



## Iraqi Legal System of International Environmental Responsibility

Reyam Naji Ajmi, Estabraq Mohammed Ati, Huda Zeki Farooq

*Department of Biology Science, Mustansaryah University, Iraq-Baghdad.*

### Abstract

The domestic legal systems have shown an interest that varies from one system to another in the environment in which man lives. In the pursuit of progress and advancement, man has achieved great success in various fields, but on the other hand, he has contributed intentionally and unintentionally to harm the environment in which he lives, and the reaction of States when recognizing the dangers posed to the environment in an initiative to work to support their domestic laws to The adoption of programs and plans for the protection and preservation of the environment within the limits of its regional competence and the development of some laws and regulations in the field of the environment, which led to the flourishing support for domestic law in many countries, especially the developed world in the field of the environment, which led to the emergence of a series of national legislation However, efforts to protect and preserve the environment at the domestic level cannot lead to achieving their goals unless they are coupled with efforts at the other level, namely international relations, because the field of the environment highlights the close link between domestic and international law. The environment for natural and geographical considerations is ultimately only one integrated and connected in a natural format.

**Keywords:** *Environmental Law, Pollution.*

### Aims of this Article

- To outline the historic development of international environmental law and to identify and describe its basic principles and rules.
- To outline the local system within which these principles and rules have developed.
- To consider the role of the concept of sustainable development and its impact on international environmental law in terms of attempts to reconcile developmental and environmental objectives.
- To consider the adequacy of the international legal system to address substantive regional and global environmental concerns.

### Introduction

#### International Responsibility for Environmental Pollution

The concept general concepts about environmental pollution, this point will further clarify our subject under study, but on the other hand there will be divergence and may not control, especially since our subject is restricted and is the study of responsibility, which is directly related to pollution in particular, responsibility is only the presence of the phenomenon of pollution (any change in the characteristics The environment, which may lead directly or indirectly to damage organisms and

installations or affect the exercise of human life (located on the environment) and therefore focus on environmental problems and the effects of these problems in the sense of damage, contemporary problems are manifestations of violation and implications On violation are damages that result in liability the focus of our study .The most important elements of environmental pollution [1].

#### Industrial Waste as a Contemporary Environmental Problem

Industrial waste from industrial processes

and uses in increasing quantities has become a major problem in various countries of the world rich or poor because of the resulting catastrophic effects on the human environment and classified waste in terms of its impact on the safety of the environment and human health according to type and sources and divided into organic and other wastes Inorganic [1, 2]:

**Organic Waste:** The waste of the metal factories, textile and leather industry, the production of coatings and detergents are regulated and become organic solvents.

**Inorganic waste:** It regulates the residues of acids, cyanides and heavy elements such as zinc, chromium, lead, mercury and copper.

### **Solid Waste Risks**

Occupy large areas of the land and disrupt its use in achieving any of the goals that can be used to achieve such as agriculture or construction, etc. Whether waste is placed on the surface of the earth, it leads to pollution of the soil and the surrounding air In the case of buried in the ground lead to contamination of groundwater through leaks of harmful substances dissolved in water or mixed with Vvsdha or change its natural properties and reduce its powers for use[3].

### **Nuclear and Atomic Radiation**

Everyone who lives on the planet is exposed to a kind of permanent radiation from several sources, the most important of which is the sun. This type of radiation is simple and regular. It does not expose man to extraordinary dangers. These are called natural sources of nuclear radiation. Its exposure rate per capita is about 200 mm per year and includes protons and alpha particles. The second is the radioactive elements in nature, about 70 radioactive isotopes, including uranium and potassium, which is found in all rocks and water materials. The third type is the natural radiation inside the human body where we find that the adult human body contains microgram uranium and about 40 micrograms potassium radioactive and also contains sodium 25 millimeters per year [4].

### **Industrial Nuclear Radiation**

The use of the human atom to achieve its ambitions and ambitions has created a new type of nuclear radiation, which comes primarily from industry.

