

Remedial measures to strengthen environmental legislation in Iraq, Iran, and the UAE.

Dr. Ali Mashhadi¹, Qayssar Abdul Rahman Sirsar Al-Ajrawi²

¹ Associate Professor, Department of Public Law, Qom University, Iran.

Email: Droitenviro@gmail.com

² PhD Student in Public Law, Qom University, Iran.

Email: qayssar.abdalrahman@uomus.edu.iq

Abstract:

The purpose of this research is to show the effectiveness of the measures used in strengthening environmental legislation in Iraq, UAE and Iran. This is done by examining the legal framework around financial and non-financial penalties and how well these can deter, compensate for harm and promote environmental sustainability. The research is descriptive analytical approach and comparative analysis, the research was conducted on the constitutional text, environmental law and implementing regulations in the three countries. The aim is to evaluate the adequacy and appropriateness of the penalties to the nature of contemporary environmental damage. The research culminates with a number of important findings, including that the three systems share similar concepts and principles, including polluter liability, but vary in how strictly they apply the concept and in their effectiveness. The UAE system is known for its strictness in fines, and the complete institutional framework; and the Iranian system is characterized by the dominance of criminal penalties, and the explicit nature of the constitutional element of environmental protection. But the Iraqi system is hampered by narrow definition of fines, lack of enforcement and several authorities with jurisdiction. The research also revealed that the implementation of sanctions is not just about their degree of severity, but also about their combination with effective monitoring and control systems, and flexible environmental responsibility system that takes into account the nature of environmental damage and its effective remediation. This necessitates developing legislative and institutional frameworks that promote sustainable development and safeguard the rights of present and future generations....

Keywords: Remedial measures, legislation, environment..

INTRODUCTION

Environmental legislation is one of the main pillars of environmental protection and sustainable development, especially in countries that are experiencing growing environmental problems, especially as the population increases, expanding urbanization, industrial operations, and depletion of natural resources accelerate. This challenge becomes apparent very clearly in Iraq, Iran and the United Arab Emirates, all of which have unique environmental, economic and political conditions, but have similar issues of air and water pollution, desertification, waste management and climate change. Although there are constitutional and legal measures in these countries to control environmental protection, in practice, there is a gap between law and environment, which calls into question the effectiveness of these laws and their capacity to effectively deter and protect.

The research problem is that some environmental legislation is lagging behind the current developments of environmental and technologies, the lack of enforcement and oversight mechanisms, the presence of various competent authorities and the lack or difficulty of enforcement fines. Balancing the needs of economic development and environmental protection is also a major issue, particularly in nations where natural resources are a major sector of the economy. Therefore, the main research issue is as follows: What are the remedial actions that can improve the efficiency of environmental laws in Iraq, Iran and UAE and how can comparative experiences be harnessed in the creation of a more efficient legal system that can respond to today's environmental problems?

The significance of the research is related to the focus on a basic human right – the right to a healthy environment – and the contribution to the sustainable development process at the national and regional level...

In addition, it has gained its relevance because it provides a comparative analytical framework that supports lawmakers and decision makers in recognizing shortcomings in current environmental law and in suggesting concrete steps to enhance it: from the stage of drafting the law, the implementation mechanisms, through to judicial and administrative control.

The purpose of this research is to examine the constitutional and legal framework regarding environmental protection in the countries under consideration, highlighting the strengths and weaknesses of each system, and then suggesting legislative, institutional and judicial solutions to improve the effectiveness of environmental protection. It also aims at analysing the effects of public policies and international agreements on the national environmental systems and to underscore the opportunities for learning from each other between these countries in the domain of environmental governance.

The research methodology relies on a comparative analytical approach, analyzing constitutional texts and relevant environmental laws in each country, comparing implementation mechanisms, penalties, and oversight, while also employing a descriptive approach to present the environmental and legislative reality, as well as a critical approach to assess the adequacy of existing legal means and propose practical and applicable reforms. Thus, the research aims to provide a comprehensive scientific treatment that contributes to the development of environmental legislation and enhances its effectiveness in addressing current and future challenges

First topic : Financial penalties

Financial penalties are among the most prominent remedial means adopted by the environmental administrative judiciary to confront violations and attacks on the environment, due to their direct impact on compensating for damages and achieving general and specific deterrence

First requirement : Administrative fine

This penalty is an administrative financial sanction consisting of a specific sum of money imposed by the environmental authority in accordance with the law. It is levied through an administrative decision applicable to any individual whose actions cause harm to the environment. Fines are considered one of the most common administrative tools used by governments in their efforts to protect and preserve the environment from damage

Administrative fines in environmental laws take several forms. The legislator may set a fixed amount, or the administration may be granted the authority to determine its value. It is important to note that the administrative decision to impose a fine is subject to judicial review and can be appealed before the competent authority in accordance with the law. The fine may also have a minimum and maximum limit, allowing the administration to choose an appropriate amount commensurate with the environmental violation committed

The legal text for the protection and improvement of the environment addresses environmental fines as an administrative environmental penalty, granting the environmental authority the power to impose them on individuals who violate the provisions of this law. These penalties are set with minimum and maximum limits, providing the authority to determine the appropriate amount according to the severity of the violation, the extent of the resulting pollution, and the resulting damage. According to the provisions of this law, projects are classified into three categoriesⁱⁱ: based on their environmental impacts, as determined by the Ministry, as follows

Category (A): Refers to projects that leave significant negative environmental impacts, significantly affecting fragile organisms, involving the possibility of relocation, affecting sites of cultural value, or extending their impacts to a wide area beyond the scope of the defined work

Category (B): Relates to projects that cause irreversible negative environmental impacts on living organisms and are specific to a particular site

Category (C): Represents projects in which negative environmental impacts are few or completely absent

The legislator clarified in the existing Environmental Protection and Improvement Law that the Minister of Environment, or whomever he delegates, may impose a fine ranging from one million dinars (1,000,000) to ten million dinars (10,000,000) on any facility, factory, or entity deemed to be polluting the environment as a result of committing an environmental violation. This fine must be applied monthly until the violation is rectified

According to the Forestry and Woodlands Law, a fine of no less than one million dinars (1,000,000) is imposed on anyone who violates the provisions of Article 9 of this law. A penalty of fifty thousand dinars (50,000) is also imposed on anyone who removes or damages a marker indicating the forest boundary, in addition to the same amount for each meter of the marker damaged. Furthermore, a fine of twenty-five thousand dinars (25,000) is imposed on individuals who cut down trees in state or public forests

One criticism leveled at the legislative approach to fines is its restriction of the power to impose penalties setting them at two limits inadequate for addressing the phenomenon of environmental damage. The fine imposed in this law appears meager when compared to the environmental damage caused by the violations, as well as to the profits generated by industrial, agricultural, and commercial projects, whose owners can easily pay the fines. This diminishes the effectiveness of imposing fines as a deterrent to such violations and thus allows environmental damage to continue. Furthermore, the legislator should have considered the phenomenon of monetary inflation and currency devaluation^{iv}, which could render the value of the fine negligible in the future

It might be better to leave the determination of the fine amount to the discretion of the administration, while

Remedial measures to strengthen environmental legislation in Iraq, Iran, and the UAE.

