

*Research Article*

## The Role of Indonesia as a Presidency for ASEAN and Blue Economy's driver: SDG's Issues and Legal Perspective

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### ABSTRACT

The blue economy is an emerging concept that emphasizes the protection of marine life and ecosystems while promoting economic growth through the sustainable utilization of ocean resources. This principle is gaining increasing traction among ASEAN member states. Strategically positioned geographically, these nations possess significant potential to leverage their marine resources. However, disparities in technological capabilities and human resources continue to hinder the optimal utilization of these resources across the region. This paper identifies and analyzes the challenges and opportunities faced by ASEAN member states in implementing the blue economy within their respective territories and across the region. It also offers a new and in-depth perspective by examining Indonesia's pivotal role during its ASEAN Chairmanship in advancing the blue economy agenda. Indonesia's efforts go beyond merely emphasizing the importance of the blue economy; they also include strategic initiatives to promote cooperation, knowledge sharing, and the development of robust legal frameworks within ASEAN to foster sustainable marine governance and resource management. Indonesia's leadership presents a unique opportunity to address critical issues and to catalyze the expansion of the blue economy in Southeast Asia, ensuring sustainable development and a balanced approach to the utilization of marine resources.

**Keywords:** Blue Economy, SDG, Indonesia's Presidency, ASEAN

### A. INTRODUCTION

Indonesia successfully fulfilled its role as the G20 Presidency in 2022, during which it demonstrated global leadership and subsequently assumed the ASEAN Chairmanship and ASEAN+3 Co-Chairmanship for 2023. The main theme of this chairmanship was "*ASEAN Matters: Epicentrum of Growth*," serving as a continuation of Indonesia's previous G20 Presidency theme, "*Recover Together, Recover Stronger*" (Puspasari, 2023). This leadership role aims to

encourage ASEAN to take an active and critical role in formulating innovative ideas and frameworks to support the region's economic recovery from the setbacks caused by the COVID-19 pandemic. It underscores the importance of pursuing economic progress based on the principles of sustainable growth (Puspasari, 2023).

As Chair, Indonesia is tasked with presenting a compelling vision and framework for achieving sustainable economic growth in

Southeast Asia—both land-based and maritime. ASEAN, the largest international organization in Southeast Asia, has committed to a set of principles by 2025 that promote regional and global prosperity. These principles include equity, people-oriented governance, and the reaffirmation of efforts to maintain peace and security among member states (Yani & Montratama, 2018).

For over a millennium, Indonesia has played a vital role in ASEAN, contributing not only in economic and geopolitical stability but also in environmental protection—both terrestrial and marine. As a country that recognizes a healthy and safe environment as a fundamental human right, as enshrined in Article 28H of the Indonesian Constitution, Indonesia places great importance on environmental welfare for both its citizens and the international community (Romsan, Ali, & Isah, 2014).

As global awareness of environmental issues continues to rise, many sustainable lifestyle concepts—encompassing production and consumption—have led Southeast Asian nations to adopt the principle of marine environmental protection, notably through the implementation of the blue economy. The true intent of the blue economy is to create an economically viable, environmentally sustainable, and socially equitable system that promotes well-being while ensuring long-term socio-economic development without causing irreversible environmental damage, particularly in marine ecosystems (Cisneros-Montemayor et al., 2021).

The blue economy extends the "green" movement—focused primarily on land-based sustainability—by emphasizing the ocean, which faces severe threats from overfishing, habitat destruction, pollution, and climate change (The Economist Intelligence Unit Limited, 2015). It seeks to harmonize economic and trade activities with marine ecological sustainability by promoting consumption and replenishment patterns that produce minimal or no greenhouse gas emissions. This balance aims to preserve the ocean's long-term resilience and health, ensuring its sustainability for future generations (Smith-Godfrey, 2016).

To fully understand the overarching goals of the blue economy, it is essential to examine its definitions as provided by various international organizations. Conceptually, the blue economy was first introduced during the Rio+20 United Nations (UN) Conference on Sustainable Development. Since then, it has become an increasingly prominent topic at subsequent UN conferences. One notable development was the adoption of UN General Assembly Resolution No. 70/226 on December 22, 2015, which mandated the convening of a UN conference to support the implementation of Sustainable Development Goal (SDG) 14, focusing on the conservation and sustainable use of marine resources (World Bank, 2017).

