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ASEAN Outlook on the Indo-Pacific Concerning the Implementation of National Determined Contributions to Achieve Sustainable Development Goal 13

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Abstract

The aim of the research is to analyze comprehensively the ASEAN Outlook on the Indo-Pacific (AOIP). Concerning the Implementation of National Determined Contributions (NDCs) to Achieve Sustainable Development Goal 13, namely, "take urgent action to combat climate change and its impacts." The bad impacts of climate change do not only cause serious impacts to the environment but also to the economic and social life. International cooperation, both regional and universal, is important because an individual state will not be able to overcome the bad impacts of climate change. The ambitious commitment of a single state as a member of the Paris Agreement to reduce emissions stipulated in the NDCs should be performed in good faith. Indeed, the success of the NDCs will depend on the commitment of individual states to comply and perform the commitment due to the voluntary character of the NDCs. The AOIP was formulated to guide cooperation and promote an enabling environment for peace, stability, and prosperity while upholding the rules-based regional architecture. However, the AOIP is not legally binding. This research is normative juridical research, and the approaches used are conceptual and statutory. The results of this research demonstrate that the implementation of NDCs faces many challenges in the ASEAN and Indo-Pacific, which depend on the situation and condition of each state.

Keywords: ASEAN outlook, indo-pacific, climate change, NDCs, SDGs 13.

1) INTRODUCTION

It cannot be ignored that the impacts of climate change cause severe impacts to the environment, such as flooding and drought, as well as reducing the quality and quantity of water, which affects the right to a healthy environment, the right to water as well as the right to food.² The increase in CO₂ is mainly

caused by various human activities in the fields of transportation, industries, and agriculture, as well as forest degradation and deforestation. The negative impacts of climate change cover all parts of the Earth both in the land as well as in the sea. There are four of the world's ten countries most affected by the climate change located

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² Mary Jane Angelo, "Building A Sustainable Resilient Agriculture System for Changing Global Environment, *Environment Reporter News & Analysis*, Vol. 43 (December 2013), at 11081.

in Southeast Asia, those are Myanmar, the Philippines, Thailand, and Vietnam.³ However, the area which is the most vulnerable due to climate change is the area in the North Pole, where it is potentially in the long term; the ice in the North Pole will melt, so the Inuit people who live in the region will lose their homes.⁴ Due to these facts, it is necessary to mitigate and adapt to climate change.

The Indo-Pacific region is essentially divided by two oceans, while the littoral states are vulnerable to a variety of climatic impacts, including sea level rise, ocean acidification, and typhoons/cyclones, as well as floods, droughts, and heatwaves. As climate change has an impact on water, food, energy, and livelihood security, the region's governments are working to enhance capacity building to make reduction and mitigation of climate change. For example, the majority of the region's population is resource-dependent on the oceans. Climate change, sea level rise, ocean acidity, and altered migration pathways of economically important fish stock threaten livelihoods and food security in the region.⁵

According to the Fifth Intergovernmental Panel on Climate Change (IPCC) Report in 2014, people all around the world have begun to feel the repercussions of climatic

destabilization. Drought, induced starvation, and migration in Central America, loss of home and life due to catastrophic storms and wildfires in the United States, Europe, and the Caribbean, and illness and death due to respiratory stress and extreme temperatures such as heatwaves around the world are among the effects.⁶ Presently, the international community, particularly the main three emitters, the United States, China, and India, can still act to mitigate the worst effects of climate change.⁷ However, climate change is no longer totally reversible, and the longer the world waits, the less chance there is of preventing its most disastrous consequences.

The adoption of the ASEAN Outlook on the Indo-Pacific (AOIP) by consensus at the 34th ASEAN Summit in Bangkok in June 2019 indicated a common ASEAN viewpoint outside Southeast Asia, and it specifically included the larger Indo-Pacific area. The Outlook should be viewed as a major codification, a necessary next step in developing and expanding the use of the ASEAN Way beyond its core sphere. Through this Outlook, ASEAN expects to enhance ASEAN-led mechanisms to better face challenges and seize opportunities arising from present and future regional and global environments.⁸ The concept of

³ Arief Wijaya and Shira Idris, "ASEAN Countries Must Act Together to Confront Climate Change," World Resources Institute, (2017). <<https://www.wri.org/insights/asean-countries-must-act-together-confront-climate-change>>. Accessed on 17 November 2023.

⁴ Flora da Silva Côrtes Stevenson, "The Duty to Consult the Inuit in Canada's Black Carbon Policy Inaction," *Journal of Environmental Law and Practice*, Vol. 30 (May 2017), p. 142.

⁵ Dhanasree Jayaram & Aanehi Mundra, "Climate Security in the Indo-Pacific: Priorities and Challenge," Issue Brief (May 24, 2023), p. 2. <[https://isdp.eu/publication/climate-security-in-](https://isdp.eu/publication/climate-security-in-the-indo-pacific-priorities-and-challenges/)

[the-indo-pacific-priorities-and-challenges/](https://isdp.eu/publication/climate-security-in-the-indo-pacific-priorities-and-challenges/)> Accessed on 15 November 2023.

⁶ Tracy Bach, "Human Rights in A Climate Changed World: The Impact of COP 21, Nationally Determined Contributions, And National Courts", *Vermont Law Review*, Vol. 40 (Spring, 2016), p. 574.

