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**The implementation of the United Nations on Sustainable Development Goals Number 14 concerning “conserve and sustainable use of the ocean, seas and marine resources for sustainable development” in Indonesia maritime regulation: the review on the law and policy applied in Indonesia concerning the coastal and maritime resources and protection**

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**WORLD MARITIME UNIVERSITY**

**Malmö, Sweden**

**THE IMPLEMENTATION OF THE UNITED  
NATIONS ON SUSTAINABLE DEVELOPMENT  
GOALS NUMBER 14 CONCERNING  
“CONSERVE AND SUSTAINABLE USE OF THE  
OCEAN, SEAS AND MARINE RESOURCES FOR  
SUSTAINABLE DEVELOPMENT” IN  
INDONESIA MARITIME REGULATION;**

**The Review on The Law and Policy Applied in Indonesia Concerning  
the Coastal and Maritime Resources and Protection**

**By**

**NAMIRASIR ENDAH ASMAR**

**Indonesia**

**A dissertation submitted to the World Maritime University in partial  
Fulfillment of the requirements for the award of the degree of**

**MASTER OF SCIENCE**

**In**

**MARITIME AFFAIRS**

**(Maritime Law and Policy)**

**Class of 2017**

## DECLARATION

I certify that all the materials in this dissertation that are not my own work have been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

Signature : .



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## ACKNOWLEDGEMENT

First of all, I would like to say thanks to Indonesia Endowment Funds (*Lembaga Pengelola Dana Pendidikan*), that gave me opportunities and support me to study in the World Maritime University.

I would like to express sincere gratitude to my supervisor, Professor Henning Jessen, Ph.D (Dr. iur), for encouraging me to work on this dissertation, guiding me in the right direction and providing me invaluable comments, advice and recommendation. Also, I would like to extend my appreciation to all the professors in Maritime Law and Policy specialization and all the faculty staffs.

I would like to pass my gratitude to my family, my mother, sister, grandmother, my family, and Adi Sunata for support me during my study in Malmo.

Last but not least, for my extended family S17 Indonesia, whose help every single day survive in Malmo. Also, my inner circle friends in Indonesia, the United States, the United Kingdom, Australia, Sweden and my WMU S17 friends

I hope you kindly accept my apology to anyone whom I have not mentioned but has contributed to this dissertation directly or indirectly.

## **ABSTRACT**

Title of Dissertation : **The Implementation of The United Nations on Sustainable Development Goals Number 14 Concerning “Conserve and Sustainable Use of The Ocean, Seas and Marine Resources for Sustainable Development” in Indonesia Maritime Regulation; The Review on The Law and Policy Applied in Indonesia Concerning the Coastal and Maritime Resources and Protection**

Degree : **MSc**

Sustainable development is one of the current important issues. This issue does not only concern in environments but also concerning almost all aspects of life. To support the sustainable development, the United Nation established the Sustainable Development Goals in 2015, this goal is following the Millennium Development Goals. The SDGs consist of 17 goals and one of the goals concerning the conserve and sustainable use of the ocean, seas and marine resources.

The SDGs Goals No. 14 life below water is the continuing program since the Agenda 21 specifically for the oceans. To achieve the SDGs No. 14 and the other goals, The UN with support the others UN related agencies and NGOs, and for SDGs No. 14 the IMO and FAO fully supports and contribute by adopting policy related with the sustainable development.

Indonesia as the largest archipelagic state in the world has important role to achieve this SDGs goals. Successful achievement of the SDGs goal 14 will give a lot of benefits for Indonesia, not only for current generation but also for the future generation. If Indonesia can achieve the goals, it will significantly impact the world.

This research discovers the history of sustainable development in the ocean generally and in Indonesia specifically, and will give the broader picture to Indonesian maritime, marine and oceans.

The research discloses the implementation of Indonesian law and policy related to maritime, marine and oceans, and discussed the implementation of SDGs No. 14 in Indonesian legal systems, and the challenges the government encountered.

The result attained in the concluding chapter discuss what Indonesian as archipelagic state to do to achieve and success the SDGs No. 14 life below water and the solutions to the governments in achieving the goals.

**KEYWORDS** : Sustainable Development Goals, SDGs No. 14, Implementation, Indonesia.

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## List of Abbreviation

ADB	Asian Development Bank
ASEAN	Association of Southeast Asia Nations
AEC	ASEAN Economic Community
AMF	ASEAN Maritime Forum
APSC	ASEAN Political Security Community Council
ASSC	ASEAN Socio-Cultural Community
BAPPENAS	Indonesia Ministry of National Development and Planning
BKI	Indonesia Classification Society
BWM	Ballast Water Management Convention
CCFR	Code of Conduct for Responsible Fishing
COREMAP	Coral Reef Rehabilitation and Management
CTI-CFF	The Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security
EAMF	Expand ASEAN Maritime Forum
FAO	Food and Agriculture Organization
GOOS	Global Ocean Observing System
GPA	Global Program of Action for the Protection of the Marine Environment from Land-based Activities
ICAM	Integrated Coastal Areas Management
ICJ	International Court of Justice
IOC	Intergovernmental Oceanographic Commission
IMO	International Maritime Organization
IUCN	International Union for the Conservation of Nature
IUU Fishing	Illegal, Unreported, and Unregulated Fishing

MDGs	Millennium Development Goals
NGOs	Non-Governmental Organizations
PSM	Port State Measures Agreement
SDGs	Sustainable Development Goals
SIDS	Sustainable Development of Small Island
UN	The United Nations
UNCED	United Nation Conference on Environment and Development
UNCLOS	The 1982 United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
UNCTAD	United Nations Conference on Trade and Development
UNESCO	United Nations Educational, Scientific and Cultural Organization
WCED	World Commission on Environment and Development
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization
WWF	World Wide Fund for Nature

## **I. Introduction**

### **I.1. Background**

The United Nation (UN) Sustainable Development Goals (SDGs) is the next stage of development goals following the Millennium Development Goals (MDGs) as a form part of 2030 Agenda for Sustainable Development (United Nation, 2015). Adopted in UN Summit for post 2015 Agenda on 25-27 September 2015 in New York, the SDGs has 17 programs (UN General Assembly Resolution A/RES/70/1 (2015a)):

1. End poverty in all its forms everywhere.
2. End hunger, achieve food security and improve nutrition and promote sustainable agriculture.
3. Ensure healthy lives and promotes well-being for all ages
4. Ensure inclusive and equitable quality education and promote life-long learning opportunities for all.
5. Achieve gender equality and empower all women and girls.
6. Ensure the availability and sustainable management of water and sanitation for all.
7. Ensure access to affordable, reliable, sustainable, and modern energy for all.
8. Promote sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all.
9. Build resilient infrastructure, promote inclusively and sustainable industrialization and foster innovation.
10. Reduce inequality within and among countries.

11. Make cities and human settlements inclusively, safe, resilient, and sustainable.
12. Ensure sustainable consumption and production patterns.
13. Take urgent action to combat climate changes and its impacts.
14. Conserve and sustainably use the oceans, seas, and marine resources for sustainable development.
15. Protect, restore, and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation.
16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels and halt biodiversity loss
17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.

The SDGs has been starting on January 1, 2016 and must be observed by all the countries in the world during next 15 years to achieve its goals. During this time, there are 169 targets to be achieved by the states members.

International Maritime Organization (IMO) recognized the importance of sustainable development for future prosperity and the maritime transportation as the key to intensify the level of trading and expanding the economy. IMO highlighted 3 goals of SDGs which particularly important for IMO (International Maritime Organization, n.d), they are:

- Goal 7. Ensure access to affordable, reliable, sustainable, and renovation.
- Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.
- Goal 14. Conserve and sustainably use the oceans, seas, and marine resources for sustainable development.

Indonesia as a member state of UN and IMO (International Maritime Organization, n.d) is responsible to implement laws, regulations, and policies in order to accomplish

the SDGs targets. Following IMO highlights, Indonesian government has increased its focus on maritime sector and aimed to take maritime industry on par, or even to overtake the growth in land based industry. In the past, Indonesia has focused its development on the inland and heavily invested in industry and farming/agriculture development. It is a contradiction relates to the fact that most of Indonesian territories are covered by water resources in water body whether sea, oceans, rivers, or lakes. Indonesia as the biggest archipelagic nation in the world, which two third of its territory is sea with maritime resources, fish, gas, oil and biodiversity, has been turning its back to its main asset, the ocean.

In November 2015 during the East Asia Summit Meeting (*Konferensi Tingkat Tinggi Asia Timur*), the Indonesian President Ir. Joko Widodo has declared that Indonesia planned to improve and to achieve the position of international maritime fulcrum by establishing 5 pillars in developing its maritime sector, they are (Widodo,2015):

1. The first pillar is the reestablishment of maritime culture in Indonesia as maritime nation.
2. The second pillar is the commitment to protect and manage the ocean resources, focusing to develop ocean dietary sovereignty through fisheries industries by making the fisherman as the main pillar.
3. Third Pillar is the commitment to urge the development of infrastructures and maritime connectivity by establishing sea toll, sea ports, logistics, ship industries and maritime tourism.
4. Fourth pillar is the maritime diplomacy which gather all in Indonesia partners to work on the maritime industry.
5. Fifth pillar is Indonesia's strategic position between the two oceans must develop proper maritime defence.

On April 19, 2016, President Ir. Joko Widodo's speech in IMO once stated Indonesia's commitment to become world maritime fulcrum. The speech also represented Indonesia's plan to manage its maritime sector which is in line with SDGs goal No.

14. especially, in regards of the re-establishment of maritime culture and managing its maritime resources.

Indonesian long-term development plan is developed by the Indonesia Ministry of National Development and Planning (BAPPENAS), which its mission is (i) Develop high quality national development plan, (ii) Monitor and evaluate the performance of national development plans implementation, studies, and evaluations of quality policies for the development problems, (iii) effective coordination in carrying out the BAPPENAS ministerial duty.

The application of the SDGs into Indonesia development plan should be organized under the BAPPENAS. However, during initial research at BAPPENAS, the SDGs especially related to goal No.14, has not available yet. However, the current administration's commitment for better ocean management also can be found in the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia regulation No. 25/PERMEN-KP/2016 concerning the Ministry of Ocean and Fisheries strategic planning year 2015-2019, which does not use the SDGs as parameter, however, the basis of the strategic planning, the spirit, and values in SDGs goal No. 14, is well influencing the regulation.

This study will focus on goal No. 14 “the conserve and sustainably use of the oceans, seas, and marine resources for sustainable developments” and how Indonesia as a member of the UN and IMO acts in response to achieve the goal No. 14, which emphasize among others: (i) the management and protection of marine and coastal ecosystem, (ii) preventing overfishing by the illegal, unreported and unregulated fishing and replenishment of fish stock, (iii) reduce and prevent marine pollutions, and (iv) raising economic benefits for people living in small islands developing and least developed countries.

## **I.2. Objective**

- a. This research aims to identify and analyse the implementation of the SDGs goal No.14 in Indonesian law and policy on coastal and marine resources.
- b. To illustrate and analyse the development of conservation and sustainable coastal and marine program in Indonesia.
- c. To illustrate and analyse the application of current law and policy in Indonesia concerning SDGs goal No.14 in coastal and marine resources.
- d. To identify and analyse the gaps between the applicable law and policy, and the aims of SDGs goal No. 14.
- e. To illustrate and analyse the Indonesia's potential contribution on the achievement of SDGs goal No. 14 application.

## **I.3. Research Questions**

- a. How does the implementation of SDGs goal No.14 in Indonesian law and policy?
- b. How effective the application of Indonesian law and policy regarding the SDGs goal No. 14 in practice?
- c. What is Indonesia's potential contribution for the achievement of the SDGs No.14 concerning conserve and sustainable use the ocean seas and marine resources for sustainable development?
- d. What actions can Indonesia take as a archipelagic state, to support the achievement of SDGs goal No. 14, concerning conserve and sustainable use the oceans seas and marine resources for sustainable development?

## **I.4. Methodology**

The legal research will use the qualitative analysis method, by reviewing method implementation of SDGs goals number 14 “Conserve and sustainably use the oceans, seas and marine resources for sustainable development” on the Indonesia maritime law and policy and Indonesia contribution, as well as to review the related literatures, IMO Convention and regulations, the meeting concerning conserve and sustainable use the

ocean, and other resources, and conducting interview with government officer who are dealing with this issue.



## **II. The United Nations Agenda on Sustainable Development No. 14**

### **II.1. The Concept of Sustainable Development**

There are two kinds of natural resources, the renewable and non-renewable resources, however, due to the growth of human and its needs, the extraction of the renewable resources in the last century taking its toll and brought the renewable resources to nearly not renewable anymore, if we continue exploiting the resources the way we do now. Therefore, a sustainable development needs to be implemented to prevent the loss of the resources and preserve the resources for the future generation use.

John McCormick said in the 1900s, that sustainable development is economic and social development that improves the living conditions of the world's and when world war should not destroy or devastate natural resources (McCormick, 1986). In early 1900, the concept of sustainable development has established by Theodore Roosevelt with his philosophy of conservation in the United States administration and the rational uses of natural resources (McCormick, 1986).

