The idea, which also closely link to a social movement for the "fair" distribution of environmental benefits and burdens, influences development agendas, highlighting the primary concern on sustainability. The concept of sustainability, introduced in 1987's Bruntland Commission report, attempts to force economic-focused development projects to be more ecologically responsible. However, drawing upon some cases in Indonesia, significant challenges of the principles lie in the practices.

Two of the potential flaws of the implementation are identified here. First, economic development often clashes with the needs and the interests of the indigenous peoples living in the local sites, including with their beliefs and traditions about nature. Development might enable social and economic mobility in them, yet practices like land use change continue to incite conflicts with and among them. For instance, Marind community in rural Merauke, Papua, has protested the oil palm plantation in their lands which was implemented without obtaining prior informed consent and community's participation. As a result, their forest landscapes and food system have been significantly changed. This conversion of lands does not only create new kind of hunger among local community who have been traditionally relied on the forestry ecosystem, but also the loss of place where they have shared traditional law for generations. This practice was against Article 11 of the UN Declaration on the Rights of Indigenous Peoples which stipulates the right of the peoples to practice and revitalize their cultural traditions and customs. This adds to the list of violations committed by Indonesia towards indigenous peoples'

[customary rights](#) through their violent and abusive approaches in dealing with land disputes and exploitation between industries and local communities.

Second, even that the society enjoys the outcome of development projects in their region, it remains a problem whether the increasing income and wealth are equally distributed to all effected by the development. In many rural societies, class-based conflicts over a just distribution of goods have already occurred even before industries step in. The arrival of private actors in only exacerbate this problem, whereby development projects are considered to be [co-opted by ruling elites](#) – often represented by traditional leaders taking control of lands, who are allocated a larger share of business's revenues by state authorities and companies. The current example in Indonesia is the approval of the controversial [revised Mining Law](#) by the House of Representatives, which is believed to be driven by and benefit mining oligarchs and political elites by the centralization of permit issuance and wealth distribution, and further disadvantages local communities through [the expansion of deforestation and mining reserves](#); leaving their surrounding environment susceptible to degradation and disasters. As the implementation of the law violates Article 33 of Indonesia's constitution which pledges to safeguard equal welfare of all people, it spurs criticism about the development approach which seems to serve capitalism' thirsts.

This intertwining relations between government and private actors which puts people' interests behind is reflected in the 'bad' governance mechanism. The sustainable industrial development highly depends on the willingness and capability of authorities to translate their policies into actions. However, in many places, the decentralized autonomy which is given to address the issue of bureaucracy ineffectiveness often opens up vast chances for corrupt practices, among many other issues related to justice and rule of law. For example, despite the global standard for extractive industrial governance is already formulated in the Extractive Industries Transparency Initiatives (EITI), corruption cases still haunt the path towards sustainable mining operations in Papua, allowing ['environmental mafias'](#) to rule and exploit resources.

Realizing the Promise of Good Governance: Building Consensus

Extending upon the issue of governance above, the fulfilment of environmental justice principles lies not only on the state and private actors, but also on the involvement of other stakeholders: local community, academia, and interest groups. The two cases discussed above reflect that often the development agenda is hindered by devils in the details: weak capability of the government to comprehensively manage empirical challenges in the field and its complicity in acts of capitalizing industrialisation. However, looking beneath the surface, conflicting interests within the society also become a key issue requiring a strategic solution.

The close relation between state and businesses to maximize their interests often ends up compromising the interest of society. However, we should understand that society is not unitary. The accomplishment of the environmental justice principles is often hindered by the fact that different ethnic/cultural groups in different regions holds their own distinct norms, values, perceptions, and interests about environmental protection. In the pursuit of Indonesia's

[geothermal dream](#), as one primary source of renewable energy in the country, for instance, resistance was demonstrated by some units of the locals who fear that the project will destruct their forests, water sources, and sacred sites – resulting in the [suspension](#) of some projects., while supported by other groups. Despite being a national strategic project, government and private actors' effort to negotiate with 'champions' from the local community had failed due to differing standpoints among the community itself. Therefore, with this form of resistance 'from below', state's intervening efforts to create frameworks, such as [safeguard policies](#), [indigenous development plan](#) and [prior informed consent](#), to ensure the protection of local customary rights in development projects design and operations, might have become less effective.

Managing this empirical gap certainly requires a holistic approach involving all stakeholders. They do not only include government, private actors and local community, but also academia, civil society and other interest groups, to actively participate in a governance system, making sure that concepts, policies and practices are well integrated. Beside the resistance from society, formulating workable policies from abstract theories and concepts is another challenge. Intellectuals across geographical and disciplinary borders have continuously studied, debated, and advanced the vast array of theoretical perspectives; giving birth to core concepts such as [ecological economics](#), [anthropocentrism](#), political ecology, ecological justice, steady-state economies, etc., yet the translation into public policies remain questionable.

However, ensuring the inclusive participation from all relevant stakeholders in the attempt to create and maintain a good governance system is insufficient. Although the commitment to ensure [the responsive, inclusive, participatory and representative decision making at all levels](#) in the practice of good governance has been internationally recognized, problems arising in the empirical level seem to be too tough to tame. The issue of 'resistance from below' as mentioned above emphasizes the need to optimize another element of good governance, that is to increase the [quality of participation](#) so that political, social and economic development is formulated based on consensus among the stakeholders, particularly representing the voices of the excluded, marginalised, poorest and vulnerable people. Furthermore, this means that diverse voices on 'environmental justice' are not only heard and adopted in public policies but are also particularly managed to navigate sensitivities and build a common understanding among society on how we should advance an agenda that truly benefits all people. While the role of government to develop such a governance is essential, it is worth noting that the role of academia would be integral to maintain 'neutrality' and 'objectivity' to bridge conflicting interests, since authoritarian interventions from government and business actors often incite assumption that the society is being 'dictated' by external powers and that their interests are being compromised.

Conclusion: Breaking the Illusion

The road to pursue environmental justice is rough. The greatest challenge seems to linger on the different perception on the significance of the idea itself. Here, we have observed how the attempt to mainstream principles of environmental justice agenda in development policies have encountered a range of practical problems. Beneath the surface of policy documents, the failure to translate policies into practices on one hand can be seen as the result of the lack of

commitment and capability of state and business actors, and also in the development paradigm directed by capitalism, on the other hand. However, it is also revealed that various forms of resistance due to conflicting interests among society themselves also serve as stumbling blocks, making 'environmental justice' a mere illusion. To address this, a system of good governance should be maintained to ensure that the quality participation does not only result in respecting diverging views among stakeholders but also achieving consensus about the future we all aspire to have. ***