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Breaking the Stalemate:
Analyzing State Preferences in the Global Debates on
Marine Biodiversity Beyond National Jurisdiction

Marine areas beyond national jurisdiction, once perceived to be desolate and relatively barren of life, are now known to be rich in biodiversity and ecosystems that play a critical role in ecological processes and contain socially and economically valuable resources, including food and cancer-curing medicines. As human activities expand further offshore and new activities are proposed in open ocean and deep sea areas, various stakeholders have identified potential gaps and weaknesses in the international legal and regulatory framework for marine areas beyond national jurisdiction. As a result, this topic has become a prominent area of intergovernmental debate. However, differing perspectives and conflicting legal interpretations among governments have prevented these debates from reaching consensus on means to ensure conservation and sustainable use of marine biodiversity beyond national jurisdiction.

This presentation will provide an overview of a recently-completed thesis study aimed at characterizing State preferences articulated in major UN fora addressing issues related to marine biodiversity beyond national jurisdiction, identifying and analyzing major areas of contention and commonality between States, and outlining potential elements of a resolution to these debates in the context of State preferences. The study characterizes State preferences in the main issue-areas discussed in the debates on marine biodiversity beyond national jurisdiction; marine genetic resources of the deep seabed, marine protected areas, environmental impact assessments, high seas fishing, cooperation and coordination, and governance and implementation gaps. The presentation will also touch on recent policy developments related to marine biodiversity in areas beyond national jurisdiction and potential areas to be explored in a doctoral dissertation.