The concept of sustainable development is developing from year to year, until in 1980 the International Union for the Conservation of Nature (IUCN) introduce its concept of sustainable development. IUCN report stated that concept of sustainability emphasized the need for integrating natural conservation and economic development, preserving biodiversity, and taking care of the biosphere for the current future generation (Haque, 2006). This concept is in the relation between economic, nature and biodiversity. In 1987, the World Commission on Environment and Development (WCED) define the sustainable development as development that meets the needs of the present without compromising the ability of future generation to meet their own needs (World Commision on Environment and Development, 1987).

However, the concept of sustainable development itself at some points being criticized. One of the critics to sustainable development is regarding the concept, one of them is from Sharachchandra Lele, who argued that sustainable development is being package as the inevitable outcome of objective scientific analysis, virtually an historical necessity that does not contradict the deep-rooted normative notion of development as economic growth or in simple meaning the sustainable development is an attempt to have one's cake and eat it too (Lele, 1991). The criticism of sustainable development also come in the application of the concept in daily life. Applying the sustainable development in real life is difficult. The difficulties come from the necessary technology and the awareness of the people and the government, however difficult it is, it is necessary to support the development of sustainable development because it is the only feasible option for us to give our future generations equal or better world to live in.

## **II.2.The History of Sustainable Development Goals: Oceans**

The sustainable development concept introduced by IUCN in 1980, and its application held by international conferences. The Ocean is one of the main issues on sustainable development because of its importance for human life while more than 70% of earth surface covered by the ocean which condition and its resources has declined. The ocean sustainable development is a part of sustainable commitment in United Nation Conference on Environment and Development year 1992 (Agenda 21), World Summit on Sustainable Development year 2002 (JPOI), United Nations Conference on Sustainable Development year 2012 (Rio 20+) and the United Nations Sustainable Development Goals year 2015 (SDGs).

### **a. Agenda 21**

United Nation Conference on Environment and Development (UNCED) was held in Rio de Janeiro, Brazil on 3 – 14 June 1992 or also known as Earth Summit (United Nations, 2010). This conference resulted on the Rio Declaration on Environment, also named as, Agenda 21. The Agenda 21 is a voluntary action plan of the UN concerning sustainable development and non-binding to the UN member states. This is action plan

can be executed at regional, national as well as international level and at that time 178 states agree to adopt this action to their home countries.

The Agenda 21 consists of 40 chapters and classified on 4 sections, social and economic dimensions i) conservation and management of resources for development ii), strengthening the role of major groups iii) and means of implementation iv) (United Nations Sustainable Development, 1992). The oceans are also parts of the Agenda 21 actions, and covered by section 2 chapter 17. Through the title of Protection of the Oceans, All Kinds of Seas, Including Enclosed and Semi-Enclosed Seas, and Coastal Areas and the Protection, Rational Use, and Development of Their Living Resources. The oceans target divided into seven areas (United Nations Sustainable Development, 1992), as follows:

- i. Integrated management and sustainable development of coastal and marine areas, including exclusive zones

The coastal area is one of the most important area on the maritime. This area is overcrowded by people living in coastal area which come from different economic classes and most of them live below living standards. Moreover, most of coastal area generally important for local people. The aims of integrated management of coastal are integrated policy and decision making proses from national level until the local, to define and classify issues on management coastal area, to implement preventive and precautionary theory on approaching fundamental projects, to provide access to all people for any information related to coastal area, and to give opportunities to people to participate on developing programs.

After several years, the implementations Integrated Coastal Areas Management (ICAM) develop technical assistance supported by the relevant UN agencies such as UNESCO and FAO. The coordination on ICAM between the UN agencies can optimize the program and the assistance provided access to available information for people on ICAM so they can contribute and implement the program at local level.

ii. Marine environmental protection from land and sea-based threat

The main threat on the ocean mostly comes from the land, not from the ocean itself. The waste from industrial and household is the main problems. Based on the 1985 Montreal Guidelines for the Protection of Marine Environment from Land-based Sources of Pollution, the committee provide the international basis action regarding decreasing pollution from the land based activities to ocean. The basis action is a) improvement of coastal habitats and productivity; b) reductions of threats to food security and safety; c) reductions of hazards to human health (Heiber Naeve, 1995). Further to support this action IMO adopted the Code on the Carriage at Sea of Irradiated Nuclear Fuel and Other Nuclear Material (INF Code), adoption of International convention on liability and compensation for damage regarding the carriage of hazardous and noxious substance (HNS), and research for the ballast water management.

iii. Sustainable use and conservation of marine living resources of the high seas

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) has entered into force in 1994 after several countries ratified it. The UNCLOS is the main basis for the conservation of marine living resources of the high seas, and determines the rights and obligations of states to the fisheries of high seas and exclusive economic zones.

In supporting the UNCLOS, FAO established the Compliance Agreement of Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. In 1995, FAO developed the Code of Conduct for Responsible Fisheries, this action also supports the guidance to the states for management and conservation fisheries resources.

In relation with fish stock protection, in August 1995 the agreement for the Implementation of the Provisions of the UNCLOS relating the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was adopted. This agreement aims to help all members states to protect their fishing resources.

iv. Sustainable use and conservation of marine living resources under national jurisdiction

Most of the fish caught in the national jurisdiction of a state. Many states having problems of overfishing caused not only by their local fishermen but also by the foreign fishermen. Under the UNCLOS, the state members responsible to protect their national jurisdiction, conservation and utilization of their resources. The states, especially developing countries should promote the use of selective gear and educate the people to minimize the catch waste and not to catch the protected species. Further, the countries should make international cooperation to protect their resources.

v. Addressing critical uncertainties for the management of the marine environment and climate change

Marine environment is one of the main element of climate and atmospheric changes. The states have responsibility to improve their understanding on the marine environment and responsible to promote scientific research, data exchange with another state, and develop the standard procedures to manage marine usage.

In relation with the objective of the program, several agreements have been made and entered concerning the strategy and development such as Global Ocean Observing System (GOOS) of the Intergovernmental Oceanographic Commission (IOC). This agreement involves by many international institutions, UN Agencies and NGOs. Through this agreement, some progress have been made, such as the capability on forecast the environmental changes like flood, tsunamis, and cyclones and protection; assessment the impact of greenhouse gases that can affect the marine environment and UV radiation; research on the impact of climate change and sea-level rises to the small island and coastal area; and review on Global International Mussel Watch Program (Heiber Naeve, 1995).

vi. Strengthen international, including regional, cooperation and coordination

The protection of marine does not only work of United Nations but also the others organization and entity. The UN with others national and international competence maritime institution are working together to support the actions. They are working together sharing information on environment and development in marine coastal area, incorporated relevant sectoral related to marine and coastal, and promoting effective coordination mechanism in relation with marine environmental issues and development.

The UN developed a Cooperative Program Framework for Integrated Coastal Area Management, consist of IMO, FAO, WHO and others, to assist not only marine pollution issues but also all issues related marine environment protection and management. Further, the production of international data based on fisheries and aquatic science made by the Aquatic Science and Fisheries information System (ASFIS).

vii. Sustainable development of small island

The small islands are important part of marine and might give big impact to the sustainability of environment. Small islands of developing and less developing states is ecologically fragile because their small size with limited resources while dwelled by people with unstable economical condition which mostly focused in the economic gain when dealing with the environment. The developing states should commit to implement and support the sustainable development program on small islands and obligated to mitigate activates that might threats marine life. Most of UN agencies and bodies act to be part and support the government of Sustainable Development of SIDS. Their contribution such as implementation of UNEP's program special attention to the needs of SIDS.

**b. World Summit on Sustainable Development**

Ten years after UNCED, in 2002 World Summit on Sustainable Development (WSSD) held in Johannesburg, South Africa, participated by all stakeholders related to the

sustainable development such as head of states, NGOs and business leader. The objective of WSS D is to forge a new spirit of cooperation and urgency based on agreed actions towards sustainable development, calling for the ratification of environmental conventions and protocols and the execution of their principles, as progress in implementing the sustainable development principles of Rio (The PEW environment group, 2011). The outcomes of WSSD are the Johannesburg Plan of Implementation (JPOI). Concerning the issues of ocean before stated in chapter 17 on Agenda 21, in the paragraph 29 of Plan of Implementation, World Summit on Sustainable Development, Johannesburg ocean, seas, islands and coastal areas form an integrated and essential component of the Earth's ecosystem and are critical for global food security and for sustaining economic prosperity and the well-being of many national economies, particularly in developing countries (United Nations, 2002).

The JPOI on oceans divided into short term commitments, and long term commitments. The short term commitments are: a) concerning the small island developing states by the 2004 the Barbados Program of Action for Sustainable Development of Small Island Developing States; b) Country must be eliminate the practice of Illegal, Unreported, and Unregulated Fishing and implementing the action plan of fishing capacity by 2000; c) the implementation of the Global Program of Action for the Protection of the Marine Environment from Land-based Activities and the Montreal Declaration on the Protection of Marine Environment Land-based activities the targets should achieve by 2006; d) establishment of the regular process of global marine assessment by reporting of marine environment and socioeconomic aspect by 2004; e) by 2005 the Integrated Water Resource Management (IWRM) plans should be running.

The long term commitments of JPOI are: a) fisheries management and conservation of biodiversity; b) campaigning the programs of integrated coastal and ocean at national level, also developing the policies; c) Assisting developing and less developing countries in the program of conservation and sustainable management of fisheries, integrated coastal area management plans, and development marine infrastructure and

d) regional cooperation; coordination with harmonization UN activities on the oceans with the establishment an effective, transparent and regular inter-agency coordination mechanism on ocean and coastal issues; e) establishment the scheme of donor cooperation (subsidies) among the states; f) developing maritime security and safety program; and g) developing the marine scientific research.

### **c. Rio 20+**

The Rio 20+ or the United Nations Conference on Sustainable Development is one of the most participatory conference in history with total of participant 44,000 people and attend by 79 heads of state. This event was held in Rio de Janeiro, Brazil June 20-22, 2012. The Rio 20+ is the assessment on the implementation of states commitment to the 1992 Earth Summit Un Conference on Environment and Development and 2002 the World Summit on Sustainable Development. They are not only assessing the achievement but also obstacle that facing during this 20 years of programs. The Rio 20+ has three major purposes a) to secure renewed political commitment for sustainable development; b) to assess progress on implementation gaps in meeting previously agreed commitments; c) to address new and emerging challenges with special focus on green economy for sustainable development and improvement in the institutional framework for sustainable development (United Nations , 2012). The conference results on document of commitment name the Future We Want and ocean issue is one of the main attentions of the participant.

In the Rio 20+ conference, the Global Ocean Forum (GOF) gives the presentation on the evaluation summary of the Agenda 21 and JPOI. The GOF is divided into 10 areas and classified based on extent of efforts, extent of progress, and timing – goals reached. They are (United Nations , 2012):



i. Ecosystem – based integrated ocean and coastal management

Extent of Efforts	Extent of Progress	Timing – Goals Reached
Medium	High	Some delay

ii. Protection of the marine environment from land- based activities

Extent of Efforts	Extent of Progress	Timing – Goals Reached
Medium	Medium	Some delay

iii. Integrated water resources management

Extent of Efforts	Extent of Progress	Timing – Goals Reached
Medium	Medium	Some delay

iv. Biodiversity and marine protected areas

Extent of Efforts	Extent of Progress	Timing – Goals Reached
Medium	Low-medium	Significant delay

v. Small island developing states

Extent of Efforts	Extent of Progress	Timing – Goals Reached
Medium	Medium	Some delay

vi. Sustainable fisheries and aquaculture

Extent of Efforts	Extent of Progress	Timing – Goals Reached
Medium	Low/ Medium	Significant Delay

- vii. Addressing critical uncertainties for management of the marine environment and climate change

Extent of Efforts	Extent of Progress	Timing – Goals Reached
High	Medium/High	Some delay/ Significant Delay

- viii. Coordination of UN activities on oceans

Extent of Efforts	Extent of Progress	Timing – Goals Reached
Low	Low	On Time

- ix. A regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects

Extent of Efforts	Extent of Progress	Timing – Goals Reached
Medium	High	Significant Delay

- x. Capacity development

Extent of Efforts	Extent of Progress	Timing – Goals Reached
Low/Unavailable	Low	Significant Delay

### II.3.Introduction of UN SDGs Goals No. 14

The oceans, several of its resources and functions are weakening through the past century. The pollution, overfishing, climate change and coastal erosion are the main problem that effects this condition. The international community make sustainable ocean program to prevent the ocean condition to be worse. The sustainable program for the ocean is developed since 1992 with the Agenda 21, continued with JPOI in 2002 and 2012 Rio 20+, with outcome The Future We Want, and in 2015, the Head of

States and High Representative have agreed on new global SDGs. The SDGs has the target by 2030, within 15 years the states are expected to implement their commitments and signed by 193 countries.