The Economist Intelligence Unit (EIU) defines the blue economy as a sustainable marine-based economic system that aligns with the carrying capacity of marine ecosystems to

support such activities (The Economist Intelligence Unit Limited, 2015). More regionally, the ASEAN Leaders' Declaration on the Blue Economy defines it as *"the sustainable, resilient, and inclusive use, governance, management, and conservation of oceans, seas, as well as marine and coastal resources and ecosystems for economic growth across various sectors—such as fisheries, aquaculture, maritime transport, renewable energy, tourism, climate change mitigation, and research and development—while improving human well-being and social equity."*

Indonesia, endowed with rich cultural traditions, diverse ecosystems, and a tropical climate, possesses tremendous potential in the blue economy. As an archipelagic state comprising more than 17,000 islands and the sixth-largest exclusive economic zone (EEZ) in the world, Indonesia derives a significant portion of its revenues and employment from ocean-based sectors such as tourism, industry, mining, transportation, and logistics (Hananto & Prananda, 2019). Additionally, several ASEAN member states, including Indonesia, have shown notable progress in marine scientific research (Prabandari et al., 2020).

Nevertheless, Indonesia's capacity for ocean-based economic expansion is constrained by limitations in technological advancement and financial resources, resulting in a continued reliance on conventional sectors such as marine fishing and aquaculture (Sambodo et al., 2021). Despite Indonesia's deep dependence on the ocean, it is crucial to recognize that marine

ecosystems are under increasing threat from unsustainable practices, pollution, and climate change. These pressures have triggered profound transformations that jeopardize ocean health and diminish its ability to provide ecosystem goods and services critical to human and societal well-being (Sumaila et al., 2021).

Significant changes to the marine environment—such as sea level rise—have intensified challenges including wetland flooding, coastal erosion, and soil salinization, with broader social implications such as large-scale migration and refugee regulation (Tirumala & Tiwari, 2020; Hananto et al., 2022). As the livelihoods of coastal communities come under threat, these pressing issues have driven Indonesia to become more proactive in promoting the blue economy.

In 2002, through BAPPENAS (the National Development Planning Agency), Indonesia began adapting the Sustainable Development Goals (SDGs) to align with national priorities. One significant adaptation is the incorporation of SDG 14 into the National Medium-Term Development Plan (RPJMN) 2020–2024, which emphasizes the importance of sustainable marine management in achieving Indonesia's broader development goals (Sambodo et al., 2021).

Moreover, this national initiative aligns with customary international law, which obliges states to take *"all appropriate measures"* to ensure that activities conducted within their territory do not cause significant harm to other states (Trihastuti, Hananto, & Kandou, 2023).

Although some ASEAN member states possess favorable geographical conditions to support the implementation of the blue economy, many continue to face unavoidable challenges such as economic instability, geographical limitations, and shortages in energy and human resources. With governments in ASEAN countries still grappling with poverty and the lingering economic crisis brought about by the COVID-19 pandemic, the implementation of blue economy initiatives remains uncertain and ambiguous. While the blue economy may appear to be a potential remedy—a viable solution to these pressing challenges—the financial requirements remain a significant obstacle and subject to prolonged consideration.

Many Southeast Asian nations are also burdened by debt. In times of crisis, particularly unprecedented ones, these countries often lack the financial resilience to respond effectively. Their domestic bond markets are underdeveloped, their debt levels restrict further international borrowing, and excessive money printing could lead to inflation (Hill, 2013).

For example, Cambodia faces considerable difficulties in aligning itself with sustainable development goals, as its economy is heavily reliant on industries such as logging and overfishing—activities that directly contradict the principles of sustainability. This is consistent with the government's philosophy, often summarized as *“rice must be produced before rights can be respected,”* indicating that economic survival is prioritized over sustainability commitments (Ou &

Cheeat, 2015). Consequently, Cambodia is currently ill-prepared to fully embrace the blue economy or related sustainability agendas.

In the case of Laos, the country's status as a landlocked state—defined by Article 124 (1)(a) of the United Nations Convention on the Law of the Sea as a state with no coastline—significantly limits its direct access to marine resources (Bayeh, 2015). As a result, Laos depends heavily on neighboring coastal nations for maritime access, placing it in an unfavorable position to implement blue economy initiatives. Reflecting this limitation, Laos has adapted SDG 14 by replacing references to *“oceans, seas, and marine resources”* with *“aquatic resources,”* which refer instead to lakes, rivers, and streams (Lao People's Democratic Republic, 2018).

Another notable example is Myanmar, which is experiencing rapidly increasing socio-economic demands for energy—primarily from non-renewable sources—driven by population growth. It is projected that energy demand will increase eightfold between 2005 and 2025. Similarly, Vietnam is expected to become an importer of oil, coal, and gas if its reliance on non-renewable resources continues (Socialist Republic of Vietnam, 2012).

These examples highlight the multifaceted challenges faced by Southeast Asian countries in adopting sustainable development measures, particularly those aligned with the blue economy. Overcoming these hurdles requires not only robust legal frameworks and well-crafted policies, but also meaningful public participation in

decision-making processes. This is especially relevant in countries like Vietnam, where opportunities for public input on environmental matters remain limited, thereby undermining both the legitimacy and effectiveness of governance.

