INTERNATIONAL CRIMINAL RESPONSIBILITY OF THE STATE AND TRANSNATIONAL ORGANIZATIONS FOR ENVIRONMENTAL CRIMES

مسؤولية الدولة والمنظمات عبر الوطنية عن الجرائم البيئية

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Abstract:

Environmental crimes are considered the most of time as a serious crimes against the international community in all its components and most frequently in cases of war and peace. In view of this seriousness, the international community seeks to adopt principles and legal rules that oblige the people of the international community to respect and not to violate them under sanctions that differ according to the offense committed. Since states are primarily responsible for any act that violates international norms, their liability for civil environmental crimes is no longer an obstacle to the application of the law, which raises the question of the international criminal responsibility of States and transnational organizations with the provisions of contemporary international law, Through the activation of international mechanisms and organs of the United Nations in the exercise of its functions.

key words: *International criminal responsibility- State responsibility-Transnational organizations- Environmental crimes- International criminal law.*

الملخص:

تعتبر الجرائم البيئية من أكثر الجرائم خطورة على المجتمع الدولي بكل مكوناته وأكثرها تكرار في حالتي الحرب والسلم، وبالنظر إلى هذه الخطورة تسعى المجموعة الدولية إلى إقرار مبادئ وقواعد قانونية تلزم أشخاص المجتمع الدولي باحترامها وعدم انتهاكها تحت طائلة جزاءات تختلف باختلاف الجرم المرتكب، ولما كانت الدول هي المسئول الأول عن أي فعل يشكل انتهاكا للقواعد الدولية فان مسائلتها عن الجرائم البيئية مدنيا لم تعد تشكل عائقا أمام تطبيق القانون، غير أن المسائلة الجنائية لا تزال تشكل موضوعا للجدل وهو ما يثير مسألة المسؤولية الجنائية الدولية للدول والمنظمات عبر الوطنية على ضوء أحكام القانون الدولي المعاصر، من خلال تفعيل الآليات الدولية والأجهزة التابعة للأمم المتحد في ممارسة مهامها.

الكلمات المفتاحية: **المسؤولية الجنائية الدولية- مسؤوليةالدولة- المنظمات عبرالوطنية- الجرائم البيئية – القانون الجنائي الدولي.**

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INTRODUCTION:

Modern states have adopted the principles of accounting for the causes of wars and violators of all values, norms and international laws to punish the perpetrators of violations registered on humanity and its laws in force. In addition to the state, the individual is held criminally liable to international law and justice in the context of developments in the international liability system , And developed the idea of international criminal responsibility, from the natural responsibility of the individual responsible for his actions contrary to the provisions and rules of international law, the criminal responsibility of the person of the State, has varied trends on the issue of international criminal responsibility persons of international criminal responsibility and emerged three trends:

First trend : According to the supporters of this trend, which consider only the State is responsible for international crimes, considering the traditional concept of international law, which is the only person of international law, the doctrine adopted by the defense in the Nuremberg trials, while In some of its defenses, was based on the State's responsibility for the crimes committed[1]

Second trend: this trend rejected his supporters to assign the criminal responsibility of the state and went on to say that international crimes are committed only by a natural person and therefore the only place of criminal accountability, since international treaties devoted the individual's responsibility before international criminal law.[2]

The third trend : The proponents of this trend came in a consensus opinion by adopting the idea of the dual responsibility of both the state and the individual because the state and the individuals acting on its behalf bear criminal responsibility for violations of international law and individual responsibility under international law arise as a result of committing the physical act of the crime or incitement to Committed by persons under his authority.[3]

In the midst of the jurisprudential debate and the divergence of views on the persons of general criminal responsibility in general and those relating to environmental crimes in particular because of the damage they pose to the environment in which they live and threaten international peace and security, regardless of the international criminal follow- What is common in international criminal law is the question of the extent to which State and transnational organizations are criminally responsible for environmental crimes? It is the problem that this paper will address by dividing it into two requirements

