

## AN ANALYSIS OF DOMESTIC LAWS AND REGIONAL/INTERNATIONAL ENVIRONMENTAL TREATIES ADOPTED BY THE REPUBLIC OF IRAQ AND THEIR IMPLICATIONS

AYAT MULAEE <sup>1\*</sup>, SEYED HOSSEIN MALAKOOTI HASHJIN <sup>2</sup>, MOHAMMAD MAZHARI <sup>3</sup>, MAHDI HAMZA HAMAD<sup>4</sup>

<sup>1\*</sup> Associate Professor, Department of Law, Faculty of Law and Social Science, University of Tabriz, Tabriz, Iran

\* Corresponding author: amulaee@tabrizu.ac.ir

<sup>2</sup> Assistant Professor, Department of Law, Faculty of Law and Social Science, University of Tabriz, Tabriz, Iran  
malakooti@tabrizu.ac.ir

<sup>3</sup> Associate Professor, Department of Law, Faculty of Law and Social Science, University of Tabriz, Tabriz, Iran  
m.mazhari@tabrizu.ac.ir

<sup>4</sup> Ph.D. Student in Public Law, Faculty of Law and Social Science, University of Tabriz, Tabriz, Iran.  
Mahdi.hamza.83@gmail.com

**Abstract-** *The ever-increasing spread of pollution has negatively affected the world's air, soil, and water in various ways. On the one hand, the reduction of the natural quality of human life as a result of the disruption in environmental balance and suitability, on the other hand, has caused governments, organizations, and international assemblies to formulate and implement laws and regulations to prevent environmental pollution and destruction. Binding environmental principles and rules lead to the gradual development of ecological legislation at the national and international levels. Today, environmental laws and regulations serve as crucial tools for environmental management and the protection of its resources. Meanwhile, an important question arises regarding which specific rules and regulations the Republic of Iraq has adopted to ensure and support environmental preservation. The result of the research indicated that the Republic of Iraq has taken significant strides within its domestic sphere to establish or revise diverse laws, regulations, and policies to implement various legal safeguards and enhance environmental management practices. On the international front, Iraq has become a participant in numerous international treaties. However, further measures across legal, economic, cultural, and other domains are required to achieve the ultimate goal and desired perfection.*

**Keywords:** *Environment, Internal laws and regulations, Treaty, Republic of Iraq*

### INTRODUCTION

The historical-social course of human life, along with progress and scientific innovation, has caused the gradual destruction of nature, this motherland, and human habitat. Technological progress toward meeting consumer needs in short periods of human life has caused nature to become such an arena with alternatives. The rapid destruction of habitat ecology and natural resources and its limitations are evident. At the beginning of the third stage of this interaction, there is a necessity to change attitudes. Scientific achievements and existing reviews confirm that environmental resource destruction and pollution are fundamental factors in reducing security and peace. Humankind faces significant environmental challenges worldwide, including pollution, global warming, biodiversity loss, deforestation, and desertification. The growing ecological crisis witnessed by our generation may worsen, and global environmental issues have often been addressed within the framework of international environmental law mechanisms. Despite these usual efforts, environmental issues have not received adequate attention or priority among governmental goals due to a lack of persuasive information and data and the focus on nuclear war dangers in international relations. The environmental situation and changes in countries are essential issues in the new era. Leaders of governments and environmental activists are striving to implement policies to improve their land's environmental condition. In this regard, efforts have been made in Iran and other Middle Eastern countries. In the Middle East, environmental problems are escalating into a crisis, with drought, extreme heat, and dust storms threatening lives. These crises may lead to increased strife and conflict in the region shortly. Afghanistan's prominent environmental issues are water shortage, deforestation, air pollution, and climate change. Kuwait has experienced record-breaking high temperatures in recent years. In the Republic of Iraq, the

environment has suffered significant destruction in previous years. The Syrian civil war undoubtedly stems from the changing situation of certain ethnic groups. Politics and ecology have a close



relationship in the Middle East. The Middle East is increasingly focusing on studying the institutional requirements of technological modernization, diversifying local energy consumption, and addressing pollution caused by governmental and non-governmental activities. In this regard, the development approach through scientific activities relating to the relationship between water, energy, and food is gaining prominence. The discussion includes the formulation of international treaties, the design of domestic laws and regulations concerning natural resources, and the legal protection of environmental affairs. In this regard, the environmental affairs and its supporting components in the Republic of Iraq are significant. These efforts aim to maintain and promote public health in compliance with international agreements. Therefore, understanding domestic laws, regulations, and international agreements is crucial. Thus, this research aims to analyze the domestic regulations and international environmental treaties adopted by the Republic of Iraq and their implications. Accordingly, the main question is to identify the differences and similarities between Iraq's domestic and international laws on environmental issues. To what extent have these rules been effective, both domestically and internationally? To address these unanswered questions, the research examines the legal protection of environmental affairs and their components in Iraq and then explores the country's membership in international environmental treaties. The consequences and effects of domestic and international rules and regulations are examined in the third section. Finally, the research results will be presented, accompanied by recommendations.

### **1. Subjects covered by domestic protective laws and international environmental treaties in the legal system of the Republic of Iraq**

In today's context, where human and economic progress leads to an escalation of factors that detrimentally impact the environment, the Iraqi legislator has taken measures to address the environmental situation, identify its issues, and devise effective pollution control methods. As a result, the government has implemented individual and collective solutions to ensure a healthy life for individuals, including:

- Granting them the right to live in a pollutant-free environment
- Successful planning in coordination with the federal government, governorates, and the Kurdistan region to guarantee a suitable environmental condition.

