

## **A Study on Ideas and Values Towards Sustainable Development: Experiences of Malaysia and the Montreal Protocol Through Financial and Technical Incentives**

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**Abstract:** Sustainable development is very essential to protect the environmental surroundings as well as for the better living environment for mankind. One of the international law that adopted the principle of protecting the environment is Montreal Protocol. Montreal Protocol is one of the successful international environmental laws. Montreal Protocol managed to seek international environmental cooperation among almost all of the states in the world. There are several values that supported the sustainable development has been incorporated, compromised and negotiated throughout the implementation of Montreal Protocol at the national level in Malaysia. This ideas and values towards sustainable development that have been incorporated in the implementation process assisted in successful of Montreal Protocol's implementation in Malaysia. Therefore, the primary purpose of this study is to explain the influence of financial and technical incentives (focusing on ideas and values towards sustainable development) during the early stage of negotiations that build up the international environmental cooperation in the Montreal Protocol. Meanwhile, the methods of this study are based on qualitative set up which is based on the meetings' proceeding reports of the Montreal Protocol. Finally, the results potentially provide with better understanding of the influence of financial and technical incentives (focusing on ideas and values towards sustainable development) in implementation the Montreal Protocol based on Malaysia experiences.

**Key words:** Ideas, values, sustainable development, Montreal Protocol, financial and technical incentives

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### **INTRODUCTION**

Sustainable development is very essential to protect the environmental surroundings as well as for the better living environment for mankind. One of the international law that adopted the principle of protecting the environment is Montreal Protocol. Montreal Protocol is one of the successful international environmental laws. Montreal Protocol managed to seek international environmental cooperation among almost all of the states in the world. All of these states have already agreed to

ratify the Montreal Protocol. The Montreal Protocol has been enacted for the protection of the ozone layer by taking precautionary measures to control world emissions of substances that deplete the ozone layer (Emrizal and Razman, 2013; Razman *et al.*, 2013, 2014a, b).

There are several values that supported the sustainable development has been asserted, compromised and manipulated throughout the implementation of Montreal Protocol at the national level in Malaysia. This values that have been asserted in the implementation process helped in successful of Montreal Protocol's

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implementation in Malaysia (Razman *et al.*, 2014a, b). This phenomenon shows that effective environmental governance not only can solve environmental problems but even able to unite many parties to work together in addressing environmental problems (Emrizal and Razman, 2012; Razman *et al.*, 2014a, b). Thus, this study will discuss some of the sustainable development values that has been asserted, compromised and manipulated throughout the implementation of Montreal Protocol in Malaysia.

**Malaysia and montreal protocol:** Malaysia has been recognised by the international community as one of dedicated countries in conservation of global environment which include issues on depleting global ozone layer (Razman *et al.*, 2014a, b). Meanwhile, Montreal Protocol is one of the successful international environmental laws. Montreal Protocol managed to seek international environmental cooperation among almost all of the states in the world. All of these states have already agreed to ratify the Montreal Protocol. The Montreal Protocol has been enacted for the protection of the ozone layer by taking precautionary measures to control world emissions of substances that deplete the ozone layer (Emrizal and Razman, 2013). Malaysia is a member of the Montreal Protocol in 1989 and Malaysia's achievement in implementing the Montreal Protocol at the national level is very impressive. This is because Malaysia is among the developing countries that are earnestly in the implementation of the Montreal Protocol and successful to reduce and eventually eliminate the use of CFCs in <10 years (Department of Environment, 1995).

Based on report released by the Department of Environment (1999), Malaysia initially was not officially invited to participate in any negotiations related to the Montreal Protocol. Malaysia's first participation at the international level was in September of 1987 which Malaysia was invited to participate in conference of plenipotentiaries on the protocol on CFCs to the vienna convention for the protection of the ozone layer. The conference was held for 9 days at Montreal. Malaysia finally ratified the Vienna Convention and the Montreal Protocol on August 29, 1989. After becoming a member of the protocol, Malaysia was very active and earnest in fulfilling the requirements of the protocol. Some of the Malaysia achievements were when been appointed as Chairman of the Executive Committee (EXCOM) Multilateral Fund in 1994. Malaysia also has been chosen to be on the EXCOM starting in 1991-1994 and became a very committed member in 1997, 2002 and 2004 (Department of Environment 1999).

