



RESEARCH ARTICLE

Section(s): *Legal Studies*

Compensation for Environmental Damages occurring within the transition towards Sustainable Development: A Comparative Study regarding the UAE Legislation

Amira Badr ¹, Nadia Yas ², Ahmed Mohamed Barak ³, Hussein A. Alghushami⁴, Ahmed Al-Jumaili*⁵¹ College of Law, Umm Al Quwain University, UAE, and Mansoura University, Egypt² College of Law, Umm Al Quwain University, United Arab Emirates³ College of Law, American University in the Emirates, United Arab Emirates⁴ College of Law, Dar Al Uloom University, Riyadh, Saudi Arabia⁵ College of Education, American University in the Emirates, Dubai, UAECorrespondence: dramira.badr@uaqu.ac.ae**ABSTRACT**

Compensation for environmental damage is considered one of the most important contemporary legal issues, in light of the global shift toward sustainable development, which has led to the promotion of legal liability rules to balance the requirements of economic development and the need for environmental protection. However, this research aims to clarify the concept of environmental damage and its characteristics, analyze the legal basis of civil liability for environmental damage, and explain the mechanisms of compensation for such damage in light of the provisions of Emirati legislation, while comparing this with some comparative legislation and modern trends in international environmental law. It also highlights the extent to which the Emirati legal system aligns with the legal principles governing environmental protection, foremost among them the principle of sustainable development. It should be noted that the researcher has relied on a descriptive-analytical method to explore the relevant legal texts and judicial rulings, in addition to adopting a comparative method with which the similarities and differences between Emirati legislation and some comparative legislations have been highlighted, in a way that helps identify the strengths and the aspects that require legislative development. As a matter of fact, Emirati legislation has paid increasing attention to environmental protection by establishing rules that also address environmental damage compensation, in line with the state's orientation toward achieving sustainable development. Nevertheless, the special nature of environmental damage, and its complexity and the difficulty of proving causality and evaluating the extent of the damage, requires indeed further legislative and procedural development to enhance the effectiveness of compensation, including the adoption of specialized mechanisms for assessing environmental damage, the establishment of funds to compensate for serious environmental damage, and the expansion of the scope of liability in a way that would achieve better protection for the environment and the rights of present and future generations.

KEYWORDS: Compensation for environmental damage, Civil liability, sustainable development, Emirati legislation, Legal protection of the environment.

Research Journal in Advanced Humanities

Volume 7, Issue 2, 2026

ISSN: 2708-5945 (Print)

ISSN: 2708-5953 (Online)

ARTICLE HISTORY

Submitted: 11 April 2026

Accepted: 30 June 2026

Published: 06 July 2026

HOW TO CITE

Badr, A., Yas, N., Barak, A. M., Alghushami, H. A., & Al-Jumaili, A. (2026). Compensation for Environmental Damages occurring within the Transition towards Sustainable Development: A Comparative Study regarding the UAE Legislation. *Research Journal in Advanced Humanities*, 7(2). <https://doi.org/10.58256/997s7302>



Published in Nairobi, Kenya by Royallite Global, an imprint of Royallite Publishers Limited

© 2026 The Author(s). This is an open Access article distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/4.0/>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

Introduction

In recent decades, the world has been witnessing a radical transformation in the relationship between humans and the environment. In fact, industrial and technological expansion, along with rapid urban growth, has increased pressure on natural resources and led to the emergence of new forms of environmental damage that are unfamiliar to traditional legal systems. These damages are no longer confined to a narrow geographic scope or to individual impacts; rather, they have become collective and transboundary, with effects that may last for many years or even extend to future generations. It is worth noting that the damages resulting from such transformations have coincided with a growing global interest in achieving sustainable development, an approach that seeks to balance the requirements of economic and social advancement on the one hand and the need to preserve the environment and its natural resources on the other. Accordingly, the concept of “environmental damage” has emerged as a legal category that is relatively independent from the traditional one, due to its distinctive nature and dimensions, being characterized by its specificity, as it is not limited to merely harming the direct rights of individuals, but extends to include the disruption of the environmental balance, as well. It includes fundamental elements of nature such as water, air, soil, and biodiversity, and thus, compensation for environmental damage is not just a means of remedying individual harm, but has become a legal tool with a dual function: remedial and preventive, aimed at repairing damages on the one hand, and preventing their recurrence on the other.

Meanwhile, it has been required to reconsider the traditional foundations of legal liability, especially within the framework of the law, regardless of its type, civil, administrative, or commercial, which is fundamentally based on the concept of personal fault, damage, and causal relationship. These elements, despite their importance, may not be sufficient when dealing with complex environmental damages that might appear legitimate on the surface, yet are embedded with latent risks that make it highly difficult to prove fault directly. This has therefore prompted extensive legislation to adopt modern approaches, such as strict liability or risk-based liability, particularly in the environmental field. In contrast, the role of administrative law has emerged as a more flexible and effective framework for addressing environmental damage, given its direct connection to the state’s function of protecting public order in its modern sense, including the environmental system. Nevertheless, it should be noted that the administration is not limited to regulating environmental activities and granting licenses, but also bears responsibility for intervening to prevent damage or reduce its effects, and may be deemed in certain cases as being accountable for environmental damages even in the absence of fault, based on principles of justice and bearing liability.

However, the UAE legislator has early recognized the seriousness of environmental challenges, and attempted to establish a comprehensive legislative framework for environmental protection, which is clearly manifested in the issuance of Federal Law No. 24 of 1999 concerning the protection and development of the environment, considered the cornerstone in organizing environmental responsibility, alongside the provisions of the UAE Civil Transactions Law, which regulates the general rules of civil liability and compensation. Consequently, compensation for environmental damage has become a fundamental legal mechanism that supports the achievement of sustainable development goals by protecting natural resources, rehabilitating damaged environments, and promoting compliance with environmental regulations, thereby safeguarding the rights of current and future generations (Yas, N., Alghushami, H. A., Saleem, J. M. M., & Youssef, A. A. F., 2026). There is no doubt that such a legislative framework would reveal a duality in addressing compensation for environmental damage, as the affected party may resort to civil courts to claim compensation under traditional rules, in addition to administrative liability that might be invoked in confronting public entities or hazardous activities. In fact, this duality raises numerous legal issues, particularly regarding the determination of the competent authority, the basis of liability, the nature of compensation, and the adequacy of each system individually in achieving effective environmental protection.