The Iraqi legislature established the initial steps in Iraq's environmental regulatory framework through Resolution No. 2411 of 1974, which issued an administrative order to develop the High Environmental Commission, which deals with Environmental issues in Iraq. Subsequently, the commission above was dissolved by Resolution No. 1258 of 1975, announcing the formation of the High Environmental Council, which was later called the Council of Environmental Conservation and Improvement by the legislator on 3.6.1987 (Al-Muhanna, 1979: 62). It is worth mentioning that Iraqi representatives formed a committee dedicated to safeguard the environment and oversee executive institutions (Obaid Jasem: 2018, 155). The Environmental Conservation and Improvement Act is founded on several fundamental principles that the legislator defines as the limits of the scope of environmental protection. These principles include recognizing the environment as a public benefit protected by law. According to Article 5 of Law No. 27 of 2009,

the legislator deems environmental protection as part of the public interest. The law supports these mechanisms by providing mechanisms to monitor the legitimacy level of behaviors affecting the environment and to deal with violating laws.

The purpose of compiling environmental laws and regulations in Iraq is to preserve public health, natural resources, biological diversity, and cultural and natural heritage with the cooperation of competent authorities in such a way as to ensure sustainable development and international and regional cooperation in this field. (Ali, 2021, 1 and 2). The development of environmental regulations in Iraq aims to preserve public health, natural resources, biological diversity, and cultural and natural heritage through collaboration among competent authorities to guarantee sustainable development and promote international and regional cooperation (Ali, 2021, 1 and 2). Therefore, Iraq's environmental laws and regulations extend beyond addressing the three main elements of the environment (i.e., air, water, and soil) or addressing issues arising from modern urban lifestyles (e.g., noise reduction). They also encompass biodiversity protection, management of hazardous materials and waste, and safeguarding the environment against pollution caused by oil and natural gas exploration and extraction. The subsequent discussion will focus on the topics covered in domestic laws and international treaties of Iraq and the Kurdistan Region. Since our focus lies on the laws and regulations of the central government, namely the Republic of Iraq, we will not delve into a discussion



on the Kurdistan Region's Law of Environmental Protection and Improvement, which was approved on June 11, 2008, in session No. In other words, our attention will be directed towards the central government's laws and regulations, rather than exploring the regional laws.

## **2. Internal environmental laws of the Republic of Iraq**

### **2.1. Protection of waters against pollution**

The conservation and protection of both large and small water resources have been ongoing for a considerable period. Governments and international organizations have taken national, regional, and global measures to address the increasing water demand, water scarcity, population growth, and the vulnerability of water resources to pollutants. In Iran, despite the significant environmental hazards that threaten the country's water resources, only a few laws have been devoted to legal and punitive measures for water resource management and protection. Implementing legal measures inspired by local and global solutions can profoundly impact safeguarding the aquatic environment. According to Article 14 of Law No. 27 of 2009 for environmental protection and improvement, the Iraqi legislature has explicitly prohibited various activities that can cause harm to water resources:

- Disposing of domestic, industrial, service, or agricultural liquid wastes into the Republic of Iraq's surface or underground water sources or sea basins unless the investigations confirm compliance with the national environmental law and international agreements specifications.
- Connecting or discharging sewage from residential houses, factories, and other activities into rainwater drainage networks.
- Using toxic substances and explosives for catching fish, birds, and marine animals.
- Disposing solid waste, animal excrement, or residues into water sources.
- Disposing of oil waste, fuel waste, or ballast water from oil tankers into surface waters within the country.

### **2.2. Protecting air pollution and reducing noise pollution**

In articles 15 and 16, the Iraqi legislator has explicitly prohibited activities that cause harm to air quality and disrupt public peace. These include:

- Preventing air pollution, including releasing smoke, gases, or vapors from production operations or fuel combustion into the air.
- Preventing the use of vehicles or engines that exceed the permissible emission limits.
- Preventing the burning of solid waste, except in authorized locations specified by relevant authorities.
- Prevent any exploration, drilling, construction, or destruction processes that involve raw materials unless necessary measures are observed to prevent the dispersion of these materials.
- Preventing harmful electromagnetic activities from primary broadcasting stations, cell phone towers, antennas, and similar sources.
- Preventing activities leading to an increase in noise pollution. Relevant officials have the authority to issue instructions specifying the permissible noise limits based on the type of machines, equipment, and amplifiers.
- Preventing exploration, drilling, or destruction processes that result in raw materials and dust generation unless precautions are taken to ensure safe collection and transportation without dispersing the materials.

In the Republic of Iraq, air pollution has become intertwined with modern life as a by-product of various activities such as city construction, transportation, sound production, and the generation of heat and light energy in human-occupied areas. Additionally, pollution can also originate from natural sources. As a result, a large amount of air pollutants enters the environment due to the activities of both natural and artificial resources.

### **2.3. Protect the earth**

Land is an essential component of the environment, as it forms the foundation of human and animal life and agriculture. From a natural point of view, the earth's surface is composed of a layer known



as soil, which provides a habitat for plant growth and development. The environment's natural wealth is enriched by soil, a vital component crucial in sustaining life on earth and therefore recognized as a fundamental necessity. Given the significance of soil, it is no surprise that many environmental laws prioritize the protection of land and soil from pollution in their initial provisions (Abu al-Anin, 2014, p. 2). In the Iraqi legal system, land and soil protection is a multifaceted concept, as outlined in Article 17 of the environmental law implemented in the Republic of Iraq. This includes several key elements, including:

- Soil protection, i.e., preventing any harmful activities that could directly or indirectly compromise its fertility, such as damage, destruction, or contamination.
- Curbing the unchecked urban expansion on agricultural lands, and instead, adhering to carefully planned urban development strategies.
- Plant protection, including preventing any activities that damage the quality of vegetation within the area, thereby preventing desertification and degradation of the natural environment.
- Preventing destruction or damage to natural and cultural heritage sites registered in the list of the ministry.
- Preventing the illegal dumping of solid waste, except in specially designated areas

#### **2.4. Preserve biodiversity**

Respecting the environment has great intrinsic value for its own sake. According to Article 18 of the Iraqi Environment Protection and Improvement Law, damage to living organisms in their habitats is prohibited. Trade or hunting of endangered fish, birds and terrestrial animals is prohibited. Destructive acts towards rare, medicinal, and aromatic plants are strictly forbidden. Cutting down long-living trees in public areas within cities without the authorization of the head of the environmental protection group in the province is prohibited. It is forbidden to engage in the hunting, killing, keeping, or transportation of migratory birds, as well as terrestrial and aquatic animals that rely on Iraqi lands for migration or reproduction. Conducting genetic engineering research that can have detrimental effects on the environment and living organisms is not allowed. Any animal or plant species entering the environment is prohibited unless authorized by the relevant authorities.

