

RATIFIKASI TERHADAP TRAKTAT PERSETUJUAN PARIS (*PARIS AGREEMENT*) SEBAGAI WUJUD IMPLEMENTASI KOMITMEN INDONESIA DALAM UPAYA MITIGASI DAN ADAPTASI PERUBAHAN IKLIM

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ABSTRAK

Paris Agreement merupakan perjanjian internasional yang mengikat secara hukum dalam United Nations Framework Convention on Climate Change (UNFCCC) mengenai mitigasi, adaptasi, dan pembiayaan emisi gas rumah kaca. Indonesia telah meratifikasi Paris Agreement dengan Undang-Undang Nomor 16 Tahun 2016 tentang Pengesahan Paris Agreement to the United Nations Framework Convention on Climate Change, dan diundangkan pada tanggal 25 Oktober 2016. Pengesahan ini merupakan salah satu upaya pemerintah dalam memberikan jaminan kepada setiap warga negara. untuk mendapatkan lingkungan hidup yang berkualitas. Sebagai salah satu negara yang telah meratifikasi Paris Agreement, Indonesia berkewajiban untuk melaksanakan kontribusinya dengan menyusun dan melaporkan rencana-rencana dalam Nationally Determined Contribution (NDC) sesuai dengan kewajiban negara sebagai bentuk implementasi dari Perjanjian Paris (Paris Agreement). Nationally Determined Contribution (NDC) Indonesia mencakup aksi mitigasi dan adaptasi perubahan iklim yang akan dilaksanakan pada tahun 2020. Pengesahan Paris Agreement dilakukan atas dasar internal dan eksternal. Dari sisi internal, alasan di balik pengesahan tersebut berasal dari kebutuhan akan dukungan ekonomi dari negara maju, tekanan dari LSM dan masyarakat adat Indonesia, alasan pegawai dan hukum tata negara Indonesia dalam merespon isu perubahan iklim. Dari sisi eksternal, adalah pemenuhan tuntutan global, tekanan internasional, serta meningkatkan eksistensi dan citra positif Indonesia di forum internasional. Ratifikasi Paris Agreement diharapkan dapat meningkatkan kerja sama bilateral dan multilateral dalam pelaksanaan aksi mitigasi dan adaptasi perubahan iklim dengan dukungan pendanaan, transfer teknologi serta mekanisme transparansi dan tata kelola yang berkelanjutan.

Kata Kunci : Perjanjian Paris, ratifikasi, Kontribusi yang Ditentukan Secara Nasional (NDC), Perubahan Iklim, Indonesia

ABSTRACT

The Paris Agreement is a legally binding international treaty in the United Nations Framework Convention on Climate Change (UNFCCC) regarding greenhouse gas emission mitigation, adaptation, and finance. Indonesia has ratified the Paris Agreement with Law Number 16 of 2016 concerning Ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change, and promulgated on October 25th, 2016. This ratification is one of the government's efforts in providing guarantees to every citizen to get a quality living environment. As one of the countries that have ratified the Paris Agreement, Indonesia is obliged

to carry out its contribution by compiling and reporting plans in the Nationally Determined Contribution (NDC) in accordance with state obligations as a form of implementation of the Paris Agreement (Paris Agreement). Indonesia's Nationally Determined Contribution (NDC) includes climate change mitigation and adaptation actions, which will be implemented in 2020. The ratification of the Paris Agreement was carried out on internal and external grounds. From the internal side, the reasons behind the ratification stemmed from the need for economic support from developed countries, pressure from NGOs and Indonesian indigenous peoples, reasons for employees and Indonesian constitutional law in responding to climate change issues. From the external side, it is compliance with global, international pressure, and to improve the existence and positive image of Indonesia in international forums. Ratification of the Paris Agreement is expected to increase bilateral and multilateral cooperation to implement climate change mitigation and adaptation actions with the support of funding, technology transfer as well as transparency mechanisms and sustainable governance.

