



THE ROLE OF NATIONAL JUDICIARY IN PROMOTING THE SUSTAINABLE DEVELOPMENT GOALS: A COMPARATIVE ANALYSIS OF JUDICIAL PRACTICE

DR DANIA MAJED ABDUL HAMID AL-OBAIDI

Al-Nahrain University, College of Political Science, Iraq

Email: dania.majed@nahrainuniv.edu.iq

ORCID: 0009-0005-3711-42331

ABSTRACT

PURPOSE: The study aims to analyse the role of the national judiciary in achieving the Sustainable Development Goals (SDGs), with particular focus on judicial reasoning and practice in Iraq, compared with the Egyptian and British experiences.

METHODOLOGY: The research adopts an analytical and comparative legal approach that combines the legal interpretation of judicial rulings with the examination of constitutional provisions and relevant legislation.

FINDINGS: The findings indicate that the Iraqi judiciary has begun to institutionalise the principles of environmental protection and social justice; however, it still faces challenges related to limited judicial expertise and insufficient supporting legislation.

VALUE OF THE STUDY: The value of this study lies in highlighting the judiciary as an executive mechanism for implementing sustainable development and in connecting judicial reasoning with international legal frameworks.

RESEARCH LIMITATIONS: The primary limitations of this study are the scarcity of published environmental rulings and the difficulty of accessing certain judicial precedents.

THEORETICAL IMPLICATIONS: Theoretically, the study contributes to strengthening academic awareness of the judiciary's role in promoting sustainable development.

PRACTICAL IMPLICATIONS: Practically, it provides valuable insights for policy-makers in formulating sustainable judicial and legislative policies.

KEYWORDS: National Judiciary; Sustainable Development; Judicial Reasoning; Environment; Social Justice; Iraq; Comparative Law; Rule of Law; Environmental Governance; Sustainable Development Goals (SDGs) 2030.

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INTRODUCTION

Sustainable development has become a central pillar of both national and international policies in recent decades, due to the environmental, social, and economic challenges faced by modern societies. Global experiences have demonstrated that focusing solely on economic growth, without taking into account environmental and social dimensions, leads to the depletion of natural resources and the widening of social inequalities, thereby threatening the continuity of development in the long term.

From this perspective, sustainable development has become a strategic necessity for all nations. It requires the adoption of comprehensive policies that ensure environmental protection, promote social justice, and sustain economic growth in a balanced and integrated manner.

Significance of the Study

The importance of this study emerges across several key dimensions:

Scientific importance

This research contributes to clarifying the role of the national judiciary in achieving the Sustainable Development Goals (SDGs), with a particular focus on judicial reasoning in Iraq as a primary case study. It fills a significant research gap within legal studies by providing a comparative analysis of Arab and international judicial experiences.

Practical importance

The study assists policy-makers, judges, and legislators in understanding how to translate the SDGs into enforceable judicial rulings, thereby strengthening the judiciary's role in protecting the environment and society.

Social importance

The research highlights how judicial institutions can safeguard citizens' environmental, social, and economic rights, ensuring balance between the interests of present and future generations.



RESEARCH PROBLEM

The central problem addressed by this research is to what extent does the national judiciary, through its judicial reasoning, contribute to achieving the SDGs in Iraq, compared with the Egyptian and British experiences?

This question gives rise to several sub-questions:

1. To what extent can the Iraqi judiciary translate international principles of sustainable development into practical judicial rulings?
2. What legal, political, and social factors influence the effectiveness of judicial reasoning in this field?
3. How can the Iraqi experience be compared with those of Egypt and the United Kingdom to identify best practices and lessons learned?

Research Hypothesis

The study hypothesises that the effectiveness of the national judiciary in achieving sustainable development depends on three main factors:

- the **maturity of judicial reasoning**;
- the **strength of national legislation**; and
- the **independence of the judiciary** from political and economic influences.

Developing these factors enhances the judiciary's capacity to promote the realisation of SDGs at the national level.

THE THEORETICAL FRAMEWORK OF THE RELATIONSHIP BETWEEN THE JUDICIARY AND SUSTAINABLE DEVELOPMENT

Understanding the relationship between the judiciary and sustainable development requires identifying both the legal and practical dimensions of how international and domestic principles are applied. The judiciary is not merely a mechanism for resolving disputes; rather, it serves as an instrument to ensure compliance with state policies on environmental protection and the achievement of social and economic justice (Hamzah, 2025).