⁷ Max Bearak & Nadja Popovich, "The World Is Falling Short of Its Climate Goals. Four Big Emitters Show Why", *The New York Times*, Nov. 8, 2022. <<https://www.nytimes.com/interactive/2022/11/08/climate/cop27-emissions-country-compare.html>>. Accessed on 17 November 2023.

⁸ Rivalry Pou Sothirak and Po Sovinda, "The Asean Outlook on The Indo-Pacific and The Great Power Rivalry" (2023) p. 13. <<https://cicp.org/kh/wp->

cooperation between ASEAN and Indo-Pacific is stipulated in the AOIP including “enhancing complementarities and aligning regional development agenda with the Sustainable Development Goals (SDGs), such as the ASEAN Community Vision 2025 and the 2030 United Nations Agenda for Sustainable Development”.⁹ However, it is important to cooperate between ASEAN and Indo-Pacific states to achieve the SDGs. One of the SDGs that has become a common concern is SDG 13. Due to the fact that the impacts of climate change have an international dimension, it will be impossible to address the impacts by individual states. Thus, international cooperation is one of the efforts that can be carried out both universally and regionally to mitigate and adapt to climate change. ASEAN, as a regional organization, has a serious commitment to the mitigation and adaptation of climate change, which can be proven by the establishment of the ASEAN Working Group on Climate Change (AWGCC) in 2009.¹⁰ As a legal implication that all the Member of ASEAN are Parties of the Paris Agreement, consequently Each member state based on the Paris Agreement has to create Nationally Determined Contributions (NDCs).¹¹

The Paris Climate Agreement has many Parties, with 196 states reaching an agreement in December 2015. The agreement's principal goal is to limit

global average temperature rise to well under two °C above pre-industrial levels, ideally below 1.5°C. Under the nationally determined contribution ("NDC"), each state lays forth its voluntary strategy to reduce greenhouse emissions (GHGs).¹² It is expected that based on NDC that has determined by each Member State will contribute significantly to the reduction of emission. However, in order that each state will perform the commitment needs monitoring system and transparency regarding the national Report of individual state in the implementation of NDC.

Indeed, the problems faced by the Indo-Pacific Region are almost the same as those of the ASEAN Member States. However, it is necessary to cooperate with each other in the mitigation and adaptation of climate change based on the ASEAN outlook on the Indo-Pacific. Historically, the text of the AOIP has altered since the first draft distributed by Indonesia in August 2018 at the 51st ASEAN Foreign Ministers Meeting in Singapore. The first draft was still very Indonesia-centric, with a focus on integrating the Indo-Pacific vision with Indonesia's Global Maritime Fulcrum plan. According to that proposal, ASEAN's duty will be to serve as the fulcrum of connectedness and an inclusive norm-setter. However, AOIP is a process, not a product. This instrument is not legally binding.¹³ The concept of cooperation between

content/uploads/2023/05/FULL-BOOK-AOIP-AND-U.S.-CHINA.pdf/>

⁹ *Ibid.*

¹⁰ Sharon Seah and Melinda Martinus, "Gaps and Opportunities in Asean's Climate Governance," ISEAS, Yusof Ishak Institute, Issue 5 (2021), p. 11. <https://www.iseas.edu.sg/wp-content/uploads/2021/03/TRS5_21.pdf> Accessed on 15 November 2023.

¹¹ Neil Craik & William C.G. Burns, "Climate Engineering Under the Paris Agreement," *Environmental Law Reporter News & Analysis*, Vol. 49 (December 2019), p. 11117.

¹² Catherine K. Lin & Philip A. Moffat, "Global Supply Chain Under the Paris Agreement: The Relevance of Chemical and Product Regulations," *Natural Resources & Environment*, Vol. 31 (Winter, 2017), p. 21. (21-25).

¹³ ASEAN Studies Center, "Decoding the Indo-Pacific outlook", (2019). <<https://asc.fisipol.ugm.ac.id/2019/06/28/decoding-the-indo-pacific-outlook/>> Accessed on 5 September 2024.

ASEAN and Indo-Pacific is stipulated in the ASEAN Outlook on Indo Pacific including “enhancing complementarities and aligning regional development agenda with the SDGs, such as the ASEAN Community Vision 2025 and the 2030 UN Agenda for Sustainable Development”.¹⁴

The purpose of this paper is to examine the implementation of the AOIP concerning the implementation of NDC in achieving SDG13. Namely, to build resilience and increase the capacity to adapt to climate-related hazards and natural disasters in all countries as well as incorporate climate change measures into national policies, strategies, and planning. Additionally, it is important to improve education, awareness-raising, and human and institutional capacity on climate change mitigation, adaptation, impact reduction, and early warning.¹⁵ The paper demonstrates that the implementation of NDC in individual states faces many hurdles, which depend on the situation and condition of each state. Lack of financial support and technology transfer become some of the challenges. The paper consists of 4 parts, including Introduction and Conclusion. The paper consists of 4 parts. Part one is Introduction. Part two is the research method. Part three presents results and a discussion regarding the implementation of the AOIP and the implementation of NDC in achieving SDG13. Finally, Part four, the conclusion, will provide recommendations to enhance the

implementation of NDC in achieving SDG13.

