THE REPUBLIC OF IRAQ UNDER THE CONVENTION OF BIOLOGICAL DIVERSITY OF 1992

LA REPÚBLICA DE IRAK BAJO LA CONVENCIÓN DE LA DIVERSIDAD BIOLÓGICA 1992



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RESUMEN
El objetivo de esta investigación fue estudiar la integración de la República de Irak en las convenciones ambientales internacionales, incluido el Convenio sobre la Diversidad Biológica. El método de esta investigación fue comparativo y se basa en documentación legal. Nuestro hallazgo demuestra que el acuerdo ambiental internacional sería un gran incentivo para la promulgación de leyes nacionales sobre la conservación de los recursos naturales, así como para la creación de culturas ecológicas en todas las instituciones estatales y la sociedad civil.
Palabras clave: Convenio sobre la Diversidad Biológica, obligaciones internacionales, la República de Irak, el Ministerio de Medio Ambiente.

ABSTRACT
The aim of this research was to analyze the integration of the Republic of Iraq into international environmental conventions, including the Convention on Biological Diversity. The method of this research was comparative and is based on legal documentation. our finding show that the international environmental agreement would be a great incentive for the enactment of national laws on the conservation of natural resources, as well as the creation of ecological cultures in all state institutions and civil society.
Keywords: Convention on Biological Diversity, international obligations, the Republic of Iraq, the Ministry of Environment.

DOI: https://doi.org/10.5281/zenodo.7897072

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INTRODUCTION

Oil leakages due to the damage to Iraq's oil infrastructures, as well as the lack of water purification facilities in Iraq's refineries have contaminated the waters of this country. Because of damaged infrastructures, a significant portion of the Iraqi population does not have enough water, and water supply is difficult. As a result, in Iraq the level of health care is in a low degree. Military operations in the three wars (Iran and Iraq, the Persian Gulf War, and the Iraq War) have caused unexploded ordnance and land mines to remain in various locations in the country which are subject to explosion. There are places where municipal and medical wastes are gathered in one place, and this also increases the probability of contagious diseases outbreak. Another factor of contamination is the destruction of military and industrial infrastructure during various wars, causing heavy metals and other hazardous substances to be disseminated through air, soil and groundwater. Inadequate use of alluvial plains and improper drainage has led to a decrease in the soil quality. On the other hand, factors such as wind cause loss of fertile soil and desertification.

The environment of the Republic of Iraq is subjected to numerous, serious international and domestic risks, causing the imbalance of ecosystem, significant degradation of components of biological diversity (plants and animals), the disappearance or danger of extinction of many species, and the introduction of alien species.

The ecological zones of the Republic of Iraq, including wetlands in the south of Iraq, are endangered by the exceptional environmental threat. This threat includes the problem of large-scale marshland reclamation, that led to a significant reduction in biodiversity components, the emergence of desert areas and plains in Iraq, as well as the occurrence of sandstorms and the problem of desertification.

METHODS

This research is comparative-analytical and is based on legal documentation. The documents were collected by referring to official websites, face-to-face or electronic correspondence to the related organizations.

In this paper, an attempt is made to work out a methodology for comparative legal research, which goes beyond the ‘functional method’ or methodological scepticism.

The starting point is the idea that we need a ‘toolbox’, not a fixed methodological road map, and that a lot of published, but largely unnoticed, research outside rule and case oriented comparative law offers varying approaches, which could usefully be applied in comparative research.

Basically, it is the aim of the research and the research question that will determine which methods could be useful. Moreover, different methods may be combined, as

they are complementary and not mutually exclusive. This paper focuses on scholarly comparative legal research, not on the use of foreign law by legislators or courts, but, of course, the methodological questions and answers will largely overlap.

RESULTS

The accession of Iraq to the Convention on Biological Diversity, Act No. 31 of 2008 "On the accession of Iraq to the Convention on Biological Diversity" has legal implications and requires compliance with international obligations. In order to fulfil the requirements of the conventions, the government of Iraq puts out considerable efforts also at the national level (Wood, 2013).

The aim of these efforts is to preserve biodiversity and natural habitats. It is realized through the implementation of the following activities: development of necessary legislation; development of joint programs and strategies, necessary for sustainable use of biodiversity; international and regional cooperation; exchange of information at the international and national levels; protection and conservation of biological resources; protection of rare and endangered species; effective management of protected areas; application of modern technologies with the help of modern genetic engineering; control over the introduction of alien species; increase of ecological culture and activation of the role of civil society (Yazdanpanah, Hayati, Hochrainer-Stigler, and Zamani, 2014).

