

Another Prerogative Prohibited: State Responsibility for Transnational Pollution

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The Paper explores accepted and emerging international law and interprets these as evidence as to how close the international community is to a recognition of environmental obligations and rights. This emergence stems from the continuous occurrence of industrial accidents with disastrous effects on the environment such as the leak in Seveso, Italy; the toxic gas leak in Bhopal, India; the nuclear plant disaster in Chernobyl; and the grounding of the tanker Exxon Valdez. The Paper also delves into the traditional and non-traditional sources of international environmental law.

The Paper, however, limits itself primarily to parallels drawn from well-developed rules governing transboundary watercourses. The Paper also discusses the global inter-connectedness of natural resources and interprets this as a gradual, yet radical, shift in the conduct of states toward a regime of strict liability. Further, it submits that the Philippines has accepted much of these peremptory norms of stewardship and intergenerational equity. The Paper concludes with a discussion of the significance of emerging international environmental law and its implications in the future.