Keywords: *Paris Agreement, ratifications, Nationally Determined Contribution (NDC), Climate Change, Indonesia*

INTRODUCTION

The issue of climate change is currently a global problem and covers a central issue in global politics and discourse that is inevitable and gets a lot of special attention among the international community. Climate change is a phenomenon of global climate transformation which is an implication of global warming caused by human activities. Climate change is present as a form of environmental damage phenomenon that impacts almost every area of life that threatens the existence of human life, both at the local, national, and global levels. Some of the common impacts caused by climate change include depletion of the ozone layer, increased warming caused by increased greenhouse gas (GHG) emissions of sea level rise, melting glaciers, and other impacts that affect all aspects of life. As a result of Earth's weather imbalance, the sustainability of the planet's ecosystems is threatened, potentially having implications for the future of humanity and global economic stability.

Earth's weather imbalance illustrates that the issue of climate change is a real thing that threatens. Climate change is an implication of global warming caused by human activities in the form of the use of fossil fuels and land use activities. The agricultural, forestry and land-use sectors are the sectors that most often record global warming events, especially in Indonesia. The existence of industrial activities in the form of the use of fossil-based energy systems such as petroleum, coal, and natural gas, increases the presence of exhaust gases (CO₂, CH₄, N₂O, SF₆, HFCs and PFC) to the atmosphere layer so that there is a depletion of the ozone layer that causes a greenhouse effect (GHG). This increase in greenhouse gas concentrations certainly leads to an increase in global temperatures. This temperature rise also causes changes in weather patterns that can cause an unusual increase in rainfall, the more fierce winds and storms and even the occurrence of natural disasters that take a lot of casualties, so that the impact caused has bad implications for human life both individually and in groups and involves the world as a whole, namely transnational and not bound by the boundaries of a country's territory.

This is a trigger for the international community in making various efforts to overcome the impacts of global warming and climate change, both through cooperation between countries and international negotiations. The complexity of various issues as a result of the effects of climate change and global warming was first discussed at the Earth Summit in Rio de Janeiro, Brazil in 1992. This meeting resulted in the United Nations Framework Convention on Climate Change (UNFCCC). In order to realize the objectives of the climate change convention, at the 21st unfccc party state meeting or COP21/CMP11 UNFCCC held in Paris, November 30 to December 12, 2015, UNFCCC states parties have agreed to adopt a series of decisions including Decision 1/CP.21 on Adoption of the Paris Climate Agreement as a new instrument after the Kyoto Protocol failed to achieve world emission reduction targets.

The Paris Agreement aims to hold the global average temperature increase well below 2°C above pre-industrialist levels and continue efforts to reduce temperature rise to 1.5°C above pre-industrialization levels, taking into account the different national conditions outlined in the Nationally Determined Contribution (NDC) which is a document on mitigation action or plans to reduce greenhouse gas (GHG) emissions from each country. From 12 December 2015 to 19 January 2018, 172 countries ratified the Paris Climate Agreement including Indonesia which signed this treaty on 22 April 2016 which was later ratified into Law of the Republic of Indonesia number 16 of 2016 concerning the ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change. Indonesia's nationally defined contribution (NDC) includes aspects of mitigation and adaptation that will be achieved, among others, through the forestry, energy sectors including transportation, waste, industrial processes and product use, and agriculture. Thus, it can be said that the Nationally Determined Contribution (NDC) is a state obligation as a form of efforts to implement commitments to the Paris Agreement. For Indonesia, there are various variables that determine the reason for ratifying the Paris Agreement.

The ratification of the Paris Agreement was carried out on the basis of internal and external factors. From the internal side, the reasons behind the endorsement come from the need for economic support from developed countries, pressure from non-governmental organizations (NGOs) and Indonesian indigenous peoples, bureaucracy and Indonesian constitutional law in responding to the issue of climate change. From the external side is a form of global compliance, international pressure, and to improve Indonesia's existence and positive image in international forums. Ratification of the Paris Agreement is expected to enhance more effective and efficient bilateral and multilateral cooperation to implement climate change mitigation and adaptation actions with the support of funding, technology transfer, capacity building supported by ensuring transparency and sustainable development governance.

