Background

During its dry season, which normally lasts from March till October, the territory of Republic of Indonesia is regularly hit by forest and land fires of great proportions – mostly a man-made phenomenon taking place on the islands of Kalimantan and Sumatra – which cause heavy environmental, human and economic damage. After historically recorded peaks in 1997 and 2015, in 2019 (July-October) the Country’s bush land and most bio-diverse forests were again consumed by huge fires, which directly harmed the human population with serious consequences in term of health, education, economy, transportation and social cohesion. Beside the destruction of thousands of acres of vegetation, the thick and dangerous haze produced by the fires provoked the disruption of flights and the closure of schools, and made thousands of citizens - particularly the young and the elderly - suffer from various levels of Acute Respiratory Infections (ARI) and other illnesses like stress, nausea, breath shortness and coughing. The Borneo Institute (BIT), too, was affected by the haze that blanketed the city of Palangka Raya: employees had to be dismissed for a week in August, during one of the peaks of the fires, while throughout the crisis all Staff worked in the Head Office wearing anti-smoke masks. Our partner Fairventures Worldwide Indonesia, too, had to reduce working hours by 2 hours daily.

Before and throughout this new crisis, the authorities, at both central and local level, were noticeable for their apparent inability to disseminate information about the impending droughts and the El Niño phenomenon and, most importantly, were perceived as failing to take systematic steps to timely prevent and deal with the consequences of the man-made fires, not to mention to identify and apprehend to culprits, proving unable to show leadership to the public opinion and to effectively coordinate competent agencies. Anticipatory measures had evidently not been taken to try and prevent the new land and forest fires, which in Kalimantan have now come to be considered, by an exhausted and powerless population, almost as an unavoidable seasonal disaster.
Unchecked perpetrators

Several studies regarding the causes of the fires have been carried out in recent years in Indonesia and Central Kalimantan by a number of institutions and NGOs, all highlighting the role played in the fires by business and criminal interests. Among others, reputed environmental organizations like WALHI and SOB focused on large palm-oil and pulp corporations operating in our Province, which were deemed to be decisively contributing to the expansion of the phenomenon. A Borneo Institute investigation – carried out in 2019 in several districts also with the technical collaboration of Fairventures Worldwide – has largely confirmed this well-known reality, but has also highlighted the involvement of other parties, namely a wide range of small and large real estate developers, which created havoc particularly in the provincial capital Palangka Raya and other minor urban centers and appear to have so far successfully eluded the scrutiny of law enforcement agencies and the attention of the media. In our 2019 research, we therefore focused on trying to ascertain the modus operandi (MO) of these particular perpetrators and why they escaped the sanctions of the Law every year before and since the great emergency of 2015, and the reason why they ended up playing an even more relevant role in the fires and the crisis of this year.

Social, Political and Legal Context

At the peak of the great haze crisis of 2019, while the citizens of Palangka Raya were crowding the 12 “Oxygen Posts” hurriedly set up by the City Health Office, the Central Government of Indonesia – through its powerful Coordinating Minister for Policy, Law and Security, general (ret.) Wiranto – publicly accused the indigenous farmers of Kalimantan and other provinces of being the main responsible for the ravaging land and forest fires that were causing the hazardous air pollution. “They always do it in the dry season, before the rains and this practice should be eliminated”, Wiranto stated in Jakarta. In Central Kalimantan’s towns and rural areas, the allegation dropped on the civilian population by the man considered as the de facto Central Government’s Number Two, was met with disbelief and disappointment. During the celebrations of the annual Farmers’ Day (23-25 September), the indigenous people of the Manuhing Raya sub-district, in Gunung Mas, openly contested Wiranto’s statement, saying that it was “not based on facts”. Gathered in the village of Luwuk Tukau, the Dayak farmers of the semi-mountainous area strongly denied that they had set their own fields and forests on fire, and claimed to be actually amongst the many victims of the poisonous haze, which at that very moment was blanketing also the site of the farmers’ ceremonies and was clearly coming from the southern lowlands, as the BIT Staff, who had come to Manuhing Raya from Palangka Raya to attend the 3-day long event, could witness.