2) RESEARCH METHOD

This is normative juridical research, which uses secondary data consisting of primary legal material, secondary legal material, and tertiary legal material.¹⁶ Normative juridical research is conducted by examining and interpreting theoretical matters concerning to the principles, conceptions doctrines and legal norms related to the legal instruments to make mitigation and adaptation of climate change in the ASEAN and Indo-Pacific. Then, the approaches employed in the research are conceptual approach and statutory approach.¹⁷ The conceptual approach is used to understand the concept AOIP, NDCs under the Paris Agreement to achieve SDG13. On the other hand, the statutory approach is employed to examine the legal instruments to implement NDCs in order to materialize SDGs 13 under AOIP and Paris Agreement and other instruments.

3) RESULTS AND DISCUSSION

1. The Impacts of Climate Change on ASEAN and Indo-Pacific

The impacts of climate change are not only in a certain region but also in the whole region of the world, including ASEAN and Indo-Pacific. The increasingly severe and irreversible effects of climate change around the world make all states have mitigation and adaptation to a changing climate. Thus, it is an immediate and urgent global priority, as the Paris Agreement on Climate Change

¹⁴ASEAN, “ASEAN Outlook on the Indo-Pacific.” <https://asean.org/asean2020/wp-content/uploads/2021/01/ASEAN-Outlook-on-the-Indo-Pacific_FINAL_22062019.pdf>. Accessed on 12 November 2023.

¹⁵Global Center on Adaptation “Sustainable Development Goals, Section -3 Cross Cutting Themes 3”, State and Trends Report (2021), p. 471. <[\[content/uploads/2022/07/04_WTW_14855_GCA_2021_Sect3_SUSTAINABLE_v4.pdf\]\(https://gca.org/wp-content/uploads/2022/07/04_WTW_14855_GCA_2021_Sect3_SUSTAINABLE_v4.pdf\)>. Accessed on 5 September 2024.](https://gca.org/wp-</p>
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¹⁶Soerjono Soekanto and Sri Mamuji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, (2003), p. 201.

¹⁷Muhaimin, *Metode Penelitian Hukum*, Mataram; Mataram University Press, (2020), p. 57.

acknowledged.¹⁸ International action on mitigation remains vital, but even if states were to aggressively reduce their greenhouse gas emissions today, climate impacts, such as record floods and droughts, superstorms, wildfires, falling crop productivity, and coastal erosion, become unavoidable in many regions.¹⁹

The cost of adaptation and mitigation is expensive. For instance, initially estimated at \$100 billion per year, the cost of climate adaptation in developing countries alone could rise to between \$280 and \$500 billion annually by 2050. Developed countries also suffered from climate change. According to estimation, weather and climate-related disasters have cost the US economy at least \$240 billion a year over the past decade. In 2017, the United States suffered sixteen such disasters with losses exceeding \$1 billion each, causing 362 fatalities and \$306 billion in damages, setting a new

Furthermore, climate change is one of the most prevalent instances of environmental injustice faced by human beings. Climate change, which is mostly caused by the world's most affluent countries' high consumption patterns (the Global North), is wreaking havoc on vulnerable people in low- and middle-income countries (the Global South). The

estimated displacement of up to 200 million people by 2050 as a result of climate-related disasters and slow-onset occurrences is one of the cruelest of these impacts, such as sea level rise, drought, and desertification.²⁰

In 2015, governments of the world entered into historic agreements to mitigate climate change and promote sustainable development that may succeed in linking climate and migration policies. The Paris Agreement seeks to hold global temperature increases to no more than two °C in excess of pre-industrial levels.²¹ The Paris Agreement also contains a loss and damage provision designed to avert and address displacement. In September 2015, the United Nations' member states approved a new 2030 Agenda for SDGs, which consists of 17 Goals and 169 Targets, several of which address climate change.²²

2. National Determined Contributions
The Paris Agreement is a multilateral agreement obtained solely through the conditional bindingness of measures requiring each Member state to determine, prepare, and report on nationally determined contributions (NDCs) to address climate change.²³ During the negotiations, the relative merits of legal form were debated, with the European Union and various small island states arguing that

¹⁸Jennifer Devlin Calkins, "Paris When It Sizzles: What Agenda 21 Can Tell Us About the Likely Success of The Paris Agreement", *Washington International Law Journal*, Vol. 27 (April 2018), pp. 525-526.

¹⁹Maria L. Banda, "Climate Adaptation Law: Governing Multi-Level Public Goods Across Borders," *Vanderbilt Journal of Transnational Law*, Vol. 51 (October 2018), p. 1030.

²⁰Carmen G. Gonzalez, "Climate Justice and Climate Displacement: Evaluating the Emerging Legal and Policy Responses," *Wisconsin International Law Journal*, Vol. 36 (Spring, 2019), p. 367.

²¹Marie-Claire Cordonier Segger, "Advancing the Paris Agreement on Climate Change for Sustainable Development," *Cambridge Journal of International and Comparative Law*, Vol 5 (2016), p. 202.

²²John C. Dernbach & Scott E. Schang, "Making America a Better Place for All: Sustainable Development Recommendations for The Biden Administration," *Environmental Law Reporter (ELI)*, Vol 51 (April 2021), p. 10310.

²³John C. Dernbach, "Creating Legal Pathways to A Zero-Carbon Future," *Environmental Law Reporter News & Analysis*, Vol. 46 (2016), p. 10788.

creating legal obligations was necessary to ensure compliance, while the US argued that doing so would likely reduce participation or result in less ambitious targets. It may be argued that the operational rules of the Paris Agreement are not hard law but rather a declaration of good objectives.