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[1] *- Islam Dasouki Abdel NabiDesouki, The General Theory of International Responsibility Without Mistake - Objectivity International Responsibility - First Edition, Center for Arab Studies for Publishing and Distribution, Egypt, 2016, p. 27. (private translate)*

[2] *- Ibid ,p28.*

[3] *- Ibid ,p27.*

first, we address the State's criminal liability for environmental crimes. Therefore, we address the international criminal liability of transnational organizations and multinational companies in a second demand according to an analytical descriptive approach based on the analysis of international legal texts and the characterization of certain precedents and relevant judicial rulings.:

section 1: State responsibility for international environmental crimes.

section 2: the responsibility of international organizations and multinational companies.

So that we can clarify the ambiguity of this issue in terms of the lack of distinction between criminal responsibility and civil responsibility in international law as a result of some saying the absence of authority to defend public interests[1] and to indicate the position of the trend of the jurisprudence that international responsibility is civil and criminal responsibility The developments in the international arena have been characterized by the presence of the central authority sought by the United Nations, which is directly mandated by international law and the implementation of international collective security measures, which allows it to apply the penalty to the violating State in case of an international crime[2], The International Criminal Court and its role in initiating and proceedings without forgetting the special courts and the great impact that their provisions have left on international criminal law.

SECTION I : STATE RESPONSIBILITY FOR INTERNATIONAL ENVIRONMENTAL CRIMES

In light of the great controversy raised by the subject of the criminal responsibility of the state and the divergence of jurisprudential opinions about it and the vagueness of the provisions of international conventions in terms of proving the responsibility of the state as a person of international law or not, and on the basis of developments known by the international community violations of norms and principles of international law and justice, In view of the nature of the recorded damage which has been recorded in the evolution of international activities, whether legitimate or internationally wrongful, dealing with the responsibility of a criminal State requires clarification of some of the ambiguity that is still in question, which requires dividing this requirement into two sub sections.

Despite the call by the supporters of the traditional school of criminal law, headed by the scholars "**TRAININ**" and "**POLANSKI**" to the difficulty of

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[1] *- Islam Dasouki Abdel NabiDesouki, op cited, p28*

[2] *- Abdul Hadi Al-Ashri, The Environment and National Security in the Arab Gulf States A Study on the Role of International Law in the Protection of the Arab Gulf during Armed Conflicts, Dar al-Nahda al-Arabiya, First Edition, Egypt, 1997, p 108(private translate)*

saying the responsibility of the State criminal, because the recognition of the criminal international responsibility of the state entails the imposition of criminal sanctions by a certain authority, and therefore the principle of sovereignty leads to the refusal of States to sign Any penalty imposed by any authority that has justified their position by saying that the sovereign state is superior to other persons of international law[1].

On the other hand advocating the theory of state responsibility for criminality does not contradict the sovereignty of the State at all with the state being held criminally accountable when committed an act in violation of the principles of international law has adopted this theory, the jurist "Plavski" the sovereignty of the state in the view of this opinion means independence of its actions, Freedom to commit crimes and violations of privacy[2].

Based on the above, the illegal acts of the state that harm the regime and the general welfare of the international community are considered international crimes, and the environmental damage resulting from wars and armed conflicts or the various activities carried out on the territory of the State or by persons Subject to its authority and sovereignty, it means that the State is asking for any violation or violation of the rules of international law caused by the representative of or active in its favor and in its name as well as who carries out this activity on its territory.

Legal and jurisprudential studies have not unanimously agreed on the extent of State responsibility, despite the recognition of the development of international responsibility in general and its attribution to the State. Legal visions have shared a set of theories, We stop at the most prominent.