The importance of this study increases in light of modern trends toward promoting the concept of “environmental justice,” which aims to ensure the fair distribution of pollution burdens and risks and to prevent individuals from bearing the consequences of damage resulting from major economic activities alone. The compensation system is considered one of the most important mechanisms for achieving this justice, provided it is based on flexible legal principles that accommodate the particularities of environmental harm. Accordingly, this study has come to analyze the compensation system for environmental damage in both civil and administrative

laws, through a comparative study addressing the UAE legislation, to evaluate the efficiency of each, identifying areas of complementarity or deficiency between them, and ultimately reaching an integrated legal framework that would achieve effective environmental protection and ensure fair compensation for the affected.

Research Plan

The research plan can be summarized as follows:

1. Precision & Accuracy of Compensation for Environmental Damages within the Scope of Civil Liability
 - 1.1 Basis of Civil Liability for Environmental Damages
 - 1.2 Nature of Compensation for Environmental Damages
 - 1.3 Assessment of Compensation for Environmental Damages
2. Precision & Accuracy of Compensation for Environmental Damages within the Scope of Administrative Liability
 - 2.1 Basis of Administrative Liability for Environmental Damages
 - 2.2 Nature of Compensation for Environmental Damages
 - 2.3 Assessment of Compensation for Environmental Damages

Importance of Research

Current research is important given the environment's fundamental role in achieving sustainable development and the increasing environmental risks posed by modern economic and industrial activities. Moreover, the vitality of this research stems from the particularity of compensation for environmental damage and the need to clarify the extent to which traditional legal liability rules are suitable for addressing such harm. Additionally, it highlights the UAE legislator's approach toward strengthening legal protection for the environment and achieving a balance between economic development and the preservation of natural resources.

Research Objectives

The current research aims to achieve the following objectives:

1. Analyzing the legal basis of compensation for environmental damage in the UAE legislation;
2. Studying the role of both civil and administrative liability in environmental protection;
3. Evaluating the effectiveness of current compensation mechanisms in the establishment of environmental justice and sustainable development;
4. Coming up with legal proposals that would contribute to the development of a compensation system for environmental damage in the United Arab Emirates.

Research Problem

It is worth noting that the research problem lies in the adequacy of legal rules, which regulate compensation for environmental damage in the UAE legislation, and addressing meanwhile the particularities of this type of damage in light of the shift towards sustainable development, in addition to determining whether the traditional rules of civil liability are capable of providing effective protection for the environment, or it is quite necessary to expand the scope of application of administrative liability and move ahead towards adopting modern foundations for compensation that are compatible with the nature of environmental damage.

Research Methodology

We are obliged to note that the researcher has mainly relied on an analytical method, in which specific legal texts regulating environmental liability in UAE legislation have been carefully analyzed. A comparative method has also been adopted, using legal approaches focused on compensation for environmental damage, to evaluate the effectiveness of the UAE legal system and identify its shortcomings.

1. Precision & Accuracy of Compensation for Environmental Damages within the Scope of Civil Liability

Clear particularity is deemed the main feature of civil liability for environmental damages. It indeed

goes beyond ordinary damages, surpassing the limits of compensating the affected individual and extending to include the protection of the environment and the public interest. Consequently, precise standards are adopted to assess compensation, taking into account the extent of the damage's impact on the ecosystem and society, the nature of the activity causing the damage, and the degree of compliance with environmental laws.

1.1 Basis of Civil Liability for Environmental Damages

The basis of civil liability for environmental damage in Emirati legislation is established on a set of legal principles derived from the general rules of the Emirati Civil Transactions Law and the special provisions of the Environmental Protection and Development Law. This liability takes several legal forms, including tort liability based on fault; strict liability, or liability for risk, which applies to certain hazardous activities without requiring proof of fault; and liability arising from inherently dangerous acts. This reflects the Emirati legislator's approach to strengthening legal protection for the environment and tightening accountability mechanisms for environmental damages (Abdul Rahman, Ahmed Shawqi, 2022).

Based on the general rules of civil liability outlined in the Civil Transactions Law issued by Federal Decree-Law No. 25 of 2025, establishing liability for environmental damage requires the existence of three fundamental elements. They are as follows:

1. The occurrence of an unlawful act that constitutes a breach of the legal obligations established for the protection of the environment, whether through a positive act or an omission that results in harm to the environmental elements.
2. The occurrence of actual damage, whether material damage such as the destruction or pollution of property, economic damage in the form of financial losses, or moral damage affecting non-financial rights or interests.
3. The existence of a direct causal relationship between the harmful act and the resulting damage, and thus is deemed a natural and direct consequence of that act (Al-Sanhouri, Abdul Razzaq Ahmed, 2011).

In this context, whenever a harmful act against the environment directly violates individuals' rights or private interests, such as land pollution or damage to private property or resources, civil liability arises. The injured party has the right to claim compensation before the civil courts, in accordance with the general rules that require proof of fault, damage, and a causal relationship, unless the matter concerns a hazardous activity in which liability is based on an objective or presumed basis without the need to prove fault (Mansour, Muhammad Hussein, 2021). It can be inferred, therefore, that the UAE legislator has adopted a flexible legislative approach in regulating civil liability for environmental damage, by combining fault-based liability and strict liability, thus achieving a balance between the requirements of environmental protection and guarantees of compensation for harm suffered by individuals, while enhancing the effectiveness of the compensation system as a legal means of deterrence and prevention of environmental damage.