Therefore, we call the term industrial sources of nuclear radiation, which results in environmental pollution is very dangerous, unlike natural radiation. These sources are all manufactured sources that result in nuclear radiation [5]. There is a source of radioactive contamination comes from radioactive nuclear waste, which is really what we are interested in the study because it is a problem of modern times, this problem was the result of the discovery of the atom and technological progress in its use to achieve the objectives of war or peaceful, in addition to these manufactured nuclear radiation occur as a result of nuclear tests and explosions Radioactive wastes are manifold and may be divided into two groups.

**First: short-lived wastes:** Wastes that contain radioactive sheds up to half their radioactive life up to thirty years.

**Second: long-life waste:** a waste that has a radioactive life of more than thirty years, plutonium element life span of this element is 24 thousand years, and to reach the stage of death or non-impact requires the passage of ten stages of half-life, which is necessary to pass about 1/4 million years Before it becomes dangerous for humans. The benefits of using atomic and nuclear energy in peaceful uses The birth of atomic energy in 1945 had a great impact on the life of mankind, and the efforts exerted and made by man at all levels to develop this energy in the service of peaceful purposes held hopes on this energy for the welfare and well-being of mankind, and as a source of prosperity and stability for peoples.

It was not just an adventure for these countries and international organizations to spend the vast amounts of money needed to achieve this goal, and they have set their sights on this path. The world will face after a long period of deficit in conventional energy sources, but the possibility of depletion and not far from the minds of the world economic and political long-term shocks resulting from the emergence of the global oil crisis in the wake of the October 1973 war, and announced by many of the world's politicians in In the aftermath of this crisis, they are determined to accelerate the implementation of programs to develop and use atomic energy to replace conventional energy sources. The distinguishes atomic energy is that a small amount of nuclear fuel produces an enormous

energy of millions of times that of a conventional amount of fuel, so that a pound of fissile uranium 235 produces fission atoms equivalent to 3 million tons of good quality coal. Moving nuclear fuel anywhere in the world quickly is an advantage in itself compared to the difficulty of transporting conventional fuels. Although the current cost of nuclear energy production is relatively high, it is better than conventional energy sources in many respects. It can be used to produce electricity in areas without any conventional source of electricity and in frozen areas to overcome the problems of freezing and storage of conventional fuels.

Radiation from nuclear fission, either from reactors or by the use of radioactive sources that have already been developed in research and research reactors, has been used for medical purposes to measure the force of blood and determine the location of tumors and treatment of these tumors and the treatment of thyroid and blood diseases. As for the use of nuclear explosions for peaceful purposes, they can be summarized in the excavation of channels and the generation of electric power through the construction of channels to link between the sea and internal wastes, the establishment and deepening of ports and the establishment of groundwater reservoirs and linking each other and the creation of explosions that allow the economic use of oil tanks that are difficult to exploit economically by traditional methods as well as exploitation Economic mines and so on.

From the foregoing, it is clear how good and prosperous the atomic energy would be for human beings if they were used exclusively for peaceful purposes. This energy would correct the situation resulting from the imbalance in the distribution of fuel sources in the world and would fill the shortage caused by the decline of conventional energy sources and contribute to a great degree in the progress required for development programs in developing countries and maintaining the high standard of living in rich countries.

As we talked about the benefits that mankind will gain from the peaceful use of atomic energy, we must clarify the damages that can result from their use so that Use them in such a way as to avoid such damage on the one hand and so that it can determine the liability. Dangers of nuclear weapons

tests: If the damage caused by atomic weapons tests is usually much less than the damage caused by the use of the atomic bomb as a weapon of war against Japan due to the huge precautions taken when conducting these tests to try to minimize the harmful effects except.

The reports of the committees formed to study the effects of the explosion of the American hydrogen bomb showed the possibility of atomic dust falling over an area of 100,000 square miles. This experiment exposed 23 Japanese fishermen 90 miles away from the site of the explosion to contaminate the atomic dust and one of them died and suffered most of the effects of two bodies.

### **Foundations of International Responsibility**

The Member States of the international community have agreed to respect certain principles and rules governing their conduct and regulate their relationship they have agreed to assume certain obligations to achieve the goals of the international community and bear responsibility in case they breach one of these obligations or fail to implement them in a manner that would harm another State or States. The case shall be liable for compensation for the damage caused.

