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# The International Legal Framework for Combating Environmental Crimes

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***Abstract***:

*The legal framework adopted by the international community to provide criminal legal protection for the environment, at both the national and international levels, is closely linked to the legal criminal approach to environmental conservation. This connection arises from the legal obligation of citizens to adhere to their state's commitments toward the international community as stipulated in relevant international and regional treaties—both directly and indirectly related to environmental protection. This is based on the premise that states are bound by these treaties to integrate and enshrine these obligations into their constitutions and domestic environmental legislation. Accordingly, this study aims to address the provisions of legal protection for the environment in its deterrent aspect as established in international conventions. The objective is to extract the scope and requirements of such protection on both domestic and international levels, derived primarily from international environmental law and international criminal law.*

***Keywords***: *Environment; national legislation; international law; international cooperation; penal protection; international crime.*

## Introduction:

*International cooperation in environmental matters between states, whether outside or within international organizations, is not an end in itself. Rather, the ultimate goal is the preservation of the global environment through any means, whether via states or international organizations. Environmental issues resulting from human interaction with the environment-encompassing the spaces where individuals live, work, and engage with surrounding entities and organisms-were, until recently, limited in their impact and scope to the internal affairs of individual states.*

*However, this situation has changed in contemporary times. Environmental concerns and the pursuit of appropriate solutions to*

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*environmental problems are now viewed, within the framework of international law, as issues of global concern. They fall under the purview of the international community, represented by states, international bodies, and organizations. This shift necessitates a study of the international legal framework for combating environmental crimes as it constitutes one of the most effective legal tools for penal deterrence within the scope of international law.*

*A key component of the international legal framework for the criminal protection of the environment is the international legal procedures put in place by the international community to address environmental crimes at both the national and international levels. To comprehend the fundamental ideas and guidelines set out by international law to address these crimes, these processes must be examined. As part of their international duties, states must uphold these values at the national level while also acknowledging their relevance on a regional and worldwide scale, considering the fact that these crimes affect every member of the international community.*

*The foundation upon which the international community builds these mechanisms, which will be explored in this study, lies in the fact that environmental pollution is among the most pressing issues facing the global community. This problem has reached a level of complexity that precludes unilateral responses, necessitating the unification of efforts to seek the most effective solutions.*

*A new area of public international law known as international environmental law has emerged as a result of these efforts, and unified methods within international law have been adopted. This branch, in its principles and provisions, outlines several methods for addressing environmental issues (The first Chapter). Furthermore, the international community has recognized environmental protection within the framework of international criminal law, as environmental crimes are increasingly considered crimes of war (The second Chapter).*

## ***Chapter I: Combating Environmental Crimes within the Framework of International Environmental Law***

*In the second part of the previous century, environmental concerns gained considerable attention from the worldwide community. As a result, this part examines the idea of international environmental law, a recently developed area of public international law that is crucial in*

*the fight against environmental crimes. It achieves this by focusing on preventive measures and encouraging states to enact domestic criminal legislation to deter perpetrators of domestic environmental crimes. This section also looks at the several sources of this branch, including international treaties at the regional and global levels that address environmental criminal protection by imposing duties on member governments.*

*Understanding the idea behind international environmental law makes it clear how it helps fight environmental crimes. By emphasizing the topic, goal, and procedures of this area of international law, this idea is defined. The control of environmental issues at the national and international levels is its focus(1). Its objective is the protection of the environment and the preservation of the natural balance among its elements. Its methods include encouraging states to regulate human activities(2), criminalizing actions that harm the environment, imposing penal sanctions, and determining the responsibility of those who engage in environmentally harmful behavior(3).*

*To further elaborate on the concept of international environmental law and identify its scope in addressing environmental crimes, this section emphasizes that this branch of international law often seeks to enforce environmental protection through mandatory legal provisions(4). The discussion includes defining the concept, reviewing its development-given its modern and international origins across various subfields of environmental law-and identifying its primary sources, alongside new international legal sources dedicated to environmental protection.*

***1-<u>Definition of International Environmental Law</u>:***

*The body of legislation that deals with the environment and seeks to protect and maintain it is known as international environmental law, or environmental international law. The term environment has been embraced by international treaties addressing environmental protection, such as those released at the Stockholm Conference on the Human Environment in 1972, as we trace the attention of the international community to the environment throughout modern history. According to this conference, the environment is defined as: "A set of natural, social, and cultural systems in which humans and other living organisms exist, deriving their sustenance and conducting their activities within these systems."*