The commitment to the ocean stipulated on goals no. 14, conserves and sustainably use the oceans, seas and marine resources for sustainable development or life below water. Based on SDGs document the goal no. 14 consist of seven targets and three means of implementation with specific time limits aimed to prevent condition to be worse and transform people's behaviour towards ocean sustainability. The target and means implementation as mention in Appendix D (United Nations, 2015):

The seven targets of SDGs goal 14 reflects the commitment from previous target on sustainable ocean, for example target number four on fish stock this stipulate under JPOI 2002 and fish stock agreement. The SDGs goals number 14 also has cross connection with the other goals under SDGs, for instance is the connection with life on land. One of the ocean problem is pollution from land like plastic, the joint target with goals 15 can reduce the impact from land pollution and make effective implementation for both.

### **III. Indonesia's Legal Regime on Oceans, Seas and Marines**

#### **III.1. Indonesia as an Archipelagic State**

One of definition of archipelago comes from International Court of Justice decision in fisheries case between United Kingdom of Great Britain and Northern Island against Norway in 1951 “the coast of mainland does not constitute, as it does in practically all countries, a clear dividing line between land and sea” (Fisheries Case Judgment of 18 December 1951 the United Kingdom of Great Britain and Northern v. Norway, 1951). The reason of judgment mention that ‘what matters, what really constitutes the Norwegian coast line is the outer line of the “*skjaergaard*” (Fisheries Case Judgment of 18 December 1951 the United Kingdom of Great Britain and Northern v. Norway, 1951). This ICJ decision on defining archipelago is hard to apply to the other states on defining archipelago. Further in the conclusion of the United Nations Conference on the Law of the Sea 1982, the definition and requirement of archipelago state is made. The Archipelagic states clearly stipulate on chapter IV and as the international basis to claim a state as an archipelagic state. Based on definition in UNCLOS article 46 (a) archipelagic state means a state constituted wholly by one or more archipelago and may include other islands, and definition of archipelago itself as mention in article 46(b) is means a group of island, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such island, water and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.

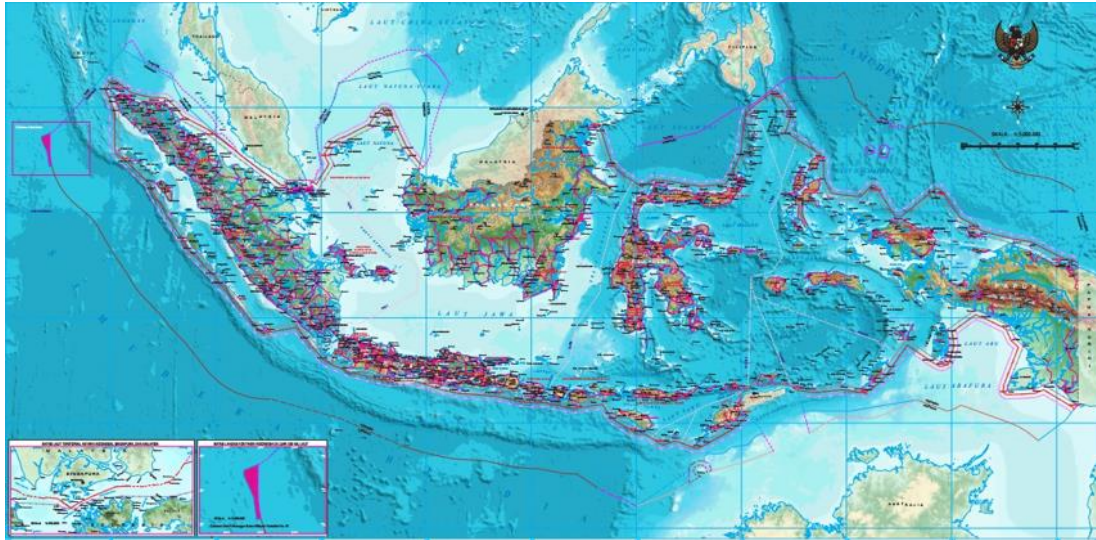
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<sup>1</sup> The ‘rock rampart’ which includes island, islets, rocks and reefs.

Before the Indonesia independence from the Netherland, in 1939 the Netherlands declare *Territoriale Zee een Maritime Kringen Ordonnantie* or Netherlands' "Territorial Sea and Maritime Districts Ordinance" which states that three miles' territorial sea around each island of the Dutch East Indies – five large ones and several thousand smaller ones, of which four thousand are inhabited (Ku, 1991). After the independence of Indonesia in 1945, the declaration by the Netherlands in 1939 still used by Indonesian government as the basis to claim the territorial of Indonesia until the new regulation enacted. In 1957, Indonesia declared as archipelagic states by Prime Minister Djuanda or called as Djuanda Declaration 1957. The Djuanda Declaration stated to use of straight baselines (from 196 straight baselines) joining together the outermost seaward point of the islands (excluded Irian Jaya) in the archipelago to outline the territorial limits of Indonesia including both island and waters (Ku, 1991).

Indonesia a state with 14,752 islands (Ambari, 2017) with 6 big islands (Sumatra, Java, Kalimantan, Maluku, Papua and Bali Nusa Tenggara) is classified under the archipelagic states that fulfil the requirement of archipelago, that constituted by group of islands. As the biggest archipelagic state in the world, Indonesia has the longest and unique archipelago base line. Indonesia has 192 base lines which consist not only 160 straight based lines but also has 32 which are normal baselines like stretches of low-water line along the coast. In addition, Indonesia has five baselines segments that exceed 100 nautical miles (Baumert & Melchior, 2015). This classification is still permissible under the classification of UNCLOS article 47 (2) the length of such baselines shall not exceed 100 nautical miles except that up to 3 percent of total number of baselines. Further as classification of archipelagic state on article 47 (6) a part of the archipelagic water of an archipelagic States lies between two parts of an immediately adjacent neighbouring States, Indonesia has bilateral agreement with Malaysia and East Timor as neighbouring states. The bilateral agreement between Indonesia and Malaysia stipulate the part of Indonesia lies between east and west Malaysian territory, and the latest bilateral agreement between Indonesia and Philippine concerning delamination exclusive economic zone boundary in 2014

become regulation in 2017 after approval by the house of representative level and became Law No. 4 year 2017.



**Figure 1. The Indonesia Maps 2017**

### **III.2. The Development of Indonesia Law and Policy on Ocean, Seas and Marine**

#### **a. Djunda Declaration**

After Indonesia declared independence from Netherlands in 1945 Indonesia does not have legal basis to define the national territory. Since the colonial era territory of Indonesia consist of several big islands such as Java, Kalimantan, Sumatra and more than 10.000 smaller islands. The government at that moment aware that Indonesia is state composed by islands such need legal basis to claim the islands and territory to support the political unification. To fulfil the condition, the government of Indonesia decided to use the old legal basis from Netherlands' government the 1939 Territorial Zee een Maritime Kringen Ordonnantie (Netherlands' Territorial Sea and Maritime District Ordinance) or Staatsblad. 1939 No. 442, and its enforced until the new law enacted.

In Staatsblad. 1939 No. 442 article 1 (1) stated, that Indonesia's territory is 3 nautical miles from low water line from the island and part of island that are part of land (Indonesia Law No. 4 Prp year 1960 concerning Indonesia Waters, 1960). Several

years after the independence, Indonesia government sees that the *Staatsblad*. 1939 No. 442 no longer relevant to Indonesian. In 1957, under government of Prime Minister Djuanda Kartawidjaja, Indonesia declared the new territory of Indonesia in “*Djuanda Declaration*” and the *Staatsblad* 1939 No. 442 no longer applicable. Further in 1960 the *Djuanda Declaration* become Law No. 4 Prp year 1960 concerning Indonesia Waters. The reason Prime Minister Djuanda declared the new Indonesia maritime regulation is because Indonesia is a unique state with archipelagic concept that consist of islands that have different characters, to protect the unity of Indonesia, all of the islands should be regarded unified as whole and the *Staatsblad*. 1939 No. 442 is not in accordance with interest of security and safety of Indonesian territory. Further, the *Djuanda Declaration* recognized the new concept that sea is not a tool to separate one island from another or divide the nations as in the Netherlands era, instead, the sea is a tool unifying the nation, this concept called *Wawasan Nusantara*.

Under the *Djuanda Declaration*, Indonesia has the new measurement area of territory from 3 nautical miles from the baseline to 12 nautical miles from the base lines. *Djuanda Declaration* has three main points of defining Indonesian water (Kusumaatmadja, 1990):

1. Indonesian land and sea is a unified territory, which cannot be separated from each other's. The sea and the straits that exist between the islands become unifying because it connects one island to another<sup>2</sup>
2. The intermediate base line for determining the sea area, by drawing a straight line connecting the outermost points of the outermost islands to 200 based points connected by 196 straight lines. All waters within the baseline are the waters of the archipelago that has the sovereignty of law<sup>3</sup>;

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<sup>2</sup> Darat dan laut Indonesia adalah satu kesatuan wilayah yang bulat, yang tidak dapat dipisahkan satu sama lain. Laut dan selat yang terdapat di antara pulau-pulau menjadi pemersatu karena menghubungkan pulau yang satu dengan lainnya);

<sup>3</sup> (Perantara garis pangkal untuk menentukan wilayah laut, dengan cara menarik garis lurus yang menghubungkan titik-titik terluar dari pulau-pulau terluar hingga 200 titik pangkal yang dihubungkan oleh 196 garis pangkal lurus. Semua perairan yang berada di dalam garis pangkal lurus merupakan perairan nusantara yang memiliki kedaulatan hukum

3. The boundaries of Indonesia are measured 12 nautical miles from the base line<sup>4</sup> (Indonesia Law No. 4 Prp year 1960 concerning Indonesia Waters, 1960).

The *Djuanda Declaration* become Indonesia's legal basis to claim water territory. According to this new legal basis, the territory of Indonesia has significantly changed from the *Staatsblad*. 1939 No. 422 which measured as much as 2.027.087 KM<sup>2</sup> to 5.193.250 KM<sup>2</sup>. The neighbour states of Indonesia (Singapore, Malaysia, Australia, Philippine) do not accept Indonesia's new territory. Further at that moment the Indonesia government try to harmonize the bilateral relation with neighbouring state with bilateral approach and in 1958 through the Geneva Convention Indonesia government try to maintain Indonesia territory and the status as archipelagic states. After long procedure, the *Djuanda Declaration* recognized internationally in Montego Bay, Jamaica United Nations Conventions on the Law of the Sea 10 December 1982 (Kusumaatmadja, 1990).

#### **b. Ratification of UNCLOS**

The proses of United Nations Conference on the Law of the Sea is long since 1958 until 1982 the UNCLOS III. The first conference of UNCLOS is in 1958 held in the Geneva from 24 February until 27 April attended by 86 states, it also known as Geneva Convention 1958. This conference is a accumulation of long process for the law of the sea and resulting the first product of United Nations Conference on the Law of the Sea. The task of Geneva Convention 1958 is "to examine the law of the sea, taking account not only of the legal but also the technical, biological, economic and political aspects of the problem and to embody the result of its work in one or more international convention or such other instrument as it may deem appropriate" (United Nations, 1957) . However, the results do not meet the aim of the convention to make single convention for the law of the sea, and therefore, the convention continued in 1960.

The second United Nations Conference on the Law of the Sea held in Geneva from 16 March to 26 April 1960. The aim of the conference to continue the unfinished task of

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<sup>4</sup> Batas-batas wilayah Indonesia diukur sejauh 12 mil dari garis pangkal lurus



Geneva Convention 1958 specifically on the fishing limits and fisheries zones. However, the 88 states which attended this convention failed to reach an agreement of fishing rights.

To further pursue the aims, the United Nations Conference on the Law of the Sea, the third convention, is held by the United Nations legal counsel. The aim of UNCLOS III stated in General Assembly Resolution 3067 is to “adopt a convention dealing with all matters relating to the law of the sea” (United Nations, 1973). After 9 years of process attended by 160 states, the UNLCOS resulting a treaty. The UNCLOS 1982 is the constitutions for law of the sea and consist of 17 chapter. After 21 years from the first meeting in 1973, the UNLCOS 1982 enter into force in 1994 after 60 states ratified this convention (Treves, 2008).

The UNCLOS 1982 is important for Indonesia as an archipelagic state. The concept of archipelagic states of Indonesia that mention in *Djuanda Declaration* is recognized internationally in the UNCLOS III chapter IV: Archipelagic States, after 25 years Indonesia government try to convince the others states to recognize the status of Indonesia. In 1985 under Soeharto presidential administration, Indonesia ratified the UNCLOS by enacting Law No 17 year 1985 concerning Retification of United Nations Convention on The Law of The Sea.

After the UNCLOS 1982 and archipelagic status of Indonesia recognize internationally, the territory of Indonesia automatically increasing. Before the UNCLOS 1982 Indonesian territory separated by high seas, and after the UNCLOS the high seas become Indonesian territory and Indonesia’s situation become more strategic. The ratification of UNCLOS by Law No.17/1985 become legal basis of Indonesia to make the territory and border point with neighbouring state (Malaysia, Singapore, Australia, Thailand and Papua New Guinea). However, the UNCLOS 1982 also have negative side to Indonesia that can trigger conflict with the neighbouring states. Almost of states parties of UNCLOS 1982 want to expand their territory, and it may be overlapping between one baselines with the others state. The example of Indonesia with Malaysia concerning Sipadan and Ligitan islands, and also Ambalat.