1.2 Nature of Compensation for Environmental Damages

Compensation for environmental damages serves to remedy or remove the damage or limit its effects, and is not merely confined to paying a sum of money. The prevailing rule in this area is that compensation may be in kind by restoring the situation to its original state, or monetary if in-kind restoration is impossible. Moreover, the nature of environmental damage is unique because it may affect individuals or property and may indirectly impact the environment itself. Therefore, it is not always sufficient to apply the traditional rules of civil liability literally. For this reason, compensation here is viewed as a tool for both remediation and deterrence, not only as financial redress for the damage.

Additionally, what distinguishes environmental damage is that it is often indirect, and its effects may appear only after a long period, thereby making it difficult to prove and assess compensation. Some studies, however, suggest that general rules alone may not be sufficient to assess this type of compensation accurately (Jamila, Hamida, 2011). We may claim, after all, that the UAE legislator has adopted a modern concept of compensation that combines the compensatory and restorative functions, prioritizing the restoration of the situation to its original state whenever possible before resorting to monetary compensation. This approach

also reflects an awareness of the unique nature of environmental damage, which may be indirect, cumulative in effect, or extend over time, thereby requiring more flexible and effective legal mechanisms to address it.

On the other hand, compensation in the environmental field might not be limited to real damage but may also extend to potential damages; therefore, we should be prepared to prevent their aggravation and highlight the preventive aspect of this type of compensation. Besides, the assessment of this type of compensation is subject to specific technical and legal considerations, given the complexity of environmental damage and the difficulty of accurately estimating it, necessitating specialized technical expertise. As for the forms of compensation, it is often an in-kind type that mainly aims to remove the effects of pollution and restore the situation to what it was before the damage occurred, such as repairing damaged sites or treating pollution, taking into consideration that this form is the most appropriate for the nature of the environment (Mansour, Muhammad Hussein, 2021). However, if this is impossible or insufficient, monetary compensation is resorted to, which is assessed according to the extent and scope of the damage, taking into account the loss suffered and the gain missed by the injured party, within the discretionary power of the judge (Al-Sanhouri, Abdul Razzaq Ahmed, 2011).

In addition, the scope of compensation in the environmental field is not limited to individual damages; it also extends to damages affecting environmental elements themselves, such as water, air, and soil, even when no direct harm to a specific person results (AlKhamaiseh, M. A., Allouzi, A., & Karima, K. R. I. M., 2025). Accordingly, we are also required to highlight the pivotal role of the competent authorities in claiming compensation to protect the public interest, keeping in mind that compensation may also include the costs of environmental rehabilitation and the necessary preventive measures to avoid the aggravation or recurrence of the damage (Omar, Hamdi Pasha, 2020). Based on the above, it is clear that a composite nature characterizes compensation for environmental damage in the UAE legislation, as it is not limited to merely remedying the harm suffered by the injured party, but rather extends to perform multiple functions, including the rehabilitation of the damaged environment, limiting the aggravation of damages, and preventing their recurrence in the future. This approach reflects the legislator's adoption of a modern perspective on civil liability, which balances the protection of individual rights with the safeguarding of the public environmental interest, thereby enhancing the sustainability of natural resources and keeping pace with contemporary developments in environmental legal rules (Omar, Hamdi Pasha, 2020). In short, the nature of this compensation in the UAE is based on three aspects: first, specific restitution; then monetary compensation when needed, with a primary goal of protecting the environment and preventing the recurrence of harm (Yas, H., Allouzi, A. S., Sarhan, M. I., Abdelrahman, A., Abdalaziz, M. M. O., & Al Banna, M., 2026).

1.3 Assessment of Compensation for Environmental Damages

Compensation should be evaluated based on the extent of the damage, in a way that ensures the removal of its effects or the remedy of the resulting deficiency. If specific (in-kind) compensation is possible, it takes precedence over monetary compensation because money does not always compensate for the loss of an environmental resource or the deterioration of a natural element. However, if remediation is impossible, the judge or expert should resort to a monetary assessment based on the cost of repair, loss of benefit, or the value of the environmental damage itself, depending on the circumstances of each case. This raises many practical issues due to the technical nature of the work. Some studies have shown that the modern trend is not to limit the assessment to direct financial damage, but also to include preventive and remedial expenses, which comprise the costs of environmental rehabilitation, and any health or economic damages that may befall individuals as a result of pollution (Yas, N., Dafri, W., Hammad, H., Abouhaiba, N., & Mahmoud, D., 2025).

However, the assessment of compensation for environmental damage is considered one of the most delicate issues in the theory of civil liability, as it affects not only the individual who has suffered the damage but also the environment itself, as well as the resulting health, economic, and social impacts. Studies have confirmed that the general rules of civil liability are not always sufficient on their own to assess compensation for environmental damage, due to the technical particularity of environmental damage and the difficulty of measuring it in direct financial terms. Furthermore, the assessment of compensation for environmental damage is based on the principle of restoring the functional balance of the environment to its previous state whenever possible, which is referred to as specific reparation, where priority is given to removing the effects of the damage and rehabilitating the affected environmental components, taking into account that the environment is an

interconnected system that cannot be reduced to a mere monetary value. This approach relies on scientific and technical expertise to determine the extent to which environmental resources, such as water, soil, and air, can be restored to their natural state (Al-Sharqawi, Mahmoud Samir, 2020).

This type of assessment depends indeed on several considerations, the most important of which are the severity of the damage, the nature of the affected environmental element, the temporal and spatial extent of the pollution's impact, and the possibility of restoring the environment to its previous state. It also takes into account whether the damage is direct or indirect, whether it has affected a legitimate financial interest, whether it has led to the deterioration of a natural resource, or whether it has harmed health or livelihoods in the surrounding community (Al-Saraira, Ibrahim Salih, 2017). In case of being under the UAE law this compensation is subject to a legal system characterized by precision and integration, as it is not limited to determining a monetary amount, being ruled by legal and technical principles aimed at restoring environmental balance and protecting the public interest, mainly depending on the provisions of Environmental Protection and Development Law, which stipulates that the party responsible for the damage must bear all necessary costs to remove the effects of pollution and compensate for the resulting damages, including environmental, economic, and associated value aspects (Taha, Mustafa Kamal, 2021). Besides, it is based on a tendency to adopt strict liability, whereby the party in charge of the damage is required to bear all the resulting financial consequences, without, in some cases, the need to prove fault, whenever the damage is linked to the practice of hazardous activities or violations of established environmental standards, and thus preventing the consequences of pollution from being shifted onto society (Taha, Mustafa Kamal, 2021).

