

# **Dispute Settlement in respect of Areas beyond National Jurisdiction**

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Nations are currently negotiating towards a new treaty for the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction (BBNJ Treaty). One of the questions that remains to be resolved is what form of dispute settlement will be included in the Treaty. This presentation will explore the reasons that traditional, bilateral, dispute settlement is not always useful in matters that affect the area beyond national jurisdiction. Therefore, a simple reference to Part XV of UNCLOS may not be sufficient, especially where a State is alleged to have caused harm to the marine environment beyond national jurisdiction. Two additional options are suggested. First, the Conference of the Parties should be able to request an advisory opinion from ITLOS where questions of law need to be clarified in order to improve the effectiveness of the BBNJ Treaty. Second, the draft Treaty contains leaves the option open of State Parties developing a non-compliance procedure, and the presentation will explain that are good reasons for this to be included in the final text.