



## **RESPONSIBILITY OF THE INTERNATIONAL COALITION FOR DAMAGES TO THE ENVIRONMENT: AN IRAQI EXPERIENCE**

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### **AUTHORS' CONTRIBUTIONS**

This work was carried out in collaboration between all authors. All authors read and approved the final manuscript.

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### **ABSTRACT**

The event of the international coalition 2003 war has caused damages to many areas of the Iraqi environment. Thus, the Iraqi government had called for the UN to request for compensation for the serious damages which affected the lives and rights of the Iraqi people. The aim of this paper is to address the legal nature of the right to Iraq in the compensations claim for environmental damages caused by the international coalition war in 2003. The methodology is a doctrinal legal research i.e. library based research, focusing namely on primary and secondary data. The scope of the study is limited to the geographical boundaries of Iraq. This paper concludes that the international coalition war in 2003 has already affected the Iraqi environment due to military operations and the use of Depleted Uranium Metal. Thus, there is a need to resort to the UN machinery to claim the removal of the damages on the Iraqi environment.

**Keywords:** International law; United Nations; International coalition; Iraqi environment; compensations.

### **1. INTRODUCTION**

One of the most important objectives of the UN Charter is to make certain the international peace and security maintenance “as discussed by Glahn [1]”. In addition, the UN Charter does not overlook other objectives to be pursued in order to ensure the availability of the necessary atmosphere in the development of friendly relations among nations based on respect for the equal rights of peoples and to achieve international cooperation in international

issues in solving economic, social, cultural, and humanitarian character. The UN Charter also plays its role in ensuring the establishment of the international responsibility of any international person who involves in unlawful acts, the imposition of international rules on liability for wrongful acts to restore the internationally balance, through the performance of the compensation to the injured person as a result of doing the unlawful act, and can be achieved through a return in kind or payment of a sum of money in the event of the international person

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is unable to repeat or by providing suitable satisfaction before the unlawful act "as discussed by Razzaq [2]".

Moreover, it is important to note the exposure to the environment and human in Iraq, which are in the assault of radioactivity of uranium weapons, caused by the fierce attack by the international coalition of the 2003 war. Without doubt, the destruction of the environment through the use of hazardous waste in plants and its territory in the framework is unlawful, and indeed these weapons have caused radioactive contamination in the Iraqi environment "as discussed by Al-Azzawi [3]".

In addition, the Iraqi environment faces pollution in many facets of the air, water and soil, which were the most important legacy of the 2003 war, which if no action is taken, will lead to environment imbalance in the ecosystem in the short and long term [4].

From the above statement, it is clear that the strikes of the international coalition forces in the war in Iraq in 2003 have resulted in the far-reaching effects on the Iraqi environment in all its forms. This is due to the fact that under the international instruments and the UN Resolutions, the legal nature of the right to Iraq in the compensation claim for the responsibility of the coalition countries for the damages done to the Iraqi environment has been weakened.

The methodology of this paper is to adopt a doctrinal legal research, namely library-based research, focusing on primary and secondary data; the primary data includes documents, Constitution, law, as well as international instruments, while the secondary data depends on books, articles, legal diaries and Internet resources.

The aim of this paper is to address the legal nature of the right of Iraq in the compensation claim for environmental damages that took place during the international coalition war in 2003. This paper is composed of four sections excluding the introduction. The first section presents the concepts of the environment in Iraq. The second section focuses on the international responsibility of the international coalition for the Iraqi environmental damages in the 2003 war. The third section addresses the legal nature of the right of Iraq in the compensation claim, while Section four addresses the conclusion and puts forward some recommendations in order to confront the threat of damages to the environment in the context of Iraq. It is hoped that the contention of the authors and the recommendations proposed in this paper could be used as a source of information by the

academic community who are interested in the subject of environmental issues.

## 2. CONCEPT(S) OF ENVIRONMENT IN IRAQ

In entering into the study of environmental phenomena and the effect on the individual and the right to a clean environment and liability for damages as a result of prejudice that right by subtracting the pollutants, appropriate concepts including all components of the environment must be determined "as discussed elsewhere [5]". According to Khalid, the environment as: A representative of all physical factors (natural) and the chemical and vitality (biological) as well as social factors are capable of direct effect (or indirect) on living organisms and human activities, in the short or long term "as discussed by Al-Jabri [6]".

