

THE PARIS AGREEMENT AND THE UNITED NATIONS' GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS AS TOOLS FOR GLOBAL GOVERNANCE AND THE ENVIRONMENT IN FACING THE ASEAN ECONOMIC COMMUNITY

Kania Mezariani Guzaimi¹

Abstrak

Persetujuan Paris (*Paris Agreement*) yang telah ditandatangani 195 negara pada Desember 2015 dianggap sebagai kesuksesan sekaligus kegagalan dalam politik perubahan iklim. Persetujuan tersebut dianggap sebagai kegagalan lain terhadap pendekatan komprehensif terintegrasi, tetapi kesuksesan dari pendekatan baru yang dominan yaitu “rezim kompleks”. Terdapat pergeseran pendekatan politik iklim dari pendekatan komprehensif terintegrasi ke pendekatan rezim kompleks. Pendekatan tersebut juga diterapkan oleh Prinsip-Prinsip Panduan PBB mengenai Bisnis dan HAM (UNGPs). Tulisan ini menyarankan agar terdapat peningkatan aksi iklim bersamaan dengan gerakan hak asasi manusia, terutama di kawasan Asia.

Kata Kunci: politik perubahan iklim, persetujuan Paris, bisnis dan HAM, tata kelola polisentris, masyarakat ekonomi Asean (MEA)

Introduction

Globalization, economic development results in implications to the environment, both positive and negative. International political economy have close relations with the global environment. The on-going debate about this relation started since early 1990s, which results in three

¹Penulis adalah Staf dan Peneliti Elsam, Jakarta dan saat ini studi Master Hubungan Internasional pada *University of Aberdeen, Scotland, UK*. Email: kania.guz@gmail.com.

perspectives within and outside the traditional field of international relations.² These perspectives include the neo-classical economics, ecological economics, and the liberal institutionalist.

First, neo-classical economists argue that as income rises, environmental problems will occur, but the wealthier population will demand a cleaner environment, which will make governments to have stricter environmental laws. In other words, the global economic gain can be used to finance environmental improvements, that the global political economy and the environment are mutually supportive.³

Second, ecology economists and radical thinkers oppose the neoclassical economists' argument. They are sceptic about the impact of economic growth on the environment, and that it can also perpetuate inequalities. *Third*, liberal institutionalists argue that common ground can be found between the two previous views, they focus on structured cooperation between states, advocate strong rules to govern the global economy in ways that protect the environment. They agree that the global economy can have positive impacts on the environment, but that it is not mutually supportive. For this reason, there should be global rules to avoid the cases where the environment suffers.⁴

The liberal institutionalists view leads to several attempts in facing environmental problems over the past years. The major attempts includes the United Nations' Conference on the Environment and Development in Rio de Janeiro in 1992, the Kyoto Protocol in 1997, and the Paris Agreement in 2015. The conference in Rio de Janeiro sets up the principle of climate change agreements regarding freezing emissions by 2000, especially for western countries, except the US. The Kyoto Protocol gained 84 signatures, mostly from the European Union countries, the US also did not sign this agreement.

The agreement consists of a particular target of percentages of cuts in emissions by 2012, developing countries agreed to participate in the agreement as long as they are paid by wealthier countries. This was a failure of creating a comprehensive regulatory system regarding climate change, followed by the failure of the Copenhagen Accord in 2009. Not all countries agreed to face climate change through a comprehensive regulatory system.

²M Betsill, K. Hochstetler, D. Stevis, *International Environmental Politics* (Great Britain: Palgrave Macmillan, 2006), page 143.

³*Ibid.*, page 144.

⁴*Ibid.*, page 145.

Such failures triggered scientists to shift from the comprehensive regulatory system on climate change to the 'regime complex' approach. It is the approach that is in between a fragmented and integrated approach. The Paris Agreement confirms the 'regime complex' approach because it is a soft strategy, a bottom-up approach, also known as a polycentric approach.