#### **2.5. Management of hazardous materials and waste**

According to Articles 19 and 20 of the Environmental Law of the Republic of Iraq, specifically, it is mandated that the relevant ministry, in collaboration with the appropriate authorities, must develop a comprehensive inventory consisting of two components: a national catalog of common hazardous chemicals found within the Republic of Iraq, and a national register of hazardous waste.

- The application of pesticides or any other chemical compounds intended for agricultural or sanitary purposes is strictly forbidden except when complying with approved conditions and regulations.
- Transportation, circulation, insertion, burial, sinking, storage, or disposal of hazardous or radioactive waste is prohibited, except by adopting safe methods.
- The production, transfer, circulation, import, or storage of dangerous substances is not allowed unless accompanied by the necessary precautionary measures outlined in the laws, regulations, and authorized instructions.
- The entry and transfer of hazardous and radioactive waste from other countries into Iraq's land, air, or waters are strictly prohibited unless prior notice is given and customs permits are obtained.
- Establishing any activities related to the treatment of hazardous waste is forbidden except with the explicit permission of the competent authorities.

#### **2.6. Preserve environment from pollution resulting from oil and natural gas exploration and extraction**

In Article 21, the Iraqi environmental legislator has stipulated that the relevant authorities in the field of oil and natural gas exploration and extraction are required to fulfill the following obligations:

- Implementing essential measures to minimize the adverse impacts and risks of exploration and drilling activities to extract oil and gas.



- Adopting necessary measures for the environmentally safe disposal of saline water that accompanies crude oil during extraction.
- Preventing oil spills on the Earth's surface and oil injection into agricultural layers.

## 2.7. Environmental monitoring

Activities with environmental impacts must be closely monitored. The Iraqi law explicitly outlines the steps to be followed in this regard. The law has declared that the responsible authorities for these environmentally impactful activities must cooperate with environmental monitoring teams and provide them with the necessary resources to fulfill their duties, including accessing work sites. Moreover, The Iraqi legislator has officially acknowledged the monitors involved in environmental protection as judicial police and has granted them the necessary powers to fulfill their duties. Additionally, a dedicated department for the ecological police has been established by the legislator, operating under the administrative authority of the Ministry of Interior and in coordination with the Ministry of Environment. At the national level, including in the Republic of Iraq, criminal legislators are prompted to implement environmental laws securely for several significant reasons:

- Reducing the quantity of waste contributes to a decrease in the hazards associated with the release and radiation of radioactive materials.
- Protection of ecosystems and promotes the efficient utilization of natural resources.
- Active contribution to addressing global warming and protecting the ozone layer, even though it may be minimal.
- Raising awareness of environmental issues at the local level and enhancing the effectiveness of environmental protection and monitoring institutions.
- Cost reduction through recycling and better management of the environmental aspects of institutional activities.
- Exercising reasonable control over individual behaviors and work methods with potential environmental impacts.

Furthermore, many environmental laws have sought to establish a range of legal sanctions to address prohibited forms of pollution. Given the unique nature of environmental protection, it is necessary to incorporate it into a non-administrative penal system that aligns with the goals of safeguarding the environment. Considering the various forms of ecological encroachment, having a diverse range of corresponding penalties is crucial. Criminal and civil penalties are significant non-administrative penalties commonly employed in environmental protection laws.

## 2.8. Criminal regulations for environmental protection

The Penal Code No. 111 of 1969, which is currently in force in Iraq, has addressed specific provisions related to the protection of environmental elements in some of its texts, including:

- According to the second paragraph of Article 482, an individual who engages in activities such as fishing, capturing, or destroying fish in a river, aqueduct, canal, marsh, or pond, using methods that involve mass killing techniques such as explosives, chemicals, electrical devices, and similar means, will be subject to penalties. These penalties may include imprisonment, a fine, or a combination of both as determined by the court.
- As per the third paragraph of Article 495, an individual who intentionally or negligently causes disturbance or annoying noises to others in any manner is subject to legal consequences. The punishment for such actions may involve imprisonment for one month or a fine amounting to a maximum of twenty Dinar, as determined by the court.
- Article 496 addresses violations of public health and specifically addresses the offense of burying corpses in unauthorized locations within cities, villages, or residential areas.

## 3. International environmental treaties of the Republic of Iraq

Iraq has actively pursued international participation in environmental efforts and prioritized preserving and protecting the environment through regional or global cooperation. To this end, Iraq has become a party to numerous international agreements and conventions, aligning itself with the provisions outlined in both international and domestic laws and regulations of countries worldwide. The following are some notable regional and global treaties of which Iraq is a member:





### **3.1. Montreal Protocol (A Convention to Protect the Ozone Layer)**

Within the framework of the Montreal Protocol, the participating nations collectively acknowledged their responsibility to safeguard the ozone layer. They reached a consensus that, in alignment with their commitments under the Vienna Convention, it is imperative to undertake suitable actions to protect human health and the environment from the adverse consequences caused by ozone layer depletion. Recognizing the potential for substantial destruction or alteration of the ozone layer due to the worldwide emission of ozone-depleting substances, proactive measures are implemented to prevent human activities that can modify or pose a risk of changing the ozone layer. The potential dangers of ozone layer depletion, including detrimental impacts on human health and the environment and potential climatic effects, are significant. In the context of technical-economic considerations, particular attention is given to addressing the development requirements of developing countries. This requires understanding the need for unique governance to meet the needs of developing countries by providing additional financial resources and potential and access to appropriate technologies (Green, 2009).