In addition, international commitments include the application of the criterion of sustainable use, as a key element in the conservation of biological diversity. It is implemented through the integration of sustainable use in decision-making process, the development of national policies, the promotion of cooperation and joint risk management between public institutions, private sector and different segments of Iraqi society. The Government of Iraq should develop the mechanisms for monitoring and control of environmental risks. It has to analyse and control its own resources, in order to prevent their loss; and also it should share information and experience, in order to avoid damage to the components of biodiversity (Buck & Hamilton, 2011).

DISCUSSION

With the aim to take concrete measures, the Ministry of Environment issued a number of decrees and orders. Thus, the State Commission on Genetic Funds of Biological Diversity "On Ensuring the Execution of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity" was established (Pettenger, 2016).

The Ministry of Environment coordinates the work jointly with the Ministry of Science and Technology, the Centre for Environmental Protection, the Academy of Science and Technology, and the Intellectual Centre, analysing the standards and

measures in the field of radiation treatment and hazardous materials, water management and prevention of pollution. Also, the Ministry of Water Resources and the Administration for River Protection of Water Resource Consortium are engaged in coordination activity with the Ministry of Environment. The task of the Administration for River Protection of Water Resource Consortium is to identify and prioritize the environmental, technical, social and economic problems, facing the rivers of Iraq, and to provide appropriate solutions (Miller, Agrawal, & Roberts, 2013). The Ministry of Agriculture is also involved in this process. It is responsible for the restoration and development of protected areas, in order to transfer them into areas, suitable for the accommodation of many species of animals and wild birds, and for the implementation of the national program for the preparation of environmental maps of Iraq, based on climatic, soil and water indicators, data on human resources and other elements of the environment.

The Ministry of Environment stated that: "A number of activities have been carried out to implement the Convention on Biological Diversity and preserve all important ecosystems, flora and fauna species, which are endangered. Thus, in order to preserve biological diversity, 4 national parks, 1 state reserve and 2 state natural sanctuaries have been created in Iraq for the past 3 years. Together with the United Nations Development Program and other international organizations special programs are developed and put into life (Buck and Hamilton, 2011).

The Ministry of Environment of Iraq, together with the relevant government agencies, coordinated the implementation of the provisions of the Convention on Biological Diversity, aimed at the conservation of biodiversity through the adoption of the following measures: establishment of a regular national committee, in order to control the enforcement of the Convention on Biological Diversity, which includes the experts on biodiversity from various governmental and non-governmental sectors; coordination between the Ministry of Environment and various ministries, with the aim to organize conferences on biodiversity protection; coordination with relevant international organizations and regional institutions in the framework of joint programs to support and protect biodiversity in Iraq; inclusion of Iraq's wetlands in the List of World Heritage Sites; the annual celebration of May 22, proclaimed as the International Day for Biological Diversity; consolidation of information and data on biodiversity; creation of a detailed database of plants and animals; development of indicators for the control and monitoring of climate change in urban and desert areas, for a long-term period; development of ways to preserve the fungal genetic resources, using the methods of tissue cultivation (Wood, 2013).

Scientific works, conducted by the Ministry of Environment, are the following: Analyze of the coral reefs of the Persian Gulf; Analyze of viruses in soft tissues of coral reefs; Analyze of bacteria, adapted to oil-contaminated coral reefs; monitoring of desert animals and developing a program for their nutrition; Analyze of the impact of drought on the germination and growth of a number of wild plants in Iraq; Analyze of phytosanitary rehabilitation of sterile soil; abandonment of war-affected

areas of Iraq; (Verdú, Crespo, and Galante, 2000) rehabilitation of the vegetation cover of the affected lands; development and application of biomechanical DNA, in cooperation with competent authorities; conservation and restoration of threatened species; characterization of local flora and fauna; development and use of wild pastures for the purpose of supporting livelihoods and livestock sustainability; standardization of methods of plant sausage in cosmetic projects; creation of nursery for fungal cultures; conducting of the research to assess the ecological state of the environment (Newbold, Hudson, Hill, Contu, Lysenko, Senior and Day, 2015).

In addition, there is a need to ensure greater openness of public authorities' activities, as well as broad public participation in discussions of the issues, related to environmental protection and biodiversity conservation.