In the same context, at the Human Environment Conference held at Stockholm in 1972, the Member States came to an approval of the general principles to preserve the environment, which includes natural, social and cultural systems in which human lives and other organisms which derive their victuals perform their activities with the consent of the citizens, communities and institutions at all levels, yet, always take responsibility in preserving the global environment and improving for the benefit and prosperity of all human beings and for future generations [7]. This conference agreed to define environment as: Balance of physical and social resources available at the time and place to satisfy human needs [8].

Meanwhile, according to a British Encyclopedia, the environment is defined: As a term of biological sciences which indicate effects situated on that living organisms chemically or physically "as discussed by James [9]". Moreover, these factors affect the lives of organisms, evolution and different environment on the surface of the earth from one place to another, depending on the extent or magnitude of the human culture and the lack of it. Deriving from the aforementioned definitions, the authors find that human environment is the ocean in which they live and practice activities, different from one state to another state. The environment in the major industrialized countries may be found as complex as a result of their human activities. It has also been found that the Third World Countries have ignored the environment as a result of the weakness of environmental awareness and necessary understanding for maintenance and preservation of the environment for present and future generations [10].

Before reviewing the efforts of the Iraqi government to improve and protect the environment in Iraq, the authors have illustrated a brief description of Iraqi environment (natural resources, biodiversity and landscape) and population (distribution) before and after the 2003 war.

The Republic of Iraq is located in the south-west of Asia, within the Middle East Region, the north-eastern part of the Arab world, bordered by Turkey to the north, and Iran to the east, Syria, Jordan and Saudi Arabia to the west, and Kuwait to the south. In addition, it extends between latitudes' 5 29° and 22° 37 north, and between longitudes 45°38 and '45°48 east "as discussed by Ahmed and Heidar [11]". In this respect, Iraq has an area of 438.317 km<sup>2</sup>, with the water constituting 0.29% of the land area. Additionally, the mountainous region is located in the northern part and the eastern northern of Iraq, and the mountainous region occupies a quarter area of Iraq; i.e. nearly (92,000 km<sup>2</sup>) [12]. Furthermore, the natural resources in Iraq are oil, natural gas, water, phosphate, sulfur, iron and red mercury, as well as land suitable for farming which before 2003 was 33% of area of Iraq, while after the effects of Depleted Uranium Metal (DUM) in the 2003 war, dropped to 12% "as discussed by Anthony [13]".

Moreover, before the 2003 war the Iraqi population was 24,004,047 in 2002, during the 2003 war the population decreased to 23,685,179 because of the effects of war, but in 2004, it showed a little rise at 24,376,251 of Iraqi population. The latest record, in July 2014, the total population was shown at 32,585,692, with the Iraqi distribution in all areas are Arab 75%-80%, Kurdish 15%-20%, Turkoman, Assyrian, and the other 5% "as discussed elsewhere [14].

After describing the natural resources, the Iraqi Legislative Authority should call on to legal legislation known as the Iraqi Protection and Improvement of the Environment Law No. 27 of 2009. As stated in Article 1, the aim of this legislation is: Protecting and improving the environment through the removal and treatment of the place the damage is located and preserving public health, natural resources and biodiversity, cultural and natural heritage in cooperation with the concerned parties in order to ensure sustainable development and achieve international and regional cooperation in this area [15]. In addition, the Iraqi Protection and Improvement of the Environment Law No. 27 of 2009 defines the environment in Article 2 (5) As: The ocean all the elements in which they live organisms and the effects of the economic, social and cultural the human activities. As far as in Article 2 (6) Is

concerned, it addresses the elements of the Iraqi environment comprising water, air, soil and living organisms [16].

In summary, the authors have addressed the concept of the environment as: the ocean which includes all the components, by the human live and other living creatures to carry out their daily activities in the form of natural without any prejudice to its environment and to damage it, because the human is influenced by the environment its effects on them, so all humans must be responsible enough by not hurting the environment "as discussed elsewhere [17]".

### **3. THE INTERNATIONAL RESPONSIBILITY OF THE INTERNATIONAL COALITION FOR THE IRAQI ENVIRONMENTAL DAMAGES IN THE 2003 WAR**

At the beginning, before addressing the international responsibility for the international coalition in Iraq 2003, the authors are going to discuss the environmental damages especially in Iraq.