:setting standards to prevent any abuse of this power, such as

.A- The extent of the action that is harmful to the environment

.b) The degree of damage caused by the harmful act to the environment

C- The extent to which the person who committed the harmful act had the intention to deliberately harm the environment

^v. D- The percentage of costs required to repair the environmental damage resulting from this act

According to the Kurdistan Region's Environmental Protection and Improvement Law No. (8) of 2008, this approach was adopted as a means of environmental protection. Article (41/Third) stipulates a fine ranging from one hundred thousand dinars to (10,000,000) ten million dinars for violating the provisions of this law and (100,000) the regulations and instructions issued thereunder. Furthermore, the Kurdistan Region Ministry of Environment's Instruction No. (1) of 2009, specifically paragraph 1/3, mandates an environmental fine ranging from a minimum of one hundred thousand dinars to a maximum of (6,000,000) six million dinars for any facility that fails to (100,000) implement the required environmental reforms within a period not exceeding (60) days, as specified in the same ^{vi}. instructions

One application of administrative financial penalties in Iraq is the Ministry of Environment's imposition of fines on certain pumping stations that fail to comply with environmental regulations, due to their continued violation of established instructions. A fine of four million dinars was levied on the Saqlawiya al-Ghazaliya and Saqlawiya al-Shu'la pumping stations for discharging untreated wastewater into the Saqlawiya drain, thus contributing to water pollution

As an example of the imposed fines, a monthly fine of 5,800,000 Iraqi dinars was levied on Ramadi General These ^{vii} Teaching Hospital due to the hospital administration's failure to rectify several environmental violations included the failure to separate hazardous medical waste from regular waste and the lack of colored containers and bags for classifying hazardous pollutants. Furthermore, medical waste was being burned at temperatures below 360 degrees Celsius, and liquid waste was being discharged into a drain and subsequently into the Euphrates River. In a related matter, the Diyala Governorate Environment Directorate imposed a fine of 150,000 Iraqi dinars on Al-Batoul Teaching Hospital for environmental violations, as per letter number 919 dated June 8, 2009. This fine was effective from the ^{viii}. date of the letter until the violations were rectified

Regarding the UAE, its environmental legislation is not significantly different from that of Iraq in terms of adopting a method for determining fines, specifying minimum and maximum limits. An example of this is found in the text of the law: "Anyone who violates the provisions of Article (51) of this law shall be punished with a fine of no less ^{viii} . than ten thousand dirhams and no more than fifty thousand dirhams

And it stipulates Laws and regulations Iranian on duty fines on from pollutes resources Water And from It uses Don License . Therefore Way For example, It states Article 66 of law sanctions Islamic For the year 1975 and the law protection and recovery and management Lands wet in State Issued On 2/4/1396 on duty fines on from Destroys Lands ^{ix} . wet And it pollutes it

The second requirement : administrative confiscation and deprivation

Confiscation means the transfer of ownership of one or more assets from a person convicted of violating the law to the state, without any compensation and on a compulsory basis. Confiscation is divided into two types: general confiscation, which includes all the assets of the convicted person, and specific confiscation, which is limited to a specific asset.

Confiscation is essentially a criminal penalty linked to a felony or misdemeanor. Its implementation requires a court order and that the property to be confiscated is in the possession of the authorities. Confiscation is classified as a financial penalty in kind, and may be accessory or supplementary. It takes three legal forms ^x ,A discretionary case where the matter is left to the court's discretion; a mandatory case, where it is imposed compulsorily; and a ^x . compensatory case, which is applied in circumstances determined by law

Confiscation, in general, means the forcible seizure of property without compensation. It is inherently confiscated, even if limited to a specific amount of money. Administrative confiscation may include items that are ^{xi} . inherently prohibited, such as the confiscation of weapons seized after the conclusion of criminal proceedings

It should be noted that general confiscation is indirectly prohibited by the constitution, while private confiscation can only be carried out by a ruling from a criminal court. However, it is worth noting that the legislature may sometimes make exceptions to this principle, granting environmental authorities the power to administratively confiscate the assets ^{xii} . of individuals who have caused environmental damage in any form

For example, the Iraqi legislature did not adopt this type of financial administrative penalty in the current Environmental Protection and Improvement Law. However, the Iraqi Public Health Law No. (89) of 1981 stipulates the confiscation of foodstuffs, cosmetics, and detergents, as well as the materials used in their manufacture, if their circulation in the local market is prohibited or if they entered Iraq illegally. This also includes the confiscation of The legislator ^{xiii} materials, devices, equipment, and machinery used in the manufacturing process of these products mandated that the administration confiscate game, its tools, and equipment, including means of transport used in hunting operations, if the provisions of the Iraqi Wildlife Protection Law No. 17 of 2010 are violated. The same applies to the . Kuwaiti legislator, who requires the confiscation of all fishing equipment used in the illegal "Habla" method

Here we find, in light of the previously mentioned constitutional position in Iraq and Kuwait, that administrative

.confiscation is illegitimate due to its unconstitutionality

Deprivation is a form of financial penalty that the legislature has granted the administration the authority to impose to protect the environment. This penalty involves suspending or revoking legal privileges granted to certain individuals or legal entities as a result of the environmental damage they cause through their industrial, agricultural, technological, or any other activities harmful to the environment. One of the most prominent forms of this penalty adopted by the laws of some countries, is the deprivation of tax and customs exemptions that the individual or legal entity enjoyed before committing the environmental violations. However, the Iraqi legislature has not adopted this type of penalty

Third requirement : compensation

In addition to the criminal penalties discussed earlier, there are civil penalties as non-administrative environmental tools aimed at protecting the environment. These penalties consist of the consequences for the person responsible for the damage resulting from violating a legal rule protecting a private interest. In environmental legislation, these penalties take the form of compensation for the affected party for the damages suffered, according to a court ruling. Compensation varies between two types

:First: In-kind compensation

In general, in-kind compensation means restoring the situation to its previous state before the occurrence of the damage. In-kind compensation, as a civil penalty for environmental pollution, means obligating ^{xiv} error that led to the damage the person responsible for the wrongful act, by virtue of a court ruling, to remove the pollution damages that have affected the environment, if that is possible, and to restore the situation to what it was before the occurrence of the act. There is no doubt that this type of compensation is the best in the case of environmental ^{xv} that caused the damage damage, as it obliges the person responsible to remove the damage caused by the pollution of the environment instead of compensating the ^{xvi} completely, if possible, and at his own expense, within a specified period of time affected person with a sum of money while the situation remains as it is, as in monetary compensation. The person responsible is obligated to remove the environmental damage caused by his actions, such as throwing garbage or waste in agricultural lands or forests, by repairing the damaged soil and plants, with the aim of restoring the environment to its previous state before the damage occurred

It is worth noting here that the prevailing opinion regarding this penalty is that it is considered a supplementary penalty added to the original penalties, whether criminal or administrative, especially in the context of violating ^{xvii} administrative control rules. In applying this penalty, the UAE legislator stipulated that "whoever causes, by his action or negligence, damage to the environment or to others as a result of violating the provisions contained in this law or the regulations or decisions issued in implementation thereof, shall be responsible for all the costs necessary to ^{xviii} address or remove these damages

In Iraq, the Environmental Protection Law stipulates that anyone who causes environmental damage is responsible for removing that damage and restoring the situation to its previous state. The law states that "anyone who causes environmental damage through their personal actions, negligence, or dereliction of duty, or through the actions of those under their care, supervision, or control, or as a result of violating laws, regulations, and instructions, is responsible and is obligated to compensate for and remove the damage within a reasonable period, and to restore the situation to its state before the damage occurred, using special means and within the period specified by the Ministry and under the conditions it sets. If there is negligence, dereliction of duty, or refusal to implement what is stated in the first clause of this article, the Ministry has the right, after notifying the concerned party, to take the necessary measures ^{xix} and procedures to remove the damage and to charge the responsible party for all costs incurred for this purpose

