

Recognizing the Principle of State Responsibility in Land Based Marine Pollution as a Response to State Sovereignty

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Abstract

The seas and oceans as the largest eco-system in the world have been polluted from various sources throughout history. This global issue is mainly caused by states through land-based sources. Even though there are international rules, regulations and standards to prevent and control marine pollution through land-based sources by states, in the contemporary legal arena, States utilise the principle of sovereignty to escape from their obligation towards land-based marine pollution. Since the states have their own sovereignty within their territory, it has become difficult for the international community to intervene in the activities that cause land-based marine pollution. However, Customary International Law has answered this growing issue by recognising that international law also includes States' responsibility towards other states and the world to protect the environment. Further, this concept of customary law was adopted by the United Nations Convention of the Law of the Sea, 1982, and the obligation imposed through the Convention was inadequate to control the said problem. Based on doctrinal research methodology, this study will analyse international conventions, case laws, law reports and law journals to identify how the international law concept of sovereignty has been re-interpreted by the international customary law concept of State Responsibility. Further, this will analyse the insufficiency of the adoption of this concept at the global level and how this lacuna has been well addressed and answered by soft laws and regional legal orders to regulate land-based marine pollution activities.

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