

# **The Composition and Competences of the Main Official Environmental Institutes in Iraq: The Need for a Permanent Institutional Cooperation under the Iraqi Federal System**

## **Table of Contents**

|   |           |
|---|-----------|
| <b>I. Introduction.....</b>   | <b>1</b>  |
| <b>II. The Structure and Competences of the Federal Ministry of Environment .....</b>                         | <b>2</b>  |
| <b>III. The Regional Institutes.....</b>  | <b>6</b>  |
| <b>IV. The Provincial Authorities.....</b>  | <b>8</b>  |
| 1. Provincial Councils ( <i>Majles Al-muhafadha</i> ) and District Councils ( <i>Majles Al-qhadhaa</i> )..... | 8         |
| 2. Council of the Protection and Improvement of Environment in Provinces.....                                 | 8         |
| 3. Regional and Provincial Departments of the Ministry of Environment .....                                   | 9         |
| <b>V. Concluding Remarks .....</b>  | <b>10</b> |
| Table (1) Structure of the Ministry of Environment and certain Bodies Linked to that Ministry .....           | 11        |
| Table (2) Summary of the Main Official Environmental Institutes in Iraq .....                                 | 19        |
| Table (3) The Main Environmental Legislations in Iraq .....   | 20        |

## **I. Introduction**

The 2005 Constitution of Iraq guarantees every person the right to live in a healthy environment and obliges the government to protect the environment and the biological diversity in Iraq.<sup>1</sup> On the one hand, as far as the resources of water coming from outside Iraq are concerned, the 2005 Constitution of Iraq grants exclusive power to the Federal Government to adopt a policy regulating such resources.<sup>2</sup> On the other hand, the 2005 Constitution of Iraq stipulates that the Federal Government and Regions have a shared competence to adopt policies on environment, health and water resources.<sup>3</sup> To exercise the shared competences, the Constitution of Iraq allows the Federal Government, Regions and Provinces to adopt laws. The Constitution also gives priority to laws adopted by Regions and Provinces over laws adopted by the Federal Parliament in case of contradiction between such laws.<sup>4</sup> Currently, many laws are in force on the protection of

---

<sup>1</sup> Article (33) of the 2005 Constitution of Iraq, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 4012 on 28 December 2005. Available in Arabic at <<http://iraql.d.hjc.iq:8080/LoadLawBook.aspx?page=1&SC=&BookID=25626>> An English version of the Iraqi Constitution can be found at <[https://www.constituteproject.org/constitution/Iraq\\_2005?lang=en](https://www.constituteproject.org/constitution/Iraq_2005?lang=en)>

<sup>2</sup> *Ibid.*, Article 110(Eighth).

<sup>3</sup> *Ibid.*, Article 114(Third, Fifth and Seventh).

<sup>4</sup> *Ibid.*, Article (115). See also Article 121(Second) of the 2005 Constitution of Iraq.

environment in Iraq (see Table 3),<sup>5</sup> the main of which are the law adopted in 2009 by the House of Representatives of Iraq<sup>6</sup> and the law enacted in 2008 by the National Council of Kurdistan Region of Iraq.<sup>7</sup>

Based on the above-mentioned constitutional framework, it can be inferred that all the levels of governments in Iraq have the power to act on matters related to environment. Consequently, several bodies specialized in environmental matters were established in each level of government (see Tables 1 and 2). The Federal Government created the Ministry of Health and Environment, which has branches in Baghdad as well as in the Provinces of Iraq. At regional level, the Region of Kurdistan instituted the Board of Environmental Protection and Improvement. Finally, each Province in Iraq shall establish the Council of the Protection and Improvement of Environment. The following sections examine the composition and competences of these institutions.

## **II. The Structure and Competences of the Federal Ministry of Environment**

The Ministry of Environment was merged with the Ministry of Health based on the decision of the then Prime Minister, Mr. Haider Alabadi, on 16 August 2015. The current Iraqi Council of Ministers considers both Ministries as one by calling them as the Ministry of Health and Environment.<sup>8</sup> Also, one Minister was appointed on both Ministries, namely Dr. Jaafer Sadeq Allawi. However, both Ministries still act as independent from each other in practice, as the Iraqi Parliament has not yet enacted a law regulating the merging of both Ministries. In this respect, the law of the Ministry of Environment number (37) of 2008 is still in force, which comprises (15) Articles that briefly define the structure and competences of the Ministry.<sup>9</sup> On the basis of that law, two regulations were issued by the Minister of Environment defining in further details the composition and competences of the Departments of the Ministry as follows: Regulation number (2) of 2010 on the Composition and Functions of the Council of the Ministry of Environment<sup>10</sup> and Internal Regulation number (1) of 2011 on the Composition and Functions of the Departments

---

<sup>5</sup> See also the table on the (draft) laws and regulations related to environment referred to in Ministry of Environment, *Halat Albiaa fi Al-Iraq fi 2017* (Report on the Environmental Situation in Iraq in 2017), 2017, pp. 349-350. Available at the website of the Ministry of Environment <<http://www.moen.gov.iq/>>

<sup>6</sup> Law number (27) of 2009 on the Protection and Improvement of Environment, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 4142 on 25 January 2010.