This text reveals that the Iraqi legislator has adopted general rules of civil liability in addressing environmental damage. However, it would be preferable for the legislator to adopt a specific system of civil liability for environmental pollution, as general rules may be unsuitable for the nature of environmental damage and may not guarantee that the affected party receives adequate compensation. Therefore, we believe it is essential for the Iraqi legislator to align with this approach. Furthermore, it is noteworthy that the Iraqi legislator has highlighted the importance of environmental administrative control by granting the Ministry the authority to determine the appropriate timeframe for remediating the damage and restoring the situation to its original state, as the Ministry is best positioned to assess the timeframe necessary to ensure effective environmental protection

:Second: Cash compensation

Often, it is difficult to enforce in-kind compensation and restore the situation to its state before the environmental damage occurred. In these cases, the judge may resort to monetary compensation as a backup option when in-kind ^{xx} compensation is impossible due to obstacles preventing its implementation

Regarding the type of monetary compensation, the judge has discretionary power based on the circumstances of the case. Compensation can be determined in the form of installments or a fixed annuity, in which case the debtor. Environmental damage is considered to have a wide-ranging ^{xxi} may be required to provide insurance guarantees impact, affecting not only humans but also other living organisms, and in some cases, it can lead to the complete destruction of the environment. This is considered one of the most serious types of environmental damage, as it is difficult to repair, since what is destroyed of natural elements cannot be restored, despite the vital importance of these ^{xxii} elements

As is well known, compensation, as a form of civil enforcement, involves paying a sum of money to the party harmed as a result of an unlawful act or activity. Regarding monetary compensation for environmental damages, this requires the party responsible for the pollution to pay a sum of money to the affected party by court order, as ^{xxiii} compensation for the damages suffered as a result of the pollution

Remedial measures to strengthen environmental legislation in Iraq, Iran, and the UAE.

This penalty is resorted to when it is impossible to undo the effects of the violation due to the difficulty of erasing the resulting damage. For example, if toxic pesticides are dumped into a waterway, causing pollution and the death of animals that drink from it, the person responsible is obligated to compensate the victims. Similarly, in the case of an oil spill from a tanker that destroys coral reefs, it becomes impossible to restore the organisms lost due to the ^{xxiv}. pollution

Given the difficulty of implementing in-kind compensation in some cases, most environmental legislation has emphasized monetary compensation as a civil penalty to be imposed by the courts. In this context, the position of the UAE legislator is noteworthy, as it obligates the party responsible for environmental damage to provide compensation stipulating that "whoever, through their actions or negligence, causes damage to the environment or to others... is ^{xxv} . obligated to pay any resulting compensation

It also stipulated that "compensation for environmental damage, as stated in Article (71) of the law, includes damages to the environment itself, which lead to preventing or reducing its legitimate use, whether temporarily or permanently, or which harm its economic and aesthetic value, in addition to the costs of rehabilitating the environment ^{xxvi}."

Regarding the application of this penalty in the Iraqi Environmental Protection Law, it stipulates that "Anyone who, through his personal actions, causes damage to the environment is considered responsible and obligated to provide ^{xxvii} . compensation

In light of this text, we can conclude that the damage caused by environmental pollution has a unique character. Therefore, it would have been preferable for the Iraqi legislator to give the issue of compensation for it greater attention by applying specific rules that are broader and more comprehensive than the aforementioned text. This would ensure the achievement of the intended goal of compensation in the field of environmental damage resulting from violations of environmental protection laws.

And in Iran Current occurrence any infringement, And according to Article 14 of law protection the environment And improving it Article 18 of law hunting, It is right For the Authority protection the environment, As Entity Concerned Protected Interests The general public, prosecution This is amazing Entities As Claiming Especially . In Cases that Follow In it damage material or natural By individuals, It is right to them Claim compensation on Their harm According to laws Responsibility Civilian Therefore It includes this The matter within the law Private . And in this In regard, Text Article 18 of law hunting Wild and the sea on that it in condition Crimes mentioned in this the law, It is considered The organization Claiming Especially or Demanding compensation on Damages The resulting on The ^{xxviii}.crime

The second topic : Non -financial penalties

Non-financial sanctions are among the most important remedial measures in environmental administrative justice, due to their corrective and preventive nature, which goes beyond mere financial compensation to correcting administrative behavior and directly protecting the environment

Al Matlab First: Sanctions

^{xxix} Generally, criminal penalties refer to punishments prescribed by law for anyone found guilty of a crime. Despite the administrative nature of environmental protection law, it includes certain criminal penalties applicable to environmental pollution offenses. Without these penalties, environmental protection laws would not be sufficiently ^{xxx}. effective in addressing all environmental violations

"It goes without saying that discussing custodial sentences includes both "imprisonment" and "detention. Custodian sentences refer to those sentences under which the convicted person loses their personal freedom, being ^{xxxi} . placed in a designated penal institution and subjected to a mandatory daily program

Imprisonment is among the most effective and influential penalties for environmental protection, given its general and specific deterrent effect, as well as its direct impact on deterring offenders by restricting their freedom. Therefore, it is generally stipulated in many environmental laws. A review of environmental legislation reveals that these penalties include life imprisonment, temporary imprisonment, long prison sentences, and simple imprisonment. Modern environmental legislation tends to utilize these penalties in cases of environmental pollution as a means of deterring perpetrators of environmental crimes who violate environmental protection regulations.

Imprisonment is among the most severe penalties after the death penalty in environmental legislation that includes capital punishment, such as the United Arab Emirates. It is also the most severe penalty for environmental pollution crimes in environmental legislation that does not include capital punishment, such as Iraq. According to the Iraqi Penal Code, imprisonment means the confinement of the convicted person in a legally designated penal institution for a period of twenty years if the sentence is life imprisonment, and for the specified term if the sentence is temporary. The term of temporary imprisonment is between five and fifteen years, unless otherwise stipulated by law. Furthermore ^{xxxii}. the total term of imprisonment may not exceed twenty-five years under any circumstances

As for the UAE's environmental legislation, it also stipulates prison sentences for serious crimes related to marine pollution with harmful and dangerous substances, and increases the severity of these penalties for violations of provisions concerning the handling of nuclear materials and waste. The law states: "Anyone who violates the provisions of Articles (21), (27), (31), (62/Clause 1), and (62/Clause 2) of this law shall be punished by imprisonment and a fine ^{xxxiii} . The penalty shall be life imprisonment for anyone who violates the provisions of Article (62/Clause 2) of this law

As for the position of the Iraqi legislator, it stipulated imprisonment for perpetrators of environmental pollution

crimes. The law states: "Anyone who violates the provisions of clauses (2), (3), and (4) of Article (20) of this law shall be punished with imprisonment and shall be obligated to return the hazardous or radioactive materials or waste to their source or dispose of them safely, with compensation measure depriving individuals of their liberty in many environmental laws as a penalty for environmental pollution crimes. The legislator has used this penalty in a varied and graduated manner, according to the seriousness of the crime. This penalty consists of depriving the convicted person of ^{xxxv} and the extent of its harmful impact on the environment their freedom, as they may be required in some cases to perform certain tasks, while in others they may be exempted ^{xxxvi} from them, for a period specified in the judgment

The UAE legislator also stipulated imprisonment as a criminal penalty for crimes against the environment, as the law states: "The penalty shall be imprisonment for a period of not less than two years and not more than five years with a fine, or one of these two penalties, for anyone who violates the provisions of Articles (18) and (58) of this law. It also stipulated that "Anyone who violates the provisions of Articles (24) and (26) of this law shall be punished with ^{xxxviii} imprisonment for a period of not less than one year, and with a fine

Regarding the Iraqi position, the Iraqi legislator distinguished himself in the Environmental Protection Law from the comparative environmental legislations mentioned previously, as he stipulated the penalty of imprisonment in only one article, and the text came as follows: "First: The violator of the provisions of this law and the regulations instructions and statements issued thereunder shall be punished by imprisonment for a period of not less than three ^{xxxix} months or by a fine, or by both penalties