It is quite obvious that the difficulty in assessing compensation for environmental damages is often attributed to the fact that their effects are gradual and prolonged, and may not appear immediately. It may also affect multiple elements simultaneously, such as air, water, and soil (Aboelazm, K. S., Dganni, K. M., Tawakol, F., & Raafat, R., 2026). Added to this is the difficulty of proving the causal relationship between the harmful act and the environmental outcome, as well as the absence of a clear market price for some elements, such as ecosystems and biodiversity. Another difficulty is that the damage may be collective or public, raising the issue of determining who has the right to claim compensation, whether this right belongs to the state, the competent authorities, or the individuals directly affected. Therefore, the judiciary and legal doctrine tend to adopt flexible solutions that might enable actual redress without strict adherence to traditional rules of compensation (Al-Jazawi, Salma Faraj, 2017).

Finally, environmental compensation under UAE law extends beyond its traditional compensatory function, assuming both preventive and developmental roles. It is viewed as a legal mechanism to reduce the recurrence of environmental damage and enhance compliance with environmental protection legislation. Its scope also extends to the preservation of the public interest, reflecting the legislator's awareness of the environment's collective nature and the wide-ranging effects that may result from such harm (Mohammed, Abdullah Mohammed, 2009). Accordingly, we may claim that the assessment of compensation for environmental damages in the UAE law represents a complicated process in which legal standards are integrated with scientific and technical foundations, ensuring effective and comprehensive treatment of the damage and contributing to the consolidation of the principles of environmental justice in accordance with the requirements of the applicable federal legislation.

2. Precision & Accuracy of Compensation for Environmental Damages within the Scope of Administrative Liability

As noted before, civil liability has focused on protecting the injured person and securing their personal interests and entitlement to compensation that remedies the harm they have suffered. Administrative liability, on the other hand, goes further than that in protecting the environment as a public interest, imposing particularity on the nature of the compensation and its assessment.

Since compensation in general, including compensation for environmental damages, is in fact one of the most important constitutional obligations guaranteed by the constitutions of many countries around the world, whether explicitly or implicitly, the questions that might arise here within the framework of administrative liability are

- What is the basis of the administrative liability for compensation for environmental damages?
- What is the nature of this compensation? and
- How is it assessed?

2.1 Basis of Administrative Liability for Environmental Damages

The responsibility of public administration in different legal systems is embodied in its obligation to compensate for any damage that may occur to individuals as a result of any legal act, such as administrative decisions and contracts that deviate from the principle of administrative legality, and whose implementation or enforcement might lead to harming a specific individual or individuals, or certain activities, being the result of this unlawful legal act, or as a result of any purely material act arising from operating and managing public utilities. According to administrative jurisprudence, any fault arising from any legal or material act undertaken by administrative authorities may, as a general rule and fundamental principle, serve as the basis for establishing responsibility. Such a type of fault constitutes the essential element for the administration's liability to compensate the person or persons harmed by these acts (Al-Banna, Mahmoud Atef, 1999).

While the liability of public administration is based on fault, another type of administrative liability has emerged that recognizes legal responsibility even when no fault is committed in any administrative activity, whether legal or material. This type is called no-fault liability (Majdi Medhat El-Nahry, 1997). Accordingly, in the field of environmental activities, the refusal or abstention of the administrative authority from taking the necessary preventive or remedial measures at the appropriate time and place, or its negligence or delay in taking them, or its commission of a fault whether in exercising its regulatory activity in granting licenses or in the field of supervision, oversight, and periodic inspection of various activities, constitutes administrative liability based on fault (service fault), which is established whether the fault is intentional or unintentional, direct or indirect, positive or negative, serious or minor, broad in scope or limited in effect, professional or technical. In other words, liability is taken into account, whether the fault is personal or non-personal, given the difficulty of separating the two (Mimouna & Souad, 2017).

Despite the unlimited impact achieved by the establishment of this type of liability in the judicial arena in the confrontation of public administration, which has led to a tangible degree of deterrence, regulating the behavior of the administration, being compelled to adhere to necessary preventive and remedial measures, the rules of administrative liability based on fault cannot themselves be considered a sufficient basis for compensating all types of damages, especially if there is no fault resulting from an act issued by the public administration. However, the damage exists (Alazzam, F. A. F., Shakatreh, H. J. M., Gharaibeh, Z. I. Y., Aldrou, K. K. A. R., & Alkhatib, A. J., 2022). To overcome this, the scope of state liability has been expanded to include not only fault-based claims but also no-fault claims. In light of this latter type of liability, it has become possible to establish the liability through the causal relationship between the damage and the activity that has caused the damage, without the need for the injured party to bear the burden of proving the element of fault (Ouagdida & Ahlam, 2024).

We may conclude therefore that particularity in the field of environmental pollution, and as a result of the difficulties facing administrative liability, most notably the difficulty of proving the element of fault despite the legitimacy of the activity causing the damage, in addition to the complex nature of environmental harm itself, such as the multiplicity of its sources, the delayed appearance of its effects, and the possibility of being indirect, as well as the inadequacy of monetary compensation alone as a means of remedying environmental damage, some modern environmental legislations, such as French legislation, have adopted liability without fault. It is worth noting that this approach, which some legal scholars have supported, indeed encompasses every case in which environmental damage is proved without attributing a specific fault to the public administration (Al-Nahry, Majdi Medhat, 2002). This type of liability has emerged as an inevitable solution to overcome the difficulties encountered in applying the traditional mechanism of administrative liability, which depends on the existence of fault, damage, and a causal relationship, taking into consideration the particularity of environmental damage, which is characterized by its complex nature and delayed effects that may not appear all at once, as it often results from nuclear radiation, oil spills, chemical explosions, technological hazards, and others, where it is quite difficult to attribute fault according to the general rules of liability. Consequently, establishing liability without requiring the element of fault and enabling those harmed to claim compensation for serious and unusual damages has become necessary to achieve justice and restore equality among citizens in bearing public burdens.