Down south in the Province’s Capital, in the meantime, the haze had reached new high and dangerous levels, officially certified by the monitoring outposts set up by the
Ministry of Environment and Forestry (MLHK). Nevertheless, even though for two months already many citizens had been heavily affected by shortness of breath and other symptoms, the Provincial Government had not yet declared the State of Emergency invoked by many environmental organizations, firefighters and health practitioners.

During the haze crisis, in Palangka Raya and other minor urban centers (Sampit; Kotawaringin; Barito) air pollution seriously impacted the citizens’ health and disrupted many outdoor activities. The number of respiratory illnesses cases reported by hospitals had reached in September a total of 11,591 individuals all over Central Kalimantan, including 2,139 people suffering from ARI in the city of Palangka Raya alone. The haze also disrupted the education system and many office activities. Based on data released by the National Disaster Management Agency (BNPB), on the 15th of September 2019 in Central Kalimantan there were 954 active hotspots (fires), at that time the largest number in all of Indonesia. Facing growing complaints by the public and increasing media scrutiny, finally on September 16th the Mayor of Palangka Raya reacted with a Decree (SK- No. 188.45 / 435 /2019) enacting the Karhutla (Kebakaran Hutan dan Lahan, or Burning Forest and Land) State of Emergency response, however just for the limited period between the 16th and 30th of September.

This pattern of slow reaction was not unprecedented. The authorities’ failure to timely act during the 2015 great haze emergency in Central Kalimantan had, at the time, been the subject of many civic protests, such as the public collection of coins to “pay the Government’s expenses” (more than 500 people contributed) organized by various groups as a form of satirical reproach against various national ministries and the provincial authorities’ claim that their lack of response had been caused by “a scarcity of public funds”. In 2015 in Palangka Raya, the landmark Soekarno statue, sitting at the center of the city’s main roundabout, was fitted by a group of protesters with a giant anti-smoke face mask as a form of extreme protest and frustration about the haze.

The 2015 people’s protests in Kalimantan and other affected provinces ended in a lengthy legal battle culminated in a Citizen Lawsuit (CLS) promoted by a number of civic organizations, who sued the President of the Republic (Joko Widodo), the Ministry of Environment and Forestry, the Ministry of Health and the Governor of Central Kalimantan, accusing them of neglecting their duty to prevent and stop the fires, and to protect the population’s health. On the 7th of September 2017, the Central Kalimantan High Court accepted the people’s lawsuit with its Decision No. 36 / PDT / 2017 /PT /PLK, and the legal issue went up to the Indonesian Supreme Court. In 2019 the Nation’s High Court finally confirmed the negligence of both the central and provincial Governments with its Decision No. 355SK / PDT / 2019 (negligence, in this case, was likened to an act against the Law) and ordered the authorities to swiftly take remedial measures and address the people’s requests for better planning and prevention. Unfortunately, the Government de facto refused to comply with the Court’s ruling as it
appealed against the Decision, thus prolonging the agony of the population and failing again, in 2019, to be ready to prevent and respond to a new haze emergency, which this time was to become more dramatic due to a historic decision taken by the very Central Government, which brought unforeseen (but entirely foreseeable) consequences to Kalimantan.

