

Chapter 6

INDONESIA

6.1. INTRODUCTION

Since the fall of the authoritarian regime in 1998, Indonesia has slowly become a democratic country. Despite 23 years of reform, however, the quality of democracy in Indonesia still faces serious challenges. In International IDEA's most recent Global State of Democracy report, it refers to Indonesia as one of the countries where 'anti-corruption agencies have been either eliminated or placed under severe restrictions' (International IDEA 2021: 32). Similarly, Transparency International refers to Indonesia as one of several countries facing the more complex challenge of 'grand corruption', which it contrasts with 'petty corruption'. Transparency International describes grand corruption as 'the abuse of high-level power that benefits the few at the expense of the many, and which can destroy whole sectors, create recessions and end democracies'. It states that addressing it 'requires the systematic dismantling of rent-seeking structures and dishonest cultures' (Transparency International 2022). On an institutional level, Freedom House states that corruption is 'endemic in the national and local legislatures, civil service, judiciary, and police' (Freedom House 2021).

Indonesia's president is directly elected by the people and serves as head of state and government. The main parliamentary chamber is the House of Representatives, which has 575 members elected from 34 multi-member districts. There is also a House of Regional Representatives, which has 136 members and is described as being

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Figure 6.1. Indonesia



'responsible for monitoring laws related to regional autonomy' (Freedom House 2021). Recently, a number of policies have been enacted into law without substantive public participation, including the Mineral and Coal Mining (Minerba) Law, the Omnibus Law on Job Creation (Law No. 11 of 2020) and revision of the Corruption Eradication Commission (KPK) Law. The Omnibus Law, for example, has been criticized for lack of public consultation and the haste in which it was rushed through parliament (Freedom House 2021). On 26 November 2021, Indonesia's Constitutional Court declared the Omnibus Law conditionally unconstitutional, as it had failed to follow the procedure outlined in Law No. 12 of 2011 on making legislation (Satrio 2022).

Democracy in Indonesia continues to experience post-reform regression, marked by increasingly restricted civil and political rights. Even the means of exercising civil and political freedom is limited by violence and efforts at criminalization, and the misuse of laws such as the 2008 Law on Electronic Information and Transactions. Freedom House states that this law has ‘extended libel to online media and criminalized the distribution or accessibility of information or documents that are “contrary to the moral norms of Indonesia”’ (Freedom House 2021). In October 2020, prior to the passage of the Omnibus Law, journalists covering demonstrations against the proposed law were targeted by the police and subjected to ‘intimidation, physical violence, and detention’ (Freedom House 2021). Freedom House also reports that the government ‘used the Covid-19 pandemic to tighten restrictions on journalists, including criminalizing criticism of the government’ (Freedom House 2021). Unsurprisingly, the CIVICUS Monitor has assigned a rating of ‘obstructed’ to Indonesia, in relation to the degree to which citizens are able to express their views and exercise their rights in the civic space (CIVICUS Monitor n.d.). The civic space in countries that receive this rating is ‘heavily contested by power holders’, constraints are placed on fundamental rights and there is undermining of civil society organizations (CIVICUS Monitor 2022).

This situation is alarming, especially given that Indonesia is facing two global crises—the Covid-19 pandemic and the climate crisis. Both threaten the safety and lives of Indonesian citizens, especially vulnerable groups such as women, children, Indigenous people, farmers and fishers. Indonesia has a particularly high level of vulnerability to the impacts of climate change.

6.2. CLIMATE VULNERABILITY

As an archipelagic and maritime country comprising large islands and thousands of small ones, Indonesia is one of the countries with a high level of vulnerability to the impacts of climate change. The increase in the earth’s temperature is predicted to have a major effect on sea levels and water temperature. Several cities in Indonesia are at risk of flooding if the government does not take immediate and robust action to address climate change. In its analysis of the impact

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of rising sea levels in 21 provincial capitals, Kompas determined that 199 of the 514 regencies/cities in Indonesia, including 21 provincial capitals, will be below sea level or submerged by 2050 (Kompas 2021). Kompas's analysis of the impact of rising sea levels was conducted using simulation data from the Climate Central report, and combined spatial analysis, population and economic data, and details of local government policy. Statistics Indonesia describes the looming climate threat:

Sea level rise, extreme weather and global warming will have devastating consequences for archipelagic countries like Indonesia. United States Agency for International Development (2017) said that the threat of extreme surge, coastal flooding, and abrasion must be faced by 42 million people living less than 10 meters above sea level. Therefore, these threats result in changing the morphology of the coast, submerging small islands, polluting fresh water sources, and having negative impacts on coastal and marine ecology. Warming temperatures in the oceans are bleaching coral reefs.