A) JURISPRUDENCE TRENDS IN INTERNATIONAL CRIMINAL RESPONSIBILITY

1- THE TREND OF THE UNIT OF RESPONSIBILITY :

The basis of this theory is the meaning of civil responsibility and its impact on the status school. This theory is based on the idea of uniting the origin of responsibility and uniting its function. Responsibility is the result of a wrong act of the state. The proponents of this trend agreed on the idea of unity of employment for state responsibility to be the repair of damage resulting from the wrongful act of the State. From the relationship between the injured State and the State causing the damage based on the wrong act, the injured State has the direct

[1] - *Wael Ahmed Allam, The Individual's Position in the Legal System of International Responsibility, Dar al-Nahda al-Arabiya, Egypt, 2001, pp. 89 90.*

[2] - *Youssef Hassan Youssef, International Criminal Liability of State Institutions and International Litigation, National Center for Legal Publications, First Edition, Cairo, 2013, p. 38(private translate).*

right to seek compensation and repair Damage from the wrong state. This theory prevailed at the beginning of the nineteenth century[1], and we have already referred to the Hague Convention 1907 to consolidate international responsibility in the previous study,

In the case of international judicial applications, the International Court of Justice ruled in the case known as the famous Corfu Canal, in which it stated that Albania had an obligation to pay compensation to Britain for breaching international law by placing mines in its territorial waters without giving due warning signs.

The theory concluded that there are two possibilities for imposing the penalty resulting from the international responsibility of the state, either to impose compensation on the violating state or to return the situation to what it was before the attack. In fact, it is often proved difficult to restore the situation to the point where it occurred, especially in cases involving the loss of life, physical aggression or environmental damage. The injured State has no choice but to claim civil compensation for its affected members. In this case, compensation can not be described as punishment.

2 - THE TREND OF DUAL RESPONSIBILITY IN FRONT OF THE AFFECTED STATE AND THE INTERNATIONAL COMMUNITY :

In the event of a violation of the rules of international law in general, the resulting damage is directed against States collectively, such as those that threaten international peace and security, violations of international humanitarian law, including those relating to violations of the environment and civilian objects, Are considered to be war crimes, and the same is true of peacetime violations of the environment, such as crimes against the international community and damage to its components in accordance with a 1970 judgment of the International Court of Justice that breaches of some international obligations are not The result of his single state, but the damage is a reality on all countries[2].

We distinguish here between two types of States, States directly affected and other States indirectly affected by an international crime. This concept can be reduced to serious violations of the provisions of international humanitarian law and international environmental law as acts that do not relate to the attack on the interest of one particular State, but to the detriment of the supreme interest of the entire international community. The difference between the two theories is that

[1] *- BelkhairTayeb, The Legal System of State Responsibility under the Provisions of International Humanitarian Law, PhD in Public Law, University of Tlemcen, 2016, p. 300(private translate).*

[2] *- Islam Dasouki Abdel NabiDesouki, op cited, p38.*

the theory of dual responsibility may be towardsthe directly affected State and the direction of the international community[1].

3 - THE TREND OF THE DIRECT AND INDIRECT STATE RESPONSIBILITY:

Some recent trends in the study of public international law refer to the direct responsibility of the state which we face when the state directly violates its international obligations, and that it is responsible for the actions of its legislative, executive and judicial organs, or its employees or representatives[2].

The indirect responsibility is when the State is responsibile for an act contrary to international law which was not issued by it, but was issued by its nationals who hold its nationality or a resident on its territory or issued by a unit that links it with other States[3].

In the midst of this controversy over the establishment of the international criminal responsibility of the state and its independence from civil liability or not, or the responsibility of individuals criminally without states, the jurists of international law have been able, through the previous theories, to take place in one of the two directions that appeared according to the developments recorded on the theory of international responsibility and developments of law International.

B) INTERNATIONAL CRIMINAL RESPONSIBILITY OF THE STATE BETWEEN SUPPORT AND REJECTION :

1- THE TREND IN FAVOR OF CRIMINAL RESPONSIBILITY OF THE STATE :

Based on the view of the International State Responsibility Unit, which refers to the fact that only the State is responsible for international crime, it is the only person who commits the international crime, which is the main locus of international criminal law, and because it is asked to use such power, especially when treaties and covenants are violated Which explains its acceptance of compensation for the damage it caused, and from which it can be criminally prosecuted for what it has committed because of that authority. This responsibility is a practical necessity in a legally organized society.[4]

However, it is not possible to say categorically this view and the approach adopted by it, because it is excessive in assigning the international criminal responsibility and restricted in the state alone, while the persons of international law include the addition of the state organizations and individuals and thus can

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[1] - Ibrahim Al-Anani, International Public Law, Dar al-Nahda al-Arabiya, 1997 edition, p. 85(private translate).

