

The Implementing Environment Managemnet in Indonesia facing on The Global Trading through the legal Aspect

By:
Fachri Bey

Introduction

The new paradigm of sustainable development requires environmental aspect to an integrated part within development activities. The Global Trading System empowers domestic market as a part of global market based on the global trading principles which environmentally sight.

This principles has been implementing in Indonesia, not only in practice but also it is adopted within Indonesia constitution UUD 1945 (the 3rd amendment), under section of economic and welfare section, article 33 sub article 4 which stipulates that the democratic economic activities should be carried out by considering environmental aspect (environmentally sight). On the ground such constitutional provision , the government proclaims 5 programs related environmental campaign :

1. To develop a system by the ecological economics approaching in term of exploiting and utilizing of natural resources
2. To develop of the preventing environmental negative impact program (minimize waste effect)
3. To develop a system of accounting, auditing and Economical Natural Resource and environmental balance sheet
4. To develop an Information system to support global trading and its standard
5. To establish an information system of product eco-labeling database

Based on such points above, the government announce three mission on ecological economic which drive out their apparatus and any business players deal with economic activities :

1. Command and Control , is a tool that implemented by government through environmental quality manual
2. Self Regulation, is an proactive measure in term of preventing in order to develop an environmental friendly technology with suitable for company's condition
3. Strengthen economic instrument which udertake through incentive, dicentive, and treadable emission permit

The Devolopment Standard of Environment

The relation between business world and environmental aspct has been awared since United Nation held the Conference on Human and Environment by !972 in Stocholm, the it was continued in Nairobi in 1982. The conference iluminated the thought that uncontrolable industrial development would be effecting business activities.

The thought was foolowed up by establishing the *United Nations Environment Program* (UNEP) and *World Commission on Environment and Development* (WCED). The terminology of "*Sustainable Development*" was introduced within the report of dalam WCED in 1987, that

also included the meaning of effective program to industrial environmental management system. Furthermore, it had been taken place by UN, the *Conference on Environment and Development (UNCED)*" in Rio de Janeiro in 1992.

To proceed the previous concept of sustainable development, UK issued the first environmental management system in Industry in 1992, namely, *British Standard (BS) 7750*. The European Community began to implement *Eco-Management and Audit Scheme (EMAS)* in 1993. By prevailing EMAS, BS 7750 was revised and restated in 1994. Some other European countries also started to develop a standard of *Eco-Management and Audit Scheme*

At the international level, *"International Standardization Organization"* (ISO) and *International Electro-technical Commission (IEC)* established *"Strategic Advisory Group on the Environment"* (SAGE) on August, 1991. SAGE recommended Technical Committee (TC) to ISO, The Committee has a special duty to develop a *series of standardization within eco-management and audit scheme* which will be prevailed internationally

By 1993, ISO established TC 207 which particularly has duty to develop eco-management standard is so called ISO series 14000. The developed standard encompass six aspects, as follows :

1. *Environmental Management System (EMS)*.
2. *Environmental Auditing (EA)*.
3. *Environmental Labelling (EL)*.
4. *Environmental Performance Evaluation (EPE)*.
5. *Life Cycle Analysis (LCA)*.
6. *Term and Definitions (TD)*.

The ISO series 1400 based on some fundamental school, as follows :

1. To provide element-element of effective eco-management system which is able to be integrated with other management requires
2. To assist endeavour to achieve the ecological economic goal by empowering environmental performance and to eliminate as well as prevent some handicaps within global trading
3. It doesn't go as a non-tariff trading obstacle or to change some legal provisions which should be obeyed in global trading
4. It can be applied for the same type and scale of any organisation
5. To achieve its ecological aim and target properly, so it must be encouraged by using The Best Practicable Pollution Control Technology and Best Available Pollution Control Technology Economically Achievable

The developing ecological system by ISO adopts a model of *"continual improvement"* could be define as :

"Process of enhancing the environmental management system, with the purpose of achieving improvements in overall environmental performance, not necessarily in the areas of activity simultaneously, resulting from continuous efforts to improve in line with the organization's environmental policy".