(BPS Statistics Indonesia 2020: xi)

The University of Notre Dame Global Adaptation Initiative (ND-GAIN) ranks Indonesia 100th of the 182 countries listed in the ND-GAIN Index for 2020. It has a vulnerability ranking of 107, making it the 76th most vulnerable country, and a readiness ranking of 103, making it the 103rd most ready country in the Index (University of Notre Dame 2022a, 2022b). The vulnerability ranking is classified as 'lower middle', with the 'worst scores' assigned to the projected change in cereal yields, agriculture capacity and dam capacity (University of Notre Dame 2022b). Indonesia and India have populations that are among the largest in the world and have experienced a similar level of economic development. Even though India's land area is larger than that of Indonesia, both countries face similar challenges and vulnerabilities. India's vulnerability ranking is 132 (lower middle), with the 'worst scores' also assigned to projected changes in cereal yields, agriculture capacity and dam capacity (University of Notre Dame 2022a, 2022b).

6.3. CLIMATE ACTION

Indonesia ratified the United Nations Framework Convention on Climate Change (UNFCCC) through Law No. 6 of 1994, and the Kyoto Protocol through Law No. 17 of 2004. It also ratified the Paris Agreement through Law No. 16 of 2016, following which it submitted Indonesia's first report on its Nationally Determined Contributions (NDCs). These have since been revised to improve the MRV (measurement, reporting, verification) mechanism that measures emissions and to strengthen the adaptation agenda. Nonetheless, the target remains the same—to reduce emissions by 29 per cent through domestic efforts by 2030, or by 41 per cent with international assistance. Together with the revised NDCs, Indonesia has also submitted a long-term strategy document for 2050, which indicates that Indonesia's emissions peak is projected to occur in 2030, and it will reach net zero in 2060, if not sooner.

Indonesia has engaged with a number of organizations in support of its commitments to the UNFCCC. It is a member of the G77+China bloc, all the members of which are developing countries. The G77 was formed at the UN Conference on Trade and Development (UNCTAD) in 1964, for the purposes of providing developing countries with 'a voice to participate in and influence the debate on development and in the effort to build a better, development-oriented economic, financial and trade architecture' (Ricupero 2004). It currently participates in all the systems of the United Nations, including those related to climate change. Indonesia is also a member of the Cartagena Dialogue Bloc of 30 developed and developing countries, which aims to bridge the differences between developed and developing countries in relation to climate change negotiations. In addition, Indonesia is a member of the Coalition for Rainforest Nations, which comprises 52 forest-owning countries, and of the Organization of the Petroleum Exporting Countries (OPEC)—the group of 14 petroleum-exporting countries—even though Indonesia is technically a net importer of oil.

The Indonesian Constitution does not refer to climate change, and nor does Indonesia have any laws that specifically regulate or address the climate crisis. Political parties in Indonesia have not made the climate crisis an important political issue that requires

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resolution through legislation or policymaking. The party coalitions that support the ruling government, and those that support the opposition, have all failed to make the climate crisis a priority issue. In 2013, however, parliamentarians at the national level formed a Green Economy Caucus as a forum for expressing concern about climate change, and to strengthen the role of the House of Representatives in relation to implementing low-carbon development. A year earlier, the Indonesian Green Party had been established as a result of efforts by civil society movements and grassroots communities. It has made the climate and democratic crises part of the party's strategic agenda. The party is relatively new, however, and has not been officially registered as a party eligible to participate in elections.