This Sipadan and Ligitan case has brought to International Court of Justice in 2002. To prevent future overlapping territory with neighbouring states Indonesia government made bilateral agreement of states border with the others states such as Philippines and Singapore.

### **III.3. Currently Applicable Law and Policy on Ocean, Seas and Marine in Indonesia**

Indonesia has a unique maritime government structure and slightly different with the other states. For example, Japan, the maritime industry regulates under one ministerial office Ministry of Land, Infrastructure, Transportation and Tourism. The Japan Ministry of Land, Infrastructure, Transportation and Tourism have one specific division for maritime it called Maritime Bureau. The Maritime Bureau has several functions for example internationally shipping policy and development of international and domestic technical standards of vessel and equipment's on safety and environment protection (Ministry of Land, Infrastructure, Transport and Tourism , 2008).

In Indonesia, maritime sector divided into 4 different ministries that have their own jurisdiction. The 4 ministries are Ministry of Foreign Affairs, Ministry of Transportation, Ministry of Marine Affairs and Fisheries, and Coordinating Ministry for Maritime Affairs.

#### **a. Ministry of Foreign Affairs**

The Indonesia Ministry of Foreign Affairs has the functions to regulate the territorial of Indonesia and Indonesia Ocean borders with the other states, for example with Australia as the south-eastern neighbour of Indonesia. The latest bilateral agreement between Indonesia and Philippine on delimitation of exclusive economic zone boundaries 2014 become law after Indonesia House of Representative agreed to ratify it and become national regulation on April 2017 Law No. 4 year 2017 concerning Agreement between the Government of Republic of Indonesia and the Government of Republic Philippine concerning the

Delimitation of Exclusive Economic Zone Boundaries, 2014. The current maritime regulation under the jurisdiction of Ministry of Foreign Affairs are:

1. Law No. 2 year 1971 concerning Agreement between Indonesia and Malaysia on Determination of Sea Boundaries of Indonesia and Malaysian on Malacca Strait;
2. Law No. 6 year 1973 concerning Agreement between Indonesia and Australia on Certain Border Limits between Indonesia and Papua New Guinea;
3. Law No. 7 year 1973 concerning Agreement between Indonesia and Singapore on Determination of Sea Boundaries of Indonesia and Singapore on Singapore Strait;
4. Law No. 5 year 1983 concerning Economic Exclusive Zone;
5. Law No. 17 year 1985 concerning ratification of United Nations Convention on the Law of the Sea;
6. Law No. 6 year 1996 concerning Indonesia Water Territorial;
7. Law No. 43 year 2008 concerning Indonesia Territory;
8. Law No. 4 year 2010 concerning Agreement between Indonesia and Singapore on Determination of the Sea Boundaries for Both States in West Part of Singapore Straits;
9. Law No. 4 year 2017 concerning Agreement between the Government of Republic of Indonesia and the Government of Republic Philippine concerning the Delimitation of Exclusive Economic Zone Boundaries, 2014.

#### **b. Ministry of Transportations**

The Ministry of Transportation has a specific directorate for maritime name Directorate General of Sea Transportation or *Direktorat Jendral Hubungan Laut* (Dirjen Hubla). The task and functions of Dirjen Hubla are: a) formulating and implementing technical policies and standardization in the field of sea transport; b) policies design in the fields of sea transportation; c) implementation of policies in field of sea transportation; d) implementation of technical guidance and evaluation in the field of sea transportation; and e) administration (Kementerian Perhubungan

Indonesia, 2014). Most of the tasks of Dirjen Hubla relates to policies made by IMO, e.g. certification of vessels or safety. The current provisions related to the functions of Dirjen Hubla is:

1. Law No. 17 year 2008 concerning Shipping;
2. Law No. 15 year 2016 concerning Ratification of Maritime Labour Convention 2006;
3. Government Regulation No. 21 year 2010 Protection of Maritime Environment;
4. Presidential Regulation No. 29 year 2012 concerning Ratification MARPOL Annex III, Annex IV, Annex V and Annex VI
5. Presidential Regulation No. 132 year 2015 concerning Ratification of Ballast Water Management Convention;
6. Presidential Decree No. 47 year 1976 concerning Ratification of Load Lines Convention 1966;
7. Presidential Decree No. 60 year 1986 concerning Ratification of STCW Convention 1978;
8. Presidential Decree No. 46 year 1986 concerning Ratification MARPOL Annex I and Annex II;
9. Presidential Decree No. 52 year 1999 concerning Ratification of CLC Convention;
10. Ministerial Decree No.29 year 1999 concerning ratification of SOLAS 1974.

### **c. Ministry of Marine Affairs and Fisheries**

Ministry of Marine Affairs and Fisheries or *Kementrian Kelautan dan Perikanan* (KKP) established in 1999 under the administration of President Abdurrahman Wahid. This ministry covers fisheries matters in Indonesia as an archipelagic state. The task of KKP mostly related to FAO and IMO, while their main responsibilities are a) increasing production and productivity of marine and fishery business; b) increasing the role of marine and fisheries sector to national economic growth; c) to increase the capacity of marine and fisheries production centres that have excellent commodities; d) improve the quality and safety of fisheries products

according to standard; and e) sustainable management of marine and fisheries resources (Kementrian Kelautan dan Perikanan Republik Indonesia, 2016). The policies related to the main functions of KKP are:

1. Law No. 7 year 2016 concerning Protection and Empowerment of Fisherman, Fish Cultivation and Salt;
2. Law No. 32 year 2014 concerning Marine;
3. Law No. 11 year 2013 concerning Ratification Nagoya Protocol on Access to Genetic Resources and The Fair and Equitable Sharing of Benefits Arising from Their Utilization to The Convention on Biological Diversity;
4. Law No. 45 year 2009 concerning Fisheries;
5. Law No. 21 year 2009 Ratification Agreement for The Implementation of The Provision of The United Nations Convention on The Law of The Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migration Fish Stocks;
6. Presidential Regulations No. 46 year 2016 concerning Ratification Host Country Agreement Between the Government of The Republic of Indonesia and The Regional Secretariat of Coral Triangle Initiative on Coral Reefs, Fisheries, and Food Security on Privileges and Immunities;
7. Presidential Regulations No. 43 year 2016 concerning Ratification Agreement on Port State Measures to Prevent, Deter, Eliminate Illegal, Unreported and Unregulated Fishing;
8. Presidential Regulation No. 115 year 2015 concerning Task Force of Illegal Fishing;
9. Ministerial Regulation No. 16 year 2016 concerning Fisherman Card.

#### **d. Coordinating Ministry of Maritime Affairs**

Coordinating Ministry of Marine Affairs or *Kementerian Koordinator Bidang Kemaritiman* (Kemenko Maritim) is the latest ministry in Indonesia. This ministry established in 2015 under current administration of President Joko Widodo. The reason for the establishment of Kemenko Maritime is to support the nine-priority

programs (*Nawacita*) of current administration. The first of *Nawacita* is bringing the country back to protect the entire nation and providing a sense of security to all citizens, through active free foreign policy, reliable national security and the integrated development of *Tri Matra* state based on national interests and strengthening identity as a maritime country (*Menghadirkan kembali negara untuk melindungi segenap bangsa dan memberikan rasa aman pada seluruh warga negara, melalui politik luar negeri bebas aktif, keamanan nasional yang terpercaya dan pembangunan pertahanan negara Tri Matra terpadu yang dilandasi kepentingan nasional dan memperkuat jati diri sebagai negara maritime*) (Lopulalan, 2014). The main task of Kemenko Maritim is coordination, synchronization, and control of ministerial affairs in governance of the field of maritime (Kementerian Koordinator Bidang Kemaritiman Republik Indonesia, 2015). The coordinating ministry task to coordinate and synchronize the development of marine sector mainly set in the Presidential Regulation No. 16 year 2017 concerning Indonesia Maritime Policy.

## **IV. The International Dimension in Indonesia Government's Programs on Ocean, Seas and Marine Resources**

### **IV.1. ASEAN VISION 2025**

Indonesia is one of states located in Southeast Asian region with eleven other states. In 1967 Indonesia with Thailand, Malaysia, Philippine and Singapore established a regional intergovernmental organization name Association of Southeast Asia Nations (ASEAN) with signing of Bangkok Declaration or ASEAN declaration (Association of Southeast Asian Nations, 2010). Since 1999, total members of ASEAN are 10 (Indonesia, Malaysia, Singapore, Thailand, Viet Nam, Myanmar, Philippines, Cambodia, Lao PDR, and Brunei Darussalam) as shows by Figure 2 and the location of ASEAN is strategic between South China Sea, North Pacific Ocean, Indian Ocean, Andaman Sea, and Philippines Sea also the location close to Australia, Japan, China and South Korea.



Figure 2. ASEAN MAP

The main aim of establishment of ASEAN is to accelerate economic growth, social progress, and regional peace and stability of member states. In celebration of its 27<sup>th</sup> year, ASEAN declared the ASEAN Vision 2025. The ASEAN Vision 2025 is target guidelines in 10 years which one of the agenda is supporting the UN SDGs 2030 Agenda “We underline the complementarities of the United Nations 2030 Agenda for Sustainable Development with ASEAN Community building efforts to uplift the standards of living of our people” (Association of Southeast Asian Nations, 2015). Based on the previous UN agenda of MDGs ASEAN as intergovernmental organization can be considered to achieve the target especially on MDGs goal No. 3 Promote Gender Equality and Empower Women.

#### **a. ASEAN on SDGs No. 14 Life Below Water**

To implement commitment of ASEAN on SDGs goals and continue the MDGs program the SEAN developed priority program. The priority made by the ASEAN Community set in “Jakarta Statement on the ASEAN Sustainable Development Goals in the context of



the Post- 2015 Development Agenda” and priority programs are (Olsen, Teoh, & Miyazawa, 2015):

1. Reaffirm our commitment to reduce poverty in the region as an indispensable requirement for sustainable development;
2. Emphasize the need to secure sustained access to nutritious food through increased productivity of food production as well as limiting negative impacts of food production;
3. Reaffirm the importance of universal access to quality education;
4. Recognize the importance of access to healthcare and health services for all;
5. Advance environmental sustainability, improve disaster risk reduction management, as well as minimize the impacts of climate change;
6. Recognize the need to ensure sustained supply of energy through, inter alia the promotion renewable use;
7. Endeavour to narrow the development gaps, both at regional and national levels;
8. Enhance good governance through improved transparency and accountability, as well as increase efforts in strengthening capacity monitoring and performance evaluation; and
9. Establish an ASEAN sustainable development goals (SDGs) fund.

The SDGs priority program of ASEAN community can be found in the blueprint of ASEAN formal institutional structure ASEAN Political Security Community Council (APSC), ASEAN Socio-Cultural Community (ASCC) and ASEAN Economic Community (AEC).

Not one of the nine SDGs priority program of ASEAN Community stated about the maritime sectors and in-line with SDGs Goals N0. 14 Life Below Water. However, almost of the 10 ASEAN members’ states have territorial on the ocean, and they depends on the maritime sector. For examples Singapore, Indonesia, Philippines, and Thailand. Singapore is one of the main state income come from the Port of Singapore trades, while Indonesia and Philippines as archipelagic states and Thailand coast as main tourism area. The only maritime target in ASEAN Community Vision 2025 come up in APSC targets which says, “A community that enhances maritime security and maritime cooperation for

peace and stability in the region and beyond, through ASEAN and ASEAN- led mechanisms and adopts internationally-accepted maritime conventions and principles” (Association of Southeast Asian Nations, 2015) while the rest of ASEAN formal institutional structures do not have target on maritime sectors. Further in the blueprint program of APSC in section B. Peaceful, Secure and Stable Region is in the detail action of ASEAN Vision 2025 APSC target and specifically to a) maintain the South China Sea as sea of peace, prosperity and cooperation; b) promote maritime cooperation to comprehensively address maritime issues; c) ensure peaceful, safe, free and unimpeded international navigation and over flight, in accordance with relevant international laws (ASEAN Political - Security Community (APSC), 2016).

The target of APSC is supported by the ASEAN Chairman in 30<sup>th</sup> ASEAN Summit Manila 2017, where Rodrigo Duterte, the ASEAN Chairman said:

“We reaffirmed the need to strengthen cooperation and constructive dialogue on maritime security, maritime safety, maritime environment, and other maritime issues, including search and rescue, piracy and armed robbery against ships at sea, illegal, unreported and unregulated (IUU) fishing and other crimes related to fisheries, and other crimes at sea, through ASEAN led-mechanism such as the AMF and EAMF, ARF, ADMM, and ADMM-Plus. We looked forward to strengthening ASEAN cooperation to deal with these threats and discuss with our Dialogue Partners cooperative frameworks and measures as soon as practicable. We expressed anticipation the forthcoming Seventh AMF and the Fifth EAMF to be held in Jakarta later this year” (ASEAN Association of Southeast Asian Nations, 2017).

