

REVIEW OF REGULATORY FRAMEWORK

STRENGTHENING INSTITUTIONAL GOVERNANCE OF REGIONAL CLIMATE FINANCE¹



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Review of Regulatory Framework: Strengthening Institutional Governance of Regional Climate Finance¹

Executive Summary

This research aims to identify and analyze the regulations of the Jambi Provincial Government related to the Governance of Climate Finance in Jambi Province. The data analysis method used is descriptive analysis for qualitative data. Secondary data was sourced from regional regulatory documents of the Jambi Provincial Government and relevant regulations. Primary data was obtained from the opinions or perceptions of stakeholders, including government, community, and academic elements. Juridically, from the regulations reviewed, the Jambi Provincial Government still faces challenges in effective regional climate finance governance, including minimal transparency and public involvement, resulting in unachieved accountability.

The resulting recommendations urge the Central Government and the Jambi Provincial Government to issue robust regulations as a framework for integrated climate finance governance, ensuring meaningful participation, transparency, and accountability. Strengthening regulations should not only focus on the juridical aspect but also on the substance of good governance in line with accountability standards in climate finance management.

Based on the needs and conditions in Jambi Province, we offer various institutional schemes and regional climate finance governance models. Institutional changes can include the development of institutions with alternative options, each having its own advantages and disadvantages, tailored to the region's modalities and challenges. The alternative institutional forms include the Regional Technical Implementation Unit (UPTD), which can be developed into the Regional Public Service Agency Financial Management Pattern (PPK-BLUD) and elevated to a Regional Public Service Agency, or the establishment of a Joint Secretariat. For governance, it can adopt best practices from global initiatives such as the governance of the Sustainable Development Goals (SDGs), the Extractive Industries Transparency Initiative (EITI), the Open Government Partnership (OGP), and best practices in Local OGP institutions in Indonesia.

It is crucial for the Jambi Provincial Government to develop a Roadmap for Institutional Forms and Governance of Climate Finance Management in Jambi. This roadmap will serve as a compass for Jambi to prepare the necessary infrastructure, facilities, and stages to establish a robust, effective, and accountable climate finance institution.

¹ Open Climate Change Financing in Indonesia (OCFI). This consortium comprises the Indonesia Budget Center (IBC), Indonesia Governance Insight (IGI), and Perkumpulan Media Lintas Komunitas (Medialink), focusing on the governance of climate change finance in Indonesia.

CHAPTER I

INTRODUCTION

A. Background

The Province of Jambi has received foreign grant-supported programs for climate change mitigation, such as the "Berbak Carbon Initiative Project: A REDD Preparation in Berbak Ecosystem," supported by the Zoological Society of London, MoF (PHKA-Berbak National Park), and the Darwin Initiative with a budget of £498,892. Another program is the DANIDA Support to Harapan Rain Forest (DSHRF), supported by the Nordic Consulting Group (NCG) from Norway, Sweden, and Uganda with a budget of 239,200 DKK. Additionally, the Market Transformation for Renewable Energy and Energy Efficiency program, supported by UNDP, GEF, Baznas, and Bank Jambi, had a budget of \$631,357, and the Community Forest Ecosystem Services Indonesia (CFES Indonesia) program was supported by FFI.

From 2022 to the present, the Jambi Provincial Government has received further foreign grant support through the Biocarbon Fund Initiative for Sustainable Forest Landscapes (BioCF-ISFL) program, with funding of \$1.5 million in the preparation stage and \$13.5 million in the pre-investment stage. This BioCF-ISFL initiative is a multilateral fund supported by donor governments and managed by the World Bank. Its primary goal is to promote the reduction of greenhouse gas emissions from the land sector, deforestation, and forest degradation in developing countries (REDD+), sustainable agriculture, and smarter land use planning, policies, and practices.

Along with the substantial foreign grant support for climate change mitigation in Indonesia, and specifically in the Province of Jambi, there are unique challenges and obstacles in terms of governance. Moreover, the intervention areas of climate change mitigation programs are within some of the most corrupt sectors, such as construction, forestry, and energy. The United Nations estimates that each year, USD 20-40 billion, equivalent to 20-40% of official development assistance, is stolen through high-level corruption and hidden abroad (TI, 2019).

In 2019, UNDP's public report found the misuse of millions of dollars of GEF project funds in Russia. The claims focused on a \$7.8 million project from 2010 to 2017 aimed at adapting Russia's energy efficiency standards to reduce GHGs in the European Union. During the project, seven different whistleblowers made corruption allegations. The main whistleblower claimed that UNDP's Moscow office had weak anti-fraud measures and that Russian officials responsible for project procurement routinely embezzled funds and corruptly awarded contracts to relatives and associates, and hired unqualified staff (TI, 2022).

Therefore, in managing climate change funds in Indonesia and specifically in the Province, potential occurrences may also arise. Hence, to prevent indications of corruption and strengthen good governance in the implementation of climate change mitigation in Jambi Province, it is necessary to apply principles of good governance in program execution.

Another challenge relates to the institutional structure managing climate change funds, currently held by the BioCF Secretariat in Jambi. Along the way, there are still many obstacles and challenges, particularly concerning the authority to manage funding that must align with the budget cycles of the State Budget (APBN) and Regional Budget (APBD). Meanwhile, some funding sources originate from abroad, which do not adhere to the APBN/APBD cycles.

B. Scope of Study

This research is conducted with the following scope:

- a. Collecting local and national regulations related to the institutional framework and governance of climate finance in Jambi Province;
- b. Analyzing regulations pertinent to the institutional framework and governance of climate finance in Jambi Province;
- c. Formulating recommendations for policy development in the institutional framework and governance of climate finance in Jambi Province, focusing on local regulations (regulations).

C. Purpose and Objectives

The purpose of this regulatory study is to identify and analyze regulations at the provincial and national levels concerning the institutional framework and governance of climate finance in Jambi Province.

The objectives are:

- a. To identify legal instruments at the provincial and national levels related to the institutional framework and governance of climate finance in Jambi Province.
- b. To analyze these regulations.
- c. To provide recommendations for policy-making related to regulations aimed at strengthening the institutional framework and governance of climate finance in Jambi Province.

D. Expected Outcomes

From this study, the expected outcomes are as follows:

- a. Identification of legal instruments at the provincial and national levels related to the institutional framework and governance of climate finance in Jambi Province.
- b. Formulation of recommendations for policy-making on regulations related to strengthening the institutional framework and governance of climate finance in Jambi Province.

Methodology of the Study

1. Methodology

The data analysis method employed in this study is descriptive analysis to analyze qualitative data. The data used in this research pertains to stakeholders' perceptions regarding regulations and best practices across various regions related to climate finance governance. Secondary data consists of local regulation documents issued by the Jambi Provincial Government since the management of climate funds in the region began. Other related data includes practices of climate finance governance in several countries.

2. Analysis Units

The primary unit of analysis in this study is the regulations related to the institutional framework and governance of climate finance in the regions issued by the Jambi Provincial Government. The timeframe for these regulations spans from the initiation of climate change fund management in Jambi Province.

3. Data Collection Method

This study requires both secondary and primary data. Secondary data includes Jambi Provincial regulations, documents from the Climate Finance Governance Research in Jambi (OCFI, 2024), reports, and documents from various relevant sources pertinent to the research subject. Meanwhile, primary data to be gathered includes opinions/perceptions from stakeholders related to this research, encompassing government entities (Jambi Provincial Government, and Central Government – BPD LH, Ministry of Finance, Ministry of Environment and Forestry, Bappenas, Ministry of Home Affairs), NGOs, indigenous communities, journalists, and academics.

4. Operational Variables and Measurement

The regulations referenced in this study encompass those governing climate finance governance in Jambi Province, defined as regulations containing provisions on Environmental Protection and Management; Formation of Legislation; Local Governance; Environmental Economic Instruments; Implementation of Carbon Economic Values to Achieve Nationally Determined Contributions and Greenhouse Gas Emission Control in National Development; Acceleration of Renewable Energy Development for Electricity Provision. At the regional level (Jambi Province), regulations include those pertaining to the Green Economic Growth Plan of Jambi Province and the Medium-Term Regional Development Plan of Jambi Province for 2021-2026.

5. Technical Analysis

- a. Document coding of national and regional regulations;
- b. Focus Group Discussions (FGD) involving multiple stakeholders;
- c. Analysis of regulations based on several criteria concerning institutional framework and governance of climate finance at the regional level; and
- d. Recommendations.

CHAPTER II

THEORETICAL STUDY

This study is based on the theory of the modern rule of law state (democratic rule of law), which combines the concepts of the rule of law (*rechtsstaat*) and the welfare state.