Ensuring that local communities and stakeholders have a meaningful voice in the development and implementation of blue economy initiatives is essential for ensuring their long-term success and sustainability (Hoa & Garcia-Zamor, 2017).

A legal system is defined as the integration of interrelated legal components that work collaboratively to achieve the objectives of law—namely, justice, social order, and utility within society. This conceptual framework is widely attributed to Lawrence Friedman, who emphasized that a legal system consists of three essential elements: the substance of law, the structure of law, and legal culture (Rahayu et al., 2020). This theory is applied in this research to examine and elaborate on the challenges in implementing the blue economy among ASEAN member states.

In addition, the Theory of Law and Development as articulated by Mochtar Kusumaatmadja is employed to underscore the importance of creating a unified legal framework to govern the exploration and management of blue economy resources in the ASEAN region. This approach considers not only economic development but also social welfare, mutual cooperation, and environmental preservation. According to Kusumaatmadja, the primary role of

law in development is to ensure that the transformation process occurs in an orderly and structured manner (Latipulhayat, 2014).

At present, ASEAN has been notably active in addressing various environmental issues, including climate change, through frameworks such as the United Nations Framework Convention on Climate Change (UNFCCC), the Singapore Declaration on Climate Change, Energy, and the Environment, the Blueprint for the ASEAN Socio-Cultural Community (2009–2015), the ASEAN Multi-Sector Framework on Climate Change: Agriculture, Fisheries and Forestry toward Food Security, and most recently, the ASEAN Leaders' Declaration on the Blue Economy (Techera, 2018).

To fully grasp the challenges associated with the implementation of the blue economy in ASEAN, it is important to first recognize the region's considerable advantages in terms of ocean resources—although these advantages are not evenly distributed among all member states. For example, Thailand was the top global fish importer in 2020, with an import value of US\$ 3,743,440,940, largely due to the overexploitation of domestic fish stocks, often in ways that are poorly controlled and unregulated (International Labour Organization, 2013).

Discussions and practices surrounding the blue economy have contributed to the emergence of a “blue growth” paradigm, which seeks to balance economic incentives with social and environmental benefits—a so-called triple-win scenario (Satizábal et al., 2020). As a region

heavily reliant on marine resources, the ASEAN member states stand to gain considerably from the thorough implementation of blue economy principles. Not only does this approach promise significant economic growth, but it also fosters a stronger commitment to sustainability and the responsible use of ocean resources.

Implementing the blue economy would enable optimal utilization of marine and aquatic resources and foster the growth of emerging sectors such as marine biotechnology, marine bioprospecting, and marine analytics. These sectors, in turn, could enhance scientific understanding of critical ecosystems, improve adaptive capacities, and contribute to mitigating the effects of climate change (ASEAN, 2023).

However, numerous contentious issues surround sustainable development due to the perceived trade-offs between socioeconomic advancement and environmental sustainability on a global scale, often resulting in unintended negative consequences (Griggs et al., 2014). The adverse impacts of unsustainable industrialization, production, and consumption patterns—primarily land-based—are directly linked to several environmental challenges affecting the oceans, including plastic waste pollution and overfishing (Kraemer, 2017). Consequently, natural resources have largely been treated merely as commodities or means of production, without sufficient consideration for the socio-cultural subsystems that should be integral to the broader ecological and living systems (Hananto et al., 2021).

Despite ASEAN's efforts to promote regional cooperation, significant disparities remain among member states in terms of national laws and regulations related to fisheries, marine pollution, coastal development, and maritime boundaries. This lack of legal harmonization creates loopholes that facilitate illegal activities, such as illegal, unreported, and unregulated (IUU) fishing, and impedes effective enforcement mechanisms (Agnew et al., 2009). Even where robust legal provisions exist on paper, enforcement is often undermined by limited institutional capacity, corruption, and inadequate inter-agency coordination.

Moreover, the rapid growth of new industries within the Blue Economy—such as marine biotechnology and offshore renewable energy—introduces novel legal and regulatory challenges. Many ASEAN countries lack comprehensive and clear legal frameworks to govern these emerging sectors, leading to regulatory uncertainty for investors and increasing the risk of unsustainable practices (Gillespie, 2014).

The aforementioned issues suggest that the primary challenges to implementing the blue economy in Southeast Asia are related to energy, financial capacity, technology, and geographical conditions. Given that many developing countries in the region may lack the necessary resources to fully support the transition to a blue economy, a key dilemma arises: what kind of blue economy framework would be most feasible and inclusive in addressing the complex layers of challenges

faced by Southeast Asia? As disruptions to the marine environment continue to escalate, there is an urgent need for a robust and coherent blue economy framework before the situation deteriorates further. Moreover, ongoing geopolitical tensions in the region, particularly those concerning maritime disputes, must also be addressed. These tensions could be mitigated—at least in part—through regional and international cooperation in the marine sector, which is a central tenet of the blue economy (World Bank, 2017).