According to Keohane, a 'regime complex' approach is a continuum between a comprehensive international regulatory institutions and a very fragmented one. The regime complex for climate change appeared due to the many choices made by States and their diplomatic agents at different times and different issues.⁵

There are three main forces on the variety of international institutions for climate change, which are: (1) different distribution of interests; (2) management of uncertainty; and (3) gains from linkages. Each countries has its own interests, for example, the EU and US had different interests in signing the Kyoto Protocol in 1997.

Second, the governments hesitate to take costly actions because of uncertainties, whether regarding the actions to be taken and also whether other governments will do the same or not. *Third*, the government finds it difficult to obtain productive linkages, such as the link between compensation and emission trading system.⁶ These three factors reflects that the paris agreement should be part of a continuum of the fragmented approaches.

Gupta suggests that climate change negotiations must be done through 'soft strategies' instead of 'hard strategies'. As we know, the legally binding treaty was never been signed and never succeeded in the implementation. For example, the Kyoto Protocol in 1997, was not ratified by the US, Canada withdrew their commitment as they feel they could not meet the target. Moreover, it was only applicable to developed countries, it is not obligatory for developing countries, such as India and China. One can say that the Paris Agreement is a form of soft strategies that could bring about more climate actions by different stakeholders' roles, as it is not a legally binding document.

Since the integrated top-down institutions faced numerous difficulties in its establishment, the bottom-up approach is starting to be used in the new climate governance. Some suggests that it is a better fit

⁵R. Keohane, R., D. Victor, "the Regime Complex for Climate Change, Perspectives on Politics," Vol 9 (1), 2011, page 7.

⁶*Ibid.*,8

to local priorities.⁷ This bottom-up initiative is also reflected in the Paris Agreement. Although it is a global agreement, its approach is bottom-up through the scheme of Intended Nationally Determined Contributions (INDCs).

It is a process where each countries set up their pledges on the national attempts to be implemented within a period of five years. These INDCs are all attempts to ensure to limit global warming to below 2°C. According to Jordan *et al.*, the climate governance has extended to beneath international level, where different initiatives are conducted by numerous actors from different sectors, such as local government, private sector, and civil society. In order to become more effective, climate governance must become more diverse and multi-levelled. It is also known as polycentric approach.

There has been many critics regarding the Paris Agreement, especially from a legal perspective, but it is not a major step back if we look at it from the social perspective. The shifting political structure of the world, especially after the fast growing inventions of the information technologies, has resulted in the 'regime complex' for climate change. Climate change is a huge issue concerning everyone, thus its approach should be as diversified as the concerns. The Paris Agreement is the real example of this shift, and if the role of non-state actors, either the civil society or the businesses, are well implemented, it could lead to a drastic change in global governance, especially in handling climate change.

Despite the Paris Agreement, there are still conflicts between large corporations and the local communities, such as land grabbing, environmental degradations, which violates the rights of the people. Moreover, based on the ecology economists' and liberal institutionalists' perspectives, the number of conflict rises, simultaneously as the economic grows. Those who have contributed the least to climate change, is suffering the most of its harms. Climate change impacts, directly and indirectly, is part of the internationally guaranteed human rights. In other words, the mitigation, adaptation of climate change is our human rights.

In order to face such violations, the same 'regime complex' approach is also taken by the human rights regime, through the United Nations' Guiding Principles on Business and Human Rights

⁷A.J. Jordan, *et.al.*, "Emergence of Polycentric Climate Governance and Its Future Prospects," in *Nature Climate Change*, 2015, page 1.

(UNGPs). The initiative is 'a microcosm of a larger crisis in contemporary governance.'⁸

The UNGPs is not part of a comprehensive and integrated global regime, but they demonstrate that it is possible to achieve a level of convergence of norms, policies, and practices. The UNGPs consists of three pillars "Protect, Respect, Remedy" which divides the responsibilities/roles of the States and businesses in regards to human rights. The UNGPs is an attempt to prevent human rights violations caused by corporations/businesses, which is usually related to the environment.

