PalArch's Journal of Archaeology of Egypt / Egyptology

INTERNATIONAL RESPONSIBILITY FOR CLIMATE POLLUTION (A COMPARATIVE STUDY)

[1]Dr. Abdul Jaleel Ismael Hasan, [2] Dr .Mohanad Qasim Zghair,

[3]Dr.Mohammed Qahtan Farhan

[1]Bilad Alrafidain University College / Law Department, [2,3]Al Mustafa University College

[1]dr.abduljalil8@gmail.com, [2]dr.mohanad72@gmail.com, [3]mohammedqahtan45@gmail.com

[1]Dr. Abdul Jaleel Ismael Hasan, [2] Dr.Mohanad Qasim Zghair, [3]Dr.Mohammed Qahtan Farhan; International Responsibility for Climate Pollution (A Comparative Study)- Palarch's Journal Of Archaeology Of Egypt/Egyptology 17(05), 1673-1691. ISSN 1567-214x. Published May 2020.

Keywords: error theory, risk theory, conventions and legislation.

ABSTRACT

The various countries of the world have paid great attention to the environment because of the climate change that has become a major concern. They have worked together to reduce the thermal emissions that change the climate, which requires an international will to address these climate variations and their impacts. In the area of protection of the environment from pollution, States have not only the responsibility to protect the environment but also the need for punitive controls and international legislation in the light of them, which have been one of the problems faced by international law. Most international conventions have therefore been concluded to find a way out of this ambiguity, which has been the concept of international liability for pollution.

The primacy of States and the world as a whole is, therefore, an important and essential pillar of the legal system that can be adopted at the international and domestic levels.Thus, the State causing environmental damage to another State bears the responsibility for repairing and compensating that damage as an unlawful act.

Introduction

Climate change has become a major concern of the international community. States have attached importance to the environment, where changes are increasing as a result

of differences in nature, making the international community cooperative in taking action to reduce and eliminate emissions that play a major role in climate change, which requires the pursuit of political will to address climate change and its abysmal effects. They require the concerted efforts of all countries, given the real danger that climate change poses to future generations. States must bear the brunt of the devastating effects on society as a whole.

The international responsibility for climate pollution is not limited to its protection. Controls must be established to punish and hold to account the perpetrators and commit them to repair the damage caused by their actions since international responsibility was one of the fundamental problems of international law, so most international conventions attempted to find a way out of the ambiguity surrounding the concept of internationalresponsibility, including the 1963 Vienna Convention on Damage Caused by Nuclear Energy, as well as the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, the Convention on Civil Liability for the Maritime Transport of Nuclear Material of 1981, as well as the United Nations Convention on the Law of the Sea of 1982.

Accordingly, the responsibility of states and the whole world constitutes the most important pillars of the legal system, whether these are at the international level or the domestic level.Consequently, the state that caused harm to another country shall be responsible for repairing that damage as it is an unlawful act.

Besides, the international responsibility towards climate pollution requires setting the necessary rules and principles for the application of that liability for damage caused by the environment, and the protection of states from such harm.

The study problem

The study problem is the extent to which States commit themselves to international conventions and enact domestic laws to reduce the effects of climate change. Therefore, the research raises questions that we are trying to answer, to answer questions, is the international responsibility to protect the environment through international cooperation from climate changes is sufficient to limit the damages resulting from climate pollution?

Research importance:

The importance of research is reflected in its determination of the international responsibility to protect the environment, the effects of climate change, particularly at the international and national levels, and the legal basis for international liability, in accordance with international conventions and domestic legislation.

Research Methodology:

The methodology followed in our study, after presenting the questions and the problematic, is to follow the inductive and analytical comparative approach of some international conventions, in particular, the United Nations Convention and the Stockholm Protocol, to arrive at a clear answer to the problems involved.

Research plan:

We divided this study into two chapters. In the first chapter,we discussed the basis of international responsibility towards climate pollution, while in the second chapter we will discuss international responsibility within the scope of international conventions and domestic legislation. The research concluded with the findings and the proposals that we identified.

