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International Treaty Review of the Manado Ocean Declaration (MOD) 2009 and its Implications for Indonesia Blue Economy

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Abstract: The article entitled Review of International Agreements on the Manado Ocean Declaration (MOD) 2009 and Its Implications for the Blue Economy in Indonesia aims to analyze the legal position of the declaration in the framework of international law and its impact on Indonesian maritime policies. The Manado Ocean Declaration 2009 was adopted at the World Ocean Conference in Manado, emphasizing the crucial role of the ocean in addressing climate change, protecting marine biodiversity, and supporting sustainable development, although it remains a non-binding soft law instrument. This research applies a normative legal approach by examining primary legal instruments such as MOD 2009, the United Nations Convention on the Law of the Sea 1982, and Law No. 32 of 2014 on Marine Affairs, supported by secondary academic literature. The results indicate that MOD significantly influenced Indonesia to adopt blue economy-based policies, including the Blue Carbon Program, ecosystem-based fisheries management, maritime diplomacy through the Coral Triangle Initiative, and the integration of ocean governance into the Long-Term Development Plan 2005–2025. Nevertheless, implementation still faces challenges, including weak regulatory frameworks, limited human and financial resources, and low awareness among coastal communities. In conclusion, although not legally binding, MOD serves as a moral guideline that strengthens Indonesia's maritime diplomacy and supports the global sustainable development agenda.

Keywords: Manado Ocean Declaration, Soft Law, Blue Economy.

INTRODUCTION

The ocean has long been recognized as a fundamental element in the balance of the global ecosystem, serving as both a source of life and a regulator of climate. For coastal and archipelagic states such as Indonesia, the ocean is not only vital to ecological stability but also to the economy, culture, and security of the nation. The increasing awareness of the ocean's role in mitigating climate change has led to the development of various international legal instruments that aim to regulate the use, conservation, and management of marine resources. These legal frameworks establish the responsibilities of states to safeguard the

marine environment while at the same time granting them rights to utilize resources in a sustainable manner. Against this background, the law of the sea has evolved into one of the most comprehensive fields of international law, providing clear guidelines on maritime boundaries, rights of navigation, exploitation of resources, and environmental protection.

The United Nations Convention on the Law of the Sea (UNCLOS) 1982 is the most comprehensive and widely recognized legal framework governing the world's oceans. Often referred to as the "constitution of the oceans," UNCLOS defines the rights and obligations of states in relation to maritime zones, including territorial seas, exclusive economic zones (EEZs), and the continental shelf. It also outlines provisions for the protection and preservation of the marine environment. Article 192 obliges all states to protect and preserve the marine environment, while Article 193 affirms the sovereign right of states to exploit their natural resources in accordance with their environmental policies (Abbott & Snidal, 2000). These provisions highlight the balance that UNCLOS seeks to establish between sovereignty, resource utilization, and environmental stewardship.

Complementing UNCLOS are a range of other international agreements that specifically address issues related to marine biodiversity and environmental protection. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1973 regulates the trade of endangered marine species such as turtles, corals, and mollusks. Indonesia ratified CITES through Presidential Decree No. 43 of 1978, thereby committing itself to global efforts to prevent overexploitation of marine species (Doellinger, 2019). Similarly, the United Nations Framework Convention on Climate Change (UNFCCC) 1992 and the Kyoto Protocol 1997 underscore the importance of reducing greenhouse gas emissions, which directly affect the health of oceans and marine ecosystems. The Convention on Biological Diversity (CBD) 1992 further emphasizes the conservation and sustainable use of biodiversity, including marine and coastal ecosystems (Anwar, 2014). Collectively, these agreements illustrate how the international legal regime governing the oceans has increasingly incorporated environmental dimensions as central to sustainable development.

