

CHAPTER III

INDONESIA'S INVOLVEMENT ON KYOTO PROTOCOL

In this chapter, the writer will explore the involvement of Indonesia in international environmental agreement, Kyoto Protocol. Indonesia as developing country has a role in solving the international environmental problem. First part, it will explain about the international environmental agreement, Kyoto Protocol and its mechanism. The second, the writer will elaborate the history of Indonesia in joining the Kyoto Protocol. It will be supported by constitution of Indonesia.

A. Kyoto Protocol and its Mechanisms

Since the Declaration of Stockholm in 1972 by international people, environmental problem became a big attention for international society, the declaration affirmed that:

“State shall co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jurisdiction.”

However, Stockholm convention in 1972 could not prevent the damage on environment, and then the damage is going worse. Whereas, the effort of international people to overcome the environmental problem by using the

Therefore, the *World Commission on Environment and Development* finished its job in 1987 and announced its final report which is known as Brundtland Report, which has a title 'Our Common Future'. That report used a theme of sustainable development. The sustainable development mean as the development which has a long consideration to exploit the natural resources. Since the world will have a next generation in the future.²¹

Then, after the Brundtland Report, by United Nations, international world discussion is focusing on environmental, which result the United Nations Framework Convention on Climate Change (UNFCCC).

In Rio de Janeiro at 1992, there was a meeting from United Nations Conference on Environment and Development (UNCED). This meeting established an international organization that concerns on environmental treaty, United Nations Framework Convention on Climate Change. The meeting has an aim to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.

After the establishment of UNFCCC, international world build Kyoto Protocol to bind the entire member which sign in saving the earth. The existence of Kyoto Protocol is needed to bind the obligation for the countries that ratified the protocol in December 11th, 1997.

The target of Kyoto Protocol is known as Quantified Emission Limitation and Reduction Objectives (QELROs) which is explained in Act No. 3 and 4 in Kyoto Protocol. The target is decreasing the gas houses emission until 5.2% collectively, and the list of the gases that must be reduced are Carbon Dioxide, Methane, Nitric Oxide, Sulfur Hexafluoride, Chloroflucarbon/CFC, and Perfluorocarbon/PFC. If Kyoto Protocol can reach the target, it can reduce the global temperature between 0.02 °C and 0.28 °C per year.

Based on target that Kyoto Protocol wants to achieve, there are three mechanisms that have been provided by Kyoto Protocol. First mechanism is Clean Development Mechanism (CDM) which provides a good solution for developing countries and developed countries. The procedure of this mechanism is the developed countries invest on developing countries to make some project which can reduce gas houses emission, then the project will be counted as a contribution of developed countries in solving the international environment issues.

The second is joint implementation which this mechanism provides cooperation among developed countries to reduce their gas houses emission because the developed countries are industrial state which produced many

Kyoto Protocol has divided the member country into several categories. There are Annex I, and Annex II. The Annex I is developed country which contribute much emission until 1990, it includes the member of the Organization for Economic Co-operation and Development (OECD) and the Economic in Transition (EIT) parties, which is Russian Federation, the Baltic States, and several central and Eastern European States.

Annex II is the countries that give the aid by giving surplus money to the UNFCCC program and the Non-Annex countries. The UNFCCC program is providing financial resources to help developing countries to take over the emissions reduction program. In Annex II, the countries are similar with Annex I, the OECD member, but not the EIT parties.

Then, the non-Annex I parties in Annex II means developing countries which are recognized by the convention as being especially vulnerable to the adverse impacts of climate change, including countries with low-lying coastal areas and those prone to desertification and drought.

B. Indonesia and Kyoto Protocol

Indonesia is one of developing countries that involve in the international environment issues. Since 1979, Indonesia has joined in finding the solution for environment issues. Then in 1994, by the Act no. 6 year 1994, Indonesia ratified and acknowledged the international organization which concern on environmental issues, UNFCCC.

Indonesia sees that the ratification of UNFCCC is needed, since Indonesia has an outline of state policy, especially about the environment and international relations, according to TAP MPR No. II/MPR/1993 which acknowledged by the People's Consultative Assembly (MPR).²² It is asserted:

- a. Environment development which an important part from ecosystem which has function as a pillar for human life in this world. The environment development has aim to increasing the value of using the natural resources sustainability, revitalization the damage of environment, increasing the quality of life.
- b. In sustainable development which concern on environment, it must develop the layout which in line with another resources. Layout must be controlled based on the pattern of regional approaching which see on the characteristics of nature and social.
- c. The environment which is already damaged needs revitalization in order to get the function as the pillar of life and gives a benefit for the people. It must be also in line with the decreasing of over exploitation of nature.
- d. Regional cooperation and international about the maintaining and keeping the environment must be increased for the interest of sustainable development.
- e. International relations are activity among nations regionally and internationally which has aim to freedom, peace mortality, and social justice through bilateral or even multilateral forum.

After the ratification of UNFCCC and in line with the continuity action of Indonesia in solving the international environment problem, Indonesia ratified the Kyoto Protocol based on the Act No. 17 year 2004. In this Act, Indonesia explained the urgency of Indonesia itself in ratifying the Kyoto Protocol.

Indonesia elaborates the role of Kyoto Protocol in ruling the decreasing of gas houses emission. Kyoto protocol can stabilize the concentrate of gas houses emission in atmosphere. It can be reached by the involvement of international world in signing the protocol.

Indonesia as the archipelago state and has the longest coastline second in the world. The climate change has a big impact, especially in sea-level raises. Besides, another impact which can be felt by Indonesia is the decreasing of producing of food, and fresh water availability.

Indonesia in participating to the Kyoto Protocol, took Clean Development Mechanism as the mechanism to solving the environmental issues. Indonesia sees that CDM is a best way for Indonesia itself, since Indonesia has many prospect project of CDM which can offer to the developed country to cooperate together.