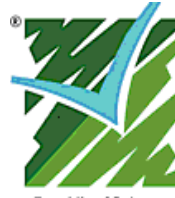




Ministry of Justice  
Republic of Lebanon



Regional Conference on  
“Environmental Crimes in the Arab States”

March 17-18, 2009

Beirut- Republic of Lebanon

**Background Paper**

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# I. Background and Objectives

## 1. Introduction

Recent years have witnessed a keen interest in the topic of environmental crimes as one of the major crimes committed against society, which in line has led most states to incorporate the subject of environmental protection into their national agendas; in addition to the enactment of legislation that protects the human right to a healthy and violent-free environment. These national efforts were accompanied by international interest and concern, which materialized in the form of international treaties and conventions governing and ensuring the effective protection of the environment.

Moreover, stemming from the reality that today's world is characterized by harsh industrial activities, regardless of whether these may result in the destruction of human life, violates the human right to enjoying an environment free from pollution. Within this framework, environmental crimes have emerged as a key challenge to the development of nations, and an obstacle to the efforts aimed at attracting investment and seeking better economic and environmental conditions.

Accordingly, it is necessary and important to give the issue of environmental crimes greater attention, in view of the negative results it brings about on states. Within this context, the present regional conference is part of a regional effort to discuss and shed light on the phenomenon of environmental crime, review the efforts exerted for confronting this phenomenon, and explore the role of regional and international cooperation in combating it.

## 2. An Overview of the Project on the Modernization of Public Prosecution Offices

The Project on the Modernization of Public Prosecution Offices in the Arab States is based on the following four themes:

1. Building and strengthening the capacities and working methods of the public prosecution institutions.
2. Enhancing the relationships and cooperation between the public prosecution institutions and the civil society.
3. Developing communication channels among the public prosecution institutions in the Arab countries and between them and the international community.
4. Reforming the laws governing the activity of the public prosecution institutions.

In this context, the project has implemented a number of national activities in each of the Arab countries concerned with the project, in addition to activities at the regional level, including seminars and training courses in order to consolidate the knowledge of prosecutors on crimes in general, and the modern techniques and methodologies of investigation.

The Project has already organized six regional conferences on the following issues:

- a- Transnational Organized Crime;
- b- Cybercrimes;
- c- Corruption and Money Laundering Crimes;

- d- Legal Organization of Public Prosecution Offices;
- e- Intellectual Property Crimes; and
- f- Good Judiciary and Criminal Justice

The Project also held a number of national workshops on human rights and criminal justice, the rights of juveniles and women, as well as human rights during pre-trial and trial procedures. The present regional conference on environmental crimes is supplementary to these efforts, and is a continuation of the project's activities in the Arab region.

### **3. Themes and Objectives of the Conference**

The United Nations Development Program – Program on Governance in the Arab Region, and within its role towards strengthening the rule of law and development, has implemented a project to modernize and develop the work of public prosecutors in the Arab States and activate their role in promoting the rule of law.

The importance of this Project lies within the fact that public prosecution offices make up one of the key elements of the judiciary, which deals with increasing the security of citizens and promoting respect for human rights.

Within the framework of the Project on the Modernization of Public Prosecution Offices, the Program of Governance in the Arab Region which operates under the United Nations Development Program, is organizing a regional conference entitled “Environmental Crimes in the Arab States”, to be held in Beirut on 17-18 March 2009, in conjunction with the Lebanese Ministry of Justice and Ministry of Environment; and in cooperation with the United Nations Development Program in Lebanon.

This conference aims at strengthening the capacities of Public Prosecutors and disseminating knowledge amongst them on matters related to the protection of the environment. In addition, the conference aims at promoting the exchange of ideas and experiences among the participants, and creating a framework for cooperation to combat crimes affecting the environment, and reduce their growth. It also attempts to shed light on the international standards in this area, their principles and mechanisms of control, as well as the legislative reality in the Arab countries and the standards for criminality and control on the international level.

The objectives of this conference can be summarized as follows:

- a. Studying the concept and types of environmental crime, with emphasis on their nature, manifestations, and impact.
- b. Supporting the capacity of national criminal justice systems in combating these crimes and increasing the knowledge of judges and prosecutors in this field and the field of investigations and control mechanisms, particularly with regard to information collection and assessment of evidence.
- c. Highlighting the international standards related to environmental crime, principles governing them, and the mechanism of combating this kind of crime.
- d. Shedding light on the reality of the legislative systems in the Arab region, and drawing attention to the need to take action in combating this kind of crime, in accordance with the standards of criminality and control at the international level.

- e. Establishing international and regional cooperation standards in the field of environmental protection, strengthening of mechanisms of prosecution and investigation, and exchanging technical assistance.

The conference will further address the following themes:

### **Theme One: Environmental Situation in the Arab States**

This theme will review and discuss contemporary environmental issues, highlighting the major environmental challenges (climate change, poverty, water, natural disasters, modern technology), while also attempting to tackle the causes of environmental degradation and its effects.

### **Theme Two: Environmental Crimes-Definition and General Overview**

The nature of environmental crimes will be discussed under this theme, while highlighting the relationship between environmental crime and organized crime, in addition to examining the application of general principles of criminal law to environmental law, with reference to the effects of environmental crimes on development and progress.

### **Theme Three: Legislative Frameworks for the Prevention Environmental Crimes**

An overview of the environmental legislation and conventions will be presented here, in addition to the discussion of international agreements on environmental crimes and the importance of international cooperation in this field, in addition to the regional legislation on environmental crimes. Moreover, the theme will highlight the latest developments in environmental criminal law (in selected Arab countries), and then address the enforcement of environmental laws in Lebanon.

### **Theme Four: Role of Public Prosecution in Combating Environmental Crimes**

Theme four will present guidelines for Public Prosecution Offices while highlighting the practical difficulties in the prosecution of the perpetrators of environmental crimes. It will also study the criminal responsibility arising from environmental crimes. Lastly, the discussion will focus on strengthening the capacity of judges and public prosecutors with regard to environmental crimes.

### **Theme Five: Model of Crime Prevention (Case Study)**

This theme will present a study of the French model for the prevention of environmental crimes, and the Dutch model for the prosecution of environmental crimes.

### **Theme Six: Approaches and Techniques for the Prevention of Environmental Crimes**

The topics in this theme will focus on:

- Inter-governmental agreements on the environment, and the proposals for the consolidation of the offenses and penalties for environmental crimes.
- Combating environmental crimes in certain situations (the crime in the wild, marine pollution).
- Tools to improve compliance with environmental law.

- The role of civil society in raising awareness and promoting environmental education and culture.

## II. Defining the Themes of the Conference

### 1. The Environment and Pollution: A Conceptual Framework

#### A. An Overview of the Environment and its Implications (Definitions, influencing factors, and challenges)

##### Section One: Defining the Environment

While referring to the environment, it is necessary to incorporate in the definition both the biotic and abiotic factors that affect all living organisms –whether directly or indirectly–during their lifetime. In this context, biotic factors refer to all living organisms (visible or invisible), present and living in the different ecosystems; while abiotic factors refers to elements like water, air, soil, sun, temperature and others.