In other words, whenever the other conditions of administrative liability, namely, damage and causality, are met, public administration liability is recognized without the need to prove fault, based on considerations of

justice and sharing of public burdens, especially in cases where environmental damage results from a legitimate administrative activity or due to exceptional risks imposed by the nature of this activity (Abdul-Wahab, Abdul-Wahab Mohammad, 1985). It is remarkable to note that Article No.71 of the UAE Federal Law No. 24 of 1999 stipulates that “whoever, by his act or negligence, causes damage to the environment or to others as a result of violating the provisions of this law or the regulations or decisions issued in implementation thereof, shall be responsible for all costs necessary to remedy or remove such damages, as well as any compensations that may result therefrom.” This phrase, undoubtedly, clarifies that the UAE legislator has adopted the principle of liability for environmental damage in a broad manner, not limited to natural persons only, but also extends to include legal persons, whether public or private, whenever it is proved that they caused environmental damage as a result of violating the provisions of the law or the regulations issued pursuant thereto (Mohamed, N. A., Fadli, A., & Aboelazm, K. S.. 2026).

In applying this broad concept of liability for environmental damage, the federal judiciary has addressed the extent to which private legal entities are bound by environmental legislation and the impact of their violations of these provisions on the establishment of liability for compensation. In this context, the Federal Supreme Court ruled in a case whose facts are summarized as follows: the appellant filed a lawsuit requesting the appointment of an expert to determine the environmental and health damages suffered by the residents of the area, including him, as a result of the activities of a crushing company, leading to dust emissions, explosion vibrations, and damage to houses, water, and trees, while reserving his right to claim compensation for those damages after they are technically proved. The appellant based his lawsuit on the claim that the company violated the mandatory environmental rules and requirements outlined in the Cabinet decisions and ministerial resolutions governing the activities of crushers and quarries. However, the court of first instance ruled to dismiss the case, relying on the expert report without a legal examination of the violation of those requirements or an investigation into the causal relationship between the harmful activity and the alleged damage (UAE Federal Supreme Court, 2016).

In its statement regarding compensation, the Federal Supreme Court affirmed that merely relying on an expert report is insufficient to negate liability for compensation when there is a serious allegation of violating binding environmental rules. The Court decided that the appealed judgment was flawed in its reasoning, violated the law, and undermined the right of defense, due to its failure to examine the elements of tort liability that mandate compensation, namely fault, damage, and causality. Consequently, the Court ruled to overturn the appealed judgment and refer the case, thereby opening the door to reconsidering the compensation claim in light of verification of the occurrence of environmental damage and its violation of the law (UAE Federal Supreme Court, 2017).

As for the application of strict liability, the Emirati judiciary refused to impose liability on the administrative body unless there was fault attributable to the case. The Federal Supreme Court affirmed that no liability shall be imposed unless there is fault, clarifying that an administrative decision issued by a competent authority expressing a binding will cannot be held financially liable unless there is a committed fault. The judgment concluded that administrative liability is linked to the existence of fault and does not arise merely from damage resulting from the application of the law or the implementation of official decisions (Faleh Alazzam, F. A., Safronska, I., Rodchenko, S., Kornieieva, T., Zaiarniuk, O., & Kushnir, Y., 2024). The researcher believes that the particularity of environmental harm, with its complex nature, delayed effects, and frequent difficulty in proving fault, requires both the legislator and the UAE judiciary to reconsider their position against adopting administrative liability without fault, even if only within a limited and exceptional scope (Prasetyoandi, D., Sulistiani, L., Rusmiati, E., Aboelazm, K.S., 2026). Thus, liability should not be confined to cases based solely on fault; it should suffice that harm has occurred in a manner that ensures effective protection of the environment. This is because such a liability places a greater obligation on administrative bodies to take all necessary preventive measures to avoid damages whose effects may be impossible to remedy once they occur, even if no fault has been committed. Undoubtedly, establishing the liability of public administration imposes a general obligation in which all necessary measures and procedures shall be taken to prevent any damage. This duty might be manifested in a negative form, by abstaining from any action, issuing any decision, or granting any license that could harm the environment, or even in a positive form, by taking all necessary measures and procedures to prevent environmental harm or mitigate its consequences.

2.2 Nature of Compensation for Environmental Damages

The constitutions of most modern countries have established the human right to a sound, pollution-free environment as a constitutional right that must be guaranteed to every individual. This establishment has resulted in the emergence of constitutional obligations and duties that place a positive commitment on public authorities to intervene to protect the environment and preserve its sustainability. Accordingly, if the government fails to fulfill its obligations, that failure would constitute a serious breach of its constitutional and legal duties, and, in this case, the government is responsible for remedying the harm and compensating those affected. The UAE constitutional legislator has enshrined this approach in Article No.23 of the Constitution, which obliges both the state and individuals to protect and properly utilize natural resources. This article has become the cornerstone of all federal and local environmental legislation aimed at ensuring sustainability and safeguarding the rights of future generations (Constitution of the United Arab Emirates, 1971).