AMF stands for ASEAN Maritime Forum and EAMF stands for Expand ASEAN Maritime Forum. AMF established in 2010 as a body supported the blueprint target of APSC, and EAMF established in 2012, with aim to encourage dialogue on maritime issues that would involve participation from the East Asia Summit. However, the status of AMF and EAMF forums is uncertain. Since 2015, meeting agenda for both forums were cancelled and this raise questions on the status such. The previous meeting of AMF and EAMF results on the overlapping and cross-cutting decisions between one and the others ASEAN Sectoral Bodies. The main reason of overlapping work on maritime issues in ASEAN Sectoral Bodies is because ASEAN does not have a sectoral ministerial body

dedicated to maritime affairs unlike the other sectors, as example, for tourism (Meeting of the ASEAN Tourism Ministers) or labour (ASEAN Labour Minister Meeting). Here it is evident that ASEAN has not yet concerned about maritime sectors even though some of the member states heavily relying to maritime sectors.

#### **b. ASEAN action on limitation of overfishing and combating IUU Fishing**

The other big issues in ASEAN members' states is overfishing and Illegal, Unreported, and Unregulated Fishing (IUU Fishing). Almost all ASEAN member states impacted on the IUU Fishing especially Indonesia, Philippines, Malaysia, and Viet Nam.

From the ASEAN Vision 2025 and ASEAN priority program on SDGs goals there is no action agenda on combating the IUU Fishing, even several member states economic income relied on fishing, and sustainable fish stock is necessary to the ASEAN. The combating of IUU Fishing only come up in subsection of APSC blueprint B.6.2 (vii)

expand ASEAN maritime cooperation to effectively combat transnational crimes such as maritime terrorism, smuggling of goods, people and weapons, drug trafficking, trafficking in persons, piracy, hijacking, armed robbery against ships, as well as to address transboundary challenges including oil spill incidents and illegal, unreported and unregulated fishing, through concrete and practical activities, while maintaining the respective reporting lines (ASEAN Political - Security Community (APSC), 2016).

The APSC blueprint only gives a general framework without any details of action concerning combating IUU fishing. The ASEAN member states run their own project on combating IUU Fishing and only made cooperation among who related in their project instead establishing cooperation with all 10 members in one forum. This working scheme sometimes is evidently overlapping from one state to the others. The absence of single unified procedure on combating the IUU fishing or regional level sanction on such action make it difficult to solve the problems. This issue is critical because most of the IUU Fishing place taking place in one member's territory while the perpetrators coming from the other ASEAN member states. As an example of Indonesia and Philippines, the action of illegal fishing taken place in Indonesian territory conducted by the Philippines flag ships, or the other way around. The other common cases are Chinese or Taiwanese fishing vessel conducting illegal fishing in same time in two members' state territory Indonesia

and Malaysia, this raises difficulties in determining jurisdiction of law because both of states impacted in same time. Should ASEAN member states agreed on one single procedures and actions, it will be better the efforts to eradicate the IUU Fishing and achieve the SDGs Goals target, because working together as team is better rather than working alone to achieve the goals.

By 2020 the UN also targeting to eliminate overfishing as stated in SDGs Goal 14 Targets 14.4 above. The elimination of overfishing is important to ASEAN community, not only to comply with SDGs Goals, but also to FAO's Code of Conduct for Responsible Fishing (CCFR). The fish trading is one of source earnings in ASEAN and three of ASEAN member states is on the top 10 world fish producers based on FAO Report 2016 "The State of World Fisheries and Aquaculture" they are Indonesia, Viet Nam and Myanmar. In the three ASEAN major fish producers between 2003 and 2012 Indonesia averages production 4.745.727 tones, Viet Nam 1.994.927 tones and Myanmar 1.643.642 tones (FAO Food and Agriculture Organization of the United Nations, 2016).

The ASEAN Vision 2025 or blueprint of ASEAN community does not cover the issues of eliminate overfishing while this issue is important for the ASEAN members. The importance of eliminating overfishing is not only about it is as a source of incomes but it also serves as food reserves for future generations. The future generation wellbeing is the main aims of sustainability program. However, up until now this issue is not part of concern of ASEAN because the issue is not stipulated in any ASEAN framework. This issue should become homework of ASEAN as regional intergovernmental organization that relied heavily on fisheries industry.

### **c. ASEAN sustainable use of maritime resources**

In relations to the above, the target of APSC on ASEAN Vision 2025 concerning maritime related with SDGs Goals No. 14 Life Below Water the section B.6.2 APSC blueprint also mention about the sustainable use of maritime resources. APSC blueprint B.6.2 (vi) promote closer maritime cooperation and preservation of the marine environment, including the sustainable use of maritime resources and the protection of biodiversity (ASEAN Political - Security Community (APSC), 2016). This target can be related to SDGs Goal 14 target 14.2 by 2020 sustainably manage and protect marine and

coastal ecosystem and 14.5 conserve at least 10 per cent of coastal and marine area. However, this target is not mentioning further action or indications what the member states should achieve. The total of ASEAN coastline is 173,000 kilometres and surrounded by major seas and gulfs such as South China Sea and Andaman Sea (ASEAN, n.d). Should ASEAN make the clear framework it will make member states easier to achieve the goals and ASEAN can comply with the target on 2020. Based on this fact, it is evident that ASEAN has not yet put the sustainable issues on marine resources on its priority.

According to ASPC blueprint, the ASEAN priorities the issue of South China Sea and maritime navigational because the framework and target is more clear and detailed, therefore, it is easier for the member states to adopt. It looks like the ASEAN transfer the issues of maritime sustainable that mentioned on SDGs Goals No. 14 Life Below Waters directly to the member states and the 10-member states should make their own target and policy without any regional framework. Indonesia as one of members' states of ASEAN should established their own policy and cooperating with other ASEAN members by themselves since there is no detailed policy in the regional level.

#### **IV.2. The Protection of IUU Fishing**

The main threat of fishing industry is IUU Fishing. The international fishing stock is threatened not only by legal fishing activities, but also by the IUU. There's no exact estimation number of IUU Fishing, because it is hard to calculate the number of black market from different country. Expert's estimation of IUU Fishing is around 14-33% of total legal catch each year. The IUU Fishing practices exist mostly caused by the fishermen who do not want to pay the taxes or duties to state and also the lack of awareness and technology available to the states.

Most of the IUU Fishing carried out in developing countries and countries which have big number of islands or archipelagic, for example African countries, Indonesia and Philippines. In the African states, specifically in the coast of West Africa, the government does not have enough budget and certain policies to prohibit the IUU Fishing. In Indonesia, the government having hard time to track the vessels doing IUU Fishing

because of the vastness of Indonesia territory and not having enough patrol vessels to cover all the areas. The vessels of China and Russia are main culprits of IUU Fishing in Indonesia. Indonesia lost around 9 Billion Indonesia Rupiah annually due to IUU Fishing practice as stated by the Director General of Capture Fisheries Ministry of Marine Affairs and Fisheries Zulficar Mochtar (Budi, 2017).

#### **a. Port State Measures Agreement**

To eliminate the practice of IUU Fishing the FAO made the Port State Measures Agreement (PSM). The PSM was approved by the FAO Conference at Thirty-sixth Session in Rome 18- 23 November 2009 or FAO Resolution No. 12 year 2009 and entered in force at 5 June 2017. Currently the number of parties is 48 states (Food and Agriculture Organization of the United Nations, 2017). The objective of PSM as stated in article 2 is to prevent, deter and eliminate IUU fishing through the implementation of effective Port State Measure, and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystem (Fisheries of the Food and Agriculture Organization, 2009).

Indonesia part of the agreement parties which ratify it to Indonesia regulation in 2016 by Presidential Regulation of Republik Indonesia No. 43 year 2016 concerning Ratification Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing. However, the condition in Indonesia one year after the ratification is far from satisfying the agreement. Up until now the Indonesia has not yet ready to implement the agreement. As the example is the port and port officers based on the PSM article 11 have obligation to check compliance of the fishing vessel and crew, in fact the officials have not ready yet because they do have not enough explanation on how to execute it. The other fact is that there is no clear coordination between Ministry of Marine Affairs and Fisheries with the others government agencies such as Department of Immigration or Department of Customs concerning the implementation of PSM. One year ago, the Ministry of Marine Affairs and Fisheries has planned to make memorandum of understanding with the ministries or departments, but there is no further action seen on it. In Indonesia, the Ministry of Marine Affairs and Fisheries is the responsible agency of

PSM still has big homework. Their job is not only to be parties and ratify the agreement into national legislation, but the important things is to implement the policy and comply with the obligation as stated clearly in the PSM.

#### **IV.3. WTO Fisheries Subsidies**

The other issues on fisheries are overfishing. Based on World Wide Fund for Nature (WWF) the definition of overfishing is when caught a lot of fish that the population cannot be replaced through natural reproduction (World Wide Fund for Nature, 2014). Overfishing mostly caused by the fact that catching more fishes gives significant economical impact toward the fisherman's life, however when the fishermen catches more than what the nature can replenish it become dangerous for the sustainability of fish population, and in the long term, the fishermen will lose all the sources of income. The consequences of overfishing are losing species as well as entire ecosystem, losing valuable food sources many depend upon for social and economical (Overfishing Organization, 2012). Referring to the headlines of the Guardian 15 February 2016, "Overfishing is a big a threat to humanity as it is to our oceans" (O'Gorman, 2016) the rationale behind the headlines is ocean consider a limitless abundance of food and billions of people rely on fish for their protein source. The fisheries subsidies are one of the main cause of overfishing, based on the United Nations Conference on Trade and the of Development (UNCTAD) the fishing subsidies are estimated to be as high as \$35 billion worldwide, of which \$20 billion directly contributes to overfishing (United Nations Conference on Trade and Development , 2016). To prevent further damage the WTO established a policy of fisheries subsidies. The mandate of fisheries subsidies limitation is based on Doha Ministerial Conference 2001 and Hong Kong Ministerial Conference year 2005. The Doha Ministerial Conference results on the statement of fisheries "Minister agreed to clarify and improve WTO rules that apply to fisheries subsidies. The issue of fisheries has been studied in Trade and Environment Committee for several years. Some studies demonstrate these subsidies can be environmentally damaging if they lead to too many fishermen chasing too few fish" (World Trade Organization, 2001). Further the result from Doha is detailed in the Hong Kong Declaration Annex D "recall our

commitment at Doha to enhancing the mutual supportiveness of trade and environment, note that there is broad agreement that the Group should strengthen discipline on subsidies in fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute overcapacity and over-fishing” (World Trade Organization, 2005). However, the fisheries subsidies limitation still under discussion because many states oppose this policy especially the country that main income from fisheries industry such as Japan. Japan is questioning the committee on what is the link between subsidies to overfishing, and also developing states that negotiate for flexibility in granting subsidies to fisheries sectors. As of fact, in many developing countries most of fisheries is relying on subsidies to continue their job and most fisherman quality of life is below the living standard.

One of developing countries that has problems with WTO Fisheries Subsidies is Indonesia. The living condition of fisherman in Indonesia is far below the standard of living. The Statistic Indonesia (*Badan Pusat Statistik*) 2011 mentioned the total of Indonesian poor fisherman is around 7,87 million people or equal to 25,14% from total Indonesian poor people (Jannah, 2014). Because of this condition the Indonesian government through Ministry of Marine Affairs and Fisheries still give subsidies to the fisherman. The subsidies given to fisherman based on Ministry of Maritime Affairs and Fisheries Regulation No. 70/ PERMEN-KP/ 2016 concerning General Guidelines in The Frameworks of Distribution of Government Assistance in The Ministry of Marine Affairs and Fisheries are given in various forms such as fisherman insurance, boat and catching tools. In 2016 government has handed 754 unit of fish boats sized 5-20 GT, this year the government targeted to hand over 1048 units and in 2018- 2019 the target is 1048 units.

The subsidies target in Indonesia will continue in the next 10 years, however this subsidies scheme is contradicting with the WTO rules and the target of SDGs No. 14 in 2020. The condition in Indonesia is a bit unique because Indonesia is archipelagic state and on the other hands the practices of overfishing is high, plus the economic condition of fisherman is far a below the living standard. If the government wants to comply with rules, the government should think the best solution for both the fisherman sides and the



compliance to international obligation. The government must find the best formula to comply with the international obligation that will not bring negative impact to the fisherman economic condition and to the Indonesia macroeconomic scheme. Currently the obligation of Indonesia government to comply with the WTO rules is along the government handover the subsidies (tools), the government must also give the education to the fisherman. The government should escalate the knowledge of fisherman concerning sustainable fishing, not merely to catch as much as they can but the fisherman must also well informed on the maximum of fish that they can catch and which fish types. I believe Indonesia government currently has missed the point of education, while it became big task for current administration and next. The government should change the mind set along with delivering subsidies (tool) to help fishermen and decrease economic problems of fisherman while planning the future of fisherman situation.

#### **IV.4. The Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF)**

The Coral Triangle is also important for the world sustainability, because it represent global epicentre of marine life and Indonesia is home to highest coral diversity in the world with 76% of the world's known coral species (Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security, N.d). In 2009, the former Indonesia President Susilo Bambang Yudhoyono initiates the Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF) based on multilateral agreement with six countries (Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands and East Timor as show by Figure 3. Also, the six countries are working to have partnership with the Non-Governmental Organization are The Nature Conservancy, World Wide Fund for Nature and Conservation International.