The activity of the State at the level of international relations within the framework of the international community raises many positions calling on the State to demand the application of the provisions and rules of public international law and the need to respect them, and to violate and violate the provisions and rules of public international law and non-respect of the existing [5, 6].

It is therefore recognized that international liability means a set of legal rules governing any act or fact attributable to a person of international law resulting in In fact, in order to arrange liability; it must be based on any existence on which to establish liability. International jurisprudence has been a disagreement over the basis of international responsibility, but in spite of the diversity of jurisprudence. The theory of error, the theory of internationally wrongful reality and the theory of risk [7].

### **First: The Theory of Error**

The theory of error has been transferred from the framework of the domestic law system to the international legal system. It is agreed in international jurisprudence that wrong is harmful international conduct in another State, which involves an out-of-the-ordinary behavior of the State, whether such conduct is a positive act or merely a failure to act, where international jurisprudence began to abandon this theory gradually [4].

### **Second: The Theory of Illegal Incident**

This theory is credited to the pioneers of the objective basis of the international responsibility of the State lies in the proportion of an unlawful act to the State, i.e., conduct attributable to the State in accordance with the provisions of international law and may be an act or omission in violation of the law.

In accordance with the theory of an internationally wrongful incident, two elements are required, the first of which is the proportion of the incident to a person of international law and the second, that the incident itself is contrary to an international obligation of the international person, i.e., that the incident is internationally wrongful. [5] .The phenomenon of an internationally wrongful occurrence is heavily dependent on many judgments of the Permanent Court of International Justice, the International Court of Justice, and international arbitral tribunals.

### **Third: Risk Theory**

There is a basis for civil liability for mere damage to the victim without the need to prove the fault attributed to the person who should bear the responsibility, and this trend has been defined by the domestic legal systems and applied by the judiciary in various countries of the world, and this theory has received great importance, especially with the great scientific and technical progress that led to the emergence of types of activities of a serious nature where the victim has been borne the burden of proof of error on the side of the dangerous activity, and this basis has found its way to international jurisprudence where to talk about absolute international responsibility at the jurisprudence of international law in recent times, ie those responsible Of which is not required for its internationally wrongful

incident, but enough of the damage and the causal relationship. The principle of absolute responsibility has been adopted in a number of legal regimes, including the 1967 International Convention on the Principles Governing the Activity of States in the Patronage and Independence of Atrocities [7, 8, 9].

### **Iraqi Law Protecting and Improving the Environment [9, 10, 11]**

#### **Article (1)**

The law aims to protect and improve the environment by removing and remedying the damage existing in it or preserving it, and preserving public health, natural resources, biodiversity and cultural and natural heritage in cooperation with the competent authorities to ensure sustainable development and achieve international and regional cooperation in this field.

#### **Article 2**

For the purposes of this Law, the following terms shall have the meanings hereby assigned to them:

The Ministry of Environment, The Minister of Environment, The Council for the Protection and Improvement of the Environment , The Council for the Protection and Improvement of the Environment in the Governorate, Environment: the environment surrounding all its elements in which living organisms and the effects resulting from human economic, social and cultural activities, Elements of the environment: water, air, soil and living organisms, Pollutants of the Environment: Any solid, liquid or gaseous substances, noise, vibrations, radiation, heat, glare or the like, or biological factors that lead directly or indirectly to environmental pollution, Pollution of the Environment: The presence of any pollutants affecting the environment in an abnormal quantity, concentration or characteristic that leads directly or indirectly to harm humans or other living organisms or abiotic components in which they are found, Environmental Determinants: The limits allowed for the concentration of each pollutant that is allowed to be released to the environment according to national standards, Waste Solid, liquid or gaseous materials that are not usable or recyclable resulting from various types of activities, Hazardous

