



TABLE OF CONTENTS

TITLE PAGE	i
ENDORSEMENT	ii
APPROVAL	iii
DISCLAIMER	iv
ACKNOWLEDGMENTS	v
TABLE OF CONTENTS	vi
LIST OF ABBREVIATIONS	viii
ABSTRACT	ix
<i>INTISARI</i>	x
CHAPTER I: INTRODUCTION	1
A. Background	1
B. Research Problems	6
C. Objectives of the Research	6
D. Originality of the Research	7
E. Benefits of the Study	9
CHAPTER II: THEORETICAL REVIEW	11
A. Biodiversity Beyond National Jurisdiction	11
B. Marine Genetic Resources and its Benefit-Sharing	21
C. Relevant Legal Instruments and Institutions	24
CHAPTER III: METHODS OF RESEARCH	32
A. Nature of Research	32
B. Types of Legal Research	33
C. Data Collection	33
CHAPTER IV: RESEARCH RESULT AND ANALYSIS	37
A. Classifying Marine Genetic Resources and its Benefit-Sharing	37
1. Lessons from the Current Regime	37
2. Marine Genetic Resources	45
3. Benefit-Sharing	57



B. Authorities to Establish MGR and its Benefit-Sharing for BBNJ	60
1. Scope of Authority	60
2. Schemes for Authority	65
C. Finding the Nexus Between Common Heritage of Mankind and Freedom of the High Seas for MGR for the BBNJ Draft Agreement.....	74
1. Common Heritage of Mankind	75
2. Freedom of the High Seas	79
3. MGR: Common Heritage of Mankind v. Freedom of the High Seas	81
CHAPTER V: CLOSING	96
A. Conclusion	96
B. Recommendation	99
BIBLIOGRAPHY	101



LIST OF ABBREVIATIONS

ABNJ	Areas Beyond National Jurisdiction
ABS	Access and Benefit-Sharing
AHTEG on DSI	<i>Ad Hoc</i> Technical Expert Group on DSI on Genetic Resources
ATS	Antarctic Treaty System
BBNJ	Biodiversity Beyond National Jurisdiction
BBNJ Working Group	Working Group relating to the Conservation and Sustainable Use of Marine Biological Diversity Beyond Areas of National Jurisdiction
CBD	Convention on Biological Diversity
CCAMLR	Commission for the Conservation of Antarctic Marine Living Resources
CHM	Common Heritage of Mankind
CH Mechanism	Clearing-House Mechanism
DOSI	Deep-Ocean Stewardship Initiative
DSI	Digital Sequence Information
EEZ	Exclusive Economic Zone
EBSA	Ecologically or Biologically Significant Marine Area
FHS	Freedom of the High Seas
ICCAT	International Commission for the Conservation of Atlantic Tunas
IGC	Intergovernmental Conference
ILBI	International Legally Binding Instrument
IOC-UNESCO	Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization
IODE	International Oceanographic Data and Information Exchange
IPR	Intellectual Property Rights
ISA	International Seabed Authority
IUCN	International Union for Conservation of Nature
MGR	Marine Genetic Resources
MPA	Marine Protected Areas
MSR	Marine Scientific Research
OBIS	Ocean Biogeographic Information System
PrepCom	Preparatory Committee
Protocol	Nagoya Protocol
SSA	Sargasso Sea Alliance
SSC	Sargasso Sea Commission
TRIPS 1994	Agreement on Trade-Related Aspects of Intellectual Property
UK	United Kingdom
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
VME	Vulnerable Marine Ecosystems
WIPO	World Intellectual Property Organization
WTO	World Trade Organization
WWF	Worldwide Fund