Part IV

MARINE GENETIC RESOURCES AND BIOPROSPECTING
Is the UN Convention on the Law of the Sea the Legal Framework for All Activities in the Sea? The Case of Bioprospecting

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A COMMONLY REPEATED STATEMENT

The 1982 United Nations Convention on the Law of the Sea (LOS Convention) is a cornerstone in the process for the codification of international law. It has been rightly described as a ‘Constitution for the Oceans’, ‘a monumental achievement in the international community’, ‘the first comprehensive treaty dealing with practically every aspect of the uses and resources of the seas and the oceans’ and as an instrument which ‘has successfully accommodated the competing interests of all nations’.¹ Thus, states and United Nations General Assembly (UNGA) resolutions alike have repeatedly declared that the LOS Convention sets out the legal framework within which all activities in the sea must be carried out. In this sense, e.g., the preamble to UNGA resolution 63/111 on ‘Oceans and the Law of the Sea’, adopted on 5 December 2008, emphasises the universal and unified character of the LOS Convention and reaffirms that ‘the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained’.²