The text reveals that the Iraqi legislator has made imprisonment a penalty for all environmental crimes resulting from violations of this law, without considering the severity of the crime or the resulting damage. It would have been preferable to specify the articles whose violation constitutes a crime warranting this penalty, as previous environmental legislation has done. We believe it is essential that the Environmental Protection Law include provisions allowing for a variety of custodial sentences commensurate with the importance of the public interest represented by these crimes. It is worth noting that the UAE legislature has distinguished itself by imposing the death penalty on anyone who handles nuclear materials and waste in any way within the country's environment Code and the Law on the Protection and Improvement of the Environment, we observe that they lack provisions for the death penalty or the classification of environmental crimes as terrorist offenses. This undoubtedly reflects the traditional view of the Iraqi legislature regarding environmental interests. We believe it is essential to strengthen penalties for serious environmental crimes, ensuring that punishments are more severe in addressing crimes that threaten the environment

And in Iran Article 232 of law sanctions Islamic For the year 1992 , situation legislator Iranian Guarantees Enforcement more Strictness about pollution environmental, And it stipulates on that all from publishes on range wide Materials toxic or microbial or dangerous In a way causes Disturbance dangerous in order Year For the country, or Lack For security, or damage substantially Goodbye Materialism For individuals or Property public And private, It is considered corrupt in the earth And he rules attic By execution . It indicates results Studies that Conducted in years The last to that most lawsuits Judicial that I raised it Departments public To protect the environment against units Production and industry that to intervene pollutants to The course environmental Based to Article 233 of law sanctions Islamic, It is Material Related By imposing sanctions . This is represented by The element material For this The crime in an act It harms Health public And pollute the environment, And it is limited Report on secrecy topic This is amazing Material on specialization ministry health Education The doctor and Authority protection The environment . And it is permissible. For people natural And the legal entities, whether They were individuals or Entities General or especially commission Crimes The stipulated On it in Article 233. Therefore Way For example, if Showed The municipality, As The entity The responsible on collection waste urban and getting rid of From it, any neglect or shortening in The matter led to non collection waste, It You will be subject For rulings This is amazing The material . It is considered destruction forests and trees And pastures crime Environmental . And based on on that, He did legislator By criminalizing and ban ^{xli} destruction forests and trees And pastures, as ban to cut Types specific from trees in all parts The country

It states Article 688 of law sanctions Islamic on what Next : " Prohibited " all an act It is considered threat For health The general public, like pollution waters Drinking or distribution waters drink Contaminated, and getting rid of not Healthy from Waste man And the animal, and throwing Materials toxic in Rivers, and throwing garbage in The streets, And slaughter not Authorized With him For livestock, and use waters Disbursement Healthy raw or waters Disbursement Healthy Treatment For purposes agricultural Don license, And he punishes Perpetrators This is amazing Actions prison For the duration Arrives to year one, what did not They are punished Baquba most severe According to For the laws The specialist . " And based on on text This is amazing The material, maybe Saying that crime to threaten . health public It is considered crime environmental Similar For a crime pollution environmental The general public "And of course, He did The legislator, in margin The material, By linking These two The crime Using My term " threat health Public " and " pollution" The environmentalist " to show that His goal from protection health public he in reality protection The environment . In beginning This is amazing The memo, rose what Next : " Recognition " that The verb The aforementioned It is considered threat For health public pollution Environmental ...". As well It is clear from The phrase " like " in beginning The material, that Examples mentioned In it she Examples Illustrative . Therefore, maybe Saying that any an act, According to To estimate ministry health Education The doctor and Authority protection the environment, Threatens health public or pollutes the environment, Subject For rulings This is amazing The material what did not Subject Its perpetrator law last Specific . And as a result Therefore, maybe consideration This is amazing . Material material General about Crimes that Threatens health public pollution Environmental

And it stipulated Article 687 of law sanctions Islamic For the year 1375 penalty especially for whom He destroys Water and electricity and facilities The general public, where Text on the prison from three to ten Years . And it indicates

Remedial measures to strengthen environmental legislation in Iraq, Iran, and the UAE.

Note 1 of This is amazing Material to that it if She was Actions mentioned It aims to confrontation the government Islamic then Her punishment she The fighter, any Execution . And it has save legislator recently protection criminal especially For resources Water and the environment generally in law sanctions Islamic For the year 1392 , And text in Article 286 on That " every from Excessive in to publish Materials toxic microbial And dangerous, It is considered ^{xliii}. spoiler in the earth And he rules attic " By execution

So to side Article 688 of law sanctions Islamic, that It includes also crime pollution air, It is considered law to forbid pollution air, that It was approved 1995 and amended 2004 , Most important law specific in this The matter . It stipulates Material Second from this the law on ban any an act He causes pollution air, any that it It is considered A) crime . Then, in cases Other, It deals this the law How to commission This is amazing The crime Using Compounds Materials) From 4 to 12) , And factories, And the workshops, and stations generation Energy (Materials From 12 to ^{xliii}. (and sources Home and commercial Various (materials) From 22 to 27 , (21

It states Article 4 of the law The aforementioned on what The following is prohibited : Use Vehicles that Issues smoke pollutants Other in air The In what Exceeds Limit Permitted With it . As well . It states Article 14 on ban employment factories And the workshops New that no It agrees with rules and standards Article 12 , As well as employment factories And the workshops and stations generation Energy that causes pollution For air Exceeds Limit Permitted It states that ... Article 22 also on ban distribution and emission any type from Materials polluted For air In what Exceeds Limit Permitted With him from Sources Commercial domestic and diverse in air Labor . And it stipulates Article 24 also on ban burn And accumulation waste urban domestic And any type from garbage in streets public and places Open . Includes Laws and regulations in this Field law petroleum For the year 1987 , and law ban construction Facilities Workshops the job harmful Health rest in cities and the suburbs For the year 1999 , and law Municipality For the year 1995 with Amendments The suffix, and regulations Executive, Note 6 from law How to to forbid pollution air For the year 1988 and the amendment (April 5, 1381) , and regulations Executive about How to to forbid pollution air For the year 1990 , June 28 , 1379 Note 82 of law plan Development Second, And many from Materials law plan Development Third Article 62 of law plan Development Economic social Cultural Fourth Republic Iran Islamic and ^{xliv}. decision council Ministers Dated 21 September 1369 regarding pollution Air

,And text legislator on penalty the prison for whom pollutes Resources Water, And from It uses Don license And from It destroys it. And from It exceeds on Its facilities, And from He steals it. And from He steals Its equipment And its requirements . Therefore Way For example, It states Article 659 of law sanctions Islamic For the year 1375 that all from He steals equipment and supplies Used in Places Public ... as establishments Water And electricity, He is punished prison from year to five Years . And an example . last he Article 688 of law sanctions Islamic For the year that It states on penalty the prison For the duration Arrives to year one for whom He causes pollution , 1375 environmentally in flat surfaces Water . As well It states Article 687 of law sanctions Islamic For the year 1975 , Which It was completed Explain it in Section the previous, on penalty the prison from three to ten years For the perpetrators ^{xlv}.works sabotage against networks Water And the exchange Healthy

And text the law Iranian on penalty skin for whom abuse Use resources Water, And from trades with the property stolen affiliated For facilities Water, As well as thieves And from Cut Water . Therefore Way For example, It states Article 45 of law distribution equitable For water on penalty ranges Between 10 and 50 lashes For the perpetrators This ^{xlvi}.is amazing Crimes

The second requirement : The impact of sanctions on environmental protection and achieving sustainability

Respect for nature is a cornerstone of sustainable development, as maintaining the balance of ecosystems requires ensuring the rational use of natural resources. In this context, criminal and civil penalties serve as effective .legal tools to promote this approach by deterring environmental violations and addressing their negative impacts Criminal penalties impose strict punishments on activities that harm nature, such as gross pollution or encroachment ^{xlvii}. on protected areas, thus providing a strong deterrent to those who might exploit natural resources irresponsibly

Civil penalties, on the other hand, contribute to repairing damage to nature by obligating violators to pay compensation or bear the costs of rehabilitating affected areas. This type of penalty helps strengthen the concept of environmental responsibility by holding individuals and institutions accountable for their actions, thereby raising awareness of the importance of respecting and preserving the environment as a fundamental condition for achieving sustainable development.