While binding instruments such as UNCLOS, CITES, and CBD provide legal obligations, international cooperation has also produced non-binding instruments that function as "soft law." In this research, *soft law* is understood as a category of international norms that are not legally binding but carry significant moral and political influence. This includes declarations, guidelines, or action plans agreed upon by states in international forums (Anwar, 2014). Such instruments are particularly valuable when reaching consensus on binding treaties proves difficult. In this sense, soft law serves as a transitional instrument, providing flexibility while still shaping expectations of state behavior.

The Manado Ocean Declaration (MOD) 2009 is one such example of soft law. Emerging from the World Ocean Conference held in Manado, North Sulawesi, the declaration reflected the growing concern of the international community over the impact of climate change on the marine environment. Attended by representatives from 123 countries, the conference sought to raise awareness about the vital role of oceans in climate regulation and to encourage collaborative action for marine conservation. The MOD is not a legally binding treaty, but its moral force lies in its ability to articulate shared principles for sustainable ocean management (Heryandi, 2019).

The declaration highlights several key principles, including the integration of ecosystem-based approaches in marine and coastal management, the establishment of marine protected areas, and the promotion of sustainable economic activities derived from marine resources. These principles resonate strongly with the concept of the *Blue Economy*. In this study, Blue Economy is defined as a development model that combines economic growth, environmental sustainability, and social equity in the exploitation of marine resources (Apriyani, 2016). For Indonesia, the MOD represents not only an international commitment

but also an opportunity to align domestic policies with global initiatives on sustainable development and climate change mitigation.

One of the distinctive features of the MOD is its role in catalyzing regional cooperation through initiatives such as the Coral Triangle Initiative (CTI). The CTI, involving six countries including Indonesia, Malaysia, the Philippines, Papua New Guinea, Timor Leste, and the Solomon Islands, is focused on conserving one of the most biologically diverse marine regions in the world. By linking the MOD with regional frameworks, Indonesia was able to strengthen its maritime diplomacy while promoting collaborative approaches to environmental challenges. This regional dimension underscores how soft law instruments like the MOD can extend beyond symbolic declarations to foster tangible cooperative mechanisms.

Although the MOD lacks legally binding force, its influence is evident in the policy directions adopted by Indonesia following 2009. The declaration encouraged Indonesia to incorporate ocean governance into its Long-Term Development Plan (RPJP) 2005–2025, which prioritizes maritime culture, the development of human resources in the marine sector, and the establishment of a sustainable maritime industry. Furthermore, Law No. 32 of 2014 on Marine Affairs institutionalized many of the principles highlighted in the MOD, particularly the emphasis on sustainability and ecosystem-based management (Chandra, 2021). These steps demonstrate how soft law can shape national legal and policy frameworks when supported by political will.

At the same time, the MOD reflects the broader evolution of international law, where non-binding instruments increasingly complement binding treaties. In practice, states often find it easier to agree on principles articulated in soft law before negotiating legally binding commitments. The MOD thus serves as a normative foundation that can guide the development of future binding agreements on ocean governance. Its adoption in Manado also signifies Indonesia's proactive role in global environmental diplomacy, positioning the country as a leader among developing nations in promoting sustainable marine policies.

Nevertheless, the effectiveness of soft law remains a subject of debate. Critics argue that without enforcement mechanisms, declarations such as the MOD risk being relegated to symbolic gestures with limited practical impact. The challenge lies in ensuring that the principles of the MOD are translated into concrete policies, backed by adequate resources and institutional capacity. In Indonesia, this means addressing gaps in regulatory enforcement, strengthening monitoring mechanisms, and enhancing public awareness about the importance of ocean conservation. Only through such measures can the normative aspirations of the MOD be realized in practice.

From a theoretical perspective, the MOD illustrates the interplay between international law and domestic policy. It demonstrates how non-binding norms can exert pressure on states to internalize global values into national frameworks. In Indonesia, the Blue Economy has become an increasingly important paradigm, combining the need for economic development with the imperative of environmental sustainability. This paradigm shift aligns closely with the principles outlined in the MOD, showing that soft law can indeed influence domestic governance.