Chapter one: The Basis for International responsibility for climate pollution

It is imperative to identify the basis of international responsibility and its development in climate change and compensation for environmental damage. Therefore, in this chapter we dealt with the basis of international responsibility according to the theories, which will be presented to it in succession:

The first requirement: error theory

Jurisprudence paid great attention to international responsibility, as it had a clear role in manifesting and adopting it[1]. The concept of the theory of international liability indicates that the state that commits the error, is the one that bears responsibility for what it has committed, and this theory is an old traditional theory. The Dutch jurist (Grotius) transfers the theory of error from national law to international law, and that was during the eighteenth century[2].

some of the jurists considered this theory as the basis for international responsibility, and among these jurists (George Cel) and (Gabriel Salviol) and others, all of them indicated that it is illogical to address international responsibility without error.[3]

Indeed, the theory of error has been followed by many international arbitral and judicial decisions, one of the most famous judgments of the Arbitration Tribunal in the Alabama Arbitration between the United Kingdom and the United States of America in 1872held in the city of Geneva, as the arbitration panel ruled that the United States of America had failed to take due care in the conduct of the neutral State between the parties, which resulted in the panel ruling on the responsibility of the United Kingdom-based on error, as well as the refusal of other bodies to decide on international responsibility for the absence of the element of error. One example was the complaint against Panama by the United States of America to claim compensation for the injury caused to American citizen Noyes, which the Court ruled

[1]Karima Abdul Rahim Al-Taie, Hussein Ali Al-Dridi, International Responsibility for Environmental Damages during Armed Conflicts, First Edition, Wael Publishing House, Beirut, 2009, p. 29.

[2]Mohsen Abdel-Hamid Afkireen, The General Theory of International Responsibility for the Harmful Consequences of Actions Not Prohibited by International Law with Special Reference to Their Application in the Field of Environmental, Arab Renaissance House, Cairo, 1999, p. 16, and Salah El-Din Amer, International Organization Law, The General Theory, Dar Al-NahdaAl-Arabiya, Cairo, 19984, p. 300.

[3]Ibid, p. 17.

that Panama was not responsible, due to the failure to prove the error on its part,which led to its acquittal and failure to maintain law and order.[4]

The theory of error has been accepted by some scholars, but it has been criticized, including the dilemma of how to prove a failure in international environmental law, and another trend has emerged that international responsibility cannot be based on the error in cases of negligence causing environmental damage[5]. In the face of such criticisms, some scholars of international law have tended to adopt another basis of State responsibilitythat corresponds to the nature of international law, expressed in the wrongful act, which requires special conditions to be met, but which, in the Commission's view, are valid for international responsibility. Moreover, a breach or violation of an international commitment must occur, regardless of its source. That is why international law jurists are concerned with the issue of defining the concept of illegal work.Others think that the illegal act is a behavior that is contrary to international legal obligations, this meant deviating from a rule of international law, so an internationally unlawful act was a breach of an international legal norm,whether originating in an international convention, custom, or the general principle of law.[6]

The theory of illegal work is the theory adopted by international jurisprudence, expressed by the jurist (Rousseau), who said that the only basis for international liability is a violation of one of the rules of international law[7]. It is also the international judiciary that has taken an interest in the idea of international liability for unlawful acts, through its rulings on this matter[8], as confirmed by the International Court of Justice and the International Law Commission, and that this theory has been adopted in private law and civil law. What concerns us are the theories that have been used as a basis for international responsibility for environmental and climate damage. Indeed, the theory of illegal work has replaced the theory of error, and the international community has been interested in finding theories that form the legal basis for international responsibility regarding climate change, and among these theories that had a prominent role in this regard is the theory of risks that we will address.