#### **3.1 Environmental Damages in Iraq**

The damage in public international law is defined as: violation of the right or the stakeholder of a person of international law "as discussed by Ghanem [18]." This right or stakeholder is internationally recognized under the rules of international law, or it may be a subsequent loss of a person of international law as a result the unlawful action "as discussed by Khalil [19]".

While, the damage idiomatically refers to: damage which affects the international persons i.e. States, because of violation of the right or stake legitimate without the requirement of this right in really financially right such as the right to property, but only the violation of the right protected by international law, such as the right to life of the individual and the safety of body and freedom "as discussed elsewhere [20]".

Furthermore, it is indeed necessary to preserve the natural environment system by respecting all international environmental conventions relating to the conservation of the ecosystem, as well as to prevent and reduce the causes of airspace, water and ground pollution "as discussed by Khalil [21]". The search for international obligations to the international coalition in the 2003 war has established with contrast the responsibility of the coalition forces that violated these obligations or violated the environmental

conventions. In the case of the affected party, Iraq has been proven to be affected by that environmental damage to the biosphere inside its international borders, and obviously the international coalition was responsible for the damage and thus it is their duty to perform appropriate compensation [22].

In the same context, the laboratory testing conducted after the 2003 war by professors and experts in Iraqis proved the existence of radioactive contamination "as discussed by Al-Azzawi [23]". This is represented by the usage of DUM, a new generation of radiological weapons which were used for the second time after the Gulf War in Iraq in 1991 in the modern history by the international coalition forces in the 2003 war against civilian and military installations and residential areas in Iraq "as discussed elsewhere [24]". Hence, according to the United Nations Environment Program (UNEP) in 2004 to alert the international community about the destruction of the marshes in Iraq, when the program to publish satellite images shows the loss of 90% of the marshes area, because of the 2003 war. The experts pointed out that the marshes may disappear completely from Iraq within 3 to 5 years, unless urgent measures are taken in this regard "as discussed by Ahmed and Heidar [25]".

In this respect, life expectancy in Iraq declined after the 2003 war. According to the World Bank, in 1990, Iraqis lived an average of 65 years. That went up to 71 years in 1996, but that decreased to 67 years after the coalition's war in 2004, because of the disrupted environment and damages. By 2011, it went down to 66 years. When compared to the rest of North Africa and the Middle East however, Iraq could still not escape the basement, with only Yemen, 63 years "as discussed elsewhere [26]".

Moreover, the International Law Commission perceived environmental damage as an international crime, and that this is an expansion of the concept of responsibility of the state, as expressed as a serious violation of an international obligation in a fundamental importance for the protection of the human environment, such as obligations under the principles International Law Commission on the preservation of atmospheric or the sea from pollution during the peace or war time "as discussed by Abdel-Rahman [27]". In addition, the first Protocol of Geneva Convention of 1949 indicated that it was private to protect civilians during armed conflicts aimed at protecting civilians and property of private, public and the natural environment. Hence, that obliged the convention to their members to work during the war to protect the natural environment from the spread of the extensive and permanent damages, banned the use of ways or means in the war for the purposes of environmental destruction, such as

what had already happened in the 2003 war in Iraq by the international coalition forces "as discussed elsewhere [28]".

As agreed, the authors address the verification of the international responsibility of the international coalition forces in the 2003 war on Iraq. Its result highlighted the breach to the international obligations concerning the maintenance of international peace and security during the war, and thus, there should be the consequences of this breach damage to the Iraqi environmental, and this damage is one of the elements of the international responsibility, cannot be of the damage to be compensable unless upon verification of specific conditions, namely that the environment damage is achieving, directly and not compensated for previously [29], hence, these three conditions should be clarified when dealing with international responsibility.

### **3.2 International Responsibility from the International Coalition in the 2003 War for the Iraqi Environmental**

Before turning to address the international responsibility, the authors explain the reasons for the creation of military operations on Iraq by the international coalition in 2003, through the Security Council resolutions that called for intervention by the international coalition in Iraq, as there are nuclear reactors and chemical projectiles in Iraq; and for this reason push them to launch the war. Regardless the legality or illegality of the Security Council resolutions, this does not prevent them from the responsibility for supporting the use of nuclear weapons to strike military and civilian areas in Iraq. It is noted at the end of the 2003 war, the UN commissions came for the disclosure and launched the search for nuclear reactors that prompted the Security Council to the issuance of a decision the war, but until today there are no such reactors found in Iraq "as discussed by Abbas [30]".