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It is the central government that is the state party to the UNFCCC, although local government and civil society organizations are included as non-party stakeholders. Policies on climate change focus on reducing emissions from various sectors at the national level. The sectors referred to in Indonesia's NDCs are: agriculture, forestry and land use change (the AFOLU sector); the energy sector (electricity and transport); the industrial and processing sector; and the waste management sector. Most of these sectors come under the jurisdiction of the Ministry of Environment and Forestry (Kementerian Lingkungan Hidup dan Kehutanan, KLHK). Although emission reduction targets are based on projections and the capacity of ministries in each sector, the KLHK has the authority to carry out cross-sectoral coordination, push priority agendas in climate change negotiations at the Conference of Parties (COP) and coordinate with the Ministry of Foreign Affairs. The Ministry of National Development Planning is in charge of mainstreaming climate policy on the national development agenda and linking the agenda to the regions. The Ministry of Finance formulates fiscal policies such as budget tagging for central and regional budgets, which tracks budget allocations for mitigation and adaptation measures to address the climate crisis; the issuance of debt securities through green bonds; and advocating for a carbon tax.

The Indonesian courts have not played a significant role in addressing the climate crisis, due in part to the absence of litigation in this area. Indonesia has not yet had a lawsuit directly related to the

impacts of climate change, although environmental organizations have recently begun to discuss climate litigation. Such lawsuits in Indonesia are generally directed at the environmental and social impacts of development, especially where violations of environmental regulations are alleged. In other countries, litigation on climate change generally involves alleged government contraventions of emission-reduction policies formulated in accordance with the UNFCCC and the Paris targets, litigation against private sector entities or corporations that are alleged to have contributed to climate change or its impacts and have generated more than 70 per cent of historical global emissions, or both. The remedies sought from such litigation include changes to state and corporate policies directed at drastically reducing emissions, and compensation for loss and damage suffered as a result of disasters caused by climate change.

In the absence of a clear position from the government or political parties on addressing climate change, the climate crisis has become a priority agenda for cross-sectoral civil society organizations (CSOs), which have engaged in joint action and made organizational and community proposals for an appropriate market mechanism for carbon trading in accordance with article 6 of the Paris Agreement. The CSOs work across a number of issue areas from environmental issues (WALHI, Greenpeace Indonesia) to Indigenous peoples' rights and tenure issues (the Indigenous Peoples' Alliance of the Archipelago, AMAN), agrarian and rural reform (the Agrarian Reform Consortium), and gender issues (Women's Solidarity for Human Rights). Several CSOs work on the climate crisis and its relationship with the energy sector, such as the Institute for Essential Service Reform (IESR), which focuses on climate policy, and the Mining Advocacy Network (JATAM), which focuses on mining and energy advocacy. More recently, issues related to intergenerational justice and the role of young people have built momentum, due to the increasingly rapid global development of youth movement networks demanding faster and more ambitious climate action from country leaders through, for example, 'Friday for Future'. The youth movement in Indonesia includes groups such as *Jeda Iklim* (Break for Climate) and Extinction Rebellion Indonesia. Civil society activity on the issue of climate change illustrates the breadth of concern and the degree of awareness being raised at the grassroots level.

The climate crisis has become a priority agenda for cross-sectoral civil society organizations.

Despite the participation by labour groups internationally in the debate on the transition from fossil fuels to renewable energy, the labour movement in Indonesia has not yet engaged with the issue of climate change. The Indonesian Trade Union Confederation (KSBSI) has tried to build a network with environmental organizations on the issue of a just transition, but has not yet succeeded in doing so. This is not assisted by the fact that the climate crisis has not yet been made a policy priority by labour organizations. This is unfortunate as the solidaristic ethos reflected in the coalitions forming around this issue is crucial to any chance of persuading governments and political parties to take the issue of climate change seriously.

In contrast to labour organizations, religious organizations in Indonesia—a Muslim-majority country—play an important role in championing the climate crisis agenda. Although not yet included in the mainstream discussion, a role for religious adherents in addressing the climate crisis is clearly emerging. This is illustrated by the inclusion of disaster-related and environmental issues on the agendas of such organizations. The resolutions proposed in several national meetings of Indonesian religious organizations reflect discussions on environmental issues such as forest fires and renewable energy. The Indonesian chapter of the Interfaith Rainforest Initiative was launched in January 2020. It included religious and Indigenous leaders from the major forest areas (Mollins 2020). The Declaration resulting from this event states that:

The destruction and loss of tropical forests is not consistent with the teachings and principles of religion, traditional beliefs and values, or the State Constitution, which mandates that every human being maintain the integrity of nature and social justice. We recognize the destruction and loss of tropical forests as a threat to the sustainability of human life for generations to come, so we demand immediate and decisive action. Fundamental changes are needed to the country's values, lifestyles and policies to protect the tropical forests of Indonesia, and we have a deep moral and spiritual obligation to protect them.