**Kalimantan as the site of a New Capital**

At the beginning of 2019, rumors of a possible, imminent decision by the President regarding the transfer of the Nation’s Capital from Jakarta to another, more geographically-central, location of the Archipelago (with three Kalimantan provinces in pole position), started circulating amongst political circles, big business interests and media operatives. After a series of leaks and informal confirmations by individual ministers, and finally by the same President, the concrete possibility that the Government would select Kalimantan ignited a lobbying race by the island provinces’ respective Governors, including that of Central Kalimantan, and – most importantly in our analysis – started a ‘gold rush’ among local and national land owners and developers. These business people, often well connected with State agencies and individual officials, started a fierce competition to sell and buy land for building purposes, lured by the almost certainty that – if one of Kalimantan Provinces were chosen – the whole island would inevitably benefit from the transfer of the Nation’s Capital, in terms of infrastructures and services as a consequence of the move from Jawa to Kalimantan of an estimated 1.5 million civil servants plus their families and business operatives and their staff.

The closer the date of the final presidential decision, the higher the prices of land rose (literally skyrocketed) in all Kalimantan, doubling or even trebling every week, including of course the price of “unused” forests, bush areas and degraded peat land, not yet commercially exploited and thus considered “up for grabs”, particularly in the vicinities of provincial roads and urban centers. When eventually (16th of August) President Joko Widodo formally picked two districts of East Kalimantan as the new Capital’s sites, the machine of land selling and clearing had long been set in motion and was running at full steam, and kept doing so even after the formal announcement, with businessmen and politicians of the ‘losing’ provinces still hoping to directly and indirectly profit from the fallout of the historic transfer (as the beginning of the actual move is planned only for Year 2024, the real estate frenzy in Kalimantan is likely to continue for many years to come).

**BIT Research - Timeframe, Locations and Methodology**

The Borneo Institute’s research, focusing on the “Principal causes of forest and land fires” in the District of Palangka Raya, started in early July 2019 and was concluded by early October, and focused on the aims and MO of real estate developers and private landowners involved in land burning.

The investigation was carried out by utilizing three main tools:
1) On-site (fire hotspots) BIT Staff visits with direct observation and evidence-seeking at the scenes of the fires. Locations were also identified by using the Global Forest Fires Watch application.

2) In-depth interviews with witnesses, local residents and firefighters, who possessed first-hand information about fire incidents and their circumstances.

3) Audio-visual recordings.

All the forest and land fires recorded in Central Kalimantan between the 1st of July and the 30th of September 2019. Palangka Raya is the fourth district by number of hotspots (8689). Courtesy, mapping service of Fairventures Worldwide.

The main land fires locations visited by BIT within the boundaries of Palangka Raya urban area.
Forest and Land Fires in the urban District of Palangka Raya.

During the 3 months of the crisis, BIT’s investigative Teams focused mainly on 20 main locations within the city/district boundaries, which were the theatre of severe fires. Our staff visited and observed the fire-affected locations often following the fire brigades or, in some cases, reaching the areas before – even hours before – the intervention of the Province’s agencies. Our Teams then returned to the same spots in subsequent visits, after a few days or weeks, for follow-ups aimed at gathering further information and visual data.

After interviewing many witnesses, neighbors and fire fighters – often off the record to protect the identity of our collaborators – we started forming the clear image of a practice, which was not new but which had suddenly become acute, in this urban district, in 2019: the setting on fire of vast plots of bush land, often peat land, in the immediate surroundings of the urban center, a phenomenon clearly and directly connected to a swift increase in real estate activities or the expansion of other business-related facility-building activities. In sum, land owners and developers, lured by the move of Indonesia’s center of Power to Kalimantan and the possibility of greater profits than in the past years, were using fire as a “cheap and quick” way to eliminate the vegetation in order to showcase already semi-cleansed lands to potential buyers and/or to facilitate the construction work to their contractors.

By burning bushes and trees all around Palangka Raya (thus decisively contributing to the haze that blanketed for months the city, affecting its population of all ages), these businesses intended to “save big money” (using heavy machinery or human labor would cost them much more) and time (another crucial element in a suddenly highly competitive business environment).

In spite of the existing regulations, of well known dangers to the citizens’ health and of the authorities’ bland invitations to exercise restraint or stop the burning, the practice - in and around Palangka Raya - continued basically unimpeded for the whole dry season.