METHOD

This study employs a normative legal research method, which focuses on analyzing legal instruments, doctrines, and scholarly interpretations relevant to ocean governance. The choice of this method is grounded in the nature of the research problem, which seeks to examine the legal standing of the Manado Ocean Declaration (MOD) 2009 within the framework of international law and its implementation in Indonesia. Normative legal research is particularly suitable for this inquiry because it emphasizes the use of statutory provisions,

treaties, and authoritative writings to evaluate the role of *soft law* in shaping both domestic and international legal systems.

The object of this research is the Manado Ocean Declaration 2009 as a soft law instrument, with Indonesia serving as the primary unit of analysis for assessing its domestic implementation. In this context, the study focuses on national legal frameworks such as Law No. 32 of 2014 on Marine Affairs, the Long-Term Development Plan (RPJP) 2005–2025, and ministerial regulations that reflect the principles of the MOD. The research subjects, therefore, are not individual participants but rather legal documents and institutional policies, making the data qualitative in nature.

The study was conducted through a desk review of legal documents, official reports, and academic publications between 2023 and 2024. This period was selected to ensure that the analysis incorporates both the historical origins of the MOD and its contemporary relevance in Indonesian maritime policy. While the World Ocean Conference 2009 in Manado serves as the historical locus of the MOD, the research situates itself in the present context of Indonesia's ongoing efforts to strengthen maritime governance and regional cooperation.

In terms of data sources, this research relies on both primary and secondary legal materials. Primary legal materials include UNCLOS 1982, CITES 1973, CBD 1992, UNFCCC 1992, the Kyoto Protocol 1997, and the text of the MOD 2009. In addition, Indonesian domestic legislation such as Law No. 32 of 2014 and related ministerial regulations are examined. Secondary legal materials consist of scholarly articles, books, and official government publications that provide interpretations and critical discussions of these instruments. The use of both types of materials ensures a comprehensive approach, combining legal norms with academic perspectives.

The procedure of the research involves three main stages: identification, analysis, and synthesis. First, relevant legal documents were identified through systematic collection from official repositories, international organizations, and academic databases. Second, the materials were analyzed through qualitative content analysis, focusing on the normative provisions and their relevance to the research objectives. Third, the findings were synthesized to develop a coherent argument that connects the theoretical framework of soft law with the practical realities of Indonesian maritime policy. This approach allows the study to bridge the gap between legal theory and policy application.

The research technique adopted is qualitative document analysis, which enables the extraction of meanings, patterns, and implications from textual sources. Unlike quantitative methods, this approach emphasizes depth over breadth, allowing the study to explore how the MOD, though non-binding, influences legal development and state practice. By combining doctrinal interpretation with policy analysis, the study provides both a theoretical understanding of soft law and a practical assessment of its impact in Indonesia. The methodological choice reflects the objective of producing an academically rigorous yet policy-relevant analysis of the MOD and its role in sustainable ocean governance.

RESULTS AND DISCUSSION

The findings of this study confirm that the Manado Ocean Declaration (MOD) 2009 occupies a unique position within the framework of international law. As a *soft law* instrument, it does not impose legally binding obligations on states but provides a set of guiding principles for sustainable ocean governance. This characteristic allows the MOD to operate flexibly, encouraging international consensus where binding treaties might be politically difficult to achieve. Although lacking coercive power, the declaration has established a normative foundation for linking ocean governance with climate change mitigation (Nurkholis et al., 2016).

In Indonesia, the MOD has had a notable impact on the development of national legislation. The enactment of Law No. 32 of 2014 on Marine Affairs illustrates the incorporation of MOD principles into binding domestic law. The law mandates that marine resource management must be based on sustainability and ecosystem-based approaches, reflecting the declaration's emphasis on long-term conservation. This integration demonstrates how soft law can exert influence beyond symbolism by shaping national regulatory frameworks.