The question that must first be answered is how Indonesia, as the current ASEAN Chair, can effectively encourage other Southeast Asian nations to view the blue economy not as an additional burden, but as a viable remedy for their existing socio-economic and environmental challenges.

The role of Indonesia's ASEAN presidency has drawn particular attention from our research team due to its wide-ranging implications across multiple domains. In the previous section, we emphasized the significance of Indonesia's leadership role. Clearly, this research represents a new academic contribution, as the intersection between ASEAN leadership and blue economy implementation remains relatively unexplored in scholarly literature. As such, this study aims to be a pioneering effort in this emerging field and to stimulate broader academic discourse on the topic.

To ensure the originality and relevance of this study, we have reviewed several existing

works related to the blue economy and ASEAN, though they differ in focus and perspective. First, a study on Maritime Laws and the Sustainable Development of the Blue Economy analyzes contemporary blue economy needs through a multidimensional lens, addressing several cutting-edge legal and policy issues (Duan et al., 2024). Second, the research titled *Impact of Green Investments, Green Economic Growth, and Renewable Energy Consumption on Environmental, Social, and Governance Practices to Achieve the Sustainable Development Goals: A Sectoral Analysis in the ASEAN Economies*, authored by Thuy Chung Phan, examines seven economic sectors in ASEAN (Phan, 2024).

The following studies, while indirectly related, offer distinct perspectives on sustainability and blue economy topics. Tran et al. (2024) found significant contributions from sustainable environmental change mitigation technologies and green bonds in reducing pollution, thereby improving climate quality. Similarly, Oktaviani and Iqbal (2023), in their journal article titled *The Interplay of Interests between Indonesia and Sweden in Blue Economy Cooperation*, explored the bilateral relationship between the two countries in the context of utilizing blue economy resources and the obstacles they face. Additionally, Jaelani et al. (2023) conducted a comparative study of green tourism regulations, focusing on the practices in Indonesia and China.

Based on the brief comparison above, it is evident that this study represents a novel

scientific contribution, as the specific topic of ASEAN leadership in the blue economy has not yet been extensively explored in scholarly journals. Therefore, this research may serve as one of the pioneering works in the field and aims to encourage broader academic engagement with this emerging and significant issue.

## B. RESEARCH METHODS

Legal normative and library research are the methodologies employed in this study. These approaches are grounded in normative legal analysis and involve extensive use of academic literature (Christiani, 2016). The legal normative methodology is fundamental to identifying legal norms and principles applicable to the current issues under examination. Additionally, library research is utilized to access a broad range of intellectual and academic resources. A comprehensive literature review is conducted to identify and analyze existing studies, scholarly articles, books, and other relevant publications related to the research topic.

## C. RESULTS AND DISCUSSION

### 1. The importance of Indonesia's role to promote and push the blue economy as the new growth into ASEAN Member States.

Indonesia assumed the chairmanship of ASEAN under the theme "ASEAN Matters: Epicentrum of Growth," which encouraged the country to initiate numerous collaborations with ASEAN member states to address regional and international challenges—particularly the recovery

from the economic and social setbacks caused by the COVID-19 pandemic, while remaining aligned with the principles of sustainable development (ACNNEWswire, 2023). This vision is consistent with Indonesia's G20 Presidency theme, "Recover Together, Recover Stronger," which aims to foster a resilient and sustainable global recovery and promote inclusive economic growth.

Indonesia plays a pivotal role in persuading Southeast Asian nations—especially ASEAN member states—to adopt the blue economy as a strategic measure to reinforce ASEAN's position as a central hub for regional economic growth and to enhance shared prosperity among its members (ACNNEWswire, 2023). The Ministry of Economic Affairs of Indonesia has also underscored the importance of promoting sustainable development agendas, including the blue economy, throughout Indonesia's ASEAN chairmanship in 2023 (Antara News, 2023).

This emphasis creates a pressing need for a comprehensive framework to foster multilateral, coordinated efforts in implementing the blue economy. Indonesia's bilateral agreements with developed nations provide valuable models in this regard. One such example is the 2018 Plan of Action between Indonesia and Australia, which outlines joint maritime cooperation efforts. This Plan includes various initiatives aligned with the key objectives of the blue economy. Notably, Article 11(b) prioritizes "*collaborative research and activities on the blue economy*" (Department of Foreign Affairs and Trade of Australia, 2017).