(UNEP 2020)

Religious leaders were urged to encourage the government to strengthen and fulfil its commitment to protect forests and the rights of Indigenous peoples through, among other things, dialogue, policy, regulation and action (Interfaith Rainforest Initiative 2020).

The Climate Change Performance Index (CCPI) makes comparative assessments of the progress of the climate action and emissions-reduction efforts of 57 countries and the European Union, which collectively produce 90 per cent of global emissions annually. The CCPI assesses these efforts according to four categories: greenhouse gas (GHG) emissions, renewable energy, energy use and climate policy (Burck et al. 2020). The CCPI 2021 index ranks Indonesia 24th overall. It is ranked 30th for GHG emissions; 15th for renewable energy; 13th for energy use; and 34th for climate policy, although Indonesia receives a 'low' rating for national climate policy performance.

The Climate Action Tracker assesses Indonesia's performance as 'highly insufficient' and states that its long-term strategy 'presents a pathway that if implemented would be compatible with achieving net zero emissions by 2060' (Climate Action Tracker 2021). On Indonesia's dependence on coal, the Climate Action Tracker states:

Coal capacity continues to increase until 2027 and is planned to represent 64% of electricity generation by 2030, whereas it would need to be a maximum of 10% by 2030. These plans are completely diverging from the Paris Agreement's goals. Coal is Indonesia's biggest export product, and with major export markets beginning to implement the Paris agreement with consequential reductions in demand, there is a clear need for Indonesia to diversify its economy and reduce the risks of relying on fossils fuel exports.

Despite being one of the countries particularly at risk from climate change, Indonesia has invested heavily in coal-fired power plant infrastructure. Like China, India and Vietnam, Indonesia added to its coal-burning capacity in the period 2015–2019 (Strauss et al. 2021). This policy has been criticized by environmental organizations such as Greenpeace Indonesia and the Indonesian Forum for the Environment (WALHI).

COP 26 produced agreement on carbon trading as a climate change mitigation mechanism, pursuant to article 6 of the Paris Agreement (Climate Council 2021) which regulates emission reductions through carbon trading mechanisms. The Indonesian Government welcomed the Glasgow Climate Pact, particularly in relation to article 6. Indonesia has pledged to stop building new coal-fired power plants by 2056, and has expressed its intention to phase out coal by 2040. However, coal remains the primary energy source underpinning its economic development (Suoneto and Paramitha 2021; Barrett 2021). During the COP 26 negotiations, Indonesia's president, Joko Widodo, announced a plan to wean the nation off coal in partnership with the Asian Development Bank and the Philippines (Barrett 2021). Indonesia will not be able to achieve this goal and achieve net zero by 2060 without considerable external financial assistance (Barrett 2021).

Also at COP26, Indonesia signed a pact to end deforestation by 2030, but it has since stepped back from its pledge and questioned the terms of the deal (Ellis-Petersen 2021). According to government ministers, 'forcing Indonesia to zero deforestation in 2030 is clearly inappropriate and unfair' and the 'massive development of President Jokowi's era must not stop in the name of carbon emissions or in the name of deforestation' (BBC News 2021; Barrett 2021). Furthermore, it has been reported that Indonesia's 'recent pledges are at odds with development projects approved by the Indonesian government, which will likely see 135.9m acres of forest cut down by 2040' (Ellis-Petersen 2021). This is problematic in a context where 60 per cent of Indonesia's total emissions result from deforestation and it is the world's largest producer of palm oil (Barrett 2021).

The coalition of CSOs formed by AMAN, Forest Watch Indonesia, Greenpeace Indonesia and the Indonesian Forum for the Environment has expressed concerns that the carbon offset mechanism will lead to an increase in the expropriation of customary forests in the name of climate change mitigation (Dalidjo 2021). This a valid concern, given that the Indonesian Government has failed to adequately protect customary forests and the rights of Indigenous people and implemented policies with negligible respect for the principle of free, prior and informed consent (FPIC).