In the implementation of Montreal Protocol at the national level, Malaysia has taken the approaches that involving all stakeholders. Among the stakeholders involved are government agencies, industry and civil society represented by Non-Government Organisations (NGOs). Stakeholder engagement is not only smooth the implementation of the Montreal Protocol in Malaysia but all the stakeholders play an important role in determining the success of the Montreal Protocol in Malaysia (Department of Environment 1999; Razman *et al.*, 2013, 2014a, b). Awareness of all the stakeholders involved in order to protect human habitat indirectly encourage collaboration among stakeholders in the success of the protocol jointly perceived benefit not only for the present generation but also future generations.

**Ideas and values:** Values play important roles in determining the social pillar of sustainable development as they are the central importance in people's lives (Emrizal and Razman, 2012; O'Brien, 2005). People draw upon values to determine their private and public goals and construct the value framework that support those goals (O'Brien and Gurrier, 1995).

Sustainable development is a concept that addresses societal development, judging it on its capacity to meet individual needs now and in the future (WCED, 1987). Societal development is related to the question of public good and public interest which should be debated, contested, negotiated and constructed through social process. There are several values that support sustainable development. One explicit statement of supporting values is found in the millennium declaration (Robert *et al.*, 2005). Underlying the 60 specific goals of the millennium declaration is the articulated set of fundamental values seen as essential to international relations; freedom, equality, solidarity, tolerance, respect for nature and shared responsibility (United Nations General Assembly, 2000). Meanwhile, Ramzan *et al.* (2013) suggested that sustainable values derived from of ideas to prevent environmental pollution which are covered with the local identity, international peace, individual freedom and global environmental nature perspectives.

**Ideas and values towards sustainable development in montreal protocol based on malaysia experiences:** There are several sustainable development ideas and values that had been stated in implementing the Montreal Protocol based on Malaysia experiences. The first set of values that can be seen are the freedom and shared responsibility. In the implementation of Montreal Protocol at the national level, Malaysia has taken the approaches

that involving all stakeholders. Among the stakeholders involved are government agencies, industry and civil society represented by Non-Government Organisations (NGOs). Stakeholder engagement is not only smooth the implementation of the Montreal Protocol in Malaysia but all the stakeholders play an important role in determining the success of the Montreal Protocol. This is parallel with values that are suggested by millennium declaration which stated that certain fundamental values to be essential to international relations in the 21st century is freedom whereas this value suggest democratic and participatory governance based on the will of the people best assures these rights. While the second value is shared responsibility. This value suggest responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally (Emrizal and Razman, 2012; Razman *et al.*, 2013, 2014a, b; United Nations General Assembly, 2000). Even though right and privilege is the core attribute of freedom, participation is also a powerful expression of freedom. Public believe that their participation is crucial in gearing a meaningful development. Thus in the Montreal Protocol implementation, we can see that public were able to voice out their opinions and views and also participate in decision making process.

As Montreal Protocol is intended to protect the ozone layer by taking careful steps to safeguard the global release of materials that deplete ozone layer (Conservation and Environmental Management Division, MOSTE, 2004), this is a very coincides with the value suggested by millennium declaration by the concept of respect for nature. This value suggests that prudence must be shown in the management of all living species and natural resources in accordance with the precepts of sustainable development. It is because only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our descendants. The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendants (United Nations General Assembly, 2000). Environmental value also was highlighted by Razman *et al.* (2013). The issues raised by the respondents in the study were pollution and environmental disaster that resulted from improper and unsustainable development. It is evident that public are well aware about the environment and they believe that pollutions and environmental problems are the results of improper development. They also believed that the development will not bring adverse effect to the

environment and the people if properly managed. Thus, by implementing the Montreal Protocol, we can protect the ozone layer and avoid the effects that will occur due to the depletion of the ozone layer.