Scientists published the initial scientific hypothesis proposing a potential link between human-produced chemicals and the detrimental impact on the stratospheric ozone layer in 1974. They found that chlorofluorocarbons (CFCs), which were widely used, can migrate into the stratosphere and persist for extended periods, ranging from decades to centuries, leading to liberating chlorine and destroying the ozone layer. In response, the United Nations Environment Program (UNEP) formulated the Global Action Plan in 1977 to reduce greenhouse gas emissions. It emphasized the need for increased international research and monitoring efforts on the ozone layer. In 1981, the UNEP granted authorization for the compilation of the program. Subsequently, in 1985, the draft of the Global Framework Convention on the Protection of the Ozone Layer at the Stratosphere was concluded in the Vienna Convention. This agreement established a comprehensive framework within which countries committed to collaborate in conducting research and assessments related to the ozone layer (Brown Weiss, 2009: 1).

### **3.2. United Nations Convention to Combat Desertification (UNCCD)**

The participants in this convention recognized the importance of addressing desertification and mitigating the effects of drought, which are pressing concerns for the international community, including governments and international organizations. They acknowledged that dry, semi-dry, and semi-humid regions form a significant portion of the world and that desertification and drought are global issues affecting all parts of the world. Therefore, there is a clear need for coordinated action by the international community. Hence, the parties to this convention prioritize the efforts to combat desertification and mitigate drought impacts. The affected developing countries prioritize sustainable economic growth, social development, and poverty eradication, particularly in Africa.

The United Nations Convention to Combat Desertification (UNCCD) is a global agreement to address desertification and mitigate the consequences of drought in countries experiencing severe drought, focusing on Africa. The convention operates through national action plans incorporating long-term strategies supported by international cooperation and partnerships. The convention, directly recommended by Agenda 21 of the Rio Conference, was adopted in Paris, France, on June 17, 1994, and became effective in December 1996. It stands as the sole binding international legal framework established to address the issue of desertification. Built upon the principles of participation and decentralization, this convention serves as a fundamental pillar for promoting good governance and sustainable development. With 197 member countries, it boasts nearly universal participation.

### **3.3. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal**

The Basel Convention, adopted on March 22, 1989, directly responded to the substantial worldwide production of hundreds of millions of tons of hazardous waste. This waste poses significant risks to human health and the environment, necessitating immediate international measures to tackle its transboundary movement. The implementation provisions of this agreement include the following objectives: reduction of the amount of hazardous waste generated, on-site treatment and disposal, reduction of transboundary transfers of dangerous waste, sufficient evidence on environmentally sound management of unsafe waste, and support for developing countries and countries with transition economies.



According to this agreement, parties are allowed to prohibit the import of hazardous waste and other wastes, except after notifying other parties of their decision. Moreover, parties are prohibited from exporting hazardous waste to those who have already banned its import. In cases where the importing party does Not grant written consent to import dangerous waste, the parties involved are obligated to prevent the export of toxic waste and other waste. They must also implement measures to prevent the transfer or informal disposal of hazardous waste and other waste while ensuring that

neighboring member states are duly informed about the potential health risks. In September 1995, member states agreed to amend the convention, prohibiting the export of hazardous waste from developed countries to developing countries for final disposal or recycling. However, this condition has not yet been implemented.

### **3.4. Convention on Biological Diversity**

The Cartagena Biosafety Protocol is an international treaty associated with the Convention on Biological Diversity (CBD). It regulates the movement of living modified organisms (LMOs), products of modern biotechnology, from one country to another. Adopted on January 29, 2000, the protocol is a supplementary agreement to the CBD and became effective on September 11, 2003. Another supplementary agreement to the CBD is the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization (ABS). This protocol establishes a clear legal framework for the effective implementation of one of the three objectives of the CBD, i.e., the fair and equitable sharing of benefits derived from the utilization of genetic resources. The Nagoya Protocol was adopted in Nagoya, Japan, on October 29, 2010, and was enforced on October 12, 2014. In 2010, designated as the International Year of Biodiversity, the CBD Secretariat was at its focal point. Following the recommendations of CBD signatories in Nagoya, the United Nations declared the period from 2011 to 2020 as the United Nations Decade on Biodiversity in December 2010. The CBD's Strategic Plan for Biodiversity 2011-2020, established in 2010, incorporates the Aichi Biodiversity Targets. The CBD's current focus on marine and coastal biodiversity is on identifying ecologically or biologically significant marine areas (EBSAs) in specific oceanic regions based on scientific criteria. The main objective is to develop an internationally binding legal instrument (ILBI) encompassing area-based planning and decision-making under the UNCLOS to support marine biodiversity conservation and sustainable use beyond national jurisdictions (BBNJ).

Some of the issues addressed under the Convention include:

Assessing the motivations for conservation and sustainable use of biodiversity,

Regulated access to genetic resources and traditional knowledge, including prior informed consent from the provider of resources,

Sharing benefits fairly and equitably,

Research and development outcomes and the benefits derived from commercial use and other genetic resources with the providing party (governments and local communities) that offer traditional knowledge or biodiversity resources (Harrop, 2011, p.18),

Access and transfer of technology, including biotechnology, to governments and local communities that provide traditional knowledge and biodiversity resources,

Technical and scientific cooperation,

Coordination of the Global List in Taxonomy (Global Taxonomy Initiative), Impact assessment,

Education and public awareness, Financing,

National reporting on efforts to implement treaty obligations.

### **3.5. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

Before the development of the CITES convention in the international community, there were treaties addressing the conservation of wild animals, plants, and endangered species, reflecting the conservation position in international environmental law. In 1911, a bilateral treaty was concluded among the United States, Japan, Russia, and England regarding protecting whales and seals. In 1933, a convention to protect wild animals in their habitats was concluded among African countries. In 1940, the American countries entered another convention, which, in addition to the abovementioned issues, also addressed the protection concerns and the discourse surrounding endangered species. The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) has



been adopted by 183 countries, including the United States. This treaty, which governs the international trade of animals and plants susceptible to trade-related threats, was enforced in 1975. Currently, this convention encompasses around 30,000 plant species and 5,600 animal species. According to numerous scientists, CITES has been deemed successful as there has been no recorded extinction of any species listed under CITES in the past three decades. However, some individuals argue that despite the achievements of CITES, there are challenges in its implementation, including issues like non-compliance and the failure to endorse treaty-related legislation in certain countries (Pervaze A, 2012, p. 12).