Without law, democracy can develop in a misguided direction, as law can be unilaterally interpreted by rulers in the name of democracy. Therefore, the concept of democracy based on law or constitutional democracy/constitutional state has evolved. Conversely, democracy without law would lead astray. Thus, the principle of "*demokratische rechtsstaat*" must be developed, which requires that the rule of law be implemented according to jointly agreed democratic procedures. Both must proceed hand in hand without compromising each other. "Constitutional democracy" and "*demokratische rechtsstaat*" are two sides of the same coin. A rule of law state must be democratic, and a democratic state must be based on law².

According to Mahfud MD, democracy is a political system closely intertwined with law. Democracy without law cannot thrive and may lead to anarchy. Conversely, law without a democratic political system would only result in elitist and repressive laws³.

As a country prone to disasters, Indonesia is situated within the Pacific Ring of Fire, an area highly vulnerable to volcanic eruptions and earthquakes. It is also a maritime nation with extensive seas, an agrarian country, and a nation with numerous small islands susceptible to the impacts of global climate change. Currently, our forests and oceans are experiencing severe ecosystem degradation. There is no alternative but to strengthen not only as a democracy and a state governed by law (nomocracy) but also as an ecocracy. Ecocracy is a governance system based on principles of sustainable development with an environmental perspective (ecologically sustainable development, ESD). ESD is not merely an environmental bias feared by the business world and narrow-minded government administrators, but rather an orientation towards development paradigms that consistently emphasize the importance of economic growth pillars, social development (especially for vulnerable and marginalized communities), and ecosystem support capacity protection. ESD requires a touch of good governance, often termed good (ecologically) sustainable development governance. Good governance significantly influences the effectiveness of sustainable development implementation. Its ineffectiveness negatively impacts the realization of environmentally focused sustainable development.

² Mas Achmad Santosa, *Alam pun Butuh Hukum dan Keadilan*, Prima Pustaka, Jakarta, 2016, p. 15

³ Moh. Mahfud M.D., *Hukum dan Pilar-pilar Demokrasi*, Gama Media Offset, Yogyakarta, 1999, p. 1

Local governments exist as both Local State Governments and Local Self-Governments. Local State Government is established due to the administration of all state governance affairs that cannot be independently managed by the central government. Meanwhile, Local Self-Government within Indonesia's local government system must operate within the framework of the national government system. In managing its own household affairs, local governments have the initiative and authority to implement their own policies. Apart from being assigned specific tasks by the central government, they may also undertake delegated governmental tasks (medebewind) to participate in the enforcement of legislation, not only those stipulated by the central government but also those determined by the local government managing its own higher-level household affairs⁴.

A. The Role of Government in Addressing Climate Change

The role of the government in addressing climate change is crucial. Besides acting as an extension of the central government, local governments serve as frontline agents in tackling regional issues. Therefore, they must intervene directly for the public interest.

The regime of regional autonomy has provided local governments with flexibility to innovate in enhancing public services, including addressing environmental concerns. In this regard, the constitution must serve as a guide, specifically:

1. The 1945 Constitution

Referring to Article 18 paragraphs (6) and (7), it directs local government administration to accelerate community welfare through improved services, empowerment, and citizen participation. It also emphasizes regional competitiveness while adhering to principles of democracy, equality, justice, and regional uniqueness within the Unitary State of the Republic of Indonesia⁵.

2. Law Number 25 of 2004 on National Development Planning (SPPN)

This law grants local governments the authority to independently regulate regional development planning. However, such autonomous planning must align with central government guidelines, as reiterated in Article 5, emphasizing that Regional Medium-Term Development Plans (RPJMD) must consider Regional Spatial Plans (RPJP) and National Medium-Term Development Plans (RPJMN).

3. Law Number 32 of 2009 on Environmental Protection and Management

⁴ Sarundjang, Arus Balik Kekuasaan Pusat ke Daerah, 3rd edition, Pustaka Sinar Harapan, Jakarta, 2002. p. 77

⁵ Ani Sri Rahayu, Pengantar Pemerintahan Daerah Kajian Teori, Hukum, dan Aplikasinya, Sinar Grafika, Malang, 2017, p. 1

Article 1 Clause 10 defines Strategic Environmental Assessment (KLHS) as a systematic, comprehensive, and participatory analysis to ensure sustainable development principles are integrated into regional development policies, plans, and programs.

4. Law Number 23 of 2014 on Regional Governments

In its second part concerning Regional Development Planning, Article 263 mandates that the formulation of RPJMD (Regional Medium-Term Development Plans) must be based on RPJPD (Regional Spatial Plans) and RPJMN (National Medium-Term Development Plans). Articles 264, 269, and 271 outline processes for evaluating RPJMD at the provincial and district/city levels, which include assessing compliance with RPJMN or provincial RPJMD.

This law has been amended twice: first by Law Number 2 of 2014 and second by Law Number 9 of 2015. These amendments restructured and expanded local government authorities. Given that the impacts of climate change are predominantly felt at the local level, active involvement of local governments is essential in implementing climate-resilient development actions.

B. Local Regulations

Local regulations, as instruments for governing specific matters, primarily aim to address economic, social, and administrative objectives. Economic regulations establish frameworks for economic actors, companies, and markets, such as promoting fair competition and limiting monopolies. Social regulations formulate standards for health, safety, environmental protection, and their implementation mechanisms, such as environmental protection measures. Meanwhile, administrative regulations pertain to governmental formalities and administration, often referred to as "read tape," such as company registration and various licenses⁶.

In the guideline for regulatory simplification, to address inefficient and ineffective regulations, the government has implemented regulatory reform programs aimed at enhancing regulatory quality and eliminating unnecessary regulations. This reform includes deregulation, re-regulation, and better quality regulation. Deregulation involves abolishing unnecessary regulations or revising inefficient ones. In contrast, re-regulation means rebuilding the entire regulatory framework and its institutions. Better quality regulation focuses on improving the process of designing regulations and managing reforms.

the Provincial Government of Jambi references local regulations in climate fund management, namely⁷:

⁶ Ibid p. 6

⁷ The Ministry of National Development Planning/Bappenas, "Buku 2 Kelembagaan Ketahanan Iklim", 2021. p. 15

1. Provincial Regulation of Jambi Province Number 6 of 2009 concerning the Long-Term Development Plan of Jambi Province for 2025-2025.
2. Provincial Regulation of Jambi Province Number 11 of 2021 concerning the Medium-Term Development Plan of Jambi Province for 2021-2026.
3. Provincial Regulation of Jambi Province Number 4 of 2023 concerning the Green Economic Growth Plan of Jambi Province.

Derived from the above regulations, Jambi has issued numerous technical regulations such as Governor's Regulations, Governor's Decisions, and Governor's Letters.

CHAPTER III

EXISTING GOVERNANCE OF CLIMATE CHANGE FUNDS IN JAMBI PROVINCE

A. The Climate Change Fund Management Landscape in Jambi

The Provincial Government of Jambi is committed to addressing climate change, as evidenced by its policy declaration on "Low Carbon Prosperity" in collaboration with the National Climate Change Council (DNPI) to develop low-carbon growth strategies in the province. The Provincial Government of Jambi established the Jambi REDD+ Regional Commission (Komda) through Governor's Decree No. 386/Kep.Gub/EkBang&SDA/2011. In 2012, this commission drafted the Strategic Plan and Action Plan for the Jambi Province REDD+ (SRAP) to support the "Pro Cipta Carbon Jambi 2030" policy.

In continuation of these commitments, the Provincial Government of Jambi issued Regional Regulation No. 36/2012 concerning the Regional Action Plan for Greenhouse Gas Emission Reduction (RAD-GRK). Other policies issued by the Provincial Government of Jambi for climate change mitigation include documents such as the Medium-Term Development Plan (RPJMD) incorporating climate change mitigation issues as regional development priorities, LHPS documents, and green economic growth. From 2020 onwards, Jambi has been implementing the BioCarbon Fund plus-Initiative for Sustainable Forest Landscape (Bio-CF ISFL) program.

Funding for climate change mitigation in Jambi comes from foreign grants and regional budget allocations (APBD). Foreign grant-supported programs in Jambi include: (1) "Berkak to The Future: Harnessing Carbon to Conserve Biodiversity" with a budget of £498,892; (2) "Danida Support to Harapan Rain Forest (DSHRF) – Jambi & South Sumatra" with a budget of 239,200.00 DKK; (3) "Community Forest Ecosystem Services Indonesia (CFES Indonesia) – Jambi, West Kalimantan & West Nusa Tenggara"; and (4) "Market Transformation for Renewable Energy and Energy Efficiency" with a budget of \$631,357.

Meanwhile, from the APBD, Jambi allocated Rp628 billion for climate change over 4 years (2019-2022), averaging Rp157 billion annually, which constitutes 3.4% of the total APBD for Jambi Province each year. This budget allocation is distributed across three areas: adaptation amounting to Rp501 billion, mitigation amounting to Rp95 billion, and cross-cutting fields amounting to Rp31 billion.