Wastes: Wastes which cause or are likely to cause serious harm to humans or the environment as a result of their contents, Protected Area of land or water allocated to protect natural, vital and cultural resources from disappearing, Hazardous Substances: Substances that harm human health when misused or adversely affect the environment, such as pathogens, toxic, explosive, flammable, ionizing or magnetic radiation, Environmental catastrophe: Serious damage to the environment, which is not sufficient for the normal capacity of the State to deal with or control its consequences, Soil Degradation: Loss of some of its chemical, physical, morphological, fertile or microbiological properties, Sustainable Development: Economic and social development that meets the needs of the present generation without affecting the needs of future generations by preserving the ecosystems and by rational use of natural resources , Environmental Impact Assessment: Studying and analyzing the environmental feasibility of the proposed projects whose establishment or practice may affect human health and environmental safety present and future for the purpose of protection , Balance water : Water contained within tankers of oil tankers , Renewable Energy: Energy derived from natural resources that are renewed and cannot be exhausted and includes energy released from the sun, water, wind and waves and tidal movement and different from the energy released from fossil fuels because the waste does not contain pollutants to the environment , Environmental Controller: An employee named under the provisions of this law to monitor the implementation of legislation related to the environment.

**Article 3** A law called the Council for the Protection and Improvement of the Environment shall be established by virtue of this Law.

**Article 4** First: The Council shall consist of:

The Minister of Environment as Chairman, The Technical Undersecretary of the Ministry as Vice-Chairman, Director General of the Ministry as a member and Rapporteur, The address should be at least a general manager, it is a department or body related to protection, The environment is experienced in this field. Member (Ministry of Municipalities and Public Works., Ministry of Planning and Development Cooperation..

Ministry of Higher Education and Scientific Research. Ministry of Interior. Ministry of Agriculture. Ministry of Health. Ministry of Industry and Minerals. Ministry of Science and Technology. Ministry of Electricity. Ministry of Water Resources. Ministry of Oil, Ministry of Transport. Ministry of State for Tourism and Antiquities. Ministry of Foreign Affairs. Ministry of Education. Ministry of Commerce. Ministry of Labor and Social Affairs. Ministry of Culture. Ministry of Construction and Housing. Baghdad Municipality. The Iraqi Authority for the control of sources of radioactivity. Ministry of Defense). One of the experts in environmental protection nominates the Minister as a member The Council may host any of the specialists or representatives of any of the public or mixed or private or cooperative sectors to seek his opinion and inquire about environmental matters related to the entity he represents without having the right to vote.

**Article 5** First: The Council shall meet at least once every two months upon the invitation of its President or his delegate or in case of emergency.

Second: A quorum shall be held in the presence of a majority of its members.

Third: Decisions in the Council shall be taken by a majority of the number of votes of the members present.

Fourth: The Council shall submit such recommendations as it deems necessary to the Council of Ministers and upon their approval, they shall be binding and enforceable.

**Article 6** First: The Council shall exercise the following objectives providing advice in the environmental matters before it to express an opinion on the environmental aspects of national plans, projects and programs prepared by the concerned ministries and authorities before their approval and follow-up of their implementation.

Coordinate with the ministries and authorities concerned in preparing local programs for the protection of nature and follow up their implementation. Expressing opinion in the Arab and international relations related to the environment affairs

express an opinion on the national plan and the plans of the ministries for emergency and environmental disasters coordinating between the activities of the ministries and the bodies concerned with the protection of the environment and evaluating their work express an opinion on legislations related to the environment or its projects .Evaluating the work of the councils of environmental protection and improvement in the governorates. cooperate with relevant ministries and authorities in the preparation of a list of natural and cultural heritage sites and nomination for the World Heritage List express an opinion on the annual report on the state of the environment in the Republic of Iraq before submitting it to the Council of Ministers;

Second: The Council may form committees from among its members to consider certain issues to study and make recommendations thereon and Council may delegate some of its tasks to its president or the heads of councils in the governorates

**Article 7** First: A council called (the Council for the Protection and Improvement of the Environment in the Governorate) shall be established in each governorate, headed by the Governor, and shall be attached to the Council.

Second: The Council for the Protection and Improvement of the Environment in the Governorate shall host any of the specialists or representatives of the public, mixed, private and cooperative sectors to seek their opinion or inquire about the environmental matters related to the entity it represents without having the right to vote.