The second requirement: risk theory as a basis for liability

Given the increased risks associated with damage, through scientific inventions in many areas of our lives, which does not make liability limited to error, and led to the inability of the legal system to repair the damages caused by the risks[9]. This led the international community to seek the idea of absolute international liability, risk theory, or objective responsibility, which has an objective reputation based on

[4]Salah El-Din Amer, Introduction to the Study of Public International Law, Dar Al-Nahda Al-Arabiya, Cairo, 2007, pp. 806-807-808.

[5]Salah Abdel-Rahman, The International Law System, for Environmental Protection, Al-Halabi Legal Publications, First Edition, Beirut, 2010, p. 221.

[6]Mohsen Abdel-Hamid Afkireen, previous reference, p. 18.

[7]Saleh Attia Soliman, The Provisions of International Law in Ensuring the Environment Against Pollution, Doctoral Thesis in Law, Alexandria University, dt, p. 682.

[8]Ibid.

[9]Saleh Attia Suleiman, previous reference, pg. 682.

security[10]. The first to establish the idea of international responsibility based on riskis the jurist (Tarbil), who considered that the idea of risks is based on danger and not on error. International law scholars have adopted the notion of an illegal act as a basis for international responsibility. If a dangerous act is formulated by a State in exceptional circumstances resulting in damage to a second State. Although this act of the State is lawful, the basis of the risk applies to it[11], making the author State liable for its consequences[12].

The international community has therefore adopted this theory and made it the best solution, considering that the responsibility exists as soon as the damage has occurred, and thus this theory has taken on important dimensions in environmental pollution, and how to compensate for damage, and has been adopted in several conventions[13].

Examples include in the Trail Smelter case, international jurisdiction applied the principle of international responsibilityfor injury 1938- 1941, the tribunal emphasized that "in accordance with the principles of international law and the law of the United States of America, no State may use or permit the use of its territory in such a way as to result in the arrival of harmful fumes in the territory of another State, causing damage to that territory, or to property or persons on it whenever the results are gravity if the damage is consistent with clear and convincing evidence. ". Accordingly, the Court asserted Canada's responsibility for damages caused by the works and activities of the plant on its territory, due to the escalation of the fumes, which caused damage to American agriculture and forestry, which obliged Canada to pay $ 787 thousand in damages.[14]

Thus, the theory of international responsibilitydoes not exist in the case of error unless it is accompanied by damage to the other State, which means that if one State commits an error without harm to the other State, which binds the State that committed the fault and results in damage, it is responsible in repairing and compensating for the damage, which is a powerful deterrent to climate protection.

Chapter two

International liability **under domestic conventions and legislation**

The general rules of international sovereignty bind States to the need not to cause harm to the environment, through the preservation of the climate, and to demonstrate

[10]Saleh Attia Suleiman, previous reference, p.694.

[11]Omar Bahiaoui, Law of International Responsibility, House of Huma for Printing, First Edition, Algeria, 2010, p.42.

[12]Maysa Muhammad Farhan, International Cooperation within the Framework of International Agreements, PhD thesis, Beirut Arab University, Faculty of Law and Political Science, Beirut, 2010, p. 271.

[13]Muhammad Jabbar Atuba, International Responsibility for Environmental Pollution in Iraq, Master Thesis, Beirut Arab University, Faculty of Law and Political Science, Beirut, 2011, p. 77.

[14]Muammar Rteib Mohamed Abdel-Hafez, International Environmental Law and the Pollution Phenomenon, House of Legal Books, Egypt, 2008, pp. 135-138. Affaire des fumes industrielles de la fonderie de teail entre les Etats - unis et Canada, sentences arbitrales des 16 avril 1938 et 11 mars 1941, R.S.A.N.U.vol.111, 1905-1982, q196.

the importance of this responsibility, we must address the international conventions and national legislation that have been adopted as follows:

The first requirement: international conventions

One of the pre-eminent conventions was the 1963 Vienna Convention on Damage Caused by Nuclear Energy, which played an important role in demonstrating the responsibilitygenerated by environmental damage, leading to the inclusion of this in the Stockhome Declaration[15]. This Convention refers to the absolute responsibilityof the State operating the nuclear installation for damage caused by nuclear accidents within the installation or any nuclear activity of the installation, and thus article IV, paragraph 1, provides that "under this Convention, the responsibilityof the nuclear operator shall be absolute."

