

Assessing the Role of the International Seabed Authority in the Management of Biological Resources of the Deep Seabed Beyond National Jurisdiction: A Case Study

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Problem Statement

There is growing concern in the international community over the status of the biological resources of the deep seabed in areas beyond national jurisdiction. These resources currently have no overarching governance mechanism, potentially leaving them open to the problem affecting most “commons” resources--unsustainable overexploitation. This lack of governance has become increasingly important due to the growing interest in these resources by pharmaceutical companies searching for genetic materials that might be helpful in the development of new drugs.

In recent years, the international community has extensively debated the issue of what should be done in terms of the governance of these deep water resources, whose use did not exist at the time of the international discourse leading up to the eventual signing of the Third United Nations Convention on the Law of the Sea. The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea has begun to study this issue, as has the United Nations University, Institute of Advanced Studies. Members of these organizations, as well as outside experts, have suggested various policy measures so as to bring these resources under some measure of governance. One option that has been suggested has been placing these resources under the aegis of the International Seabed Authority, an international body created by the Third United Nations Convention on the Law of the Sea to manage the mineral resources of the Area.

The International Seabed Authority (ISA), in looking at this issue, has argued that the biological resources of the deep seabed beyond national jurisdiction are intrinsically linked with the mineral resources already under its jurisdiction. It has begun initiatives to study how these biological resources can formally be brought under its charge.

Research Objectives

The goal of this proposed dissertation project is to study the ISA, its history, development, governance structure, mining guidelines, and its current initiatives in terms of managing these biological genetic resources, for purposes of exploring/assessing the institutional capability of the ISA to assume enhanced jurisdiction in regards to the governance of these new ocean resources. The emerging international debate that surrounds this issue and the legal and policy implications of the ISA assuming enhanced jurisdiction in the governance of new ocean uses will also be explored. Various new ocean uses will be assessed, but this project will focus upon the potential role of the ISA in the governance of “extremophile”

marine genetic biological resources of the deep seabed. Importantly, this project will evaluate whether a fatal conflict of interest exists in regards to the expansion of the role of the ISA as to the protection of marine biological resources due to considerations that the ISA was expressly charged with managing marine mineral extraction and designed accordingly. Lastly, current international agreements that have peripheral implications over resources of the deep seabed will be examined and their impact upon this issue will be addressed.

Tools and Techniques

Two methodologies will be utilized in this proposed dissertation research project. The first will be the case study traditional social science methods tool. The case study of the ISA action arena will be operationalized through the use of personal interviews, document analysis and observation. As developed by Robert Yin, a case study has five important components: 1) research questions, 2) hypothesis, 3) unit of analysis, 4) logic linking ascertained data to central theory of research, and 5) criteria for interpretation of findings. This writer has also added a sixth category called data. Inherent limitations in case study research leave components 4 and 5 traditionally underdeveloped.

This research project will remedy this weakness by substituting aspects of a second methodology in the place of case study components 4 and 5, focusing specifically on the characteristics attendant to well-designed common source management organizations under the Institutional Analysis and Design Framework. In developing these characteristics, data will be gathered by the same methods utilized for the case study—interviews, document analysis and observation. By synergistically linking case study and the IAD characteristics, this project will be capable of assessing the institutional capacity of the ISA to assume enhanced jurisdiction, while investigating the positive and negative policy implications of such an approach.

Proposed Research and Current Results

This area will be developed upon the commencement of research.

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