The Paris Agreement also represents a paradigm shift in international climate change governance. It invites all countries to act on climate change domestically within a treaty architecture that carefully balances national sovereignty with international objectives by focusing on bottom up nationally defined measures rather than top-down global mitigation targets.²⁴ This shift in the nature of the UNFCCC Parties' duties to one another began in 2009 at COP15 in Copenhagen. At COP17, the *Ad Hoc* Working Group on the Durban Platform for Enhanced Action (ADP) was established.²⁵

The Paris Agreement was adopted in accordance with the United Nations Framework Convention on Climate Change (UNFCCC), which defined the ultimate objective of stabilizing greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. The revised Agreement has a more targeted goal that reflects the findings of the

IPCC. It prioritizes two goals: the first is to keep warming below a specified threshold, and the second is to peak GHG emissions and transition to carbon neutrality as soon as possible. The first portion of Article 2 "seeks to the increase in the global average temperature to well below two °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change."²⁶ The second part, stipulated in Article 4, acknowledges that in order to keep within these parameters.

Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century.

NDCs are the core of the Paris Agreement's structure. The revised Agreement, which defines them as nationally determined contributions to the global response to climate change,²⁷ States that all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11, and 13. NDCs

²⁴Neil Craik & William C.G. Burns, "Climate Engineering Under the Paris Agreement," *Environmental Law Reporter News & Analysis*, Vol. 49 (December 2019), p. 11113.

²⁵IISD, "UNFCCC Releases Agenda for Durban Platform's First Session," (2012). <<https://sdg.iisd.org/news/unfccc-releases-agenda-for-durban-platforms-first-session/>>. Accessed on 31 December 2023.

²⁶Tiffany Basciano, "Gotham Fights Back: The Role of U.S. Cities in Advancing Paris Agreement Goals," *Maryland Journal of International Law*, Vol. 34 (2019), p. 73.

²⁷Charlotte Streck, "Ambition Trap or Accelerator: Cooperative Approaches Under the Paris Agreement," *South Carolina Journal of International Law & Business*, Vol. 13 (Spring, 2017), p. 279.

have three major features. First, developed and developing countries must design and publicize their NDCs. Second, it anticipates ambitious NDCs. Third, it creates a single approach for determining ambition in terms of the contribution content of each state. Mitigation is included in the baseline. (Article 4), adaptation (Article 7), finance (Article 9), technology development and transfer (Article 10), capacity building (Article 11), and transparency (Article 13).

While each Party is obliged to submit progressive NDCs that reflect its highest possible ambition, the Paris Agreement recognizes that developed and poor countries have differing expectations. Parties from developed countries are anticipated to continue making economic and absolute reductions. On the other hand, parties from developing countries should continue enhancing their mitigation efforts and be encouraged to move over time towards economy-wide emission reduction or limitation targets in light of different national circumstances. Regardless, all Parties are required by law to communicate their NDCs every five years.²⁸ However, when states oblige companies to participate in the NDCs, companies must account for their nationally specified contributions, which requires environmental integrity, transparency, correctness, completeness, comparability, and consistency, as well as avoiding

double counting when accounting for both emissions and sinks.

3. The Relationship between NDCs and SDGs 13

Both the Sustainable Development Goals (SDGs) and the Paris Agreement provide a once-in-a-generation opportunity to end extreme poverty, achieve climate-compatible development, and avert disastrous levels of climate change.²⁹ The Millennium Development Goals (MDGs), in total, were only partially met between 2000 and 2015. Notably, certain critical cross-cutting concerns, such as mitigating climate change and the enabling components for this for instance, enough money, monitoring and evaluation, institutional capacity), were inadequately prioritized and not expressly recognized as MDGs.

Following the MDGs, 193 states agreed in September 2015 on Agenda 2030 for Sustainable Development, which encompass 17 global goals for sustainable development: the SDGs.³⁰ The SDG framework is wide and universal, emphasizing the interdependence and synergies of the goals, as well as the significance of consistent policy, implementation, and planning. The ability to prevent and manage climate impacts will be crucial to achieving not only SDG 13 on combating climate change, but also a number of other SDGs by

²⁸Johanna Adashek, "HOP on the Carbon Neutral Bandwagon: Amending the Paris Agreement to Require Short-Term Goals and Long-Term Carbon Neutral Goals for Nationally Determined Contributions," *Maryland Journal of International Law*, Vol. 36 (2021), p. 103.

²⁹Jacob Aubrecht, "Married to Sustainability: The SDG Wedding Cake Framework as A Tool for Strategic Corporate Social Responsibility," *Northwestern Journal of International Law and Business*, Vol. 43 (Fall, 2022), pp. 143-144.

³⁰Marie-Claire Cordonier Segger, *op.cit.*, p. 218.

2030.³¹ As a result, the NDCs serve as a link between the Paris Agreement and Agenda 2030, as well as a method for countries to move from the MDGs to the SDGs by 2030.³²

Actually, there are some intersections between the SDGs and the Paris Agreement, such as the achievement of SDG 13 based on effective climate change mitigation with at least 11 additional SDGs directly or indirectly related to climate change.³³ On the other hand, the Paris Agreement highlights the inextricable link between climate change and equal access to sustainable development and poverty eradication. However, the Paris Agreement which uses the bottom up approach in determining the commitment of individual state party to determine the capability of reducing emission may affect the achievement of sustainable development, if the commitment does not embody the real capability of a Member state.³⁴ The time frame of SDGs is to be implemented 2015-2030,³⁵ While the current NDCs typically include timelines of 2025 or 2030, with subsequent and revised NDCs being submitted every five years.

