

INDONESIA-NETHERLANDS LEGAL UPDATE 2022 Panel on Blue Environmental Law and Justice

IOJI Incorporates Sustainability and the Rule of Law in the Ocean Governance

Jakarta - Thursday, September 22, 2022 - The Indonesia-Netherlands Legal Update (INLU) 2022 is being held in Jakarta from 19th to 29th September 2022. After three successful events in 2014, 2018, and 2019, this year's INLU is taking place in hybrid format to reach an even broader audience. This year, Indonesia Ocean Justice Initiative (IOJI) is co-convening the Panel on Blue Environmental Law and Justice, organized on-site at Atma Jaya Catholic University of Indonesia and through Zoom. This Panel departs from persisting issues of climate change, maritime security, and human rights abuses within the ocean landscape that has put an urgency for environmental law and justice to be reimaged.

The Panel starts with an opening session which reflects on the effectiveness of environmental law and explores potential forms of blue environmental law and justice. While the existing environmental laws are proven to be effective to some extent, they have been focused on terrestrial domain in national jurisdictions, instead of marine environment, says Prof. Michael Faure. Professor of Comparative and International Environmental Law, Maastricht University asserts that the existing environmental laws cannot be effectuated to handle environmental crisis in the Anthropocene era.

The world is indeed facing a triple planetary crisis, which comprises climate change, loss of biodiversity, and massive pollution. Global practices of the blue economy contribute to this crisis. In response, Dr. Mas Achmad Santosa, Chief Executive Officer of IOJI, emphasizes the need to adopt strong sustainability and blue justice principles in the blue environmental law. Several principles in this new ocean paradigm have been stipulated in Indonesia's national legal framework. The blue environment law needs to be developed to help the international community moving away from unsustainable ocean economy to sustainable ocean economy, stated by Dr. Santosa.

In addition to environmental issues, human rights and labor violations also take place in the ocean. Dr. Marzuki Darusman, Chair of the Foundation for International Human Rights Reporting Standards (FIHRRST), highlights the pressing issues towards human rights and labor rights in the fishing industry in Southeast Asia. At least 17.000 fishermen are enslaved while working in Southeast Asia waters, stated by Dr. Darusman. There are three major challenges of protecting fishers at sea, namely lack of ratification of key conventions, overlapping authorities in the fishing industry, and difficulty of vessel and human rights monitoring at sea.

Fadilla Octaviani, Chief Operating Officer of IOJI, also explains about human rights and labor risks along the seafood supply chain, particularly surrounding Indonesian migrant fishers. A set of policy recommendations are presented to address these risks, including legal and policy development at the national, regional, and international levels as well as improvement of law enforcement systems and practices.

Protecting the marine environment and human rights at sea requires effective monitoring and maritime enforcement. Dr. Samuel H. Kowaas, as the Director of Information and Data from Maritime Security Agency of the Republic of Indonesia (BAKAMLA RI), presents on the development of satellite and information technology in maritime law enforcement in Indonesia. Dr. Kowaas emphasizes the benefit of digital transformation in law enforcement at sea, such as faster decision making, unification of data, shortened response/relay time, and lower operational cost.

The discussion on innovative legal frameworks for the application of strong sustainable development in Blue Carbon Ecosystem Governance is presented by Stephanie Juwana, Director at IOJI. Blue carbon ecosystems, especially mangroves, are currently experiencing decline and degradation. In addition, there are several governance challenges and issues in Indonesia that exacerbate these conditions. Thus, there are several innovative protection instruments that are potential to be developed such as Ecologically or Biologically Significant Marine Areas (EBSA) and Other Effective Conservation Measures (OECM). Furthermore, Stephanie concludes that the role of the community is very important in maintaining and managing the blue carbon ecosystem. More need to be done in the rule of blue environmental law and justice to ensure that ocean-dependent people and nature can both thrive. ***

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Note to the Editor:

The Indonesia Ocean Justice Initiative (IOJI) is a think-tank and policy advocacy institution that supports the state of Indonesia, as the largest archipelagic country in the world, to realize marine governance based on the principles of effective protection, sustainable use, and equitable welfare.

IOJI builds collaborations with state and non-state actors to influence decision-making processes at national, regional and international levels by providing various scientific evidence-based policy proposals. IOJI also conducts assistance and empowerment work for communities whose livelihoods depend on the sea, such as small fishermen, coastal communities and migrant fisherman workers, in defending and fighting for their basic rights.