To ensure good governance principles within the scope of the Jambi Provincial Government, the Governor has enacted a Governor's Regulation on Corruption Prevention and Eradication and Anti-Corruption Education. Moreover, within the BioCF ISFL Jambi program,

good governance practices are mandated through grant agreements such as Grant Agreement No. PPH-1/MK.7/DTK.03/BIOCF/2021, Article 4(3) stating that the Provincial Government of Jambi is obligated to apply principles of good governance, and Article 9(1) stating that the receipt of Grant Funds by the Provincial Government of Jambi shall be managed and implemented in a transparent and accountable manner.

In terms of budgeting mechanisms, the allocation and implementation of the BioCF ISFL program's grant disbursement during the pre-investment phase heavily rely on the fiscal capacity of the region. This tends to burden the regional finances and affect budgetary support for other priority programs within the regional apparatus implementing the BioCF ISFL program. From a planning perspective, this mechanism also tends to limit public engagement in proposing programs and activities related to climate change mitigation, as these have been predefined by the Executing Agency (Director of Climate Change Mitigation, Directorate General of PPI, Ministry of Environment and Forestry) and the World Bank.

Meanwhile, according to the Open Climate Finance in Indonesia (OCFI) research on "Climate Change Fund Management in Jambi," it was found that the Jambi Government has not maximally provided meaningful public engagement. The involvement of minority groups (GESI) in the implementation of the BioCF ISFL program's pre-investment phase remains limited to information provision and consultation, without reaching the level of decision-making to influence climate change mitigation activities in the beneficiary areas of the program.

B. The Contribution of the Provincial Government of Jambi in Climate Change Management

OCFI has found that Jambi Province is characterized by a tropical climate rich in natural resources and biodiversity but also vulnerable to climate change. Climate change phenomena that may occur include temperature increases, changes in rainfall intensity and periods, shifts in rainy and dry seasons, and rising sea levels. Based on environmental capacity analysis, the highest climate regulation capabilities in Jambi Province are found in 6 districts or cities: Kerinci District, Sungai Penuh City, Bungo District, Merangin District, Sarolangun District, Tebo District, and West Tanjab District.

These climate regulation capabilities are attributed to conservation forests in these areas such as the Kerinci Seblat National Park, Bukit Hulu Landai Protected Forest in Merangin, Bukit Tinjanu Limun Protected Forest in Sarolangun, and Bukit Tiga Puluh National Park in Tebo and West Tanjung Jabung.

According to observations by the Meteorology, Climatology, and Geophysics Agency (BMKG), climate projections for most parts of Jambi from 2020 to 2049 indicate the following changes:

- a. Average annual temperature increase by 1.10°C to 1.20°C, with some areas bordering South Sumatra Province experiencing up to 1.20°C.

- b. Increase in dry days by approximately 10% to 15%, with coastal areas bordering South Sumatra Province (parts of Muaro Jambi District and East Tanjung Jabung District) experiencing an increase of 15% to 20% in dry days.
- c. Intensification of rainfall during the rainy season by up to 1 mm in some parts of Jambi Province (areas bordering South Sumatra Province and the eastern coast of Sumatra), while other areas (central to the border with Riau Province) may experience a decrease in rainfall intensity by up to 1 mm.

In 2023, climate monitoring at the Muaro Jambi Climatology Station recorded an average air temperature of 28.3 degrees Celsius and humidity of 78.5%. Rainfall recorded at the Jambi Climatology Station was 3,265.6 mm. Meanwhile, the number of rainy days observed in 2022 was 174 days, with an average daily sunshine of 64.6%. The minimum temperature was 22.6 degrees Celsius, higher than the 2022 temperature of 21.4 degrees Celsius. The maximum temperature was 35.3 degrees Celsius. Air pressure averaged 1,009.4 mb, ranging from 1,007.6 mb to 1,010.6 mb.

Regarding emissions, based on the Strategic Environmental Assessment (KLHS) in the energy sector of Jambi Province, emissions contributors during 2011-2017 were predominantly from industrial activities (33%), transportation (26%), and energy (energy supply and utilization) at 13%. Meanwhile, greenhouse gas emissions from the waste sector in 2020 amounted to 8,066.94 tons of CO₂e (1.41%). This figure is significantly lower than the greenhouse gas emissions reduction in 2018, which totaled 10,000 tons of CO₂e (1.75%). The percentage decrease in GHG emissions in 2020 was only 80.57% compared to 2019. Factors influencing GHG emission levels include domestic or industrial waste generation and the limited implementation of environmental management systems by companies.

In response to various climate change issues, in alignment with Presidential Regulation No. 61 of 2011 on the National Action Plan for Greenhouse Gas Emission Reduction, Jambi issued Governor Regulation No. 36 of 2012 concerning the Regional Action Plan for Greenhouse Gas Emissions as part of the government's commitment to reducing carbon emissions in Jambi Province. The National Climate Change Council (DNPI) in 2010 stated that Jambi Province was a significant carbon emitter in Indonesia until 2030. Jambi's annual carbon emissions in 2005 were estimated at 57 MtCO₂e¹—equivalent to approximately 3% of Indonesia's total emissions. Peatlands and Land Use and Land Use Change Forest (LULUCF) have been the largest contributors to Jambi Province's emissions, representing 85% of the province's total emissions. Without changes in the management of high-emission sectors, Jambi's net emissions are projected to increase by 30% between 2005 and 2030, from 57 MtCO₂e to 74 MtCO₂e.

Mitigation measures to reduce carbon emissions by the Provincial Government of Jambi are targeted at 38.218 MtCO₂eq. This reduction is aimed at achieving a 48 percent reduction from peatland conservation management and 38 percent from the LULUCF sector. Furthermore, the largest opportunities for carbon emission reductions are pursued through:

(1) preventing forest and peatland fires; (2) reducing deforestation through effective land use, issuing land allocation policies prioritizing agricultural productivity; (3) rehabilitating unused or degraded peatlands; (4) sustainable forest management; and (5) conducting reforestation.

Subsequently, Jambi Province has enacted a provincial strategy for emission reduction (Strategic Plan and Action Plan for the Province/SRAP), derived from the National Action Plan for Greenhouse Gas Emission Reduction (STRANAS). Additionally, Jambi has received support for several REDD+ initiatives such as the Berbak Carbon Initiative Project, Danish International Development Agency (DANIDA) Support for Harapan Rainforest, Community Forest Ecosystem Services Indonesia, and UNDP Cadastral which have exposed Jambi to REDD+ initiatives. Previous interventions have provided the province with conditions conducive to documentation and learning about REDD+ initiatives. As a consequence of earlier work, Jambi Province is regarded as a strategic platform for continuing and enhancing REDD+.

Policy analysis indicates that REDD+ implementation would be more effective if targeted at small-scale, scattered activities that increase carbon stocks. This aligns with strategies targeting small farmers in the plantation sector. High opportunity costs may deter large companies from financing REDD+, necessitating mechanisms that offset high opportunity costs for the forestry and plantation sectors through benefit systems to attract purchases from private enterprises. Small farmers and private enterprises are identified as stakeholders in the Jambi Sub-National REDD+ PDO proposal.

The Emission Reduction Program Document (ERPD) design for Emission Reduction (ER) states its goal of improving sustainable landscape management to reduce greenhouse gas emissions in Jambi. Specifically, ERPD will promote fair and low-carbon development by addressing emission triggers, deforestation, and land degradation, particularly through strengthening policies and institutions and implementing sustainable land management approaches under the full management and budget of the central and provincial governments. ERPD achievements will be measured through the following indicators: a) Area of land under sustainable forest management and/or restoration practices (ha); b) Reduction in GHG emissions in Jambi (MtCO₂e); and c) Number of people reached with benefits (assets and/or services) (percentage of women).

ERPD and its activities have been designed to address identified gaps and successfully scale across Jambi to maximize available Project funding through Jambi Sustainable Landscape Management Project (J-SLMP). As part of this process, the Government of Indonesia, including central and provincial governments, conducted an analysis of activities to support ERPD. Specifically, activities are prioritized based on five criteria: 1) Expected impact on emission reduction; 2) Geographic priority considering Jambi landscapes (including spatial planning approaches); 3) Livelihood impact for communities and small farmers; 4) Complementarity and ability to leverage other programs and initiatives being implemented by governments, WHO, development partners, communities, and private sectors; and 5)

Unique value provided by the World Bank Group on sustainable land use, particularly related to governance, policies, and regulations.