In the field of information and traditional knowledge, the Ministry of Environment assesses the scope of the relevant tools, necessary to raise the awareness of biodiversity importance. Each ministry organizes annual seminars which promote the development of awareness, relating to the issues of biodiversity, for its employees. The Ministry of Environment, together with other ministries, participates in the preparation of statistical and national analyses of rural communities and their own traditions, connecting them and preserving biodiversity.

To assess the effectiveness of strategy implementation, first of all, it is necessary to establish a system of continuous monitoring of biodiversity state. In case if monitoring shows a positive change in the dynamics of sate of certain species, or natural communities, or other indicators, characterizing biodiversity, the implementation of the relevant strategy activities can be considered as successful and effective (Pushkin, 2015).

Currently, the Ministry of Environment assesses the effectiveness of legislation, relating to environmental protection and biodiversity conservation, and also works to improve legislation in the field of conservation of endangered plant and animal species.

As for the protected areas, the Ministry of Environment, together with the relevant ministries, carry out their activities for identifying and declaring 10 protected areas, after completion of all international standards, for their establishment and organization.

In the field of monitoring and evaluation, the program for creation of GIS database, accompanied by a joint group of ministries and based on available data, is developed. The work is performed in the program "National Program for Monitoring and Identification of Pollutants", distributed through the Ministry of Environment, which reviews and updates the list. It has been revealed that there are about 30 species of invasive species, causing serious environmental problems.

Undoubtedly, a special role in the conservation and development of biological diversity will be played by the order of the Ministry of Environment "On approval of the national strategy and action plan for the protection and sustainable use of biological diversity in the Republic of Iraq". The plan involves almost all spheres, which play an important role in ensuring biological diversity.

The plan defines the bodies, responsible for its implementation. Also the execution time is set, covering the period from 2015 to 2025. This plan reaffirms the commitment of the Republic of Iraq to the requirements of the Convention on Biological Diversity.

The plan is voluminous and it requires sufficient funds. The revenues of the federal budget for 2018 are estimated at ninety-one trillion six hundred thirty-three billion six hundred sixty-seven million two hundred six thousand and thirty Dollars. 10% of budget is allocated to cover the project expenses and to implement the plans of the Ministry of Environment effective (Pushkin, 2015).Undoubtedly, the realization of this plan will ensure the protection and further development of biological diversity in the Republic of Iraq.

SUMMARY

It was revealed that the maintenance of biological diversity is one of the main parts of the protection of world ecosystem as a whole, and Iraq in particular. The continuing value of biological diversity, as well as the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic significance of biological diversity and its components, led to the accession of the Republic of Iraq to the Convention on Biological Diversity in 2009.

We believe that this Convention is the main basis for the development and implementation of rules for the protection and sustainable use of biological diversity in Iraq, which makes it distinct from many conventions (Al-Obeidi, Salman and Rubec, 2008).

No one state, even the largest, is able to solve environmental problems alone, because they usually have regional or global nature. Therefore, international documents in this field, providing coordinated policy in the sphere of environmental protection, are one of the main and very effective legal mechanisms (Balmford, Bennun, Ten Brink, Cooper, Côté, Crane and Gregory, 2005).

In our opinion, the Republic of Iraq and its citizens should make their own contribution to the conservation of the Iraqi ecosystem; otherwise it will be impossible to achieve the desired result. The important conditions for solving this problem are trusting and open relations with other states and international organizations in the field of environmental protection; as well as the operation by all states of a single policy on the conservation of biological diversity and the implementation on its territory of various measures for its protection; but, above all,

the development of environmental protection legislation.

CONCLUSION

International obligations, relating to the Convention on Biological Diversity, require of the Government of Iraq to coordinate efforts between the Ministry of Environment and other government agencies, as well as all civil society organizations.

The aim of these efforts is to preserve biodiversity and natural habitats. It is realized through the implementation of the following activities: development of necessary legislation; development of joint programs and strategies, necessary for sustainable use of biodiversity; international and regional cooperation; exchange of information at the international and national levels; protection and conservation of biological resources; protection of rare and endangered species; effective management of protected areas; application of modern technologies with the help of modern genetic engineering; control over the introduction of alien species; increase of ecological culture and activation of the role of civil society.

ACKNOWLEDGEMENTS

The work is performed according to the Russian Government Program of Competitive Growth of Kazan Federal University.

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