The Plan also reflects other blue economy goals, such as enhancing ocean monitoring and surveillance, as advocated by the World Bank. Article 17 addresses the shared concern over illegal, unreported, and unregulated (IUU) fishing, and outlines commitments to continuous monitoring and surveillance through “*information sharing*.” Moreover, Article 26 promotes joint cooperation in “*marine science and technology*,” highlighting the importance of scientific collaboration.

In addition to this, Indonesia has also entered into a partnership with Sweden, focused on advancing the blue economy through *blue growth* and *marine spatial planning* (Bappenas, 2021). These initiatives serve as promising examples of how ASEAN member states can pursue the goals of the blue economy through bilateral and multilateral cooperation.

The blue economy emphasizes the importance of cross-nation collaboration for more sustainable management of ocean resources. The Plan of Action exemplifies how this can be achieved for developing countries or Small Island Developing States (SIDS), helping to enhance their limited capabilities and resources to support the implementation of the blue economy. Specifically, in the case of ocean monitoring and surveillance, the Plan of Action is particularly beneficial for the blue economy, as it provides a framework to detect and prosecute illegal activities that could undermine progress toward the sustainable use of ocean resources (Bappenas, 2021).

Developing countries, which constitute the majority of ASEAN member states, can look to Indonesia as a model for collaboration with developed countries. Indonesia's efforts provide a clear example for encouraging other ASEAN states to follow suit. The G20 Bali Leaders' Declaration, issued on November 15-16, 2022, acknowledges the multilayered crises and the unequal gaps in finance and technology that have placed significant burdens on both governments and citizens in least developed countries and Small Island Developing States. The declaration calls for collective leadership and actions to support the 2030 Agenda for Sustainable Development (G20, 2022).

In alignment with the blue economy, the declaration emphasizes the need for inclusive and sustainable recovery from the hardships caused by the COVID-19 pandemic. It specifically highlights the importance of collaboration in technology and investments. The blue economy is one of the key focal areas of the declaration, underscoring its significance in fostering sustainable recovery and development.

## **2. The Durable Solution and the framework of Blue Economy's implementation to the member states**

### **a. The SDG's Issues: The Issue on post pandemic, the transition energy, the economic issues and geopolitical tension between developed and developing countries.**

The concept of the United Nations Sustainable Development Goals (SDGs) is

closely linked to the Blue Economy, where achieving one also contributes to the fulfillment of the other, particularly in relation to SDG 14: "Life Below Water." This goal focuses on the sustainable use of marine ecosystems and water resources. Sustainability itself encompasses two key dimensions: environmental sustainability, which emphasizes the effective protection and conservation of marine ecosystems from degradation, and social sustainability, which ensures that the benefits derived from sustainable aquatic resource use are fairly distributed.

One case of unsustainable economic activity in ASEAN member states is overfishing in Thailand, a consequence of the modernization and commercialization of Thailand's fishing sector during the 1970s and 1980s (International Labour Organization, 2013). Overfishing has led to a significant decline in fish catches in recent years, and rising fuel prices have further increased the cost of operating a fishing fleet. These factors, along with others, have led to significant changes in the workforce and working conditions within the sector (International Labour Organization, 2013). This situation highlights the dilemma faced by many ASEAN states, where heavy reliance on ocean resources has led to exploitation without regard for sustainability. This underscores the urgency of implementing the blue economy.

Another challenge is how to facilitate the transition to a more sustainable approach in countries like Thailand, which are now stagnant in their exploration and exploitation of ocean

resources due to the consequences of overfishing and overexploitation.

The critical issue in Thailand, characterized by a heavy reliance on imported fisheries products, stemmed from overfishing and overexploitation—issues that could be mitigated through the adoption of the blue economy and other sustainability practices. ASEAN member states must enhance their methods for assessing marine ecosystems. By gaining a deeper understanding of the economic value of healthy ecosystems, they can develop more effective, science-based policies to ensure the adequate protection of these invaluable resources (ASEAN, 2023).

On the other hand, Vietnam, as one of the ASEAN member states, is recognized as the leading fish exporter, earning US\$ 8,514,592,220 through fish trade (International Labour Organization, 2013). In terms of sustainable development, the volume of aquaculture products within overall exports has gradually increased to nearly 50%, positively impacting the structure of Vietnamese seafood exports (Nguyen et al., 2017). Although various factors, including natural conditions, regulations governing marine resources and the environment, and the habits of shoreline inhabitants, make export performance targets unsustainable in the long term, the recent growth in the value of imports of Vietnam's fisheries and aquaculture is primarily attributed to the growing volume of aquaculture exports. The Vietnamese government has been able to maintain fish stocks in the ocean by implementing

stringent regulations that promote sustainable development. Since 2010, many legal documents have been introduced, including strategies and frameworks aimed at using sustainable methods to sustain and improve the country's economy, as the Vietnamese government seeks to make the nation the world's top supplier of fish (Nguyen et al., 2017).