Figure 3. The Coral Triangle MAP

The CTI-CFF made a non-living binding document name Regional Plan of Action in 2009 and this is the guide of CTI-CFF for 10 years from 2009-2019. In 10 years CTI-CFF have 5 goals which are 1) strengthening the management of sea escapes; 2) promoting an ecosystem approach to fisheries management; 3) establishing and improving effective management of marine protected areas; 4) improving coastal community resilience to climate change; and 5) protecting threatened species (Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security (CTI-CFF), 2015). To succeed the programs the CTI-CFF have the funding from USAID, Asian Development Bank (ADB) and the Australian Government.

Indonesia is one of the members of the CTI-CFF and also the initiating state. Almost 2/3 of the total CTI-CFF area is Indonesia territory, and Indonesia as the initiative state has big interest in the CTI-CFF programs. The commitment on the CTI-CFF Regional Plan of Action government of Indonesia realized by issuing Presidential Regulation No. 14 year 2014 concerning on Ratification Agreement on the Establishment of The Regional Secretariat of The Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security and Presidential Regulation No. 85 year 2015 concerning National Committee on Coral Triangle Initiative on Coral Reefs, Fisheries and Food Security Indonesia. Further for

CTI-CFF Indonesia seriously to implements the goals and conducting several programs. One success project is Coral Reef Rehabilitation and Management (COREMAP) project sponsor by ADB and World Bank. The COREMAP is spread almost through all the territory of Indonesia especially in the east side (Irian Jaya and Maluku) and running smoothly. However, this condition cannot make Indonesia stop to implement CTI-CFF programs, Indonesia still has assignment to make further programs not only for coral and reefs but also the others matters like land based sources of pollution especially plastic waste.

#### **IV.5. Policy by The International Maritime Organization**

The IMO established in Geneva as the result of international convention in 1948. Before 1982 the original name of IMO is Inter-Governmental Maritime Consultative Organization (IMCO) and the purpose of establishment based on article 1 of IMO 1948 Convention is to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships (United Nations, 1948). In supporting the purpose as stated in IMO 1948 Convention, the current IMO mission is to promote safe, secure, environmentally sound, efficient, and sustainable shipping cooperation. This will be accomplished by adopting the highest practicable standard of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships, as well as through consideration of the related legal matters and effective implementation of IMO's instruments with a view to their universal and uniform application (International Maritime Organization, n.d).

Indonesia started joining as IMO member states in 1961 and ratified the IMO convention and the amendments by Presidential Decree No. 14 year 1996. Since 1961 Indonesia has already ratified 24 IMO conventions such as SOLAS, STCW, MARPOL, and the latest one is Ballast Water Management Convention. The issue arises when Indonesia ratify the convention especially IMO Convention is the implementation and coordination between

governmental agencies. As mentioned above, there are four different ministerial related to maritime issues and several institutions such as Indonesia Classification Society (BKI). Because of too many parties and no clear distinction between one and another institution it makes complicated and takes a long time to process. Many if not all government related agencies want to have their control in every certification for ships. For example, on the certification of SOLAS, there is no clear arrangement between Ministry of Transportation and BKI and their jobs become overlapping and in the end, the private sectors impacted with the uncertainty.

The other problem arisen in Indonesia recently is concerning the Ballast Water Management Convention (BWM). Indonesia ratify the BWM convention in 2015 by Presidential Regulation No. 132 year 2015 concerning Ratification the International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004 and will enter into force on 8 September 2017. However, in Indonesia, there is no single ministry ready with this BWM and up until now the tools to support the convention has not ready yet. There is no team or accessor prepared to carry out the work. It is big question on how Indonesia will prepare everything required within short time left before the enforcement of the convention. The government has 2 years time of preparation since the ratification, while the government should prepare step actions steps before signed the convention. This is a typical of Indonesian problem when joining as member of convention, Indonesia was quick when agreed on ratification but in time of the implementation Indonesia become far from ready. These issues become major problem for the government on how to follow up the convention especially concerning maritime, because Indonesia rely heavily on maritime sector as the current administration also put heavy interest in it.

## **V. SDGs Goals No. 14**

### **V.1. The implementation of SDGS goals no. 14 in current Indonesia law and policy**

Indonesia is one of the states that committed to the United Nations Sustainable Development Goals since 2015 and appointed BAPPENAS as the leader of SDGs implementation in Indonesia. Two years after Indonesia's commitment, Indonesia still in the process of planning and negotiation among ministries and stakeholders. These steps may take long time until all the parties agreed on the regulation that details Indonesia programs and benchmark.

Concerning on the conservation and sustainably use of the oceans, seas and marine resources for sustainable development, several applicable laws in Indonesia are supported this SDGs goals, among others are Presidential Regulation No. 14. The Pepres 43/2016 and Pepres No. 155/2015 which supports targets on eliminating the practice of IUU fishing, and Law No. 1/2014 which aims toward conservation of coastal by 2020. However, there are several applicable laws that contradict with the SDGs goal 14 targets, such as the regulation on subsidies to fisherman as regulated in Permen-KP No. 70/2016 which contradictive with the target of prohibition of subsidies to fisherman which contributes to overfishing. Further, since Indonesia stated their commitment on SDGs until now, government has not yet created any policy to achieve related SDGs goals 14 as a whole, it is almost two years after 2015 and no guidelines or regional target made by BAPPENAS.

The BAPPENAS as mentioned above still on planning and negotiation process of the making of umbrella policy, while coincidentally maritime issues are not part of their

priority. The government still prioritize issues of poverty, education, and health because as other developing countries, Indonesia still struggle to eradicate poverty and health problems in rural areas and education in national level. The government, in several events, have mentioned the fisheries sector can help the country to eradicated poverty, but such statement has not yet backed up with further action because mostly they failed to find or develop links between these issues. Even though the President heavily campaigning Indonesia as archipelagic state having the first point in Nawacita is clearly regarding maritime issue, but the application is still far from satisfactory. Since the absence of umbrella policy on implementation of SDGs goals 14, the ministerial working by themselves and mostly they are working without coordination among them which resulted on overlapping progress. It is hard to measure the achievement of such goals when there is no clear benchmark available.

## **V.2. Problems of implementation law and policy on SDGs No. 14 in Indonesia**

Implementation of regulations in Indonesia has many challenges, especially regulation in maritime and marine sectors. Indonesia as an archipelagic country heavily relies on maritime sectors, however the numbers of parties focusing on the betterment of maritime sector is rather limited.

The main problem that Indonesia faces on implementing the rules are corruption and bribery in the government sectors. According to transparency international organization report in the 2016, Indonesia is ranked 90<sup>th</sup> in corruption perception index. This number may be taken as how the corruption practice plaguing public sectors in Indonesia and how Indonesia still struggling to fight against corruption. This corruption and bribery practice also happens in maritime sector, bribery practice mostly in the matters of ship certification to comply with international regulation such as MARPOL. Among many types of corruption, the common one is when the owner of a ship cannot comply with the regulations and needs to have the certificate issued and by the same time the government officers offers to give certifications without the needs to comply with the standard in regulations. This practice happens frequently, because the officers in charge tempted to make extra money from such action. The

latest corruption case related to maritime in Indonesia, which happens also the on with a large sum of money involved happened in August 2017, Sea Transportation Director General (*Dirjen Hubla*) caught red handed in receiving bribery, and the following investigation revealed that the said person in possession of around 20 billion Rupiah (equal to USD 1,500,000, as of 28/08/17). The person caught by Indonesia Corruption Eradication Commission for receiving a sum of money related to project in the port of Semarang, Central Java (Susanty, 2017). Currently, Indonesia Corruption Eradication Commission as the leading body on the corruption eradication in Indonesia works hard to eradicate the bribery and corruption practice in Indonesia.

The second problem for Indonesia to comply with SDGs No. 14 is the budget. Since the maritime and marine are not the primary targets of Indonesia development program, especially on implementing the SDGs goals, the government allocate most of the budget to the primary targets project such as education, health, and poverty. Indonesia Ministry of Finance stated that the budget for education is 20% from the total state budget annually and health sector receive 5% from total budget, however maritime sector share is less than health budget (Direktorat Jendral Anggaran Kementerian Keuangan Republik Indonesia, 2016). Most of the projects on maritime sectors especially related to sustainable development are financed by donor such as ADB, or World Bank with its CTI-CIF program.

The third problem is sectoral ego and less coordination between the ministries. As discussed in chapter 3, the maritime sector affairs in Indonesia divided into four different ministry offices, this scheme caused complication of process and overlapping between ministries. As an example, in the ship certification, there is overlapping jurisdiction between certification for fishing vessel from Ministry of Maritime Affairs and Fisheries, and certification of vessel by Ministry of Transportation. Based on interview with BAPPENAS officer, the sectoral ego between the ministries makes the development of SDGs programs on maritime sector hampered by difficulty in coordinating between ministries. This resulting in wasting almost two years of time since Indonesia commitment and yet the umbrella policy for SDGs No. 14 has not yet

established. This issue has negative impact to all maritime sectors and maritime in Indonesia. To support the development of maritime in Indonesia, the related ministerial must change their mind-set and disregards the ego between ministries. The ministerial must keep in mind that their goal is to create better Indonesia maritime policy and enable the future generation to enjoy the same maritime and marine condition as we are currently.

The last problem is the vastness of Indonesia area. Indonesia as the largest archipelagic state has total area more than 2 million kilometres square and three different time zones. The huge territory brings difficulties to government in covering all the areas, in maritime areas. Effectively implementing maritime policy to all part of Indonesia is not an easy task, considering the geographical challenges and the limited numbers of officers and fleets available.

In order to be able to respond effectively and efficiently towards any illegal action within its territory, Indonesian government needs to be aware and be able to pin point the location of any ships sailing in Indonesian water. In terms of technology, Indonesia is not fall too far behind. Indonesian government has already implemented the Geographical Information System (GIS) and remoted sensing technology (INDERAJA). Such technology has proven effectively implemented by Chile a state with longest coastal line. Chile implements GRAFIMAR system which enables them to monitor each vessel in their water. This technology further seamlessly connected and controlled by DIRECTEMAR, the entity of Chilean navy, by which the Government of the Republic of Chile watches over the compliance of international standards and agreement in force, in order to protect life at sea, the marine environment, natural resources and to control activities carried out within its jurisdiction, aiming at contributing to the maritime development of Chilean nation. (Rear Admiral Enrique Larranaga, INTERTANKO Latin America Panel presentation 15-16 October 2009). Indonesia has not yet possessed such focused and well-connected entity in securing Indonesia maritime as archipelagic states, as a result, it is hard to secure all Indonesia's maritime area. Another issue related to the area vastness



is the discrepancy of educational level of the people in the different areas, this fact should give the government extra effort to make sure the level of understanding is equal, especially in the eastern part of Indonesia. Moreover, the quality of officers in rural area are not equal with officers in central area, most of them lack the information and understanding compared to the officers in central area. These conditions make it hard for government to implement the policy and mending such issue is a big home work for Indonesian government in order to achieve the target of SDGs No. 14.

### **V.3. The effectiveness of the application of Indonesia law and policy regarding SDGs goals No.14**

Referring to the above, Indonesia already has several regulations supporting the SDGs goals No. 14, however since there is no umbrella policy for implementation the SDGs goals 14, the implementation of such regulations is not optimal.

Currently in Indonesia, people mostly do not aware of regulations enacted by the government regarding the maritime sector, because the lack of information dissemination by the government, especially the fisherman whose majority were lack of education.

In some cases, the awareness of the existence of specific regulation or law raised when a person involved in a case or when the authority arrested them. For example, in 2015 case in West Sumatra, a person name Ibnu Hajar arrested by West Sumatra marine police because he does not have shipping license (*surat izin usaha pelayaran*) and Port Clearance (*surat persetujuan berlayar*) from port authority, after the investigation the West Sumatra marine police found that he does not know about the licenses because in Aceh the government does not announce about it (Iskandar, 2015). This is only one from several cases that happened. Most of the reason is the government misses the stages of dissemination of policy to the community which comes from the unawareness of the people condition.

The other example happened in the middle of August 2017, a video shows a cleaning service person on KM Bukit Raya, owned by PELNI an Indonesian state own

enterprise (BUMN) throwing garbage to the sea in Indonesia territory. Such action is a breach to MARPOL Annex V. As such action still happened on board of a PELNI ship, as a state-owned enterprise, it is enough evidence that the state has failed to oversee the implementation of the regulations and such act may be considered as negligence.

The examples above shows that Indonesian government has not yet implement the regulations effectively, several accidents also took place in relation to the failure to comply with the regulations on the sea. The government has failed to properly disseminate the regulations to the most affected communities. To make sure such incident not being repeated, the government have to change their approach and their compliance system regarding the maritime sector regulations.

#### **V.4. The potential contribution from Indonesia to the achievement of SDGs goals No. 14**

Indonesia as archipelagic state with vast marine area can give significant impact to achievement of SDGs goals No. 14 life below water, if Indonesia can comply and achieve the targets. However, from seven targets of SDGs No. 14, Indonesia currently might only achieves target 14.4 by 2020, which effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices.

The current ministry of Maritime Affairs and Fisheries, Susi Pujiastuti make IUU fishing her primary target in her term of office. She took the combating IUU fishing seriously and established special task force to eliminate the IUU fishing in Indonesian territory, and the result is already visible within 2 years.