### **3.6. United Nations Framework Convention on Climate Change (UNFCCC)**

Since 1959, humanity has witnessed unparalleled changes in the Earth's climate, prompting the establishment of the Intergovernmental Panel on Climate Change (IPCC) in 1988 by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP). The primary objective of this platform is to gather data on global warming and assess its impacts. Political leaders are urged to evaluate the risks associated with climate change based on the information disseminated by this forum. One hundred fifty-four countries ratified the IPCC during the Rio Summit in 1992, and it officially took effect in 1994. The IPCC is an intergovernmental organization conducting extensive scientific, technical, social, and economic assessments of the risks posed by human-induced climate change worldwide. The primary objectives of this institution are to evaluate the potential consequences of these climate changes and explore various options for adapting to them and mitigating their impacts, among others. The IPCC, headquartered in Geneva, Switzerland, is a significant publisher of special reports closely linked to the UNFCCC. The UNFCCC is an international treaty that addresses the potential risks of detrimental climate change, including global warming. IPCC reports are widely cited as a significant reference source in discussions on global climate change. The purpose of establishing the IPCC is to provide solutions for stabilizing the concentration of greenhouse gases generated by industrial activities to the extent that it diminishes the adverse effects of climate change on life on Earth. As the leading international climate change treaty in the world, the main task of the IPCC is to prepare climate change reports supporting the UNFCCC convention.

### **3.7. The Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides**

The Rotterdam Convention, formally the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, is a multilateral treaty promoting shared responsibilities regarding the import of hazardous chemicals. The convention fosters the unrestricted flow of information while mandating that exporters of unsafe chemicals adhere to appropriate labeling practices, incorporate guidelines for secure transportation, and apprise purchasers of any limitations or bans in place. Signatory nations possess the authority to determine whether to permit or prohibit the importation of chemicals enlisted in the treaty, with exporting countries assuming the responsibility of ensuring compliance by producers operating within their jurisdiction (O'Neil, 2011, <https://o.canada.com/business/European>).

The Inter-State Negotiating Committee conducted a series of five meetings from March 1996 to March 1998 to develop an enhanced convention. This convention was subsequently established during a conference of plenipotentiary representatives held on September 10 and 11, 1998, in Rotterdam, the Netherlands. During this convention, the official document outlining the legal obligations for implementing the prior informed consent procedure for specific hazardous chemicals and pesticides in international trade, known as the PIC procedure, was approved. The Rotterdam Convention was established to promote and share responsibility and foster cooperation among member countries engaged in the international trade of specific chemicals to safeguard human health and the environment from the hazardous potential of these substances. It also aims to facilitate collaborative efforts in preventing improper environmental utilization, exchange information on chemicals and their properties, and aid in the national decision-making process concerning the export and import of these materials. In this regard, the Rotterdam Convention assists countries seeking to establish agreements on the import of such substances by providing information on previously agreed-upon restrictions or bans on specific chemicals. This enables countries to make informed decisions and take necessary precautions when considering the importation of these substances. This mechanism, in particular, enables developing countries to monitor the use of potentially hazardous substances within their borders more effectively. It encompasses a collective responsibility and international





cooperation among countries engaged in the global trade of dangerous chemicals (Rotterdam Convention (PIC procedure, 2004), <http://www.bvl.bund.de/EN/04>).

### 3.8. Stockholm Convention on Persistent Organic Pollutants

Under the Stockholm Convention, the participating parties have reached a consensus on a procedure that allows for the evaluation and inclusion of persistent toxic compounds into the Convention through a treaty. This inclusion is contingent upon the compounds meeting specific criteria for their persistence and the threat they pose across national borders. A conference held in Geneva on May 8, 2009, marked the agreement on the initial batch of new chemicals to be included in the Convention. As of September 2022, the Convention boasts a membership of 186 entities comprising 185 countries, including the European Union. Noteworthy countries that have yet to ratify this convention include the United States, Israel, and Malaysia. The European Union adopted the Stockholm Convention through Regulation (EC) No. 850/2004. The Convention encompasses several key elements, including the obligation for developed countries to provide fresh and additional financial resources and take measures to eradicate the production and usage of intentionally produced persistent organic pollutants (POPs). It also emphasizes the need to minimize unintentionally produced POPs whenever feasible and manage and dispose of POP waste in an environmentally friendly manner. Throughout the Stockholm Convention, a cautious approach is consistently emphasized, as evident in the references made in the preamble, purpose, and provisions related to identifying new POPs (Porta M, 2002, p. 654).

At the time of the Convention's adoption, a procedure was established to identify additional POPs and the criteria to be considered during this process. During the inaugural Conference of the Parties (COP1), which took place in Punta del Este, Uruguay, from May 2 to 6, 2005, a committee known as POPRC was established to assess and review the nominations of articles for potential inclusion in the Convention's list. The committee comprises 31 experts nominated by parties representing the five regional groups within the United Nations and reviews the nominated chemicals through a three-stage process. In the initial stage, the committee assesses whether the substance aligns with the screening criteria for POP outlined in Annex D of the Convention, which encompasses aspects such as persistence, bioaccumulation, long-range environmental transport (LRET) potential, and toxicity. If a substance is determined to fulfill these criteria, the Committee develops a risk profile, as shown in Annex E. This profile aims to evaluate whether the substance, due to its potential for long-range environmental transport (LRET), will likely cause significant adverse effects on human health and/or the environment. Finally, suppose the POPRC concludes that global action is necessary. In that case, it will proceed to establish a risk management assessment per Appendix F. This assessment takes into account the socio-economic factors linked to potential control measures (Wang, 2009, p. 31).