Article-8: Planning bodies in the State to work to introduce considerations of environmental protection and combating pollution and rational consumption of natural resources and sustainable development in the plans of development projects.

Article 9: Entities whose activities result in environmental pollution shall be committed to the following:

First: Providing the means and systems for treating pollution using environmentally cleaner technologies, operating them, ensuring their efficiency, treating the defect when it occurs and informing the Ministry thereof.

Second: Providing measuring devices and monitoring the pollutants according to their nature and recording the results of the measurements in a register for this purpose so that the Ministry can obtain them. in the absence of such devices, the Ministry conducts the measurements in its own devices at the offices, consultative bodies and laboratories that accredit them, and this shall be subject to control and scrutiny by the Ministry.

Third: Building an environmental protection and sustainability information base that includes the concentrations and levels of pollutants generated by the entity and by nature and work on the use of renewable energy technologies to reduce pollution.

**Article - 10** - First - the owner of any project before the start of construction to submit a report to assess the environmental impact estimating the positive and negative impacts of the project on the environment and the surrounding environment and proposed means of preventing and treating the causes of pollution in order to achieve compliance with environmental regulations. Contingency and contingency contingencies and precautions to be taken to prevent them from occurring, possible alternatives for the use of less environmentally harmful technology and rational use of resources.

Waste minimization, recycling or reuse whenever possible and estimating the environmental feasibility of the project and estimating the cost of pollution in relation to production.

Second: The technical and economic feasibility study of any draft report provided for in item (I) of this article shall be included.

**Article 11:** Entities with activities affecting the environment shall be prevented from exercising their work without obtaining the approval of the Ministry.

**Article 12** The provisions stipulated in Articles (9), (10) and (11) of this Law shall apply to existing establishments, expansions or renovations that occur therein.

**Article 13** First - The authorities responsible for education at various stages of work to introduce materials and environmental sciences in all stages of study

and work to establish and develop specialized institutes in environmental science to graduate qualified staff for environmental work in coordination with the Ministry of Environment.

Second: The authorities responsible for information, guidance and guidance shall work to promote environmental awareness programs in various media and direct their public and private programs in a manner that serves the protection of the environment.

Third: The authorities concerned with culture shall prepare programs and issue books, publications and bulletins aimed at developing environmental culture.

**Article 14** Discharge any domestic, industrial, service or agricultural liquid wastes to Iraqi surface and ground water resources or marine areas except after conducting the necessary treatments to ensure compliance with the specifications specified in the national environmental legislation and international conventions, this includes all expenses, whether continuous, intermittent or temporary, and to take the necessary measures to prevent the arrival of pollution from land to the marine area, whether by water, air, or directly from the coast or from ships and aircraft and connecting or draining sewers, factories and other activities to rain water drainage networks.

Throwing solid waste, animal waste, shreds or residues into water resource the use of toxic substances and explosives in fishing, birds and aquatic animals, Discharge of oil residues or fuel residues or water balance of oil tankers to inland surface waters or Iraqi marine areas, whether discharges from fixed stations or mobile sources or from leaks resulting from loading operations.

Any actions that lead to contamination of surface water resources as a result of exploitation of its banks, except after the approval of the concerned authorities , the actions that lead to pollution of the marine area as a result of exploring or exploiting the regional seabed, its subsoil and the continental shelf, including facing contamination of emergencies that cause damage to the marine environment in order to ensure compliance with national

legislation and the principles and provisions of international law.

**Article 15:** First: Emission of fumes, gases, vapors or minutes resulting from production processes or burning of fuel into the air, except after conducting the necessary treatments to ensure compliance with national environmental legislation.

Second: The use of engines or vehicles resulting in exhaust above the limits permitted by national environmental legislation.

Third: Incineration of solid waste except in places designated by the relevant authorities in an environmentally safe manner.

Fourth: Prospecting, digging, building or demolition, which results in raw materials, waste and dust, except after taking the necessary precautions for safe storage and transportation to prevent their volatility.

