

# Chapter 4

## Legal Reflections on Compensation for Environmental Damage in UAE Law (Analytical Study): Green Future Prospects and Challenges

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### **ABSTRACT**

*There is no doubt that the issue of environmental balance and protecting the environment from the violations and attacks it is exposed to is one of the issues that has become a concern for legislators and decision-makers at the national and international levels, whether this is related to the civil, penal, or administrative fields. Through this study, the focus will be on the adequacy of the rules of civil liability in confronting various environmental damages, repairing the impact on elements of nature, and the means of compensating injured parties. The principle of compensation for environmental damage is based on eliminating the environmental damage caused to others and property, and if its occurrence is proved, the right to compensation for it will be established. The goal of compensation in the field of environmental damage is not only to seek redress through compensation, but to ultimately reduce the violations to which the environment is exposed.*

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## INTRODUCTION

Environmental protection, as a sustainable development goal, has received significant attention from the international community. Sustainable development cannot be achieved in isolation from the environment, prompting UAE federal legislators to issue Federal Law No. (24) of 1999 concerning the Protection and Development of the Environment, amended by Federal Law No. (11) of 2006, along with its implementing regulations. These legislative measures aim to safeguard the environment from various types of pollution hazards. This study examines the adequacy of these provisions and regulations in addressing the specific nature of environmental damage and issues related to compensation. It questions whether the general rules in the UAE Civil Transactions Law are sufficient to estimate the value of compensation for damage resulting from environmental pollution, given that the Environment Protection Law focuses primarily on preventive and remedial measures rather than compensation for environmental damages. Thus, the study investigates whether environmental legislation (Dahiyat, 2019) provides sufficient civil protection for environmental damage or if the general rules alone are insufficient for this purpose.

The importance of this study lies in identifying and understanding the basis of civil liability (Eldakak et al., 2024) for pollution damage and whether this liability is founded on error or the damage caused. Due to the specificity and novelty of the technical issues raised, it is necessary to clarify the meaning of environmental pollution and the nature of damages for which civil liability is established. Additionally, the study highlights the importance of achieving a balance between economic development and environmental protection, enhancing the role of UAE law in shaping a green and sustainable future. To address the research problem and achieve the study's objectives, the researcher will follow an analytical approach encompassing several key areas: the concept of the environment and environmental damage, types of environmental damage, conditions for environmental damage, the legal nature of environmental law and compensation provisions, methods of assessing compensation for environmental damages, and identifying who is responsible for such compensation. This comprehensive analysis aims to provide insights into the effectiveness of UAE's environmental legislation in offering civil protection against environmental damage.

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