*The same term was also approved at the 1977 Tbilisi Conference on Environmental Education. From this, it is evident that international environmental law does not only address the natural environment but also the human environment(5).*

*Environmental law in general, and international environmental law as a branch of public international law, has been defined by its purpose. It is viewed as a branch of law aiming to halt or mitigate any human behavior that may affect the natural elements inherited by humanity on Earth(6).*

*Before delving further into the concept of international environmental law, it is important to note that the aforementioned definition, despite its simplicity, encapsulates two primary objectives derived from international responsibility for environmental harm: prevention and deterrence. Environmental law, in general, has also been described as a social phenomenon encompassing political, economic, cultural, scientific, and aesthetic dimensions, deriving its sources from public and private law as well as international law(7).*

*Various academic attempts have defined international environmental law. Among these is a comprehensive definition provided by Professor Alan L. Springer, who described it as: "The law concerned with the study of the standards and rules established by the international legal system that directly or indirectly regulate environmental changes attributed to human activity, which the international community recognizes as harmful to valuable human interests."*

*Dr. Salah Abdul Rahman Abdul Hadithi observed that this definition excludes environmentally harmful activities resulting from natural disasters such as floods and hurricanes. It also excludes efforts aimed at improving existing natural conditions, such as irrigation projects, unless they lead to harmful environmental changes(8).*

*Thus, international environmental law can be defined as: "A set of international legal rules and principles governing the activities of states in preventing and mitigating various environmental harms, regardless of their source. These rules and principles apply to the shared international environment beyond the domestic sovereignty of states, as well as to their internal environments."*

***2-<u>The Emergence of International Environmental Law</u>:***

*The development of human civilization and the level of resource*

*exploitation are directly related to the formation of international environmental law. The negative impacts of industrial and urban development, along with the mismanagement and rapid depletion of natural resources, have significantly accelerated the deterioration of various environmental components—water, air, soil, and biodiversity—to the point where the environment can no longer replenish its natural resources.*

*For a long time, environmental degradation was seen as an inevitable consequence of industrial and technological progress, or as the price to pay for achieving advancement and prosperity. Humanity did not fully recognize the negative impacts of environmental degradation until the second half of the 20th century, following a series of environmental disasters that shook the world. This context gave rise to calls for environmental protection and preservation, making the environment and its deterioration a central focus of scientific research and studies across various fields, aiming to reduce or mitigate these impacts.*

*At the same time, environmental concerns received a lot of attention in national and international legal systems. As a result, a new area of public international law was created: international environmental law. The United Nations Conference on the Human Environment, which took place in Stockholm, Sweden, in 1972, marked the beginning of the worldwide emphasis on environmental conservation. This conference addressed environmental issues for the first time, examining their relationship with poverty and the lack of development worldwide. It declared poverty and underdevelopment as the greatest enemies of the environment and issued an international document containing recommendations urging states and international organizations to take measures to protect the environment[(9)].*

*At the 1992 United Nations Conference on Environment and Development in Rio de Janeiro, Brazil, environmental protection became even more of a global priority. A number of international-consensus legal papers that highlighted the idea of sustainable development were developed by this conference[(10)]. By using natural and environmental resources, sustainable development aims to satisfy the demands and goals of the current generation without endangering the capacity of future generations to satisfy their own.*

*Most legal scholars agree that the true birth of international*

*environmental law occurred with the Stockholm Conference. This establishes it as the most recent branch of public international law, though it has developed rapidly since its inception. Despite this progress, the field remains in its early stages of formation(11).*

*In reviewing major environmental milestones, it becomes evident that legal protection for the environment occupies a prominent place in the discussions and negotiations that the international community has engaged in regarding contemporary challenges. Penal legal protection also constitutes a significant aspect of this broader framework.*

***3- Sources of International Environmental Law:***

*To delve deeper into the role of this branch of international law in combating environmental crimes, it is essential to evaluate the current state of international environmental law. This evaluation hinges on identifying its primary sources and the new international sources specific to environmental protection.*

***3-1- Primary Sources of International Environmental Law:***

*Although Article 38(1) of the Statute of the International Court of Justice was drafted before international environmental law became a separate area of international law, it is the main source of international environmental law, especially when it comes to dealing with different types of pollution (12). These sources include(13):*