This section includes three main subsections:

1. The legal concept and dimensions of sustainable development.
2. The role of the judiciary in achieving sustainable development.
3. Judicial reasoning as a tool for promoting sustainability.

The Legal Concept and Dimensions of Sustainable Development

The concept of sustainable development encompasses three interrelated dimensions:

Economic dimension

This involves the rational utilisation of resources to achieve long-term economic growth without causing environmental degradation or exhausting natural resources.

Social dimension

This includes achieving social justice and equality, and ensuring the protection of fundamental human rights, such as the rights to education, health, and living in a clean and safe environment.

Environmental dimension

This refers to the protection of natural resources, the preservation of biodiversity, the reduction of pollution, and addressing climate change challenges.

Several international agreements have emphasised these dimensions, including:

- **The Rio Declaration (1992)** that emphasised the integration of development and environmental protection.
- **The Paris Agreement (2015)** that imposed binding legal obligations on states to reduce carbon emissions.
- **The United Nations 2030 Agenda for Sustainable Development** that identified 17 Sustainable Development Goals (SDGs), including ending poverty, ensuring good health, quality education, and access to clean water.

It is evident from these agreements that sustainable development is not an option but a legal and moral obligation that must be translated into actionable national policies and enforceable legislation (Harbi, 2024).



The Role of the Judiciary in Achieving Sustainable Development

The national judiciary constitutes the cornerstone of the rule of law and the protection of fundamental rights and freedoms. It is the primary institutional mechanism for safeguarding constitutional principles and reinforcing legal legitimacy.

Within the framework of sustainable development, the judiciary's role transcends the traditional function of dispute resolution and evolves into a key actor in maintaining the balance between economic growth, environmental protection, and social justice. Through its rulings and reasoning, the judiciary establishes sustainability as a legal value that binds both the executive and legislative branches to explicit obligations towards society and the environment (Fadel, 2021).

The Constitutional and Institutional Dimension of the Judiciary's Role

The judiciary derives its authority to promote sustainable development from national constitutions that enshrine the principles of social justice and environmental protection.

In Iraq, Article (33) of the 2005 Constitution provides that “*every individual has the right to live in a safe environment*”. This forms the constitutional framework through which the judiciary can monitor the commitment of public authorities to sustainable development policies.

This provision has not remained merely declaratory; Iraqi courts have relied upon it in multiple rulings, affirming the “*environment as a public right*” and emphasising the state’s duty to protect natural resources and prevent pollution. Accordingly, the judiciary has exercised oversight over industrial and governmental entities to ensure compliance with environmental standards.

In Egypt, Article (46) of the 2014 Constitution enshrines the right to a healthy environment as a fundamental right, granting the judiciary a robust constitutional foundation for intervening in environmental and developmental cases.

In the United Kingdom, despite the absence of a written constitution, the judiciary has developed an advanced concept of Environmental Justice, requiring local authorities to undertake rigorous environmental impact assessments before implementing any economic project.





Judicial Reasoning as a Tool for Achieving Sustainable Development

Judicial reasoning represents one of the most significant mechanisms through which courts translate sustainable development goals into legal reality. Judicial decisions do not merely resolve specific disputes; they also establish general principles that bind legislators and administrative authorities to adopt sustainable approaches.

In Iraq, the Administrative Judiciary has issued several rulings suspending development projects that violated environmental laws. These decisions emphasised the necessity of conducting environmental impact assessments before granting investment licenses, reflecting the judiciary's growing awareness of the importance of balancing economic development with environmental protection.

In Egypt, the State Council (Administrative Judiciary) has played a pioneering role in sustainable development cases, particularly those concerning urban planning and agricultural land preservation. In a landmark decision, the court halted an investment project established on agricultural land due to its incompatibility with national sustainable development plans, affirming that "*the right to development cannot be realized in isolation from the protection of the nation's natural resources*" (Mohareb, 2020).

In the United Kingdom, the High Court has relied on international legal principles in interpreting environmental statutes. In the case of *Friends of the Earth v. United Kingdom Government* (2020), the court held that the government had failed to fulfil its obligations under the Paris Climate Agreement and ordered a reconsideration of the Heathrow Airport expansion project due to its adverse environmental impact. These rulings confirm that British courts apply not only national law but also international legal norms as integral components of sustainable development jurisprudence (Atiya, 2021).