Another example of success in managing ocean-based resources sustainably is Singapore. Singapore's blue economy is recognized as a sustainable ocean-based economic model, as outlined in the National State of Ocean and Coasts (NSOC) 2018 report, released by the intergovernmental organization Partnerships in Environmental Management for the Seas of East Asia (PEMSEA), headquartered in the Philippines. Key sectors contributing to Singapore's blue economy include fisheries and aquaculture, ports, shipping and marine transport, tourism, resorts and coastal development, marine technology and environmental services, oil and gas, ocean-related manufacturing, seabed mining, renewable energy, and marine biotechnology. Despite the economic effects of the coronavirus outbreak, the Singapore Business Review reported in January 2021 that Singapore remains the world's top location for bunkering. According to the NSOC 2018 report, coastal and marine tourism generated approximately USD 515 million for the country's economy (Quirapas-Franco, Low, & Ng, 2021).

Reflecting on the importance of interconnectivity and collaboration between states

in implementing the blue economy, Indonesia may persuade ASEAN member states by initiating joint collaborations with countries that have more advantages compared to others. For example, Indonesia and Australia or Indonesia and Sweden could serve as models. Similarly, Singapore could support Vietnam in carrying out its Master Plan on fisheries and aquaculture growth and sustainability by providing assistance in the form of machinery or technological advancements, which could help successfully implement the master plan. Another example of collaboration at the regional level is the cooperation between Indonesia, Malaysia, and Singapore as littoral states protecting the Malacca Strait from pollution, preserving the environment of the strait while maintaining their obligation not to interfere with the right of transit passage (Trihastuti, Putri, & Hananto, 2020).

Interconnectivity between ASEAN member states plays a crucial role in fully achieving the potential of the blue economy. However, this also means addressing the gaps between member states, not only in resources but also in technology. The development and deployment of digital platforms that enable each state to effectively share data on fish stocks, marine pollution, and weather patterns could be instrumental in responding to illegal fishing or environmental disasters. The use of digital platforms could also enhance transparency between member states, improving traceability and increasing digital technology standards, which would facilitate fairer trade, maximize

resources, and minimize waste in pursuit of more sustainable economic activities (ASEAN, 2023).

A feasible alternative, if collaborations between ASEAN member states are slow to progress, would be to form partnerships with other international organizations. Past precedents demonstrate that cooperation on sustainable development with international organizations is possible, such as the collaboration between ASEAN and the EU in their joint efforts to combat climate change and promote sustainable development. The Joint Leaders' Statement further elaborates their mission to find common policies based on consensus between ASEAN and the EU to ensure a sustainable recovery from the COVID-19 pandemic (ASEAN-EU, 2022). Similarly, ASEAN could cooperate with other countries, such as through the ASEAN-China Joint Statement on Strengthening Common and Sustainable Development.

Another option to pursue is the call for a multi-stakeholder system partnership with the private sector, a common element in numerous blue economy and ocean governance strategic frameworks and initiatives. Effective partnerships have been highlighted as key to realizing the SDGs, and this is equally true for SDG 14. Private sector actors have already made significant commitments toward more sustainable business practices, contributing to ocean conservation and its sustainable exploitation (Benkenstein, 2021). By engaging and including stakeholders in decision-making processes, the blue economy will benefit from cross-sectoral knowledge and

expertise, ensuring that economic benefits are distributed equitably.

#### **b. The Law of Treaty: The Concept of consensus and the framework among the member states.**

The role of international agreements is highly significant between nations or subjects of international law. Through these instruments, nations or other subjects of international law establish the foundation for cooperation, organize inter-state activities, resolve disputes, and address various global issues. Interconnection among countries around the world has become inevitable. This means that no country or subject of international law is exempt from being bound by international agreements. An agreement, which is essentially the source of international law, is a juridical instrument that accommodates the mutual will and goals of countries or subjects of international law in order to achieve those goals (Roisah, 2017). In accordance with the above illustration, international agreements serve as the foundation of international law to regulate the activities of countries or subjects of international law.

The concept of consensus and the framework should be applied to member states. Before analyzing whether a framework can create legally binding obligations for ASEAN member states, a distinction between hard law and soft law must be made. The term "soft law" refers to standards of behavior that, in theory, are not legally binding but still influence the subject of the proposed imposition (Snyder, 1993). Soft law can

be viewed as a collection of international promises or duties that go beyond mere political gestures but are not regarded as legally enforceable in the sense that they cannot be leveraged or enforced in the same manner as binding international law. This essentially indicates that, despite the lack of any legal obligation to comply, there is an expectation for international organizations to adhere to soft law principles.

