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A Paradise with Waste: A Case Study of the Polluter Pays Principle into the Human-Made Environmental Pollution by Waste with Special Reference to Chunnakam Decision and Bulankulama Phosphate Decision

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Abstract

Chunnakam Decision is marking a milestone of the judicial engagement in protecting the natural environment from pollutants by delivering progressive interpretation for the international environmental law principles such as polluter pays principle. In the decision, the supreme court observed the pollution made by the thermal station to the groundwater of Chunnakam area and made groundwater unfit for human use. On the other hand, in the decision of Bulankulama phosphate case, the supreme court emphasised the importance of having Environmental Impact Assessment (EIA) to ensure environmentally sound and sustainable of prescribed projects by the developers. This research, therefore, intends to analyse these two major judiciary pronouncements, Bulankulama phosphate case and the Chunnakam thermal power station Case by focusing of the application of international environmental law principles of sustainable development and polluter pays principles. Further, to explore how could these international environmental law principles utilise to overcome the problems relating to waste management and the pollution in Sri Lanka. The methodology of the research is a qualitative research conducted concerning primary sources such as International conventions, declarations, national and international legislation, and case law; and secondary sources such as international standard-setting documents reports issued by international and national environmental agencies, texts of academic authority and existing research studies.

Keywords: Waste management, pollution control, international environmental law, sustainable development, the polluter pays principle