Therefore, this Convention establishes the principle of absolute responsibility for the operator of a nuclear installation, or atomic reactor, for the owner of a ship loaded with nuclear materials, so that the responsibility lies with the operator of a nuclear installation, and no proof of fault or failure is required by the injured.[16]

However, it is the States that is responsible for all domestic activities, therefore, it is considered an important principle in establishing international responsibilityfor environmental damage.

Consistent with this, the 1969 Convention on International Liability for Damage Caused by Oil Pollution has confirmed the full international responsibilityof owners of ships that are the cause of pollution, as they benefit from transport, and are therefore justified for harmful consequences,It took absolute justification for the burden of proof on the shipowner and the adoption of the principle of international liability for pollution of the sea, based on damage caused by pollution of the marine environment. [17]

Therefore, during the 1970s and 1980s, after the agreement was reached by the international community that the climate should be shared at the global level and considered to be the common heritage of humanity as a whole.

It should be noted that the Governments responsible for international protection and preservation of the environment in the countries of the European community, having issued notes referring to the concern for the environment, called upon European governments to enact laws on the reduction of damage to the environment.[18]

[15]Principle (21) of the principles of the 1972 Stockhome Declaration regarding the human environment of states, in accordance with the United Nations Charter and the principles of international law, the right of sovereignty to exploit its resources in accordance with its own environmental policies, and it bears the responsibility to ensure that the activities carried out are within the limits of their authority, or under Its control does not harm the environment of other countries, or the environment of areas outside the borders and national jurisdiction.

[16]Nagwa Riad Ismail, International Responsibility for Damage to Nuclear Ships in Peacetime, PhD Thesis, Rights of Zagazig, Algeria, 2000, p. 28.

[17]Salah Khairy Al-Taie, International Protection of Biodiversity, Master Thesis, University of Baghdad, Baghdad, 2004, pg. 132. And Abdul-Salam Mansour Abdulaziz Al-Shewi, Compensation for Environmental Damages Within the Scope of International Law, PhD thesis, 2001, p.82.

[18]Amer Tarraf, International and Civic Responsibility in Environmental and Sustainable Development Issues, First Edition, University Institute for Studies, Publishing and Distribution, Beirut, 2012, p. 137.

Furthermore, the International Committee on Environment and Development, including the 1980 World Commission on Environment and Development, laid the foundations for the expansion and development of international sovereignty, having included several principles that would make the State bear the liability in the event of non-compliance with international obligations, in particular, concerning the use of natural resources and all internationally prohibited activities, conventions on the protection of the environment and climate have been adopted to lay the foundation for international responsibility. These conventions include the United Nations Convention on the Law of the Sea and the Convention for the Protection of the Ozone Layer, as well as the Convention on the Protection of the Ozone Layer of 1992, which is one of the most important conferences of participating States and which has formed an international gathering of more than 170 States, forming the link between developed and developing countries [19] . The Conference produced a series of principles, including the principle of mutual and reciprocal sovereignty and recognition of the principle of financial responsibility of developed countries, as well as the recognition of the principle that the State causing the pollution is the State obligated to compensate[20]. The precautionary principle had also been established, as well as allowing States to exploit their resources, provided that they did not harm the environment of neighboring States.[21]

The United Nations also played an active role in protecting the environment from damage, and on this, the General Assembly held a conference in Pastukhum in Sweden in 1972, intending to protect the human environment[22].The conference also stressed the need for cooperation and the prevention of pollution of the seas from substances that affect human health and work to develop the rules of international law regarding liability and compensation for environmental damage.[23]

In line with this, the Rio de Janeiro Declaration emphasized the need for States to be obliged to enact strict laws to limit domestic emissions and to preserve the environment and climate[24]. The aforementioned declaration resulted in the 1994 United Nations Framework Convention on Climate Change, as well as its 1997 Protocol, which entered into force in 2005.