The SDGs are generally applicable, with each country adopting its own national targets driven by the global level of

ambition while taking into consideration specific circumstances. Each government will also choose how these goals will be incorporated into national planning procedures, policies, and strategies.³⁶ Concerning the diversity of national circumstances, the Paris Agreement will be implemented in accordance with the concept of shared but differentiated responsibilities and respective capabilities, with countries ratifying and implementing their own NDCs. The entire Paris Agreement is predicated on effective climate change mainstreaming into national, subnational, and regional policy frameworks, as well as consistent policy and planning. Nevertheless, the effort of individual state to reduce the emission which is incorporated in the NDCs will not effectively used as a tool or mechanism to reduce emission based on common but differentiated responsibilities and respective capabilities due to the voluntarily character of the NDCs.³⁷ In this case, a State Party has a freedom to determine its own NDCs. Thus, it lacks of transparency due to the other states cannot evaluate or judge the individual state's the NDCs which may not reflect the real capability.

In the context of NDC implementation, the Paris

³¹Stellina Jolly & Abhishek Trivedi, Principle of CBDR-RC: Its Interpretation and Implementation Through NDCs in The Context of Sustainable Development", *Washington Journal of Environmental Law & Policy*, Vol. 11 (May, 2021), p. 312.

³²Leslie-Anne Duvic-Paoli, "From Aspirational Politics to Soft Law? Exploring the International Legal Effects of Sustainable Development Goal 7 on Affordable and Clean Energy", *Melbourne Journal of International Law*, Vol 22 (July 2021), p. 17.

³³Rudiger Tscherning, "Climate Litigation and the Class Action Mechanism--The Potential Role of the

UN Sustainable Development Goals," *Journal of Environmental Law and Practice*, Vol. 33 (June 2020), p. 153.

³⁴Frédéric Gilles Sourgens, "A Parisian Consensus", *Columbia Journal of Transnational Law*, Vol. 60 (2022), p. 680.

³⁵Rudiger Tscherning, *loc.cit.*

³⁶Stellina Jolly & Abhishek Trivedi, *op. cit.*, at 318-319.

³⁷Daniel Bodansky, "The Paris Climate Change Agreement: A New Hope?", *American Journal of International Law*, Vol. 110 (April, 2016), p. 310.

Agreement has a new transparency reporting framework that has to be determined based on measurement, reporting and verification (MRV) arrangements. MRV refers to the method by which governments track and report on the implementation and impacts of mitigation and adaptation efforts, as well as the financing utilized to support these actions.³⁸ These three key components are mitigation, adaptation, and financing. As a result, the NDC MRV system follows the three dimensions not only to demonstrate progress and utilization of assistance but also to identify gaps and bottlenecks in order to improve implementation. Each country must select how far the three dimensions are incorporated into a national MRV System.³⁹

To fulfill its ambitious goals, the Paris Agreement heavily relies on a voluntary, bottom-up approach.⁴⁰ Unlike the Kyoto Protocol, which mandated emission-reduction quotas, the Paris Agreement allows states to submit their own NDCs to reduce CO₂ emissions. The Paris Agreement does not make these NDCs legally obligatory in and of themselves. To achieve its ambitious goals, the Paris Agreement relies heavily on a voluntary, bottom-up approach rather than imposing emission-reduction quotas like the Kyoto Protocol, the Paris Agreement. The Paris Agreement allows states to

submit their NDCs to reduce CO₂ emissions.⁴¹

Thus, the relationship between NDCs and SDGs 13 can be traced back to the fact that climate change is ultimately a social and political issue that challenges the global economic system based on carbon-fueled expansion. Climate change undermines governments' efforts to reduce poverty, reversing decades of progress. It endangers the three pillars of sustainable development: economic, environmental, and social. Thus, any failure to address climate change mitigation seriously undermines the attainment of sustainable development 13. Regarding the jargon of "leaving no one behind" embedded in the SDGs Agenda 2030 and addressing the unequal climatic consequences in light of the varied capacities of States, the implementation of the principle of Common but Differentiated Responsibilities (CBDR) is crucial.⁴²

It is argued that SDG 13, related to the mitigation and adaptation of climate change, has an interdependent relationship with the success of NDC implementation in each state due to the commitment of each state to carry out the NDCs in good faith. The idea of "leaving no one behind" and CBDR, as stipulated in the Sustainable Development Agenda, creates a valid entry point for reinterpreting CBDR in the context of implementing NDCs in the Paris Agreement to achieve SDGs 13.

³⁸UNDP, "MRV In Practice – Connecting Bottom-Up and Top-Down Approaches for Developing National MRV Systems For NDCs," <https://climatepromise.undp.org/sites/default/files/research_report_document/undp-ndcsp-mrv-in-practice.pdf>. Accessed on 1 January 2024.

³⁹*Ibid.*

⁴⁰Carmen G. Gonzalez, *op.cit* p. 376.