DISCUSSION

1) Paris Agreement

The Paris Agreement is an international agreement on climate change that is legally binding in the United Nations Framework Convention on Climate Change (UNFCCC) on climate change mitigation, adaptation, and finance. The Paris Agreement was adopted on the basis of addressing the effects of global warming and climate change

and resulted from the 21st unfccc meeting of member states or COP21/CMP11 or the Paris Climate Conference. The 21st Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change/COP 21 UNFCCC (The 21st Conference of the Parties to the United Nations Framework Convention on Climate Change) was held in Paris in 2015 attended by 195 (one hundred and ninety-five) countries of the parties to the UNFCCC.

At this meeting, the states parties have agreed to adopt a series of decisions including Decision 1 / CP.21 on Adoption of the Paris Climate Agreement as an instrument aimed at restraining the increase in global average temperature well below 2 °C above pre-industrial levels and continuing efforts to reduce temperature rise to 1.5 °C above pre-industrialization levels, Taking into account the different national conditions outlined in the Nationally Determined Contribution (NDC), namely a mitigation action document or plan to reduce greenhouse gas (GHG) emissions as a form of efforts to implement commitments to the Paris Agreement (Paris Agreement) from each country that has been implemented in 2020. The Paris Agreement is a new instrument or policy after the 1997 Kyoto Protocol.

Prior to adopting the Paris Agreement, various efforts were made to address the impacts of global warming and climate change, both through cooperation between countries and international negotiations. This began with the Earth Summit in Rio de Janeiro, Brazil in 1992 which resulted in the United Nations Framework Convention on Climate Change (UNFCCC). In order to carry out the objectives of the climate change convention, at the third session of the UNFCCC (Third Session of the Conference of Parties, COP-3) held in Kyoto, Japan, in 1997, a consensus was produced in the form of a decision (decision 1/CP.3) to adopt the Kyoto Protocol for the UN framework convention on climate change.

But in its development, the Kyoto Protocol did not succeed in achieving the target of reducing world emissions due to the lack of commitment of industrialized countries to reduce their emissions. As the Kyoto Protocol commitment period expires in 2012, the Decision of COP-17 (Third Session of the Conference of Parties, COP-17) of 2011 in Durban, South Africa, the Ad Hoc Working Group on the Durban Platform for Enhanced Action (ADP) is formed, a special committee with a mandate to develop protocols, other legal instruments after the Kyoto Protocol under the convention that applies to all parties. and must be completed by 2015 at the COP-21 meeting.

Until the COP-21 (Third Session of the Conference of Parties, COP-21) meeting, the Paris Agreement was adopted and is a new milestone in efforts to address the problem of climate change by countries in the world. The Paris Agreement aims to keep global average temperature rise well below 2 °C (3.6 °F) above pre-industrial levels, and to pursue efforts to limit the rise to 1.5 °C (2.7 °F) in pre-industrialization times that would substantially reduce the risks and adverse effects of climate change. In addition, the Paris Agreement is also directed at improving adaptability to the negative impacts of climate change, towards climate resilience and low-emission development, without threatening food production, and setting up funding schemes to lead to low-emission development.

The Paris Agreement is legally binding and applied by all countries (legally

binding and applicable to all) with the principle of shared responsibility that is distinguished and based on their respective capabilities (common but differentiated responsibilities and respective capabilities), taking into account the different national conditions outlined in the Nationally Determined Contribution (NDC) which is a mitigation action document or plan to reduce greenhouse gas (GHG) emissions from each country. The Paris Agreement also gives the responsibility of developed countries to provide funding, capacity building, and technology transfer to developing countries. In addition, the Paris Agreement mandates more effective and efficient increased bilateral and multilateral cooperation to implement climate change mitigation and adaptation actions with the support of funding, technology transfer, capacity building supported by ensuring transparency and governance.

2) ***Ratification of the Paris Agreement (Paris Agreement) into Law No. 16 of 2016 concerning the Ratification of the Paris Agreement To The United Nations Framework Convention On Climate Change***

Ratification is the legal action of a country to be bound by the content, intent and purpose of an international provision or treaty through the act of incorporating and accepting such provisions into the national legal system through certain procedures governed by the national law of a country. Indonesia has ratified the Paris Agreement with Law No. 16 of 2016 concerning the Ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change, and was enacted on October 25, 2016.