### 3.9. Ramsar Convention on Wetlands

The Ramsar Convention, recognized by its hosting location, is an international treaty that enables member nations to investigate and analyze environmental concerns related to wetlands, including international wetlands, beyond their geographical borders. The convention focuses on conducting ecology, botany, and zoology studies and allows the findings to be shared with and utilized by interested parties. This convention was concluded on February 2, 1971, and entered into force on December 21, 1975. Thus, February 2 (13 Bahman) is called World Wetlands Day. This convention aims to promote the safeguarding and responsible utilization of wetlands worldwide by implementing local, national, and regional measures and fostering international cooperation to facilitate sustainable development across the globe. Accordingly, every country aspiring to join the Ramsar Convention must present at least one of its wetlands to the Convention Office. The Convention Office evaluates the wetlands according to specific criteria, and if they meet, they are officially recognized as international wetlands within the convention. Throughout its operation, the Ramsar Convention has successfully garnered public attention, raising global awareness about the profound impact and crucial significance of these unique phenomena on human existence and the survival of various species. As a result, it has fostered a greater inclination among countries worldwide to collaborate with this organization. This is evident in the substantial growth of member countries, where there were only around 18 countries in 1971; the current tally stands at 166 countries. As the Ramsar Convention marked the initial endeavor of countries to safeguard wetlands, it inevitably encountered certain deficiencies and legal gaps, prompting the need for reforms. Consequently, in December 1982, governments convened an exceptional conference at the UNESCO headquarters, where they endorsed the Paris Protocol as an amendment protocol. This protocol was subsequently implemented in 1994. The Paris Protocol elucidated a process for amending the convention and established the



official version of the agreement in six languages: English, French, Arabic, German, Russian, and Spanish. At present, the majority of participating nations have embraced the Paris Protocol Treaty. Furthermore, during the extraordinary conference in Regina, Canada, held in 1987 and attended by treaty parties, significant reforms were instituted on the authority of treaty parties, establishing a permanent committee, budgetary matters, and creating a permanent office or secretariat. These reforms were subsequently implemented in 1994. New parties joining the Ramsar Convention are automatically considered members of the Paris and Regina Amendment Protocols. The overarching objective of the Ramsar Convention is to safeguard and promote the responsible utilization of all wetlands worldwide, employing collaborative measures at the local, regional, national, and international levels to facilitate sustainable development globally. To accomplish these aims, the Convention Secretariat collaborates with diverse United Nations institutions and bodies, working in tandem to fulfill its mission (Thagunna et al., 2023).

### **3.10. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines**

The Anti-Personnel Mine Ban Convention is an international law document prohibiting the development, production, stockpiling, transfer, and use of anti-personnel mines. Membership in the Ottawa Convention entails the establishment of regulations and obligations for participating nations. These encompass the dismantling of anti-personnel mine stockpiles, demining activities in affected areas, provision of medical aid to mine victims, and the reporting of actions undertaken by member states. To facilitate these objectives, member states exchange relevant information and expertise. The Ottawa Convention was enacted on March 1, 2009 (Stuart Casey-Maslen, 2016, p. 1 and 3).

In this convention, every member state commits to the following obligations without exception:

- A) They shall refrain from using anti-personnel mines.
- B) They shall not engage in the development, production, possession, stockpiling, maintenance, or transfer of anti-personnel mines, directly or indirectly, to any entity.
- C) They shall not provide assistance, encouragement, or inducement to any individual, in any manner, to participate in activities that are prohibited by this Agreement for a State Party.

Each State Party commits to the destruction or effective control of all anti-personnel mines in accordance with the provisions outlined in this Convention. The definition of mines provided in Article 2 includes the following:

- 1- The term "anti-personnel mine" refers to a mine specifically designed to detonate upon the proximity or contact with a person, resulting in the incapacitation, injury, or death of one or more individuals. Mines designed to detonate only in the presence of vehicles equipped with anti-displacement devices are not classified as anti-personnel mines.
- 2- The term "mine" denotes an explosive device intended to be placed beneath the ground surface or another location, whether above or near it, which detonates upon the presence of a person or a vehicle.
- 3- However, the conventions prohibiting the use, stockpiling, production, and transfer of anti-personnel mines have successfully safeguarded the environment.

### **3.11. Convention on the Conservation of Migratory Species of Wild Animals**

Approximately 8,000 to 10,000 of the approximately 1.75 million known animal species in the world migrate. These animals utilize diverse habitats at various stages of their life cycles and inhabit multiple environments. Their ability to adapt to diverse habitats and utilize available resources makes them temporary residents. They rely on various habitats, both as platforms and dwellings. This encompasses a wide range of creatures, including goats, fish, whales, elephants, bats, birds, and even seemingly fragile insects like butterflies. Migratory animals are vital contributors to ecosystems, playing a crucial role in sustaining life on Earth through activities such as pollination and seed dispersal. Moreover, they hold significant economic value at local and global levels, providing food and income through livelihood, recreational and commercial hunting and fishing activities. Thus, the Convention on the Conservation of Migratory Species was established to safeguard the well-being of migratory species throughout their lifespans on land, water, and in the air. This environmental agreement, introduced by the United Nations Environment Program, aims to support wildlife and fauna on a large scale. Since its inception, over 100 countries have joined this convention, spanning



Africa (including Egypt), South and Central America, Asia (including the Republic of Iraq), Europe, and Oceania. The convention was signed in 1979 in the city of Ben, commemorated by its name, and implemented in 1983.

### **3.12. Kyoto Protocol**

The initial version of the Kyoto Protocol, which emerged from over a decade of climate policy negotiations under the United Nations, marks a significant milestone. It is an internationally binding agreement aimed at safeguarding the climate, with the potential to come into effect soon. Critics of this protocol, however, view it as a deeply flawed accord that suffers from both economic inefficiencies and political impracticalities. The protocol employs a control mechanism that enables progressive adjustments and advancements toward evolving objectives. As a result, it adopts a flexible approach through a system of five-year periods coupled with periodic negotiations. This flexibility empowers policymakers to adapt their decisions based on improved insights gained in the future. Notably, the protocol stands as the first global environmental agreement that considers historical responsibilities concerning greenhouse gas emissions (Boehringer, 2003, p.6).