The special task force which consists of lawyers, marine polices and navy, is established based on Presidential Regulation No. 115 year 2015 concerning special task force for illegal fishing. Not only establishing special task force, she also takes controversial action to eliminate IUU fishing by sinking illegal fishing vessels as an effort to give deterrent effect. Some countries sound their objection toward her action

under the claim that it may pollute the sea, and such act against the international regulation on marine environment. However, the sinking illegal fishing vessel is found to be the most effective way to eliminate the IUU Fishing in Indonesia. On the other end, such action effectively makes other countries such as Thailand and Malaysia established regulation to strictly prohibit their fisherman fishing in Indonesia territory. Malaysia especially decided to put special device on their entire fishing vessel which will raise alarm when the vessel enters Indonesian territory (Ahmad, 2014). Since October 2014, as many as 317 illegal fishing vessels has been sunken by this policy. As reported in the Jakarta Post in April 2017, from 81 illegal fishing vessels sunk, they are 46 Vietnamese, 18 Philippines, 11 Malaysian and 6 Indonesian flags (Distian, 2017).

Indonesia's potential in contributing for SDGs No. 14 is more than just eliminating IUU fishing, more issues such as conservation of coastal and marine areas, protect marine and coastal ecosystem and marine pollution from land-based also potential contribution areas for Indonesia. Owning more than 15,000 islands and 99,093 kilometers coastline length, Indonesia can make significant changes for SDGs No. 14. By assuming 10% from 15,000 islands ready for conservation, Indonesia can contribute 1,500 islands for conservation and support the life below water target. The significant changes may come to reality if the government seriously focusing on the maritime sectors as in the government statements in international forum. The success key of Indonesia's contribution in achieving SDGs goals No. 14 is the government, the government must act on the matter accordingly, else the changes will be painfully slow and Indonesia cannot meet the target by 2030.

#### **V.5. The actions to be taken by Indonesia government to achieve of SDGs goals No. 14**

Indonesia has potential for great contribution on achieving the life below water targets. However, it may only be achieved if the government change their perspective on maritime. The government should make the maritime as their priority program to achieve equally as education, health and poverty programs. The maritime should be

priority in Indonesia because Indonesia will receive many benefits from the focusing on maritime sector, and if the government succeeds to manage the marine sector, it will give significant benefits for the people now and in the future.

Maritime as priority should not only in statement or jargon by the government, it needs to be put in action. The first action needed currently is establishing umbrella policy for achieving the SDGs goals No. 14 targets. The umbrella rules should set the targets for Indonesia, steps of goals, time limits, working areas, and strategy. The presence of umbrella policy will help to make the ministries, NGOs and other stakeholders related to maritime sector more focus and coordinated in achieving the targets based on common goals which is Indonesia compliance with SDGs goals.

To support government programs and actions on maritime sector, the government must also adjust the budget and build partnerships with other stakeholders. No program may be running well if it has not enough budgets to run, and expecting fund only from donors is also not really a feasible method. The government through related ministries should adjust the budget allocation for maritime sector, while searching possible financing from other stakeholders. If the government wish to quickly accelerate the maritime sector betterment without reach from other parties, the government may have to pay all the expenses required.

Next issue needs to be addressed is the coordination between government agencies. As discussed above, sectoral ego is one of problems in Indonesia maritime sector, 4 different ministries offices share the interest and responsibility in maritime sector. Considering the potential in maritime sector, all 4 ministries wants to have full control over, and this bring difficulties to make and implement policies and in the end deterring growth in the sector.

The sectoral ego between related ministries must be ceased and all related ministries must focus to the maritime sector as it is a very important matter to Indonesia as a state and such importance must overcome any sectoral ego existing in current ministries. The absence of coordination among the ministries also resulted in overlapping

competency between the ministries and ended up lengthens the time required for several processes. The interference by higher concern may be required to change the mind-set of the officers in the ministries, only then, the maritime sectors and industries may grow better and faster.

Education and training also important for achieving SDGs goals No. 14 targets. Considering the vastness of Indonesia and its population growth is different from one province to the others. The significant differences of living standard and educational levels also noticeably present, most of the economy and development has been centralized in Java island while the development of the other islands is evidently not equal. This situation brought the difference of the education level. Following the fact, the government should realize that maritime education is important for the achievement of then SDGs goals, not only for government officers but also for affected people. The better understanding about maritime and sustainable use of marine will give big impact to the state in achieving the goals by 2030. The people in rural coastline mostly does not have any idea if their way of make a living may destroy the marine and ocean, therefore, the government should act by providing education to those populaces. However, such education should not only aim to the fishermen in the rural coastline, the government officials also need to be well educated regarding the matters. Especially the government officials and officers, they must be well educated on the necessity to comply with the regulations and achieving the targets by 2030.

The education on the sustainability development should focused on the younger generation of the fishermen community. The better the younger generation understand the importance maritime sector and its sustainable development, better it will help them to realize the necessity of such sustainable fisheries and act accordingly. Such dissemination of information also becomes very important because such information is not widely available in details in the educational system. The younger generation will run the future of Indonesia, giving them better understanding of the importance of maritime and marine in will enable them to protect and make it better for their own future.

The other issues also need to be addressed to achieve the target of SDGs goals life below water is the eradication of corruption and bribery practice in the maritime sectors. It is in common knowledge that the money generated through the means of corruption and bribery also goes to the higher level of government officials, which in the end protecting such practice.

To eliminate this problem, the government must firstly create strict policy for civil servant conducting bribery and corruption, this policy applies to all level of civil servant without any exception or special treatment, such policy needs to be carried out strictly. Secondly, government should increase the living condition of civil servant, this based on the assumption that if the officials have proper living they will less likely want to receive extra money from the bribery and other corruption practice. Thirdly, the government must change the recruitment method for civil servant. The civil servant who accepted should fulfil the needs and qualifications, they also have to meet the requirements and have good understanding in maritime sector, such recruitment also must be closely watched to make sure such process going without any bribery practice during the recruitment. If the Indonesia government succeeded in eliminating the bribery and corruption practice in maritime industry, Indonesia will have better marine sector condition and may be able to keep up with the targets of SDGs goals No. 14 on time.

If the government of Indonesia place the maritime as the state priority program and supported by concrete action of the government, good coordination between related ministry and support with sufficient budget, the SDGs goal No. 14 targets will be much easier to achieve. Also by make better living condition for government officers, and provide good education system in maritime sector and adopting proper technology, Indonesia will become the most contributing country on implementing all the targets of the SDGs goals No. 14 target.

## **VI. Conclusions and Recommendations**

In the current century when the stock of natural resources is depleted and the quality of environment has declined rapidly, the application of sustainable development is important. It is not only for environment, but also targeted in every sector. Further, sustainability issue is not only for campaign on product or by government focus, but it should be implemented by everybody in every life aspect. The goal of sustainable development is to preserve current condition for future generation, but the next generation also should do the same things.

To bring the realization of the concept of sustainable development, the United Nations with its all member states agreed and established the Sustainable Development Goals. The SDGs are the global target that every state should achieve for the common good. Ocean is one of the most important parts of world, and to protect it for the first-time UN put the ocean in their target as stipulate in SDGs goals No. 14 life below water. The community expect within 15 years of time to achieve the targets, the ocean condition will be in better condition.

Indonesia as the largest archipelagic states in the world has big potential contribution for the sustainability of the ocean. Since, Indonesia has big interest and relied on ocean and marine, Indonesia agreed to bound with SDGs goal No. 14 targets and the current government put the marine to their Nawacita priority agendas for Indonesia and declared 5 pillars in developing maritime sector. However, the achievement of the SDGs goal No. 14 is not the primary target of Indonesia government, rather, Indonesian government still focus on the issues of education, poverty and health.

In international level, Indonesia bound to be part in international agreement such as Port State Measure Agreement and CTI-CFF, which has ratified and became national law. Not only international agreement, as member states of IMO Indonesia ratifies the IMO policies such as the four pillar of IMO SOLAS, MARPOL, STCW, MLC and others IMO policies related to conservation and sustainable.

Observing the applicable laws and regulations in Indonesia related to maritime, marine and fisheries, some of laws and regulations already in line with the SDGs goals No. 14. However, up until now the government has not been establish the umbrella policies for implementing SDGs goals No. 14, and such delay bring the uncertainty to all related stakeholders.

Regarding the implementation of applicable law related to SDGs goals No. 14 Indonesia has not implement correctly as stipulated in its regulations. A lot of problems in Indonesia hampered the implementation of regulations which made Indonesia has not yet meet the compliance requirement, such as corruption, lack of information dissemination, and lack of umbrella policy to cover the application of the SDGs goals into the regulations. In addition, the other problems that Indonesia facing on implementing policy related to SDGs No. 14 life below water and other regulations related to maritime and marine is the sectoral ego and lack of coordination between the ministries related to these matters since Indonesia has unique ministerial structure on maritime and marine, which consists of four different ministries and some overlapping jurisdiction related to the matters.

Indonesia as the largest archipelagic country in the world supposed to be able to give big contribution on the achievement of SDGs goals No. 14. However, the current government action only focuses on eliminating the IUU Fishing while the other issues have not covered properly yet as the SDGs goals No. 14 target is not only eliminating illegal fishing but also marine pollution, protected marine and coastal ecosystem, conservation and more.



Indonesia as states with vast water territorial and strategic location should be able to contribute more and give substantial impact to world. For figurative purpose, if Indonesia conserves 10% of its total 15,000 island and protecting coastal ecosystem, on the 1.500 islands, the impact to the ecosystem will be huge. Only if the government focus and commit on this issue, Indonesia may be the biggest contributor on achieving targets in the goals 14.

It is clear that the government focus is the key factor if Indonesia wants to achieve the targets. The business and people of Indonesia will comply accordingly with the regulation if the government makes a clear policy and good compliance practice. If the government does not change the system and their point of view on this matter, there is only a small chance that Indonesia may achieve the targets, which several of them will due in next three years.

In conclusion, the current applicable law and policy and condition in Indonesia has not yet complied with, and focused on the United Nations Agenda on Sustainable Development Goals Number 14 on life below water. If the government wants Indonesia to success and achieve the target No. 14 on time, the government should make priority target for SDGs, change the compliance system and provide proper information and education regarding the matters to the related parties.

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## **Appendix A. Interview Questioner**

A Study on Implementation of Sustainable Development Goals No. 14  
“Conserve and sustainably use the oceans, seas and marine resources” in  
Indonesia law and policy.

Participant Name:	Date of Interview:

### **BACKGROUND REVIEW**

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#### Professional Background

1. Where do you work now?
2. How many years have you working in maritime sector? Could you please give me details on your working history in maritime sector?
3. What is your background? (ex. Law, Engineering, etc.)

### **QUESTIONS**

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#### **Indonesia Government Officers**

##### **A. SDGs**

1. How familiar are you with the SDGs and its Goals?
2. How do you perceive the applicability of SDGs in Indonesia?
3. Are you familiar with SDGs Goal No. 14?
4. How do you perceive the connection between SDGs Goal No. 14 and Indonesia as an archipelagic state?

##### **Application of SDGs in Indonesia, particularly Goal No.14.**

5. Do your office related or participating in the application of SDGs, especially Goal No.14?

6. Do your office develop or making plans or regulation for achievement of, or in relation with, SDGs Goal No. 14?
7. Is there any main body or committee or organ responsible for overview or maintain the application of the SDGs in Indonesia?
8. Application of SDGs requires multi-dimensional approach/perspective, how the offices related to the application of the SDGs working together? Is there any specific protocols or documents or rules regarding the approach to this matter?
9. Is there any coordination work among the offices in relation with the application of SDGs?
10. If yes, how the offices implement such coordination?

**B. Effectivity of the law and policy in achieving SDGs**

11. How do you perceive the laws and policies support towards the achievement of SDGs in Indonesia? (tend to support or otherwise)
12. Have the current laws and policies provide enough support the achievement of the SDGs? (if yes to what extent? Any documentation or example? if no, what make you perceive it that?)

**C. Complication/problems in application of SDGs**

13. How do you perceive the applicable laws and policies, related to the SDGs Goal, application in Indonesia?
14. What are the main problems in the implementation of the applicable of laws and policies related to SDGs?
15. Are the problems posed from external or internal basis?
16. If it is internal, what might be the main cause?
17. If it is external, what might be the main issue?

**D. Response to problems**

18. Related to the issues above, how do your office responds to such issue?
19. What kind of solutions or work around implemented by your office to overcome the issues?
20. How your office measures the effectivity of the solutions?
21. Does the issue persist?



**E. Closing**

22. In general, how do you see the implementations of SDGs in Indonesia?
23. In your opinion, how Indonesia as an archipelagic state contribution that may support the success of SDGs Goal?
24. In your professional opinion do Indonesia current laws and policies in line with the SDGs Goal?
25. Is there any complication or problem met by Indonesian Government regarding the application of the SDGs, especially Goal No.14?
26. Based on your professional opinion, is it possible for Indonesia to lead the world success of SDGs Goal No. 14?

**Non- Indonesia Governance officer**

1. Are you familiar with maritime sustainable development issues in Indonesia?
2. In your opinion, does the current law related to maritime and ocean already in line with targets of SDGs Goal No. 14?
3. In your opinion, has Indonesia government contributed enough to the achievement of SDGs Goal No. 14?
4. If it is not enough what should the government do in regard of this matter?

