
Marine Genetic Resources

Issues of Divergence and
Opportunities for Building
Convergence

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Background

2004 UN Ad Hoc Open-ended Informal Working Group studied issues related to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ) [A/RES/59/24].

2011 Topics packaged and addressed together: marine genetic resources, sharing of benefits, area based management tools w/ marine protected areas, environmental impact assessments, and capacity building and transfer of marine technology.

2012 Leaders commit in “The Future We Want” to decide on the development of a new BBNJ instrument.

2015 Preparatory Committee established making substantive recommendations on elements of the 2011 Packaged topics draft [A/RES/69/292].

2017 Intergovernmental Conference convenes to consider the Preparatory Committee recommendations [A/RES/72/249].

Issues leading to Divergence

Lack of definition of MGR and unclear legal status

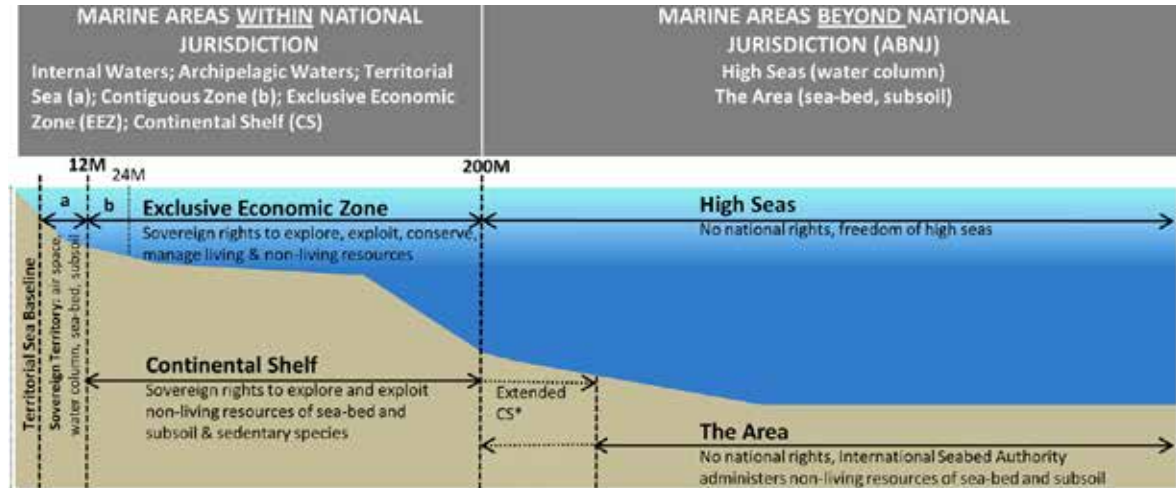
Lack of definition of MSR

Lack of applicable access and benefit sharing regime

Different capacities across countries

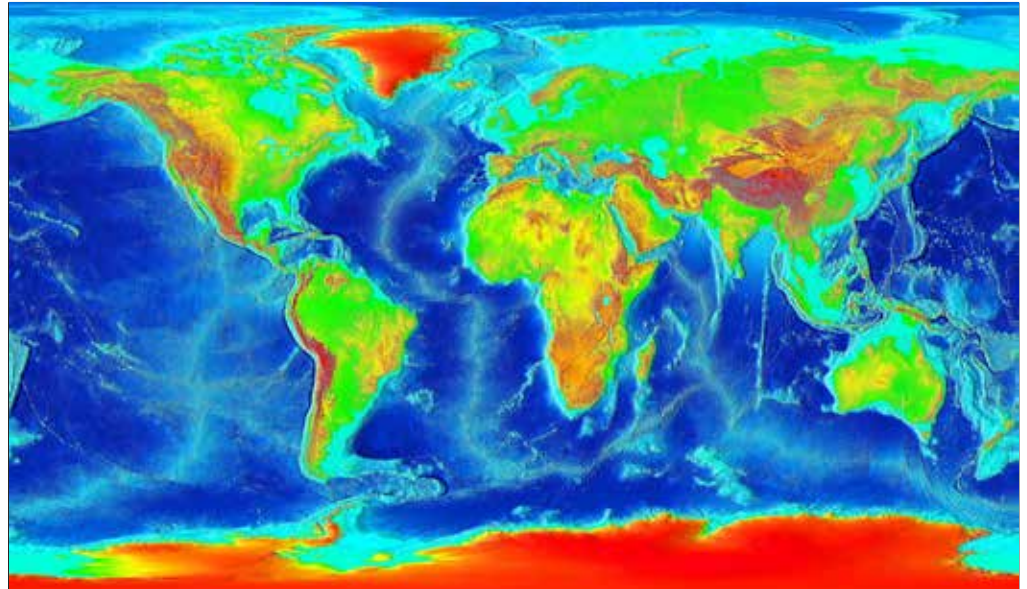
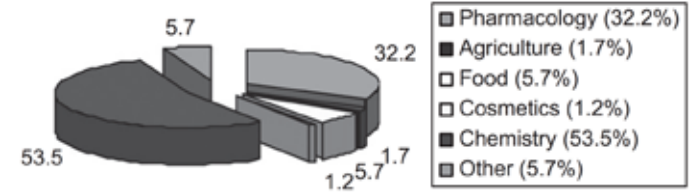
Lack of scientific knowledge on marine genetic resources

Areas beyond National Jurisdiction



Issues leading to Divergence

1. Common Heritage of Mankind vs. Freedom of the High Seas
2. Geographic Scope
3. Material Scope - in situ, ex situ, in silico, fish
4. Regulated access
5. MSR vs. Bioprospecting
6. Non monetary vs. monetary benefits, or both
7. Traceability
8. Intellectual Property Rights