[2] - Ibid, p. 85(private translate).

[3] - Belkhair al-Tayyib, op. Cited., P. 302

[4] - Ibid., P. 305

arise international criminal responsibility rests with International organizations, multinational corporations or individuals.

One of the implications of this view in international practice is that at the time of preparation for the Crimes Against Humanity Project, the United Kingdom proposed at the sixth session of the United Nations General Assembly that criminal responsibility for any act constituting crime against humanity should extend to States, In the draft law prepared by the International Law Commission in 1984 on international criminal justice, a view was expressed that the draft should include the principle of criminal responsibility of the State, but this view was not accepted by the United Nations General Assembly, This refers to the political nature of the problem[1].

2 - REJECTION TREND OF STATE CRIMINAL RESPONSIBILITY:

The idea of criminal responsibility of the state has not been absorbed by advocates of international responsibility limited to compensation and repair of damage, despite the evidence of the theories and developments of the principles of international law and the principles of international justice. It is not yet time to say that the State has criminal responsibility for its offenses, International law, some politicians and a group of jurists have not found this idea acceptable to them, limiting the international responsibility of the State under the traditional responsibility that entails compensation or repair of damage.

Their argument is that international law does not define crime as presented by national law. "**Anziluti** refers to international responsibility by saying:" Appearing in the wake of an unlawful act is generally a violation of an international obligation of a new legal relationship between the acting State and the State that has signed it The first is obliged to pay compensation and the second is entitled to demand such compensation. "Among the most important arguments and arguments on which they are based, which in their opinion impede the possibility of criminal responsibility of the state,As follows:

- The state sovereignty.
- State and the idea of the moral person.
- State responsibility and the idea of punishment.

The jurists who based the idea of punishment as a hindrance to the responsibility of the criminal state discussed in many ways and therefore we will leave the statement of this idea to the next branch; Section II: State's criminal responsibility and the theory of punishment International jurisprudence and jurisprudence have been on the traditional theory of international responsibility for some time. However, over time and the differing violations of international law in general, there have been some views of the importance of punishing the State and demanding that it be effectively set aside by the illegal acts of States by

[1]- *United Nations documents, document A / 59/10, para. 268, www.un.org/en/documents*.

violating international treaties and the principles of international law Which required a legal obligation for States to do not to prejudice the legal interest of another State. The idea of punishment of the state was known in ancient times. The first form of punishment appeared in the war against the wrong or wrongful state. This concept of war has been reflected as a punishment for a state violating certain modern legal provisions. The Potsdam protocol of October 1945 states that war is a punishment for the people for their wrong behavior[1]

However, the idea of war as a punishment has not found its proponents in the jurisprudence of modern international law because it carries with it the application of collective punishment, and constitutes in its content a means of revenge, not for the repair of error and reparation of damage, not to mention the established principle of law, International conventions prohibit the use of war to resolve international disputes except legitimate defense[2].

In order to find sanctions in line with the legal nature of the state, a group of scholars called for their studies and explanations of international law and its principles, including the jurist Pella and Bellot,Which prepared a special codification of the proceedings of the 1925 trial of States[3]

This group has developed a vision whereby the state can be a self-contained unit subject to certain penalties, such as fines imposed on the violating state, occupying its territory, splitting the state into small states or reducing the forces of this state.

However, in view of the period in which they were found, the sanctions were imposed on the defeated party in armed conflicts, and given the nature of the sanctions referred to by the proponents of this view, they do not go beyond three categories.

- The forcible seizure of the property of the defeated party.

-The imposition of economic sanctions.