The ratification of the Paris Agreement is also based on the mandate in Article 28 A of the 1945 Constitution that "Everyone has the right to live and the right to defend his life and life". This means that the Government together with other world countries to maintain the global carrying capacity so that all human beings can live a decent level of life. And in Article 28 H of the 1945 Constitution Paragraph (1) it is stated that "Everyone has the right to live a prosperous life born and inner, live, and get a good and healthy living environment and entitled to health services". This ratification is one of the Government's efforts in providing guarantees to every citizen to get a quality living environment. This relates to juridical provisions that guarantee that the human right to the environment is already a legal obligation for the state. Climate change has a national and global dimension that are both accommodated in Nawacita.

Nawacita is the nine priorities of development in the next five years. The nine priorities are part of the vision of President Joko Widodo and Vice President Jusuf Kalla in the 2014 presidential campaign. For the global dimension, one of Nawacita's points about the increasing global role mandates to increase international cooperation in addressing global problems that threaten humanity including climate change. For the national context, a number of Nawacita points mandate actions that contain the benefits of mitigating and adapting to climate change, for example on strengthening the forestry sector, as well as building sustainable spatial and environmental governance.

Prior to the ratification of the Paris Agreement, Indonesia had ratified the Climate Change Convention through Law No. 6 of 1994 concerning the Ratification of the United Nations Framework Convention on Climate Change and the Kyoto Protocol through Law No. 17 of 2004 on the Ratification of the Kyoto Protocol. In order to provide a legal basis for the government's commitment and legal recognition of participation in international agreements in this case the Paris Agreement, it is in

accordance with the provisions of the prevailing laws and regulations that the ratification of the Paris Agreement shall be stipulated in a Law. This is related to the substance in the Paris Agreement which regulates norms related to environmental factors.

By ratifying the Paris Agreement and ratifying and implementing all relevant commitments and arrangements therein, Indonesia will benefit, including: first, improving the protection of Indonesian regions that are very vulnerable to the impacts of climate change through climate change mitigation and adaptation. Second, increased recognition of national commitments in reducing emissions from various sectors, forest conservation, increasing renewable energy and the participation of local communities and indigenous peoples in controlling climate change that has been championed by Indonesia. Third, be the parties who can participate (have voting rights) in decision-making related to the Paris Agreement, including in the development of modalities, procedures and guidelines for the implementation of the Paris Agreement. Fourth, obtaining the ease of accessing funding sources, transfer technology, and implementation of mitigation and adaptation actions.

3) *The Reason the Indonesian Government Ratified the Paris Agreement*

The ratification of the Paris Agreement basically contains important values for Indonesia, which is a form of global compliance and accountability for the issue of climate change. The rise of forest fires in Indonesia, which increases greenhouse gases, makes the Indonesian government feel responsible for this incident. In the provisions of the Paris Agreement contained in Article 21, it states that a minimum of 55 countries are required to ratify, and represents 55% of the total global emissions for the Paris Agreement to be in force. In order to achieve this status, ratification is needed for countries in the world, especially for countries with the largest contributors of gas emissions including Indonesia. This ratification is an obligation because Indonesia is included in the 10 countries with the largest contributors of carbon emissions in the world (World's top ten greenhouse gas emitters). For the record, based on data from the United Nations Framework Convention on Climate Change (UNFCCC), the amount of Indonesia's greenhouse gas emissions is 0.554 Gt CO₂, equivalent to 1.5% of total global emissions. This condition needs to be under pressure, given the fact that environmental problems in developing countries cannot be separated from the social and economic context of society such as demands for forest conservation, as well as the occurrence of increased industrial activity to achieve welfare standards equivalent to developed countries, so this results in pressure on developing countries to ratify the Paris Agreement, including Indonesia.