***3-1-1- International Treaties:***

*Treaties or agreements in their various forms constitute a source of international environmental law concerning criminal or penal protection. They require member states to enact domestic legislation to achieve such protection. Some agreements mandate member states to legislate domestic laws aimed at ensuring the criminal or penal protection of various environmental elements by imposing penal sanctions against individuals who violate the agreed-upon conditions.*

*For instance, the role of criminal law in environmental protection has occupied a significant place in the agendas of United Nations conferences on crime prevention and criminal justice(14).*

*An example of this is the Conference on Crime Prevention and Criminal Justice held in Cairo, Egypt, from February 29 to May 8, 1990. This conference addressed environmental protection on both national and international levels in its sixth chapter. It examined the possibilities and limits of criminal justice in this context, presenting several proposals, including urging member states of binding*

*international treaties related to environmental protection to penalize perpetrators of environmental crimes with the same severity as conventional crimes. It also recommended creating a prioritized list of key environmental crimes and proposed establishing specialized judicial bodies to prosecute offenders who pollute the environment, both nationally and transnationally.*

*Another example is the Conference on Crime Prevention and Criminal Justice held in Havana, Cuba, from August 27 to September 7, 1990. It emphasized the necessity of protecting the environment as a foundation for life through legislative and criminal measures. It called on member states to adopt domestic criminal laws targeting environmental protection and to cooperate in preventing criminal acts against the environment, investigating such acts, and prosecuting offenders. The conference also recommended including provisions in future international environmental treaties requiring member states to impose penalties in their national laws against violations of these treaties.*

*An example of binding provisions in international agreements encouraging member states to align their domestic criminal laws with internationally established environmental protection requirements is Article 08 of the 1973 International Convention on the Trade in Hazardous Substances, which states: "Parties shall take appropriate measures to implement the provisions of this Convention to prohibit trade in hazardous substances, considering it a violation of the Convention. These measures include: Treating the trade or possession of such substances as a criminal act punishable by law[(15)]."*

***3-1-2- <u>International Customs</u>:***

*International customs in the field of environmental protection from pollution are still in their early stages of development. However, some customs can be considered binding international legal rules due to their consistent application, even over a relatively short period[(16)].*

*It is now established that many customary rules of international environmental law are derived from or inspired by the domestic practices of states[(17)]. The repeated inclusion of these customs in numerous general and specific international agreements can be regarded as the emergence of new customary international rules in all branches of international law, including international environmental*

*law.*

*Key examples of international environmental customs include[18]:*

- *The Rule Against Causing Transboundary Environmental Harm: States must not use their territories to harm the environment of other states.*
- *The Duty to Cooperate: States are obligated to collaborate in addressing environmental risks and damages, as affirmed in Principle 24 of the Stockholm Declaration, titled "The Duty of Cooperation." This principle also reflects a core rule within the broader United Nations framework.*

***3-1-3- General Principles of Law Recognized by Civilized Nations:***

*One of the most important factors influencing the evolution of international environmental law is the general principles of international law. The fundamental ideas of both local legal systems and international law as created by international tribunals serve as the main sources of these concepts.*

*Efforts to identify these principles continue, even though they are now prevalent in most, if not all, legal systems. The global proliferation of legislative texts related to environmental protection will undoubtedly lead to the discovery of numerous general legal rules and principles over time[19].*

*Despite the fact that some people see general legal concepts as secondary sources in the realm of the environment, their influence on the development of international environmental law cannot be denied. Some instances of these principles include [20]:*

*– The Principle of Preventing Harm: Prohibiting actions that cause environmental damage.*

*– The Principle of Compensation: Ensuring accountability for environmental harm.*

*– The Principle of Conservation: Protecting endangered species.*

*– The Principle of Prevention: Taking proactive measures to prevent harm.*

*– The Principle of Sustainable Development: Balancing current needs with future resource availability.*

*– The Principle of Equitable Utilization: Ensuring fair use of shared resources among states.*

*Violations of these principles, as reflected in domestic criminal legislation, constitute environmental crimes subject to legal penalties.*

***3-2- <u>Specialized International Legal Sources for the Rules of International Environmental Law</u>:***

*International environmental law has advanced significantly as a contemporary area of public international law [(21)], has caused new sources to appear, such as international resolutions, statements of environmental protection principles, and the function of international organizations in creating international laws to prevent contamination of the environment.*

***3-2-1- <u>International Resolutions on the Environment</u>:***

*The evolution of international environmental law has been greatly aided by the increasing number of environmental-related multilateral resolutions. This growth has been especially impactful due to the recognition of these resolutions, reflecting the progress in international law, which has granted legal importance to resolutions issued by international bodies, particularly the United Nations[(22)].*