Accordingly, it can be said that two core elements should be included when defining the environment:

1. One on hand, It refers to all natural elements surrounding individuals, but not created by them; water, air, soil, seas, oceans, and all natural forms that represent a natural human cultural heritage such as rock, mountainous, and sand formations, that are of an international cultural value; in addition to plants, animals, etc.
2. It also refers to the industrial environment where humans have contributed to the natural environment by establishing heavy industries such as aircraft, spacecraft and nuclear industries. In addition, the concept of environment also refers to the areas of human cultural heritage that contain inscriptions and statues, temples, and rare murals representing exceptional aesthetic value.

##### Section Two: Defining Pollution

Pollution in general is any undesirable change in the properties of the natural, chemical, or biological surrounding environment (air, water, soil), which may cause damage to human life or any other organisms, animals or plants. Pollution causes damage in the industrial processes and disruption in living conditions in general. Furthermore, it causes the destruction of heritage and cultural assets of precious value, such as buildings and archaeological sites like museums and their valuable artifacts.

Pollution can also be defined as the introduction of any unfamiliar particle or substance to any of the environmental media (water, air, soil). This foreign substance, when reaching a certain condensation, changes the quality and characteristics of the medium, and often causes direct and indirect negative effects on all organisms living in these media.

### **Section Three: Types of Pollution**

Pollution can be divided according to the type of environment (air, water, soil) in which it occurs, and hence we say: air pollution, water contamination, or soil contamination; or according to the type of pollutant which causes pollution, where we say for example: pollution from sulfur dioxide gas, carbon monoxide gas, or pollution from mercury, lead or insecticides, or solid waste, or thermal pollution or noise pollution ...or radiation...etc.

Occasionally pollution is further divided into natural and industrial pollution; natural pollution occurs as a result of natural activities which humans have no control of, while industrial pollution occurs as a result of human activities.

However the first type of division (according to the type of environment in which the pollution occurs), is the most preferable form of classification....

Hence if the industrial and technological progress has become the basis of human life, and this progress has been built on industry, which produced increasing amounts of industrial waste as well as consumer wastes resulting from human consumption, in addition to agricultural residues and wastes generated by the means of transport; Then, it has become imperative to preserve the environment and develop necessary methods of controls, not only to enjoy the right of living a healthy life, but also to maintain the human race and prevent it from extinction.

#### **B. Factors Effecting Environmental Pollution**

The origins of pollution can be traced back to the following:

##### **1. Environmental Imbalance and Overpopulation**

Ecological balance is the equilibrium between living organisms, with humans at the peak, and all other natural elements; humans with their various activities, wastes, their interactions with and influences on the natural elements surrounding them, and their relations with other organisms.

In the past, population census was simple and individuals were totally dependent on fishing, fruit picking, eating tubers and roots...and using fire to cook animal prey. In addition, individuals depended on burning forests for hunting and dispersing the animals residing there. Question is: Was there pollution? The answer is yes there was pollution, but only slightly to the extent that it was not worth mentioning, especially since all animal and plant wastes and excreted in that time period represented a small percentage of the natural environment – like a drop of oil in the sea of fresh water. In addition these wastes would degrade and disappear completely from the environment and did not have any adverse effects. Then humans began farming, and so more trees and herbs were removed by fire or even by hand, to take advantage of the new area in the cultivation of certain varieties of plants...thus began the spread of agriculture and the transformation of society from a primitive one depending entirely on fishing and hunting, to a simple agrarian society. Gradually agriculture began evolving in order to provide the necessary food crops, and to meet the growing needs of individuals...eventually, society transformed to a developed agricultural one.

There is no doubt that there have been large environmental and climatic changes as a result of the removal of these trees and plants; a process which led to the transformation of large tracts of useful

plants and weeds into barren areas. It also led to a change in the quality and quantity of plants and animals present there. From thereof, environmental imbalances surfaced and gradually began to increase as a result of the increase in population density.

Naturally, the above changes were accompanied by new types of pollutants such as dust compounds emerging from the various agricultural operations and miscellaneous gases resulting from burning of trees, forests, and plant residues in the fields, in addition to dermal and animal wastes...However, these kinds of pollutants are ones that rapidly degrade and whose adverse effects are limited. Currently, the estimated areas of forests that are being destructed worldwide are the size of Switzerland. This destruction has been occurring mainly for timber trade, the provisions of land for grazing, and agriculture.

There is no doubt that the assassination of the above-mentioned forest trees will lead to significant environmental disturbances, whose disadvantages and adverse affects will appear over time. In fact, some of these have already appeared, including the desertion and disappearance of many plant and animal species.

## **2. The Development of Industry and Increasing Rates of Pollution**

With the intellectual and technical progress of humans, dependence and reliance on light industry had increased. However with the development of these into heavy industry, the need for energy-intensive industrial machines running on coal and fuel has intensified. However, there is no doubt that the burning and combustion of these materials lead to the formation of compounds and gases that have a detrimental impact on the environment; a type of pollution not recognized before.

## **3. Pollution Resulting from the Interaction and Overlap of Several Factors**

This is considered the most important reason for the emergence of pollution. From a modern environmental standpoint, the emergence of pollution is due to the overlap of multiple factors which include the rapid increase in the population and the indiscriminate establishment of new cities, especially given that the global population projections indicate an increase in world population from 4.8 billion in 1985 to 6.1 billion in 2000. These numbers are expected to reach up to 8.2 billion in 2025, and 90% of this increase is expected to occur in the developing regions.

This led to a serious phenomenon of rural-urban migration, which led to many other phenomena affecting the environment, including:

- a. The acquisition of farmland for the establishment of industrial plants;
- b. The bulldozing of agricultural land in an attempt to supply manufacturing plants with red brick dust, which in turn will lead to the damage of fertile fields and the transformation of cultivated land to barren fields;
- c. The removal of useful and fruitful trees and gardens to build new houses and investment projects.

Indeed pollution falls hardest on the more technologically advanced countries, taking into account the quality and amounts of contaminated material generated there...this is evident in countries where there are nuclear reactors, genetic engineering research centers, and various chemical plants, etc. Failure to comply with the necessary precautions in operating these establishments may lead to a catastrophe

with dire consequences. For example, the leak of radioactive material from a nuclear reactor or research center for any reason; leakage of a virus or microorganism from a genetic engineering research center; or the leak of chemical gas or other materials from a factory of chemicals to the surrounding environment (air, water or soil) would have adverse effects –direct and indirect– on all living organisms.