According to bloomberg's list of the top 20 emerging economies, at least six countries are located in Asia, including China, South Korea, and four ASEAN (Association of South East Asia Nations) countries.⁹ One of the recent regional economic policy in ASEAN is the establishment of the ASEAN Economic Community (AEC). The AEC is a form of single market that is fully integrated into the global economy.¹⁰ However, based on data and studies, that the economy and environment have strong relations, shows that as economic grew, environmental degradation and human rights abuse increases. Therefore, the AEC should be guarded by the ASEAN community to ensure that such negative impacts are prevented.

The Paris agreement and UNGPs can be monitoring tools of the CSOs to ensure global governance, especially in ensuring the environment's sustainability in the middle of global economic development. Both attempts are tools of global governance based on the polycentric approach, which requires key participation of non-state actors, including International Organizations (IOs), Non-governmental Organizations (NGOs), Civil Society Organizations (CSOs), and corporations. This paper will discuss the new approach in climate change governance, as well as, in the human rights regime, that is reflected through the UN Guiding Principles on Business and Human

⁸John Ruggie, *Global Governance and "New Governance Theory;" Lessons from Business and Human Rights*, 2014, page 4.

⁹Bloomberg. "the Top 20 Emerging Markets." Accessed September 1, 2016. <http://www.bloomberg.com/news/photo-essays/2013-01-31/the-top-20-emerging-markets>.

¹⁰Ng, *et al.*, "the Role of Economic and Financial Developments for Environmental Quality in the ASEAN Economic Community," in *International Business Management* 10 (17), (2016), page 3878.

Rights (UNGPs). Moreover, the paper will discuss about how the new approach can be used to ensure that the AEC could prevent future environmental degradation.

The Paris Agreement: New Approach in Climate Change Politics *Soft Strategy*

There had been a number of progresses in the climate change treaty regime such as 1) identified key issues, 2) established a formal relationship with the scientists, 3) established targets for emissions control, 4) established series of mechanisms to handle climate change, and 5) require country report and monitoring progress.¹¹ Despite these progress made, the process took longer and the negotiations did not come to an end in just minutes. The past twenty years were spent to negotiate, yet several attempts did not work as well planned. Thus, Gupta analyzed from four disciplines of studies to see what should be done for the next negotiations to succeed. According to her, the main reason for the disagreements was to allocate responsibility between countries.

The simpler a problem is and the more structure it has, the easier it is for the parties involved to agree.¹² In other words, climate change needs consensus on the norms. The United Nations Framework Convention on Climate Change (UNFCCC) was officially established within two years of negotiations, and was put into force in the next two years.

This was considered a quick progress because countries had the same view on the issue of climate change, there was a consensus, thus agreements were made. Yet, studies have shown that the problems of climate change were becoming increasingly unstructured as the global and national consensus on science decreased.¹³ Fortunately, after the adoption of the UNFCCC until recently, there is a greater global consensus on the science related to climate change. It is one of the reasons why 195 countries agreed to the goal in Paris 2015. Countries have a consensus that climate change is growing rapidly that it needs serious actions taken by each of the States.

¹¹J. Gupta, "Negotiating challenges and climate change," in *Climate Policy*, 12 (5), 2012, page 631.

¹²*Ibid.*, 631.

¹³*Ibid.*, 632.

Another reason for the agreement is the right choice of bargaining strategies involved to face global problems. A study suggested that using distributive ('hard') bargaining strategies usually leads to a win - lose situations, thus adds to more conflict. On the other hand, the integrative ('soft') bargaining strategies could lead to an enlarged pie and the creation of win - win situations, where all involved parties are motivated to implement the negotiation results.¹⁴ The soft strategies consist of the creation of new values for other party ('value-creating' instead of 'value-claiming'), building mutual trust for a long-term relationship, sharing interests and information, and other diplomacy activities.