⁴¹Frédéric Gilles Sourgen, "A Parisian Consensus", *Columbia Journal of Transnational Law, Columbia Journal of Transnational Law*, Vol. 60 (2022) p. 680.

⁴²Stellina Jolly & Abhishek Trivedi, *op.cit*, p. 311.

4. ASEAN Outlook on Indo-Pacific to Materialize NDCs to Achieve SDGs 13

AOIP is a guideline for ASEAN Member States (AMS) to cooperate with Indo-Pacific States. The Indo-Pacific region is a geopolitical notion that refers to the broad territory that includes the Indian Ocean as well as the western and central Pacific Oceans,⁴³ such as United States, Canada, Australia, New Zealand, Japan and South Korea⁴⁴ in tackling climate change and other concerns specified in the AOIP objectives. In reality, the ASEAN State of Climate Change Report (ASCCR) intends to provide an overall outlook on the state of climate change in the context of the ASEAN area, which could help AMS and ASEAN make policy decisions. The report is expected to complement and contribute to the global stocktaking process required by the Paris Agreement every five years beginning in 2023 to review collective progress toward the Agreement's purpose and long-term goals. Indeed, the report aims to⁴⁵:

- a. provide an overall outlook of the state of play of climate change issues in the context of ASEAN;
- b. provide an analysis of the gaps, needs, challenges, lessons learned, and best practices in addressing

climate change in the region and among AMS; and

- c. provide recommendations on key priorities/potential areas of cooperation for the development of a regional strategy for climate change adaptation and mitigation in ASEAN to strengthen regional climate action.

Furthermore, the report is intended to enlighten and advise the region and the AMS toward ambitious goals through a framework for transparency and transformative action to mitigate and adapt to climate change. Thus, the Report is also a significant step toward an ASEAN climate action vision, which includes priority activities by 2030 and key empowering environments through 2050.⁴⁶

The Indo-Pacific region, which contains 60% of the world's population,⁴⁷ Advanced and expanding economies and markets. The region can be classified as an important trade and shipping route. It is also a critical manufacturing supply chain and is highly vulnerable to climate change.⁴⁸ The Indo-Pacific, as a regional power, have created or are developing their respective Indo-Pacific policies, focusing on both national and regional objectives. One of the goals of the ASEAN Outlook on the Indo-Pacific is to execute existing

⁴³Wada Haruko, "The "Indo-Pacific" Concept Geographical Adjustments and Their Implications", The S. Rajaratnam School of International Studies Singapore (RSIS) Working Paper Series 326. (2020), p. 1. <<https://www.rsis.edu.sg/wp-content/uploads/2020/03/WP326.pdf>>. Accessed on 5 September 2024.

⁴⁴Wulan Kencana Ajani, "Mapping Indonesia's South-South Triangular Cooperation Initiatives & potential: Climate Adaptation and Mitigation", *Global South Review*, Vol. 5, Number 2 (2023), p. 90. <<https://journal.ugm.ac.id/globalsouth/article/view/91042/pdf>>. Accessed on 4 September 2024.

⁴⁵ASEAN Secretariat, "ASEAN State of Climate Change Report," (202), p. v. <https://asean.org/wp-content/uploads/2021/10/ASCCR-e-publication-Correction_8-June.pdf>. Accessed on 2 January 2024.

⁴⁶*ibid.*

⁴⁷Federal Foreign Office Germany, "The Significance of the Indo-Pacific," 2023. <<https://www.auswaertiges-amt.de/en/aussenpolitik/regionaleschwerpunkte/asien/indo-pacific/2493040>>. Accessed on 17 November 2023.

⁴⁸*ibid.*

ASEAN priority areas of collaboration, such as marine cooperation, connectivity, the Sustainable Development Goals (SDGs), and economic and other potential areas of cooperation.⁴⁹ As a result, one of the top priorities for ASEAN and the Indo-Pacific governments is collaboration to accomplish the SDGs.

This paper, however, is limited to cooperation on SDG 13 between ASEAN and the Indo-Pacific States, especially in the mitigation and adaptation to the impacts of climate change. The cooperation on There are various types of visibility may be undertaken in order to materialize NDCs in order to accomplish SDGs 13. There are 17 Goals of the SDGs. When the SDGs are examined individually, it will be found that all the 17 goals are all significant. The first five are the most essential, as they center on the human person and include women's independence. The SDGs 13–15 focus on human habitat protection. While, combating climate change and making sustainable use of the oceans, seas, and marine resources are vital due to the bad impacts of climate change.

Climate vulnerabilities in the Indo-Pacific area have grown considerably, with serious consequences for regional, national, human, and ecological security. Most governments have prioritized climate action, particularly by incorporating it into

their national security goals and emphasizing the necessity of international cooperation. However, there are substantial impediments to effective coordinated climate action, such as a lack of climate funds and geopolitical instability.⁵⁰ As a result, this issue brief places climate security within the Indo-Pacific strategies of regional countries (Australia, New Zealand, the United States, India, Japan, and South Korea), regional organizations (ASEAN and the Pacific Islands Forum or PIF), as well as the European Union (EU).⁵¹ However, in order to alleviate divergences, improve convergences, and achieve both climate and development goals, the Indo-Pacific climate security agenda must be strengthened through more cooperation among and between countries both regional and sub-regional.⁵²

There are considerable impediments to effective coordinated climate action, such as a lack of climate funds and geopolitical instability. As a result, this issue briefly situates climate security within the Indo-Pacific regulatory framework. The 13th SDG aims to minimize and adapt to climate change. It is one of the 17 SDGs that the United Nations General Assembly set in 2015. This goal's official objective statement is to take immediate action to combat climate change and its consequences.⁵³ Thus, the NDCs is

⁴⁹ASEAN, "ASEAN Outlook on The Indo-Pacific," (2019) <https://asean.org/asean2020/wp-content/uploads/2021/01/ASEAN-Outlook-on-the-Indo-Pacific_FINAL_22062019.pdf>.