The reason Indonesia ratified the Paris Agreement was done on the basis of internal factors and external factors. First, internally, the reason behind the endorsement is due to the massive NGO movement and indigenous peoples' pressure to be considered by Indonesian foreign policy makers to ratify the Paris Agreement. This relates to juridical provisions that guarantee that the human right to the environment is already a legal obligation for the state. In addition, the existence of economic needs is the dominant factor in determining Indonesia's decision-making to ratify the Paris Agreement where Indonesia as a developing country and also one of the world's tropical rainforest owners sees opportunities that can be utilized in paying

for the reduction of global GHG emissions. Especially where developed countries need carbon quotas so that the industrial production system in their countries continues. So Indonesia sees a gap from the funding scheme legalized by the UNFCCC as an international environmental regime. In addition, the funding mechanism for ghg reduction in developing countries also seeks funding for donor countries (developed industrialized countries) both in the form of funding and transfer of environmentally friendly technology.

The second reason is external factors. Externally, Indonesia realizes that environmental damage and development assumptions that are not environmentally sound, as well as a high enough level of corruption, make it difficult for Indonesia to get donor countries to support environmentally sound government programs. Because of this, Indonesia needs a good image to change the international worldview, especially to support national development. Indonesia's political interests to build an image as an active country in international forums, especially in the economic and environmental fields, are increasingly pursued by Indonesia, including one of them by ratifying the Paris Agreement will open a number of cooperation and coordination that is needed in line with the effectiveness of the Paris Agreement. There is pressure from the international community, especially developed countries, on Indonesia to adopt and implement the requirements and conditions proposed so that its implementation is in accordance with the wishes of developed countries, making Indonesia unable to avoid the existing pressure. Coupled with the weak condition of the Indonesian economy, causing Indonesia to be increasingly dependent with assistance from other countries. For Indonesia itself, its participation as a developing country will also provide opportunities to gain access to new sources of funding and technology needed for environmental management. Ratification of the Paris Agreement can provide several advantages, including the ease for Indonesia to get various international support in the form of funding, human resource development and environmental preservation technology, as well as the opening of a number of cooperation and coordination that is needed in line with the effectiveness of the Paris Agreement. However, the most important goal that is expected is to create a positive image of the Indonesian Government's concern in environmental conservation at the local and global levels. This is related to international law and public opinion (international law and world opinion) which is how foreign policy taken by the Indonesian state is related to international law and the agreements in it and how also international public opinion about the Indonesian government's policy in ratifying the Paris Agreement in 2016 in order to create a good image to change the international worldview, to support sustainable national development.

4) *Implementation of Indonesia's Commitment to the Paris Agreement in Efforts to Mitigate and Adapt Climate Change*

The Paris Agreement gives responsibility to states parties to draw up a Nationally Determined Contribution (NDC) which is the obligation of states parties to draw up specific emission reduction plans related to mitigation, adaptation, funding support, technology, and capacity building for developed countries. Indonesia as one of the countries that have ratified the Paris Agreement, is obliged to carry out its

contributions by drawing up and reporting plans in the Nationally Determined Contribution (NDC) as a form of implementation of commitments to the Paris Agreement and contributions to the international community in line with national goals and ideals. This contribution becomes a responsibility and commitment that must be implemented in domestic policy. This commitment must be realized in development plans with the aim of reducing emissions before 2030.

Nationally Determined Contribution (NDC) Indonesia is a commitment in the form of contributions covering aspects of mitigation and adaptation that will be achieved, among others, through the forestry sector, energy including transportation, waste, industrial processes and the use of products, and agriculture. Indonesia has submitted a Nationally Determined Contribution (NDC) to the UNFCCC Secretariat ahead of COP-22 Marrakech in 2016, as an elaboration of the NDC and at the same time replacing the Intended Nationally Determined Contribution (INDC) document submitted to the UNFCCC Secretariat prior to COP-21 Paris. The implementation strategy of Indonesia's commitment in the Nationally Determined Contribution (NDC) is intended as a guide for synergy steps for every component of the nation ranging from Ministries / Institutions, Local Governments, Academics, Business Sectors, Non-Governmental Organizations and the General Public to achieve national commitments in reducing GHG emissions and achieving low-emission and climate-resilient development goals. Indonesia's commitment was conveyed by President Joko Widodo who has determined 9 (nine) national development priority actions poured through Nawa Cita. Nawa Cita explicitly also emphasizes the importance of climate change control, namely on: (A) Sovereign In Politics, on nawa Cita 1 "Building foreign policy prestige and responding to Indonesia's role in global issues" letter b. 5) "Intensifying international cooperation in overcoming global problems that threaten humanity such as climate change....., and (B) Self-Reliance in the Field of Economics, in the point Nawa Cita 3 "Building energy sovereign based on national interests" letter 3. (h) "Designing the issue of climate change is not only for environmental issues but also for the national economy". Nawa Cita's items are highly relevant to the elements of nationally determined contribution (NDC).