## **2. Environmental Protection in Arab Legislation**

### **(A) Environmental Protection in Arab Legislation**

The development of environmental action in the Arab region has evolved significantly over the past two decades; however many of the national environmental institutions still lack competent human actors and sufficient material resources, which make it difficult to implement environmental policies, and weakens the capacity to enforce environmental laws. Perhaps the most important environmental problems affecting the environment in the Arab region are: the scarcity and low quality of water, the limited and irrational use of land, desertification, the negative impact of increased energy consumption and pollution of coastal areas particularly by land substances, and finally the hazardous solid and liquid wastes which cause the deterioration of the urban environment.

However Arab states have recently attempted to organize the means by which they could protect the environment through issuing integrated environmental legislations that meet international obligations and the requirements of international cooperation. The following is the enacted legislation in this respect in the Arab region:

#### **a. Tunisian Legislation**

With its distinguished location in the African North, Tunisia's waters are prone to hazards of pollution from ships and giant carriers, which is why the state has been keen on environmental protection, and has legally, addressed the issue from two axes: the administrative and penal. Gradually however, focus was concentrated on the penal element since the administrative axis was exploited, and the duty of environmental protection from pollution was breached.

Despite the primary attention that the Tunisian State has given to the issue of environmental protection, still some see this step as insufficient and unsatisfactory particularly in the areas of air and water protection.

#### **b. Kuwaiti Legislation**

In Kuwait, increased attention has been given to the issue of environmental protection following the events of the Gulf War and the resulting threats to the non-renewable natural resources. The interest of the Kuwaiti legislature in the development of new legal texts and regulatory departments specialized in environmental protection, complements some of the existing texts, even though much of it did not materialize due to the absence of a coordinated policy on the protection of the environment.

Despite that however, according to Act 62 issued in 1980, the Higher Council for Environmental Protection is authorized to suspend works in any "non-governmental" establishment polluting the environment, for periods ranging from one week to three months. In addition, the Council has the right to imprison the persons causing the pollution up to a period of three years. Moreover, the Kuwaiti People's Assembly passed the General Authority for Environmental Bill which was issued as Act 21 in 1995, amended by Act 16 in 1996, and which created the General Authority for Environment.

## **(B) The Legal Concept of Environment in Arab Legislation**

Many scholars have differed in offering an adequate definition to the concept of environment from a legal point, and thus various definitions were assigned to the term under several conventions and conferences. Additionally, countries have provided definitions for the environment according to their own interpretations, and hence the meaning behind environment also differed from one country to another.

For example, the Declaration issued by the Conference on Human Environment held in Stockholm, Sweden in 1972 defined the environment as all factors, whether natural or human, that surrounded the human being.

As for the International Conference on Environmental Education held in Tbilisi in the Soviet Republic of Georgia in October 1977, it defined the environment as the framework in which humans live and receive their elements of life including food, clothing, medicine, shelter, and the exercise of relations with other human beings.

Some instances of national legislation also exist. For example, it is stated in the **Egyptian law** No. 4 of 1994 (Paragraph 1-Article 1), that environment is the biosphere that includes all living organisms and the materials contained within it, and the surrounding air, water, soil and human facilities.

As for the **Kuwaiti Legislature**, he defined environment in Paragraph 6-Article 1 of Law No. 21 of 1995 establishing the General Authority for Environment, as the biosphere which includes living organisms (humans and animals), plants, and the surrounding air, water, soil, and all solid, liquid, gaseous, materials, in addition to natural radiations, and fixed or mobile structures built by humans.

On the other hand, the **Saudi Legislature** provided in Paragraph 7-Article 1 of the General Regulations of the Environment of the Royal Decree No. M / 34 dated 28/7/1422 H, that environment is all that surrounds human beings from water, air, land and outer space, and all these mediums' contents including inanimate objects, plants, animals, and different energy forms, systems, natural processes, and human activities.

It becomes clear from the above exploration that the definitions discussed have been keen on adopting a broad understanding of the environment; one that encompasses all natural and industrial elements. However there are certain countries that have gone the other way, and have chosen a narrower conception of the term; one which focuses only on the natural elements. In **France** for example, the first paragraph of Article 110-1 of the Environment Act No. 914 of 2000, provided that the space, natural sources, touristic sites, type of surrounding air, animals, plants, and bio-diversity, are all publicly owned by the nation. According to this text, the French Legislature adopts a narrow conception of the environment, since industrial and man-made elements were not included in the definition.

Similarly, the **Libyan Legislature** limited the definition of environment only to the natural surroundings, without including industrial elements in its scope. This appears in Article 1 of Law No.7 issued in 1982 on environmental protection, which defined the environment as the surrounding atmosphere in which man lives, and all living organisms, in addition to air, water, soil, and food.

## **(C) The Legal Understanding of Pollution**

The concept of pollution was included within the widely recognized definitions discussed in many conventions, depending on the subject of specialization covered by the Convention, namely in the field of ambient air or the marine environment or other.

An example of that is the **Geneva Convention on Long-Range Trans-boundary Air Pollution** held on 13 November 1979, which defines pollution in its Article (1-a) as the direct or indirect introduction of substances or energy into the atmosphere, which have a detrimental effect on human health, damages the vital resources and ecosystems, and impairs or interferes with amenities and other legitimate uses of the environment.

Similarly, Article (1/4) of the **United Nations Convention on the Law of the Sea (1982)**, defines "pollution of the marine environment" as the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in detrimental and material damage to living resources and marine life. In addition, these substances are likely to be hazardous to human health, hinder marine activities including fishing and other legitimate uses of the sea, impair quality of sea water, and reduce water amenities.

Similar is the case with positive laws or ordinances which also offer definitions of pollution, except they vary according to the different viewpoints of the state legislature in each country. In some states, the texts highlight the concept of environmental pollution without addressing its forms; air pollution, water pollution, soil contamination and others. In other countries however, the legislature adopted a plural and holistic definition of the concept of pollution, convinced of the importance of clarifying all elements of pollution subject to criminalization, in order to provide legal protection in its most appropriate form.

In **Egypt** for example, Article (1/7) of the Environmental Law No. 4 issued in 1994, provides that environmental pollution refers to "any change in environmental properties which may result directly or indirectly in harming living organisms or establishments or in affecting the ability of people to lead a normal life."

Similarly, Article (1/10) of the same law states that air pollution is "any change in the properties and specifications of the natural air which causes hazards to human health or to the environment, whether resulting from natural factors or human activities, including noise."

Article (1/12) of the Egyptian Environmental Law also defines water pollution as "the introduction of any substance or energy into the water environment, whether intentionally or unintentionally, directly or indirectly, which causes damage to living or non-living resources, poses a threat to human health or hinders water activities, fishing and tourist activities or impairs the quality of sea water so as to render it unfit for use, diminish the enjoyment thereof or alter its properties."

It is clear from the above study of the various definitions of pollution that the Egyptian legislation has adopted the approach which specifies the different types of pollution and defines them accordingly; unlike the approach adopted by other countries which defines environmental pollution in general, without studying its types.