When asked why the culprits were not discouraged by the potential risk of being caught and arrested, almost all of our interviewees cited the same set of reasons: a) the fires were “easily and quickly” set off “by freelancers” who had been paid “by emissaries of someone” and who, even if caught, could not and “would not” link the burning to a specific businessman or company; b) the possibility of being caught in the act was “minimal”, as many of the burning started at night or early in the morning and required only the “time of lighting a match and throwing it on a pile of dry leaves to set the whole field on fire”; c) the record of legal sanctions imposed upon direct perpetrators or concerned companies from 2015 onwards in Kalimantan (and countrywide) was low, almost bordering “impunity”, as most of the (already relatively few) cases reported by the Police...
ended up lost in the foggy waters of the courts and have not resulted as of today in significant jail sentences or severe pecuniary fines.

Another recurrent fact, cited by all the interviewees, was that in most cases it had been the neighbors (concerned about their homes and families’ safety) who had requested the intervention of the fire brigades, either by phone or hurriedly calling on the few known local emergency centers: “It’s never the owner of the land the one who cries for help and tries to quickly extinguish the flames before they become a huge fire”, stated all witnesses, inferring that the owners (in most cases real estate companies, other businesses or rich private landlords) seemed - to say the least - to not have a direct interest in preventing the fires from creating the haze and destroying the vegetation covering their properties. When asked if they knew what the owners intended to do with the land, our interlocutors simply pointed at the brand-new large banners erected particularly by the real estate developers immediately after the fires, in the middle of the charred fields, to publicize the soon-to-be-built new luxury “perumahan” (housing complexes) or “rumah subsidi” (State-subsidized homes, for less affluent customers). The reasons of the fires and the aim of the landowners seemed to all of our powerless interviewees as “an open secret”, as it was the feeling of a complete surrender of the authorities in charge of enforcing the existing laws.

This feelings, of powerlessness and impunity for the perpetrators was confirmed by an episode that occurred to a BIT Staff during one of our Team’s visit to some burned fields in the Palangka Raya area of Keren Bankirai. While taking photographs of a large site completely razed by the flames one of our researchers was approached by a land mediator. The man introduced himself as a civil servant working for a Provincial Service (Education) and who, with “friends”, was active also in the land business, as a side job. The man (we have his name, phone number, vehicle plate and picture, and we have recorded the whole conversation) told our Staff member that, if the latter was interested, he could help him with buying land “all over Central Kalimantan” and securing “quickly” all the necessary permits. He added that he had already “many plots” available, to be used for housing complexes or plantations. Our Staff played the game, confirming his interest, but expressed concern about the legality of the process and asked whether the man and his friends could help him also with the “cleansing” of the land. The mediator gave him the following answer: “If you own the land, we can help you reach an ‘agreement’ with the RT [Rukun Tetangga, the smallest local administrative division in Indonesia] or the sub-district [Kecamatan] or with the City departments, before we burn the land, so that you will be free from the burden of the Law”. Pressed on whether this ‘agreements’ would be legal, the land mediator stated to our Staff: “You need to get all on board, so that in future you will not be blackmailed.”
BIT researchers were also direct witnesses of the massive difficulties faced by the firefighters who tried for months to extinguish the fires, particularly due to the dangerous, tricky nature of the peat land which surrounds Palangka Raya (the flames put down on the surface keep burning underneath for days, and come out again in a sudden and sometimes devastating manner). Many of the truly selfless and courageous firefighters we interviewed highlighted confusion and a lack of coordination between different governmental agencies and lamented exhausting working hours and inadequate technical means (vehicles; water tanks; water pumps; safety gears, among others), although stressing that the greatest challenge for them had come from the lack, or scarce availability, of proper water sources.

