

Acceptance of Montreal Protocol in Malaysia through Negotiation toward Sustainable Development: An Analysis Document and Response of Stakeholders

Penerimaan Protokol Montreal di Malaysia melalui Rundingan ke arah Pembangunan Mampan: Satu Analisis Dokumen dan Tindak Balas Pihak Berkepentingan

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ABSTRACT

Malaysia has ratified the Montreal Protocol at the international level on the basis of responsibility in support the global effort to protect the environment. It shall be the responsibility of Malaysia to implement all the principles under the Montreal Protocol at local level. There were many challenges to include various stakeholders at early stages of adoption and subsequent implementation of the Montreal Protocol in Malaysia. One of the steps used in to tackle challenges in dealing with various stakeholders is through negotiations. Based on previous studies, there are two commonly used for negotiation at the local to tackle challenges in dealing with various stakeholders are soft and hard approaches. These two forms are said to be able to influence negotiations collaboration between stakeholders in the process of negotiating to implement the international environment agreements including the Montreal Protocol at the local level. Therefore, this study aims to clarify the nature of the relationship influences by soft and hard approaches on the acceptance and subsequent implementation of the Montreal Protocol at the local level. The methods involved in this study orientated by qualitative approach. Therefore, for the purpose of data used are the documents that show the involvement of stakeholders in the process of adoption and subsequent implementation of the Montreal Protocol at the local level. This documentation is then analyzed using content analysis procedures with the help of Nvivo software. From the document analysis results indicated that the nature relationship of soft and hard approaches were interdependence in shaping consensus and cooperation of stakeholders involved.

Keywords: Montreal protocol; local level; stakeholders; international; Nvivo software

ABSTRAK

Malaysia telah meratifikasi Protokol Montreal di peringkat antarabangsa atas dasar tanggungjawab untuk menyokong usaha global untuk melindungi alam sekitar. Adalah menjadi tanggungjawab Malaysia untuk melaksanakan semua prinsip-prinsip di bawah Protokol Montreal di peringkat tempatan. Terdapat banyak cabaran untuk memasukkan pelbagai pihak berkepentingan di peringkat awal penerimaan dan pelaksanaan berikutnya Protokol Montreal di Malaysia. Salah satu langkah yang digunakan dalam menangani cabaran dalam berurusan dengan pelbagai pihak berkepentingan adalah melalui rundingan. Berdasarkan kajian sebelum ini, terdapat dua yang biasa digunakan untuk rundingan pada peringkat tempatan untuk menangani cabaran dalam berurusan dengan pelbagai pihak berkepentingan pendekatan yang lembut dan keras. Kedua-dua bentuk dikatakan dapat mempengaruhi kerjasama perundingan antara pihak berkepentingan dalam proses rundingan untuk melaksanakan perjanjian alam sekitar antarabangsa termasuk Protokol Montreal di peringkat tempatan. Oleh itu, kajian ini bertujuan untuk menjelaskan sifat pengaruh hubungan melalui pendekatan lembut dan keras terhadap penerimaan dan seterusnya pelaksanaan Protokol Montreal di peringkat tempatan. Kaedah yang terlibat dalam kajian ini berorientasikan dengan pendekatan kualitatif. Oleh itu, bagi maksud data yang digunakan adalah dokumen yang menunjukkan penglibatan pihak berkepentingan dalam proses penerimaan dan pelaksanaan berikutnya Protokol Montreal di peringkat tempatan. Dokumentasi ini kemudiannya dianalisis menggunakan prosedur analisis kandungan dengan bantuan perisian NVivo. Daripada dokumen keputusan analisis menunjukkan bahawa hubungan sifat pendekatan lembut dan keras adalah saling bergantung dalam membentuk konsensus dan kerjasama pelbagai pihak berkepentingan yang terlibat.

Kata kunci: Montreal protokol; peringkat tempatan; pihak-pihak berkepentingan; antarabangsa; perisian NVivo

INTRODUCTION

Malaysia is a country that is very actively involved internationally to jointly safeguard the global environment (Muhammad Rizal Razman 2009). Awareness on the need to care for ozone, Malaysia has become one of the member countries to the Montreal protocol. Therefore become a necessity what the internationally agreed on protocol to be implemented at national level. Montreal protocol implementation agenda requires collaboration of stakeholders, especially the government, industry and civil society. Montreal protocol acceptance by all stakeholders is essential to ensure the implementation of this protocol run smoothly and successfully. Cooperation of all stakeholders has been achieved through negotiations. This shows that the negotiation is the best medium that is able to invite all stakeholders to reach consensus on the issue of adoption and subsequent implementation of the Montreal Protocol in Malaysia. However, the approach of negotiation is very important in order to full support from stakeholders to implement Protocol Montreal in local level (Malaysia 1995).