According to Suleiman, some international environmental conventions registered officially adopted by the United Nations Environment and Development (UNED) including the increase of production and the advancement of science and technology day after day. Because of human ability to improve the environment, it is observed that this increase in production, without specifying what would be produced was good for the environment or would work to distort it, the used of nuclear reactors and depleted uranium in military maneuvers and operations in order to develop chemical and biological projectiles, had consequently led to the destruction of the environment, as happened in Iraq "as discussed by Essa [31]".

On the other hand, Abbas said the Stockholm Convention on Human Environment had included 26 principles that showed the international responsibility in the case of dumping of toxic materials, without putting limitations of these materials that negatively affect the environment, was confirmed by the principle 26 of this convention on the need for the international coalition to compensate the Iraqi people and the environment from the harmful effects resulting from the use of nuclear weapons in the 2003 war [32]. In addition, Basel Convention included the control in the transfer of hazardous wastes and their disposal. These wastes consist of 47 categories, and a list of dangerous properties that have the ability to impact the environment and turn it into a place unlivable "as discussed by Essa [33]".

In the same context, the embargo brought by the international conventions, as is evident in the Rio Declaration as: The war is in their nature destroys development, hence, states must therefore respect international law, which provides protection for the environment in times of armed conflict "as discussed elsewhere [34]". This case refers to the use of military weapons, prevent the use of DUM in military operations against any country, as well as does not include this prohibition for the production of energy peaceful uses on the condition approved by the decision of the International Court of Arbitration (ICA) of the special issue in the smelter (TRAIL) 1941, which indicated that the state has to bear international responsibility for potential environmental damages to the territory of other countries are not under control "as discussed by Brownlie [35]".

However, the use of DUM by the international coalition in the 2003 war is obviously a clear violation of international treaties, including the first of the Hague Conventions of 1899 and the second in 1907 and the principles of the Nuremberg Charter of 1945, as well as the text of Article (55/paragraph 2 and 3) of the first additional Protocol to the Geneva Convention of 1977 "as discussed elsewhere [36]". Thus, the coalition forces have international responsibility in reforming this damage through the case back to what it was in the Iraqi environment or pay compensation for environmental damages.

Meanwhile, Mirza addressed repeatedly that the international coalition forces held internationally liable as a result of their use of DUM in Iraq, and this is a violation of the right to dignified the life of peoples, as stated in the last report submitted by the Iraqi government in November (2012) during the General Assembly of the UN, which explained that the use of DUM had led to disastrous damage to the

environment in Iraq as it was caused by radiological weapon. Besides, the international coalition forces had used uranium metal projectiles that spread infection to Iraqi civilians who were far from the battlefield, that this aggression was a violation of international conventions and resolutions to be used in nuclear weapons "as discussed elsewhere [37]".

According to the authors, the Security Council should publish the resolutions unless it is in contrary to what is mentioned in the preamble of the UN Charter: "We are peoples of the UN have us at ourselves to save succeeding generations from the ravages wars, which in one generation has brought to humanity twice untold sorrow", "as discussed elsewhere [38]". Also, the UN Charter should confirm its faith in fundamental human rights and dignity.

Additionally, during the war in 2003, the international coalition forces had deliberately destroyed the Iraqi environment by using the internationally prohibited weapons that brought destruction to civilian infrastructure unrelated to military action, and had also deliberately caused direct damage to Iraqi human environment and besides the impacts on public health "as discussed by Al-Shara [39]". According to a report by the Iraqi ministry of health infant mortality rates were a major issue in Iraq after the 2003 war when the country was under the effect DUM. Previous to that, Iraq's healthcare sector was improving, and more babies were surviving birth. In the 1995, there were 80 deaths per 1,000 live births. By 2000, that had dropped to 50 per 1,000 births and in 2004, Iraq had been showing the signs of environmental damages with 133 deaths per 1,000 births "as discussed elsewhere [40]". Even then, that was the third worst rate in the Arab region, because of the degree of risk to infant: Intermediate food or waterborne diseases: bacterial diarrhea, hepatitis A, and typhoid fever [41].