*Despite the challenges concerning their binding nature, particularly regarding the resolutions of the United Nations General Assembly, which issues recommendations under Article 10 of the UN Charter, and resolutions by international bodies that are passed by simple majority or consensus, international resolutions remain a new source of international environmental law. They serve as one of the modern foundations for creating international legal rules across various domains, including the environment[(23)].*

***3-2-2-<u>Environmental Rules Issued by International organizations</u>:***

*General and specialized international organizations, as well as regional organizations, play a significant role in creating new international rules for environmental protection. In recent decades, growing concern about environmental issues and challenges has prompted these organizations to contribute directly or indirectly to addressing these problems[(24)].*

*Although many international and regional organizations address environmental issues, this discussion will focus on the most prominent organizations emphasizing the legal aspects of environmental protection.*

*– The United Nations: As previously mentioned, the UN has been and continues to be deeply engaged in environmental matters.*

*– The International Atomic Energy Agency (IAEA): This agency is responsible for protecting the environment from pollution caused by the*

*use of nuclear energy, working in collaboration with states and specialized organizations.*

*– The International Maritime Organization (IMO): Established in 1985, the IMO specializes in combating marine pollution caused by oil tankers. It acts as the executive secretariat for most international resolutions aimed at preventing marine pollution(25).*

*Similarly, most, if not all, regional organizations are involved in activities and initiatives for environmental protection. Examples include the United Nations Economic Commission for Europe and the Organization of American States. Within Europe, numerous environmental agreements have been established, which are more comprehensive than those in other regions due to factors such as population density and extensive industrial development—factors that have led to significant environmental risks(26).*

***Chapter II: Combating Environmental Crimes within the Framework of International Criminal Law:***

*The criminal aspect of public international law is represented by international criminal law. It is the criminal component of public international law, to put it another way. This law is somewhat new, having first developed alongside public international law before splitting off to become its own separate field. It is among the strategies used by the global community to combat major transnational crimes, such as transnational environmental crimes.*

*The development of this field stems from the necessity of having an international law that defines international crimes and prescribes penalties for them. This ensures a fair balance between protecting the paramount interests of the international community—such as preserving the human environment—and addressing potential violations of these interests. The incorporation of criminal penalties has thus become an essential element within the deterrent and punitive framework of public international criminal law(27).*

*To clarify the role of this specialized branch of law in combating international environmental crimes, we have opted to examine and analyze the jurisprudential approaches that have explored its content to understand its distinct nature. This includes an exploration of its sources, given their critical importance in shaping the rules that distinguish it as an independent branch of public international law. Furthermore, these foundations are connected to the study's scope in a*

*manner that allows for the adoption of a new designation for this specialized branch of international law: International Criminal Law for Environmental Protection.*

***1- <u>The Jurisprudential Concept of International Criminal Law for Environmental Protection</u>***

*Since international criminal law is one of the established mechanisms for combating environmental crimes at the international level, it is necessary to define it and distinguish it from international criminal law. This distinction is essential to clarify the role of both branches of law in combating environmental crimes at both domestic and international levels, thereby eliminating confusion and overlap—especially given that some scholars do not recognize a fundamental difference between the two.*

***1-1- <u>Definition of International Criminal Law for Environmental Protection</u>***

*When examining the scholarly attempts to define international criminal law, significant differences emerge among jurists in their efforts to describe this modern branch of public international law and determine its nature(28).*

*For example: Jurist "Glaser" defines it as: "A set of legal rules recognized by the international community aimed at protecting the international social order by punishing acts that disrupt it, or the substantive legal rules for penalizing violations of the provisions and principles of public international law(29)."*

*Scholar "Blauskie" sees international criminal law as: "The body of legal rules related to deterring international crimes that contravene the provisions of international law."*

*Other scholars argue that international criminal law encompasses crimes committed between states, distinguishing it from domestic criminal law by the involvement of states as parties to the crime rather than ordinary individuals.*

*Dr. Mahmoud Cherif Bassiouni offers another perspective, stating: "International criminal law can be defined, relying on its criminal aspects, as those parts of the international legal system that, through international legal obligations, regulate the behavior of individuals in their personal capacity or as representatives of groups, in violation of international provisions, for which criminal penalties are prescribed(30)."*