SUSTAINABLE DEVELOPMENT AND MONTREAL PROTOCOL

Thinning of the ozone layer can actually affect the environment and cause adverse effects on human health. This will affect the sustainable development of the actively strengthened at all levels. A major emphasis is recommended in the sustainable development policy, world community must live in carrying capacity of earth planet. This is because the environment is an ecosystem that contains the elements of the natural heritage, life support systems and natural resources, and if used wisely will ensure and promote the welfare and social security (Sham Sani et al. 1993). Thus, when ozone is not saved, it will interfere with a sustainable human habitat and thus compromising future generations to enjoy a safe environment.

The goal of sustainable development is to enable humans to meet their basic needs and enjoy a better life, without compromise (affect) the future quality of life for future generations. The so-called current requirements are as economic needs, social needs, culture and health, and political needs. While the next generation can meet their needs without compromising the present generation is to minimize

the use of resources that cannot be renewed, minimize waste and sustainable use of resources that can be recycled in accordance with tamping force limit (*Carrying Capacity*) (WCED 1987). In other words, sustainable development is development that balances economic development with social needs and the environment.

Therefore Malaysia takes responsible to become a party with Montreal Protocol. Montreal Protocol is a protocol to the Vienna Convention for the Protection of the ozone layer. Montreal Protocol is an international treaty designed to protect the ozone layer by pushing out the production of numerous substances believed to be responsible for ozone depletion. The treaty was opened for signature on September 16, 1987, and entered into force on January 1, 1989 (Department of Environment 1999). The 1987 Montreal Protocol and its amendments established an ambitious schedule to reduce and eventually phase-out the production and consumption of chlorofluorocarbons (CFCs) and other ozone depleting substances (ODS). Following Malaysia's ratification in 1989, the government faced many challenges to implement its commitments given the importance of CFCs to the industrial sector (Department of Environment 1995).

NEGOTIATION AND STAKEHOLDER

Negotiation is a two-way communication designed to achieve consensus between two or more parties who each have different requirements (Fisher and Ury 1991). According to Fisher and Ury (1991) again, negotiations are process by the dynamic interaction and communication and a variety of modes, conducting booster art and confidential, in order to achieve a goal that benefit all parties. In the context of international MEAs acceptance, negotiation has been used extensively where negotiation is done to ensure the participation of the world's nations to work together in keeping the global environment (UNEP 2007). The world has witnessed a radical observation that the concerns of the international community on natural resource development and its relationship with the degradation of the environment, quality of life, poverty and economic change. Phenomenon occurred at the end of the 1980s has led to the existence of a new approach address issues related to natural resources and the environment and one of the approaches are negotiations (Khairulmaini 2000).

Referring to the above statement clearly shows that negotiations become the main medium in attracting the world's nations to join an international Multilateral Environment Agreement (MEAs). The same method also applies to stakeholder interests against the Montreal Protocol in Malaysia. There are several approaches used negotiations to achieve consensus among stakeholders including structural approach, process approach, behavioral approach and integrated approach (Zartman 1987). In the context of the stakeholders seek agreement to accept and further implement the Montreal Protocol in Malaysia in negotiations, structural approach has been used successfully. There two important elements in structural approach which are soft and hard. These elements were contested in this study.

AIM OF STUDY

This study aims to clarify the nature of the relationship influences by soft and hard approaches on the acceptance and subsequent implementation of the Montreal Protocol at the local level by examining the structure element approach of the two elements which have structural approach (*hard*) and relationships (*soft*). Therefore, two purposes have been recognized for achieving the first goal:

- i. Analyzing the industry acceptance of a consultative approach are the Montreal Protocol at the national level based on two elements, namely structural approach structural approach to be a (*hard*) and collaborative approach to character structure (*soft*).
- ii. Explain the influence of both the nature of the structural approach structural approach to be a (*hard*) and structural approaches are relations (*soft*) in the negotiation of the industry acceptance of the Montreal Protocol at the national level, Malaysia.

METHOD OF STUDY

This study orientated by qualitative approach. Therefore, for the purpose of data used are the documents that show the involvement of stakeholders in the process of adoption and subsequent implementation of the Montreal Protocol at the local level. This documentation is then analyzed using content analysis procedures with the help of Nvivo software.

DATA COLLECTION DOCUMENTATION

Documentation of data collection involved two important documents which the documents is a report of the meetings attended by all the stakeholders involved to reach an agreement to accept and then implement the Montreal Protocol in Malaysia. Documents are as follows:

- i. Meeting Report "Advisory Committee Technical: Import / Export 1993" organized by the Ministry of Trade and Industry (MITI) and attended by all the stakeholders involved, a government agency, industry and civil society.
- ii. Report of meeting of "National Steering Committee 1993" organized by the Department of Environment (DOE) and attended by all the stakeholders involved, a government agency, industry and civil society.