The meaning of ISO serie 14000 is the System of eco-management which in its implementing is supported by supporting tools, such as :

1. Study on program performing of environment and Environmental Audits,
2. Environmental Performance Evaluation,
3. Environmental Labelling, and
4. Life Cycle Assessment of product from raw material, process, to waste of unbalanced product

Some advantages which can be taken from the implementation of environment management system, as follows :

1. Optimising cost and efficiency
2. Reducing environmental risk
3. Image Building of organization
4. Improving sensitivity on public perception
5. Adjusting decision making process

Environment Management System

Based on extensive experience and evaluation on current implementation of environment, it is needed to set up a new environment management system that will be facilitating structurally in reaching the target of management

Environment Management system can be defined as an integration from organisation structure, authority, and responsibility, mechanism, and procedure/process, operational practice as well as resources to implement environment management. Environment management encompasses all functional management aspects to develop, to reach, and to save the policy and organisation aims within environment issues.

Environment Management System makes mechanism to catch and to show up a good result in managing environment through the effort of waste control

In order to be able to implement such elements, the Environment Management must be covering some main elements, as follows :

1. Environmental policy, to state about the program aim and the principles which will be using in the program
2. Planning : it includes identification of environmental aspects and its requirements of related legislation,
3. Implementation : it covers organisation structure, authority, and responsibility. Training, Communication, documentation, control and emergency rescue
4. Regularly inspection and rectification, including: monitoring, auditing, and measuring
5. Study on management : Study about compatibility and effectivity of the system to achieve the goal and its revision that occurred in public

Any organisation, regardless the scope of organisation's activities, scale, and legal standing of organisation, in order to be able to carry out the system systematically. The implantation of the system is voluntary and role as a tool of organization's management manual

Analyse on The Impact of Environmental Waste (AIEW)

Every single development activities is potentially has an impact to environment. Those impacts should be studied to plan in making how to mitigate its impact to environment. Government Regulation number 51 Year 1993 (GR 51/1993) about AIEW stipulates that the study should be a part of feasibility study and deliver some documents, such as :

1. Manual of AIEW,
2. Plan of Ecological management (so called RKL)
3. Plan of Monitoring (so called RPL)

RKL and RPL are the mandatory requirements of GR51/1993), as a part of fulfillment of AIEW documents, this fulfillment needed for obligatory AIEW, on the other hand, for non obligatory, the overcoming of environmental waste impact requires:

1. Efforts of Ecological Management (UKL)
2. Efforts of Monitoring (UPL)
3. The Accountability of audit implementation
4. The counselling of audit
5. Audit competence
6. How the audit will be carried out

As the ground of Environmental Audit implementation in Indonesia, The Government has issued The Decision of Ministry of Environment (DME) No. 42/MENLH/11/1994 about the principles and the general guide of environment audit. Whereas, in the annex of DME No. 41/1994 stipulates that :

Environment audit is a tool of management which encompass evaluation systematically documented, periodic, and objective about how to facilitate control system in term of the implementing of the system in order to suitable for environmental legislation. But environment audit is not official inspection which requisited by laws, instead it is proactively effort which carry out consciously to identify environment problems that arouse so it can be carried out some preventive efforts

That regulation underlines the importance of Environment management System to encourage performance of organisation deal with environment suitable for ISO serie 14000.

Clean Product within Environment Management

Based on the experience of implementing the efforts of environmental waste control up till now, it can be assessed some importance things as follows :

1. Waste products are increasing
2. The characteristic of environments are complex hence it will be more complicated
3. The management budget is more and more expensive
4. Waste processing is more expensive than prevent a potential waste
5. Pollution is continually happened
6. Regulation on environment issues is still focus on the process and disposing system and it is not yet to the preventive effort
7. The Impact of global competition in international product

Based on such matter above, so the impact of environment waste control must be pattern

proactively by gradual priority, as follows :

1. *pollution prevention*
2. *pollution control*,
3. *remediation*

The prevention efforts is systematically able to perform through the Cleaner Production program. The terminology of Cleaner Production began to be introduced by UNEP on 23 Mei 1998 and proposed officially in September 1990 at the Seminar on the *Promotion of Cleaner Production*" in Canterbury, Inggris.

UNEP defines a cleaner product is :

" Persistently efforts to reduce the pollution sources integratedly in order to prevent air, water, and soil pollution in production and product process and minimise risk for human being "

For the processing, clean product encompass efforts to economise raw material and energy, and it does not use dangerous and toxin material, reducing number of toxin for any waste and emission which released prior a ready product

The advantages which can be taken by implementing clean product :

1. As the guidance of remediation and process
2. Economising raw material and energy
3. Increasing competitiveness through utilising new technology and/or upgraded technology
4. Reducing necessities of raw material and
5. Reducing cost in long term
6. Good images in public