*Given these differing scholarly views and the absence of a decisive international treaty on the matter, we lean toward the definition provided by Graefen, which states: "International criminal law is a branch of international law that encompasses a set of legal rules recognized in international relations, aiming to protect the supreme interests, values, and international social order by penalizing actions that violate or infringe upon them. Its role parallels that of domestic criminal law within internal society, namely, the protection of the interests and values that international law seeks to safeguard(31)."*

*This concept emphasizes the defense of paramount interests, values, and the global social order as the reasons for acknowledging legal norms as the foundation of international criminal law. One of them is the inclusion of environmental criminal protection in international treaties.*

*Accordingly, international criminal law can be narrowly defined from the perspective of criminal protection for the environment. This approach considers the natural and situational environment, including the principles and values it embodies, as requiring protection. It recognizes the environment as an integral component of the international social order and as an independent interest meriting protection due to the significant attention it has received and continues to receive from the international community.*

*Thus, international criminal law for environmental protection can be defined as: "A set of legal rules recognized within the scope of international relations, aimed at protecting the environment as an integral part of the international legal or social order by penalizing behaviors that constitute an assault or violation of any element of the natural or human environment."*

### *1-2- The Distinctiveness of International Criminal Law for Environmental Protection*

*The origin of each of the principles distinguishes international criminal law from internationalized domestic criminal law. Domestic penal legislation is the source of the latter's provisions, which are derived from national criminal law. This does not, however, lessen the close relationship between the two in the fight against crime in general and environmental crimes in particular.*

*This connection is evident in their shared objectives and unified subject matter. Both aim to protect environmental interests, rights, and*

*systems deserving of criminal protection at both national and international levels.*

*Protecting environmental interests that are safeguarded by the constitution and general and specialized laws pertaining to the preservation of the internal environment is the goal of domestic criminal law. This is accomplished by passing and enforcing criminal sanctions to discourage those who violate the environment.*

*Similarly, International Criminal Law for Environmental Protection shares the same goal. It aims to protect shared interests among members of the international community, including the environment safeguarded by the rules of international environmental law.*

*Thus, while the objectives of both laws in protecting the environment are identical, their scope differs: Domestic Criminal Law fulfills these objectives within the confines of a single state's society. International Criminal Law seeks to achieve the same objectives on a broader scale, encompassing the international community as a whole.*

*Moreover, the subject matter of both laws in this context is identical: Defining environmental crimes, Establishing appropriate criminal penalties to deter offenders and Regulating associated procedural measures.*

***2- Sources of International Criminal Law for Environmental Protection***

*The Rome Statute of the International Criminal Court (ICC), other general treaties, and the principles and regulations of international law, especially those pertaining to warfare, are all considered fundamental sources of international criminal law for environmental protection. Judges are constrained by the hierarchy established by the Rome Statute, which gives priority to these sources and jurisprudence as a secondary source.*

***2-1- Primary Sources of International Criminal Law for Environmental Protection***

*The importance of the Rome Statute of the ICC, as the most significant primary source in combating international environmental crimes, lies in its status as a general international treaty addressing international crimes, including environmental crimes. It represents the foremost applicable law and refers to other treaties only when it lacks a provision applicable to the case at hand[32].*

*Through the rules and provisions of international criminal law—one*

*of the most effective deterrent mechanisms for protecting the environment from pollution at the international level—the international community can define environmental crimes and establish penalties for offenders. This process is rooted in adherence to the principles that govern modern criminal law.*

*The Rome Statute refers to these principles as the general principles of criminal law, highlighting that codified international rules, or what is also known as international legislation, now serve as the primary source of international criminal law rules related to criminalization and punishment. This is a reflection of the principle of legality of crimes and penalties.*

*Articles 22 and 23 of the Rome Statute explicitly affirm this principle: Article 22: "No crime without law." Article 23: "No penalty without law(33)."*

*Legislation under international criminal law for environmental protection is represented by the Rome Statute, which defines international crimes, prescribes penalties, and outlines the procedures the ICC follows to prosecute and try perpetrators of such crimes.*

*Thus, international legislation occupies the highest rank among the sources of international criminal law for environmental protection. This applies to: determining whether behaviors qualify as international environmental crimes. identifying the components of these offenses. The court organization in charge of prosecuting these crimes, the ICC, has certain procedural guidelines and criteria for evidence.*