The Blue Economy represents another key area where Indonesia has operationalized MOD principles. Defined as a development model that seeks to balance economic growth, environmental sustainability, and social inclusion, the Blue Economy has been embraced as a national strategy. Indonesia's focus on fisheries, aquaculture, and marine tourism directly corresponds to MOD's call for sustainable economic activities derived from marine resources. The policy highlights the recognition that the health of marine ecosystems is intrinsically tied to the prosperity of coastal communities (Donesia et al., 2023).

In line with MOD commitments, Indonesia launched the Blue Carbon Program to conserve coastal ecosystems such as mangroves and seagrass. These ecosystems are not only habitats for diverse species but also act as natural carbon sinks. Indonesia's mangroves, covering over 3.36 million hectares, are among the largest in the world and store billions of tons of carbon. Protecting and restoring these ecosystems contributes to global climate change mitigation efforts while simultaneously supporting local livelihoods. This demonstrates how MOD principles have been localized into practical initiatives with global implications.

The adoption of ecosystem-based fisheries management further reflects Indonesia's alignment with MOD objectives. By regulating fisheries in a manner that considers ecological interactions, Indonesia seeks to prevent overfishing and ensure the sustainability of fish stocks. This approach goes beyond maximizing yields to include the preservation of biodiversity, habitats, and ecological processes. Such policies not only secure national food security but also position Indonesia as a leader in promoting sustainable fisheries in the region.

The Coral Triangle Initiative (CTI) highlights Indonesia's regional leadership in translating MOD principles into cooperative action (Chandra, 2021). Involving six countries, the CTI addresses one of the most biologically diverse marine regions in the world, home to 75 percent of known coral species. Indonesia's active participation demonstrates its commitment to regional collaboration in protecting shared ecosystems. This initiative exemplifies how a soft law declaration like the MOD can serve as a catalyst for multilateral cooperation that goes beyond symbolic commitments.

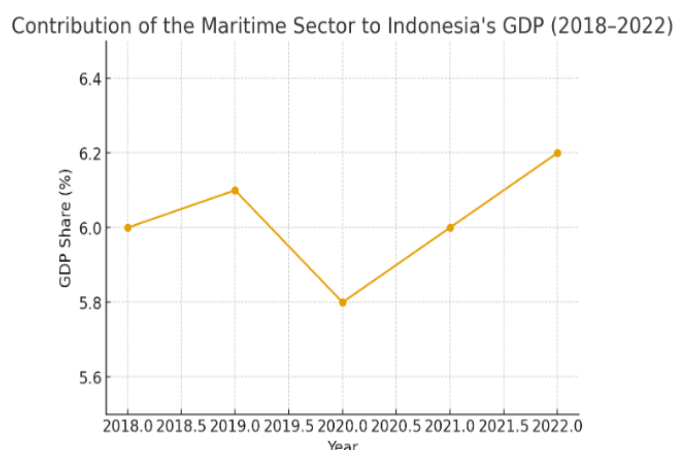
The incorporation of MOD principles into Indonesia's Long-Term Development Plan (RPJP) 2005–2025 further reflects the mainstreaming of maritime concerns into national priorities. The RPJP emphasizes maritime culture, human resource development in the marine sector, and the establishment of a sustainable maritime industry. This illustrates how MOD has influenced not only environmental management but also long-term socio-economic planning, underscoring its holistic impact.



Source: *Mongabay.com*

Figure 1. Mangrove Area Indonesia

Figure 1 illustrates the contribution of the maritime sector to Indonesia's GDP between 2018 and 2022. Despite fluctuations, the sector consistently contributed around 6 percent, with fisheries, aquaculture, and marine tourism as the largest drivers. This data underscores how Indonesia's Blue Economy strategy is already a significant component of national development (gafur abdullah, 2022). By aligning economic growth with sustainability, Indonesia demonstrates how MOD principles are applied in practice.



Source: *ResearchGate.com*

Figure 2. Mangrove Area Indonesia

Figure 2 highlights the extent of Indonesia's mangrove forests from 2018 to 2022, showing stability with a slight increase in coverage. This trend reflects the effectiveness of conservation measures under the Blue Carbon Program (Nurkholis et al., 2016). Mangrove ecosystems provide coastal protection, habitat for fisheries, and crucial carbon sequestration. Their preservation shows how MOD's call for integrating climate change mitigation into ocean governance has been taken seriously at the national level.

