**The role of the intergenerational equity principle in performing due diligence obligations enshrined in UNCLOS**

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**ABSTRACT**

In “Mafalda” –the famous Argentinian comic strip- the eponymous character after making her point to her class on how she would fix the world by being an interpreter at the United Nations, turns to a globe and says: “Promise me that you will last until I grow up”. Anthropogenic activities might compromise this wish and one may wonder whether the world will last until Mafalda grows up. In particular, we are testifying severe issues happening in the oceans such as overfishing, plastic pollution, ocean acidification and deoxygenation or loss of marine biodiversity. Part XI and XII of the United Nations Convention on the Law of the Sea (UNCLOS) set a legal framework for the protection of marine environment comprising obligations of due diligence within and beyond national jurisdiction. However, to what extent the interests of future generations can be allocated while assessing the compliance of these due diligence obligations? In international law, the intergenerational equity principle seems to veil for the interests of future generations and its part of the concept of sustainable development and the principle of common heritage of the humankind. Nevertheless, the principle *per se* is incapable of functioning as legal obligation. However, if coupled to another obligation –such as due diligence obligations- it may entail important positive legal consequences. This paper argues that, while assessing the compliance of due diligence obligations entailed in UNCLOS, the intergenerational equity principle could play an active role by considerably increasing the level of action required to address a potential risk for the marine environment that compromises the interests of future generations. Thereby, this paper will address three main points: **1)** the current legal status of the intergeneration principle in international law; **2)** a brief explanation of the architecture of due diligence obligations enshrined in Part XI and XII of UNCLOS; and **3)** the role of the intergenerational equity principle in performing obligations of due diligence contained in UNCLOS as a balancing tool for the interests of future generations.

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