*The non-retroactivity of criminal laws is another requirement of international criminal law's respect to the legality principle in the case of international environmental crimes. This implies that breaches causing environmental damage or destruction prior to the applicable provisions of the Rome Statute cannot be subject to criminal procedures and penalties retrospectively.*

*Some argue that the non-retroactive application of criminal provisions establishing international environmental crimes, while allowing certain offenders to escape punishment, is a natural and necessary outcome of the principle of legality of crimes and penalties(34).*

***2-2- <u>Other Sources of International Criminal Law for Environmental Protection</u>***

*As was previously shown, there is a great deal of overlap between the sources of international environmental law and the other sources of international criminal law when it comes to fighting crimes involving environmental damage. International treaties, basic legal concepts, and international norms are examples of preventative measures. Due to the intimate relationship between the two legal fields—one being a branch of the other—international law principles and norms are included as main sources under Article 21 of the Rome Statute.*

*A substantial portion of international criminal law is derived from broad principles and regulations of international law as stated in Article 21. Since general legal principles are secondary sources of public international law and its subdivisions, such as international environmental law and international criminal law itself, they are not included as independent, primary sources, which sets them apart as distinct sources.*

*Together with relevant treaties, these guidelines and precepts are acknowledged as primary sources. They include tenets developed in a number of areas of public international law, including international humanitarian law, sometimes referred to as the law of armed conflict(35).*

*The acknowledgement of court rulings as a secondary or supplemental source is another distinctive feature of international criminal law. The Rome Statute's Article 21 grants the ICC the power to enforce the legal norms and principles that have been interpreted in its earlier decisions. This clause limits precedent to rulings made by the ICC itself.*

*The non-reliance on other primary and secondary sources of international criminal law for environmental protection, as stated in Article 21 of the Rome Statute, does not diminish their value(36). Dr. Fattouh Abdullah El-Shazly argues that non-legislative sources play a role in applying international criminal law in several scenarios. For instance, these sources may be consulted to determine exceptions or mitigations to punishment, define elements of certain crimes, or clarify specific aspects that determine the components of a crime. The principle of legality does not prevent such applications, nor does it undermine its validity(37).*

*This distinction is further evident in the varying consequences of applying the principle of legality in international criminal law compared to domestic criminal law. One notable difference is the permissibility of broader interpretation of criminal provisions and penalties in international criminal law, as opposed to the stricter interpretation required in national law. This difference arises due to the customary nature of international criminal law and the absence of a true international legislator(38).*

*International environmental crimes, as violations of international criminal law, align with the broader interpretation and permissibility of analogy due to their distinct nature as international crimes. These crimes are committed in diverse, evolving ways, making them difficult to predict and define. Consequently, international treaties and conventions, which are primary sources of international criminal law, explicitly permit such interpretative flexibility. An example is the Nuremberg Tribunal Charter, which, in Article 6, allowed for broad interpretation and the use of analogy in war crimes and crimes against humanity(39).*

*The requirement for uniformity between the Rome Statute of the ICC and its supplemental sources is implied by the variety of sources in international criminal law for environmental protection. Nonetheless, there may be inconsistencies between the Rome Statute's regulations and the supplementary sources listed in Article 21. The Rome Statute's provisions take priority in certain situations (40).*

***Conclusion:***

*In conclusion, this study demonstrates the strong connection between the legal criminal approach and the requirements for environmental protection to achieve sustainable development in our current era. One of its legal aspects necessitates that citizens be aware of and adhere to all the rules, principles, and provisions established by the international community in international and regional treaties, from which the international legal framework for combating environmental crimes is derived.*

*This framework represents one of the most important elements of legal environmental protection, both within states and at the international level. It continues to receive significant attention in the various discussions within the international community regarding the environmental challenges of our contemporary history, foremost*

*among them being the issue of environmental pollution. As this study has shown, this issue necessitates a deterrent approach, requiring citizens to comply with the penal provisions for environmental protection as stipulated in domestic criminal legislation and international criminal law.*

***Referrals and References:***

*(1)- Hence, the importance of international cooperation emerges, whether through international organizations and bodies or beyond them. This stems from the fact that the human environment is unified and indivisible, and some problems and damages resulting from assaults on its various elements exceed the capabilities of individual states. Solutions to these issues can only be achieved through cooperation among members of the international community and the use of international legal and regulatory mechanisms.*

*(2)- Khalid Al-Iraqi, The Environment – Its Pollution and Protection, Dar Al-Nahda Al-Arabiya, Cairo, 1st Edition, 2011, p. 135.*