Another set of values that can be seen in implementation of Montreal Protocol in Malaysia is equality and solidarity. The equality value suggests that no individual and no nation must be denied the opportunity to benefit from development. While the solidarity values suggests that global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most (Razman *et al.*, 2013, 2014a, b; United Nations General Assembly, 2000).

In accordance with the protocol, the Government of Malaysia is committed to stopping the use of Ozone Deplete Substances (ODS), particularly Chlorofluorocarbons (CFCs) and Halons by 2010. This target is made in order to meet the time frame set by the protocol and all amendments that have been agreed. The government has entrusted the responsibility for the coordination of measures to stop the use of ODS to the Department of Environment (Department of Environment, 1999). Department of the Environment is the focal point of the country to coordinate, monitor and implement all activities of the Montreal Protocol, including ODS project investments under the assistance provided by the Multilateral Fund (MLF) for the smooth implementation of the Montreal Protocol.

As the Department of Environment is responsible for monitoring and ensuring that the use of ODS in accordance with the requirements of the protocol, there are four approaches that have been taken, namely through organizational framework by monitoring the production and consumption of ODS, through control measures and incentives and also conducting awareness programs that focus to deliver information to the industry and society (Department of Environment, 1995, 1999, 2002; Razman *et al.*, 2014a, b). The measures taken by the DOE can be seen that all parties, including the community and industry, whether large enterprises, medium and small can work together and benefit from the measures taken. The measures taken by the DOE does not waive any party and beneficial to all parties involved. This is consistent with the equality and solidarity values that have been discussed earlier.

**Financial and technical incentives:** International environmental governance scholars suggested that costs and benefits approach which derived from interest

approach might influence in the negotiation of creating Multilateral Environmental Agreements (MEAs) (Hasenclever *et al.*, 1997; Barrett, 2003; Mahmud and Hamid, 2007). Moreover, the existence of the interest approach which concerns with costs and benefits would lead to international environmental co-operations. This would influence in the negotiations of creating MEAs which include the Montreal Protocol (Hasenclever *et al.*, 1997; Barrett, 2003; Nik Ahmad Kamal and Abdul Ghafur, 2007). Therefore, the primary purpose of this study is to explain the influence of the interest on the costs and benefits approach in the international environmental governance with regards of the Montreal Protocol's early negotiations and the relations of the interstates participation response. When taking into consideration what position the scheming of costs and benefits in decision to become a member state of the Montreal Protocol, an outline of what prospective costs and benefits might have been perceived to take place as a result of becoming a member state is helpful. According to Harris (2002) and Nik Ahmad Kamal and Abdul Ghafur (2007), environmental and financial concerns were motivating the negotiating countries leading up to the Montreal Protocol's early negotiation meetings when the protocol was first adopted.

A potential benefit of the adoption of the Montreal Protocol is the possibility of a member state gaining financial and technical incentives (Seaver, 1997; Breitmeier, 1997; Breitmeier *et al.*, 2006). Another benefit is the likelihood of sharing the burden of costs relative to the regulatory process among governments (Breitmeier, 1997, Breitmeier *et al.*, 2006). Besides that perceived costs by adopting the Montreal Protocol are the increasing prices due to the involvement of increasing costs in implementing the Montreal Protocol and likelihood of trade conflicts with the international trade laws (Breitmeier, 1997; Breitmeier *et al.*, 2006; Nik Ahmad Kamal and Abdul Ghafur, 2007). In explaining, the adoption of the Montreal Protocol as an international environmental legislation, costs and benefits play an essential position as envisaged by interest-based approach to the international environmental governance. Therefore, this interest-based approach emerges to be the explanation for the better understanding among countries in the international environmental governance, especially in the Montreal Protocol's early negotiations and the relations of the interstates participation response.

**Financial and technical incentives from environmental law and governance perspectives:** According to Barrett (2003), Hasenclever *et al.* (1997) and Haggard and Simmons (1987) the interest approach is one of the

essential elements that influence in the negotiations of the MEAs. These scholars also argue that this approach helps states around the globe to realise the common interests during the MEAs negotiations. This interest approach can be divided into two groups (Barrett, 2003; Hasenclever *et al.*, 1997; Haggard and Simmons, 1987), namely; the first group that emphasises on the international institutions and the second group which is less using the international institutions.