This latter approach was adopted by the **State of Kuwait**. In only one Article (1/8) of Law No, 21 for the year 1995 establishing the Environment Public Authority, pollution was defined as "the existence of any substances or pollutants in the environment, in quantities or properties for a period of time that may, directly or indirectly, alone or in interaction with any other substances, cause harms to the public health

or undertaking works or activities that may lead to the deterioration of the natural ecosystem, or hinder enjoying life and private and public properties."

Likewise, the **Saudi Legislature** followed the Kuwaiti Legislatures' path, and defined pollution from a single approach only. In this regard, it should be noted that pollution is one of the most important, dangerous, widespread, and influential threats to the ecosystem, which led many scholars to coin the phrase "the environmental crime of pollution".

Still, many major reasons fall behind the high rate of environmental pollution in the Arab countries, let alone the fact that environmental protection laws have been enacted only recently. However, even the arsenal of legislation and laws produced on environmental protection faced a range of factors that lowered the level of legislative application to the minimum, which lead to the occurrence of environmental crimes. These negative factors included: low environmental awareness amongst the public, failure to realize the gravity of the environmental offences committed, vulnerable awareness on behalf of law enforcement officers with regard to the seriousness of environmental crimes, the blind desire amongst developing countries to attract foreign investments at any cost, and the weak control of industrial activities. In addition, it is essential to mention that the high rates of environmental crimes are caused also by administrative corruption, where the environmental situations in these countries are usually lower than the internationally accepted and requested standards.

In this case, it is also essential to note that the impact of environmental deterioration knows no territorial boundaries; they rapidly extend to neighboring countries, making it even more inevitable to strictly apply environmental laws, and constructively cooperate in combating these crimes and prosecuting the perpetrators.

### **3. An Overview of the International Conventions on Environment**

The international community has also been attentive to the different environmental issues and problems that threaten the globe. This has emerged clearly in the efforts exerted by the United Nations, and its important role in establishing rules and principles that recognize the human right to live and enjoy a safe, clean, and pollution-free environment. This was further established and confirmed in the Universal Declaration of Human Rights issued in 1948, where Article 25 provides that "everyone has the right to a standard of living adequate for the health and well-being of himself."

In this regard, the Human Environmental Conference held by the UN General Assembly in Stockholm in Sweden on 5-16 June 1972, which addressed the major environmental challenges and discussed the different issues pertaining to the environment, played a major and significant role in shedding light and intensifying awareness and concern for the environment and methods of defending it. The Conference adopted a group of principles and recommendations which are considered the basic source of all environmental legislation and research on environment. The 21<sup>st</sup> principle adopted by the Conference requires the states to preserve the environment, cooperate together to confront the different international environmental issues, apply the necessary standards and conditions to prevent pollution, and enforce the rules of international law concerning environmental protection and preservation. Following the Stockholm Conference, several conferences and seminars were held on different environmental issues and several international conventions were concluded.

Following are the major international conventions concluded in this field<sup>1</sup>:

1. The Geneva Convention held in 1974 on the prevention and control of occupational hazards caused by the materials and elements that cause cancer.
2. The Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, and the Protocols thereto; the first on Cooperation in Combating Pollution of

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<sup>1</sup> The following are the conventions that Egypt has signed and ratified:

1. International Plant Protection Convention, Rome, 1959.
2. International Convention for the Prevention of Pollution of the Sea by oil, London, 1954 (As amended on 11 April 1962 and 21 October 1969).
3. Treaty Banning Nuclear Weapon Tests in the Atmosphere, Moscow, 1963.
4. Treaty on Principles Governing the Activities of States in the Exploration and use of outer space including the Moon and Other Celestial Bodies, London, Moscow, Washington, 1967.
5. African Convention on the Conservation of Nature and. Natural Resources, Algiers, 1968.
6. Convention Concerning the Protection of the World Cultural and Natural Heritage, Paris, 1972.
7. Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, London, 1973.
8. Convention concerning Prevention and Control of Occupational Hazards caused by Carcinogenic Substances and Agents, Geneva, 1974.
9. Convention for the Protection of the Mediterranean Sea against Pollution, and its protocols. Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency. Protocol for the prevention of the pollution of the Mediterranean Sea by dumping from ships and aircraft.
10. Convention Concerning the Protection of Workers Against Occupational Hazards in the Working Environment Due to Air Pollution, Noise and Vibration, Geneva, 1977.
11. Protocol of 1978 relating to the 1973 International Convention for the Prevention of Pollution from Ships, London.
12. Protocol for the Protection of the Mediterranean Sea against Pollution from. Land-Based Sources, Athens, 1980.
13. Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment and its protocol. (Jeddah Convention), Jeddah, 1982, adopted by Jordan, Saudi Arabia, Sudan, Somali, Palestine and Yemen.
14. United Nations Convention on the Law of the Sea (LOS Convention), Montego Bay, 1982.
15. Vienna Convention for the Protection of the Ozone Layer, 1985.
16. Convention on Early Notification of a Nuclear Accident, Vienna, 1986.
17. Convention on Assistance in the Case of Nuclear Accident or Radiological, Vienna, 1986.
18. Montreal Protocol on Substances That Deplete the Ozone, 1987.
19. Basel Convention on the Control of Trans-boundary Movements of Hazardous Wastes and Their Disposal, 1989.
20. The Convention on Biological Diversity was adopted in Rio de Janeiro in June 1992 between Egypt and UNEP.
21. Agreement on the Conservation of African-Eurasian Migratory Waterbirds.

The following are the major international environment conventions which Egypt signed but did not ratify and were not published in the Official Gazette:

1. Vienna Convention on Civil Liability for Nuclear Damage, 1913.
2. Convention Relative to the Preservation of Fauna and Flora in their Natural State, 1933.
3. Agreement for the Establishment of a General Fisheries Council for the Mediterranean, 1949, Rome, amended on 9 December 1976 and 3 December 1993.
4. Convention concerning the Protection of workers against Ionizing Radiations, Geneva, 1960.

- the Mediterranean Sea from oil and other harmful substances, and the second one on the Protection of the Mediterranean Sea from pollution caused by dumping from ships and aircraft.
3. The Geneva Convention of 1977 related to the protection of workers from occupational hazards resulting from air pollution, noise and vibration in the working environment.
  4. United Nations Convention on the Law of the Sea, which was held in Montego Bay, Jamaica in 1982.
  5. The Vienna Convention of 1985 on the Protection of the Ozone Layer and the Protocol thereto, known as the Montreal Protocol of 1987 on Substances that Deplete the Ozone Layer.
  6. Basel Convention held in Switzerland in 1989, on the Control of Trans-boundary Movements and Disposal of Hazardous Wastes.

Moreover, the United Nations then held a conference in 1992 from 3-14 June titled the Earth Summit, in which 178 countries participated. This conference resulted in the Rio Declaration, which contained 27 principles and 21 agendas discussing a range of policies aimed at the protection of the environment and the use of its elements without abuse or attrition. The conference ended with a series of important agreements in the field of environment such as the Convention on Biological Diversity, the Convention on Climate Change and the Statement of Forest Principles, and the Convention on Desertification.

