

**Assessing the Domestic Turn of International Climate Change Law:  
The Influence of Paris Agreement's Approach to CBDR-RC towards Indonesian  
Government Efforts on Climate Change Mitigation in the Forestry Sector**

Author:

Irene Amadea Rembeth<sup>2</sup> and Linda Yanti Sulistiawati, S.H., M.Sc., Ph.D.<sup>3</sup>

**ABSTRACT**

Fairness in distributing climate obligation has been a longstanding challenge that brings out the dynamic within the international climate regulatory regime under the United Nations Framework Convention on Climate Change ('UNFCCC'). In response to this, the regime has considered differentiating Parties' obligation as a solution to widen participation with the aim to promote efficiency in combating climate change. In doing so, the principle of Common but Different Responsibilities and Respective Capabilities ('CBDR-RC') is being relied on. The most recent ancillary treaty of the UNFCCC, the Paris Agreement, has introduced a new paradigm to operationalize CBDR-RC by means of providing flexibility to States in formulating their commitments in accordance to their own national landscapes. The approach taken is established as Nationally Determined Contribution ('NDC'). Unlike the previous Kyoto Protocol, this approach applies inclusively to all Parties and not limited to the developed countries only.

This Legal Research assesses whether this newly introduced approach has been working effectively by assessing its influence towards the Government of Indonesia in taking efforts of climate mitigation in the forestry sector. Based on its finding, this Legal Research found that NDC possesses several roles to influence State's individual mitigation effort namely: to gather participation, ensuring domestic implementation, and encouraging enhancement of ambition. These three roles are reflected on the Indonesian Government mitigation effort. However, it does not guarantee effective implementation of mitigation measure.

**Keyword:** International Climate Change Law, CBDR-RC, Paris Agreement, NDC, Indonesian Forestry Mitigation.

---

<sup>2</sup> Student at the Department of International Law, Faculty of Law, Universitas Gadjah Mada (IUP 2017)

<sup>3</sup> Lecturer at the Department of International Law, Faculty of Law, Universitas Gadjah Mada

**Pergantian Arah Hukum Perubahan Iklim Internasional Menuju Lingkup Domestik:  
Pengaruh Pendekatan Paris Agreement terhadap Prinsip CBDR-RC dalam Upaya Mitigasi  
Kehutanan Pemerintah Indonesia**

Oleh:

Irene Amadea Rembeth<sup>4</sup> dan Linda Yanti Sulistiawati, S.H., M.Sc., Ph.D.<sup>5</sup>

**INTISARI**

*Isu mengenai pemerataan kewajiban dalam menangani perubahan iklim telah menjadi masalah yang kerap memperkeruh dinamika para Anggota dalam rezim perubahan iklim di bawah United Nations Framework Convention on Climate Change ('UNFCCC'). Dalam merespon persoalan ini, rezim Perubahan iklim menerapkan pembedaan kewajiban bagi tiap anggota yang diatur oleh prinsip Common but Different Responsibilities and Respective Capabilities (CBDR-RC). Dalam instrument Paris Agreement, Prinsip CBDR-RC di operasionalkan dengan paradigma yang baru. Yaitu, dengan memberikan fleksibilitas kepada Negara Anggota untuk menentukan komitmen mereka berdasarkan Keadaan domestic masing-masing. Pendekatan ini diberi nama Nationally Determined Contribution ('NDC'). Tidak seperti instrument pendahulunya, Kyoto Protocol, pendekatan NDC merupakan kewajiban seluruh Anggota dan tidak dibatasi untuk Negara maju saja.*

*Penulisan Hukum ini akan menganalisa apakah NDC telah beroperasi sesuai dengan apa yang diharapkan. Analisa akan dilakukan dengan mencari tahu pengaruhnya terhadap usaha Pemerintah Indonesia melakukan mitigasi Perubahan iklim pada sector kehutanan. Berdasarkan temuan penelitian yang telah dilakukan, NDC memiliki tiga peran yaitu: memperkuat partisipasi Anggota, memastikan pelaksanaan domestik upaya mitigasi, dan meningkatkan ambisi anggota. Tiga peran ini telah tercermin dalam upaya Indonesia dalam mitigasi kehutanan. Namun peran NDC tidak menjamin efektivitas pelaksanaan peraturan dan program upaya mitigasi Indonesia.*

**Keyword:** Perubahan Iklim, CBDR-RC, Paris Agreement, Mitigasi Kehutanan Indonesia

<sup>4</sup> Mahasiswa pada Departemen Hukum Internasional, Fakultas Hukum, Universitas Gadjah Mada (IUP 2017)

<sup>5</sup> Dosen pada Departemen Hukum Internasional, Fakultas Hukum, Universitas Gadjah Mada