The documents listed above contain important data for this study because it touches all the involvement of the stakeholders during the negotiation of acceptance and subsequent implementation of the Montreal Protocol in Malaysia.

DATA ANALYSIS DOCUMENTATION

Two important documents in documents were analyzed using NVivo software. Some steps have been taken to be using this software for analyzing data has also been listed by several previous researchers. Among them:

- i. To meet the purpose and problem statement, the documents listed above are scanned (*scan*) first and then changed to a transcript to facilitate analysis using NVivo software.
- ii. The data obtained through the document is then used to form the theme, followed by the sub-themes.
- iii. To get theme suitable and appropriate, all the documents that have been converted into transcript must read and reviewed over and over again.

RESULT

All the analysis in this document has 5 themes and 16 sub-themes to describe the factors that influence the acceptance of stakeholders in the negotiations

and subsequent implementation of the Montreal Protocol at the local level. Overall themes and is able to describe the structural approach the elements that influence the acceptance and subsequent

negotiations Montreal Protocol implementation at the local level through the analysis of the documents shown in Table 1.

TABLE 1. The themes and sub-themes in analysis document

Theme	Sub Themes
Domination	Coercion, Interest, Enforcement
Market	Commercial terms, Control, Finance
Diplomacy	Cooperation, Participation, Awareness,
Equality	Integrated Partnerships, Effective Communication

Source: Analysis documents, 2012

ELEMENTS OF HARD IN STRUCTURAL APPROACH

The findings with respect to the analysis of documents related elements of hard in structural approach have featuring two major themes and

six sub-themes. The domination and market are key themes. The sub themes range from coercion, interest, enforcement, commercial terms, control and financial. Table 2 reflects these themes elements of hard in structural approach.

TABLE 2. Themes and sub-themes elements hard in structural approach in analysis document

Theme	Sub Themes
Domination	Coercion, Interest, Enforcement
Market	Commercial terms, control, financial

Source: Analysis documents, 2012

ELEMENTS OF SOFT IN STRUCTURAL APPROACH

The findings with respect to the analysis of documents related elements of soft in structural approach have featuring two major themes and five

sub-themes. Diplomacy and equality is the main theme. The sub themes consist of, cooperation, participation, awareness, integrated partnership and effective communication. Table 3 shows the themes elements of soft in structural approach.

TABLE 3. Themes and sub-themes elements soft in structural approach in analysis document

Theme	Sub Themes
Diplomacy	Cooperation, Participation, Awareness,
Equality	Integrated Partnerships, Effective Communication

Source: Analysis documents, 2012

As a result of the document analysis found a total of 46 paragraphs in two major documents that describe the elements of the structure approach. The highest is the element that describes the nature of the relationship structure approach (soft) of 25 paragraphs. The elements of nature have structural

approach (hard) recorded a total of 21 paragraphs. Document analysis shows that the element of soft in structural approach is much prized in the form consensus and cooperation from all parties involved than element of hard in structural approach.

CONCLUSION

From the document analysis results indicated that the nature relationship of soft and hard approaches were interdependence in shaping consensus and cooperation of stakeholders involved. This clearly shows that all elements of both structural approaches are very important to ensure that stakeholders receive the Montreal Protocol and ready to execute. This greatly contribute to the success of Malaysia to stop the use of CFCs is less than ten years.

REFERENCES

- Fisher, R. & Ury, W. 1991. *Getting to YES: Negotiation agreement without giving in*. (Second Edition). New York: Penguin Books.
- Department of Environment. 1995. *Updates Malaysia country programme to phase out ozone depleting substances under the Montreal Protocol*. Quezon City: Department of Environment.
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- Department of Environment. 1999. *Malaysia's success stories. In the implementation of the Montreal Protocol on substances that deplete the ozone layer*. New York: Department of Environment.
- Khairulmaini, OS. 2000. Malaysia's role in the sustainable development of natural resources. In home. *AM Best Practice in Environmental Management*: 151-177. Kuala Lumpur: Malaysia's Institute of Islamic Understanding.
- Malaysia. 1995. *Updates Malaysia country programme to phase out ozone depleting substances under the Montreal Protocol*. London: Department of Environment.
- Muhammad Rizal Razman. 2009. Malaysia's participation in the negotiation process of the Montreal Protocol. Doctor of Philosophy Thesis. The National University of Malaysia.
- UNDP. 2007. *Protecting the ozone layer: Malaysia implementing the Montreal Protocol*. New York: UNDP.
- WCED. 1987. *World commission on environmental and development. Our common future*. Oxford: Oxford University Press.
- Zartman, IW. 1987. *Positive sum: Improving north-south negotiations*. New Brunswick.

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