- Waiver of the defeated Party from the disputed territory.

Some have also added sanctions and other means of retaliation against the defeated state. As well as its removal from the protection of the law and its rejection by the international community as a whole.

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[1] - Article 51 of the Charter of the United Nations (This Charter does not impair or diminish the inherent right of individual States or groups to defend themselves if an armed force believes in a Member of the United Nations, so that the Security Council takes the necessary measures to maintain international peace and security). See also: TayebBelkheir, op. Cit., P. 302.

[2] - United Nations documents, document A / 59/10, para. 268, www.un.org/en/documents.

[3] - Ibidm.

Despite the criticism of this perception that the sanctions were applied to the defeated party in the war, this statement yields that in 1925 the war was a legitimate act internationally and therefore recourse to the judiciary and law was the outcome of collection, this does not prevent To say that most of these sanctions are applicable in the present to States except those affecting the territorial integrity of States or the use of force to seize the property of the accused party.

In this context, for example, it has been said that an aggressive war is an erroneous behavior directed against the regime of the international community and not merely compensation.

This criticism is based on a basic idea in the eyes of the opponents that the state does not have the authority to sign certain penalties, execution, imprisonment and imprisonment. In our opinion, penal sanctions can not be reduced to one sentence. Is the penalty for deprivation of liberty, since the death penalty has become offensive even in most national legislations and to natural persons themselves, and although most jurists are convinced that it is not possible to impose penalties for freedom of sorts on the state, There are those who believe that it is possible to respond to this statement by saying that sanctions can be applied in accordance with the nature of the state, such as a fine that goes beyond mere compensation[1], as well as depriving the state of a certain activity at the international level, which carries the punishment, This penalty is issued by the International Criminal Court in the sense of judicial nature, not by a political body such as the Security Council. The second part of the idea concerns the character of the sentence[2].

Which is the principle established in the comparative criminal laws, which means that the punishment must be inflicted only on the perpetrator of the crime, and the consequences shall not be transferred to others. In the case of the imposition of punishment on the state, the effects will be transferred to the people of this state, which leads to the statement of the collective criminal responsibility, and the return of the opinion as the strength of the state and recognition as a political and legal entity in the international system requires the integration of its territory, And we cannot separate power from the people or the people from the region or the region. Otherwise, we are facing a state that is deficient in the sense of international law. In order to implement the requirements of international justice, the state that violates international law and its principles must be punished. So as to avoid political punishment that does not respect the principles of justice and equity.

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[1] - *United Nations documents, document A / 59/10, para. 268, www.un.org/en/documents*.

[2] - *Ibidm.*

There is a recent opinion in the jurisprudence of international criminal law, in which some cite the fact that the Security Council has the right to dispose of a State recognized as a violation of the norms of international law and, if the State has committed grave breaches of international obligations to international peace and security, Using force, and the authors of this view stated the permission given by the Council to bomb Iraq as an example of criminal punishment rather than civil punishment, while another considers that the continuing evolution of the individual criminal liability system since Nuremberg would be inconsistent with the refusal to recognize criminal responsibility and Especially in the case of the same kind of crimes, which is logical and necessary as it moves towards the protection of the highest values of the highest values of humanity, namely international peace and justice, and preferred to maintain the concept of the crimes of States based on a variety of reasons:

That the concept of State crimes is not a new concept when the violation is exceptionally grave and affects the international community as a whole, and can not be repaid with only compensation, for example from the early nineteenth century. The term misdemeanor or crime has become part of public awareness, The concept of State crimes is part of an evolutionary process in international law and the development of the international community and is highlighted in relevant concepts such as the concept of obligations Towards all, the concept of jus cogens, the concept of international solidarity. States often commit crimes and some countries are currently living in conditions that deal with the treatment of criminal States. If we say that the concept of criminalization of States is abolished, this is a regression and disregard for important developments in international law. In reference to the rule of law in international relations, and in reference to the foregoing, we support the view that the State should be criminalized, taking into account the review of some legal texts of international criminal law and the bodies charged with its application.