Thus, obviously the international coalition forces in Iraq should bear the international responsibility as a result of their military actions, considering what it has done is a clear violation of the principles of human rights, including the text of Article 3 of the Universal Declaration of Human Rights (UDHR) 1948, as: everyone has the right to life, liberty and security as all person "as discussed elsewhere [42]".

According to Mohammed Salman and et al., also in Article 5 (1) Of the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966: is not the right of any state, group or person any activity or acting is aimed at the destruction of any of the rights and freedoms recognized in the present Covenant or the imposition of restrictions on them [43]. Thus, that the size of the damage done to the

Iraqi people as a result of the 2003 war does not fit in terms of military power between the two parties. Consequently, the authors addressed that Article 5 of the UDHR, stipulates that: any person not shall be to torture or to sanctions or harsh transactions, inhuman or degrading treatment, "as discussed by Al-Shara [44]". and forms of torture internationally prohibited is the imposition of a state or circumstance tough on the people of a state, as in Iraq lead to partially or totally his destruction, for example, was carried out by the international coalition forces in the 2003 war on Iraq, polluting the air, soil and radioactive the chemical that have a direct threat to human health and materials. And therefore, Iraq has all the rights to claim for compensations for environmental damages as a result of the 2003 war "as discussed by Abbas [45]".

#### 4. THE LEGAL NATURE OF THE RIGHT TO IRAQ IN THE COMPENSATIONS CLAIM

The human right to the environment is the right to use it, exploit and invest its wealth, so the extent of the risk of contamination through the air transferring for areas unspecified covers all the elements of the environment, leading to the depletion of environmental resources, especially soil by exposing them to radioactive and hazardous materials "as discussed by Abu El Wafa [46]". The elements of the environment as explained previously (ground, sea and air), are not subject to the ownership of a particular person, yet it is owned by all of humanity and become damaged as a result of a wrongful act, which is a state that suffered damage to its environment. This state (Iraq) has the right to receive the compensation as long as the wrongful act of coalition forces resulted in damage or prejudice to the environment "as discussed by Khalil [47]". This right should be subject to protection under then international law, and this comes from Article 25 (1) UDHR which states that person has the right to standard of living and adequate health maintenance "as discussed elsewhere [48]".

On a similar note, Sarmad was analytical at highlighting that the armed conflict is not without risk to the disputing parties environment, especially at a time where major countries used the fiercest types of weapons that are harmful to man and the environment. The international coalition forces, had in the 2003 war, used projectiles and weapons made of DUM - a violation of the laws and customs of war and armed conflicts during the 2003 war, thence, this gives Iraq a legal right to compensate claims for environmental damage and natural resources resulting from the use of Weapons of Mass Destruction (WMD) [49]. He also added that the international law

condemns the use of the international coalition forces explosive fuel-air (82-BLU), a weapon weighed 1500 kg that is capable of causing explosions of nuclear scope to burn everything within an area of more than 100 yards "as discussed elsewhere [50]". The General Assembly resolution condemned the use of DUM (a weapon of radioactive material). In fact-and as noted earlier-the international coalition forces have this projectiles used extensively in the Iraqi 2003 war "as discussed elsewhere [51]".

Additionally, the statute of the International Criminal Court (ICC) also considers environmental pollution during armed conflict as an international crime "as discussed elsewhere [52]". This is also confirmed by the International Law Commission project in the draft international responsibility for internationally unlawful acts Act (m40/1) "as discussed by Abdel-Rahman [53]". Moreover, the Commission presented in paragraph (3/Article 19) situated in the concept of international crime designated that a serious violation of international obligations has significant importance to the protection the human environment and preserve it, such as the prohibition of commitment to serious environmental pollution i.e. air or sea [54].

According to the Documentation Centre (Aka) in Amsterdam in June 2004, in a paper published on the depleted uranium ammunition that had been successful in the Iraq war experiences, and that the international coalition forces equipped with depleted uranium as the cheapest way to dispose of nuclear waste. Again, it emphasizes the growing evidence of the increasing prevalence of radiation-related diseases among the populations in Iraq "as discussed by Miesonah, et al. [55]". According to the British Atomic Energy Authority (BAEA) British Ministry of Defense has been warned that children would be affected by a rapid effect of radiation if depleted uranium ammunition are used in the war in 2003 [56].