The policy of the Provincial Government of Jambi for addressing climate change has actually been in place since the COP-15 meeting in Copenhagen. Following this meeting, the central government, along with sub-national governments, held meetings to support achieving national emission reduction targets. These meetings produced a joint policy between the Government of Jambi Province and the National Council on Climate Change (DNPI) to declare the "Low Carbon Prosperity" policy in Jambi funded by the Agence Française de Développement (AFD), the Climate Works Foundation, the Government of Norway, and the Packard Foundation in developing low-carbon growth strategies in Jambi Province.

This policy focuses on efforts to find innovative solutions to jointly solve problems and develop new innovative measures to address climate change while promoting community welfare and preserving biodiversity with sustainable low-emission economic growth. Furthermore, to strengthen policy support, the provincial government established the Regional Commission (Komda) for REDD+ JAMBI through Governor's Decree No. 386/Kep.Gub/EkBang& SDA/2011 regarding the REDD+ provincial commission of Jambi Province.

This organization is open and multi-stakeholder-based, representing entities within the scope of the Jambi Provincial Government and conservation institutions. Its mission is to initiate, prepare, and advance low-carbon welfare development in Jambi Province through the application of REDD+ schemes (reducing emissions from deforestation and forest degradation). KOMDA REDD+ JAMBI is headquartered in Kota Jambi with jurisdiction covering the entire administrative area of Jambi Province.

To fulfill these commitments in supporting efforts to reduce greenhouse gas emissions (GHG) originating from land use, forestry, and peatlands sectors, the government has once again drafted the Strategy and Action Plan for the Province (SRAP) Reduction Emission from Deforestation and Degradation (REDD+) of Jambi Province as part of preparing a series of strategies and action plans to realize the "Low Carbon Welfare Program of Jambi Forest Carbon 2012-2030," abbreviated as "PRO CIPTA KARBON JAMBI 2030." This action plan was established through Governor's Decree No.352/Kep.Gub/Setda.EkBang&sda-4.2/2013 on the province's REDD+ strategy and action plan (reducing emissions from deforestation and forest degradation plus) for Jambi Province from 2012 to 2032.

SRAP REDD+ Jambi serves as a guide in preparing and fully implementing REDD+ activities, compiling funding proposals, evaluating the achievement of REDD+ implementation targets, providing guidelines for stakeholders involved in preparing and fully implementing REDD+ activities, and providing technical considerations and references for regional policy on land use, forest areas, and peatlands utilization permits and regulations. The program's implementation focuses on efforts to reduce emissions from deforestation and forest degradation originating from the forestry, land use change, and peatlands sectors.

This policy is implemented through three approach steps, which include: first, providing factual assessments of current GHG emissions and potential future scenarios for the province; second, outlining potential actions to reduce emissions, the relative volumes of each mitigation step, and an indication of the costs (achievements) of each action; and third, explaining new growth sources that will provide long-term sustainable livelihoods for local residents, namely lower carbon-emitting livelihood sources compared to current livelihoods and reducing pressure on the province's original capabilities.

On the other hand, to further strengthen climate change policy implementation, the Provincial Government of Jambi issued Governor Regulation No. 36 of 2012 concerning the Regional Action Plan for Greenhouse Gas (RAD-GRK) Emissions Reduction in Jambi Province, which serves as a reference for regional organizations to plan, implement, monitor, and evaluate the reduction actions of GHG emissions. It provides general guidance and implementation directions for GHG reduction for districts and cities, and serves as a reference for communities and businesses in planning and implementing GHG emission reduction through five critical sectors considered potential emission sources: forestry, agriculture, industry, energy, and waste management.

The primary focus of the established regional greenhouse gas action plan prioritizes economic development with the main target of reducing carbon emissions in each sector without altering existing development programs/policies. The paradigm used in low-carbon development is sustainable development based on cross-sectoral and cross-governmental approaches, prioritizing climate change mitigation policies and activities in regional development planning.

In terms of regional development planning, the climate change management policy in Jambi Province has been established as the 8th development priority, focusing on "improving environmental quality and sustainability and managing climate change mitigation." The implementation of these priority programs is carried out through several key programs: (1) Adoption of best practices in natural resource management; (2) Conservation area management protection; (3) Land use with environmentally friendly technology; (4) Development of green open spaces; (5) Strengthening KARHUTLA institutions. This is in accordance with the mandate of Regional Regulation No. 16 of 2021 concerning the Regional Medium-Term Development Plan (RPJMD) of Jambi Province for the period 2021-2026.

In addition to being included in the RPJMD of Jambi Province, climate change management has also been stipulated in the Sustainable Development Targets (SDT) of Jambi Province for the period 2016-2020, supporting Indonesia's Sustainable Development Goals (SDGs), particularly SDG pillar 13, "Take urgent action to combat climate change and its impacts."

As a follow-up effort to build a foundation for policy design and planning that considers environmental aspects while enhancing regional economic achievements, Jambi Province

has once again formulated a Green Growth Economic Plan established through Regional Regulation No. 4 of 2023 concerning the Green Growth Economic Plan. This is aimed at achieving sustainable green development from land-based renewable resources and their derivatives. Nationally, it is expected to support the achievement of nationally determined contributions (NDCs) in GHG emission reductions.

The scope of regulation in the Green Growth Economic Plan document is to realize participatory sustainable development involving government entities, private sectors, community representatives, civil society organizations, and other development partners. The Green Growth Economic Plan encompasses all sectors related to land-based sectors and derivatives, focusing on sustainable resource sectors including agriculture and forestry as the dominant economic sectors in the region through increased productivity, sustainable value chains, forest and peatland conservation, strengthening social inclusiveness, partnerships between the private sector, farmers, communities, environmentalists, and various other stakeholders. Mechanisms for ecosystem service incentives and disincentives at global, national, and local scales such as Environmental Service Payments (ESP) and REDD+ are also incorporated.

C. Effectiveness of Jambi Provincial Government Regulations in Climate Funding Management

The Provincial Government of Jambi has established robust regional regulations to support various activities in the implementation of climate change management in Jambi, including:

1. Jambi Provincial Regulation No. 1 of 2013 concerning River Basin Areas in Jambi Province, 2013;
2. Provincial Regulation No. 10 of 2013 concerning the Spatial Planning of Jambi Province for 2013-2033;
3. Jambi Provincial Regulation No. 1 of 2014 concerning Environmental Services in Jambi Province;
4. Jambi Provincial Regulation No. 6 of 2017 concerning the Protection and Management of the Environment;
5. Provincial Regulation No. 13 of 2019 concerning the General Regional Energy Plan for 2019-2050;
6. Provincial Regulation No. 4 of 2023 concerning the Green Growth Plan.

These regulations serve as crucial references in drafting the Regional Medium-Term Development Plan for 2021-2026, as confirmed by Provincial Regulation No. 11 of 2021 concerning the Regional Medium-Term Development Plan for 2021-2026. This commitment is also reflected in the establishment of the Regional Action Plan (RAD) for Greenhouse Gas Emission Reduction (RAD-GRK) through Jambi Governor Regulation No. 36 of 2012 and the formation of the RAD-GRK Task Force by Jambi Governor Decree No. 343/Kep.Gub/Bappeda-2/2014.

At the technical level, in 2017, the Governor of Jambi committed to supporting the BioCarbon Fund Program by issuing Jambi Governor Letter No. S.522/458/Setda.Dishut-2.3/II/2017 dated February 27, 2017, regarding Support and Commitment to the BioCarbon Fund Program. The Preparation Team for the Bio-CF-ISFL in Jambi Province was established through Jambi Governor Decree No. 445/Kep.Gub/DISHUT-1/2018.

For implementation, the Governor has issued three Governor Letters and one Governor Decree, namely:

1. Jambi Governor Letter No. S.522/1823/Setda.Bappeda-2.1/VII/2020 dated July 30, 2020, regarding the appointment of the Implementing PD for the Bio-CF ISFL Pre-Investment Program;
2. Jambi Governor Letter No. S.522/1824/Setda.Bappeda-2.1/VII/2020 dated July 30, 2020, regarding the Implementation of the Bio-CF ISFL Pre-Investment Program for 2021-2025;
3. Jambi Governor Letter No. S.522/2233/Setda.Bappeda-4.3/IX/2021 dated September 28, 2021, regarding the Jambi Provincial Government's Willingness to Participate in the Bio-CF ISFL Grant Program; and
4. Jambi Governor Decree No. 50/Kep.Gub/BAPPEDA-4.1/2022 concerning the Establishment of the Provincial Technical Steering Committee and the Sub-National Project Management for the Jambi Sustainable Landscape Management Project (J-SLMP) The Bio Carbon Fund Plus-Initiative for Sustainable Forest Landscape (BIO-CF-ISFL) in Jambi Province for 2022-2025.

