

# **Conservation of the marine environment and The Exploitation of the Seabed**

***“The Ocean, Climate Change and Marine Biodiversity:***

***Can International law emulate a holistic approach to regulate the  
Conservation of these three Planetary Boundaries?”.***

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## **Abstract**

This presentation aims to demonstrate the urgent need for an appraisal of International law to ensure its resilience in regulating the sustainable use of the ocean and its living resources, threatened by the negative impacts of climate change. The intricate relationship between living marine resources, climate and the ocean has been repeatedly stressed at the scientific and even at the political level. The concept of planetary boundaries has highlighted the inextricable relationship via which the planet “regulates itself” as one holistic ecosystem. The application of an integrated approach however remains somewhat confined to science and political rhetoric. Climate change, the ocean and marine biodiversity continue to be regulated distinctly from one another such that the absence of integrated approach in International norm-making persists, notwithstanding the International community’s renewed focus in the recent years to regulate more effectively climate change as well as ocean governance, including marine biodiversity and habitats.

Climate change is a threat multiplier of current problems relating to the marine environment and the exploitation of the sea bed, (eg coral bleaching) as well as the cause of new risks (eg breakdown of methane hydrates) to the Ocean and its resources. The paper will first examine applicable International law sources and highlight the absence of an adequate multilateral legal framework that is currently fit for purpose in protecting the Ocean from the risks of climate change. Given the current political and legal impetus on ocean governance

at the multilateral level, the paper proposes that the time is ripe for the International community to integrate climate change response measures in the legal framework addressing ocean governance.

The paper aims to manifest that while the multitude of existing international norms, if well implemented, would greatly enhance the health of the oceans and its resources, “innovative” substantive and procedural norms may ensure better resilience and preparedness to adapt ocean governance to the effects of climate change. Lack of action in this direction would jeopardize sustainable ocean governance according to the rule of law.

Using the Conference theme on the conservation of the marine environment and the exploitation of the sea bed, the paper in its conclusion will suggest possible legal techniques that would dovetail the application of International legal principles/norms with mitigation and adaptation measures required to harness and where possible prevent oceanic geophysical, chemical and biological changes that climate change may cause and the effects which these changes have upon humanity and biodiversity. The inclusion of these norms into multilateral legal instruments may serve either to climate proof existing sources of international law or to generate, if need be, a new multilateral legal instrument that specifically targets the relationship between marine biodiversity, the ocean and climate change.