

CHAPTER IV

CONCLUSION

A. Addressing the Problem Statement

1. Regarding the implementation of Prior Informed Consent in Rotterdam Convention, for a state party Indonesia has complied with most of the provision provided by Rotterdam Convention. Designated national authority for Rotterdam Convention has been appointed from two different ministries: designated national authority for pesticide related matters were chosen from Ministry of Agriculture department, while the rest is handled by Ministry of Environment and Forestry. Choosing designated national authority for pesticide related matter from Ministry of Agriculture is a proper step, since pesticide-related regulations were governed under Ministry of Agriculture.

Indonesia should be more active in giving response to the chemical listed in Annex III in order to prevent hazardous pesticide substance coming to Indonesia, as well as banning the production and domestic usage as required by Rotterdam Convention in case of not consenting to import a chemical.

Another problem is that in listing restricted pesticide in its Minister of Agriculture Regulation, Indonesia does not include hazardous chemical and pesticide listed in Annex III of the Rotterdam Convention. Instead, the regulations were based on WHO and Stockholm Convention list. For better implementing the Rotterdam Convention, Annex III of Rotterdam Convention should also included as standard for ban or restrict pesticide usage in Indonesia.

2. For protecting the right to health, Rotterdam Convention is actually only regulating international trade of hazardous chemical and pesticide. But the provision of Prior Informed Consent for chemical listed under Annex III that makes it effective. By not consenting to import a chemical under Annex III, a state party also required to ban all import of the same chemical as well as eliminate domestic production and local usage of it. Being a state party to the Rotterdam Convention also gives Indonesia a chance to actually knowing the hazardous substance and its effect due to information exchange procedure embedded in the convention. Thus it has better prospect to protect the right to health of Indonesia citizen by limiting the flow of hazardous pesticide coming to Indonesia.

Also not forgetting the fact that Indonesia intervene the recommendation of Paraquat Dichloride to be included in Annex III at the 2019 Conference of Parties in pretense that it is safer than most of herbicide circulating around the country, even though Vietnam as a fellow agricultural country already bans the same substance on the basis that there are a lot of study that stated that paraquat itself is still dangerous for human health. The key of Vietnam success in banning such widely used pesticide lies within the willingness of the government to cooperate with local non-government organization to cut down the usage and production of paraquat within the country. While on the other side, Indonesia has given permits to various companies to produce pesticide with paraquat as the main ingredient.

B. Recommendation

1. The main weakness of Rotterdam Convention that stand out among journals that researcher read during writing this thesis is that the convention does not strictly regulates about the production of the hazardous chemical and pesticide for itself. Instead, under Prior Informed Consent procedure, the decision to not consenting to import chemical listed under Annex III will require the state party to ban all import of the same chemical and also ban its domestic usage and production.

The absence of strict sanction occurred when a party failed to follow the provision given by the convention could also be a problem. Even with a strict obligation, the lack of proper sanction will weaken the influence that this convention had. Fact that Indonesia itself has no response to almost half of the chemical listed in Annex III could be an example.

2. Indonesia also needs to review over the Ministry of Agriculture Regulation about pesticide classification. Both WHO, Stockholm Convention POP, and Rotterdam Convention Annex III have different method to determine which chemical that needs to be banned or restrict. By including Annex III of the Rotterdam Convention, and giving a proper response to each chemical listed there, Indonesia could better utilize Rotterdam Convention.

Lastly, researcher hopes that Indonesia could find a much safer alternative herbicide. The main challenge to lessen the usage of hazardous pesticide is that farmers feels that the stronger the pesticide, the greater the effect. Government need

to raise awareness of the farmers on the dangers that pesticide could have done to human health and the environment.