Furthermore, according to the rules of international law, including the general international conventions, international custom, and general principles of law that is recognized by civilized nations, Iraq has its full right to submit claims to the countries that deliberately violate these international rules, because the coalition forces in the 2003 war did not abide by the rules (international disputes) and admittedly used the developed nuclear weapons and uranium weapons which are known to have the potential to genocide the Iraqi people, and the usage of these weapons are evidently international crime if refers to the rules of international law "as discussed by Al-Rawi [57]".

The authors address the legal nature of the right to Iraq to make a request is undeniably essential because

of the exceeded the international coalition to take the necessary measures to counter the Iraqi military. Therefore, the international responsibility that is determined on the international coalition, according to the law armed conflict, could be adopted by reference to the knowledge of methods of warfare used by those forces that there were environmental damages to Iraq during the 2003 war [58]. This explicit reference is submitted to the need for commitment to respect the rights of the Warring States, and then from the rights conferred was the right to Iraqi government to claim compensation for serious damages to the Iraqi environment, because of the illegality of the methods used by the international coalition forces and the extent of damage caused in Iraqi environment, this is incompatible with the laws of war and international humanitarian law to protect civilian areas "as discussed by Abbas [59]".

According to Jaber in return to the Hague Regulations especially to the laws and customs land of war attached on the Hague Convention of 1907, the binding legal rule, Article 23 of the Regulation has confirmed: to declare the prevention to the rights and actions of the nationals of the hostile party abolish, suspended or inadmissible in the courts, because it is one of the serious violations of the laws and customs in international armed conflicts within the established framework of international law "as discussed elsewhere [60]". Whilst the Security Council does not have the authority to prevent Iraq from submitting claim for compensation for environmental damages, the Security Council is one of the UN Devices that does not have the any authority limits set by the Charter and these rules is to respect the purposes and principles of the UN, also in Article 2 paragraph (1) has stipulated that: the Security Council is based on the principle of the sovereign equality of all its Members, and give them the right to resolve their disputes by peaceful means in order not makes international peace and security at the risk "as discussed by Al-Adhami [61]".

Finally, the authors consider the international coalition as the arbitrary use in the Security Council resolutions, which confirms that the international responsibility of compensation for all environmental damages in Iraq is as a result of abuse in the implementation of Security Council resolutions by the international coalition.

## 5. CONCLUSION

In view of the foregoing discussions, the authors, at the beginning of the article had put forward their concept about the environment and environmental pollution which may in fact result from an

international wrongful act. It will be the authors in this field to easily identify the damage done and determine the type of damage and to reach the general conditions necessarily available to consider this issues as internationally wrongful, thus lead to identify direct damage (executable to compensation according to the rules of international law), and indirect damage (the act committed by the state does not immediately lead to the creation of the result a damage claim by one of the States because this act did not produce an impact directly and quickly in the environment, but will happen in the future and this is expressed in the potential damage which cannot be compensated about it). Overall, the direct and immediate environmental damage have compensation executable, according to the UN Security Council, if it is to occur that it is linked to a causal relationship.

In addition, it is equally important to point out the international responsibility on the international coalition when refers to the 2003 war on Iraq, as illustrated in the explanation of the mechanism and method of work of the UN Compensation Commission with regard to environmental claims at the international level and the statement of the content of these claims which shows the extent of violation of the rules of international law, and can be seen in the resolutions of the Council of the Special Committee Management differentiating these claims and showing through the provision of Iraq to defend this claims.

Furthermore, as addressed by the authors on the natural right of Iraq to submit claims to the UN, including claims for compensation for environmental damages as a result of pollution, the use of rockets and shells containing DUM by the international coalition forces in 2003, as well as on all health authorities responsible for the environment in Iraq to claim compensation for damages to the environment during the Iraq war in 2003. Also, the right to Iraq based on the fact that the coalition countries had violated international conventions relating to the war, which opposed the use of materials or weapons by the warring parties, which would lead directly to the pollution and the eradication of the environment in the near future.

To sum up, in order for Iraq to confront the threat of damages to the environment caused by the international coalition force in the 2003 war, the authors have put forward the main recommendations; that is to have the international court judicial authority specialized in this particular issue. The objective of the referral is as a body that is responsible to handle the compensation claiming for the environmental damage caused by the international coalition forces that used DUM in its war against Iraq in 2003. This

body will also be responsible in ensuring the rights of Iraq so as to achieve the greatest measure of justice, as stated in the International Court of Justice (ICJ) to consider the Iraqi request. In the same context, among the paper recommendations are based on the text of Article 13 of the Iraqi Protection and Improvement of the Environment Law No. 27 of 2009, where the authors emphasized on the responsibility of the Iraqi to work in coordination with the Ministry of Environment in Iraq in creating and developing environmental science institutes to train staff to specialized in environmental work as well as to promote environmental awareness programs in various media to enhance their awareness to serve the protection of the environment from pollution.