Fifth: Exercise the activities emitting electromagnetic radiation emitted from the main broadcasting stations and towers and antennas for mobile phones and other except within the instructions and controls issued by the Ministry for this purpose.

**Article 16** It is forbidden to exceed the permissible noise limits when operating machinery, equipment, alarm equipment and loudspeakers for all activities.

**Article 17** Any activity that leads directly or indirectly to damage, degradation or contamination of the soil in a way that affects its production capacities, food chain and aesthetics except in accordance with the legislation in force., failure to adhere to the basic designs of urban areas and protect land from urban sprawl. Any activity that may damage the area or quality of vegetation in any area that leads to desertification or distort the natural environment, except after obtaining the approval of the relevant authorities, destroying or damaging the natural and cultural heritage sites mentioned in a register prepared by the Ministry for this purpose in cooperation with other concerned authorities. Throwing solid waste randomly, except in the places allocated to it.

**Article 18** First: damage to biomes in their habitats.

Secondly: fishing, birds, wild and aquatic animals threatened or endangered or traded.

Third: Hunting, killing, capturing, possessing or transporting birds and wild and aquatic animals specified by the concerned authority, including migratory birds that take from the Iraqi territory a resting or breeding station as well as their habitats and breeding places.

Fourth: Extermination or damage to rare, medicinal, aromatic and wild plants. The process of using them for scientific, medical, industrial and trafficking purposes or their seeds shall be carried out in accordance with instructions issued by the concerned authorities.

Fifth: cutting down perennial trees in public areas within cities except with the permission of the President of the Council for the Protection and Improvement of the Environment in the province. Perennial trees for this purpose, which reach the age of thirty (30) years and more logging of forests only after obtaining the approval of the concerned authorities shall be granted licenses according to the knowledge of the annual production per acre Introducing plant or animal species of all kinds into the environment except with the permission of the concerned authorities.

**Article 19** The Ministry in cooperation with the relevant authorities organizes a national register of hazardous chemicals in Iraq and another hazardous waste.

**Article 20** First: Spraying or using pesticides or any other chemical compounds for purposes Agriculture, public health or other purposes, except after taking into account the conditions and controls adopted environmentally to ensure that human and other elements of the environment are not directly or indirectly exposed in the future and its harmful effects.

Second: Transporting, handling, entering, burying, dumping, storing or disposing of hazardous or radioactive wastes, except by using environmentally sound methods and obtaining official approvals in accordance with instructions issued by the Minister in coordination with the concerned authority.

Third: Producing, transporting, circulating, importing or storing hazardous materials except after taking the precautions stipulated

in the laws, regulations and instructions in force to ensure that no environmental damage occurs. Dangerous products and take the necessary measures to avoid the resulting damage.

Fourth: The introduction and passage of hazardous and radioactive wastes from other countries into the land or airspace of the Iraqi maritime areas beyond notice and obtaining official approvals.

Fifth: Establishing any activity for the purpose of treating hazardous wastes except with a license from the competent authorities after taking the opinion of the Ministry. The disposal thereof shall be in accordance with the conditions and standards set by the instructions issued for this purpose to ensure that there is no harm to the environment.

**Article 21** The authorities concerned with the exploration and extraction of oil wealth and natural gas to do the following:

First: Take the necessary measures to reduce the damage and risks resulting from the exploration and exploration of oil and gas, and take the necessary precautions and measures to protect the land, air, water and underground basins from pollution and destruction.

Second: Take the necessary measures to dispose of the saline water associated with the extraction of crude oil in environmentally safe ways.

Third: Prevent oil from being poured on the ground or injected into the layers used for human and agricultural purposes.

Fourth: Provide the Ministry with information on the causes of fire accidents, explosions, fractures, leakage of crude oil and gas from wellheads, transport pipelines and measures taken for treatment.

**Article 22** Activities affecting the environment shall be subject to environmental control. The body responsible for such activities shall be fully cooperative and shall provide the necessary facilities for environmental monitoring teams with their duties, including access to work sites.

**Article 23** The owner of the activity or responsible for the facility subject to environmental control to keep a record of the impact of the activity on the environment in



accordance with instructions issued by the Minister, showing the form of the record and the data to be recorded.