⁵⁰Dhanasree Jayaram and Aanehi Mundra, "Climate Security in the Indo-Pacific: Priorities and Challenges," Issue Brief (May 2023), p. 1. <[https://isdp.eu/publication/climate-security-in-](https://isdp.eu/publication/climate-security-in-the-indo-pacific-priorities-and-challenges/)

[the-indo-pacific-priorities-and-challenges/](https://isdp.eu/publication/climate-security-in-the-indo-pacific-priorities-and-challenges/)> Accessed on 3 January 2023.

⁵¹*Ibid.*

⁵²*Ibid.*

⁵³John C. Dernbach, "Creating Legal Pathways to A Zero-Carbon Future", *Environmental Law Reporter News & Analysis*, Vol 46 (September, 2016), pp. 10778-10789.

an ambitious commitment of individual state to reduce the Emission has to be performed in good faith by all Member states of the Paris Agreement which become the Member of ASEAN and also states which are located in the Indo-Pacific.

5. The Challenges and Opportunities of NDCs to Achieve SDG 13 in the ASEAN and Indo-Pacific

ASEAN outlooks on Indo Pacific concerning the challenges and opportunities of NDCs to achieve SDGs 13 need to be addressed. Actually there are some aspects that become the possibilities to cooperate between ASEAN and the Indo-Pacific States with consist of developed and developing countries, even least developed countries, such as Maldives and Tuvalu.⁵⁴ Indeed, the practice that can be carried out, by Indo-Pacific States in handling climate change such as investing in climate-resilient maritime infrastructure for reducing disruptions caused by extreme weather events. This includes upgrading port infrastructure to meet increasing sea levels, changing routes to avoid bad weather, and strengthening equipment resilience to survive extreme weather occurrences. Additionally, emission reduction is also critical, such as enforcing emissions limitations and funding research into cleaner propulsion technology.⁵⁵ However, there are some challenges and opportunities

that can found in implementing NDCs in ASEAN and Indo Pacific Region based on AOIP.

a. The Challenges of NDCs to Achieve SDG 13

There are some challenges how to implement NDCs to achieve SDG 13 due to the various capability and different commitment which own by individual state. There are some state which are seriously to reduce their emission which reflected in their NDCs, however, there are some states which are just formally determined their NDCs but actually is not paralleled with their situation and condition of a state. Based on the Paris Agreement there is no mechanism of assessment whether the NDCs is appropriate or not to certain kind of a state. Thus, there are some challenges to implementing the NDCs to achieve SDG 13, as follows:

First, The NDCs are self-created targets designed by each state as a Member of the Paris Agreement to be unambitious enough to be met.⁵⁶ If the parties do not change behavior sufficiently in response to the Paris Agreement, even to reach their own unambitious targets, the Agreement will not be particularly effective, at least initially, at shifting behavior. There will be no interference from other states; each state performs its own commitment since its state has its own sovereignty, so there will be weak control of other states whether a state determines the real NDCs or just fulfill the obligations without considering the real capability of a state to reduce the emission. There is no standard of

⁵⁴Tiffany T.V. Duong, "When Islands Drown: The Plight of "Climate Change Refugees" and Recourse to International Human Rights Law," *University of Pennsylvania Journal of International Law*, Vol. 31 (Summer 2010), pp. 1247-1248.

⁵⁵Anadi, "Intersecting Tides Climate Change and Maritime Trade in Indo-Pacific 2040", *Journal of Indo-Pacific Affairs* (March, 2024), p. 197.

<<https://media.defense.gov/2024/Mar/11/2003410993/-1/-1/1/VIEW%20-%20ANADI.PDF>> Accessed on 5 September 2024.

⁵⁶Catherine K. Lin and Philip A. Moffat, "Global Supply Chain Under the Paris Agreement: The Relevance of Chemical and Product Regulations," *Natural Resources & Environment*, Vol. 31 (Winter, 2017), p. 21.

enforcement regarding the implementation of NDCs.

Second, the initial indication of the narrow problem-solving effectiveness of the Paris Agreement overlaps with both the legal and behavioral indicators. The parties submitted NDCs at a high rate. If parties meet their NDCs and continue to submit NDCs over time of greater ambition, the Paris Agreement will demonstrate effectiveness with respect to its narrow problem-solving goal. A failure to submit NDCs in the future will be a clear indication of a failure to achieve this goal. Failure to meet NDCs and to increase NDC ambition will support a conclusion that the Paris Agreement does not show narrow problem-solving effectiveness.⁵⁷