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## COMPETING INTERESTS

Authors have declared that no competing interests exist.

## REFERENCES

1. Glahn GV. The law of nations. Beirut: New Horizons Dar Press. 2005;248.
2. Muthanna Abdul Razzaq. The aggression and siege: Environmental and health damage, (Iraq: Baghdad University Press. 2011;68-70.
3. Al-Azzawi SN, et al. Environment pollution resulting from use of depleted uranium projectiles in the war against on Iraq 2003. Journal of International Law at University of Baghdad. 2010;10:22-24.
4. Muthanna Abdul Razzaq. The aggression and siege. 2, 71.
5. Hammad AAK, Dandash N. The current environment and its problems in the Islamic perspective. Available: [www.islamicfeqh.org/almenhaj/ALMEN13/footnt01.htm#link399](http://www.islamicfeqh.org/almenhaj/ALMEN13/footnt01.htm#link399)
6. Al-Jabri K. Family socialization on the environment: Social factors and effects of environmental pollution. Journal Bayt Al Hikma in Baghdad. 2011;22:42.
7. Hammad AAK, Dandash N. The Current Environment, n 5, 7.
8. Hammad AAK, Dandash N, Ibid, p8.
9. James D. Public environmental education. Arab League Educational, Cultural and Scientific Organization. 2006; 6:32.
10. James D, Ibid, p33.
11. Ahmad Khalil Al-Huseini, Heidar Jawad Kadhoom. Evaluation of economic and social development strategic for reconstruction in Iraq. Iraqi Ahl Al-Bayt Journal. 2008;5:46-66.
12. Ahmad Khalil Al-Huseini, Heidar Jawad Kadhoom, Ibid, p48.
13. Anthony Cordesman. The real results of the war on Iraq: The strategic competition between the United States and Iran. Report by the Center for Strategic and International Studies, the American CSIS, No. 3, 2009, Translation by Dar Babylon for Studies and Media in Iraq; 2012.
14. Anthony Cordesman, Ibid, p33.
15. Article 1 in the Iraqi Protection and Improvement of the Environment Law No. 27 of 2009. Available: <http://wiki.doraraliraq.net/iraqilaws/?p=21148> (Accessed April 3, 2015).
16. Article 1 in the Iraqi Protection and Improvement of the Environment Law No. 27 of 2009, Ibid, Article 2.
17. Sarmad A. Abbas. Compensation environmental damages and its applications in Iraq, PhD diss., College of Law, Babylon University, Iraq; 2003.
18. Ghanem MH. International responsibility. Institute of Arab Studies in Cairo Journal. 2002;11:125.
19. Khalil KAH. Compensation in international law and its application to Iraq (Baghdad: Bayt Al Hikma Press. 2010;37.
20. Alznou HA. Simplified in civic responsibility. Baghdad: Excellence Company Press. 2011; 158.
21. Khalil KAH. Compensation in International Law, n 19, 10.
22. Khalil KAH, Ibid, 10-11pp.
23. Al-Azzawi SN, et al. Environmental pollution caused. n 3, 22-24.
24. Jamil SK. Effects of the use of depleted uranium metal on humans and the environment in Iraq. Conference at the Ministry of Higher Education and Scientific Research in Iraq. 2005; 2. (Baghdad, 2005).
25. Ahmad Khalil Al-Huseini, Heidar Jawad Kadhoom. Evaluation of economic and social development, n 11, 50.
26. Jacey Fortin. Ten years in Baghdad: How Iraq has changed since Saddam. International