*(3)- Abdel Nasser Ziad Hayaja, Environmental Law – The General Theory of Environmental Law with an Explanation of Environmental Legislation, no edition specified, Dar Al-Thaqafa for Publishing and Distribution, Amman, 2012, p. 22.*

*(4)- Abdel Nasser Ziad Hayaja, Op. Cit., p. 27.*

*(5)- It was deemed necessary to define the Tbilisi Conference in the context of this study to explore the various aspects of international cooperation that may indirectly contribute to reducing or mitigating environmental crimes. The conference, organized by UNESCO in collaboration with the United Nations Environment Programme UNEP, was held in Tbilisi, Georgia, from October 14–26, 1977. This conference addressed the major environmental issues facing contemporary society, the role of education in addressing these issues, strategies for fostering environmental awareness across all population groups, and international and regional cooperation to develop environmental ethics and consciousness. The conference's outcomes focused primarily on integrating environmental education into educational curricula.*

*(6)- Abdel Nasser Ziad Hayaja, Op. Cit., p. 22.*

*(7)- Salah Abdul Rahman Al-Hadithi, The International Legal System for Environmental Protection, 1st Edition, Al-Halabi Legal Publications, Beirut, 2010, p. 60.*

*(8)- Salah Abdul Rahman Al-Hadithi, Op. Cit., p. 64.*

*(9)- For further details on the principles contained in these documents, see Shukrani Al-Hussein, From the Stockholm Conference 1972 to Rio+20 in 2012 - An Introduction to the Evaluation of Global Environmental Policies, Arab Economic Research Journal, Issues 63-64, Summer–Autumn 2013, p. 149.*

*(10)- The Rio Conference of 1992 is considered one of the most significant milestones contributing to enriching international environmental law and introducing new legal principles aligned with environmental issues. It reaffirmed the agreements made at the Stockholm Conference and embodied the international will to establish international environmental law by outlining Agenda 21 and adopting 27 principles to implement the United Nations Environment Programme. For a review of these principles, see Shukrani Al-Hussein, Op. Cit., p. 152.*

*(11)- Shaashoua Kouider, The Role of Non-Governmental Organizations in Developing International Environmental Law, Doctoral Dissertation in Law, Faculty of Law, University of Tlemcen, 2014, p. 125.*

*(12)- Raphael Romi et al., Droit international et européen de l'environnement, 2nd Edition, Montchrestien-Extenso, Paris, 2013, p. 21.*

*(13)- It should be noted here that secondary sources include jurisprudence and judicial decisions.*

*(14)- It is worth mentioning in this context that the development of international environmental law rules has taken a political shape through the reliance on conference diplomacy and declarations of principles, most notably those conferences held under the auspices of the United Nations and the declarations issued by it.*

*(15)- As a second example, Article 04 of the 1973 MARPOL Convention on the Prevention of Pollution from Ships provides for similar measures, requiring member states to refrain from violating the obligations stipulated in the convention and to bring any ship violating these obligations before the court.*

*(16)- Salah Abdul Rahman Al-Hadithi, Op. Cit., p. 86.*

*(17)- This principle first appeared internationally in its formulation in Principle 21 of the Stockholm Declaration and was later adopted in many binding and non-binding international instruments. It serves as the foundation for establishing the responsibility of a state causing environmental damage to another state.*

*Moreover, international consensus has emerged regarding numerous unwritten environmental rules. Based on this consensus, international practices were established before being codified in treaties directly or indirectly related to environmental protection. An example is the exclusive economic zone EEZ, initially recognized as a customary rule, granting coastal states sovereign rights to preserve and manage natural resources, both living and non-living, and jurisdiction to protect the marine environment within the EEZ.*

*(18)- It is worth noting the debate over the existence of what is known as customary international law for environmental protection. One viewpoint supports the existence of this law, arguing that the international community has relied on many customary rules and principles since it began addressing environmental protection at the international and domestic levels. These rules and principles are considered applicable across all environmental fields. Conversely, proponents of the opposing view argue that international customs evolve slowly and are often ambiguous in defining the obligations they impose in environmental contexts. We share this latter perspective.*

*(19)- Salah Abdul Rahman Al-Hadithi, Op. Cit., p. 90.*

*(20)- Muammar Rateb Muhammad Abdel-Hafiz, The Basel Convention and Its Role in Protecting the Environment from Hazardous Waste Pollution, no edition specified, Dar Al-Kutub Al-Qanuniyya, Cairo, 2008, p. 142.*