CHAPTER IV

DISCUSSION

A. Regulatory Framework and Expertise

A regulatory framework is essential for enhancing understanding and policy literacy related to the duties, functions, and authorities, as well as delineating the institutional roles in Climate-Resilient Development to achieve strategic goals. Additionally, such a framework is necessary to address the challenges faced in Climate-Resilient Development both at the central and regional levels.

To promote the implementation of Climate-Resilient Development activities at the regional level, the implementation will align with Law No. 23 of 2014 on Regional Government Affairs. In this context, regional governments are expected to integrate Climate-Resilient Development into their Regional Medium-Term Development Plans (RPJMD).

The roles of regional governments are as follows:

- Regional governments manage governmental affairs based on the principles of autonomy and co-administration with the broadest possible autonomy in the framework of the Unitary State of the Republic of Indonesia.
- Regional governments execute concurrent governmental affairs delegated by the central government as the basis for regional autonomy implementation, based on the principle of co-administration.
- Regional governments, in managing general governmental affairs under the President's authority, which are delegated to governors and regents/mayors, are financed by the state budget (APBN).

Regional governments have the obligation to prepare a Strategic Environmental Assessment (KLHS) for the RPJMD as an integral part of the RPJMD document preparation, in accordance with Minister of Home Affairs Regulation No. 7 of 2018. This ensures alignment with carrying capacity, geographical conditions, and regional finances. Through the KLHS process, Climate-Resilient Development (PBI) actions can be mainstreamed into the Regional Medium-Term Development Plans (RPJMD), Regional Strategic Plans (Renstra Daerah), and Regional Work Plans (RKP Daerah).

To ensure the effectiveness of regional development, the RKP will be harmonized between the central and regional governments as stipulated in Minister of Home Affairs Regulation No. 40 of 2020. Additionally, Minister of Home Affairs Regulation No. 86 of 2017 and Government Regulation No. 8 of 2008 regulate the procedures for the preparation, control,

and evaluation of regional development implementation to ensure that regional development planning is effective, efficient, and accountable.

In line with regional government authorities, the Regional Apparatus Organizations (OPD) involved in the planning, implementation, monitoring, and evaluation processes of climate-resilient development include:

1. OPD responsible for regional development planning, ensuring that climate resilience issues are prioritized in the RPJMD and RKPD;
2. OPD responsible for marine and coastal sectors;
3. OPD responsible for water sectors;
4. OPD responsible for agricultural sectors;
5. OPD responsible for health sectors;
6. OPD responsible for regional infrastructure development;
7. OPD responsible for regional disaster management.

Regarding the regulations in Jambi, six Jambi Provincial Regulations (2013-2023) serve as strong references and a foundation for Climate Fund Management in Jambi. These regulations cover River Basin Areas, Spatial Planning, Environmental Services, General Energy Plans, and the Green Growth Plan in Jambi. This provides a sufficient basis for establishing new institutions specifically for climate change management. However, the formation of new institutions must also refer to central regulations.

The Indonesian Center for Environmental Law (ICEL) proposes that Indonesia should promptly draft a Climate Change Law. Based on comparative research conducted by ICEL on climate change legislation worldwide and rounds of discussions with several experts, there are at least eight essential elements that need to be included in the Draft Climate Change Law: principles and objectives, types and classifications of greenhouse gasses, institutional structures and inter-agency coordination, carbon budgeting, targets and baselines for climate change mitigation, policy and regulatory integration, climate change governance, and law enforcement⁸.

This law will serve as the foundation for the establishment of permanent institutions dedicated to climate change management in Indonesia, both at the central and regional levels. The law should mandate clear provisions related to: principles and objectives; types and classifications of greenhouse gasses; institutional structures and inter-agency coordination; carbon budgeting; targets and baselines for climate change mitigation; policy and regulatory integration; climate change governance; and law enforcement.

⁸ Indonesia Center for Environmental Law (ICEL), "Policy Brief and Legal Update: Mengapa Indonesia Harus Memiliki Undang-undang Iklim", March 2023.

In terms of expertise required for climate resilience issues, Bappenas is divided into three stages of development processes: Planning, Implementation, Monitoring, and Evaluation. These stages can be effectively carried out if supported by specific expertise in the following areas⁹:

1. Economic valuation of climate resilience activities, particularly for the 4 priority sectors: Marine and Coastal, Water, Agriculture, and Health;
2. Meteorology and climatology, in aspects of climate projection and hazard determination;
3. Agriculture, particularly the development of climate-smart agriculture and agricultural insurance;
4. Marine and coastal sectors, particularly the development and application of wave-resistant ship technology and coastal flood prevention technology;
5. Water resources, particularly the utilization of geospatial technology to accelerate water resource infrastructure development;
6. Health, specifically resilience against vector-borne diseases;
7. Policy and institutional expertise, particularly related to climate resilience issues;
8. Monitoring, evaluation, and reporting (MER), particularly those familiar with the RPJMN and RPJMD MER concepts. Additionally, expertise in developing online MER systems to make the process more effective, efficient, and transparent is required.

Referring to practices implemented in Jambi, the establishment of the Bio-CF-ISFL Secretariat has already included several fields of expertise, but it has not yet incorporated other crucial fields such as meteorology, climatology, and health. The inclusion of meteorology and climatology is particularly important, especially regarding climate projection aspects and hazard determination. In the health sector, this is specifically related to managing resilience against vector-borne diseases.

Specifically, Climate-Resilient Development supports the implementation of Law No. 36 of 2009 through the improvement of health facilities, the development of health products and the utilization of health information technology, the control of infectious diseases, and the enhancement of a healthy environment as mandated in Articles 30-35, Article 42 paragraph 1, Article 157 paragraph 2, and Article 162¹⁰. Changing climate conditions significantly affect the spread of disease vectors in an area. This will be exacerbated by the weakening of human immunity. Scientific evidence obtained so far shows that climate variability and change can affect the epidemiology of vector-borne diseases, water-borne diseases, and air-borne diseases¹¹.

Therefore, in the future, the formation of climate change management institutions must involve the fields of meteorology and climatology, as well as health.

⁹ The Ministry of National Development Planning/Bappenas, “Buku 2 Kelembagaan Ketahanan Iklim”, 2021. p. 23

¹⁰ Ibid p. 22

¹¹ <https://www.kemkes.go.id/id/rilis-kesehatan/kemenkes-fokus-terhadap-perubahan-iklim-dan-dampaknya-terhadap-kesehatan> accessed on May 25, 2024, at 11:43 AM WIB

B. Institutional Framework for Climate Change Funds at the Regional Level

Indonesia is one of the countries vulnerable to the impacts of climate change. As a commitment to mitigate potential climate change impacts, the government has responded preventively through a series of activities aimed at reducing vulnerability and enhancing resilience. These measures require active participation and contributions from Local Governments. In implementing climate resilience actions, therefore, strong institutional roles and synchronization are essential.

The importance of robust institutions in implementing climate resilience at the regional level includes¹²:

- The need for accurate interpretation of Local Government Agency (OPD) authorities;
- The necessity for synchronization and harmonization of policies and regulations both at the central and regional levels; and
- Optimal planning and actions for climate resilience.

During several Multi Stakeholder Forums (MSFs) and in-depth interviews held nationally and with the Jambi Provincial Government involving Environmental Fund Management Agency (BPD LH), the Secretariat of Bio-CF-ISFL Jambi, Ministry of Home Affairs, Bappenas, Ministry of Finance (Fiscal Policy Agency), Bappeda Jambi, CSOs, and Civil Society Groups in Jambi, significant notes were provided. It was underscored that an ideal institution managing climate change funds must meet several critical requirements:

1. Strong Regulation

Decentralization grants specific authorities to regions to undertake various initiatives to advance their development. However, decentralization often accompanies recentralization. While powers are granted, practical application in the field must comply with higher regulations and policies. Therefore, the establishment of institutions should strictly adhere to overarching regulations.

Regional characteristics are crucial; without mandatory guidelines, effective governance becomes challenging. Therefore, comprehensive and detailed regulations are essential to govern institutional frameworks and climate change fund management under specialized bodies.

Although specific legislation on "Climate Action" in the form of a law, as currently advocated by ICEL, has not been enacted, existing regulations empower Local Governments to form ad hoc institutions dedicated to managing climate change funds.

¹² Ibid p. 19

At the national level, reference can be made to BPD LH established by Presidential Regulation No. 77 of 2018 on Environmental Fund Management; Minister of Finance Regulation No. 24/PMK.01/2021 amending Minister of Finance Regulation No. 137/PMK.01/2019 on the Organization and Work Procedures of the Environmental Fund Management Agency; and Minister of Finance Decision No. 779/KMK.05/2019 on the Establishment of the Environmental Fund Management Agency at the Ministry of Finance as a Government Agency Implementing the Public Service Agency Financial Management Pattern.