The Judiciary as a Guarantor of Social Justice within Sustainable Development

Sustainable development extends beyond environmental considerations to encompass social justice, placing the judiciary at the forefront of protecting vulnerable groups and ensuring equitable resource distribution.

In Iraq, courts have handled compensation cases for environmental and social damage resulting from oil projects, affirming that environmental protection is inherently linked to human rights such as health and dignity.

In Egypt, courts have adopted a similar approach by requiring industrial companies to compensate residents affected by pollution, based on the principle of collective harm, which constitutes one of the core foundations of environmental and social justice.



In the United Kingdom, this concept is embodied in judicial decisions supporting green employment initiatives and advocating for governmental policies that address fuel poverty, as courts have recognised that development cannot be sustainable if it marginalises social groups or exacerbates economic disparities.



The Relationship between the Judiciary and the Legislature in Achieving Sustainable Development

The relationship between the judiciary and the legislature in this context is one of complementarity rather than competition. The legislature enacts general laws, while the judiciary interprets and applies them to ensure the realisation of developmental objectives.

In Iraq, several judicial rulings have indirectly urged the Parliament to modernise environmental and economic legislation to align with sustainable development requirements (Al-Mohammad, 2020).

In Egypt, the Administrative Judiciary has taken a similar stance, holding in several rulings that the legislature's silence on certain environmental issues constitutes a form of legislative deficiency that must be remedied through comprehensive laws.



In the United Kingdom, the interaction between the judiciary and the legislature has evolved into a model of constructive engagement, whereby Parliament often relies on judicial reports and recommendations from higher courts when formulating future legislation.

Judicial Reasoning as a Tool for Strengthening Sustainability

Judicial reasoning functions as a vital mechanism for filling legislative gaps and applying international standards at the domestic level. It enables both judges and litigants to expand the scope of environmental and social protection.

The primary functions of judicial reasoning include:

- interpreting domestic laws in conformity with international standards;
- defining the responsibilities of the State and the private sector towards the environment and society;
- establishing legal precedents that encourage adherence to both national and international norms.

Furthermore, judicial reasoning fosters a legal culture of sustainability within society, transforming it into an integral component of daily judicial practice and institutional behaviour.

A COMPARATIVE STUDY OF THE JUDICIAL ROLE IN ACHIEVING THE SUSTAINABLE DEVELOPMENT GOALS

Comparing judicial experiences across different legal systems provides an essential entry point for understanding how national judiciaries interact with the requirements of sustainable development. While judicial institutions worldwide share the fundamental principles of justice and the rule of law, their mechanisms and instruments vary according to legislative environments, the degree of judicial independence, and the extent to which environmental and social justice concepts are embedded in national legal consciousness.

To achieve a comprehensive understanding of the judiciary's role in advancing the SDGs, this study examines three distinct judicial experiences, each characterised by unique legal frameworks and historical contexts: Iraq, Egypt, and the United Kingdom.

This comparative analysis reveals clear differences in institutional awareness and judicial organisation. The Iraqi judiciary is still developing its approach in this field, the Egyptian judiciary has made significant progress in embracing environmental justice principles, and the British judiciary represents a leading model of applied sustainable judicial governance.



The Iraqi Experience

The Iraqi experience represents a developing model in the gradual institutionalisation of judicial engagement with sustainable development. Despite the limited environmental legislation prior to 2003, the constitutional transformation following the adoption of the 2005 Iraqi Constitution marked a turning point. Article (33) explicitly guarantees every citizen the right to live in a sound environment, thereby establishing a constitutional foundation for the judiciary's environmental protection role (FAO, 2022).

The Federal Supreme Court of Iraq has gradually interpreted constitutional provisions relating to the environment and social justice, holding that the state is legally bound to take preventive measures to address pollution and to hold accountable those responsible for it (Harbi, 2024).

Furthermore, the Iraqi State Council has issued several rulings suspending investment projects that failed to meet environmental assessment requirements, signalling an emerging judicial awareness of the interconnection between economic development and environmental considerations (Hamzah, 2025).

Despite this progress, the Iraqi judiciary still faces major challenges, including a shortage of judges specialised in environmental and developmental law, the absence of dedicated environmental courts, and weak enforcement of penalties against polluters or violators of international standards (World Bank, 2022).