By using soft strategies, the developing countries that were both defensive and offensive on facing the issue, started to play a part in facing climate change. The defensiveness that they should not have the obligations to reduce emissions, and offensiveness by blaming and pointing the North to take action first; had decreased. For example, China had taken measures to adapt to climate change by using solar energy and producing solar infrastructures. Moreover, a total of 195 countries signed the Paris Agreement, including the US, who refused to ratify the Kyoto Protocol in 1997. Soft strategies resulted in less disagreements and more countries' participations.

Gupta also mentioned the important role of leaders in advancing the negotiations and taking action regarding the issue of climate change. Within the twenty years, before the Paris Agreement, there were many concerns on whether a country will take actions or not. Most of them are related to the short-term economic goals, as well as the social, and political situations in those specific countries. Thus, the role of leaders is extremely important in tackling climate change, if they agreed further national actions can be implemented within each countries. As for the Paris Agreements, the leaders of the countries signed the agreement, one may say that there was a consensus among the leaders. In fact, the leaders that gathered in Paris, were not only countries' leaders, but also leaders of civil society organizations (CSOs), leaders of businesses, and many more.

Gupta's analysis about the negotiation processes on climate change are reflected in the Paris Agreement. She argues that first, there should be a consensus on the norms of the problems; second, there should be 'soft' bargaining strategies to create value in the system; third, there should be high roles by the leaders to take actions to face climate

¹⁴*Ibid.*, 634.

change. All of these suggestions were real during the Paris COP21, and resulted to a major breakthrough in the history of climate change negotiations, where 195 countries agreed to stop global warming at the two degrees celcius in minimum.

Bottom-Up/Polycentric Approach

Jordan *et al.*, suggested that the landscape of climate governance began to be polycentric, that is, more diverse, multi-levelled, with emphasis on the bottom-up initiatives.¹⁵ There are a growing international cooperations between the States, as well as, non-State actors over the issue of climate change. These non-State actors include companies, civil society organizations (CSOs), investors, local government, and regions.

Thus, it is a more complex regime where there are more pluralistic forms of governing, yet remains international, top down and state centric. It is a challenge to understand the new climate governance since there are so many actors and initiatives, where one may question how to monitor and ensure the performances of the numerous initiatives. Jordan *et al.*, suggested to analyze three processes in understanding this emergence, which are through distribution, initiation and origins, and performance.

The distribution process describes about the emerging forms of governing by which sectors or countries. The new climate governance emerged since the mid-2000s, at national levels where some are legally binding, adopted by the national policymakers or local governments.

These forms are called climate policies. Then there were views that non-binding strategies are being adopted faster than legally binding policies. Variations in climate policies also emerged based on the countries' specific needs and characteristics. Countries with similar characteristics and problems seemed to have similar policies than the others, which would eventually lead to potential collaborations between the countries. These bottom-up approach policies are reflected in the Paris Agreement through the 'intended nationally determined contributions' (INDCs). It is where countries decide on its own contributions to the global target to limit global warming to below 2°C. For this reason, it is considered as a bottom-up approach.

The distribution of non-state initiatives, such as transnational initiatives in terms of climate change, including rule-making and

¹⁵A.J. Jordan, *et.al.*, *loc.cit.*

implementation, are also increasing. The two major functions of transnational initiatives is capacity building and information sharing. These initiatives are self-organized mostly by the non-state actors.

These international cooperation is also included to support the Paris Agreement through the Non-state Actors Zone for Climate Action (NAZCA) that was launched in Lima COP20. NAZCA was later discussed in the Paris COP21 through the name of Lima-Paris Action Agenda (LPAA). The UNFCCC engaged and encouraged the non-state actors to be part of the climate action by joining in international cooperations, taking individual actions, and/or participate in public policy actions. It is expected to accelerate implementation and improve the effectiveness of climate policies, and bring about additional emission reductions on top of commitments already made by national governments.¹⁶

The origins of the new climate governance is still in question, however some scientist suggest that there is the desire to reap competitive advantages, which will indirectly empower pro-environmental political actors.¹⁷ Surprisingly, the trigger to initiate many new transnational schemes also derives from state action, mainly from local governments. The roles of politicians are important in creating this initiatives, however the research cannot provide reasons behind the initiatives.