6.4. DEMOCRATIC DEBILITATION AND INNOVATION IN ADDRESSING THE CLIMATE CRISIS

Democracy is expected to support effective climate action but, in practice, procedural democracy has become a means of inhibiting it. Procedural democracy as exemplified in regional and national elections does not include a climate action agenda. This is a notable absence. Research by the Centre for Strategic and International Studies shows that of all the political parties participating in the 2019 general election, only one—Partai Solidaritas Indonesia—had a specific environmental agenda in its vision and mission document (Amri et al. 2019). Political parties and candidates argue that voters prioritize the economy over environmental issues or the climate crisis.

Clientelist politics is a fundamental problem behind many of the challenges facing Indonesia, from environmental damage to persistent social inequality, weak spatial planning, inadequate public services and endemic corruption. Procedural democracy has been hijacked by oligarchs to defend their wealth, ‘through the effective control (directly or indirectly) of political parties, law enforcement, media, and government’ (Aulia 2022). Auriga and *Tempo Magazine* (2019) found that 262 of the 575 members of parliament (45.5 per cent) are affiliated with companies and businesses in various sectors, including the extractive industries, that are a key source of GHG emissions. Indonesian democracy is therefore vulnerable to capture by vested interests linked to industries that produce or facilitate climate change. Although there is a Green Economy Caucus in parliament, it has no real political power when dealing with the oligarchs.

The Minerals and Coal Law (Minerba Law) and the Omnibus Law on Job Creation—both of which were rushed through parliament without proper public consultation—illustrate the challenges faced by advocates of climate action in Indonesia. The Omnibus Law, in particular, significantly reduces the public participation in environmental protection and management that had been enabled by the Environmental Protection and Management Law, No. 32/2009. In a press release following enactment of the two statutes, Greenpeace Indonesia stated that CSOs believe that the Omnibus and Minerba

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laws will exacerbate the climate crisis (Greenpeace 2020). For example, the Omnibus Law on Job Creation effectively revokes the authority of local government over environmental protection and management (Sembiring, Fatimah and Anindarini 2020). This is a cause for particular concern, as regional and local leaders present an important avenue for democratic innovation on climate action in the absence of strong leadership from central government on the issue. The idea here is that regional leaders, who are directly elected by the people through the Pilkada (regional election), could be encouraged to address the climate crisis at a regional level through regional work planning. Several regional leaders have made strong climate commitments, such as the Regent of Sorong in West Papua who issued a policy to revoke palm oil company permits and return the land to Indigenous peoples whose rights have been violated. The Regent was sued by the companies, but the Jayapura State Administrative Court dismissed the lawsuits (*West Papua Daily News Update* 2022).

There is also the prospect of democratic innovation at the citizen level, through the strengthening of citizen politics. This would extend political participation by citizens beyond the traditional confines of electoral politics. According to the non-profit organization Cakra Wikara Indonesia, it is important for civil society to intervene and participate in the political space at the community level, as the issues identified at village level are very close to the daily problems of citizens.

Political participation, especially by young people—as shown, for example, by their rejection of the Omnibus Law on Job Creation—is another area ripe for democratic innovation. There is critical awareness among young people across the world of the threat posed by the climate crisis to future generations. Approximately 80 million voters are from the ‘millennial’ and ‘Generation Z’ generational groups. A survey by Indikator Politik and CERAH found that the issue of climate change is of particular concern for the majority of young voters (CERAH 2021). Encouraging solidarity among citizens across generations, and across groups, will be fundamental to the impact that this level of society can have on championing and participating in climate action. Examples of such movements include Rakyat Bantu Rakyat and Warga Bantu Warga (People help People), which

advocates for ecological rights and climate action in the vacuum left by the state.

Citizen solidarity and advocacy of climate action will be more effective if a shared agenda to increase awareness of the issues can be advanced through education at the community level. Greater awareness and understanding of the issues will encourage political participation in decision making at various levels, and thereby be translated into a form of political power that can be wielded to bargain for the inclusion of climate action on local and regional political agendas. People or citizen power, in conjunction with the other avenues for democratic innovation referred to above, could step into the gap left by the central government and elevate the discourse on climate action to the point where inaction ceases to be a viable option.