In light of this development in the interest in environmental issues and problems, states within the international community have issued their own legislation to combat pollution and protect the environment and its different elements from all harmful acts.

#### **4. The United Nations Role in Environmental Conservation**

Environmental issues and the conservation of environment were not taken seriously until the United Nations General Assembly called for an international conference in Stockholm from 5-16 June 1972, to discuss the environmental threats facing humanity. This was the first international conference on human environment held under the auspices of the United Nations, and which resulted in the adoption of 26 principles and 109 recommendations, which have been the arsenal from which environmental protection-related legal research and positive laws were drawn.

This conference marked a turning point in the UN related-environment activities, since it resulted in the establishment of an environmental program (UNEP) as a subsidiary of the General Assembly. The most significant and explicit principle that emerged from this conference, which called on the states to protect the environment, was principle 21 which asked for:

- 1- The joint cooperation between member states; these include the exchange of information and consultations with each other and with other national and international parties concerned with global environmental issues.
- 2- Application and abidance by the objective standards governing industrial activities that may have detrimental impacts on our nature.
- 3- Complying with the rules of international law that are relevant to the preservation of the environment and all natural life.

This call for international cooperation has been supported by images of human encroachment on the environment, the depletion of its natural resources, and the growing industrial and agricultural revolution, along with the consequent spread of thousands of tons of exhaust fumes and toxic gases, and liquid and solid wastes in various sectors of the environment. All these severe negative consequences did not emerge until the latter half of the twentieth century.

The birth of modern legal norms to protect the environment was acknowledged by legal jurists, who once said that “the environmental law is the youngest branch of law. It developed rapidly. However, it is still at an embryo phase.” Another jurist argues that “drafting this law, being by custom or by agreement, is complicated, painstaking, accurate, unstable, and usually slow”.

As a result of the numerous regional and international binding agreements concerned with environmental protection, a new branch of international law emerged; the international environmental law, which had a major impact on the surfacing of environmental legislation in each state. These include the "Polluter Pays Principle" (PPP), which has developed into the "Pollution Prevention Pays"; the "Principle of Common but Differentiated Responsibility"; the "Principle of International Cooperation"; the "Principle of Non-Discrimination"; the "Principle of Ban or Prohibition"; the Principle of Balancing the Interests of the Concerned States"; the "Principle of Individual Interest in Environmental Protection"<sup>2</sup>.

In this regard, it should be noted that the United Nations is working seriously and intensely on solving global environmental problems. And since it represents an international forum for building consensus and negotiating agreements, the United Nations addresses global problems such as climate change, erosion of the ozone layer, toxic wastes, loss of forests, air and water pollution. Unless these problems are addressed, it would be difficult to sustain markets and economies in the long run, because environmental damages causing the draining of natural resources will effect human survival and development...

For during the first United Nations Decade for Water (1981-1990), more than a billion people gained access to safe drinking water for the first time in their lives. By 2002, another 1.1 billion people had clean water. In 2003, the International Year of Freshwater, awareness was raised regarding the importance of protecting this precious resource. The second International Water Decade (2005-2015) aims to reduce the number of people who do not have access to safe drinking water by half.

The United Nations Environment Program (UNEP) and the World Meteorological Organization (WMO) have also played a key role in shedding light on the damage in the ozone layer that envelops the planet. As a result of the treaty, known as “the Montreal Protocol”, governments are working on the gradual termination of the production of chemicals that have caused erosion of the ozone layer, and are creating safe alternatives to replace it. These efforts will spare millions of people the increased risk of skin cancer as a result of excessive exposure to ultraviolet radiation.

Similarly, the United Nations has been at the forefront in assessing the scientific aspects behind the problem of climate change; a problem which demands a firm political solution. The Intergovernmental Panel on Climate Change, which includes 2,000 leading scientists in the field of climate change, issues comprehensive scientific assessments every five or six years. In 2007, the Panel concluded that the occurrence of climate change is uncertain, and that human activities are the main reason for its occurrence. Furthermore, 192 members in the United Nations Framework Convention on Climate Change are negotiating an agreement to guide countries in reducing emissions that contribute to climate change, and help them adapt to the consequences of its effects. The United Nations

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<sup>2</sup> Ashraf Arafat Abu Hegara, the principle: Pollutor Pays, Dar elnahda elArabeya, 2006, p. 14.

Environment Program UNEP and other United Nations agencies are currently at the forefront in increasing awareness about the problem.

On the other hand, the United Nations also helps developing countries in addressing the challenges of global climate change. For this reason, twenty-seven United Nations agencies formed a strong partnership to address and deal with the problem in a more comprehensive manner. For instance, the Global Environment Facility GEF, which brings together UNDP, UNEP and the World Bank, finances projects in developing countries. As the financial mechanism of the Climate Change Convention, it allocates approximately \$ 250 million annually for projects in the areas of energy efficiency, renewable forms of energy, and sustainable transportation.

Also, the Food and Agriculture Organization (FAO) monitors global fisheries production and the conditions of natural fish stocks, and is working with countries to improve the management of fisheries, the elimination of illegal fishing activities, the promotion of international fish trade and the protection of vulnerable marine species and the environment.

The Stockholm Convention on Persistent Organic Pollutants also seeks to rid the world of some of the most dangerous chemicals ever created. Ratified by 150 countries, the Convention targets 12 hazardous pesticides and industrial chemicals that can be considered dangerous and lethal to humans, damage the nervous and immune systems, cause cancer and reproductive disorders, and inhibit child development. Other UN conventions and action plans help to preserve biological biodiversity, address climate change, protect endangered species, combat desertification, clean up regional seas, and curb the cross-border movements of hazardous wastes.

Finally, the United Nations stands at the forefront of international efforts aimed at regulating the use of oceans in the framework of a single convention. The United Nations Convention on the Law of the Sea in 1982, which enjoys almost universal acceptance, provides a comprehensive legal framework for all activities in the oceans and seas. The Convention confirms the rules for the establishment of marine areas and the rights and duties of coastal and land-locked States, including the respect to navigation, and the protection of marine environment; marine scientific research centers; the preservation of living marine resources; and the sustainable use of marine living resources. The Convention also includes mechanisms for settling disputes<sup>3</sup>.

## **5. The Importance of International Cooperation in the Dissemination of Environmental Awareness**

As noted previously, the issue of environmental protection has been given exceptional global interest, to the extent that part of international jurisprudence has considered that there is a common interest in the international commitment to environmental protection since it concerns the international community. This issue gives all members of the international community a legal duty in ensuring and respecting the

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<sup>3</sup> <http://www.un.org/arabic/un60/60ways/envir.htm>

international agreements concerning environmental protection. Here it becomes worth noting that states in the international community have surpassed the level of coexistence, and have now reached the level of positive international cooperation. And since environmental protection and sustainable development cannot be regionally limited, the international law ought to ensure that states are in constant cooperation.