It is worth noting, after all, that Article No. 02 of the Federal Law No. 24 of 1999 concerning the protection and development of the environment sets out the objectives to be achieved under this law. The provisions of the law specify a set of preventive and remedial measures that administrative authorities should consider when making any decision related to protecting the environment from pollution and preserving its elements. It includes a positive legal obligation for prior intervention to protect the environment before violations occur and to prevent risks that cannot be remedied if they occur, or for subsequent intervention to address the effects of environmental damage after it occurs (Federal Law No. 24, 1999). Furthermore, the legislator, under Articles No.71 and 72 of the same law, established the principle of liability and compensation for environmental damages, whether related to the environment itself or its economic and aesthetic value, including the costs of rehabilitation, and this would undoubtedly reinforce the concept of compensation justice and confirm the comprehensive legal protection of the environment. (Federal Law No. 24 of 1999 concerning the protection and development of the environment, Articles 71 and 72). It should also be noted that, according to the general rules, compensation for damage is either monetary or non-monetary, often referred to as specific compensation (El-Nahry, Majdi Medhat, 1997). Issuing a judgment for specific performance is almost impossible and impermissible against the administrative authority; the judge can only issue monetary compensation judgments (Gorgy Shafiq Sari, 2000). As for specific performance, which involves obligating the administrative authority to carry out a particular act, it does not exist and is not applicable in this field (Abdul Latif, Mohammad Mohammed, 2004).

Some jurists have attributed the impermissibility of issuing judgments for specific compensation or obligating administrative authorities to specific performance to the commitment of public administration to the judicially recognized principle known as the prohibition of issuing orders from the administrative judge to the administrative authority. According to this principle, the administrative judge is prohibited from instructing the administrative authority to perform or refrain from performing an act, or from substituting in an act or procedure that originally falls within the administrative authority's legal jurisdiction. Accordingly, by virtue of its administrative function, the public administration enjoys complete freedom to take whatever legal or material actions it deems appropriate; it may order the granting of a license to practice an activity or refuse to grant it, or make other decisions and undertake procedures within the powers of the administrative authority (Omar, Hamdi Ali, 2007).

Nevertheless, the application of this traditional rule, although suitable for compensating for damage that may befall individuals or their property under normal circumstances, does not align with the nature of environmental damage, whose effects are not limited to individuals and property but also extend to the environment itself, disrupting its ecological balance. While human damage can be compensated financially, environmental damage can only be properly remedied by restoring the disturbed ecological balance; this is done by rehabilitating the environment and returning it to its original state, a process known as specific (in-kind) compensation (Salama, Ahmed Abdul-Karim, 1996). It should be noted that environmental compensation for damages is a type of in-kind compensation, whereas monetary compensation is only complementary. In-kind compensation takes several forms, such as rehabilitating the environment, removing the causes of pollution, restoring ecological balance, or bearing repair costs, rather than merely compensating the injured party financially. Therefore, the theory of monetary compensation does not find support in the field of liability for environmental damage, simply because the extinction of a living organism, harm to its health, distortion or destruction of ecosystems, or pollution of water, air, and soil resources, cannot be compensated by any sum of

money. Moreover, it is difficult to measure the value of damages resulting from pollution, as it varies with the affected individuals and the severity of the damage (Saad, Ahmed Mahmoud, 1994).

Despite the UAE legislator not explicitly stipulating the priority of in-kind compensation for environmental damage, Articles No. 71 and 72 of Federal Law No. 24 of 1999 clearly reveal an implicit adoption of this approach, prioritizing the removal of damage and the rehabilitation of the environment over monetary compensation. There is no doubt that compensation for environmental damages in UAE law refers to the acknowledgment of the administrative entity's responsibility to compensate, either in kind or monetarily, for damages arising from its actions. The phrase "anyone who causes" in Article No.71 of the Federal Law No.24 of 1999 includes public legal persons, which imposes upon them an obligation to remove the damage, rehabilitate the environment, and compensate those affected, in accordance with the provisions of the law.

Nevertheless, establishing administrative liability requires fault on the part of the administration, as UAE jurisprudence has not adopted the principle of liability without fault. This is evident from the ruling of the Federal Supreme Court in a case where the plaintiff filed a lawsuit to oblige the administrative entity and several defendants to pay substantial financial compensation, amounting to 30,479,124 US dollars or its equivalent in UAE dirhams, with interest at a rate of 12%, following the registration of an oil tanker and the confiscation of its cargo by public auction. The claim was based on the allegation that the cargo originated in Iraq in violation of UN Security Council resolutions and challenged the validity of technical reports and sample analyses. The court decided that the conduct of the administrative authority, represented by the Coast Guard, was within its legal jurisdiction and in execution of the international obligations of the UAE under Chapter VII of the United Nations Charter, emphasizing that "...the administration is not liable for compensation as long as liability cannot be raised without any fault attributable to the event." Therefore, in light of this ruling, the administration's decision expresses its binding will, and it cannot be held financially liable unless it commits a fault (UAE Federal Supreme Court, 2014).

2.3 Assessment of Compensation for Environmental Damages

It should be noted that the general rule of both ordinary and administrative judiciaries clarifies that in the absence of a provision or agreement on the amount of compensation, the judge would determine the value of the compensation, fully estimating the environmental damage suffered by the injured party; thus the judge in both administrative and ordinary courts determines the amount of compensation in a manner that ensures comprehensive coverage of the environmental damage, whether it is material or moral, provided that it includes the profit lost and the loss incurred. Conversely, if the legislator intervenes and, by legislative provision, determines the value of the compensation, the judge must adhere to the legislator's prescription without modification (Al-Shaer, Ramzi Taha, 2008).

Nevertheless, and even though the judge is bound to assess the value of full compensation covering all the damage suffered by the injured party in the absence of a provision or agreement, it is quite necessary to distinguish between the assessment of the compensation value in the field of liability based on fault and the assessment of the compensation value in the field of liability without fault. The issue can be summarized as follows:

A. Full Compensation in the Field of Fault-Based Liability

Although the principle of full compensation requires that it should cover the entirety of the environmental damage suffered by the injured party, it is assumed that the administrative authority would undertake the assessment of the compensation value according to the damage inflicted on the injured party, and not according to the gravity of the fault, as compensation depends on the existence of damage, being evaluated due to its extent (Egyptian Supreme Administrative Court, 1992). Accordingly, the judge assesses compensation in line with the extent of the environmental damage rather than the gravity of the fault (Fouda, Raafat, 1994). He does not suffice with verifying the existence of a fault. Still, he must also ascertain the availability of the remaining elements of administrative liability, represented by the damage and the causal link between the fault and the damage. If the fault is established but no damage results are attained. One element of liability is missing. Thus, the injured party's right to claim compensation falls away, even if the fault attributed to the administration is of extreme gravity (Al-Shaer, Ramzi Taha, 2008).

