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International Principles and Treaties in Environmental Law

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Environmental law is one of those subjects that looks intimidating on paper but becomes surprisingly manageable once you see the pattern. Almost every question tests the same handful of principles and treaties, just dressed up differently.

This guide breaks down the international principles and treaties in environmental law that repeatedly appear in CLAT PG, judiciary, and other law entrance exams. We explain the origin of each principle, the major treaties that followed, and how Indian courts absorbed all of this into domestic law.

Why This Topic Is an Examiner's Favourite

International principles and treaties in environmental law sit at a unique intersection of public international law, constitutional law, and current affairs. Examiners love this combination because a single question can test a treaty's year, a principle's definition, and the Indian case that adopted it, all at once.

The good news is that this entire subject rests on just two foundational declarations and about five or six recurring principles. Master these, and the treaties fall into place naturally.

The Two Foundational Declarations

The Stockholm Declaration, 1972. This was the first major global gathering on the environment, held in Stockholm following Sweden's 1968 proposal to the United Nations. It produced 26 principles and is widely regarded as the birth of modern international environmental law.

India's Prime Minister Indira Gandhi famously argued at Stockholm that poverty itself is a major cause of environmental degradation, a position that shaped how developing countries approached environmental negotiations for decades afterward. The declaration was not a binding treaty, but a

statement of principles.

The Rio Declaration, 1992. Adopted at the Earth Summit in Rio de Janeiro, this declaration reaffirmed and expanded Stockholm's principles into a set of 27 principles. It introduced sharper, more legally influential language around sustainable development, the precautionary approach, and the polluter pays principle.

Two binding treaties also emerged directly from the Rio Summit, the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, both of which we cover below.

The Core Principles Tested in Exams

Sustainable Development. Defined by the **Brundtland Report of 1987** as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. This is the umbrella principle under which almost every other environmental principle operates.

The Precautionary Principle. Found in **Principle 15 of the Rio Declaration,** this principle holds that lack of full scientific certainty should not be used as a reason to postpone cost effective measures to prevent environmental degradation. In simple terms, if there is a credible risk of serious harm, authorities do not need to wait for complete proof before acting.

The Polluter Pays Principle. This principle holds that the party responsible for producing pollution should bear the cost of managing it to prevent damage to human health and the environment. It covers both compensating victims and the cost of restoring the damaged environment itself.

Common But Differentiated Responsibilities, or CBDR. Reflected in Principle 7 of the Rio Declaration, this principle recognises that while all states share responsibility for protecting the environment, developed countries bear a greater share of that responsibility given their historical contribution to environmental damage and their greater resources.

Intergenerational Equity. This principle requires the present generation to conserve natural resources so that future generations inherit an environment at least as healthy as the one we inherited ourselves.

Public Trust Doctrine. This principle holds that certain natural resources, like rivers, forests, and air, are held by the state in trust for public use and enjoyment, rather than being available for unrestricted private exploitation.

Major International Treaties You Must Remember

Once you understand these principles, the treaties become far easier to place in context, since each one operationalises one or more of the principles above for a specific environmental problem.

Convention on International Trade in Endangered Species, or CITES, 1973. This treaty regulates and restricts international trade in endangered plants and animals, aiming to ensure that such trade does not threaten their survival in the wild.

Vienna Convention for the Protection of the Ozone Layer, 1985 and the Montreal Protocol, 1987. The Vienna Convention set the framework for international cooperation on ozone depletion, while the Montreal Protocol that followed it set binding targets to phase out ozone depleting substances like chlorofluorocarbons. The Montreal Protocol is frequently cited as one of the most successful international environmental treaties in history.

Basel Convention, 1989. This treaty controls the transboundary movement of hazardous wastes, particularly aimed at preventing developed countries from dumping toxic waste in developing nations.

United Nations Framework Convention on Climate Change, or UNFCCC, 1992. Adopted at the Rio Summit, this treaty set the overarching international framework for addressing climate change and established the principle of common but differentiated responsibilities as a guiding rule for climate negotiations.

Convention on Biological Diversity, or CBD, 1992. Also adopted at Rio, this treaty has three main objectives, the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits from genetic resources.

Kyoto Protocol, 1997. Operating under the UNFCCC framework, this protocol set binding emission reduction targets specifically for developed countries, based directly on the common but differentiated responsibilities principle.

Stockholm Convention on Persistent Organic Pollutants, 2001. This treaty aims to eliminate or restrict the production and use of persistent organic pollutants, chemicals that remain in the environment for long periods and can travel far from their source.

Paris Agreement, 2015. Also operating under the UNFCCC, this agreement moved away from the rigid top down targets of Kyoto toward a system of Nationally Determined Contributions, where each country sets its own voluntary climate targets, with a collective goal of limiting global temperature rise to well below 2 degrees Celsius above pre-industrial levels.

How Indian Courts Absorbed These Principles

This is the part of the topic examiners love testing the most, since it connects international law directly to Indian constitutional law.

In M.C. Mehta v Union of India (1996), commonly known as the Taj Trapezium case, the Supreme Court explicitly held that the precautionary principle and the polluter pays principle are essential features of sustainable development.

In Vellore Citizens Welfare Forum v Union of India (1996), the Supreme Court went even further, holding that these principles have become part of the law of the land, effectively giving international environmental principles binding legal force within India, even without a specific domestic statute enacting them. The Court in this case defined the polluter pays principle to include liability both for compensating pollution victims and for the cost of restoring environmental damage.

In Indian Council for Enviro-Legal Action v Union of India (1996), the Court applied strict liability along with the polluter pays principle against industries responsible for hazardous waste contamination, reinforcing that these are not merely aspirational ideas but enforceable standards.

Through these judgments, principles born in international declarations like Stockholm and Rio were read into Article 21 of the Constitution, which guarantees the right to life, effectively making the right to a clean and healthy environment a fundamental right in India.

Conclusion

International principles and treaties in environmental law may look like an endless list of dates and names at first glance, but they actually tell one connected story, humanity gradually building

consensus on shared environmental responsibility, one treaty at a time.

Once you link each treaty back to the principle it embodies, and connect both to how Indian courts have applied them in cases like Vellore Citizens and M.C. Mehta, this topic becomes one of the most scoring areas in your environmental law preparation.