Nevertheless, continued integration of the SDGs into national development plans, alongside the enhancement of judicial training, could enable the Iraqi judiciary to become an active and influential force in implementing sustainability principles in practice.

The Egyptian Experience

The Egyptian judiciary stands out among Arab systems for its integration into the national framework for sustainable development. Under Article (46), the 2014 Egyptian Constitution enshrines the right to a balanced and healthy environment and obligates the state to protect and preserve it.

This constitutional orientation was translated into practice through the State Council (Administrative Judiciary), which established specialised divisions for environmental and administrative cases related to development.

One of the most prominent rulings is the Administrative Court's decision in the Nile River Protection Case (2018). This declared that protecting the Nile is a national and





constitutional duty, and that any project threatening water sustainability constitutes a serious violation of the rights of future generations (Harbi, 2024).

In addition, the Supreme Constitutional Court issued several rulings reinforcing the concept of social justice as an integral part of sustainable development, affirming that progress cannot come at the expense of equality or by marginalising vulnerable groups.

Egypt's judiciary has demonstrated a strong capacity to balance development and justice through the principle of equitable development, ensuring fair distribution of resources. Moreover, Egypt's adherence to international conventions, such as the Paris Agreement on Climate Change (United Nations, 2015), has encouraged the judiciary to incorporate global legal standards into its rulings.

Recent efforts to establish specialised environmental courts and to enhance collaboration between the judiciary and environmental agencies further position Egypt as a regional leader in sustainability-oriented judicial reform (UNEP, 2020).

The United Kingdom Experience

The United Kingdom is internationally recognised as a pioneer in employing the judiciary as an instrument for achieving sustainable development. Its legal system rests upon an integrated framework of environmental and administrative law, coupled with a high degree of judicial independence and the capacity to hold the government accountable.

A defining feature of the British system is the mechanism of Judicial Review; this enables individuals and organisations to challenge government decisions that contravene sustainability principles or international obligations.

One landmark case is Friends of the Earth v. UK Government (2020), in which the High Court halted the expansion of Heathrow Airport, ruling that the project conflicted with the United Kingdom's commitments under the Paris Agreement (United Nations, 2015). This judgement reinforced the principle of environmental accountability, affirming that the rule of law extends to protecting the interests of future generations.

British courts have also advanced the concept of climate justice by mandating government action to reduce carbon emissions and improve living conditions in heavily industrialised regions (UNEP, 2020).

The British experience demonstrates that the judiciary can serve not merely as a regulatory body but as a partner in public policy formulation. It offers a model for developing countries seeking to build independent and specialised environmental judiciaries.



Comparative Analysis and Lessons Learned

The comparison among the three case studies reveals fundamental differences in the maturity of legal and institutional structures.

In Iraq, the judiciary is still developing effective mechanisms to address sustainability-related issues while in Egypt, judicial practice has reached the stage of operationalising constitutional principles. In the United Kingdom, the judiciary has progressed to the level of policy oversight grounded in international sustainability norms.

The Iraqi judiciary could benefit from the Egyptian and British experiences by:

1. developing environmental and investment legislation that ensures a balance between economic growth and social justice;
2. training judges to apply principles of environmental and social justice in judicial decision-making;
3. establishing specialised courts or divisions for sustainable development cases;
4. strengthening the culture of judicial review and accountability concerning environmental and economic decisions.

This comparative analysis confirms that the judiciary's role extends far beyond applying the law. It constitutes one of the essential instruments of good governance, ensuring intergenerational equity, and forming the true foundation for achieving sustainable development in its comprehensive sense.

DEVELOPING THE JUDICIAL ROLE IN SUPPORTING THE SUSTAINABLE DEVELOPMENT GOALS

Despite the progress achieved in certain countries, national judiciaries continue to face numerous challenges in enhancing sustainable development. These challenges include limited expertise, insufficient legislation, and political or economic influences that may undermine judicial independence. This section presents key challenges and proposes strategies to strengthen the judiciary's role in advancing sustainability (Kaiyrbek *et al.*, 2021).





Challenges and Obstacles Facing the National Judiciary

1. **Limited judicial expertise** in handling environmental and social cases.
2. **Insufficient national legislation** supporting sustainable development principles.
3. **Political and economic influences** that may compromise judicial independence.
4. **Difficulty in enforcing judicial rulings**, especially those related to environmental protection.
5. **Lack of public and civil society awareness** of the judiciary's role in promoting sustainability.

