

**DIFFERENTIAL TREATMENT IN INTERNATIONAL
LAW**
**SIGNIFICANCE OF RECENT DEVELOPMENTS IN
INTERNATIONAL ENVIRONMENTAL AGREEMENTS**

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by
Philippe Cullet

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ABSTRACT

International law has traditionally been based upon the notion of sovereign equality among all states. In today's world characterised by widespread inequalities both at the inter- and intra-state level, reliance upon the principle of political equality does not suffice.

Differential treatment in favour of the least well-off is premised upon the idea that different situations must be treated differently and it represents one way to address the shortcomings of a formal analysis that does not take into account economic, environmental or developmental discrepancies. Legal, moral and historical rationales can be given to justify the necessity to grant differential treatment.

The globalisation of environmental problems is playing a significant role in the expansion of differential treatment in favour of the least favoured states because it calls for new cooperative schemes. Intrinsic links between some these problems and development problems where redistributive measures were first discussed make the law of sustainable development a focal point in these issues.

In practice, differential treatment is usually conceived of in terms of financial transfers, mostly in the form of aid. This is a serious shortcoming and other mechanisms that may or may not involve states such as redistribution of power should be emphasised.

This study therefore attempts to map the new contents of differential treatment in today's international law through an examination of recent developments in environmental agreements. It seeks to highlight the strengths and shortcomings of the current approach and its relevance in the broader international law and in international relations.

NB: Spelling in this paper follows the CONCISE OXFORD DICTIONARY OF CURRENT ENGLISH (9th ed. 1995).

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