B. Compensation in the Field of No-Fault Liability

The establishment of this type of liability presupposes that the damage reaches a degree of seriousness and

exceptionality that exceeds the ordinary burdens which members of society are obliged to endure. Consequently, compensation is limited to the part of the damage characterized by such seriousness. It does not extend to ordinary damage that is considered among the general costs or burdens borne by individuals. On this basis, environmental damage that results in serious and exceptional effects, particularly those that affect human health or safety, is deemed compensable within the scope of administrative no-fault liability (Al-Jumaili, Muhammad Abdul-Wahid, 1996). It is worth noting that the UAE legislator has not included in the Federal Law No.24 of 1999 any statutory provision related to the assessment of compensation for damage value, leaving the matter to the discretionary power of the judiciary, in light of the environmental damage nature, the extent of its seriousness, and its effect on persons, property, and natural resources. It is inferred from the provisions of this law, particularly Article No.71 thereof, that compensation is not financially limited, but extends to comprise the costs of removing environmental damage, rehabilitating the environment, and restoring the situation to what it was previously whenever that is possible, reflecting the UAE legislator's adoption of the concept of comprehensive compensation for environmental damage, whether it is material or of a purely environmental nature.

Conclusion

It is quite obvious that the current study has been addressing the issue of compensation for environmental damage in light of the shift towards sustainable development by clarifying the particular nature of this type of damage within the scope of both civil liability and administrative liability under the UAE legislation, in addition to emphasizing the special nature of environmental damage, making it different from the traditional kind, whether in terms of its broad scope, the extent of its effects, or the difficulty of proving it and evaluating compensation. Besides, the UAE legislator has paid great attention to environmental protection through the Federal Constitution and Federal Law No.24 of 1999, in which liability and compensation rules have been established, obliging the party causing the damage to bear the costs of removing the effects of pollution, rehabilitating the environment, and compensating those harmed. It has also been concluded that the traditional rules of legal liability, despite their importance, may not be sufficient on their own to address all forms of environmental damage, and therefore justify the trend towards adopting more flexible legal solutions that are compatible with the particular nature of this type of damage and ensure effective environmental protection within the framework of the requirements of sustainable development.

Finally, we are obliged to summarize the most essential results of the current research. They are as follows:

1. Environmental damage has a legal particularity, according to which it is distinguished from other traditional forms of damage, due to the multiplicity of its sources, the difficulty of proving it, and the extension of its effects over time.
2. The UAE legislator has adopted an integrated legal system for environmental protection through the Federal Constitution and Federal Law No.24 of 1999 regarding the protection and development of the environment.
3. Civil liability for environmental damage in the UAE legislation is based on the general rules, with the possibility of adopting strict liability in some hazardous activities.
4. In-kind compensation is the most appropriate means of redressing environmental damage, as it achieves environmental rehabilitation and restores environmental balance to its natural state.
5. The UAE judiciary still adheres to the rule of administrative liability based on fault, without adopting the principle of no-fault administrative liability.
6. The UAE legislator leaves the compensation assessment of environmental damage to the discretionary power of the judiciary in light of the circumstances of each case, the nature of the damage, and its effects.
7. Compensation assessment of environmental damage faces numerous practical and legal difficulties due to the technical nature of the damage and the difficulty of accurately determining its economic value.
8. The environmental compensation system contributes to achieving the goals of sustainable development through the enhancement of compliance with the environmental rules, in addition to reducing polluting behaviors.

Recommendations

The current research has come up with the following recommendations:

1. Introducing clearer legislative standards for the compensation assessment of environmental damages, in a way that achieves a greater degree of judicial stability.
2. The necessity of developing Emirati environmental legislation to allow for no-fault administrative liability in certain environmental activities that carry exceptional risks.
3. Strengthening the role of environmental technical expertise before the courts when adjudicating disputes related to liability and compensation for environmental damages.
4. Expanding the application of the “polluter pays” principle and obliging the party causing the damage to bear all costs of pollution removal and environmental rehabilitation.