The performance of these emerging initiatives is the big question. Recently, the climate policy evaluation relies on states self-reporting their activities and achievements to the UNFCCC. It is usually a result of political pressure to fulfill international commitments, thus it is very broad on compliance processes. The national interest groups has an important role in the post-adoption processes of the policies, by exerting downward pressure on policy standards. However, States tend to respond to this pressure by quietly pulling back from an international norm, rather than openly withdrawing from it. In the Paris Agreement, there is the Monitoring, Reporting, and Verification (MRV) process that every country must submit annually to a body of UNFCCC that will later be established. It is the evaluation of their INDCs progress, each report must be submitted with new accomplishments.

¹⁶M. Roelfsema, *et.al.*, *Climate Action Outside the UNFCCC: Assessment of the Impact of International Cooperative Initiatives on Greenhouse Gas Emissions* (PBL Netherlands Environmental Assessment Agency, 2015), page 4.

¹⁷A.J. Jordan, *op.cit.*, page 3.

The polycentric governance is unlikely to serve as the remedy to climate change. Although the approach can result in many more actions taken by different actors, further analysis must be conducted to examine the implementation and performances of both the national policies and international cooperative initiatives. The polycentric approach are “slowly cumulating and can be expected to increase their contributions over time.”¹⁸

Prospects of the Paris Agreement

The above description on the different approaches to face climate change is somehow inserted into the Paris Agreement in COP21 December 2015. Keohane’s regime complex that is shown by the different approaches and initiatives taken by numerous actors. How it is more of fragmented measures, however still is an international agreement. Gupta’s analysis on the negotiation process to be taken for a better agreement, were implemented and produced an agreement that was accepted by the 195 member states of the UNFCCC. Jordan *et al.*’s polycentric approach, which emphasize the bottom-up approach to the agreements, the INDCs, as well as the international cooperative initiatives. One may say that the Paris Agreement is the machine that is ready to be implemented accordingly.

However, although it is a regime complex, there are still some critics that the Paris Agreement is not legally binding. They argued that the regime complex will be less effective than the UNFCCC as they cannot provide for the negotiation of a legally binding long-term objective nor the short-term targets that can help to keep the climate change problem under control. People demand for faster actions in handling climate change by the governments. They also question the implementations of the INDCs, some scientists suggest that they are not enough to meet the target by 2020.

The international initiatives could accelerate implementation and increase the effectiveness of national policies as they broaden the coalition of willing parties and strengthen the knowledge necessary for implementation. Moreover, they may help to close the emission gap if their activities are additional to the commitments made in the international climate negotiations (INDCs).

Many observers imagine a greater role for non-state actors in the UNFCCC process because of this. However, according to the recent

¹⁸*Ibid.*, page 4.

studies, the International initiatives that are supposed to be additional measures in reaching the global target, overlap the 'intended nationally domestic contributions' (INDCs) by 70%.¹⁹ It is not enough to meet the climate target of 2 degrees celcius. In addition, there is poor transparency and a lack of MRV (Monitoring, Reporting, and Verification). Thus, it is difficult to identify and assess the implementation of these initiatives.

Some companies might use these initiatives for the sake of their brand, they see these initiatives as new business oppourtunities. The consumers are also more educated that result in some changes in consumer behaviours. Consumers tend to purchase products that do not harm the environment, thus businesses can benefit by joining these climate actions. If businesses do something to mitigate climate change, they will gain more market and be able to sustain their markets. Of course not all businesses are like that, but it is slowly changing.