Within the framework of Iraqi, Iranian, and Emirati laws, environmental legislation demonstrates a growing commitment to nature protection through a combination of criminal and civil penalties. In Iraq, these legal instruments are used to address environmental challenges stemming from pollution and the exploitation of natural resources. In the UAE, the legal system is characterized by a comprehensive model that focuses on balancing economic development .with nature conservation, with the state imposing strict criminal and civil penalties on violators

,The importance of these penalties lies in their role in achieving development by promoting respect for nature .as they lead to a reduction in the exploitation of natural resources and ensure their sustainability for future generations By examining the impact of these penalties in Iraqi, Iranian, and Emirati laws, we can understand their effectiveness in ^{xlviii}. achieving a balance between economic growth and the commitment to environmental protection

One of the primary concerns of sustainable development is preserving the natural environment and understanding the impact of human activities on it. To put it simply, sustainable development encompasses everything that affects the delicate relationship between the natural and built environments, striving to develop this relationship into one of harmony and integration. The United Nations has also focused on environmental protection. In 1983, it

established the World Commission on Environment and Development, which published its report in 1987 entitled "Our Common Future." This report aimed to draw humanity's attention to and encourage them to change their lifestyles and fulfill their responsibilities. The report warned that a lack of responsibility would expose the world to humanitarian and environmental problems that would further degrade human life. The report concluded that one of the tasks of the global economy is to work in every way possible to achieve this goal. Human needs, aspirations, and acceptable desires must be met, provided that growth is proportionate to the limited resources and environmental productivity of the Earth. In the report, Commission President Björn Tland announced an environmentally sound economic development and a new era called "sustainable development".^{xlix} It is noteworthy that the report's main objective is to respect nature and natural resources, and to utilize them only within the limits of human needs

Since human beings are at the heart of sustainable development, and their activity is the sole and primary influence on the development process, it is essential to broaden and enhance human awareness of the problems that threaten and destroy the environment. Therefore, it is imperative to find solutions that eliminate these problems through participation, planning, implementation, follow-up, and the completion of sustainable development projects and agendas. Furthermore, the UNESCO conference held in Bonn, Germany, and the Tokyo conference in Japan in 2014, sponsored by UNESCO, along with the United Nations' Education for Sustainable Development initiative, are key pillars for achieving sustainable development. This involves fostering ethically committed individuals with high capabilities and well-rounded personalities, enabling a society capable of cooperation, justice, transparency, and participation, while emphasizing the interconnectedness of society, the economy, and the environment

The sustainable use of natural resources is a cornerstone of sustainable development, relying on managing these resources in a way that meets the needs of the present without compromising the ability of future generations to meet their own needs. In this context, criminal and civil penalties stand out as effective legal tools to ensure adherence to sustainability principles. They contribute to regulating the use of natural resources and preventing practices that lead to depletion. Criminal penalties play a crucial role in protecting natural resources from illegal exploitation by imposing strict penalties on activities that harm the environment, such as poaching, illegal logging, and pollution from industrial activities. These penalties aim to deter offenders and encourage them to adopt more sustainable practices. On the other hand, civil penalties contribute to addressing damage to natural resources by obligating offenders to bear the financial costs of repairing the damage or compensating the community for losses resulting from resource depletion.^{lii}

In Iraq, criminal and civil penalties are used to address resource depletion challenges such as water pollution and agricultural land degradation, with these measures aiming to promote sustainable resource management. In the United Arab Emirates, the legal system is considered a leading model for promoting sustainable resource use, with the country applying strict penalties to ensure compliance with environmental laws and support sustainability initiatives

The importance of these penalties lies in achieving sustainable development by ensuring the rational use of natural resources. They not only protect the environment but also contribute to raising public awareness of the concept of sustainability and encouraging innovation in resource utilization. Studying the impact of these penalties in Iraqi, Iranian, and Emirati laws allows us to understand their effectiveness in achieving this vital objective, which is fundamental to achieving a balance between economic development and environmental protection.^{liii}

The principle states that states have sovereign rights over their natural resources, but these rights are not absolute. They are limited by the obligation not to cause environmental harm to other states, that is, not to harm the global environment. This negative obligation—the obligation not to cause harm—when applied to the management of shared natural resources, has evolved into a positive obligation: to ensure that shared natural resources are used sustainably. This principle depends on certain conditions being met. As a principle of international law, the natural resources referred to by the principle must not be purely domestic. Furthermore, the harm must have some international or transboundary impact. Additionally, the meaning of "sustainable use" needs to be defined, as it varies from one natural resource to another and from one use to another. Some argue that the rights of states under international law a) to ensure, according to the principle of permanent sovereignty over natural resources, include specific obligations that all people, especially indigenous populations and future generations, benefit from the exploitation of natural resources and the resulting national development; b) environmental stewardship, which implies a customary obligation to prevent harm in areas outside the state's national jurisdiction, as well as the responsibility to manage natural resources to ensure sustainable production and consumption.^{liiv}

The foundation upon which sustainable development is based is the understanding that natural resources are limited. This necessitates decisions and the establishment of principles and foundations for their preservation preventing their depletion and destruction. This is achieved through measures to raise public awareness of environmental problems and cultivate a sense of responsibility towards the environment by involving citizens in the preparation, implementation, and monitoring of programs and projects that promote sustainable development and benefit the environment. The merciful use of resources, in accordance with development principles, can only be achieved through awareness campaigns and education. This principle was reinforced and emphasized by the United Nations General Assembly in its resolution of December 22, 2015, through the report of the Second Committee, which included references to several resolutions, among them the resolution entitled "Transforming our world: The 2030 Agenda for Sustainable Development." He outlined a number of goals and referred to the 2030 Agenda for Sustainable Development, which recognized the world's cultural and natural diversity. He highlighted the most prominent international efforts that emphasized the need to activate the right to sustainable development and its role in preventing environmental harm and ensuring the optimal use of natural resources. During the practices of multiple countries in this regard, Article 4 of the treaty concluded between Canada and the United States stipulated not to pollute the border waterways between the two countries.^{liv}

Remedial measures to strengthen environmental legislation in Iraq, Iran, and the UAE.

from Most prominent points Progressive that Confirmed On it Article 50 of The Iranian constitution, and related Rightly in the environment, Consideration rights Generations, and investigation Justice between generations The coming one . For life social growing It is related Connection close Protected the environment, And this The case no . pertains to The generation present Just that, but rather charges all Generations

In the law Iranian, In the It relates By placing Right in the environment in practices courts Iranian, no maybe presentation opinion clear Reliable Don study rulings Judicial; no We can unless signal to Developments that It happened after eighties century the past, when It increased importance protection the environment and resources natural in The judiciary . And it undertakes The judiciary According to For the duty The stipulated attic in Paragraph 5 of Article 156 of Constitution And the duty The stipulated attic in Article 50 thereof, Duty significant It is in protection . Right in environment Healthy . And in this In regard, We notice Interest With this The issue in some rulings Judicial On face In particular, We can signal to interest The court Administrative rights generations Coming, Protection And from .^{lvi} Resources Water, And the truth in air Clean, And survival life The wilderness, gesticulate Shaba That between Most important Developments Positivity Expanding range procedures environmental some measures in Authority Judicial, like Allocation branches Specialized, and formation council To make Policies, Protection rights The ,treasury The general public, and issuing Many from Circulars from before president Authority Judicial in this The field . Training Judges