In light of what was presented, the abuse of the environment has been deemed a violation of the international community's interests. As such, some environmental crimes have been deemed as international, and the perpetrators have been held criminally liable. Articles (35) and (55) of "the 1<sup>st</sup> Protocol (1977) Additional to Geneva Conventions" provide for the prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment. According to article (1) of the UN Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques "each state party undertakes not to engage in military or any other hostile use of environmental modification techniques having severe effects on the natural environment." Article 8 (B-iv) of the Statutes of the International Criminal Court provides that "the war crime is the attack that causes widespread, long-term, and severe damage to the natural environment." Some international conventions also impose obligations on the member states, requiring them to implicate the actions that cause damage to the environment.

## 6. The Judiciary and the Environment

### Identifying actions considered as environmental crimes:

Environmental crime is defined as any positive or negative, intentional or unintentional, natural or immoral behavior caused by humans, which attempts to damage any environmental element, whether directly or indirectly.

Acts that violate environmental laws vary, as much as the various elements that constitute social worth do, for instance criminalization. Each of these elements is violated in a specific nature and manner; whether positive or negative, intentional or unintentional, incriminated or conditional. Hence, each crime defined determines the physical action required for such an act to be punished.

Environmental crimes are also as varied as the physical actions and consequences they entail on the environment. For example, several Egyptian laws were enacted that contribute to the protection of the environment. These include laws for the protection of the land<sup>4</sup>, air<sup>5</sup> and water<sup>6</sup> environments, the protection of man against diseases<sup>7</sup>, the protection of the environment in industrial zones<sup>8</sup>, and the protection of the environment against noise pollution<sup>9</sup>.

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<sup>4</sup> See for example, Act 539/1955 concerning measures taken to combat epidemics and harmful diseases.

<sup>5</sup> See for example, Act 59/1960 Regulating Working with Ionized radiation

<sup>6</sup> See for example, Act 72/1968 concerning the prevention of oil pollution of sea water, and the Nile River Protection Act 48/1982.

<sup>7</sup> See for example, Decree Law 137/1958 concerning Combating Contagious Diseases

## **7. Prosecution of Environmental Crimes by Public Prosecution Offices**

### **(a) The criminal court action in environmental crimes**

To be subjected to criminal prosecution, two basic functions should apply: First, the Public Prosecution Office is the only competent authority entitled to sue environmental offenders, and second: the Public Prosecution Office is entitled to exercise this power on its own, without yielding to anyone's influence. However, there are some instances where the law restricts the freedom of the Public Prosecution Offices in prosecuting offenders, and requires that the case be reconsidered, and that approval is obtained from the victim. Once this requirement is met, the restriction is annulled and the Public Prosecutor restores his liberty to initiate prosecution.

There are certain cases where the legislature restricts the freedom of the Public Prosecution Office in filing criminal cases against offenders; these mainly indicate environmental crimes. In this case, the legislature waives the right of the authority concerned with environmental issues to file a case against the offender, but rather promotes the settling for an agreement with the this latter, on condition that he/she pay a specific sum of money. However, if the concerned environmental party finds that filing the case is the most competent way to punish the offender and satisfy public interest, then it must present an appeal to the Public Prosecution Office, requesting to sue the offender for his violation of the environmental laws; after which the Public Prosecution Office has the right to enforce the suitable and relevant legal procedure and criminal prosecution based on the evidence collected by the law enforcement officer. Alternatively, the Public Prosecution Office may initiate a preliminary investigation, in preparation to take the appropriate decision; whether to refer the case to the judiciary, or decide on the aspects for prosecution.

### **(b) Rectifying violations in the Arab environmental laws**

According to the Egyptian Environment Act 4 issued in 1994, a violator is compelled to rectify the committed violations so that they are compatible with the regulations, requirements, and standards provided in the law and its executive regulations. The Kuwaiti law, also, adopts the compounding system in environment crimes though it lays down certain restricting conditions.

## **8. Enforcement of Environmental Laws in Arab judicial systems**

### **(a) The trial phase in environmental crimes**

The trial phase is one of the most important phases of the criminal proceedings since it results in the defendant's conviction or acquittal. However, even though the criminal action may be passed on from the investigating authority to the trial court, thus indicating the investigating authority's belief that the

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<sup>8</sup> See for example, Act 27/1981 concerning quarry workers

<sup>9</sup> See for example, Act 45/1949 regulating the use of microphones

evidence is sufficient for conviction; still the process requires that the trial court be convinced of the validity and weight of the evidence in proving that the defendant has committed the crime.

However this can be possible only after the defendant is provided with the necessary methods and sufficient guarantees to defend himself in a just and fair trial. According to Article 67-1 of the Egyptian Constitution "an accused is innocent till he is proven guilty in a lawful trial in which he is provided with guarantees for defending himself." Of course, where the trial court finds the accused guilty, it will punish him/her for the crime he/she has committed and for disobeying the State's orders.

### **(b) The courts specialized in the prosecution of environmental crimes**

Judicial authority is considered one of the main manifestations of a states' sovereignty; one that is practiced in the face of all those present within the states region. In addition, it is the only body entitled to ratify laws. Furthermore, this authority is distributed among several courts, which in turn differ in their specialization depending on what is specified in the rules of jurisdiction. Under this authority, the state is able to impose its stature, and affirm its sovereignty through implementing its laws and compelling all to submit to them.

Further, it is established by law that environmental crimes, like all other criminal offences, are subject to the jurisdiction of penal law courts, in accordance with the general rules of jurisdiction. However this does not deny the fact that non-penal law courts may also have a significant role in overlooking relevant proceedings that may arise from environmental crimes.

### **(c) Role of non-criminal courts in environmental crimes**

Even though it has been strongly established that criminal courts play a pivotal role in applying the provisions of environmental laws, and imposing strict penalties against environmental offenders, non-criminal courts play a supportive role in the relevant cases which may arise as a result of committing environmental crimes or failure to comply with environmental laws. Article (81) of the Egyptian Environment Act 4/1994 provides that "the competent minister mentioned in the implementing regulations of this Act should issue a decision to form a complaints committee who is to work in the sea port and any close administrative authority."

This committee may employ one or more marine environmental experts who carry the responsibility of arbitrating between administrative disputes that result from the application of the provisions of part III. In this case, the president of the committee has a casting vote. Thus, in accordance with the Article mentioned above, the administrative authority plays a prominent role in the field of environmental crime, since it studies the decisions made by the committee created in Article 81.

The administrative judiciary also has the jurisdiction to overlook the environmental disputes between an administrative authority, concerned with the environment, and individuals; for example, the actions concerning the administrative licenses for practicing environmental activities. In addition to these, there are civil courts which are as competent, and therefore capable of overlooking claims for compensation filed by any individual influenced negatively by the environmental offence, on the grounds of the tort liability rules established in the civil code<sup>10</sup>.