From the above, we conclude that international conventions have been the key factor in calling upon States to create firm domestic legislation and laws, to ensure that States have the right to preserve the environment and the climate and to reduce harmful emissions, thus charting the way to address and compensate for mistakes that cause harm to other States in order to avoid a society of fightingand not to resort to

[19]Amer Tarraf, previous reference, p. 138.

[20]Maysa Muhammad Farhan / Previous Reference, 291.

[21]Principle (2) "The state has the right, in accordance with the United Nations Charter and the principles of international law, to exploit its resources, in accordance with its environmental and development policies, and it is responsible for ensuring that activities falling within the scope of its jurisdiction or control do not cause harm to the environment of another country, or areas outsideNational jurisdiction limits, "the 1992 Rio Declaration on Environment and Development.

[22]interational and European law.A practitioner, S Guide, first published by Earth scan in the UK and US in 2008, Earth scan London.

[23] Samir Fadel, The International Commitment to Not Polluting the Environment, The Egyptian Journal of International Law, Vol. 34, 1978, pg. 298.

[24]Principle (11) of the Rio Declaration on Environment and Development.

armed means, because of their devastating effects on human beings and infrastructure, thereby achieving international peace and security.

The second requirement: International liability under domestic laws

One of the most significant implications of the Conventions is their reflection on national environmental legislation, which is consistent with international environmental protection conventions, such as the Law on the Prevention of Oil Pollution of Sea in the Most States, in particular, the Law on the Protection of Sea Water from Pollution, signed in London in 1954.[25]

Accordingly, the French legislator paid great attention to the environment, and he issued many legislations that would preserve and protect the environment. During the Napoleonic era in 1910, a decree was issued to control factories that emit large quantities of smoke.In addition to the issuance of a law of 1917 related to the division of establishments or institutions of global danger into two parts, as it made them subject to two systems of temporary and permanent control.[26]

It should be noted that this legislation evolved after the 1972 Stockholm Convention to cover all areas of life. The 1984 Law of the Sea on World Sea Fishing was enacted. The French people's strong love for the environment has led them to enact many laws on the protection of the environment. The year 1972 is therefore a year of reform at the level of various laws. This led the French government to create the Ministry of the Environment. This is why the French legislature passed the Environmental Protection Act of 1976, which is comprehensive and includes all the necessary means to protect the environment.[27]

Thus, the 1958 French Constitution and its amendments to 2008 confirmed the Charter of the Environment of 2004, which stated that the French people took into account natural resources and their balance, considering the environment to be the common heritage of humanity, providing for environmental issues in Chapter eleven,as well as economic and social issues.[28]

It should be noted that more than 220 scientists gathered in 1971 from most of the famous scientists, some of whom held the Nobel Prize in the French city of Montouf to consult and exchange views on problems that pose a threat to the environment and humanity. As a result of that meeting, a letter was sent to the Secretary-General of the United Nations to adopt their agreement and views, which was officially recorded in the records of the United Nations on 11/5/1971. Their message included that "Humanity has not yet faced a danger of this magnitude, and this proliferation is the result of several factors, each of which has become sufficient, because of intractable dilemmas, which together mean that human pain will increase alarmingly in the near future and that all life will be extinguished or threatened to fade away. We, the

[25]Ibrahim Muhammad Al-Aqabi, Environment and Development, International Legal Dimensions, International Politics Journal, Issue 110, 1992, p. 116.

[26]Anmar Salah Abd al-Rahman, The International Commitment to Protecting the Climate, First Edition, Al-Halabi Legal Publications, Beirut, 2016, p. 113.

[27]Nawzad Daham Matar, Criminal Protection of the Environment, Al-Halabi Legal Publications, Beirut, 2014, p. 66.