I managed The court Administrative from to set Right in environment healthy and some Its aspects in a light principles constitutionality Different, That's in number from Her opinions And its decisions . Therefore Way For ,example, in issue cancellation Generalization Customs, I have identified The court Honestly rights generations Coming That's Under resolution Authority public For the court Issued On May 6 , 2002. It was confirmed The court in this decision that monitoring Food Imported from where pollution radioactive It is considered from Fields protection man and generations Coming, It is considered from Duties body Energy Atomic Supervisory . As well. She indicated The court to Right in air pure in issue ban installation Equipment, Based on to Article 50 of The constitution . In this The judge Confirms The court that rulings law to forbid pollution air, that He approved it council Shura Islamic To achieve Goals mentioned in Article 50 of The constitution, And to purify air and his protection from pollution, include necessity Taking measures suitable in area to organize system Transportation Urban, and obligation all bodies and institutions and people natural and the legal By compliance For regulations and policies Incoming in the law As mentioned . I admit Council Year The court (1380) in wisdom Issued 1382 regarding Committee Planning Urban (Material) 5) Importance .^{lvii} Preservation on Gardens As head money patriotic vital and resources Renewable

:Conclusion

It is clear from the foregoing that enhancing the effectiveness of environmental legislation in Iraq, Iran, and the United Arab Emirates is not limited to increasing or diversifying penalties. Rather, it requires a comprehensive legislative vision that links deterrence, remediation, and prevention, and balances the demands of economic development with guaranteeing the right to a healthy environment. The more proportionate fines are to the severity of the damage, the more legally and systematically confiscation and deprivation of privileges are implemented, and the more compensation is based on actual remediation of environmental damage, coupled with effective administrative and judicial oversight, the greater the legal system's capacity to achieve environmental sustainability and safeguard the . rights of present and future generations

:First: Results

1. The comparison reveals that the principle of responsibility for the pollution and the financial penalties is the same in the three countries, Iraq, the United Arab Emirates and Iran, but the Iraqi legislation has low amounts when compared with the size of the economic activities compared to the UAE legislation which has a high ceiling and high penalties especially in high-risk crimes.

2. It seems as if the Iranian regime is more strict on the crime side and, for example, some of the serious environmental crimes are considered by the regime as crimes of aggravated criminal nature, whereas criminalization is more specific and codified in both Iraq and UAE without such a broadening of the description of the crime.

3. In all three systems, there is clear evidence of in-kind compensation, and the obligation of the polluter to clean up the damage; however, the practical application of the systems in the UAE is more related to the effectiveness of the control mechanisms, whereas Iraq has some implementation challenges due to the weak control mechanisms and the multiplicity of competent bodies.

4. The three systems also have different aspects in terms of the process of confiscation, and this is sometimes associated with a court ruling in Iraq, but is more clearly specified in the UAE and Iran within the context of serious environmental crimes that gives it a deterrent effect.

5. The Iranian constitution has a direct constitutional dimension for environmental protection; in the Iranian constitution, there is a specific text that emphasizes environmental protection as a right and public duty and as a obligation towards future generations, and Iraq and the UAE rely on general constitutional text, which is interpreted based on the principles of environmental protection and sustainable development.

6. It is clear that UAE law is more attuned to international environmental legislation and agreements

by up-to-date executive regulations and preventive policies, although Iraq and Iran still need to improve their law and institutional compatibility with the current international environmental needs.

7. The comparison highlights that the success of the sanctions in the three countries not only depends on the severity of the sanctions, but also on their functioning in conjunction with the development of a monitoring and enforcement procedure. In the UAE, where clear institutional mechanisms and relative independence of the regulatory bodies exist, environmental protection is more stable, while in Iraq, administrative and economic difficulties influence the implementation of the legal texts, and in Iran, some political and executive aspects have an impact on the level of implementation of the legal texts.

Second: Recommendations:

The need to reconsider the structure of environmental fines in Iraq and Iran in order to achieve proportionality between the severity of the damage and the financial capacity of the facilities, and to link the value of the fine to flexible criteria such as the cost of rehabilitation and the size of the illicit benefit, similar to the more stringent approach adopted in the United Arab Emirates.

Adopt an objective environmental liability system for high-risk activities in both Iraq and Iran, where proof of fault is not required for liability to be established, and create environmental guarantee funds to finance rapid damage remediation operations.

Enhancing the independence and efficiency of environmental regulatory bodies by unifying jurisdictions developing digital inspection and monitoring tools, and intensifying coordination between administrative and judicial authorities to ensure the swift implementation of penalties and that violators do not escape punishment..

REFERENCES

1. ,Abu Khatwa, Ahmed Shawqi, 2007, Explanation of the General Provisions of the Penal Code, Dar Al Nahda Al Arabiya . Cairo
2. . Abu Amer, Muhammad Zaki, 1989, Penal Code, Special Section, Dar Al-Muhaqa, Alexandria, Egypt
3. . Al-Alfi, Adel Maher, 2009, Criminal Protection of the Environment, Dar Al-Jami'a Al-Jadeeda, Alexandria
4. Al-Badiri, Ismail Sa'sa' Ghaidan, 2003, The Administration's Responsibility for Moral Damage in Iraqi Law: A Comparative Study, PhD Thesis, College of Law, University of Baghdad
5. Al-Jurani, Nasser Karimsh, 2010, Environmental Crime and the Penalties Prescribed for it in Iraqi Legislation, Journal of . Arts of Dhi Qar, Volume Two, Issue One
6. . Al-Hassani, Mahmoud Najib, 1984, Explanation of the Penal Code, General Section, Dar Al-Nahda Al-Arabiya, Cairo
7. Al-Khazraji, Firas Ahmed, 2007, Environmental Management, Dar Kunooz Al-Ma'rifah Al-Ilmiyah, Amman, First . Edition
8. Al-Zubaidi, Nawar Daham Matar, 2014, Criminal Protection of the Environment: A Comparative Study, Al-Halabi Legal . Publications, Beirut, Lebanon
9. Al-Atabi, Muhammad Adnan Faraj, 2023, The Lebanese and Iraqi Legislative Confrontation of Environmental Crime, A . Comparative Study, Master's Thesis, Lebanese Islamic University, Faculty of Law
10. Al-Ghanmi, Muhammad Abdul Rahim, 2008, Criminal Protection in the Fields of Peaceful Nuclear Energy, Dar Al- . Nahda Al-Arabiya, Cairo
11. - Al-Fatlawi, Suhail Hussein; Al-Hawamdeh, Ghaleb Awad, Public International Law (Rights and Obligations of States . Territory - International Disputes) Diplomacy, Dar Al Thaqafa Publishing and Distribution, Amman
12. Al-Faraji, Hadi Ahmed, 2015, Sustainable Development in the Strategies of the United Nations, Dar Kunooz Al-Ma'rifah . for Publishing and Distribution, Amman, First Edition
13. Al-Minyawi, Yasser Muhammad Farouk, 2008, Civil Liability Arising from Environmental Pollution, Dar Al-Jami'a Al- . Jadeeda, Alexandria
14. Ben Laalam, Samhan, 2021, Environment and Sustainable Development, A Comprehensive Analytical Approach to the . Dialectic of Relationship and Influence in Algerian Legislation, Tabna Journal of Academic Scientific Studies, Volume . Issue 3, University Center ,4
15. ,Boukhalfa, Faisal, 2023, Precautionary Measures in Environmental Crimes, Journal of Law and Humanities, Volume 16 . Issue 2
16. . Hassan, Ali Fadel, 1997, Confiscation in Comparative Criminal Law, Dar Al Nahda Al Arabiya, Cairo
17. ,Halim, Amira Moussa, 2003, Criminal liability arising from water pollution in Iraq (a comparative study), Master's thesis . College of Law, University of Baghdad
18. ,Kharashi, Adel Abdel Aal, 2008, The Crime of Noise Pollution and the Position of Islamic Jurisprudence on It, 1st Edition . National Center for Legal Publications, Abdeen
19. Khawaja, Ola, 2002, The Institutional Framework for Environmental Policy, Center for Studies and Research, Cairo . University, Issue 2
20. ,Reda, Avan Abdul Aziz, 1999, Tort Liability for Environmental Damage: A Comparative Study, Master's Thesis . University of Baghdad
21. ,Radwan, Houchine, 2006, Legal means for protecting the environment and the role of the judge in its application . graduation thesis for obtaining a degree from the Higher School of Magistrates, Algerian Republic
22. Fares, Alioui, 2020, The Principle of Common and Differential Responsibility in International Environmental Law, PhD . Thesis, Mohamed Lamine University, Faculty of Law and Political Science