The issue of water points for emergencies had been a highly contentious topic in 2015 and still was in 2019, as highlighted to our Teams by several citizens, including the fire fighters. The lack of an appropriate plan to create water points for emergencies in the area of Palangka Raya became apparent to everybody during this 2019 emergency and might have been a direct consequence of the BRG (Badan Restorasi Gambut or Agency for the Peatland Restoration)'s decision to not include the provincial capital’s urban district in their plan to intervene in Central Kalimantan after the big fires of 2015.

In 2019, our Staff directly observed how the firefighters of several city and provincial agencies struggled to get access to water, when their relatively small truck-mounted tanks got empty. In some cases the workers had to use water from the rare existing channels separating large fields. During the dry season these channels were a little more than ditches full of ravines and garbage and dug a long time before (and poorly maintained, if at all) and the firefighters had to pull off the vegetation, or dig in search of water, with their bare hands. Most often, the fire brigades had to ask the neighbors for their permit to access the latter’s private “sumur” (well) or “bor” (borehole) or even “kolam ikan” (fish tanks) to secure the water necessary to try and extinguish the fires.

During our last round of field visits (in mid October, when the fire/haze emergency was basically finished), we noticed that a few new water channels had been excavated by some authorities and, most interestingly, we encountered some boreholes freshly dug in completely charred plots of land. Some of these new boreholes (simple plastic pipes coming out of a small square cement platform) - in Bukit Tunggal - bore a red metal placard, citing the acronym of provincial agencies in charge of dealing with peat land restoration (TRGD – TSAK), the OPCLGT acronym (Operasi Pembasahan Cepat Lahan Gambut Terbakar) and the year of construction (2019). All of them had clearly been realized after the fires that had ravaged the land they sat within. All were not fenced and were unguarded. In at least one case we had the strong impression that we were facing one of the much complained about cases of “sumur bor palsu” (fake boreholes), decried by both citizens and firefighters during the peak of the emergency.

As previously said, we visited many fire hotspots in Palangka Raya, double checking several days or weeks later some of them. Down here, we report only a few of our findings in detail, to give our readers some examples.

Our Teams visited several times one of the most fire-affected area right within the boundaries of Palangka Raya, not far from the city's center: a site that was so close to the urban settlement that the fires prompted possibly the fastest response by the emergency
services (that unfortunately were not able to prevent the complete destruction of the vegetation). We are speaking of two large plots of land facing the roundabout that leads to the airport, namely the land behind a big Honda Dealer and another adjoined site destined to host a new, giant Shopping Mall. Both plots were completely razed by flames that caused such a severe hazard to the households living in the immediate vicinities that the Army itself felt the need to intervene. The land behind the Honda dealer reportedly belongs to the same business, which – according to many neighbors - plans to expand its premises by building a depot, and it is still in plain view of the passing cars. The other burned area, nearby, is completely concealed to the public view by a freshly erected metal high fence, which hides a desolate burned plot. The gate to this development location bears a large sign recently placed by the Police prohibiting anyone from entering the site, which is now “under investigation”.

The surroundings of the “Tjilik Riwut” Airport’s new Terminal, inaugurated by President Jokowi in April 2019, were another infamous example of man-made fires in Palangka Raya. Around the airport area (Panarung/Pahandut), the vegetation can no longer be described as forest (trees with a diameter of 20 cm. and above), and it is dominated by shrubs and small logs of 5 cm. in diameter) and covered by olang-alang grass. At the time of our first visits, the area (4.46 km. from the city center) was blanketed by a thick yellowish smoke, and several hotspots were still active, prompting temporary closures of the airport or flight delays. During our last visit in October, the haze had gone but the landscape still bore the signs of the huge fires that on several occasions in the previous months had ravaged the land surrounding the airstrip. In some sections of the burned land – marked with concrete posts bearing the inscription “Batas Lahan Bandara” (Boundary of the Airport’s Land) – we photographed some new Police Line yellow stripes and other Police placards, declaring the land off limits. One placard in particular, signed by the Chief of Police, Pahandut area, launched an odd appeal: “Please, the land owner should immediately contact the public security agency in Pahandut or the Criminal Investigation Police’s Investigator (081349143456) within 1 X 7 days. Palangka Raya October 2019”. Neighbors living in the area, stated to BIT that the fires, which almost torched their homes, had come “from the side of the airport”.