[28]The full text of the French constitution issued on October 4, 1958, up to the latest amendments on 7/23/2008, a text translated into Arabic, Ihab Mukhtara Muhammad Farhat, Vice President of the Egyptian State Council, Cairo, 4/19/2011, Articles (69-70-71).

scientists of life and nature, do not doubt the effectiveness of the solutions to these issues, but we insist on saying that there are these dilemmas on the ground, that they are intertwined and can be resolved as we seek to secure the needs of humanity and put aside our interests. "[29]

This is at the level of foreign countries, but at the Arab level, the state of Egypt has had a prominent role in caring for the environment, as it is one of the first countries in the field of environment, as it established in 1982 a body called the Environmental Shawn Agency, as it is one of the countries that ratified the United Nations Convention. Also, it is one of the countries that suffer from climatic fluctuations, and to prevent the risks of the environment, it issued Law No. (48) of 1982 and its Executive Regulations No. (8) regarding protecting the Nile River and waterways from pollution cases, which prohibits the dumping of solid, liquid or gaseous wastes from real estate and industrial and political installations, and allows them to be dumped into the waterways only after obtaining fundamentalist approvals.

The Republic of Egypt has also promulgated Act No. 4 of 1994, the first law in the field of environmental protection, which is general and covers all the contents of the environment.[30]

Furthermore, the Arab Republic of Egypt has acceded to several relevant conventions, including the 1951 Rome Convention on Plant Protection.

The Republic of Egypt has also acceded to some of the conventions, including the 1954 Convention on Oil Pollution of the Sea, the 1963 Moscow Treaty on the Cessation of Atomic Testing, and the Musso-Washington Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space.[31]

Therefore, the Jordanian legislator promulgated Environmental Protection Act No. 56 of 2006, which entrusts the Ministry of the Environment of the Kingdom of Jordan with the task of implementing all instructions and decisions issued under the above-mentioned Act. Thus, the Ministry's Maritime Authority is the competent authority at the national, regional, and international levels for all environmental problems, in the form of cooperation and coordination among all relevant actors.[32]

Article 8, paragraph 10, of the Jordanian Law No. 56 of 2006 refers to the protection of the marine environment from risks arising from pollution in all its forms and manifestations. Protection must be applied by preventing and not allowing the dumping of substances contaminated or harmful to the marine environment in the territorial waters of the Kingdom of Jordan, or by throwing them into the shore area, according to the areas specified by the Minister, in accordance with its instructions.[33]

The Jordanian law stipulated the punishment of anyone who violates the law and the instructions issued by the Minister, as it was stated that “imprisonment for a period of less than one year and not exceeding three years, or a fine of not less than ten

[29]Amer Muhammad Tarraf, Dangers of the Environment and the International System, First Edition, University Institute for Studies, Publishing and Distribution, Beirut, 1998, p. 77.

[30]Ali Al-Sayed Al-Baz, Victims of Environmental Crimes, Tikrit University Press, 2005, p. 28.

[31]Muhammad Hossam Mahmoud Lotfi, Legal Protection of the Egyptian Environment, a study of positive laws and international agreements in force, Golden Eagle for Printing, Cairo, 2001, p. 26.

[32]Ibtisam Saeed, The Crime of Environmental Pollution, First Edition, House of Culture for Publishing, Amman, 2009, p.50.

[33]Jordanian Environmental Protection Law No. (56) of 2006, Articles 8-10.

thousand dinars, or with these two penalties for the captain of the ship or vessel, tanker or boat from which any contaminated material has been dumped, spilled, unloaded or dumped in the territorial waters of the Kingdom or the beach region.[34]

It should be noted that Iraq, the other Arab country, has experienced the most wars and armed conflicts in the period 1980-1990, in its last war and the occupation of Iraq in 2003, in the worst cases of contamination in its skies and territory, through the use of various weapons on its territory, including depleted uranium weapons. It is recognized that the effects of uranium weaponsand their great risks to human beings and the environment continue to survive for a long time.[35]

As a result of Iraq's suffering and problems with environmental pollution, it went through the legislation of Act No. 3 of 1997 on the protection and improvement of the environment. After the occupation of Iraq and its return to the international community, Iraq participated in the 2005 Conference on the Environment, as well as attending the 2008 Bozan Conference, held in Poland, as an observer.

