

The contribution of international courts and tribunals to the methodology of international law

OC - (ILA-14169) - THE PRINCIPLE OF DUE DILIGENCE UNDER INTERNATIONAL ENVIRONMENTAL LAW AND STATES OBLIGATION FOR ENVIRONMENTAL HARM

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Abstract

The Principle of Due Diligence Under International Environmental Law and States Obligation for Environmental Harm

Abstract: This paper analyses the principle of due diligence with regard to environmental harm and states obligation under international environmental law in light of the cases decided by International Court of Justice. International law fixes the responsibility on the states to ensure that activities within their jurisdictions not result in trans boundary environmental harm. International law describes due diligence as a missing link between state responsibility and international liability. The literature on the principle of due diligence and obligation of states for environmental harm was reviewed in this paper, along with the cases decided by International courts and tribunals. The paper also explores on the issue of responsibility of the state to prevent trans boundary harm on account of the activities of non state actors under international environmental law. The findings confirm that under international environmental law the concept of due diligence is important to fix the responsibility of state for trans boundary environmental harm. To meet the obligations of due diligence, the states are required to establish procedural setup to control environmental harm. This paper clarifies that principle of due diligence gradually evolved in the field of international law is crucial to settle disputes of trans boundary harm under international environmental law.

Palavras-chave : International environmental law, due diligence, environmental harm