**The first group; ideas and values:** The first group emphasises on the international institutions effort to bring together states around the globe to realise the common interests that balance with benefits and costs involvement in creating international environmental co-operations which include in creating MEAs. The international institutions always ensure that all states will be benefited with the co-operation that being created in order to achieve joint gains and to reduce potential costs expenditure. Nevertheless, the international institutions are capable of making all states that are involved to notice the common interest in that particular international environmental co-operations even when the elements that brought them in the first place being no longer effective. As for Hasenclever, this situation as "co-operation under the umbrella of anarchy" or "utilitarian" approach. In addition, Hasenclever *et al.* (1997) also regarded this approach as a game theory. Meanwhile, Keohane (1984, 1988) and Oye (1986) argued that the international institutions will not be able to fulfil the optimal outcomes of every member state for instance in the position of the prisoner's dilemma game. However, the international institutions may facilitate and smooth the progress of gaining common benefits by heartening reciprocity in the negotiation which treated others as you would like to be treated with upgrading level of communication and information. Therefore, the international institutions will be able to persuade state response in order to manoeuvre results in the international environmental co-operations.

**The second group; ideas and values:** According to Haggard and Simmons (1987), the second group is less using international institutions and the game-theory as vehicles to gain from the interest approach in the international environmental co-operations which include creating of MEAs. As for Barrett (2003), interest in creating MEAs under the umbrella of the international environmental co-operations must be derived from individual state needs and capacity. Each individual state will calculate its own benefits and perceived costs that will be incurred. Interest of a state begins, when a particular issue that is being raised has shown a lot of benefits to the said state.

Finally, it is very important to bring in the interest approach in the negotiations of creating of the MEAs in order to achieve the international environmental co-operations regardless, if the interest approach is using the first group theory or the second group ideas. The main purpose to build up the international environmental co-operations is to tackle global environmental problems (Snidal, 1991; Barrett, 2003).

**Objectives:** This study embarks on the following objectives:

- To identify and analyse the themes and sub-themes that relate to the influence of financial and technical incentives (focusing on ideas and values towards sustainable development) during the early stage of negotiations that build up the international environmental cooperation in the Montreal Protocol
- To explain the influence of financial and technical incentives (focusing on ideas and values towards sustainable development) during the early stage of negotiations that build up the international environmental cooperation in the Montreal Protocol

## **MATERIALS AND METHODS**

This study applied a qualitative set up. In line with the qualitative approach, the Montreal Protocol has been employed as a case study in this study. Hence, this study has analysed some of the relevant meeting documents of the Montreal Protocol.

**Documents selection:** This study is intimately linked to the international environmental cooperation in the Montreal Protocol, the influence of interest approach and also the response of the member states. Therefore, the following documents have being selected as the main documents of this study. The documents are as follow:

- Meeting reports of the First Session-Ad Hoc Working Group of Legal and Technical Experts for the Preparation of a Protocol on Chlorofluorocarbons to Vienna Convention for the Protection of the Ozone Layer' on 1-5 December 1986 at Geneva, Switzerland
- Meeting reports of the Second Session-Ad Hoc Working Group of Legal and Technical Experts for the Preparation of a Protocol on Chlorofluorocarbons to Vienna Convention for the Protection of the Ozone Layer on 23-27 February 1987 at Vienna, Austria
- Meeting reports of the First Meeting-Ad Hoc Working Group of Legal and Technical Experts for the Harmonization of Data on Production, Imports and Exports of Substances that Deplete the Ozone Layer on 9-11 March 1988 at Nairobi, Kenya

- Meeting reports of the Second Meeting-Ad Hoc Working Group of Legal and Technical Experts for the Harmonization of Data on Production, Imports and Exports of Substances that Deplete the Ozone Layer on 24-26 October 1988 at The Hague, Netherlands
- Meeting reports-'Meeting of Parties' (Montreal Protocol) on 2-5 May 1989 at Helsinki, Finland
- Meeting reports of the First Session-'Open-Ended Working Group Of The Parties' (Montreal Protocol) on 21-25 August 1989 at Nairobi, Kenya

The above-said documents have been selected on the basis that those documents represent the early stage of negotiations of the Montreal Protocol. The first two documents represent negotiations in the making of the Montreal Protocol itself whereas the last four documents represent negotiations to persuade and attract more developing nations to join as members of the Montreal Protocol.