### **3.13. International Union for Conservation of Nature (IUCN)**

A union consisting solely of government and civil society organizations is dedicated to equipping public, private, and non-governmental organizations with knowledge and tools that foster human progress, economic development, and nature conservation in unison. IUCN, the largest and most varied environmental network globally, leverages the expertise, resources, and connections of over 1,300 member organizations and around 16,000 experts. Consequently, it is a prominent source of environmental protection data, assessments, and analysis. With its complete membership, IUCN is an incubator and trusted repository of international best practices, tools, and standards. IUCN also fosters a completely unbiased setting where diverse stakeholders, including governments, non-governmental organizations, scientists, businesses, local communities, indigenous peoples' organizations, and others, can unite to devise and execute solutions for environmental challenges. In this environment, they work collaboratively towards sustainable development and cooperation. Through partnerships and sponsorship from numerous entities, IUCN carries out a wide range of conservation projects worldwide. These projects merge cutting-edge scientific knowledge with the traditional wisdom of local communities to combat habitat loss, restore ecosystems like wetlands, and enhance the well-being of individuals (Richardson and Smith, 2019).

### **3.14. Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction**

One of the major security considerations during regional and international conflicts and wars revolves around the use of chemical weapons. Unfortunately, unlike nuclear weapons, a significant number of countries worldwide possesses these weapons. The devastating impact of chemical weapons on the environment and human beings, particularly on defenseless civilians, has prompted international organizations to pursue the Convention on the Prohibition of Chemical Weapons. This convention mandates countries to abstain from using chemical weapons in any circumstances. However, it is evident that ensuring compliance with such restrictions necessitates accurate prediction and guarantee of implementation. This is because there are instances where rogue individuals and governments continue to employ chemical weapons despite the imposed restrictions and international pressure. One aspect of ensuring executive assurance is achieved through the International Criminal Court (ICC), which includes the jurisdiction of this governing body. The other aspect is carried out by the United Nations itself, primarily through the Security Council. This involves imposing sanctions, restrictions, or even military interventions, justified by the doctrine of responsibility to protect and humanitarian action (Emami, 2017, p. 178). In any scenario, the International Convention for the Prohibition of Chemical Weapons stands as the paramount international treaty aimed at prohibiting the production, stockpiling, and use of weapons of mass destruction and chemical weapons. It was ratified by representatives from 165 member states of the United Nations on January 13, 1993, in Paris and New York, and came into effect on April 29, 1997, following its ratification on January 29. As of September 2013, 190 countries, including the Republic of Iraq, have joined the International Convention on the Prohibition of Chemical Weapons. However, six member countries of the United Nations, i.e., Angola, Burma, Egypt, Israel, North Korea, and South Sudan, have declined to join the International Convention on the Prohibition of Chemical Weapons.



#### 4. Conclusions

The present research demonstrated that within the legal system of the Republic of Iraq, the natural surroundings encompass elements bestowed by a higher power (God's power), where humans have no contribution to their creation. This includes forests, pastures, mountains, plains, rivers, seas, swamps, and landscapes, among others. The constituents of the natural environment consist of both living and non-living factors. From an anthropocentric perspective, the human perception of the environment is only based on its utility and the role it plays in fulfilling human needs. In other words, the utilization of natural resources to meet desired environmental requirements and economic productivity. On the other hand, the biocentric approach presents a completely contrasting viewpoint. In this approach, the environment holds significant importance and status, and its preservation is inherently valuable for the environment itself. Hence, through an examination of Iraqi internal laws, as well as regional and international documents and regulations, it can be concluded that the environment has now become one of the most esteemed values in human societies. The special attention to this subject and the issuance of numerous resolutions and recommendations from International and regional organizations such as the United Nations Environment Program, the World Health Organization, the European Economic Cooperation and Development Organization, and the United Nations Economic Community of the Council of Europe, highlight the global significance accorded to environmental matters.

While the government bears the responsibility for the deteriorating state of the environment in many countries, including the Republic of Iraq, it is crucial to acknowledge that environmental destruction and pollution cannot be solely attributed to the government. The deteriorating rankings of these countries in environmental indicators highlight the failure of various stakeholders, such as the general public, academic community, economic enterprises, and especially the government, in preserving the environment and preventing the spread of pollution and destruction. Regrettably, the environmental organization in Iraq is more symbolic than functional, having accomplished little in this domain. There has been a notable absence of advertising campaigns or conferences aimed at fostering public awareness and support for environmental protection. Institutions responsible for governance are ill-suited to ensure environmental well-being as their interests often lie in exploiting the environment. For example, Despite the Republic of Iraq's endorsement of numerous international agreements aimed at environmental protection, as mentioned in this article, it continues to grapple with issues such as water pollution, agricultural pesticide usage, untreated sewage, and industrial waste. This raises the question of whether the government genuinely upholds its commitment to implementing the measures outlined in these conventions. According to news reports, there exist environmental threats that pose significant risks to Iraq's future. The pollution levels surpass the global average by more than threefold, resulting in a cost of 24 billion pounds annually for the state to treat 42 pollution-related diseases. The indiscriminate disposal of garbage throughout the country, along with improper incineration practices, leads to air pollution from the release of toxic gases. This, in turn, poses a threat to the climate and contributes to increased water pollution. According to a UN report, there are concerns about the potential failure of the Paris Agreement on climate change. This is due to the ongoing global warming trend, with expected further temperature increases until 2100 (Holder, 2017:144-146). Pollutants can be categorized into heavy metals, which are discharged into rivers by factories and constitute 90% of solid waste, while waste from floating hotels only accounts for 10% (Michael, 2014, p.14). The effectiveness of the international agreements that Iraq has ratified in safeguarding the environment and mitigating the extensive environmental pollution within the country is evidently limited (Amany, 2018:22-28). The widespread conflict and internal disruptions have hindered the implementation of domestic and international laws and regulations, preventing them from reaching the desired enforcement stage.

Hence, the following suggestions are proposed to the Iraqi authorities and international institutions to enhance international laws and regulations:

- Strengthen the penalties for individuals and organizations involved in encroaching upon natural resources and engaging in activities that destroy forests.
- Address the issue of livestock aggression and uncontrolled grazing in pastures by implementing a plan to remove livestock from forest areas.
- Provide fuel to forest-dwelling communities by relevant organizations to discourage them from resorting to tree-cutting for energy needs.