We also visited the urban sections of some of the main roads and streets connecting the Capital City with the rest of the Province, namely Jalan G.Obos, Jl. Mahir Mahar, Jl. Bangaris, Jl. Kecipir, and found that many fields surrounding these vital lines of communication were being or had recently been affected, with fires still raging or smoke still coming out of the (mostly peat) land. Many of the fires had taken place in close proximity of the roads (easy access to roads increases exponentially the value of the land for real estate purposes) and had directly threatened human settlements, shops and public buildings. Electric and telephone poles had also been surrounded by flames and some lines had been damaged.

Some particular worrisome hotspots turned out to be not far from the Central Business District (CBD) area of Palangka Raya, around Jl. A. Yani, Jl. Kinibalu and Yos Sudarso. The area hosts the core of the city, and Province, economic activity with modern and
traditional markets, government institutions and private offices. We also visited the area close to the Palangka Raya University complex (Jl. Yos Sudarso), and the Outer Ring area beyond Jl. G. Obos XXV. Evidence that land bush fires was still occurring in several locations in and around the city was confirmed by the frantic flight, still in late September, of one old Russian-made helicopter utilized to spread river water on the fires (some residential buildings hit by the water were partially damaged).

Many elements gathered by the Borneo Institute Teams, through direct sighting and tens of interviews with eyewitnesses, strongly indicated that in almost all of the above mentioned locations in the western, northern and inner city areas the bush had been burned for housing development purposes. These findings were visually exemplified, again, by the adverts that some real estate developers had erected right on the sites of the fires, immediately after the burning.

One exemplary case was recorded by our Teams near Jl. Mahir Mahar (Jalan Trans Kalimantan-Banjarmasin), and involved the BYG company, whose banner (publicizing the sale of plots of land for a new prospected luxury housing complex, divided into ‘kavlings’ or sub-plots) we found standing untouched by the flames (and therefore most probably placed in the plot of land ‘after’ the fire) in a large field completely burned and charred. According to several witnesses and the owner of a warung (tavern) Tiga Dara, standing in the vicinity of the burned area, the fire in the BYG location had been going on for a week and had only been put off on September 20. The length of the extinguishing process had reportedly been due to the limited availability of the water that could be found by the fire brigades (called, again, by the neighbors) and the outdated and basic equipment used by their teams, as well as the refusal by owners of neighboring lands to avail their private wells. In the vicinity of the BYG estate, we also found another large plot of land completely burned and belonging to a DLM housing company, whose publicity banner also stood firm and untouched, and therefore most likely erected after the fire.

These and many other findings form the basis for the BIT Teams’ opinion that business interests and operatives objectively received a substantial benefit from, if not played a direct involvement in, the sudden and basically unchallenged burning of their properties. The concerned businesses and real estate companies appeared either negligent or as having intentionally left their lands (mostly dried up peat soil) to be engulfed in flames, also neglecting to create water points for fire emergencies and avoiding to man-guard their properties and to timely call up the fire brigades.
The Government’s Intervention

In the midst of the 2019 crisis, with the national media already reporting dramatic stories from the field, and footage of raging fires appearing on all major international newscasts, several neighboring governments began to officially complain to Indonesia about the haze fallout which was by then directly affecting their respective countries and peoples. Pushed by the magnitude of the complaints, after initially denying responsibility, the Indonesian Government eventually decided to address the issue. President Joko Widodo (Jokowi) himself visited Riau (Sumatra) – but not Kalimantan – to inspect the land fires that were taking place on that island, and stated that he had instructed the Chiefs of Police (POLRI) and of the Armed Forces (TNI) to “demote and replace” any local commander who had failed in their task of countering the emergency and apprehending the culprits (as of October, this has not happened, yet, and actually the Chief of National Police has been promoted to the position of Minister of Interior on 23rd of October). Joko Widodo lamented that based on the Constitution and the Law on Autonomies, he did not have the power of firing negligent and inefficient Governors and Mayors. The President publicly expressed regret for the forest and land fires and reminded the local governments that they should play a key role in preventing the haze from happening.

