

THE DISPARITY IN NATIONAL EMISSIONS: THE ROLE OF NATIONAL POLICY TO MITIGATE CLIMATE CHANGE FREE RIDER

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It is generally accepted within the scholarly international community that global climate change is occurring and is due at least in part to anthropogenic activity. Strategies to mitigate climate change harms and adapt to inevitable climate change-induced consequences are influencing legal, political, and human rights frameworks. One of the interesting study is the study to test the existences of justice aspect in the regulation for international as well as for national nowadays in overcome the climate change problem. The research focuses on some main points, which consist of several problems. First, to perform assessments about the importance of climate justice contexts in the spirit of climate change prevention; Secondly, to search for the basic understanding for the interests of developing countries to be treated equitably in the climate change regime; Lastly, to search for factual condition on free rider from the emissions quota that Indonesia received in International climate change system.

Keyword(s): climate change, justice, national policy, Indonesia

I. INTRODUCTION

The earth is getting old. Nature damages occur due to human behavior making the face of the earth seemed apprehensive. Some are apathetic while some are aware of it. Those who care tried to manifest their concern with varied ways. Start from doing small things in daily life, to some campaigns that involve communities, and even to the people around the world.

One of the living environment issues that contribute to a significant influence to all living systems, among of all people these days is about the climate change phenomenon. Climate change is one of the forms of environmental damages phenomenon that influences to most every life aspects that threatens the existence of human life in local, national and global level.

In Indonesia, the effects of climate change that has happened is the increased surface of sea water as one meter high which has caused a

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big trouble to the people who live in coastal areas. The shore abrasion and the coastline retreat some miles away have caused many people lost their residence and resources. Some research results show that the increase of the sea surface as 60 cm high directly affects millions of people who live in coastal areas. The length of coastline in Indonesia more than 80.000 km has a high concentration of population and society social economy activities, including coastal towns and ports. Also natural ecosystems as mangroves cause many disruption like middy and inundation that are continuously increasing.

Scientific data descriptions about the impact of the climate change as mention above clearly describe that the effects of climate change has happened and is still ongoing these days and will also affect the future. The existences of nations that consist of many islands are threatened and the simultaneous effects that the developing countries will suffer are the reflection of climate injustice in current moment.

In general, the presence of environmental law in international law and national law on the past are now being questioned whether it is still suitable or it is not for current environmental issue and for the future. The contribution of the environmental law in general and the one which is related to climate change has not been proportional to different parts of the world. What is the worst of it, imbalanced contribution to emission rate happens to national scale that shows the different contribution from one region to another.

This research especially aims on the justice of climate regulations in both international and national level. As part of it, the facts about the emission injustice in international and national level will be the basic of this research to provide the measurement of ideas of climate justice perspectives. Some of the international researches have tried to conduct some discussions about climate change context in various angles. Brown Edit Weiss is one of the famous people when we talk about climate justice. Derivation climate justice, inter generation and intra generation are specific measurement tools in Weiss perspective.

At national level, climate justice approaches usually used by observers, either from academics, bureaucrats or by non-governmental organizations. One of the researches results on this matter is the study from Episteme Institute and Institute for Essential Services Reform (IESR)

that provides data about the emission conditions in Indonesia.

II. ANALYSIS AND RESULTS

Projections from various scientific studies resulted on the alleged massive increasing earth temperatures as 0,2 Celsius degrees every decades, this fact has made the experts and policy makers all over the world try to think for the right prevention mechanism. Noting the tendency of ongoing increasing temperatures, United Nations Framework Convention on Climate Change (UNFCCC) has indicated that the greenhouse gases in the atmosphere have to be stabilized in a level of concentration that is capable of avoiding the human actions towards climate change. Many experts believe that a safe point to handle the concentration of greenhouse gases lies on the number of 350 part per million (ppm). This number is believed by many people as a main target that has to be reached in order to decrease the concentration of greenhouse gases in the air.

Many experts have assumed that in order to reach the goal above, "cap and trade" system is one of the solutions to decrease concentration of greenhouse gases emissions. In cap and trade construction system, in every country that has joined the emission decreasing agreements or even the countries all around the world, will stipulate the limit of the emission value produced in every country. In other perspective, this matter can be understood as the form of rights to release the emissions at a certain limit. And this model, if a country cannot fulfill the responsibilities to decrease their emissions, can be compensated by giving the fund to other countries to take measures in order to decrease emissions at some certain points. This mechanism was at first assumed by some people, which can be an effective and efficient alternative in decreasing greenhouse gases emissions.

In international regulations, which regulate the climate change, many provisions that already determine the limit for emission allocation from every country are based on a certain percentage number. This matter of course interferes the sense of justice from many countries with high population numbers. Therefore, many experts have recommended that the stipulation of emission values must consider the number of population in those states. Some researches about climate change

have many methods which are usually used to describe the calculation method for stipulating the emissions value, either in general or for specific country. The discussion that we will do first in this sub chapter is to try to compare the general emission calculation concept with the per capita emission calculation concept. This becomes interesting to discuss first, because this will show implicitly that there are some interests in embracing one certain calculation method on certain countries group.

Various researches that have been done by some institutions showed the top five countries in contributing greenhouse gasses emissions from time to time, such as: The People's Republic of China, United States of America, India, European Union and Japan. Even if the emissions produced by The People's Republic of China and United States of America combined, both have contributed more than half of carbon dioxide emission in the world.