23. Naji, Ahmed Abdel Fattah, 2013, Sustainable Development in Developing Societies in Light of Modern Global and Local Changes, Alexandria, Modern University Office, 1st Edition
24. Wardam, Batir Muhammad Ali, 2003, The World Is Not For Sale: The Dangers of Globalization to Sustainable Development, Al-Ahliya Publishing and Distribution, Kingdom of Jordan, Amman, First Edition

١. Arab laws

1. Iraqi Environmental Protection and Improvement Law No. (27) of 2009
2. The Iraqi Civil Law No. (40) of 1951, as amended, was published in the Iraqi Gazette, Issue No. (3015) on (8/9/1951)
3. Instructions for environmental specifications for establishing projects and monitoring the safety of their implementation No. (3) of 2011, Iraqi Gazette, Issue No. (4225) of 2012
4. UAE Law No. (24) of 1999 amended, concerning the protection and development of the environment
5. Iraqi Penal Code No. (111) of 1969, as amended
6. Iraqi Public Health Law No. 89 of 1981, as amended
7. /United Nations General Assembly Resolution 70/2014A/REC adopted on 22/12/2015, seventieth session, agenda item , 22
8. Iraqi Civil Law No. (40) of 1951, as amended

٢. Persian references

1. Pour Bafrani, Hassan; Hemmati, Marzieh, 1395, Criticism of Iran's Kefri Policy in the Face of the Crimes of the Zest of the Ocean, Faslnameh Majlis and Rahbard, Sal 23, Shamarah 87
2. Khaleqi, Abu Al-Fath; Rashnuwadi, Hojjatullah, 1392, Iran's Kifari legal policy regarding the maintenance of the sources of the country by taking care of it with a chain of transmission among the sects, the chapter on the rights of the Kifari, Sal Dom, Shamara 3
3. Farmani, Farida, translator, The influence of the ruin of bar abb wa hawa and the state of azan, Soroush magazine, Sal 9 Shamarah 425, dated: 2/10/1367
4. Ghasemi, Nasser, 1391, Jurist, Kifri Mohit Zest, Tehran, Khorsandi Publications, first chapter
5. Koushki, Gholamhossein, 1388, "What is Iran's Kifari system in the possession of the most violent crimes in the world", Faslnamah, Islamic Legal Informaton, 17 and 18
6. Koi, Mahdi; Natri, Muhammad Ibrahim Shams, 1399, An applied study of Iran's criminal legal policy and its laws among the public regarding crimes related to the sources of the father, Mahnameh Alami, a scientific article - Peshawehshi Shenasi University Iranian politician, Sal Panjam, Shamara 3
7. Mohseni, Hassan, 1399, "Shādt al-Zābān al-Zist al-Māfir al-Māliq al-Dāmān" in French Laws and "What is the Concept", of the International Zest in Laws of Iran?" The chapter "Investigation and Expansion of the Laws of Applied Law", Shamarah Course 6
8. Mashhadi, Ali, 1392, Haqq Bar Mahit Zest Salem (Iranian-French language), Tehran, Mizan Publications
9. Mashhadi, Ali, 1393, Basic analysis of what is the right of the people of Iran and France, Applied Law Studies, Course Form 2 ,5
10. Hadavand, Mahdi; Mashhadi, Ali, 1389, Principles of Administrative Rights in Perto, Opinions of the Diwan of Justice Administrative Assistant, and the Expansion of Judicial Power Cases, Khorsandi Publications, first edition...

ⁱ ,Abu Amer, Muhammad Zaki, 1989, Penal Code, Special Section, Dar Al-Muhaqa
. Alexandria, Egypt, p. 231

ⁱⁱ Article (2) of the Instructions for Environmental Standards for Establishing Projects and Monitoring the Safety of Their Implementation No. (3) of 2011, Iraqi Gazette, Issue
. No. (4225) of 2012

ⁱⁱⁱ Article (33/2) of the Environmental Protection and Improvement Law No. (27) of
. 2009

^{iv} Al Zubaidi, Nawar Daham Matar, 2014, Criminal Protection of the Environment: A -
. Comparative Study, Al-Halabi Legal Publications, Beirut, Lebanon, p. 123

^v Al Atabi, Muhammad Adnan Faraj, 2023, The Lebanese and Iraqi Legislative -
. Confrontation of Environmental Crime, A Comparative Study, Master's Thesis
. Lebanese Islamic University, Faculty of Law, p. 59

^{vi} Reda , Avan Abdul Aziz, 1999, Tort Liability for Environmental Damage: A
. Comparative Study, Master's Thesis, University of Baghdad, p. 67

-
- vii Articles (14/1, 15/3) of the Environmental Protection and Improvement Law No. (27) of 2009
- viii Article (80) of the UAE Law No. (24) of 1999 concerning the Protection and Development of the Environment, as amended
- ix ,Haqq Bar Mahit Zest Salem (Iranian–French language), Tehran ,1392 ,Mashhadi, Ali . Mizan Publications, p. 77
- x Hassan , Ali Fadel, 1997, Confiscation in Comparative Criminal Law, Dar Al Nahda Al Arabiya, Cairo, p. 65
- xi Al –Alfi, Adel Maher, 2009, Criminal Protection of the Environment, Dar Al-Jami'a Al-Jadeeda, Alexandria, p. 482
- xii Boukhalfa , Faisal, 2023, Precautionary Measures in Environmental Crimes, Journal of Law and Human Sciences, Volume 16, Issue 2, p. 188
- xiii . Article (96) of the Iraqi Public Health Law No. 89 of 1981, as amended
- xiv Al Badiri, Ismail Sa'sa' Ghaidan, 2003, The Administration's Responsibility for Moral - Damage in Iraqi Law: A Comparative Study, PhD Thesis, College of Law, University of Baghdad, p. 184
- xv Paragraph (2) of Article (209) of the Iraqi Civil Code No. (40) of 1951 as amended, published in the , Iraqi Gazette, Issue No. (3015) on (8/9/1951)
- xvi Radwan , Houchine, 2006, Legal means for protecting the environment and the role of the judge in its application, graduation thesis for obtaining a degree from the Higher School of Magistrates, Algerian Republic, p. 89
- xvii Al –Minyaw, Yasser Muhammad Farouk, 2008, Civil Liability Arising from Environmental Pollution, Dar Al-Jami'a Al-Jadeeda, Alexandria, p. 400
- xviii Article (71) of the UAE Law No. (24) of 1999 concerning the Protection and Development of the Environment, as amended
- xix The two clauses (first, second) of Article (32) of the Iraqi Law for the Protection and Improvement of the Environment No. (27) of 2009 are considered
- xx .Al –Alfi, Adel Maher, previous source, p. 409
- xxi This is what the Iraqi legislator decided in paragraph (1) of Article (209) of the Iraqi Civil Code No. (40) of 1951, as amended
- xxii Al Jurani, Nasser Karimish, previous source, p. 34 -
- xxiii .Al –Alfi, Adel Maher, previous source, p. 409
- xxiv Halim , Amira Moussa, 2003, Criminal liability arising from water pollution in Iraq (a comparative study), Master's thesis, College of Law, University of Baghdad, p. 146
- xxv Article (71) of the UAE Law No. (24) of 1999 concerning the Protection and Development of the Environment, as amended