In Jambi, referring to Regional Regulation No. 4 of 2023 concerning the Green Economic Growth Plan, the Governor has issued Governor Regulation No. 4 of 2024 on the Implementation of Green Economic Growth, wherein Chapter V on the Climate Change Institutions of Jambi Province, Article 14 mandates that the Governor forms the Jambi Provincial Climate Change Team, whose structure and duties are regulated by Governor's Decree in accordance with statutory provisions.

With this modality, Jambi has been able to establish a specialized institution handling climate change in Jambi, including its funding management. The institutional form can be adapted according to local needs and conditions, with further details to be discussed in the final discussion.

Referring to the Regulatory Reform guidelines, the Jambi Provincial Government does not need to undertake deregulation (removal of existing regulations) or re-regulation (redesigning regulations). Instead, it should opt for better quality regulation by improving the process of designing regulations and managing reforms. This involves strengthening existing regulations with Governor's Decrees as derivative implementation rules.

2. Commitment, institutional readiness, and supportive environments

The establishment of climate change funding institutions must begin with strong commitment from top leadership in the region. This is key to the success of future programs (political will). To ensure these regional institutions can function effectively and extend their reach across all areas, they must be regionally aware. Climate change issues encompass multiple sectors, not solely managed by one regional agency. Hence, building an ecosystem and cross-sectoral coordination are crucial.

According to the Environmental Fund Management Agency (BPD LH), learning from Jambi, East Kalimantan and several other regions, the BioCF institution in Jambi has been better prepared since the REDD++ program. However, in terms of capacity, it is not yet capable of receiving funds in the form of grants, one of the reasons being financial reporting.

Regarding opportunities for establishing institutions focused on climate change funding, it heavily depends on regional capacities to access potential funding sources, mainly from abroad through bilateral or multilateral schemes. As for alternatives in establishing new specialized institutions or strengthening existing ones, it must comply with existing regulations, ensuring robust governance. Most importantly, the main goal should not hinder previous achievements.

3. Governance

Regarding the governance of Climate Change Funding, in accordance with the financial management standards of a good and clean government, the first crucial aspect is ensuring a transparent, accountable, accessible, and participatory planning process. Secondly, governance aspects must include transparency and access to information on the implementation of climate funding management. Additionally, it is necessary to establish mechanisms for monitoring and evaluating the implementation of climate change actions at all levels. Thirdly, governance must ensure the credibility of the transparency framework, including the monitoring, reporting, and verification of funding implementation. Furthermore, there should be provisions for capacity building of relevant parties through education, training, research development, or other methods to support active participation in climate change funding management.

The BioCF-IFSL Jambi Secretariat acknowledges that there are various challenges in implementing climate change funding management in Jambi. The funding scheme, in the form of on-granting, is assigned to Regional Apparatus Organizations (OPD) as an additional task, but the financing is carried out on a reimbursement basis. This significantly disrupts regional performance, as regional budget cycles must align with existing budget mechanisms, while the reimbursement system depends heavily on the region's financial capacity. Moreover, the Environmental Service Compensation funds in Jambi are managed directly by the recipients without information and coordination from the Jambi Provincial Government, making it difficult to monitor climate change programs and funding comprehensively. Additionally, various climate change funding schemes depend on the source of funds, leading to different management approaches in practice.

To ensure effective climate funding management in the regions, it is essential to eliminate sectoral egos within various OPDs, relying solely on mutual agreements among stakeholders.

The establishment of a specialized institution responsible for managing climate change control and funding is crucial to ensure the optimal implementation of all programs. This includes the integration of information related to funding sources, budget allocations, expenditures, monitoring, and evaluation, all managed by the institution. Such an approach ensures that programs are effective, integrated, and achieve optimal results.

In terms of governance standards, various initiatives such as the SDGs, OGP, and EITI have provided good practices. Although these are global initiatives, Indonesia, as a member, also adopts these standards and implements them in some regions. For SDGs, all regional governments are required to follow standards set by the Government. The OGP is used by regional governments that are members of the Local OGP (e.g., Bojonegoro Regency, Banggai Regency, West Sumbawa Regency, Brebes Regency, Semarang City, Madiun City, NTB Province, DIY Province, and West Java Province). The EITI initiative is currently used at the national level.

These governance initiatives emphasize the necessity of co-creation between the government, civil society, academics, and the private sector. Involving actors outside the government is crucial to ensure transparency, participation, accountability, innovation, and inclusivity. These standards also require civil society actors to be included in Steering Committees, Implementation Committees, and Joint Monitoring Teams, ensuring they have an equal voice with government representatives. This aligns with the "meaningful participation" mandate of the Constitutional Court's decision.

In Jambi, the BioCF Secretariat has only involved civil society during the planning phase through consultation activities. The public does not have an equal voice with the government in joint decision-making.

For the governance of a specialized institution managing climate change funding, the assessment standards currently used by various countries are based on Transparency International's standards, as used in the 2022 TI research, "**Corruption Free Climate Finance: Strengthening Multilateral Funds.**" This governance assessment standard uses four variables: Integrity, Transparency, Participation, and Policy Identification. The detailed assessment indicators are as follows:

- a. Integrity: Assessment includes ethics and conflict of interest policies, financial management, reporting and audit policies, and anti-money laundering and anti-gratification policies.
- b. Transparency: Relates to information accessibility about rules, plans, stages, and financial management processes, decisions/policies, and actions.
- c. Accountability: Includes having accountable stages and processes, each with reference or SOPs, reporting or complaint facilities, a fast complaint handling unit, and anti-corruption or anti-gratification hotlines. Reporting and complaint mechanisms must be accessible to individuals, communities, and stakeholders.
- d. Policy Identification: Includes policies for broad stakeholder engagement and mechanisms for monitoring and evaluation.

According to OCFI research, the integrity aspect received a score of 65 (good), accountability a score of 60 (adequate), transparency a score of 70 (good), and policy identification a score of 75 (good). This assessment indicates that there is still room for improvement, particularly in the aspect of accountability.

4. Meaningful Participation

The government can only function effectively if it earns the trust of its citizens. Both the executive and legislative branches of government play a crucial role in building trust and fostering participatory decision-making. They hold significant power and play a major role in development as representatives elected by and for the citizens. Through professionalism, integrity, and their transparent, responsive, and accountable capabilities, they can deliver better, fairer, and more equitable services to the citizens. Therefore, the parliament should act as a model in public ethics, transparency, and participatory decision-making¹³.

The fulfillment of the right to information is a fundamental basis that fosters active citizen participation in every development process. As quoted,

“The openness and transparency of government and public institutions critically influences the health of democracy. Information flows between government and society are one of the key foundations on which public participation, the interest group process and an active civic culture are built”¹⁴.

Meaningful participation should not be understood merely as consultative forums and involvement. It should be interpreted as the active participation of citizens in influencing the policy process in a meaningful way, providing a space for collaboration and a voice that is recognized and considered by the government in policy processes¹⁵.

In another understanding, meaningful participation is defined as “taking part in the process of formulation, passage, and implementation of public policies,”¹⁶ which means participating in the formulation, enactment, and implementation of public policies. In a democratic government, it implies that a healthy democracy requires citizens to impact public decisions and the governance process that most affect them.

Additionally, in the Constitutional Court Decision No. 91/PUU-XVIII/2020 on the Formal Examination of Law Number 11 of 2020 concerning *Cipta Kerja* or Job Creation, the Constitutional Court defines meaningful participation as: (1) the right of the public to be heard, (2) the right of the public to have their opinions considered, and (3) the right of the public to receive explanations or responses to their opinions¹⁷.

¹³ Handbook on Transparency and Citizen Participation, “Partnership for Good Governance” Council of Europe 2017. p. 8.

¹⁴ The UK’S changing democracy – The 2018 Democratic Audit, edited by Patrick Dunleavy, Alice Park and Ros Taylor. Democratic Audit and LSE Press 2018. p. 238.

¹⁵ Samuel Hickey and Giles Mohan, “Participation: From Tyranny to Transformation: Exploring New Approaches to Participation in Development”. ZedBook, New York, 2004. p. 98.

¹⁶ Gaventa, J., & Valderrama, C. (1999). Participation, Citizenship and Local Governance. Background note prepared for workshop on ‘Strengthening participation in local governance’, Institute of Development Studies.

¹⁷ Constitutional Court Decision Document Number 91/PUU-XVIII/2020, p. 393

With the substantial climate change funds entering Jambi, the Provincial Government of Jambi is only aware of one program, namely BioCF, out of the ten existing programs. Even the public is unaware of the distribution, allocation, and implementation. Therefore, in terms of governance, many aspects need to be improved, one of which is ensuring transparency and participation in climate fund management institutions from planning to evaluation (meaningful participation).