Iraq ratified the United Nations Framework Convention on Climate Change, as well as the protocol in 2009, as this ratification forms the basis for granting Iraq the right to be considered a country affected by climate change, which allows it to hold developed countries responsible for the damage it has suffered.This gives it the right to financial support, as well as the right to create projects that reduce harmful emissions, trying to eliminate the effects of climate change[36].

Accordingly, we conclude that the limited efforts for the national judiciary in the Arab countries are a subject of interest and study in protecting the environment and compensating for the damages resulting from the climate impacts that afflict some Arab countries, especially since these efforts face many obstacles, and the most important of these obstacles are political crises, absence of stability in state institutions, in addition to the unrest due to revolutions and foreign military intervention, especially what happened in Iraq.

We, therefore, believe that the establishment of specialized climate protection courts should be one of the most important tasks incumbent upon them to impose the necessary sanctions on the perpetrators and causes of environmental pollution, especially since Iraq suffers from environmental problems owing to the lack of planning and coordination in the establishment of industrial laboratories and the erosion of green areas.

Conclusion

The problem of climate pollution and climate change has been brought to the attention of the international community, owing to the great challenges at the various corners of life, as a result of the problems of the existing environment, which has made the whole world concerned about climate change and environmental pollution and the study of international responsibility. The United Nations Security Council has taken an interest in the problem of the environment and discussed it at an international conference in 2007 with a long study on the relationship of climate change to national

[34]Article (91) of the Jordanian Environmental Protection Law No. 56 of 2006.

[35]Laith Al-Qassab, International Scientific Symposium on the Environment of Post-War Iraq, Society for the Protection and Improvement of the Iraqi Environment, Baghdad, held from December 10 to 12, 1994, p. 3.

[36]Anmar Salah Abdul Rahman, previous reference, pp. 116-117.

security. The Security Council has also taken an interest in promoting the environment and climate and the effects of global warming, as well as international attention to climate protection. This is through several legal principles, rules, and commitments referred to in the United Nations Framework Convention on Climate, as well as its Kyoto Protocol.

That study demonstrated the seriousness of the problem of the environment and its negative effects, which can only be addressed by firm legal commitments to regulate international sovereignty and compliance by States with the obligation to reduce emissions to specific levels. Thus, we have reached the following conclusions and have made the necessary proposals in the light of them:

First: results

1. The United Nations and the international community have sought to determine international liability for and compensation for climate damage under the relevant international conventions.
2. The United Nations has also committed States to create domestic legislation to reduce harmful emissions of all kinds and punish States responsible for this pollution.
3. The United Nations Framework Convention on Climate Change and the (Kyoto) Protocol are the fundamental building blocks of climate change and global warming.
4. The international agreements concluded in connection with climate change and environmental damage have emphasized the prohibition of the use of fuels that result in environmental pollution.
5. The commitment of developed countries to the principle of common and reciprocal responsibilities in all areas, and the call for the fulfillment of both the justification and the obligations of industrialized and developing countries for the protection of the climate.
6. Conferences on environmental pollution and the resulting negative damage to society have had an effective effect on alerting States to the risks and damage of environmental pollution.

Second: suggestions

1. The necessity of international cooperation, establishing clear mechanisms, and drawing up accurate policies for dealing with climate changes.
2. Working to increase awareness about climate change by exchanging experiences and specialized courses and holding conferences to minimize climate damage.
3. Direct United Nations supervision of violations and accountability of States that do not comply with international conventions and United Nations statements in this regard.
4. Urging countries to support the Green Climate Fund as the main source of funding for developing work in the international community to reduce emissions that pollute the atmosphere.
5. Urge States to enact climate protection and emission reduction legislation to maintain a healthy environment.
6. Forming special courts for climate change issues to punish countries that violate international law and relevant UN decisions, and imposing compensation for damage to the environment.