The nature and origins of soft law imply some level of support from the bodies that created them. As a result, it can be said that soft law alludes to prospective future legislation. Due to the actions of international actors, which reflect the support that these norms or standards receive from the international community, soft law may eventually be recognized as binding regulations (Thirlway, 2019). Although soft law agreements are not legally binding, they are often rigorously negotiated and written because they have a norm-creating effect. Soft law instruments frequently display elements of good faith and a desire to influence state practice, thereby promoting lawmaking and advancing progress (Mahaseth & Subramaniam, 2021). Consequently, soft law lacks legally obligatory regulations and instead consists of voluntary rules that states adhere to.

In the context of the blue economy, soft law can facilitate the development of better relationships with stakeholders, serving as a non-binding agreement for ongoing engagement between ASEAN member states and their

partners, including local communities, customers, and investors. Stronger relationships with stakeholders can enhance trust and support, which, in turn, can improve the reputation and long-term sustainability of the blue economy (Aspan et al., 2024).

Hard law is a legal term that "refers to legally binding agreements that are specific (or can be made specific through judgment or the issuance of specific regulations) and that delegate authority for interpreting and enforcing the law" (Abbott & Snidal, 2000). Hard law instruments are legally binding; therefore, parties must be more specific and thorough when drafting them. They often require a ratification process within the home state, in addition to a comprehensive negotiation process. To ensure that these binding instruments are respected and followed, strict controls are in place. While they do not provide direct evidence, their codified nature gives them greater authority. Parties must be more committed to the applicable standards and principles for an instrument to be codified (Chesterman, Malone, & Villalpando, 2019). The existence of hard law in treaties, along with a wide range of other treaties that are technically contracts between parties, makes the existing requirements rigorous and obligatory. These instruments govern the parties' interactions and behaviors. Hard law obligations imply significantly higher costs, as there may be legal implications and reputational damage to a state if those obligations are later found to have been breached. Hard law agreements have immediate

legal consequences in national courts. When treaty commitments are implemented by domestic laws, they create new situations that mobilize domestic actors (Mahaseth & Subramaniam, 2021).

It is often unclear what the exact status of an ASEAN instrument is (Mahaseth & Subramaniam, 2021). Agreements, declarations, memoranda of understanding (MOUs), policies, frameworks, and roadmaps may or may not create legally binding obligations based solely on their nomenclature (Mahaseth & Subramaniam, 2021). Except for agreements related to economic cooperation and conflict resolution, ASEAN documents are generally more political than legally binding. The terms "ASEAN instruments" and "international agreements by ASEAN" have been used to distinguish between agreements reached by ASEAN as an intergovernmental organization and agreements with third parties in accordance with Article 41.7 of the ASEAN Charter, as well as documents that have been collectively signed by ASEAN Member States. Any agreement reached between states in their individual capacities and not in their capacity as ASEAN member states is excluded by the requirement that an "ASEAN instrument" must be reached by member states "as ASEAN Member States" (Mahaseth & Subramaniam, 2021). The term "concluded" rather than "signed" is used in the Protocol to the ASEAN Charter, which indicates that "other ASEAN instruments" need to become effective. Not all ASEAN agreements are enforceable in court. Instruments such as the

Vientiane Action Programme (VAP), the 2012 Joint Declaration of the ASEAN Defence Ministers on Enhancing ASEAN Unity for a Harmonized and Secure Community, and the 2011 Declaration on ASEAN Unity in Cultural Diversity: Towards Strengthening ASEAN in Community do not create a legal obligation for ASEAN Member States (Mahaseth & Subramaniam, 2021).

One way for Indonesia to create legally binding obligations for all ASEAN member states to implement the blue economy is by drafting an agreement in the form of hard law. This type of law must also respect and adhere to the national laws, regulations, and policies of each member state, as well as pre-existing international laws such as UNCLOS 1982. Reaching a consensus on this issue will be a challenging process, as many states may use their instability or lack of capabilities in various aspects of implementing the blue economy as excuses. By emphasizing that the measures and feasibility of implementing the blue economy can take various forms—such as through collaborations, cooperations, and partnerships—Indonesia can encourage ASEAN member states to agree on creating a legally binding instrument for the blue economy. However, the agreement should also include provisions on the funding system and a detailed mechanism for how the blue economy can be implemented in least developed or developing countries with limited budgets and technological resources. For example, the framework for the blue economy could incorporate collaborations with developed countries to secure additional

funding or financing, or utilize blue financing, which refers to mechanisms that enable the financing of sustainable ocean-related projects, as outlined in the 2030 Agenda for Sustainable Development (Morgan et al., 2022).