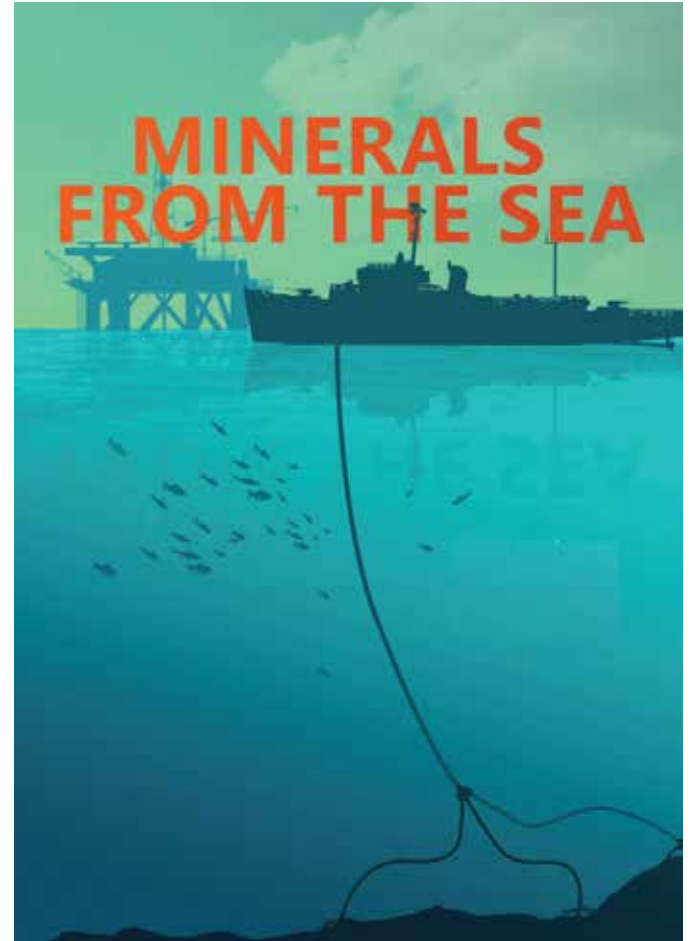
Issues leading to Divergence

1. Policy relevant scientific assessment of existing available information to inform decision-making,
2. Examination of the nature and level of interest in marine biological diversity in areas beyond national jurisdiction, and in particular commercial interest in genetic resources from the deep sea,
3. Socio-economic value of marine biological diversity in areas beyond national jurisdiction,
4. Existing legal framework to identify principles relevant to the conservation and sustainable use of marine biological diversity, including resources of the international seabed area
5. Regimes or applicability of intellectual property rights and the use of genetic resources in areas beyond national jurisdiction
6. Clarification of the relationship between the legal framework of IPR and the convention, and
7. The level of dissemination of the results of marine scientific research.

Legal Regime Applicable to Accessing MGR

