

REGULATION OF MARINE BIOPROSPECTING IN AREAS BEYOND NATIONAL JURISDICTION UNDER UNCLOS

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Technical developments started to allow for the development of deep-sea marine bioprospecting a decade ago but the legal framework applicable to such activities remains elusive.

The purpose of this presentation is to explore how, and to what extent, the United Nations Convention on the Law of the Sea (UNCLOS) provides a legal framework for the collection and utilization of marine genetic resources in areas beyond national jurisdiction.

The presentation will begin with a brief introduction to marine bioprospecting and current developments in the technological and commercial uses of marine genetic resources. The introduction will also briefly address the regime applicable to marine bioprospecting in the Exclusive Economic Zone (EEZ) and on the continental shelf.

The main part of the presentation will address the regime applicable to marine bioprospecting in the Area and in the water column beyond national EEZs. Special attention will be given to interactions between UNCLOS and other relevant international legal instruments, including the 1992 Rio Convention on Biological Diversity and other universal and regional treaty regimes. The (tentative) conclusion of the presentation is likely to be that UNCLOS currently fails to provide a reliable legal framework for deep-sea marine bioprospecting in areas beyond national jurisdiction. The presentation will thus suggest various ways in which UNCLOS could be amended and/or used to improve regulation of deep-sea marine bioprospecting, in order to ensure that marine bioprospecting is conducted in a sustainable way and for the ultimate benefit of mankind.

¹ Dr. Mbengué's participation is subject to the caveat described in the email to which this abstract is attached.