SECTION II: THE INTERNATIONAL RESPONSIBILITY OF INTERNATIONAL ORGANIZATIONS AND TRANSNATIONAL COMPANIES

The beginning of the twentieth century marked an important turning point in international organization through the emergence of international organizations and their emergence as an important factor in international relations. Sovereign states are no longer the only entities with legal personality. Known as multinational Companies.

A) INTERNATIONAL ORGANIZATIONS:

In its advisory opinion, the International Court of Justice, in response to a request by the UN General Assembly in the Count Bernadotte case in 1949, stated: "The UN is not a state and is not a state above states, but it is an international person. To bring international claims against Member States and non-members of the Commission in order to obtain compensation for damages

suffered or inflicted on its staff, and that when the United Nations raises this claim can only do so if the basis of its claim to prejudice a fixed right to "[1].

The use of the term international organizations in international law, law schoolers and the different definitions of the international organization is common: "a body in which a group of States is always involved, to carry out common public affairs and give them self-competence in the international community[2] And is also defined as "the institution that a group of States willingly establishes for the purpose of organizing a given social medium in a durable manner and confers on it self-competence that the Organization shall pursue in the international community and in the face of the States that establish it"[3].

International organizations are characterized by a variety of characteristics that distinguish their presence, including:

Sustainability: The work of the international organization is unlimited over time. It is established in order to achieve a goal that it constantly works for through its organs, which includes a legislative body, an executive body, and an administrative body.

Independence of will: The meaning of this is that the international organization voluntarily withdraws from the will of Member States through its legal capacity to express its positions through the issuance of decisions and the acquisition of rights and obligations:

- Established by States through a constituent treaty;

- Strives to achieve common benefit for all Member States[4].

As we have pointed out, these organizations enjoy the international legal personality. They are therefore subjects of international right and duty, thus gaining the rights guaranteed by international law and bearing the consequences of their actions in fulfillment of their international obligations.

B) TRANSNATIONAL COMPANIES:

Despite the fact that the definition of transnational corporations of intellectual disagreement, but it is defined as "an international organization structured to carry out economic, cultural, political and commercial operations through branches scattered across the world," and through this definition shows

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[1] - TayebBelkheir, op. Cit., P. 322.

[2] - Said Salem Joueili, Facing Environmental Damage between Prevention and Treatment, Dar al-Nahda al-Arabiya, Egypt, 1999 edition, p12. (private translate).

[3] - Omar Saadallah and Ahmed Ben Nasser, Law of the Contemporary International Community, University Publications, edition 05, Algeria 2009, p214. (private translate).

[4] - Ibid, p264.

that these companies "transnational "Which is also called" multinational "is an international institutional unit characterized by decision-making and global business management, seeking various purposes and has branches in a number of countries[1].

In the guidelines issued by multinational corporations, OCDE defines an economic definition as "an entity that usually includes companies and entities with public, private or mixed capital established in different countries and linked to one another so that the parent company can exercise legal influence On the activities of others and in particular the sharing of knowledge and resources with others and the diversity of the degree of autonomy of each entity in relation to others a wide variety of other multinational companies, depending on the nature of the relationships between the entities and the field of activity concerned[2].

In a study on the rules on the responsibilities of TNCs and other business enterprises in the field of human rights at the University of Minnesota[3], the general commitments contained in the United Nations document adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its 22nd meeting, on 13 August 2003 Which included: "States bear the primary responsibility for promoting and ensuring the realization and respect of human rights recognized in international law as well as in national law, including ensuring that transnational corporations and other Human rights workers The duty of transnational corporations and other business enterprises, within their spheres of activity and influence, to promote and ensure the realization, respect and protection of human rights recognized in international law as well as in national law, including the rights and interests of the population Indigenous and other vulnerable groups[4].

