A Concluding Comment
Reassessing and Redefining the Principle of Economic Sovereignty of States

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I. Introduction

In spite of a massive growth in international environmental and economic law-making over the past 60 or so years there still are not any specific international treaties regulating the exploitation of certain natural resources such as oil, gas, minerals and land by individual States. Nor are there any global treaties regulating the activities of multinational or large national companies which are engaged in the exploitation of such natural resources. The law has not moved very far from the 1972 Stockholm Declaration on the Human Environment or the 1974 Charter of Economic Rights and Duties of States with regard to the regulation or conservation of natural resources located entirely within the national borders of States concerned, especially with regard to those natural resources which are non-renewable. There is no clear requirement on individual States to ration the exploitation of non-renewable natural resources either in the interests of the future generation or the environment. For instance, no member of OPEC – the Organization of Petroleum Exporting Countries – feels under any obligation to ration the production of oil in the interests of the environment or future generations.

Similarly, unlike in some other areas of international law such as international human rights law where there are some international mechanisms to monitor the internal human rights situation in a given country, there is no mechanism to monitor the internal economic activities of States which pollute the environment or cause other harm. Nor is there an international reporting mechanism of major development projects carried out by individual States which enables the international community to assess the level of harm caused to the environment by such projects and recommend adoption of mitigating measures or change in behaviour. Most States do now have a mechanism for an environmental impact assessment or other forms of impact assessment of major developmental projects. But in the absence of an international mechanism to monitor the effective application or implementation of such an assessment this tool does not seem to be effective in preventing governments from causing harm to the environment while carrying out their developmental activities.

Thus, no State feels restrained in any way from mining its mineral resources even when carrying out its ambitious national policy of natural resource exploitation. Many oil- and mineral-rich countries are undergoing a massive transformation