

Biodiversity beyond national jurisdiction: current debate and indonesia's interest / Gulardi Nurbintoro, Haryo Budi Nugroho

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Abstrak

The drafters of the 1982 UN Convention on the Law of the Sea (UNCLOS) have left behind a lacunae in terms of the regulations concerning Biodiversity in the Areas Beyond National Jurisdiction (BBNJ). As living organisms are found in the deep seabed in areas beyond national jurisdiction, as well as the utilization of marine genetic resources beyond national jurisdiction for commercial purposes, States are currently deliberating on the proper regime in dealing with the management and exploitation of the biodiversity. Some States argue that Part XI UNCLOS applies hence BBNJ is also part of the Common Heritage of Mankind. On the other hand, some States believe that Part VII UNCLOS applies which will allow individual States to exploit the resources in accordance with the principle of the freedom of the high seas. Since 2004, the UN General Assembly has established a Working Group to discuss the issue. Indonesia as a Party to UNCLOS which in general advocates the importance of the rule of law in the oceans has the interest that the discussion in the UN will allow developing countries, including Indonesia, to enjoy the result of the exploration and exploitation of non-mineral resources at the bottom of the ocean.