## **Appendix B. Interview Answer from Sora Lokita**

A Study on Implementation of Sustainable Development Goals No. 14 “Conserve and sustainably use the oceans, seas and marine resources” in Indonesia law and policy.

Participant Name: <b>Sora Lokita</b>	Date of Interview: <b>6 July 2017</b>
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### **BACKGROUND REVIEW**

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#### Professional Background

1. Where do you work now? Coordinating Ministry for Maritime Affairs of the Republic of Indonesia
2. How many years have you working in maritime sector? 12 years. Could you please give me details on your working history in maritime sector? 2004 – 2010 Legal analyst in the centre for boundary mapping (Badan Informasi Geospasial). 2010 – 2015 Head of legal division (Badan Informasi Geospasial). 2015 – present deputy director at Coordinating ministry for maritime affairs.
3. What is your background? (ex. Law, Engineering, etc.) LAW

### **QUESTIONS**

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#### **Indonesia Government Officers**

##### **A. SDGs**

4. How do you perceive the applicability of SDGs in Indonesia?  
SDGs is a global commitment that needs to be applied by all of nations in the world. Indonesia determined to implement all the targets that have been planned within the SDGs. The proof can be seen from Indonesia policies and programs

which already created only for SDGs implementation, one of the example was the formation of the National Secretary specialized in the SDGs.

5. How do you perceive the connection between SDGs Goal No. 14 and Indonesia as an archipelagic state?

Indonesia is the biggest Archipelagic State in the world. Indonesia Seas covers around 6 million km<sup>2</sup>, and it is a big challenge to manage potential marine resources continuously. It is not an easy job if we don't make cooperation with another country or globally.

As examples, Indonesia have a challenge to solve the sea water rise caused by the climate change, the high number cases of illegal fishing, also the effect of marine pollution. All those problem needs more serious attention from our government. The SDGs helps Indonesia, as an archipelagic country, to increase our motivation for keeping an eye for those problems. Moreover, we cannot forget the role of other nations because we all connected by the ocean and it cannot be separated.

#### **B. Application of SDGs in Indonesia, particularly Goal No.14.**

6. Is your office related or participating in the application of SDGs, especially Goal No.14?

Yes, our office coordinate all the policies regarding the implementation of SDGs 14

7. Does your office develop or making plans or regulation for achievement of, or in relation with, SDGs Goal No. 14?

We manage the policies and programs to achieve several goals in SDGs 14. Such as making a policy about IUUF solution, plastic debris problem, marine pollution, fisheries subsidy management, and so on.

8. Application of SDGs requires multi-dimensional approach/perspective, how the offices related to the application of the SDGs working together? Is there any specific protocols or documents or rules regarding the approach to this matter?

Several Ministries and Institutions already cooperated to find solutions in every issue possible. The policies, programs, and events have been done according to

the authority and task of the institutions involved. In this case, interconnection between events, programs, or even the problems in each sector, needs to be done with a coordination meeting gradually.

**C. Effectivity of the law and policy in achieving SDGs**

9. How do you perceive the laws and policies support towards the achievement of SDGs in Indonesia?

We believe that the existing policies and regulations have been a great support to achieve the goal of SDGs 14 in Indonesia

10. Have the current laws and policies provide enough support the achievement of the SDGs? (if yes to what extent? Any documentation or example? if no, what make you perceive it that?)

The policies and regulations are already a great support. However, we must realize that every single regulation should be revised to optimize it. For example, the IUUF regulation, it could be perfect by adapting the regulations with the latest technology in fisheries crime.

**D. Complication/problems in application of SDGs**

11. What are the main problems in the implementation of the applicable of laws and policies related to SDGs?

- a. Financial funding is one of the main problem.
- b. Ineffective coordination between every institution involved
- c. Different vision in every element. Such as the solution for minimalize marine pollution and IUUF management, the one who need enlightenment are the people of Indonesia itself.

12. Are the problems posed from external or internal basis, if it is internal, what might be the main cause or if it is external, what might be the main issue?.

The internal problems are just as same as I said in number 8 before. For the external problem, based by the fact that sea is an unseparated unity, there are

possibilities that the problem in our sea affected by the events from outside our territory.

Especially in IUUF handling, that needs a commitment from other countries nearby. Even though other countries seem like the one who support their own fishermen for illegal fishing in Indonesia.

#### **E. Closing**

13. In your opinion, how Indonesia as an archipelagic state contribution may support the success of SDGs Goal?

Indonesia Sea is so vast and bordered by the two oceans. Our success in applying the SDG will positively affect the marine resources management and sustainability of Indonesia. Our leadership in local or global region, in the implementation of SDG 14 especially in IUUF handling and marine pollution, would be a great effort from Indonesia in achieving the Goal 14 globally.

14. Is there any complication or problem met by Indonesian Government regarding the application of the SDGs, especially Goal No.14?

Meanwhile all of the complication or problem have been done very well by the government of Indonesia

## **Appendix C. Interview Answer from Roby Fadhilah**

A Study on Implementation of Sustainable Development Goals No. 14  
“Conserve and sustainably use the oceans, seas and marine resources” in  
Indonesia law and policy.

Participant Name: ROBY FADILLAH	Date of Interview: 8 JULY 2017
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### **BACKGROUND REVIEW**

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#### Professional Background

1. Where do you work now? National Development Planning agency (BAPPENAS)
2. How many years have you working in maritime sector? I’ve been working for 18 years Could you please give me details on your working history in maritime sector? 3 year as Planning Staff for Directorate of Fisheries and Marine Affairs; 6 years as Junior Planner for Directorate of Fisheries and Marine Affairs; 4 years as Planner for Directorate of Fisheries and Marine Affairs; 6 month as Head of Division for Institutional, Marine Development and Maritime Affairs.
3. What is your background? (ex. Law, Engineering, etc.) Bachelor in Fisheries (IPB); Master of Environmental Policy (Lincoln University)

### **QUESTIONS**

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#### **Indonesia Government Officers**

##### **A. SDGs**

4. How do you perceive the applicability of SDGs in Indonesia?

SDGs implementation is a continuous program from the MDGs where Indonesia already participated before. The result from Rio mandate each nation globally to give efforts to achieve the 17 goals that already planned. Nowadays the implementation of SDG in Indonesia still in the planning and negotiation part, but it has been on the same pathway with Indonesia development plan, where the SDGs implementation supported by the government, private sector, CSOs, philanthropist, and people of Indonesia.

5. How do you perceive the connection between SDGs Goal No. 14 and Indonesia as an archipelagic state?

Indonesia as an archipelagic nation play an important role in SDGs 14 implementation: Life Below Water. At least 70 % of the coverage is sea, so in the near future our implementation of SDG 14 will affect a lot to the SDG 14 globally. It is a common achievement for the islands nation such as Caribbean and Pacific Islands.

**B. Application of SDGs in Indonesia, particularly Goal No.14.**

6. Is your office related or participating in the application of SDGs, especially Goal No.14?

Yes. Kementerian PPN/BAPPENAS has been appointed as national coordinator for planning and monitoring of SDGs in Indonesia.

7. Does your office develop or making plans or regulation for achievement of, or in relation with, SDGs Goal No. 14?

Yes, generally the planning and guide of SDGs implementation in Indonesia already added to the preparation stage of Peraturan Presiden. Moreover, the government will also prepare the formation Rencana Aksi Nasional (RAN) of SDGs implementation in Indonesia.

8. Application of SDGs requires multi-dimensional approach/perspective, how the offices related to the application of the SDGs working together? Is there any specific protocols or documents or rules regarding the approach to this matter?

On the national level, the regulatory framework will be included in Perpres about Tujuan Pembangunan Berkelanjutan (TPB). BAPPENAS as a coordinator of

SDGs in national level will coordinate with the ministries and institutions related to prepare Rencana Aksi Nasional (RAN), which integrate and harmonize the planning of the multisector events in achieving the SDGs. Meanwhile for the implementation below national level, BAPPENAS with the government from the provinces will prepare Rencana Aksi Daerah (RAD) as a derivative form of RAN and integrate it with each province events or program that have been added in Peraturan Gubernur (PerGub)

**C. Effectivity of the law and policy in achieving SDGs**

9. How do you perceive the laws and policies support towards the achievement of SDGs in Indonesia? (tend to support or otherwise)

There are not any specific regulations about SDGs until now. Therefore, in the future we need regulation that control the implementation, control, and evaluation of the SDGs in Indonesia, not only in the national level but also in the province stage.

10. Have the current laws and policies provide enough support the achievement of the SDGs? (if yes to what extent? Any documentation or example? if no, what make you perceive it that?)

There are some regulations that indirectly support the SDG achievement, one of that is the regulation that support the SDG goal 13, PerPres No.61/2011 about Rencana Aksi Nasional Gas Rumah Kaca (RAN-GRK) that included Green Indonesia target in 2030. However, the regulation should be agreed and the achievement supported by the regulation and policy. It should be a legal foundation to implement the events and arrange all of the things that support the target objection from each of SDG indicators.

**D. Complication/problems in application of SDGs**

11. What are the main problems in the implementation of the applicable of laws and policies related to SDGs?

Sehubungan saat ini Perpres dan kebijakan terkait dengan SDGs belum ada dan SDGs di Indonesia masih pada tahap perencanaan (belum implementasi), maka permasalahan utama belum dapat diuraikan. Namun, jika berkaca dari



implementasi Perpres terkait Gas Rumah Kaca (GRK) yang telah berjalan sebelumnya, maka permasalahan utama dalam implementasi kebijakan *mainstreaming* (such as MDGs, GHG, etc) adalah mengimplementasikan aturan dan kebijakan pada tingkat daerah, dimana melakukan intervensi aturan, kebijakan dan pelaksanaan rencana aksi pada tingkatan daerah masih sulit, terkait dengan *political interest* masing-masing kepala daerah dan keterbatasan anggaran daerah (APBD) yang bervariasi.

In fact that there aren't any Perpres or policy about SDGs and Indonesia SDGs still on the preparation phase (haven't started the implementation), our problem cannot be revealed yet. However, if we look closely from the implementation of Gas Rumah Kaca (GRK) Perpres that have already started before, the problems from implementing the mainstream policy (such as MDGs, GHG, etc) are the regulation implementation in the province or region state where doing a intervention in regulation is difficult. There are some Governor whose have political interest in several sectors and the limited budget of each region makes it more difficult.

12. Are the problems posed from external or internal basis, if it is internal, what might be the main cause or if it is external, what might be the main issue?

Based on the question number 8, about the SDGs specific regulation that has not been made yet, and Indonesia has not agreed with the indicators for whole goal (waiting for the result of High- level Meeting UN in New York 10, 21st July 2017), therefore I cannot explain it now. But, I will use the analogy of others mainstreaming policy (i.e. MDGs, GHG, etc) that has a similar characteristic with the SDGs.

In the policy preparation phase, usually the problems that occurred in government internal are sectoral ego and regional ego, limited data and information for the baseline, budget-constraint in implementation planning, and political interest in the regulation forming.

#### **E. Closing**

13. In your opinion, how Indonesia as an archipelagic state contribution may support the success of SDGs Goal?

In my point of view, as the biggest archipelagic nation with high population and being on of the nation from G-20, Indonesia progress to achieving the SDGs Goals would be so important. Indonesia contribution in call for actions and voluntary commitments must be impactful positively and globally. This kind of Goals probably could not be achieved by our self alone, but we could cooperate either in provincial or even in the international.

14. Is there any complication or problem met by Indonesian Government regarding the application of the SDGs, especially Goal No.14?

Especially for Goal 14, in the planning stage, Indonesia still have obstacles in the availability of the data and information to answer several indicators that have been decided. The problems involve the availability of data, difference in each methodology, and the incomplete series of data. Also, the supporting funds and technical aspects still needed to gather all of the data and information.

## **Appendix D. SDGs Goals No. 14 Targets and Means of Implementations**

### **Targets**

14.1 By 2025, prevent and significant reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution;

14.2 By 2020, sustainably manage and protect marine and coastal ecosystem to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans;

14.3 Minimize and address the impacts of ocean acidification, including through enhanced scientific cooperation at all levels;

14.4 By 2020, effectively regulate harvesting and end overfishing, illegal unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stock in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics;

14.5 By 2020, conserve at least 10 percent of coastal and marine areas, consistent with national international law and based on the best available scientific information;

14.6 By 2020, prohibit certain form of fisheries subsidies which contribute to overcapacity and overfishing, eliminate subsidies that contribute to illegal, unreported and unregulated fishing and refrain from introducing new such subsidies, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of the World Trade Organization fisheries subsidies negotiation;

14.7By 2030, increased the economic benefits to Small Island developing States and least develop countries from sustainable use of marine resources, including through sustainable management of fisheries, aquaculture and tourism;

## Means implementations

14.A Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries;

14.B Provide access for small-scale artisan fishers to marine resources and markets;

14.C Enhance the conservation and sustainable use of oceans and their resources by implementing international law as reflected in UNCLOS, which provides the legal framework for the conservation and sustainable use of oceans and their resources, as recalled in paragraph 158 of the Future We Want.