- Business Times, (March 19 2013). Available:<http://www.ibtimes.com/ten-years-baghdad-how-iraq-has-changed-saddam-1138161> (March 13 2015)
27. Abdel-Rahman S. The international legal system for the protection of the environment. PhD diss., College of Law, University of Baghdad, Iraq; 2007.
28. Sarmad A. Abbas. Compensation environmental damages, n 17, 139.
29. Brownlie I. System of the law of nations: State responsibility. Oxford: Clarendon Press.1983; 224.
30. Sarmad A. Abbas. Compensation environmental damages, n 17, 6.
31. Essa IS. Pollute the Environment the most important contemporary issues: Problem and solution. Baghdad: Dar Al-Hadith book Press. 2010;13.
32. Sarmad A. Abbas. Compensation environmental damages, n 17, 7.
33. Essa IS. Pollute the environment, n 25, 15.
34. Sarmad A. Abbas. Compensation environmental damages, n 17, 8.
35. Brownlie I. System of the law of nations, n 29, 25.
36. Have used international coalition in the aggression on Iraq, 10,000 projectiles used by kinds of weapons, and this is backed by many of the studies and reports published in this regard, including what came in the newspaper (The Christian Science Monitor) in its issue dated 29 April 2004, as noted that aircraft international coalition launched in 2003 on Iraq (78,000) DUM, as well as the report published in the American of Greenpeace group and the Arca Netherlands Institution, that was used (700000-800000) of depleted uranium in Iraq and this quantity is sufficient to kill more than (500000) Iraqi people. From: Sarmad A. Abbas, Compensation environmental damages, n 17, 101.
37. Sorour Mira Mahmood, et al. International conventions and the position of the use of depleted uranium aggression on Iraq. Iraqi Atomic Energy Organization. 2006;6.
38. Mahmood MS, Masum A. A quest for defining terrorism in international law: The emerging consensus. Journal of International Studies (JIS) in Malaysia. 2014;10:77-93.
39. Al-Shara A. Depleted uranium between health pollution and political pollution. Journal Conquest in Mosul General Hospital in Mosul. 2008; 1:78.
40. The Report of Iraqi Health Ministry. From: Gamel, Kim, "Impact: Secret Iraqis Dead". Boston Herald press; 2009.
41. Gamel, Kim, Ibid. p3.
42. Mohammed Salman Mahmood, Ahmad Masum, Zainal Amen Ayub. The impact of international terrorism on the right to life in Iraq after 2003. The UUM International conference on governance 2014-Global governance: Contemporary issues and prospects, 29-30 November 2014, Penang; 2014.
43. Mohammed Salman Mahmood, Ahmad Masum, Zainal Amen Ayub. Ibid, p737.
44. Al-Shara A. Depleted uranium between health, n 39, 79.
45. Sarmad A. Abbas. Compensation environmental damages, n 17, 102.
46. Abu El Wafa A. Reflections on the international protection of the environment from pollution: Referring to some Recent Developments. The Egyptian Journal of International Law. 2013;49:48-50.
47. Khalil KAH. Compensation in international law, n 19, 65.
48. Abu El Wafa A. Reflections on the international protection, n 46, 49.
49. Sarmad A. Abbas. Compensation environmental damages, n 17, 114.
50. United Nations General assembly resolution. 1977;(32/84).
51. International coalition forces have used at least 40 tons of depleted uranium in the 2003 war, according to a secret report by the British Atomic Energy Authority (BAEA). The report points to the existence of enough Depleted Uranium to cause death to the possibility that 500,000 Iraqi people. After the war 2003, Iraqi and foreign doctors noticed a rapid increase in the number of children with cancer, especially leukemia. From: Ibid, p118.
52. Statute of the International Criminal Court, adopted in Rome on 17/July/1998, the document (PCNICC/1999/inf/3), 9. Available:<http://legal.un.org/icc/prepcomm/nov/docs/docs3rd.htm>. (April 6 2015).
53. Abdel-Rahman S. The International Legal System, n 27, 138.
54. Abdel-Rahman S Ibid, p139.
55. Miesonah M, et al. Depleted uranium: Invisible war. Baghdad: House of Wisdom (1<sup>th</sup>ed) Press. 2012; 50-51.
56. Miesonah M, et al, Ibid, p52.
57. Jaber I. Al-Rawi. International disputes. Iraq: University of Baghdad Press. 2007; 127.
58. Jaber I. Al-Rawi, Ibid, p122.
59. Sarmad A. Abbas. Compensation environmental damages, n 17, 123.

60. Jaber I. Al-Rawi. International disputes, n 57, 122. First Seminar of the Center for International Law Studies in Iraq. 2011; 10-11.
61. Al-Adhami RI. The issue of Security Council rejected the Iraqi claims for compensation.

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