Third, there is a possibility of the free riders. Namely, significant political and economic efforts are required to deliberate climate change. However, the advantages of these expenditures are frequently dispersed globally so that any GHG reduction accomplished by any country benefits all countries everywhere. As a result, some nations may decide to slow down NDC implementation while waiting for other countries' efforts to reduce emissions in order to enjoy the same degree of reduced climate change risk without equivalent relative costs. Some argue that the Kyoto Protocol failed due to countries' proclivity to profit from the efforts of others. Without a legally binding compliance mechanism, it looks that the Paris Agreement will suffer the same outcome.⁵⁸

Fourth, whether or not the world is likely to fulfill the Paris Agreement's broader goal to remain below the two

°C ceiling will be measurable in the near future. There is only a small window of time remaining to cut emissions sufficiently to keep temperature increases below 2°C. Because greenhouse gases build in the atmosphere, cutting emissions or offsetting with carbon sinks insufficiently will push the globe to a point where it will be difficult to keep global mean temperature rise below this objective.⁵⁹ Furthermore, the Paris Agreement stipulates that NDCs communicated in accordance with the Paris Agreement are not legally binding, but rather serve as non-binding targets.⁶⁰

b. The opportunities of Implementing the NDCs to Achieve SDG 13

The implementation of NDCs based on the AOIP have many challenges. The challenges may cause by the ASEAN Ways Principle and also other matters such as lack of monitoring system and also there is no mechanism in the AOIP which regulate the mechanism of implementing SDG 13. Besides that, each state has equal position and equal sovereignty. However, there are some opportunities to implement the NDCs in order to achieve SDG13. These are the opportunities to implement the NDCs under the AOIP to achieve SDG13.

First, the cooperation that is conducted by ASEAN and Indo-Pacific States can be proved from the interest of the two regions to materialize SDGs as a whole. Sustainable Development explicitly states that the aim of the SDGs is to realize the human rights of all. Furthermore, the SDGs are to be implemented in an integrated, balanced, and indivisible manner that

⁵⁷Charlotte Streck, "Ambition Trap or Accelerator: Cooperative Approaches Under the Paris Agreement," *South Carolina Journal of International Law & Business*, Vol. 13 (Spring, 2017), p. 290.

⁵⁸Catherine K. Lin and Philip A. Moffat, *op.cit.*, p. 22.

⁵⁹Johanna Adashek, *op.cit.*, p. 102.

⁶⁰Frédéric Gilles Sourgens, "Climate Commons Law: The Transformative Force of The Paris Agreement," *New York University Journal of International Law & Politics*, Vol. 50 (Spring, 2018), p. 893.

leaves no one behind. Parties to the Paris Agreement must not be allowed to undertake climate actions to the injury of the other social and environmental goals of the 2030 Agenda.⁶¹

Second, environmental and social safeguard policies have long been established under many other international frameworks to avoid and mitigate possible harmful impacts of development projects on people and the environment. Safeguards also establish transparency and trust between contracting partners and the public, including public and private investors, while maximizing environmental benefits of activities. Similar safeguards have been utilized in mechanisms under the ambit of the UNFCCC with good results, in particular, the Reducing Emissions from Deforestation and Forest Degradation (REDD+) Framework and the Green Climate Fund (GCF). These UNFCCC mechanisms facilitate and support ambitious climate actions while taking into account the overarching goal of sustainable development.⁶²

Third, SDGs 13 is "take urgent action to combat climate change and its impacts."⁶³ Unless climate change is brought under control, few of the other SDGs are attainable. Indeed, several of the SDGs are designed to help fight climate change, especially Goals 7 (affordable and clean energy), (sustainable cities and communities) and 12 (responsible consumption and production). The jobs that would be created by the necessary massive buildout of clean energy facilities and equipment also support Goal 8 (decent work and economic growth). However, there will be an opportunity to

materialize the SDG 13 by implementing NDCs properly without any intention to create false national Report regarding the implementation of NDCs. Those can be conducted by providing transparency mechanism of monitoring and assessment by other Member state based on Consent of the State Parties of Paris Agreement.

4) CONCLUSION

From the analysis, it can be concluded that the implementation of NDCs in order to achieve SDG13 in Indo-Pacific based on the AOIP as a guideline for the Member States of ASEAN demonstrates that the implementation of NDCs face many challenges which depend on the situation and condition of each state. Lack of financial support and technology transfer become one of the challenges. The right of each member state to determine the NDCs will not guarantee that the NDC reflect the ambitious of the states to reduce the emission due to the non-intervention principle and respect the sovereignty of state. However, it can be submitted that there are also some opportunities to establish cooperation among the ASEAN Member states and Indo Pacific states to implement the NDCs in order to achieve SDGs 13. The ASEAN outlook on the Indo-Pacific can be used as a guideline on how to strengthen cooperation among ASEAN Member states and the Indo-Pacific states to embody the SDGs 13 through the implementation of NDCs in in good faith and transparently in the individual state. Thus, it needs more evaluation regarding the determination of NDCs in the individual state. The determination of NDCs needs a certain parameter how

⁶¹Railla Veronica D. Puno, "Integrating Social and Environmental Safeguards in The Implementation of The Paris Agreement's Sustainable Development

Mechanism," *Environmental Law*, Vol. 51 (Spring, 2021), p. 214.

⁶²Railla Veronica D. Puno, *op.cit*, p. 215.

⁶³Jacob Aubrecht, *op.cit*, p. 132.

to determine whether the NDCs of a state fulfill the parameter. Further work can be conducted for a better understanding in terms of regional cooperation among the ASEAN Member states and Indo Pacific to achieve SDGs13.

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