**Documents analysis:** All the above-mentioned documents were analysed by using Nvivo software. By using Nvivo software, the researchers have built up and tested the coding schemes. This action was necessary in order to determine the reliability. According to Maxwell (2005), there are a few necessary steps in analysing documents by using the software. All the documents are identified and selected for the purpose of fulfilling the study objectives i.e., the above-mentioned documents. These documents are numbered 1-6. Later, these documents are scanned in order to transform them into transcripts that can be analysed by computer software (Nvivo). By using computer software (Nvivo), the researchers identified themes and sub-themes based on the above-mentioned selected documents which are in line with the study objectives. Following that the researchers are required to determine the reliability of the coding schemes during the process of identifying themes and sub-themes by using computer software (Nvivo). This determination of reliability is based on the reliability index of Cohen Kappa. This process is required to be repeated many times until the coding schemes manage to obtain the highest level of the reliability. Finally, these themes and sub-themes are built up by displaying these results in the form of a model.

## **RESULTS AND DISCUSSION**

Based on the documents analysis on the influence of interest approach in the early negotiations of the Montreal Protocol, two main themes and eight sub-themes have been identified (Table 1). The themes are costs and benefits while the sub-themes are implementation

Table 1: Themes and sub-themes of documents analysis of the interest approach which included global financial mechanisms in the Montreal Protocol

| Themes   | Sub-themes  |
|----------|---|
| Costs    | Implementation costs, market competitiveness, international trade conflict, increasing prices |
| Benefits | Flexibility, justice, incentives (technical and financial assistance), cost-effectiveness     |

costs, market competitiveness, international trade conflict, increasing prices, flexibility, justice, incentives (technical and financial assistance) and cost-effectiveness.

**Costs:** When referring to the influence of interest approach in the negotiation of the Montreal Protocol, it is clear that the costs have played essential roles on this matter. This has been highlighted in document no. ii indicates the subject matter:

Another expert drew attention to the problems faced by small countries which might suffer increased costs or reduced availability of chemicals if producing nations restricted exports in favour of continued domestic consumption under regulatory measures (Para 177, Document No. ii)

**Implementation costs:** This study has shown that implementation costs were also being considered as factors that influence states to participate in international environmental cooperation of the Montreal Protocol. This has been highlighted in document No. vi:

Incremental costs that might be covered by the international financial mechanism (Para 103, Document No. vi)

**Market competitiveness:** Beside the implementation costs, which has been highlighted above, market competitiveness has also been mentioned for consideration in order to influence the negotiation of the the Montreal Protocol. This has been highlighted in document no. i indicating the said matter:

The delegates warned that a freeze at the 1986 production level as contained in one draft protocol before the Group would lead to a production monopoly for current producers (Para 116, Document No. i)

**International trade conflict:** In the early negotiation of the Montreal Protocol, all of the states around the globe were looking forward that controlling trade measures in the Montreal Protocol should be consistent with the international trade laws in order to avoid international

trade conflict that might caused international trade problems. This has been highlighted in document no. ii that indicates the subject matter:

The sub-group on trade issues considered the compatibility of measures for controlling trade between parties to the Protocol and trade between parties and non-parties, with the rules of international trade, especially the GATT (Para 301, Document No. ii)

**Increasing prices:** In addition to the discussion under the main theme ‘costs’ which are based on document No. vi, member states during the negotiation always ensure that the Montreal Protocol must take into consideration on the increasing prices due to the involvement of increasing costs in implementing the Montreal Protocol:

He outlined the elements of the cost as follows: (a) the costs of using or manufacturing high price CFC substitutes; (b) the costs of amortization; (c) the cost of adjustments in industries using CFCs and halons as inputs and 'the higher costs of importation of equipment and goods using the substitutes (Para 91, Document No. vi)

**Benefits:** The second main theme that influence the negotiation of the Montreal Protocol from the interest approach perspective is also clear that the benefits have played essential roles on this matter. This has been highlighted in document no. vi which indicates the subject matter:

He first identified the needs of developing countries; their reticence to ratify the Montreal Protocol was due to lack of the resources necessary to met its requirements without serious disruption of their development efforts; what they needed was concessional funding and outright grants additional to existing aid programmes (Para 18, Document No. vi)

**Flexibility:** These benefits are also including the aspect of flexibility. This aspect of flexibility really helps to influence states around the globe to join in and ratify the Montreal Protocol. During the negotiation of the Montreal Protocol many developing states have requested for the flexibility in implementing the Montreal Protocol. This has been highlighted in document no. ii which indicates the said matter:

Special clauses must be drafted for the developing countries that take into account their particular situation and that, at a minimum, permit them to continue their production and emission at current levels, since these countries are not in a position to replace these substances, in addition to which they are experiencing a very difficult economic situation”([Para 96, Document No. ii)

**Justice:** This study has shown in document no. (i) that justice also bring benefits to states around the world during the negotiation of the Montreal Protocol because with the application of the principle of fairness in the Montreal Protocol, the Montreal Protocol will become international law that would be accepted through out the world:

He said, however, in doing so it was important to apply the principle of fairness so that the regulations would be acceptable to all (Para 85 Document No. i)

**Incentives (technical and financial assistance):** Incentives on technical and financial assistance bring benefits to member states especially to the developing nations in accepting the Montreal Protocol as one of the international environmental laws. This has been highlighted in document no. vi that indicates the subject matter:

Two main purposes for financial or other support: first, compensation for the incremental costs of transition to substitutes of the ozone depleting substances and second, support which would serve as an incentive to ensure adherence to the protocol (Para 178, Document No. vi)

**Cost-effectiveness:** Cost-effectiveness which bring benefits to member states by sharing the burden of costs relative to the regulatory process among governments. This has been highlighted in document No. ii:

Mr. Mansfield enumerated some of these issues; on the substances that should be regulated; on the levels of limitations to be chosen; on the cost-effectiveness of regulations and on how the burden of costs relative to the regulatory process would be shared among governments (Para 32, Document No. ii)

## CONCLUSION

In conclusion, this study suggests that costs and benefits rather an important feature to encourage and influence states around the globe to participate in the Montreal Protocol. After series of negotiations, most of the negotiating countries felt that the Montreal Protocol would be able to supply market for substitutes of CFCs and would not be exaggeratedly upsetting the global cost-effectively. Meanwhile, the developing nations have tried to seek justice by promoting the principle of fairness and the principle of common but differentiated responsibility. Based on these two principles, the developing nations managed to obtain flexibility in implementing the Montreal Protocol. Moreover, the developing nations which regarded as Article 5 states in the Montreal Protocol are also received incentives on technical and financial assistance through Multilateral Fund in order to help them in implementing the Montreal Protocol.

In addition, the participation of Malaysia as a member of the Montreal Protocol is based on the responsibility to jointly address the issues surrounding global nature. However in order to meet the demands of the Montreal Protocol the national level is not something easy matter. Cooperation between all the stakeholders including government agencies, industry and the community is very important to ensure the successful of Malaysia in implementing the Montreal Protocol. Good interactions between the government agencies, industries and society represented by NGOs are the key of the successful Montreal Protocol implementation in Malaysia. The successful in implementation of Montreal Protocol can be achieved because all the stakeholders has asserted all the sustainable development values that agreed and held by the public throughout the implementation process. In the implementation of the Montreal Protocol, the value of sustainable development held by the majority of people have been asserted, compromised and manipulated very well. It is clear that the successful of Malaysia in implementing the Montreal Protocol is actually have contributed indirectly in the realisation of Malaysia aims to become a developing country with a sustainable habitat not only for the present but also for the future generations.

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