

Bridging the implementation of the nagoya-kuala lumpur supplementary protocol on liability and redress in indonesia / Wahyu Yun Santoso

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Abstrak

Aside the Nagoya Protocol on Access and Benefit Sharing, which was ratified by the Indonesian government with Law No. 11 Year 2013, the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress (NKL Supplementary Protocol) offers great benefits for a “mega biodiversity” country like Indonesia. Despite the lack of awareness of this supplementary protocol, there is an urgent need for its ratification. This legal-normative research aims to look at the existing regulations in Indonesia to support the implementation of the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress, and to explore the readiness of the national legal system on liability and redress for damages resulting from the application of Living Modified Organisms (LMOs). Based on the several existing regulations, Indonesia has the readiness to a certain extent to implement the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress. This finding should be supported with more intensive discussion on the protocol and its implementationl.

Melalui Undang-Undang Nomor 11 Tahun 2013, Pemerintah Indonesia telah meratifikasi The 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. Selain itu, pada momen yang sama Negara Pihak CBD juga menyepakati the Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress (NKL Supplementary Protocol) yang menawarkan “kesempatan” besar bagi negara megabiodiversity seperti Indonesia. Penelitian mormatif yuridis ini bertujuan untuk memaparkan kerangka pengaturan yang sudah ada untuk memungkinkan implementasi NKL Supplementary Protocol ini. Berdasarkan beberapa regulasi yang sudah ada, Indonesia memiliki kesiapan dan sekaligus perlu untuk menerapkan protokol terkait pertanggungjawaban hukum dan kompensasi kerugian yang timbul akibat aplikasi Living Modified Organisms (LMOs).