

Current Situation: Liability for Environmental Problems

Since the beginning of the machine age, people have been producing waste and disposing of it improperly. It was a fact that came with industrialization. Now however, we know that this pollution and waste is incredibly bad for the environment, as well as people. I will try to explain the current laws on the environment as well as possible in this paper, as it has been discussed at the previous Sixth Committee sessions.

The most recent legislation in the UN General Assembly came during its session last year. The Sixth Committee recommended that the General Assembly adopt the new draft, entitled the consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm. The draft states that the state from which the hazardous activity could possibly be generated in must do everything in its power to prevent such an event from occurring. It also says that the “states concerned shall cooperate in good faith and, as necessary, seek the assistance of one or more competent international organizations in preventing significant transboundary harm or at any event in minimizing the risk thereof.”¹ Further in the report it states that there must be an assessment of risks and possible damages, proper notification and information of the threat given to the states which could be affected, that the state of origin be prepared for such a problem, and that the citizens who may be affected be notified of the threat and asked of their opinions. This report does put the blame on the country from which the problem comes from, and also puts them in charge of notifying the other states involved. However, this report does not make the state from which the problem comes do all of the clean up. The report specifically says that this state must be prepared for the problem, but that all of the other states involved should be working in co-operation with the state of origin to be prepared as well. Therefore, even if a state is 100% responsible for a disaster, the other states which could be affected must take care of the after effects in their own states.

One interesting study that was done by the Review of Economics and Statistics shows the relationship between the number of environmental accidents between states that have a high liability for the company or state responsible, and those states which do not have this. The result of this study was very surprising. It concluded that there is an average of 40 more spills per year in states with high liability for the organization that has the spill than those with little to no liability.² Less surprisingly, the study also found that smaller organizations are much more likely to have a problem of this kind than larger ones. The reason for this is that the smaller organizations have more to lose by spending the money on strict safety protocols. Also, OSHA has strict rules saying that large firms must have written plans for emergency procedures in the case of a spill, but the same rules do not apply to small firms. The belief is that the procedures would require too much investment by the small firms, and that the larger risks come from the larger ones, as they store more hazardous chemicals on site.

Several agreements over the environment have also been reached in recent times. The most famous of these is probably the Kyoto Protocol. This is an agreement between 182 different states that vow to reduce their greenhouse gas emissions. Unfortunately, the United States is not one of those countries, because it believes that the Protocol would hinder its economic development. The US is also the world’s largest producer of greenhouse gasses.³ However, over 130 of the states which signed the agreement are developing nations. The difference between these states and the US is that they are not required to do anything about their emissions. All they have to do is monitor and report their annual greenhouse gas output. The G8

in its meeting in 2007 declared that a successor to the Kyoto Protocol was necessary, and that a draft should be started immediately. This new international agreement would aim to cut the world's greenhouse gas emissions in half by 2050, an amazing feat. While the agreement would be non-binding, it would be the same for all states that sign it. This means that even developing countries would have to lower their emissions, as well as already industrialized states. This is very important in that some of the largest producers of greenhouse emissions are developing states like China, India, and Brazil.

There must always be agreements like these that help keep the world clean and livable. Without them, we would be living in a completely different place within the next century. People and states need to be held liable for the pollution they produce and the chemical spills that occur. It isn't hard for us to make them liable, but it is such a big change from how the world has always operated that it will take a little while to catch on. Hopefully though, when it does, the world will be a much cleaner, safer place.

Works Cited

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