This presidential statement finally tickled the Governor of Central Kalimantan, Sugianto Sabran, who made several public statements calling for help and launched a sort of contest among the Province’s citizens to find the one who would get him an idea on how to stop the fires, by promising a financial reward (2 billions Indonesian Rupiahs, ca. Euro 120,000), and also invited the population and the civil servants to pray for the end of the drought and the coming of rain, in order to “resolve” the problem.

Preparedness and Coordination issues

The consequences of the historical political decision taken by the Government to move the Country’s Capital to Kalimantan, particularly the land business race it ignited in our Province, impacted Central Kalimantan throughout the whole dry season of 2019, and could be still felt at the time of writing this report (mid-October) as the political decision had de facto contributed to a sharp increase in land burning for the purpose of building speculation. On top of this, land and forest fires in 2019 became even more problematic due to the above mentioned failure to take preemptive measures and the well-known shortcomings of the Government, both at central and provincial level, which seemed to not have learnt any major lessons from the 2015 crisis. The most serious of these shortcomings was an all apparent lack of capacity to coordinate the various public agencies formally in charge of mitigating measures, which should have been better tasked and involved in the prevention and countering of the
fires and their consequences, before or at least from the very beginning of the new emergency, and the lack of water points to fight the fires.

Based on the information obtained from civil servants interviewed on the fires’ scenes during our investigation, in 2019 clear signs of this lack of coordination emerged in Central Kalimantan particularly as regards the interactions between the Ministry of Health (MOH), the Department of Environment and Forestry (DLH), the Peat Restoration Agency (BRG), the Environment Service of the Province and the provincial Disaster Management Agency (BPBD).

To try and clarify the reasons of this apparent governance failure, BIT interviewed Sipet Hermanto, experienced civil servant and former Head of the Forestry Service in Central Kalimantan – the agency traditionally in charge of combating forest and land fires - who gave us a quite discouraging picture of the many, unresolved hiccups of the administrative machine.

“The Law requires that a minimum of five Kabupaten [province districts] be affected by the fires in order to declare the State of Emergency and handle the fires with the necessary extraordinary means and resources”, stated Mr. Sipet. “In this 2019 crisis, the emergency declaration came significantly late, but the confused response of the Province suffered also from the structural difficulty of harmonizing the plethora of agencies, budgets and regulations that hamper the anticipation and control of forest and land fires in Central Kalimantan”. In case of a large emergency, there are in fact several entities, which should be involved, also depending on the fires’ location (urban, semi-urban or forest), and these are mainly the SOPD (Provincial Organizational Apparatus Units), the Environmental Agency, the BNPB (Provincial Disaster Management Agency), and finally the Forest Service. A number of other, smaller city services are also involved, in case the fires take place within the boundaries of an urban center like Palangka Raya. All this produces overlapping and confusion. “There has been an attempt to coordinate our respective forces and interventions”, added Mr. Sipet, “by creating a Tim Terpadu (Integrated Team), but still each component has to follow its own financial procedures, or risks incurring in penalties and bigger problems”. Meager individual budgets and the possibility of violating long-established internal bureaucratic procedures and financial rules seem some of the reasons for the various agencies’ leading officials’ apparent reluctance to coordinate with other entities swiftly and more effectively. “We can access extraordinary funds disbursed by the National Disaster Management Agency only if there is a decree issued by the Governor, precisely stating how much and how to spend the money. Without that, it’s impossible to timely respond to any emergency in a coordinated manner. All of this is just ridiculous and makes it impossible to effectively address a crisis”, concluded Mr. Sipet.