The rules relating to the responsibilities of transnational corporations and other business enterprises in the field of human rights were defined in paragraph (i) by the expression of a transnational corporation referring to any economic entity operating in more than one country or to a group of economic entities

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[1] - *Mohamed Rafik, Multinationals and the Environment, available at: www.platforme.almanhal.com Date of review: 10/03/2018 at 23:45*

[2] - *Rules on the Responsibilities of Transnational Corporations and Other Business Institutions in the Field of Human Rights, University of Minnesota, available at: http://hrlibrary.umn.edu/arab/norms-Aug2003.htmlK Date Published: 10/03/2018 at 23:59*

[3] - *Rules on the Responsibilities of Transnational Corporations and Other Business Institutions in the Field of Human Rights, University of Minnesota, available at: http://hrlibrary.umn.edu/arab/norms-Aug2003.htmlK Date Published: 10/03/2018 at 23:59*

[4] - *Mohamed Rafik, Multinationals and the Environment, available at: www.platforme.almanhal.com Date of review: 10/03/2018 at 23:45.*

operating in two or more countries, In its home country or in the country in which it operates, whether individually or jointly[1].

Which refutes the view of denying the international legal personality of companies through nationality and strengthens the position of opinion in favor of the international character of these entities, which is reflected in the form of the practice of those companies operations beyond the borders of the countries in which they work, in the framework of the duty to contribute to the process of economic progress And the duty to respect their domestic and international policies, the duty to respect the scope of national sovereignty and non-interference in internal affairs, and hence demonstrate the duty to shoulder their responsibilities to environmental elements and the duty to preserve them, as stipulated in the above-mentioned United Nations document In paragraph (g), which included the obligations relating to the protection of the environment: "Transnational corporations and other business enterprises shall carry out their activities in accordance with the laws, regulations, administrative practices and national policies relating to the preservation of the environment in the countries in which they operate, International human rights goals, responsibilities and standards as well as human rights, public health, public safety, bioethics and precautionary principle and generally implement their activities in a manner that contributes to the broader goal of sustainable development

CONCLUSION:

Through details there is no doubt that the developments that the international community knows in building international relations and controlling its rules have cast a shadow over the subject of the environment and its criminal protection by establishing the criminal responsibility of individuals in the aftermath of the Second World War through the special tribunals established to try war criminals and those who committed As they committed environmental crimes in international and non-international armed conflicts. The development of these rules was achieved through the intervention of the State as the main person in the international community, international organizations and multinational corporations, having the legal personality of international law to simplify the possibility of criminal accountability and through what she said, this study can be concluded the following results:

- The international criminal responsibility of the State lies with the State in several environmental crimes when the State, by its means and in its own interest, breaches an international obligation in violation of the principles of international law.

[1] *- Omar Saadallah and Ahmed Ben Nasser, Law of the Contemporary International Community, University Publications, edition 05, Algeria 2009, p274.*

- State criminal accountability does not necessarily mean exempting individuals from criminal liability for the same act depending on the nature of each international crime.

- The penal sanctions of the state take a form that is compatible with the nature of the state and its legal personality, such as the fine, the siege, and the prohibition of exercising a certain act or activity.

- The transnational corporations are the most vulnerable to international environmental law because of the diversity of their activities and the specific goals and nature of these activities.

- Accountability of TNCs falls within the same context as the questioning of the moral person in national criminal legislation.

- The penalties that can be imposed on multinational companies and transnational organizations in international law vary as a solution or suspension of activity in addition to financial fines and confiscation It is through these results that some of the recommendations are summarized and summarized below.

- The mandate of the Permanent International Criminal Court should be expanded by including an amendment to the Statute of the Court to lead for more arrangement.

- Expanding the powers of the Prosecutor to enable him to initiate proceedings against States and organizations by all available legal means and new procedure.

- Increasing the level of representation in the court by finding a consensus ground for members of the international community to enable the perpetrators to follow the criminal environment through the world wild.

- Divide delay in Giving priority to the national jurisdiction of the countries directly affected in the follow-up of criminal offenders if they are transnational corporations and giving up diplomatic protection in this type of crime, indeed rules are clearer to make decision.

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