- Educate and raise awareness among decision-makers about environmental issues, equipping them with comprehensive knowledge to effectively balance economic considerations with environmental values.
- Improve the socioeconomic and cultural conditions of villages surrounding protected areas, fostering community support for responsible tourism activities and instilling a sense of ownership and responsibility for the preservation of the protected areas.
- Increase tourism awareness of the visitors to minimize potential harm to natural resources.

## References

### I. Arabic

- Abu al-Anin N.O., and al-Almar M.A.J. (2014). *Environmental Protection Legislation*, Egypt Modern Magazine, Issue, 511 July. (In Arabic).
- Al-Muhanna, M.S. (1979). *Civil Liability for the Harms of Environmental Pollution*, Beirut, Zain Legal Publications, first edition. (In Arabic).
- Ministry of State for Al-Bainah Affairs, Al-Bainah Affairs Agency, Coordination and Monitoring Unit and Technical Information Exchange Network for International Conventions on Hazardous Materials, 30 Misr Road Helwan Al- Zara'i - Al-Maadi - Cairo - Egypt can be found on the website: <https://web.archive.org/>. (In Arabic).
- Obaid Jasem, I. (2018). *Environmental Legislation in Iraq*", Part One, Baghdad, Dar Al-Fikr, First Edition.
- Rozhan I.A. (2021). *Constitutional Protection Law of the Environment*, Master's Thesis, Al-Sharq University, Institute of Advanced Studies, College of Law / Department of Public Law. (In Arabic).
- United Nations Environment Program Ozone Secretariat (Ozone Secretariat - UNEP) (2012). *Evidence of the Montreal Protocol on Substances Depleting the Ozone Layer*, United Nations Environment Program Ozone Manate. (In Arabic).

### II. English

- Amany I. (2018). *Environment Public Policy in Egypt*, The British University in Egypt Political Science Department: Public Policy.
- Boehringer Ch. (2003). *The Kyoto Protocol: A Review and Perspectives*, Oxford Review of Economic Policy 19(3).
- Casey-Maslen S. (2016). *Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction*, United Nations Audiovisual Library of International Law.
- Green B.A. (2009). *Lessons from the Montreal Protocol: guidance for the next international climate change agreement*. *Envtl. L.*, 39.
- Harrop S.R.; Pritchard, Diana J. (2011). *A hard instrument goes soft: The implications of the Convention on Biological Diversity's current trajectory*. *Global Environmental Change*. 21 (2).
- Holder J., Kommenda N., and Watts, J. (2017). *The three-degree world: the cities that will be drowned by global warming*. PP:144-146, Retrieved from The Guardian: <https://www.theguardian.com>
- Michael F. (2014). *Egypt and Water Pollution*. Retrieved from Save the Water: <http://savethewater.org>.
- Nepad-caadp. (2005). *Implementation, government of the arab republic of egypt, volume i of v national medium term investment programme (nmtip)*.
- O'Neil, P. (2011). *European Parliament slams Canada's oilsands, asbestos, sealing industries*. *Canada.com*.
- Pervaze A. Sheikh M., Corn L. (2012). *The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*, Congressional Research Service.
- Porta M., and Zumeta E. (2002). *Implementing the Stockholm treaty on POPs [Editorial]*. *Occupational & Environmental Medicine*. 59 (10).
- Richardson, K. and Smith, W. (2019). *Rapid Assessment of New Conservation Science in the Northern Appalachian-Acadian Ecoregion*.
- Thagunna RS., Subedi R., and Koirala R. (2023). *Ecological Significance and Conservation Issues of Internationally Important Wetlandsof Nepal: A Review*. *Journal of Forest and Natural Resource Management*, 3(1).
- Wang T, Wang Y, Liao Ch, Cai Y, Jiang G. (2009). *Perspectives on the Inclusion of Perfluorooctane Sulfonate into the Stockholm Convention on Persistent Organic Pollutants 1"*. *Environmental Science & Technology*. 43 (14).





Weiss, E.B. (2009). Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, United Nations Library of International Law: [https://legal.un.org/avl/intro/welcome\\_avl.html](https://legal.un.org/avl/intro/welcome_avl.html).

### III. Conventions

Convention on Biological Diversity". Convention on Biological Diversity. Retrieved 24 July 2022. nUnited Nations Treaty Collection (2015), Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

Convention on Prohibition of Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Destruction of Mines - Ottawa Convention 1997, 09-18-1997 Treaties, signed in Oslo, Norway on September 18, 1997.

Convention on the Conservation of Migratory Species of Wild Animals Kyoto Protocol to the United Nations Framework Convention on Climate Change, <https://treaties.un.org/doc/Publication/MTDSG/Volume%20II/Chapter%20XXVII/xxvii-7-a.en.pdf>.

In the name of allah most gracious most merciful iraqi kurdistan region presidency of region p`resident in the name of the people resolution number (20) for the year (2008).

Environmental Law (Law 4 of 1994), promulgating the executive regulations of the law for the environmental law.

United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa". United Nations Treaty Collection. United Nations. 10 October 2019. Retrieved 10 October 2019.

United Nations Framework Convention on Climate Change. Retrieved 2013-06-25. The National Environmental Strategy and Action Plan for Iraq (2013 - 2017), Ministry of Environment.

United Nations Framework Convention on Climate Change. Retrieved 2013-06 25.«Stockholm Convention on Persistent Organic Pollutants» Contracting Parties to the Ramsar Convention, [https://www.ramsar.org/sites/default/files/documents/library/annotated\\_contracting\\_parties\\_list\\_e.p](https://www.ramsar.org/sites/default/files/documents/library/annotated_contracting_parties_list_e.p).

### IV. Iraqis' laws and regulations

Environmental law (1974)

Environmental protection and improvement (2009)

Kurdistan region's law of environmental protection and improvement (2008)

The environmental conservation and improvement act (2009)