Finally, and no less importantly, the media has a critical role in raising awareness and publicizing the impacts of climate change, the measures being taken to address the climate crisis and the lack of substantive action taken by governments. In this respect, it is a vital democratic institution that must resist the lure of simply parroting the propaganda of governments and interests aligned with the energy sector, as well as others uninterested in the systemic change required to adapt to and mitigate the effects of climate change. This will not be easy, given the CIVICUS classification of Indonesia as ‘obstructed’ in terms of the freedom associated with exercising rights and criticizing the government in the civic space. This would need to be bolstered by a grassroots movement focused on raising the profile of climate change and providing an alternative discourse to the vacuum that currently exists at the level of central government.

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6.5. ADDRESSING THE THREATS TO DEMOCRACY FROM THE CLIMATE CRISIS

According to a National Disaster Management Agency (BNPB) press release, Indonesia is extremely vulnerable to hydrometeorological disasters (Tehusijarana 2019). Despite this fact, the government and election organizers have not seriously considered the threat of ecological disasters and the climate crisis to their conduct of the

electoral process. The government, parliament, election organizers, political parties and candidates do not appear to be motivated by the importance of public political participation. Nor does the quality of democracy appear to be a measure of the quality of Indonesia's governance process. This is illustrated by the fact that local elections were still held during the Covid-19 pandemic, despite a wave of protests by CSOs.

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The prevalence of money in politics and the defence and/or promotion of vested interests are endemic components of the electoral process in Indonesia. In this context, it becomes legitimate to sacrifice the environment for licensing sales. Referring to the example of the palm oil industry in Kalimantan, Aspinall and Berenschot state that politicians 'not only make deals with palm oil companies to enrich themselves' but 'also need to use these deals to recover the expenses they incurred during their last election, and gather funds for the next' (Aspinall and Berenschot 2019: 210). The authors highlight that the costs associated with such deals and the expenses of running an election are 'an important reason why Indonesia's democratization process has not led to curtailment of the dominance of economic elites'; and, in that sense, it is possible to say 'that democratization is accelerating deforestation and the expansion of palm oil cultivation' (Aspinall and Berenschot 2019: 210). This situation has developed, in part, because candidates are required to fund their own campaigns (Aspinall and Berenschot 2019). The current Indonesian political system favours the political parties associated with vested interests and closes the space to alternative political forces, including those advocating for climate action, thereby reducing the short-term prospects for a government-led response to the climate crisis.

Failure to acknowledge and address the urgency associated with the climate crisis will further weaken democracy in Indonesia. The impacts of climate change are not the same, and will vary according to characteristics such as geography, gender, and social and economic position. If differences of impact are not taken into consideration by those developing and implementing policy on climate change, then citizens will lose confidence in political institutions, which will affect democratic stability in Indonesia. With procedural politics captured by the political and economic power of

oligarchs, the threat posed by the climate crisis, ecological disasters and inequality will increasingly be felt by the most vulnerable groups. Attempts to express opinions, criticize the government or fight for basic rights might be suppressed by the authorities. This is an unstable dynamic that would inevitably result in increasing social unrest and civic disturbance, which could lead to more violent enforcement measures being deployed by the police and security services.

Winding back the current situation will require the opening up of democratic spaces and encouragement of meaningful participation by citizens. Without democratic space and public participation in policy formulation, the threat posed by the climate crisis will continue to grow. Climate disasters will be more devastating, require more resources to address and continue to destabilize communities, which will threaten the sustainability of elections and other forms of political participation. National and regional elections will be difficult, if not impossible, to hold in the midst of a climate disaster, laying the foundations for a return to more authoritarian government in circumstances that could be framed as a permanent state of emergency. Indonesia has a long history of being dominated by a centralized, authoritarian regime, and a more limited history as a democracy. It is not beyond the realms of possibility to imagine the climate crisis providing an opportunity for authoritarian power to return to Indonesia.

Without democratic space and public participation in policy formulation, the threat posed by the climate crisis will continue to grow.

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