

# Legal aspects related to marine bioprospection in Melanesia: example of Fiji, Salomon and Vanuatu Islands

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Our study within Component 2-C on marine active substances of the Coral Reef Initiative for the South Pacific focuses on the law which apply to marine bioprospecting in Fiji, Solomon Islands and Vanuatu. Marine Scientific Research (MSR) is subject to and unequal rules which are not necessary appropriate to this specific activity. The three States have adopted the United Nations Convention on the Law of the Sea (1982) without adapting its prescriptions to modern MSR.

Solomon Islands' Law on research (1982) deals with research in general. Fijian Marine Spaces Act (1978) regulates MSR only in the Economic Exclusive Zone. In Vanuatu, there is no specific law on the MSR. Vanuatu's Environmental Management and Conservation Act (2002) is composed inter alia of a part on bioprospection which can apply. Despite the good quality of their legislations, the MSR remains poorly identified in this Melanesian States. In practice, this activity is generally considered as a fishing activity or a preliminary exploitation of biological resources. This constitutes an impediment to research and development.

Patent Law is heterogeneous. Fijian Patents Act (1879) is outdated and does not always correspond to international standards. Unlike Fiji, Vanuatu is not a member State of the World Trade Organisation but paradoxically complies with its requirements in its Patents Act of 2003. Industrial Property Bill of Salomon Islands (2002) has still not been adopted by the Parliament. All these laws are "market oriented", which does not necessarily correspond to the reality of small island developing countries. The lack of capacity allocated to research and development still hampers innovation and investment, particularly in the biotechnology sector.

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