-
- ^{xxvi} Article (72) of the UAE Law No. (24) of 1999 concerning the Protection and Development of the Environment, as amended
- ^{xxvii} Item (First) of Article (32) of the Iraqi Law for the Protection and Improvement of the Environment No. (27) of 2009
- ^{xxviii} Shādt Zābān al-Zīst al-Mātiqīl” (Māsādtān Zābān al- “ ,1399 ,Mohseni, Hassan . Zīst al-Mātiyāl) “Make a Claim in French Laws” and “What is the Concept of the International Zest in Laws of Iran”? “Faslnamāh Investigation and Expansion of Laws in .p. 165 , 6 Applied Laws,” Shamarah Course
- ^{xxix} Kharashi , Adel Abdel Aal, 2008, The Crime of Noise Pollution and the Position of Islamic Jurisprudence on It, 1st ed., National Center for Legal Publications, Abdeen, p .7
- ^{xxx} Al –Ghanmi, Muhammad Abdul Rahim, 2008, Criminal Protection in the Fields of Peaceful Nuclear Energy, Dar Al-Nahda Al-Arabiya, Cairo, p. 504
- ^{xxxi} Abu Khatwa, Ahmed Shawqi, 2007, Explanation of the General Provisions of the Penal Code, Dar Al Nahda Al Arabiya, Cairo, p. 675
- ^{xxxii} . Article (85) of the Iraqi Penal Code No. (111) of 1969, as amended
- ^{xxxiii} Article (73) of the UAE Law No. (24) of 1999 concerning the Protection and Development of the Environment, as amended
- ^{xxxiv} Article (35) of the Iraqi Environmental Protection and Improvement Law No. (27) of 2009
- ^{xxxv} Al Jurani, Nasser Karimsh, 2010, Environmental Crime and the Penalties Prescribed - for it in Iraqi Legislation, Journal of Arts of Dhi Qar, Volume Two, Issue One, p. 19
- ^{xxxvi} Al Hassani, Mahmoud Najib, 1984, Explanation of the Penal Code, General - Section, Dar Al-Nahda Al-Arabiya, Cairo, p. 727
- ^{xxxvii} Article (74) of the UAE Law No. (24) of 1999 concerning the Protection and Development of the Environment, as amended
- ^{xxxviii} Article (73) of the UAE Law No. (24) of 1999 concerning the Protection and Development of the Environment, as amended
- ^{xxxix} Item (First) of Article (34) of the Iraqi Law for the Protection and Improvement of the Environment No. (27) of 2009
- ^{xl} Article (73) of the UAE Law No. (24) of 1999 concerning the Protection and Development of the Environment, as amended
- ^{xli} Farmani, Farida, translator, The influence of the ruin of bar abb wa hawa and the . dated: 2/10/1367, p. 7 , 425 Shamara ,9 .state of azan, Soroush Magazine, Sal
- ^{xlii} Koi, Mahdi; Natri, Muhammad Ibrahim Shams, 1399, An applied study of Iran’s . criminal legal policy and its laws among the public regarding crimes related to the

-
- sources of the father, Mahnameh Alami, a scientific article – Peshawehshi, Shenasi .p. 902 ,3 University Iranian politician, Sal Panjam, Shamarah
- ^{xliii} Iranian kifari legal policy ,1392 ,Khaleqi, Abu Al-Fath; Rashnawadi, Hojjatullah . regarding the maintenance of its sources by taking care of it with a chain of transmission .p. 66 ,3 among the sects, his chapter on the rights of kifari, Sal Dom, Shamarah
- ^{xliv} How is Iran's Kifari system in possession of the “ ,1388 ,Koushki, Gholam Hossein . ,most violent crimes in the world”, Faslnameh Ilta'ra Rasaniyyah Jurisprudence .p. 19 ,18 and 17 Shamarah Hay
- ^{xlv} ,Jurist, Kevri Mahit Zest, Tehran, Khorsandi Publications ,1391 ,Ghasemi, Nasser . .first chapter, p. 71
- ^{xlvi} Criticism of Iran's Kivri Policy in ,1395 ,Pour Bafrani, Hassan; Hemmati, Marzieh . , 87 Shamarah , 23 the Face of the Crimes of Zest, Faslnameh Majles and Rahbard, Sal .p. 71
- ^{xlvii} Ben Laalam, Samhan, 2021, Environment and Sustainable Development, A Comprehensive Analytical Approach to the Dialectic of Relationship and Influence in ,Algerian Legislation, Tabna Journal of Academic Scientific Studies, Volume 4, Issue 3 . University Center , p. 1062
- ^{xlviii} Naji, Ahmed Abdel Fattah, 2013, Sustainable Development in Developing Societies ,in Light of Modern Global and Local Changes, Alexandria, Modern University Office . 1st Edition, p. 73
- ^{xlix} Wardam, Batir Muhammad Ali, 2003, The World Is Not For Sale, The Dangers of ,Globalization to Sustainable Development, Al-Ahliya Publishing and Distribution . Kingdom of Jordan, Amman, First Edition, p. 155
- ⁱ Al -Faraji, Hadi Ahmed, 2015, Sustainable Development in the Strategies of the United Nations, Dar Kunooz Al-Ma'rifah for Publishing and Distribution, Amman, First .Edition, p. 237
- ⁱⁱ Al -Fatlawi, Suhail Hussein; Al-Hawamdeh, Ghaleb Awad, Public International Law (Rights and Obligations of States – Territory – International Disputes) Diplomacy, Dar .Al Thaqafa for Publishing and Distribution, Amman, p. 35
- ⁱⁱⁱ Al -Khazraji, Firas Ahmed, 2007, Environmental Management, Dar Kunooz Al- .Ma'rifah Al-Ilmiyah, Amman, First Edition, p. 136
- ⁱⁱⁱⁱ The Institutional Framework for Environmental Policy, Center , 2002 ,Khawaja , Ola .p. 184 , 2 for Studies and Research, Cairo University, Issue
- ^{liv} Fares , Alawi, 2020, The Principle of Common and Differential Responsibility in International Environmental Law, PhD Thesis, Mohamed Lamine University, Faculty .of Law and Political Science, p. 14

^{iv} /United Nations General Assembly Resolution 70/2014A/REC adopted on ,
22 seventieth session, agenda item ,2015/12/22

^{vi} Principles of Administrative Rights in ,1389 ,Hadavand, Mahdi; Mashhadi, Ali .
Porto, Opinions of the Diwan of Adalat, an Administrative Legal Assistant and the
.Expansion of Judicial Power Cases, Khorsandi Publications, first vol., p. 160

^{vii} Mashhadi, Ali, 1393, Basic Sazi, What is the Right to the Land of the Zest in the .
.p. 568 ,2 Shamara ,5 Laws of Iran and France, Applied Law Studies, Course