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<sup>1</sup> Ra'ef Labib, op. cit., p. 213 and the following pages.

#### **(d) Agencies provided by the law to monitor and control environmental pollution**

The diversity of the agencies authorized to monitor and control environmental violations, is directly linked to the diversity of the sources of environmental pollution, and perpetrators of the environmental crimes.

Hence, assigning certain bodies the job of prior monitoring of the occurrence of environmental crimes is referred to, by jurisprudence, as administrative control; as opposed to judicial control. This administrative control is further characterized by two types of control: the general authority control, and private authority control.

The general authority control aims at preserving the general system in its three known elements; the general security, public health, and public order. Meanwhile, the private authority control is structured according to specific legislations, assigned to specialized administrative bodies that monitor the implementation of such legislation. Thus, the administrative law enforcement aims to prevent crimes by taking all the protective and precautionary measures necessary to safeguard the protection of the individuals in their lives, property, and honor, and to protect internal security in general. The protective role of the administrative law enforcement is given high profile in contemporary criminal policy which gives precedence in its priorities to the crime prevention policy and sees the criminal law as the last defense line against crime.

Thus, the environmental law enforcement has two main objectives:

1. Prevent acts which cause harm to the environment
2. Combat the reasons behind the damages caused to the environment, if any, and to restore the equilibrium of the ecosystem.

#### **(e) The role of administrative law enforcement officers in environmental protection**

The governmental sides concerned with the protection of the environment work on the implementation of the environmental laws and regulations in order to ensure the security of the society and to prevent the crimes that deals with the environment and its harms, thus no doubt the government plays this role in protecting the environment when it comes to control management through its staff, the "administrative law enforcement officers."

Administrative law enforcement officers are not necessarily police officers and other employees of the interior ministry but may be affiliated with other ministries and agencies such as the environment, health and petroleum ministries. They undertake the functions vested in them in accordance with the law provisions which determine their responsibilities; namely, safeguarding public order with its three main elements.

Environmental protection authorities are the ministries or agencies concerned with environmental affairs in accordance with the law provisions by which they were created. The functions and powers of these authorities are determined to enable them to undertake the missions vested in them according to

the specified laws and regulations. The purpose of these authorities is to protect and manage national resources in the best way, to achieve sustainable development and protect the environment.

Undoubtedly, the administrative Law Enforcement Officers specialized in environmental protection undertake very important functions to ensure compliance with the environmental law and the enforcement of its provisions. They exert persistent efforts to prevent environmental crimes and protect the community's members and the environment itself, from the harmful effects of these crimes. Their role is important in light of the weakness, or even lack of, environmental awareness in many communities particularly in the developing world.

The functions of administrative Law Enforcement Officers consist of:

1. Checking the information entered into the relevant registers against the realities on ground; identifying the environmental conditions of the checked establishment; and determining to what extent these conditions affect the surrounding environment.
2. Taking the necessary samples; for the authorities concerned with the environmental affairs to undertake their functions, they have to inspect different industrial and vocational establishments to ensure that they comply with the specifications and standards stated in the environmental laws and the implementing decisions and regulations.
3. Conducting necessary tests; needless to say that the tests carried out by administrative Law Enforcement Officers are of high importance; it is necessary and inevitable to prevent any violations of the conditions and standards that must be followed on behalf of all establishments.
4. Notifying the competent administrative authorities of any violations; Administrative Law Enforcement Officers entrusted with the enforcement of environmental law, exert huge efforts to see to what extent the relevant establishments comply with the environmental laws and the conditions and standards set ensure a clean and healthy environment. When inspecting the establishments governed by the provisions of the environmental law, the administrative Law Enforcement Officers could environmental law violations. In this case, they are obliged to notify the competent administrative authority who in turn will take the necessary action to prosecute the environmental crime.

The importance of this inspection is highlighted in the Egyptian environment Act 4/1994 in several provisions. According to article 22, in case the Environmental Affairs Agency finds any violations, it must notify the competent administrative authority which, in turn, orders the owner of the violating establishment to swiftly rectify this violation.

Article 59 of the Yemeni Environment Protection Act 26/1995 provides that "the environmental monitoring networks shall promptly notify the Council or any other competent authorities about any excesses of the allowed limits of pollution of the natural environmental elements". The words "environment protection authorities" refer to any governmental agency whether ministry, institution, organization, etc. that assumes a role in any of the environment-related fields.

The comparative environmental legislation provides for the role of administrative authorities involved in environmental protection. Several functions are assigned to these authorities in cooperation with the

agencies concerned with the environmental protection, as law makers believe in the importance and high value of environmental protection; it may transcend any other communal value.

In Egypt, countless laws regarding environmental protection were enacted. Act 12/2003 for example, which is applied by the Ministry of Labor Force, regulates the activities of the civil sector and determines the necessary rules of safety and vocational health. It also aims to provide a safe working environment, and states the preconditions for work sites, construction works, and licenses<sup>11</sup>.

Other examples of Egyptian Acts regarding environmental protection are Act 52/1981 concerned with the protection against harmful effects of smoking, and Act 59/1960 regulating the use of ionized radiation and protection from its dangers.

As in Egypt, several acts related to environment were enacted in Kuwait; the enforcement of these acts had been assigned to different ministries and relevant governmental institutions, before the laws related to environment protection were enacted and the specialized environmental agencies were established.

#### **(f) Judicial law enforcement**

The role of the Public Prosecution Office as a main actor in the process of criminal prosecution has been previously asserted, nevertheless it should be noted that the Public Prosecution also plays the role of law enforcer. However due to the many functions entrusted upon them, the Public Prosecution Office is unable to solely investigate and collect the necessary information surrounding the crime. This prompted the State to establish 'assistant agencies' responsible for the research and investigation of crime, and evidence collection. This agency, known as the Judicial Law Enforcement Authority, undertakes its duties as soon as the crime has been committed, since its goal centers on crime investigation, and the identification of perpetrators.

#### **(g) Powers of judicial law enforcement officers**

Those entrusted with the duty of judicial control, are given the title of Law Enforcement Officers, if they are mentioned in the Criminal Procedure Code; these include members of the Public Prosecution Office, and police officers, who are specified the feature of law enforcement by jurisdiction, law, or by decision from the Minister of Justice along with the approval of the specialized Minister. These are given the title of Judicial Law Enforcement Officers in specialized cases that are related to their jobs and fields of work.

Examples of judicial law enforcement officers with special jurisdiction are the employees who are authorized to follow up the enforcement of environment acts and their implementing decisions and regulations. These also include health inspectors and their assistants as well as inspectors of food supplies, vocational health and safety, working conditions, and customs.