*(21)- One of the most prominent characteristics of environmental law is its international origin. Environmental law, as it is commonly understood today, emerged after the maturation of the international environmental movement, which gained momentum following the end of World War II. The international origin of environmental law is explained by the nature of environmental problems and their*

*consequences, as most of these issues produce effects that extend across the territories of multiple states.*

*(22)- See: Alexander Kiss, Introduction au droit international de l'environnement, United Nations Institute for Research, Geneva, 2006, pp. 54-55.*

*(23)- International resolutions related to the environment are divided into two types:*

*Binding Resolutions: These include resolutions issued by the United Nations Security Council, which plays a limited yet significant role in protecting the international environment from pollution. This is based on Article 05 of the Convention on the Prohibition of Military or Any Hostile Use of Environmental Modification Techniques, signed in Geneva in 1977, which allows any state party to lodge a complaint with the Security Council regarding any breach of the convention's provisions.*

*Additionally, resolutions issued by the Organisation for Economic Co-operation and Development OECD, which holds broad competencies in environmental protection, are binding on all its members. Regarding resolutions issued by regional organizations in environmental matters, an example includes binding regulations enacted by the European Union.*

*Non-Binding Resolutions: These resolutions are categorized into three types: recommendations, guidelines, work programs, and declarations of principles.*

*(24)- The establishment of the United Nations Environment Programme UNEP and the contribution of the International Law Commission in studying environmental issues and developing international environmental law are among the key achievements of the United Nations in this field.*

*(25)- See Muammar Rateb Muhammad Abdel-Hafiz, International Environmental Law and the Phenomenon of Pollution - A Step Forward in Protecting the International Environment from Pollution, no edition specified, Dar Al-Kutub Al-Qanuniyya, Cairo, 2014, pp. 120-124.*

*(26)- Raphael Romi et al., Droit international et européen de l'environnement, Op. Cit., pp. 31-39.*

*(27)- Some jurists believe that international criminal law is a branch of criminal law that addresses a set of criminal issues arising at the international level. However, the prevailing opinion is that international criminal law is a branch of public international law.*

*(28)- See Muhammad Abdel Moneim Abdel Ghani, International Crimes – A Study in International Criminal Law, no edition specified, Dar Al-Jameya Al-Jadida for Publishing, Alexandria, 2007, p. 39.*

*(29)- Muhammad Abdel Moneim Abdel Ghani, Op. Cit., p. 40.*

*(30)- Mahmoud Cherif Bassiouni, Introduction au droit pénal international, Edition Bruylant, Brussels, 2002, p. 41.*

*(31)- See Muhammad Abdel Moneim Abdel Ghani, Op. Cit., p. 38.*

*(32)- Fattouh Abdullah El-Shazly, Foundations of International Criminal Law: The General Theory of International Crime, no edition specified, Dar Al-Matbouat Al-Jam'iyya, Alexandria, Egypt, 2002, p. 183.*

*(33)- The inclusion of the principle of legality of crimes and penalties in the Rome Statute of the International Criminal Court means that international legal provisions*

*define the criminal acts against the environment subject to penalties, as well as the type and extent of penalties applied to perpetrators.*

*(34)- Fattouh Abdullah El-Shazly, Op. Cit., p. 187.*

*(35)- Salah Abdul Rahman Al-Hadithi, Op. Cit., pp. 173-209.*

*(36)- Analyzing Article 21 of the Rome Statute of the International Criminal Court, it can be concluded that the primary sources of international criminal law under the Statute are, in order: the Statute itself, followed by applicable treaties, and then the principles and rules of international law. Secondary sources include general principles of law, ICC jurisprudence, and finally, international custom.*

*(37)- Fattouh Abdullah El-Shazly, Op. Cit., p. 186.*

*(38)- It should be noted that there is a jurisprudential opinion opposing the expansion of interpreting criminalization and penalty provisions in international criminal law, out of respect for the principle of legality. However, this opinion argues that narrow interpretation does not mean strictly adhering to the literal text but rather interpreting it to discern the legislator's intent and true purpose. Consequently, this view supports considering other sources of international criminal law.*

*(39)- Muhammad Abdel Moneim Abdel Ghani, Op. Cit., pp. 244-250.*

*(40)- Nasreddine Bousmaha, The International Criminal Court - Explanation of the Rome Statute Article by Article - Part One, no edition specified, Dar Houma, Algeria, 2008, p. 92.*