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BIT Recommendations

Our Research was aimed from its inception at two objectives: to expose the reasons behind the Palangka Raya haze emergency in 2019 and, most importantly, to identify possible ways of preventing a similar crisis from taking place again in 2020 and the following years.

We are therefore presenting here some recommendations to the concerned Authorities, for them to take swift and thorough action and comply with their duties in a more effective and creative way.

These calls for action represent also practical guidelines for Palangka Raya and Kalimantan’s NGOs and civic groups in fulfilling their crucial role as watchdogs, to lobby and monitor the responsible agencies, from now till the next dry season, and make sure that the People’s will and hopes are not betrayed again.

1. We urge the Government, representative bodies at various levels (DPR; DPRD), all executive branches of central Ministries and provincial services, the Governor of Central Kalimantan, the Mayors of Palangka Raya and all the Province’s urban centers, as well as all the Regents (District Heads) to formulate, approve and implement a coherent set of legal regulations and to revise the existing ones, regarding all aspects of land and forest fire prevention and management.

The regulations to be issued or revised should:
- Strengthen law enforcement interventions against those responsible (primary and secondary) for un-authorized land clearing by fire. Culprits must be swiftly identified and taken to court. Courts should examine the land fire cases as a matter of priority due to the hazard caused to the whole population. Monetary sanctions should be brought up to 5 times the value of the burnt land, in order to discourage the burning. Follow up to court sanctions must be strengthened, making sure that businesses and companies, sentenced to pay for the fires they caused, actually meet their legal obligations.
- Ensure a more rigorous control and protection of forests and land management, including severe penalties for those found to be benefiting from land fires on own lands, with the prohibition to sell land in urban areas within a period of 10 to 20 years from an unauthorized clearing by fire.
- Prohibit land use change after any un-authorized clearing by fire. Burnt land must be restored to its original function and spatial destination, as of before the fire.
- Prohibit the issuance of HGUs for new plantations and also the annulment of Real Estate/building permits to those commercial entities found responsible of clearing by fire.
- Prohibit the issuing of Building Permits (IMB) for the burned lands, as a form of deterrence to the owners who intentionally use fire as a means of clearing, as well as to those owners who delayed or showed negligence in putting out the fires.
- Introduce the obligation to dig, maintain or restore viable (sufficient and accessible) sources of water, in all plots of lands owned by registered companies or developers, and obligation to make these water sources available to the fire brigades in case of fire.

2. The Central and Regional Governments must improve coordination (also internal) at all levels, which should be aimed at anticipating and managing forest and land fire disasters, by designing coherent and manageable forest fire prevention procedures, facilities and water infrastructures such as wells and canals. There must be much better coordination directed from the center and the provinces, which should simplify the bureaucratic process for determining and calling a State of Emergency in the early stages of disasters.

3. Education campaigns are pivotal for community awareness. Citizens should be informed and instructed to use ways alternative to fire for land clearing. Techniques for fertilizing plants such as composting should be encouraged as they are more environment-friendly and conducive to progressively reducing or avoiding land burning.

4. Competent authorities should agree on joint plans and simpler managing and coordinating structures, whose effectiveness should be subject to periodic, serious evaluation and revision, if necessary, in order to strengthen both prevention and response to fires.

5. An additional allocation of disaster response funds both in the APBN / APBD in the effort to prevent future land and forest fire disasters is necessary. Funds should be allocated according to well set and agreed priorities, such as preparing boreholes in and around fire-prone areas as well as strengthening the technical capacity of the fire brigades (including the purchase of more modern equipment; more helicopters, etc.), and maintaining their tools to optimal status in order to ensure they are always ready for use.

The Borneo Institute
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