

A Critical view on Indonesia's legal responses to climate change

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Abstrak

The Conference of Parties (COP) 15 of the United Nations Framework Convention on Climate Change (UNFCCC), held in Copenhagen in December 2009, ended with no legally-binding commitments. The conference has produced the Copenhagen Accord, but left many issues undressed, and thus, creating uncertainty concerning the future of the Kyoto Protocol. This is certainly not a very promising outcome, since the COP 13 in Bali has mandated a legally-binding agreement to be concluded in COP 15.

The results of the conference have sparked critiques, while the world leaders started to blame each other for the collapse of the climate talks in Copenhagen. Developing countries pointed at the developed countries for the uneasy results of the Copenhagen meeting, as clearly indicated by the statement of the spokesperson of the G77 who blamed the US President for 'locking the poor into permanent poverty by refusing to reduce US emissions further'. On the other hand, leaders of developed countries blamed the fast-growing developing countries for the failure.¹ Still, however, other countries see the Accord as the best possible result of otherwise worse alternatives that could be achieved in Copenhagen.² Hence, they declared their association with the Accord and subsequently submitted their emission reduction plans. Indonesia belongs to this latter group by submitting its unilateral pledge to cut emissions by 26 to 41 per cent of its Business as Usual (BAU) emissions in 2020.

Given all controversies surrounding the Accord, one may ask why a developing country like Indonesia needs to be associated with the Accord in the first place. Further, questions may also arise as to the legal status

of the Accord and the position of developing countries in the next climate talks. In addition, one may also pose a question as to whether Indonesia could achieve its pledge by considering policies and laws related to Greenhouse Gases (GHGs) mitigation in Indonesia.

To answer these questions, this chapter is structured as follows. After this introduction, Section 1 will discuss various important issues in the Copenhagen Accord. The discussions will be followed by an overview of some challenges that probably surface in the next climate talks. Section 2 attempts to provide a proposal on emission reduction targets that are more consistent with the common but differentiated principle, given the needs to keep the increased temperature below 2° Centigrade. Section 3 discusses some policies and laws related to GHGs mitigation in Indonesia. Section 4 analyses Indonesian legal responses to climate change. Some concluding remarks will be provided in Section 5.