It is worth to note that the BioCF Secretariat in Jambi has already involved the public in planning through consultative forums. However, this involvement does not fully capture the essence of meaningful participation. This issue is also evident at the "investment plan level," where stakeholders participate in discussions, but the final decisions rest with the top leaders¹⁸. Civil society organizations are engaged in the implementation of intermediary institutions (LEMTARA) for climate fund management, but only during the execution phase.

C. Institutional Framework

Given the potential, opportunities, and challenges faced by the Provincial Government of Jambi, two institutional options are proposed to enhance the effectiveness of climate change control in Jambi, including the management of its funding.

1. Joint Secretariat

Referring to practices in SDGs, EITI, and OGP, a commitment to implementing climate change control programs and managing their funding can be achieved by establishing a Joint Secretariat. **The Regional Climate Change Control Joint Secretariat (Sekber PPI Daerah)** serves as a collaborative platform to coordinate all activities related to Climate Control in the region. The Head of the Secretariat can be appointed from the Technical Planning Team, such as the Head of Bappeda.

This Joint Secretariat differs from the previously established Joint Secretariat IPSDH in Jambi, which operated under the Forestry Office and was formed through a decree issued by the Forestry Office. The previous Secretariat focused solely on forestry issues and is currently inactive.

The Sekber PPI Daerah has an organizational structure with a Steering Committee (SC) and an Organizing Committee (OC). The SC is chaired by the Governor and includes the Regional Secretary, Heads of Technical Departments, representatives from academia, business, and civil society. The OC, led by a specially appointed Head of Secretariat, coordinates all climate change control programs and manages their funding, potentially sourced from Bappeda.

¹⁸ Presentation by BPDH Expert at FGD "menakar potensi, peluang dan tantangan pembentukan BPDH Daerah", January 2024.

The Head of the Technical Secretariat is supported by technical staff from various Regional Government Organizations (OPD) related to climate issues, ensuring that climate resilience is prioritized in regional planning documents (RPJMD and RKPD). These OPDs cover areas such as marine and coastal sectors, water resources, agriculture, health, infrastructure development, and disaster management.

To ensure collaboration between the local government and non-government actors (civil society organizations, academia, and businesses), these stakeholders should be integrated into the implementation team. This ensures a collaborative approach in planning, implementation, monitoring, and evaluation (co-planning, co-implementing, co-monitoring, co-evaluating).

The execution of programs and activities can be funded through the Provincial Budget (APBD), grants, non-binding assistance, CSR from local companies, and donor grants through CSOs.

The main weakness of this institutional model is that the responsibilities of the Joint Secretariat are often seen as additional duties rather than primary ones. The solution is to have a dedicated implementation team solely responsible for this entity, without treating it as an additional task. The advantage is the involvement of multiple stakeholders in various programs, adhering to the Multi-Stakeholder Partnership (MSP) principle.

To establish the Joint Secretariat, a Governor's Decree on the Establishment of the Regional Climate Change Control Secretariat is necessary.

2. Regional Technical Implementing Unit (UPTD), Public Service Agency Financial Management (PPK-BLUD), and Regional Public Service Agency (BLUD)

The main references for institutional development and transformation are the Regional Government Law, Government Regulation No. 18/2016 on Regional Devices, Minister of Home Affairs Regulation No. 12/2017 on Guidelines for the Establishment and Classification of Regional Technical Implementing Units, and Minister of Home Affairs Regulation No. 5/2017 on Guidelines for the Nomenclature of Provincial and Regency/City Regional Devices that Perform Supporting Functions for Government Affairs.

Three strong reasons for institutional transformation and development must consider political aspects (such as regional division), aspects of access and service scale improvement for the public, and operational and financial performance aspects.

Considering the current conditions in Jambi, focusing on operational and financial performance aspects provides the strongest rationale for establishing a UPTD, PPK-BLUD, or BLUD. The choice between UPTD, PPK-BLUD, or BLUD depends on the

institutional characteristics. UPTD and PPK-BLUD aim to provide services without prioritizing profit, while BLUD aims to provide services and gradually seek profit.

The establishment of UPTD, PPK-BLUD, or BLUD can follow two approaches: strengthening regulatory tasks and functions or strengthening operational tasks and functions. For Jambi, strengthening operational tasks and functions is more appropriate, aiming to enhance service management capacity, implement proper operational management, provide effective services, and achieve annual targets within a specific timeframe mandated by regulatory rules. This approach ensures the goal of increasing service access and scale while maintaining efficiency and productivity in the region.

D. Institutional and Governance Roadmap

The province of Jambi has a roadmap for Green Economic Plans, but currently lacks a roadmap and steps for strengthening and forming institutions and governance in climate change management. Given the dynamic nature of various modalities, constraints, and challenges, a compass is greatly needed to achieve strong and effective institutions. Therefore, a specific roadmap for strengthening and forming institutions and governance in climate change management is crucial. This is aimed at preparing infrastructure, facilities, and the establishment of institutions and governance tailored to factual conditions.

The BioCF-ISFL Secretariat, currently part of the Sub-National Project Management Unit (SNPMU) alongside several other fields, Environmental Working Groups, and the Joint Secretariat IPSDH-Forestry, each operate independently¹⁹. Following consultations on Regional Regulations with the Ministry of Home Affairs regarding institutional matters such as the establishment of new institutions, this was rejected by the Ministry of Home Affairs. Thus, the alternative choice is to enhance SNPMU governance to become the Joint Secretariat for Climate Change Control in Jambi (Sekber-PPI Jambi), as a precursor to strengthening or establishing future institutions.

¹⁹ Discussion with the BioCF-ISFL Secretariat, Jambi, May 22, 2024.

Table of Authorities and Processes in Regional Institutional Development

| ASPECT | UPTD ²⁰ | PPK-BLUD ²¹ | BLUD ²² |
|-------------------------------|--|---|---|
| Purpose of Establishment | <ul style="list-style-type: none"> • Enhancement of service quality • Optimization of APBD burden • Increased public trust in managerial professionalism • Triggering acceleration and economic agglomeration in the region, particularly in strategic areas, tourist destinations, conservation zones, and similar locations. | <ul style="list-style-type: none"> • Enhancement of service quality • Optimization of APBD burden • Increased public trust in managerial professionalism • Triggering acceleration and economic agglomeration in the region, particularly in strategic areas, tourist destinations, conservation zones, and similar locations. • Principles of enhancing quality, scale, efficiency, and productivity of services • The institution remains an UPTD, but its financial management adheres to corporate principles | <ul style="list-style-type: none"> • Providing services to the public through the provision of goods and/or services sold without prioritizing profit-seeking, and conducting activities based on principles of efficiency and productivity. • Enhancement of service quality • Reduction of APBD-APBN burden • Increased public trust in managerial professionalism • Accelerating economic acceleration and agglomeration in the region, particularly in tourist destinations, conservation zones, and similar locations. |
| Initiatives for Establishment | Local governments can form operational technical implementation units and/or supporting technical units within the department itself. | Local initiatives for establishment | Initiatives for establishing at the central and regional levels |
| Prerequisites | Consideration of regional financial capabilities, scope of duties, infrastructure, and job analysis-workload. | Consideration of regional financial capabilities, scope of duties, infrastructure, and job analysis-workload. | <ul style="list-style-type: none"> • Substantive aspects include: (a) provision of services and/or goods for public services, (b) management of an area aimed at enhancing the economy or public services, (c) management of special funds to improve economic conditions and/or community services. • Technical aspects include: performance in the field of core tasks and functions that are suitable for management and improvement through Public Service Agency (BLUD) as recommended by the Minister/agency head/department head according to their authority. The financial performance of the respective department is sound as indicated in the proposal document for BLUD designation. • Administrative aspects include: a statement of |

²⁰ Government Regulation No. 18/2016 regarding Regional Devices as amended by Government Regulation No. 72/2019

²¹ Law No. 1 of 2004 concerning the State Treasury and Minister of Home Affairs Regulation No. 61 of 2007 concerning the Technical Guidelines for the Financial Management of Public Service Agencies