Part XIII: Marine Scientific Research

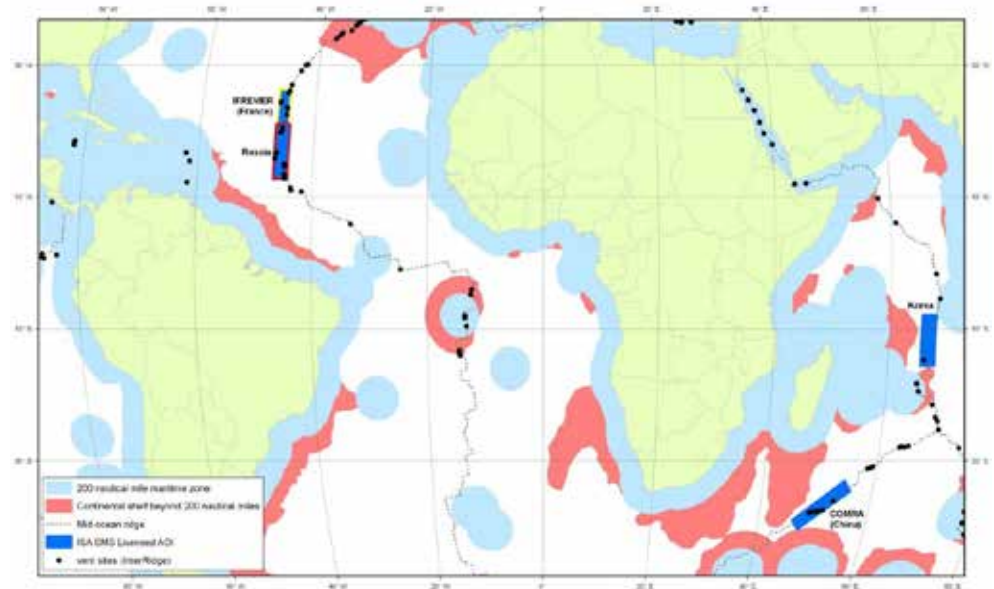
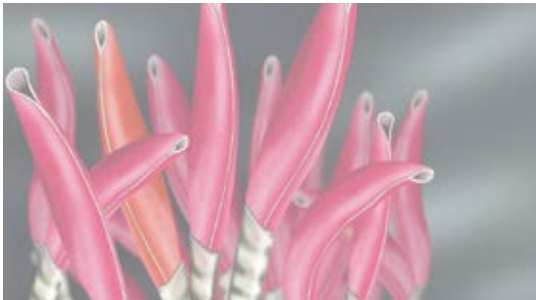
Part XIV: Marine Technology Development and Transfer



Deriving Monetary Benefits

Issues for consideration

- Who is required to share?
- What is required to be shared?
- When?
- Who are the beneficiaries?
- What are the implications for marine scientific research?
- What are the implications for institutional arrangements?



This figure illustrates the International Seabed Authority (ISA) licensed Seafloor Massive Sulphides (SMS) in blue for exploration along sections of mid-ocean ridges. Black squares indicate the location of active and inactive hydrothermal vent sites.

Opportunities for Convergence



Knowledge Generation: Sharing knowledge as a common benefit of mankind.

International cooperation: Support mechanisms to promote MSR

Capacity building and transfer of marine technology: to enable developing countries access to MGR