Nevertheless, challenges remain, particularly in the enforcement of marine regulations. Illegal, unreported, and unregulated (IUU) fishing continues to undermine sustainable fisheries management. Although Indonesia has taken strong actions, including the destruction of illegal foreign fishing vessels, enforcement at local levels remains inconsistent. This highlights a gap between normative commitments and practical enforcement capacity, threatening the effectiveness of MOD implementation.

Financial and human resource constraints also pose obstacles. The scale of Indonesia's maritime territory requires substantial investments in infrastructure, monitoring, and capacity building. Limited budgets and technical expertise hinder the ability to implement large-scale

conservation programs. This gap illustrates the difficulties faced by developing countries in operationalizing ambitious international commitments such as those articulated in the MOD.

Community awareness and participation present another challenge. Many coastal communities still rely on practices that degrade marine ecosystems, such as destructive fishing or mangrove clearing. Without adequate education and empowerment, it is difficult to ensure that MOD principles are adopted at the grassroots level. Community-based approaches are essential to bridging this gap, but they remain underdeveloped in many regions (Gea, 2020).

Institutional fragmentation further complicates implementation. Multiple ministries share authority over marine and coastal issues, often resulting in overlapping mandates and weak coordination. This lack of coherence reduces policy effectiveness and slows progress in achieving MOD objectives. Strengthening institutional integration is necessary to overcome these barriers and enhance governance capacity.

On the international stage, Indonesia has used the MOD to enhance its diplomatic profile. Hosting the World Ocean Conference and championing the declaration positioned Indonesia as a leading voice among developing nations in global environmental diplomacy. However, the absence of binding obligations in the MOD limits Indonesia's leverage in negotiations. The challenge remains to translate the declaration's principles into stronger international agreements that embed ocean issues within global climate frameworks.

CONCLUSION

This study concludes that the Manado Ocean Declaration (MOD) 2009 occupies a distinctive position in international law as a soft law instrument whose influence extends beyond its non-binding character. Although it does not carry the force of treaty obligations, the MOD has provided Indonesia with a normative framework to develop sustainable maritime governance policies. Its principles, including ecosystem-based management, climate change mitigation, biodiversity conservation, and sustainable use of marine resources, have been translated into national law through the enactment of Law No. 32 of 2014 on Marine Affairs and incorporated into long-term development planning. In this sense, the MOD demonstrates how non-binding international norms can shape state practice when political will and institutional commitment are present.

The findings further indicate that the implementation of MOD principles has been visible in key Indonesian initiatives such as the Blue Economy, the Blue Carbon Program, ecosystem-based fisheries management, and regional collaboration through the Coral Triangle Initiative. These initiatives demonstrate Indonesia's attempt to balance economic growth with ecological sustainability while strengthening its maritime diplomacy. However, challenges in enforcement, financial capacity, institutional coordination, and community awareness remain significant obstacles. This underlines the fact that while the MOD has successfully provided guidance for policy development, its full realization requires stronger national mechanisms to transform normative commitments into enforceable practices.

From a scholarly perspective, this research contributes to the understanding of how soft law functions within the discipline of international law and international relations. It shows that soft law can serve as a bridge between political consensus and binding legal commitments, especially in areas where rapid global action is needed but binding agreements are difficult to achieve. For the field of maritime policy and international environmental governance, the MOD exemplifies the dynamic interplay between global norms and domestic legal systems.

The study reaffirms the relevance of the Manado Ocean Declaration for both Indonesia and the broader international community. For Indonesia, it has served as a blueprint for embedding sustainability in ocean governance, thereby strengthening the country's role as a maritime nation. For the study of law and policy, it illustrates the importance of examining

how soft law can evolve into concrete regulatory frameworks that advance both national interests and global environmental objectives.

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