The judicial law enforcement officers operating in the environment protection field are assigned the function of applying the provisions of environment law. Most of these officers are employees of the specialized agencies concerned with the environmental affairs, and are members of relevant of

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<sup>11</sup> Ibid, p. 123 and the following pages.

administrative authorities. Within the field of environmental protection, we find that the Law Enforcement Officers, who are entrusted with implementing the rules of environmental laws, are mostly employees of the specialized environmental agencies and higher administrative authorities. From thereof, they join the specialized Law Enforcement despite the fact that the law does not forbid the general Law Enforcement Officers from seizing evidence in any environmental crime, and taking the necessary steps regarding it, since these crimes are of a technical nature. However, these do require specialized technical abilities and high expertise in investigation, which makes the specialized Law Enforcement Officer more competent to do the job than the general Law Enforcement Officer.

According to the above mentioned, it can be said that environmental law enforcement has certain aims which it seeks to fulfill, mainly:

#### (1) Controlling environmental crimes

The first aim behind the appointment of law enforcement officers in the environmental field is to affirm the efficiency and effectiveness of legislation concerned with the protection of the environment, which in turn strengthens the effectiveness and efficiency of environmental legislations on one hand, and reasserts the importance of the environment, and the need to respect it on the other hand.

#### (2) Seizing and punishing the perpetrators

Naturally, it falls upon the judicial enforcement officers specialized in environmental issues, the responsibility of immediately interfering when an environmental crime occurs, in order to contain it, investigate its perpetrator, and take the necessary legal precautions against them, until the necessary punishments are ruled by the environmental legislations.

## **9. Educational Institutions Concerned with the Promotion of Environmental Education**

With increasing concern for the environment, and the growth and increase of environmental legislation, it has become inevitable to show concern and raise environmental awareness. This has become essential for two main reasons: One, to alert the citizens and inform them of their environmental rights and ensure that they enjoy the highest possible degree of environmental safety. Second, manufacturers of various industries should be aware of the numerous environmental laws obliging them to comply with minimum environmental standards.

In order to achieve this, environmental awareness ought to be disseminated through various educational institutions such as schools, colleges and universities, and issues relevant to the environment ought to be included in the different curricula, especially since the industrial development has been supplemented by progress in the means of studying the environmental consequences emerging from these industries; different monitoring and research mechanisms have been developed to demonstrate the side effects of industrial activity on air, water, and land.

Moreover, people's religious tendencies and allegiances in the Arab region, whether Muslims or Christians, should be employed, and Preachers in Mosques and Churches should focus on and discuss – in their sermons – the importance of environmental awareness, the preservation of environment, and

the fight against all forms of pollution, building on the fact that all divine religions stress the importance of environmental preservation.

## **10. The Role of Civil Society Organizations in Disseminating Environmental Awareness & Environmental Preservation**

There is no exaggeration in saying that humanity has been evolving, through a complex and intricate process, towards a global revolution – one in the historic succession of multiple revolutions which faced humanity – following the industrial, scientific, and technological revolutions, which added to humanity – for the first time- a new force of production, in addition to land, capital, and labor. As a result, features of advanced industrial societies began to gradually emerge, not only in infrastructure, but also in the lifestyles, patterns of thought, and prevailing values of society members. This all resulted in the emergence of an “information society”, marked by the prominent and rapid circulation of information, which relied on the processing and sharing of information through unprecedented mechanisms.

In light of the massive developments in the fields of knowledge and communication, a form of “global awareness” emerged, which surpassed all forms of previous awareness such as national awareness, pan-national awareness, class awareness, and social awareness; and which formulated the general human values. In this regard, it is worth noting that:

1. The growing attention given to the civil society in the Arab region is a part of the global awareness, which aims to increase the citizens' participation and enhance their capabilities in influencing policies and their altering their lifestyles;
2. This global awareness, taking shape through a slow and steady process, explains to us the alliances, coalitions, and networks of global civil society. Some have referred to this as the “phenomenon of transnational networks”; while others call it the "multinational network" since it allies civil society organizations from across the nation, who come together to address the issue of poverty, environment and anti-globalization;
3. A major feature of the battle for formulating general human values is the adoption of codes of ethics for civil society organizations, and their (civil society organizations) relations with donors, their governments, and public opinion. These covenants or codes set the guiding principles for the work of civil society organizations, as well as the features of the legal rules governing relations among civil society organizations, and between them and their governments and funding institutions;
4. The increasing importance of civil society and its role in the field of environmental preservation cannot be overlooked. This is most apparent in the role citizens played in their refusal to set up an environment-polluting factory in the Nile Delta, to which the government responded;
5. Similarly, the Arab civil society and its various organizations can exercise a more active role in educating members of their societies, alerting them to their rights, and thus increasing environmental awareness among the citizens in general;
6. The ease of information transfer and dissemination will be a catalyst for civil society organizations if they are willing to play a pivotal role in raising awareness among citizens. This will also aid CSOs in guiding citizens on how to achieve their right to a clean environment, and will further put pressure on the concerned authorities to enforce strict administrative and judicial restrictions to ensure environmental protection. Through this participation, CSOs would gain credibility among the public;

7. The civil society we are referring to, which enjoys a greater responsive ability and larger flexibility due to its freedom of action and non-bureaucratic procedures, should make rational, creative, and new choices to resolve the humanitarian problems.

In light of this global revolution, some scholars and theorists have called for the launching of a comprehensive global revolution to address the current global crisis, and all other serious problems facing humanity.

Assisted by a team of his colleagues in the World Order Models Project, renowned scholar Richard Falk classified the problems facing our planet into four main categories: war, absence of social justice, poverty, and environment. Falk and his colleagues further proposed four positive values to be adopted by the global system:

- Achieving peace
- Improving economic conditions
- Providing social justice
- Maintaining environmental equilibrium and stability

With these proposed values in mind, a plan can be drawn up to engage civil society in the "non-violent global revolution", to improve the conditions of humanity. The plan includes:

- Good governance
- Providing the basic needs
- Economic security
- High quality education
- Sustainable environmental development
- Safeguarding freedoms and rights
- Formulating ethical culture
- Providing equal opportunities, achieving justice, and offering promotion opportunities for everyone
- Creating a healthy environment

Thus, we note that the non-violent "global revolution" is in fact, one of the components of the cognitive map or one of the intellectual project which seeks to deal with the severe crisis facing people in the context of global or globalization.

The most important issue for us, is the fight against poverty, education excellence, the right to health, ecological balance, and the empowerment of women (all of which are included in the ideas of social justice and equal opportunities)

### **III. Conclusion**

The present conference constitutes an important step towards launching and consolidating intensive regional efforts aimed at promoting an Arab-oriented interest in combating all aspects of environmental

crime. In this regard, the conference will objectively and practically discuss the realities of the Arab States, and commensurate with the realities and needs of these countries. In addition, interventions and discussions will take place during the Conference, thus providing a new opportunity for the exchange of expertise and experiences between Arab countries, and between them and sources of international expertise. This will contribute positively to the deepening of the process of knowledge and capacity building in the Arab countries in the various areas of combating these types of crime, and supporting policies and strategies in this framework, which helps to reduce the chances of the occurrence of such crimes.