References

- Abdul Latif, Mohammad Mohammed (2004). *Judiciary Law: Liability of Public Authority, Book Three*, Cairo: Dar Al-Nahdha Al-Arabiya
- Abdul Rahman, Ahmed Shawqi (2022). *Civil Liability for Environmental Damages in the Emirati Legislation, United Arab Emirates: Dar Al Nahdha Al Arabiya, First Edition*
- Abdul-Wahab, A.-W. M. (1985). *Liability for Damages Resulting from Environmental Pollution: A Study on Establishing the Foundations of Civil Liability for Environmental Pollution Damages*, Doctoral Dissertation, Faculty of Sharia and Law, Al-Azhar University
- Aboelazm, K. S., Dganni, K. M., Tawakol, F., & Raafat, R. (2026). The use of artificial intelligence for innovation in the public procurement system. *Journal of Governance and Regulation*, 15(2), 178–188. <https://doi.org/10.22495/jgrv15i2art15>
- Alazzam, F. A. F., Shakatreh, H. J. M., Gharaibeh, Z. I. Y., Aldrou, K. K. A. R., & Alkhatib, A. J. (2022). COVID-19 vaccinations: Medical ethical and legal aspects. *Medical Archives*, 76(6), 413.
- Al-Banna, M. A. (1999). *Al-Waseet in Administrative Justice*, Cairo: Dar Al-Nahdha Al-Arabiya
- Al-Jazawi, S. F. (2017). *Compensation for Environmental Damage within the Framework of Civil Liability: A Comparative Study*, Tripoli: Publications of the University of Tripoli, First Edition
- Al-Jumaili, M. A.-W. (1996). *State Liability for Non-Contractual Acts: Compensation Jurisprudence*, Cairo: Dar Al-Nahdha Al-Arabiya
- AlKhamaiseh, M. A., Allouzi, A., & Karima, K. R. I. M. (2025). The adequacy of the UAE Commercial Law in 2023 in regulating artificial intelligence as a subject of the contract. *Research Journal in Advanced Humanities*, 6(1), 1-12
- Al-Nahry, M. M. (2002). *State Liability for Environmental Pollution Damage*, Mansoura: Al-Jalaa Al-Jadeeda Library
- Al-Sanhouri, A. R. A. (2011). *Al-Waseet in Explaining the New Civil Law: Theory of Obligation, Part One, Third Edition*, Beirut: Al-Halabi Legal Publications
- Al-Saraira, I. S. (2017). The Adequacy of the General Rules on Compensation for Environmental Damage According to the Jordanian Civil Law, *Journal of Arts and Social Sciences, Sultan Qaboos University, Volume 08, Issue No. 02*,
- Al-Shaer, R. T. (2008). *Compensation Adjudication: State Liability for Non-Contractual Acts*, Cairo: Dar Al-Nahdha Al-Arabiya
- Al-Sharqawi, M. S. (2020). *Civil Liability for Environmental Damage & its Compensation: A Study on Modern Environmental Legislation*, Cairo: Dar Al-Fikr Al-Jami'i, First Edition
- Constitution of the United Arab Emirates, 1971, Article No. 23
- Egyptian Supreme Administrative Court, Appeal No. 2803 of Judicial Year 33, session of 8 February 1992
- El-Nahry, M. Medhat (1997). *State Responsibility for its Non-Contractual Acts: Compensation Law*, 2nd ed., Cairo: Dar El-Nahdha El-Arabiya
- Faleh Alazzam, F. A., Safronska, I., Rodchenko, S., Kornieieva, T., Zaiarniuk, O., & Kushnir, Y. (2024). Re-engineering of business processes of machine-building enterprises: increasing the efficiency of commercial activities.
- Federal Law No. 24 of 1999 concerning the protection and development of the environment, Article No. 2
- Fouda, R. (1994). *Lessons on Administrative Liability Adjudication*, Dar Al-Nahdha Al-Arabiya, Cairo
- Gorgy Shafiq Sari, *State Responsibility for the Acts of Its Authorities*, Cairo: Dar Al-Nahdha Al-Arabiya, 2000.
- Jamila, H. (2011). *The Legal System of Environmental Damage and Mechanisms for Compensation*, Algeria: Dar Al-Khaldounia, p. 83
- Mansour, M. H. (2021). *Civil Liability for Environmental Damages: A Comparative Study in Light of Modern Legislation*, Alexandria: Dar Al-Jami'a Al-Jadeeda, First Edition
- Mimouna, S. (2017). Error as a Basis for Administrative Liability, Algeria: *Algerian Journal of Law and Political Science, Issue No. 04*
- Mohamed, N. A., Fadli, A., & Aboelazm, K. S. (2026). 'Exclusion of the applicability of foreign law in disputing its constitutionality before the UAE judiciary', *Corporate Law & Governance Review*, 8(1), 24–33. <https://doi.org/10.22495/clgrv8i1p2>

- Mohammed, A. Mohammed (2009). *Civil Liability for Environmental Damages and their Compensation: A Comparative Study in Modern Legislation*, Alexandria: New University Publishing House, First Edition
- Omar, H. A. (2007). *The Administrative Judge's Authority to Issue Orders to the Administration: A Comparative Study*, Cairo: Dar Al-Nahdha Al-Arabiya
- Omar, H. P. (2020). *Legal Protection of the Environment in Light of National Legislation and International Agreements*, Cairo: Dar Al-Jami'a Al-Jadeeda, First Edition
- Ouagdida, A. (2024). The Basis of Administrative Liability for Environmental Damage, *Al-Boughaz Journal for Legal and Judicial Studies*, Issue No. 33
- Prasetyoandi, D., Sulistiani, L., Rusmiati, E., Aboelazm, K.S. (2026). Reconceptualizing ANKUM's Role in Military Discipline: A Normative and Comparative Reassessment of Command Authority and Justice, *Jambura Law Review*, 8(1). 125–143. <https://doi.org/10.33756/jlr.v1i1.33722>
- Saad, A. M. (1994). *An Analysis of Civil Liability Rules in Environmental Pollution Disputes*, 1st ed., Cairo: Dar Al-Nahdha Al-Arabiya
- Salama, A. A.-K. (1996). *Islamic Environmental Protection Law Compared to Positive Laws*, 1st Edition
- Taha, Mustafa Kamal (2021). *Legal Responsibility for Environmental Damages and Compensation in Modern Legislations: A Comparative Study*, Cairo: Dar Al-Fikr Wa-Al-Qanun for Publishing and Distribution, First Edition, 2021.
- UAE Federal Supreme Court, Appeal No. 654 of 2014, session of May 11, 2016
- UAE Federal Supreme Court, Appeal No. 697 of 2016, Q, 2017
- UAE Federal Supreme Court, Appeals Nos. 652 and 654 of 2014, session of May 11, 2016
- Yas, H., AlLouzi, A. S., Sarhan, M. I., Abdelrahman, A., Abdalaziz, m. M. O., & Al banna, m. (2026). Social media platform accountability: how uae law addresses misleading content and platform responsibility. *Acta Innovations*, 747–757.
- Yas, N., Alghushami, H. A., Saleem, J. M. M., & Youssef, A. A. F. (2026). Civil liability in digital markets: a legal analysis of e-commerce merchants' obligations and their basis. *Acta Innovations*, 297–312.
- Yas, N., Dafri, W., Hammad, H., Abouhaiba, N., & Mahmoud, D. (2025). Legal basis of the civil liability for harm caused by misleading content on social media under UAE legislation. *Humanities*, 6(4).