**Article 24** First: The Minister shall appoint an environmental controller from among the Ministry's employees to implement the provisions of this law to supervise the activities affecting the environment subject to its provisions, organize the minutes of disclosure and submit them to the Ministry to take the necessary measures in this regard.

Second: The environmental controller shall be granted the status of a member of the judicial police, who shall be assisted in the performance of his duties by elements of the environmental police. In carrying out his duties, he shall have the right to enter the facilities and activities subject to environmental control during and after official working hours.

Third: Before assuming his duties, the environmental controller shall take the following legal oath before the competent head of the department.

**Article 25** An Environmental Police Department shall be established under this Law administratively linked to the Ministry of Interior, which shall determine its structure and functions and its association with an internal system issued by the Minister of Interior in coordination with the Minister of Environment [12].

**Article 26** Environment Protection Fund shall be established, enjoying the legal personality represented by the Chairman of the Fund or his authorized representative.

**Article 27** The Fund shall be administered by a Board of Directors formed by a decision of the Minister who shall administer and dispose of the Fund and shall submit its decisions to the Minister for approval.

**Article 28** The income of the Fund shall consist of the following resources:

First: The amounts allocated by the state within the general budget.

Second: Contributions to the Fund in accordance with the law.

Third: Compensation agreed upon or judged for damages to the environment.

Fourth: Assistance to Arab, regional and international countries and organizations for the purposes of environmental protection, which is accepted by the Ministry in accordance with the law.

Fifth: Wages collected by the Fund for the services provided by the Ministry and determined by instructions issued for this purpose.

**Article 29** Expenditure from the Fund shall be in the areas specified in this law.

**Article 30** First - The disbursements of the Fund shall be determined by instructions issued by the Minister in coordination with the Minister of Finance.

Second: The accounts of the Fund shall be subject to the control and audit of the Financial Control Bureau.

**Article 31** The Minister may grant natural and moral persons who carry out works or projects that protect and improve the environment.

**Article 32** First: Any person who is responsible for his personal act, negligence, negligence, or by the persons under his care, control, or control of persons, followers or violating laws, regulations and instructions shall be deemed responsible for the damage to the environment. It shall be committed before the damage occurs through its own means and within the period specified by the Ministry and under the conditions laid down thereof.

Second: In case of negligence, negligence or failure to do what is stipulated in item (first) of this article, the Ministry may, after notifying him, take the necessary measures and procedures to remove the damage and return on the cause of all the costs incurred for this purpose in addition to the administrative expenses, taking into consideration the following criteria, the degree of dangerousness of all kinds of contaminated materials and the impact of pollution on the environment, both now and in the future.

Third: The liability of the causer shall be deemed to be the damages resulting from the violation of the provisions of items (I) and (II) of this article.

Fourth: The amount of compensation for damages resulting from the violation shall be deposited in the Fund until it is used for decontamination in accordance with the provisions of Article (29) of this Law [13, 14].

**Article - 33** - First - The Minister or his authorized to alert any facility or laboratory or any entity or source polluting the environment to remove the influential worker within (10) ten days from the date of notification of the warning and in the case of non-compliance, the Minister stop the work or temporary closure for a period not exceeding (30) Thirty days extendable until the violation is removed.

Second: Subject to the provisions stipulated in Clause (1) of this Article, the Minister or his delegate whose job is not less than the Director General shall impose a fine not less than (1000000) million dinars and not more than (10000000) ten million dinars repeated every month until the removal of the violation on each of Contravenes the provisions of this law and the regulations, instructions and statements issued pursuant thereto.

**Article - 34** - First - Without prejudice to any harsher penalty stipulated by the law, the violator of the provisions of this law and the regulations, instructions and data issued hereunder shall be punished by imprisonment for a period of not less than (3) three months or a fine of not less than (1000000) million dinars and not more than (20 million) twenty Million dinars or both.

Second: The penalty shall be doubled every time the offense is repeated.

**Article 35** The violator of the provisions of the second, third and fourth articles of Article 20 of this law shall be punished by imprisonment and shall be obliged to return hazardous or radioactive materials or wastes to their origin or to dispose of them in a safe manner with compensation.