The government is not fast enough to ensure climate actions. The businesses are fast, in terms of gaining profit, thus there are doubts whether the international initiatives are actually being implemented, or are just there to "green-wash" their operations that harms the environment. Last but not least, is the civil society organizations or the people. The global concensus on climate change is rising, not only among the countries' leaders, business leaders, but also middle class citizens. International climate change movements, such as climate justice actions, are the most effective ways to accelerate changes in the recent times.

Business and Human Rights and Climate Change

Climate justice requires that climate action is consistent with existing human rights agreements, obligations, standards and principles. Those who have contributed the least to climate change are suffering the most of its harms. They must be meaningful participants in and primary beneficiaries of climate action, and they must have access to effective remedies. Thus, other than the climate justice movement, the human rights movement (especially business and human rights movement) can add 'pressure' to the governments and businesses to implement the Paris Agreements.

The United Nations Guiding Principles on Business and Human Rights (UNGPs) affirm that States have an obligation to protect human

¹⁹M. Roelfsema, *et.al.*, *loc.cit.*

rights from harm by businesses, while businesses have a responsibility to respect human rights and to do no harm. States must take adequate measures to protect all persons from human rights harms caused by businesses; to ensure that their own activities, including activities conducted in partnership with the private sector, respect and protect human rights; and where such harms do occur to ensure effective remedies. The UNGPs apply to all states, businesses, regardless of their size, sector, structure, ownership, and locations. They are a soft-law instrument that requires minimum standards of conduct for all states and all businesses in relation to all human rights.”²⁰

Businesses are also responsible to ‘respect’ human rights. They must be accountable for their climate impacts and participate responsibly in climate change mitigation and adaptation efforts with full respect for human rights. Where States incorporate private financing or market-based approaches to climate change within the international climate change framework, the compliance of businesses with these responsibilities is especially critical.

The Business and Human Rights, is also part of the regime complex. John Ruggie, the Special Rapporteur for Business and Human Rights, describes the initiative as a microcosm of a larger crisis in contemporary governance: the widening gaps between the scope and impact of economic forces and actors, and the capacity of societies to manage their adverse consequences.²¹ The UNGPs is not part of a comprehensive and integrated global regime, but they demonstrate that it is possible to achieve a level of convergence of norms, policies, and practices even in a highly controversial issue area.

In other words, the business and human rights is an attempt to ensuring that the States still has the power to control the businesses, it is a way to bring back the States control to ensure that the businesses do not harm either the environment, and also the rights of the people. The UNGPs is also a soft law, where it is voluntary principles. However, once a country adopts it to the national level through the National Action Plans (NAP) on business and human rights, the businesses that violates human rights can be brought to court.

Other than that, there are a number of international standards that also included human rights within their guidelines. For example,

²⁰John Ruggie, *Just Business: Multinational Corporations and Human Rights* (New York: W.W. Norton & Company, Inc., 2013), page 6.

²¹John Ruggie, 2014, page xxiii.

the OECD Guidelines, the IFC, ISO 26000. These guidelines include complaint mechanisms, where if the business do not comply with the standards, they may receive complaints that will result at high-cost of conflict resolutions.

Asean Economic Community (AEC) and Climate Change

The Association of Southeast Asian Nations, or ASEAN, was established on 8 August 1967 in Bangkok, Thailand, with the signing of the Asean Declaration (Bangkok Declaration) by the Founding Fathers of ASEAN, namely Indonesia, Malaysia, Philippines, Singapore and Thailand.²² Until now, there are 10 members, which includes Brunei Darussalam, Vietnam, Lao PDR, Myanmar and Cambodia. The ASEAN Economic Community (AEC) in 2015 is a major milestone in the regional economic integration agenda in ASEAN, offering opportunities in the form of a huge market of US\$2.6 trillion and over 622 million people. In 2014, AEC was collectively the third largest economy in Asia and the seventh largest in the world.²³