Simultaneously, from the countries on the list, there are two groups who walk into different directions. The first group is the countries with tendency to decrease the emission level, and the second group is the countries with tendency to increase their emission value every year. In calculated projection until the year of 2030, it shows that the presence of developing countries has contributed to the increased greenhouse gas emission concentration at 55% and developed countries are at 45%. In details, it can be said that there are 2 big countries with massive population number, namely India and China, which are the main sources and are responsible to one-third of total emissions that will be produced in the future.

The description above becomes rational when the developing countries have an interest to the emissions rights concept that has been supported. This will surely not limit their flexibility to increase their economic competitiveness by building industrial activities centers which tend to be main contributor in increasing greenhouse gas emission. In these conditions, the developing countries have fought for the concept that their countries have the same rights to develop their countries as the other developed countries.

Developing countries excuse their actions with the reason that their countries have the justification cause in increasing greenhouse gas concentration. In their capacity as countries that develop their economy ca-

pability, increasing the energy based industrial is necessary as poverty reduction steps which are compatible with the number of population. This argument is hard to be disproved by the developed countries, because all the actions done by the developing countries are simply just following the pattern that has been done by the developed countries for years.

Another issue comes from the developing countries like China and India, that the mechanism for emission calculation is based on a country capita. Based on the concept on emission per capita calculation, considering the number of population as a divisor to the emission, suddenly China and India are 2 countries who contribute emission on the low level. Theoretically, the development for the emission per capita concept indeed cannot be separated from the common but differentiated responsibilities concept.

Philippe Sands, one of the international environmental law researchers said that there are two important elements in common but differentiated responsibilities principle. First, this principle contains the comprehension that the environmental problem is an international problem that needs absolute cooperation. The first element implicitly said that there are interconnections between one country to another in handling the environmental and economy issue, so that the most effective way is to handle the problem together.

Second element, in Sands preposition, has at least 3 interpretations that can be retrieved. First is the assumption that every country has different contribution and ability in every form of international environmental problems. Therefore, this underlies the discussion that every country has different level in emission contribution history and those are highly suitable as part of consideration in international environmental law obligation frameworks. Second interpretation is that every country has a different capacity for responding the international environmental problem, like climate change. Developed countries with all the excellent financial and technology capacity they have, are more responsible to take measures in fixing the environmental condition on current time. Lastly, is the interpretation based on the different needs from every country. Developing countries have different needs compared to the developed countries, seen from economic and technology aspect, since the developed countries have more well-established economy and technology capacity. This is the basic thoughts that there are differenti-

ated needs of interest and orientation for every country.

Imbalance also happens in national level, on the calculation of the greenhouse gas emission data from energy sector that was released by Ministry of Environmental on 2009, which showed that Java Island dominates the national energy consumptions. Industrial survey data result which was done by Badan Pusat Statistik (BPS) shows that on 2003-2005 there were approximately 20.000 industries in Indonesia used diesel fuel, kerosene and coal. The use of those fuels caused CO2 Emission in Java Island lies in highest ranked, follows by Sulawesi, Kalimantan (Borneo) Maluku-Papua and Bali-Nusa Tenggara. In Java Island, CO2 emission from the industries that use all those three fuels had gone up from approximately 13 million tons on 2003 to 24 million tons on 2005.

In addition, the emission data from the transportation sectors also showed the same trends. CO2 emission forecast from the motor vehicles, on 2007 showed that DKI Jakarta Province (capital city) contributed the highest rank emission of 16 million tons. Other provinces that have emission forecast above 5 million tons are Center of Java and East Java. While province with the lowest CO2 emission forecast is North Maluku of 20.000 tons.

Ironically, if we look at the research conducted by the Institute for Essential Services Reform (IESR) as one of the institution who introduced the carbon calculation concepts, the use of carbon calculation to calculate the carbon footprints are dominated by the region with maximum contribution on the national emission. The IESR research revealed that the dominant carbon calculation producer were Jakarta, West Java, Center Java, Banten, Sumatera, East Java, Yogyakarta and other regions. This paradox is a shocking phenomenon considering all the attempts to mitigate the climate change in national level.

It means, there has been a reverse phenomenon condition. Based on the research by Environmental Ministry, with the greenhouse gas emission data in numbers, it has been found that Java and Sumatera are the biggest contributors of greenhouse gas emission. Meanwhile, Java populations are the dominant user for carbon calculator, and they should have known that what they do is causing the increasing of the emission.

This condition has made the emission per capita concept in a coun-

try who was at the beginning considered to have perspective on the climate justice are now being questioned. The quota emission system is in fact used by many countries that have many facilities and ability to access prosperity sources. Looking at the flaws of the national emission quota has encouraged the researcher to carry a personal emission concept. The growth of the free rider in national context has harmed the sense justice in national level, so that we need a reconstruction to the emission calculation comprehension with the justice consideration in it.

III. CONCLUSION

The climate condition these days are worrying, that it has to be a main attention, both in local/national and/or international level. The characteristic in environment problems that is unattached with region boundary and time has made the climate justice issue a priority for the authorities and policy makers. Globally this time, emission calculation is still using global approach as aggregate for general calculation. This has raised the sense of injustice to developing countries since they have the same treatment as the developed countries as the main emitter. Based on the concept of common but differentiated responsibilities, developing countries have justification to use their rights to develop what they have.

However, the proposition has not been smoothly acceptable and in fact for some people, they use it to maximize their own profit. The imbalance emission that happens in the big cities with certain lifestyle and uncontrolled energy utilization pattern made them as the main emission consumer in a country. This of course gives the conclusion that some people has been free riders to the emission quota utilization. One of the discourse and further research that can be conducted in this context is the existence of personal emission concept without considering the region and administration boundary. This concept can be suitable for some people, but the recognition specifically aimed to a country entity in the international law dimension will give its own difficulty for the implementation of the personal emission concept.

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