

PROTECTING THE MYSTERIES OF THE DEEP: CONSERVING BIODIVERSITY IN MARINE AREAS BEYOND NATIONAL JURISDICTION

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ABSTRACT

Living resources in the deep sea have attracted increased attention over the past few decades. As science and technology advance our ability to explore these areas, the extent of marine biodiversity being discovered is astonishing. Unfortunately, beyond national boundaries this abundance of life is largely unprotected. This article will explore the current legal regime governing marine biodiversity in areas beyond national jurisdiction. It will identify gaps in the regime and suggest a solution in the form of a framework for an implementation agreement to the United Nations Convention on the Law of the Sea.

The article begins by describing various aspects of marine biodiversity in areas beyond national jurisdiction and identifying various threats and impacts to these areas. The article then provides an overview of the current legal regime by describing the primary international and regional frameworks as well as addressing gaps in governance and implementation. On this background, the article discusses the creation of an implementation agreement to the United Nations Convention of the Law of the Sea - exploring central elements of such an agreement and options for international adoption.

The author's ultimate conclusion is that long-term protection of marine biodiversity in areas beyond national jurisdiction requires broad international consensus and definitive action in the form of a legally binding agreement.

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