ASEAN countries are currently not major emitters of greenhouse gases, however with the development of the ASEAN Economic Community, the region's need for energy is expected to increase at 4.5% per annum from 2007-2030. Thus, it will increase the carbon dioxide emissions at the rate of 5.7% growth.²⁴ The number is based on the research on whether economic and financial developments lead to environmental degradation in AEC member-countries during the period of 2000-2010.²⁵

The result is that financial development escalates the emissions of carbon dioxide in ASEAN region. One can say that the perceived economic competition between nations is a barrier to climate change solutions. After all, national economic development is an essential ingredient of greater national power and autonomy, and major states are

²²ASEAN. "About ASEAN." Accessed: September 10, 2016. <http://asean.org/asean/about-asean/overview/>

²³ASEAN. "ASEAN Economic Community." Accessed: September 10, 2016. <http://asean.org/asean-economic-community/>

²⁴Ng., *et.al.*, *loc.cit.*

²⁵*Ibid.*

unlikely to put themselves at a relative disadvantage through the imposition of 'unfair' environmental constraints.²⁶

For this reason, policymakers must emphasize green financial development to deal with climate change. Other than the government, the financial sector should also work in supporting/promoting green projects to reduce the number of carbon emissions in the future. Both the tools for the global governance and the environment, the Paris Agreement and UNGPs, should be used by the people of ASEAN in order to monitor the performance of their countries. There are currently four ASEAN countries who have ratified the Paris Agreement, they are Thailand, Brunei Darussalam, Lao PDR, and Singapore.²⁷

As for the UNGPs, there are four ASEAN countries, Malaysia, Myanmar, Indonesia, and The Philippines, who are currently in process of developing the National Action Plan on Business and Human Rights (NAPs).²⁸ These attempts are important and should be used by the activists, civil society, or directly impacted people, in order to ensure global governance and the environment.

Conclusion

In conclusion, there is a shift of approach of climate politics, from a comprehensive integrated regime to the 'regime complex' approach. From a top-down approach, to a bottom-up approach and polycentric approach. The Paris Agreement reflects the dominant political approach to climate change, which is the regime complex, eventhough the regime complex suggests that there is no need for one single agreement in order to face climate change. The negotiations strategies are 'softer,' yet was able to invite the 195 countries, regardless whether they are developed, or developing nations; to have the same agreement and a common goals to limit the greenhouse gases emissions and ensure to not cause the global temperature to rise in fast speed. Not only the nations agreed, but the Paris Agreement had brought the private sectors to take part in

²⁶A. Hurrell, and S. Sengupta, "Emerging Powers, North-South Relations and Global Climate Politics," in *International Affairs* 88: 3 (2012), page 464.

²⁷Climate Analytics, "Paris Agreement Ratification Tracker." Accessed: September 11, 2016. <http://climateanalytics.org/hot-topics/ratification-tracker.html>.

²⁸OHCHR, "State National Action Plans." Accessed: September 11, 2016. <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>.

international initiative cooperations, individual actions, and also public policy actions. The shift of approach is also used in the human rights regime, with the adoption of the UN Guiding Principles on Business and Human Rights (UNGPs).

As I stated earlier, the civil society are the most important driver of the Paris Agreement. The climate action CSOs can also use the above mechanisms on business and human rights (UNGPs) as a way to pressure the businesses and the government to comply with their pledges. These mechanisms can be used to defend the vulnerable people that are mostly affected by the climate change, including the indigenous peoples. On the other hand, the human rights movement can work together with the climate justice movement to create a bigger movement that fights for climate actions, as part of the overall fulfillments of the universal human rights.

Most importantly, there should be an increase of climate action movements by the civil society organizations, as well as anyone who are concerned about the environment, especially in ASEAN countries. As the AEC was newly launched, there needs to be more pressure to be given to the government and businesses, in order to accelerate the pledges that were widely presented at the Paris Agreement in COP21 2015. The INDCs and the international cooperation initiatives by the states and non-state actors should be further studied, especially in terms of its implementations. The system is already developed, the big question lies in its implementation of protecting the environment.

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