²² Ibid

| | | | |
|-------------------------|---|---|--|
| | | | readiness to enhance service performance, financial standing, and community benefits, governance structure pattern, business strategy plan, core financial reports, minimum service standards, and the latest audit report - or a declaration of willingness to undergo independent audit. |
| Determination of Status | Through a Governor's Regulation after approval by the Minister | Through a Governor's Regulation after approval by the Minister | Minister and Governor |
| Authority | <ul style="list-style-type: none"> • May charge fees from the public in exchange for goods/services provided. • Fees are determined in the form of levies calculated based on the cost per unit of service or the return on investment of funds. • The Head of the Technical Implementation Unit (UPTD), through the Head of the Department, proposes service fees, which are subsequently determined by the Regional Head according to their authority. • The determination of fees must consider aspects of service continuity and development, public purchasing power, as well as principles of fairness and appropriateness. | <ul style="list-style-type: none"> • May charge fees from the public in exchange for goods/services provided. • Fees are determined in the form of levies calculated based on the cost per unit of service or the return on investment of funds. • The Head of the Technical Implementation Unit (UPTD), through the Head of the Department, proposes service fees, which are subsequently determined by the Regional Head according to their authority. • The determination of fees must consider aspects of service continuity and development, public purchasing power, as well as principles of fairness and appropriateness. | <ul style="list-style-type: none"> • May charge fees from the public in exchange for goods/services provided. • Fees are determined in the form of levies calculated based on the cost per unit of service or the return on investment of funds. • The Regional Head / Head of the regional apparatus proposes service fees, which are subsequently determined by the Regional Head according to their authority. • The determination of fees must take into account continuity and development of services, public purchasing power, principles of justice and appropriateness, as well as healthy competition. |
| Budgeting | <ul style="list-style-type: none"> • Receives and is accountable for budgets through the autonomous agency under which the Technical Implementation Unit (UPTD) operates. • Other funds originating from regional and national budgets (APBD-APBN), non-binding grants, revenue from service provisions, and income from collaborations with third parties are deposited into the Regional Treasury and cannot be directly managed for UPTD operational financing. | <ul style="list-style-type: none"> • Receives and is accountable for budgets through the autonomous agency under which the Technical Implementation Unit (UPTD) operates. • Other funds originating from regional and national budgets (APBD-APBN), non-binding grants, revenue from service provisions, and income from collaborations with third parties are deposited into the Regional Treasury and cannot be directly managed for UPTD operational financing. | <ul style="list-style-type: none"> • Public Service Agency (BLUD) can receive non-binding grants, treated as BLUD revenue. • Revenue obtained from regional and national budgets (APBD-APBN) is treated as BLUD revenue. Meanwhile, restricted grants received from the community or other entities are treated as revenue earmarked for specific purposes. • Funds from regional and national budgets (APBD-APBN), non-binding grants, revenue from service provisions, and income from collaborations with third parties can be directly managed to finance BLUD operations. • BLUD can also provide credit related to the provision of services or goods or in the context of a transaction. • BLUD can incur debt related to its activities. |

| | | | |
|----------------------------------|---|---|--|
| | | | <ul style="list-style-type: none"> • BLUD can make long-term investments with the approval of the regional head. • Profits from investments become BLUD revenue. |
| Human Resources (SDM) | <ul style="list-style-type: none"> • Can consist of Civil Servants (ASN) and employees of Technical Implementation Units (UPTD)/casual workers hired from the community who are not ASN. • Regulations regarding UPTD concerning nomenclature, types, organizational structure, duties, and functions are determined by the regional head, taking into consideration or referring first to Regional Regulations (Perda) regarding the structure of regional devices that apply. | <ul style="list-style-type: none"> • Can consist of Civil Servants (ASN) and employees of Technical Implementation Units (UPTD)/casual workers hired from the community who are not ASN. • Regulations regarding UPTD concerning nomenclature, types, organizational structure, duties, and functions are determined by the regional head, taking into consideration or referring first to Regional Regulations (Perda) regarding the structure of regional devices that apply. | <ul style="list-style-type: none"> • Officials managing BLUD and BLUD employees may be Civil Servants (ASN) or non-ASN professional personnel as required by BLUD. • Regulations regarding BLUD including nomenclature, types and numbers, organizational structure, duties, and functions are established by the regional head, with reference to and consideration of prevailing regulations on the structure of regional apparatuses. |
| Decision Making | <ul style="list-style-type: none"> • Not Independent | <ul style="list-style-type: none"> • Not Independent | <ul style="list-style-type: none"> • Independent |
| Investment Costs | <ul style="list-style-type: none"> • Funded by the State Budget (APBN) and Regional Budget (APBD) | <ul style="list-style-type: none"> • Funded by the State Budget (APBN) and Regional Budget (APBD) | <ul style="list-style-type: none"> • Partially funded by government equity participation |
| Service Sustainability | <ul style="list-style-type: none"> • Moderate | <ul style="list-style-type: none"> • Moderate | <ul style="list-style-type: none"> • High |
| Benefit Sharing | <ul style="list-style-type: none"> • Determined jointly by the Province and Regency | <ul style="list-style-type: none"> • Determined jointly by the Province and Regency | <ul style="list-style-type: none"> • Regulated for own use |
| Collaboration with Third Parties | <ul style="list-style-type: none"> • Moderate | <ul style="list-style-type: none"> • Moderate | <ul style="list-style-type: none"> • High |

A. Conclusion

1. In the regulatory framework, the Provincial Government of Jambi has established six regional regulations (Perda) between 2013 and 2023, which serve as a robust foundation for Climate Fund Management in Jambi. These regulations cover Watershed Areas, Spatial Planning (RTRW), Environmental Services, General Energy Plans, and the Green Economic Growth Plan in Jambi. This implies that the groundwork for establishing a new institution dedicated to climate change management is already sufficient. However, the formation of this new institution must also align with central regulations.
2. The establishment of a new institution to comprehensively manage climate control must be based on the Climate Control Law, which is currently proposed to the government. Based on comparative research of climate change legislation worldwide and discussions with several experts, at least eight key elements need to be included in the Climate Change Regulation: principles and objectives, types and classifications of greenhouse gasses, institutional and inter-party coordination, carbon budgeting, climate control targets and baselines, policy and regulation integration, climate control governance, and law enforcement.
3. In terms of expertise, the current state of the BioCF-ISFL Secretariat in Jambi lacks several areas of expertise recommended by Bappenas in the climate control institutional guidelines, specifically in meteorology and climatology, and health sectors focusing on vector-borne disease resilience.
4. For the establishment of a climate change fund management institution in the region, four crucial prerequisites must be met: Strong Regulations; Commitment, Institutional Readiness, and Supportive Environment; Governance; and Ensuring Meaningful Participation.
5. Jambi has strong regulations, and the Governor's Decree specifically appoints/establishes an institution to handle climate control and fund management. Jambi's commitment, institutional readiness, and supportive environment are sufficient for establishing a dedicated institution. However, the governance at the BioCF-Jambi Secretariat is not yet ideal, as principles of transparency, participation, accountability, integrity, inclusiveness, and policy identification are not fully implemented. Regarding ensuring meaningful public participation, the BioCF-ISFL Secretariat currently involves civil society only during the planning stage through public consultation forums.
6. The current institutional structure for climate control and fund management in Jambi is not yet fully operational. Numerous challenges remain, including the additional responsibilities for civil servants (ASN) and the funding mechanism within the on-granting scheme with pre-investment and reimbursement systems.

7. Despite substantial resources, significant challenges and obstacles remain, and Jambi has yet to develop a roadmap for strengthening or establishing institutions and governance for climate change control in the region.

B. Recommendations

1. Given the robust modalities in terms of regulations, commitment, readiness, and environment, Jambi can promptly establish a dedicated institution for climate change control and fund management.
2. To ensure the integrity and accountability of this institution, adopting governance practices from global initiatives such as the Local Open Government Partnership, SDGs, and EITI is advisable. These practices advocate for collaborative and co-creative processes involving local government, civil society, academia, and the private sector in planning, implementation, monitoring, and evaluation (co-planning, co-implementing, co-monitoring, co-evaluating).
3. In terms of expertise, it is crucial to involve fields aligned with the guidelines set by Bappenas, including meteorology, climatology, and health. The health sector should particularly focus on the impact of climate variability and change on the epidemiology of vector-borne, water-borne, and air-borne diseases.
4. There are various institutional forms that can be tailored to regional conditions. One option is a Joint Secretariat, which ensures equal and proportional roles for the government, civil society, academia, and the private sector, with equal voting rights in decision-making. This Joint Secretariat could be housed within Bappeda, the central agency for regional planning, to coordinate all related departments on this issue.
5. Another option is to establish a Regional Technical Implementing Unit (UPTD) for Climate Change Fund Management or Environmental Fund Management under the Regional Finance Management Office or the Environmental Office. The UPTD could serve as a precursor to becoming a BLUD, progressing through stages from UPTD with BLUD's financial management policies (PPK-BLUD) to full BLUD status.
6. It is essential to develop a roadmap for strengthening or establishing institutions and governance for climate change control in Jambi. This roadmap would guide the preparation of infrastructure, facilities, institutional formation, and governance strengthening. For instance, existing entities such as the Joint Secretariat of IPSDH (Forestry Office), SNPMU with the BioCF-ISFL Secretariat and its fields, and other institutions could be unified. This proposed Joint Secretariat should be cross-sectoral, overseeing various projects (energy, transportation, and other issues) and serving as a transitional body towards a more robust and independent institution that ensures no sectoral ego from the national to the local level.

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