## References

1. Environmental Law (Paris, London: Pedone & Hart Pub., 2011), 213-231.
2. Lincoln L (2000) Davies, Alternative Energy and the Energy-Environment Disconnect, 46 Idaho L Rev. 473, 475-76 (2010) Joseph P. Tomain, the Dominant

**Article - 36** - The existing establishments shall be granted before the coming into force of this law a period of three (3) years from the date of its entry into force to arrange their status in accordance with its provisions. The Minister may extend it for another year if necessary after noting the seriousness of the measures taken to implement this law [15].

**Article 37** The Law for the Protection and Improvement of the Environment No. (3) For the year 1997 shall be repealed and the regulations and instructions issued pursuant to this Law shall remain in force in a manner that does not contradict the provisions of this Law until the issuance of what supersedes or repeals them.

**Article 38:** Regulations may be issued to facilitate the implementation of the provisions of this law; the minister may issue internal instructions and regulations to facilitate the implementation of the provisions of this law.

## Conclusion and Recommendation

The local liability means a set of legal rules governing any act or fact attributable to a person of law resulting in In fact, in order to arrange liability; it must be based on any existence on which to establish liability. The theory of error, the theory of internationally wrongful reality and the theory of risk. For the purpose of preserving natural resources in order to achieve health and well-being, sustainable development and spreading environmental awareness and in line with the importance of international cooperation in the implementation of environmental and international principles and to reduce environmental pollution resulting from wrong practices, and with the aim of strengthening the role of executive bodies in the implementation of decisions and follow-up measures to protect and improve the environment , the State has enacted these laws to preserve the Iraqi environment and is obliged to implement it.

Model of United States Energy Policy, 61 U. Colo. L. Rev. 355: 391-92.

3. Davies, supra note 1, at 475; see also Tomain, supra note 1, at 391. R Davies, supra note 1, at 475-476. For a description of the environmental impacts of energy production

4. Colum J Env'tl L 1, 7 (2013) Mining, drilling, and other methods of energy production cause air pollution, water pollution, and hazardous wastes.  
The Senate Committee on Energy and Natural Resources oversees FERC; see Jurisdiction, 792-799 (2012) FERC regulates hydroelectric dam licensing and safety under Part I.
5. USC (2012) and oil pipeline transportation rates and services pursuant to the Interstate Commerce Act of 24 Stat. 379, codified 717-723, 49 U.S.C
6. FC (2013) transitioned from setting rates based on cost-of-service principles to a more laissez faire strategy of overseeing competitive markets. See infra section II.A, text accompanying notes 101-10. R.
7. History of Ferc, Ferc, <https://perma.cc/YDN6-ZCGF>
8. Natural Gas Act of 1938\_ 15 U.S.C. §§ 717-717z (2012).
9. The Hepburn Act of 206 brought pipelines under the jurisdiction of the Interstate Commerce Commission, authority that was transferred to FERC in 2006. Department of Energy Organization Act, Pub. L. No. 95-91, 306, 391 Stat. 581 (repealed 2016).
10. See 42 U.S.C. §§ 6921-6926 (2012) (establishing standards for the generation, transportation, and storage of hazardous waste).
11. Comprehensive Response Compensation and Liability Act ("CERCLA") 107, 124 (2007) establishing liability for costs associated with cleanup of hazardous waste to potentially responsible parties.
12. See generally TSCA, 15 U.S.C. 201-213 (2012) EPA Organization Chart, EPA, <https://perma.cc/5PTT-3K3X>.
13. Env'tl. Def. Fund v. Duke Energy Corp., 540 U.S. 561 (2007) Wis. Elec. Power Co. v. Reilly, 893 F.2d 901 (7th Cir. 1990); Ala. Power Co. v. Costle, 636 F.2d 323 (D.C. Cir. 1999);
14. Source Review Enforcement Litigation, 24 Nat. Resources & Env't 16 (2010) (Discussing history of New Source Review enforcement) 33-49.
15. Cornell L REV 765 (2008) (comparing restruc).