Chapter 2

Framework treaties and key concepts in international law

2.1 Introduction

This chapter examines core aspects of international law that apply to hydrothermal vents and their associated ecosystems. It begins with an examination of key concepts that are relevant to assessing the effectiveness of the existing law and any needed reforms. These concepts are sustainable development, the related concept of intergenerational equity, the precautionary principle and the ecosystem approach. The chapter then goes on to consider the extent to which existing international law can provide for the sustainable management of deep-sea hydrothermal vents. In particular it examines the core global treaties LOSC and the CBD. The chapter will then go on to examine recent developments on this issue within the context of both the work of the Subsidiary Body on Technical and Technological Advice to the CBD\(^1\) and the Conference of Parties\(^2\) of the CBD. The chapter then concludes with an examination of the ongoing work of UNIC-PLOS and relevant resolutions of the United Nations General Assembly. Parallel developments within the ISA are canvassed in Chapter 9.

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\(^1\) Hereinafter SBSTTA.
\(^2\) Hereinafter COP.
2.2 Foundation concepts in international environmental law and policy

2.2.1 Stockholm and beyond

International environmental law is a modern construct. The key event often referred to as the beginning of international environmental law is the 1972 Stockholm Conference on Environment and Development. The Stockholm Conference was attended by 114 states as well as a large number of international institutions and non-governmental observers. The key outcomes of the Stockholm Conference were three non-binding instruments including a resolution on institutional and financial arrangements, the Stockholm Declaration containing 26 Principles, and an Action Plan containing 109 recommendations. Of these outcomes the Stockholm Declaration is by far the most significant. Although it did not specifically use the term sustainable development, it is widely regarded as laying the groundwork for its subsequent acceptance as a core principle of international environmental law and policy.

The most widely accepted definition of sustainable development is that contained in the Brundtland Report. That is:

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\text{development that meets the needs of the present without compromising the ability of future generations to meet their own needs.}
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The significance of the Brundtland Report and in particular its articulation of the concept of sustainable development went far beyond merely introducing a new concept into international discourse. As Sands notes the Bruntland Report:

focused world attention on population, food security, the loss of species and genetic resources, energy, industry, and human settlements, recognizing that these are connected and cannot be treated in isolation from each other. On international co-operation and institutional reform the focus included the role of the international economy, managing global commons, the relationship between peace, security, development and the environment and institutional and legal change.

The Brundtland Report then went on to make recommendations in respect of each of these matters identifying key challenges for the development of international law in areas in and beyond national jurisdiction.

Thus not only did the Bruntland Report provide a widely acceptable definition of sustainable development, it also mapped out the road to achieve it. Following this road map sustainable development has been a core concept at the centre of subsequent developments in international law and policy, including the outcomes of the 1992

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5 Sands, above n. 3.
8 World Commission on Environment and Development, above n. 5, 43.
9 Sands, above n. 3, 46.