Indonesia's commitment in Nawa Cita is one of the foundations for the preparation of the First Nationally Determined Contribution (NDC) document, which outlines Indonesia's transition to a low-emission and climate-resilient future. Referring to Indonesia's readiness to reduce GHG emissions by 26% by 2020 with its own capabilities. The Nationally Determined Contribution (NDC) was prepared to improve action and conditions supporting the achievement of more ambitious goals after 2020 that will contribute to efforts to prevent global temperature rises below 2oC and pursue efforts to limit global temperature rise to 1.5oC compared to pre-industrial times. Indonesia has committed to reduce greenhouse gas emissions (mitigation) by 2030 by 29% with its own capabilities and up to 41% when with international support, compared to without mitigation or business as usual (BAU) action.

In the Nationally Determined Contribution (NDC) explained about five categories of sectors and the proportion of Indonesia's contribution and commitment in efforts to reduce Greenhouse Gas (GHG) emissions 29% from Business As Usual

(BAU) 2030, namely: forestry (17.2%), energy (11%), agriculture (0.32%), industry (0.10%), and waste (0.38%). As for adaptation, Indonesia's commitment includes improving economic resilience, social resilience and livelihood resources, as well as ecosystem and landscape resilience in addition to conditioning for climate resilience. As part of its pre-2020 commitment, Indonesia has made efforts to reduce GHG emissions voluntarily since 2020 by pouring in ghg emission reduction targets by 26% by 2020, and up to 41% if there is international support. In addition, in the face of post-2020 development, Indonesia views the achievement of island climate resilience as a result of the implementation of comprehensive adaptation-mitigation programs and disaster risk reduction strategies. Support in the form of soft technology and hard technology interventions is an aspect that must be met and can be done through empowerment and capacity building, improving basic health and education services, low emission technology innovation, and sustainable natural resource management in line with sustainable principles and good governance.

Conclusion

The Paris Agreement is an international agreement on climate change that is legally binding under the United Nations Framework Convention on Climate Change (UNFCCC) on climate change mitigation, adaptation, and finance. Indonesia ratified the Paris Agreement because Indonesia is included in the 10 countries with the largest contributors of carbon emissions in the world (World's top ten greenhouse gas emitters). The ratification of the Paris Agreement basically contains important values for Indonesia, which is a form of global compliance and accountability for the issue of climate change. Indonesia has ratified the Paris Agreement with Law No. 16 of 2016 concerning the Ratification of the Paris Agreement to the United Nations Framework Convention on Climate Change, and was enacted on October 25, 2016.

Ratification of the Paris Agreement provides several benefits for Indonesia, including the ease for Indonesia to get various international support in the form of funding, human resource development and environmental preservation technology, as well as the opening of a number of cooperation and coordination that is needed in line with the effectiveness of the Paris Agreement. However, the most important goal that is expected is to create a positive image of the Indonesian Government's concern in environmental conservation at the local and global levels. In addition, ratification of the Paris Agreement is a form of implementation of commitments to the Paris Agreement and contributions to the international community as outlined through the Nationally Determined Contribution (NDC).

Indonesia's commitment to the Paris Agreement is based on 9 (nine) national development priority actions outlined through Nawa Cita, which is the basis for the preparation of the Nationally Determined Contribution (NDC) document. Ratification of the Paris Agreement is expected to enhance more effective bilateral and multilateral cooperation to implement climate change mitigation and adaptation actions with the support of funding, technology transfer and ensuring transparency and sustainable governance.

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