These challenges collectively weaken the judiciary's capacity to act as an effective guardian of sustainable development and necessitate comprehensive institutional and legal reforms (Shabban, 2023).

Strategies for Strengthening the Judicial Role

Judicial training and education in sustainability

Establish specialised judicial education programmes focused on sustainable development, environmental law, social rights, and natural resource protection.

International co-operation and exchange of judicial expertise

Enhance cross-border collaboration among judicial institutions to exchange experiences and adopt best practices in sustainability-oriented jurisprudence.

Development of national legislation

Modernise and harmonise national laws with international standards and conventions to ensure effective legal frameworks for sustainable development.

Encouraging active judicial reasoning

Promote proactive judicial interpretation to bridge legislative gaps and apply sustainability principles across diverse legal contexts.

Establishing specialised judicial units

Create specialised judicial divisions or chambers within courts dedicated to sustainable development cases, staffed with legal and environmental experts.



CONCLUSIONS

This study demonstrates that the national judiciary plays a pivotal role in advancing the SDGs, not merely as a mechanism for dispute resolution, but as a powerful institutional tool ensuring that both public and private sectors comply with national and international legal frameworks governing environmental, social, and economic rights.

The comparative analysis of Iraq, Egypt, and the United Kingdom reveals that the maturity of judicial reasoning, the strength of legislative frameworks, and judicial independence are the fundamental determinants of how effectively judicial practice supports sustainability.

Moreover, judicial reasoning can serve as both an educational and a policy instrument, shaping public awareness of environmental and social issues while urging policy-makers to adopt sustainable policies. Consequently, judicial development must go beyond issuing rulings to include capacity building, legislative modernisation, and enhanced collaboration among judicial, civil, and international institutions.

Practical Recommendations

Develop specialised judicial education

Establish training programmes for judges and lawyers focusing on sustainable development issues, including environmental law, social rights, and natural resource management.



Strengthen national legislation

Review and update domestic laws to align with international conventions such as the United Nations 2030 Agenda and the Paris Agreement on Climate Change, ensuring effective implementation.

Establish specialised judicial units

Create independent judicial units within Iraqi courts to handle sustainability-related cases, staffed by qualified legal and environmental experts.

Enhance oversight and accountability

Develop mechanisms to ensure the enforcement of judicial decisions and hold both public institutions and private entities accountable for legal non-compliance.



Promote international co-operation

Encourage knowledge exchange with countries that have advanced experiences in integrating SDGs into judicial systems, such as the United Kingdom, to adopt global best practices.

Increase public awareness

Organise awareness campaigns for civil society and the private sector on the judiciary's role in protecting environmental and social rights, promoting civic engagement in sustainability initiatives.

Encourage judicial research

Establish research centres dedicated to studying judicial rulings related to sustainable development, analysing their social and environmental impacts, and publishing findings to inform judicial decision-making.

Integrate SDGs into national policies

Align judicial rulings with national development plans to ensure that all court decisions actively contribute to achieving both global and local sustainability objectives.

These recommendations reaffirm that enhancing the role of the national judiciary in promoting sustainable development requires an integrated effort involving the judiciary, the legislature, civil society, and policy-makers. Such co-operation ensures that judicial reasoning becomes an effective instrument for achieving comprehensive and sustainable development while protecting the rights and welfare of future generations.

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BIOGRAPHY



Dr Dania Majid Abdulhameed Al-Obaidi is a lecturer at Al-Nahrain University, College of Political Science, Iraq. She has a PhD in Civil Procedure Law from Lebanese University (2016), a Master's and a Bachelor's degree from al-Nahrain University, College of Law, (2008 and 2005, respectively). Dr Daniah serves as the Deputy Secretary-General of the Diplomatic Center for Studies and Development (DCSD), and is an etiquette trainer for women. She is also CEO of the World Diplomatic Academy for the Training and Development of Leaders. Her research interests include the authority of the civil judge in assessing evidence, the position of the Iraqi judiciary on the entry of a third person into civil suits, judicial custody in Iraqi law, and judicial receivership in Iraqi Law. Dr Al-Obaidi has authored several research papers in the field of civil procedure law, focusing on the management of civil cases, the judge's authority in evaluating evidence, and the legal positions of litigants in civil proceedings.