There are also several bankable initiatives in emerging fields like coastal resilience and marine and river ecosystems, including the following (Asian Development Bank, 2022):

#### 1. Blue Natural Capital Finance Facility

Based on numerous revenue streams and suitable risk-return profiles, the Blue Natural Capital Finance Facility encourages the development of sound, investable blue natural capital projects with clear ecosystem service benefits. By assisting project partners with opportunity evaluation, preparation, and structuring into bankable investments, the Blue Natural Capital Finance Facility makes it easier to acquire loans, equity, and donor finance. This reduces the risks associated with investments in natural capital (Blue Natural Capital Financing Facility, 2022).

#### 2. Blue Finance

With growing interest from investors, financial institutions, and issuers worldwide, blue finance has emerged as a new subfield of climate finance. It provides significant opportunities and helps address urgent challenges by promoting economic development, improving the quality of life, and supporting the health of marine ecosystems. Blue finance can be conducted through bonds and loans; innovative financial products, such as "Blue Bonds" and "Blue Loans,"

allocate funds solely to initiatives that protect and preserve the world's clean water resources and oceans (International Finance Corporation, 2019).

#### 3. The Global Fund for Coral Reefs

Anthropogenic warming and acidification, along with regional drivers of reef degradation, make coral reefs among the most vulnerable ecosystems in the world to the effects of climate change (Kleypas et al., 2021). The Global Fund for Coral Reefs aims to mobilize resources and action for coral reef protection and restoration, as well as to support communities that depend on these reefs by providing them with support for adaptation and resilience (Meyers et al., 2021). Participating organizations include the UN Multi-Partner Trust Fund Office (UNMPTF-O), UN Environment (UNEP), United Nations Development Programme (UNDP), UN Capital Development Fund (UNCDF), as well as private sector partners such as BNP Paribas and Pegasus Capital. The fund was spearheaded by a collaboration between the Paul G. Allen Family Foundation and the Prince Albert II of Monaco Foundation. It is the first Multi-Partner Trust Fund for SDG 14: Life Below Water from the UN (Meyers et al., 2021). The international community has witnessed the exponential rise of sustainable finance and the emergence of various instruments based on environmentally friendly or socially conscious use of proceeds or sustainability goals. Through these initiatives and proposed solutions, Indonesia will work to ensure that all ASEAN member states adopt the blue economy for their recovery from the issues caused by the

unsustainable management of their ocean resources.

#### 4. Blue Bonds

The World Bank defines Blue Bonds as "a debt instrument issued by governments, development banks, or others to raise capital from impact investors to finance marine and ocean-based projects that have positive environmental, economic, and climate benefits" (World Bank, 2018). Alongside this, the International Finance Corporation describes Blue Bonds as "innovative financing instruments" that provide funding for both ocean-based projects and "critical clean water resources protection" (International Finance Corporation, 2022). Blue Bonds have become a vital tool for drawing investments into ocean financing worldwide (BNCFF, 2019). By issuing these bonds, the blue economy's significant financial gap should be addressed. Once a state has achieved financial prosperity in the blue economy, it will be ready to tap into the immense economic potential of the oceans, creating new opportunities for growth and development (Konar & Ding, 2012).

#### D. CONCLUSION

As the ASEAN Presidency, Indonesia occupies a crucial position and has the opportunity to lead the growth of the Blue Economy. By analyzing the significance of Indonesia's leadership in advancing the Blue Economy as a new growth paradigm across ASEAN Member States, and by examining the framework for the Blue Economy's long-term

adoption in these countries, it becomes evident that Indonesia's role as the ASEAN Presidency offers a unique chance to promote and spark sustainable development projects, with a focus on the Blue Economy.

Indonesia should leverage its diplomatic influence and regional stature to encourage greater cooperation and knowledge-sharing among ASEAN Member States in order to advance the Blue Economy agenda. Additionally, the legal perspective discussed in this study highlights the importance of ensuring that the legal frameworks supporting the expansion of the Blue Economy are solid and coherent. Specifically, addressing the legal gaps identified in this paper is crucial. Harmonizing national laws related to fisheries, marine pollution, and coastal development will create a level playing field and facilitate cross-border collaboration. Strengthening enforcement mechanisms and clarifying the legal status of emerging Blue Economy sectors will attract investment and ensure that economic activities are conducted sustainably.

Furthermore, promoting public participation in decision-making processes will enhance the legitimacy and effectiveness of legal frameworks. Indonesia's status as the ASEAN Presidency provides a revolutionary opportunity to champion the Blue Economy as a driving force for sustainable development in the region by addressing challenges related to marine governance, resource management, and sustainable practices.



Indonesia's chairmanship of ASEAN presents a unique opportunity to drive meaningful progress towards a sustainable and prosperous future for the region. By embracing its leadership role, prioritizing legal reforms, and fostering inclusive cooperation, Indonesia can pave the way for a thriving Blue Economy in ASEAN that benefits both present and future generations.

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