<sup>7</sup> Law number (8) of 2008 on the Protection and Improvement of Environment in Kurdistan Region of Iraq, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 90 on 8 November 2008.

<sup>8</sup> See the organization chart of the Sixth Iraqi Government at the website of the General Secretariat for the Council of Ministers: <<http://www.cabinet.iq/uploads/SixthIraqiGovernment/index.htm>>

<sup>9</sup> Law number (37) of 2008 of the Ministry of Environment, adopted by the House of Representatives of Iraq, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 4092 of 2008.

<sup>10</sup> Regulation number (2) of 2010 on the Composition and Functions of the Council of the Ministry of Environment issued by the Federal Minister of Environment, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 4152 on 10 May 2010.

of the Ministry of Environment.<sup>11</sup> As the merging of the Ministry of Health and the Ministry of Environment has not yet been regulated, the current analysis will examine the composition and competences of the Ministry of Environment as stipulated in the above-mentioned legislations.

Pursuant to its law, the Federal Ministry of Environment was considered as the main institute responsible for acting on matters related to the protection and improvement of environment at both national and international levels.<sup>12</sup> Hence, the Ministry was granted several powers such as:

1. proposing the public environmental policy to the Council of Ministers of the Federal Government;
2. taking measures to protect environment;
3. studying international treaties related to environment in coordination with the concerned Ministries and suggesting the approval of such treaties to the relevant authorities; and
4. cooperating with international institutions and civil society organizations specialized in environment.<sup>13</sup>

The Federal Ministry of Environment comprises several Departments and Divisions, some of which belongs to the Headquarter of the Ministry whereas others are linked to the Ministry (see Table 1).

1. At Headquarter level, the Ministry comprises **Departments** that are administered by a Director General as follows: Technical Department; Legal Department; Planning and Follow-up Department; Department of Administration and Finance; and Department of Environmental Awareness and Media.<sup>14</sup> In addition to these Departments, the Ministry Headquarter is composed of **Divisions** that are administered by a Manager and linked to the Minister of Environment, which are the Minister Office; Division of Internal Auditing and Supervision; Public Relations Division; International Environmental Relations Division; Division of the Council of the Protection and Improvement of Environment; and Division of Contacts.<sup>15</sup>

---

<sup>11</sup> Internal Regulation number (1) of 2011 on the Composition and Functions of the Departments of the Ministry of Environment, issued by the Federal Minister of Environment, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 4211 on 3 October 2011.

<sup>12</sup> Article 2(Second) of Law number (37) of 2008 of the Ministry of Environment, *op. cit.*

<sup>13</sup> *Ibid.*, Article (4).

<sup>14</sup> *Ibid.*, Articles 8(First) and 11(First). See also Articles 1(First) and 18(First) of Internal Regulation number (1) of 2011 on the Composition and Functions of the Departments of the Ministry of Environment, *op. cit.*

<sup>15</sup> Articles 8(First) and 11(Second) of Law number (37) of 2008 of the Ministry of Environment, *op. cit.*, and Articles 1(First) and 18(Third) of Internal Regulation number (1) of 2011 on the Composition and Functions of the Departments of the Ministry of Environment, *op. cit.*

2. Besides the Headquarter Departments and Divisions, the Ministry of Environment established the **Central Laboratory of Environment**<sup>16</sup> and the **Radiation Protection Centre**.<sup>17</sup> Also, the Ministry of Environment has four **Regional Departments** located in Northern Iraq, the Middle Euphrates Region, the Central Region and Southern Iraq.<sup>18</sup> As examined below, each of these Regional Departments comprises Provincial Departments established in the Iraqi Provinces (see Table 1), except in Kurdistan Region. It shall be mentioned here that neither the 2008 Law of the Ministry of Environment nor its subsequent 2010 and 2011 Regulations explicitly established institutional cooperation between the Federal Ministry of Environment and the Board of Environmental Protection and Improvement of Kurdistan Region (BEPIKR). However, the Law on the Protection and Improvement of Environment in Kurdistan Region obliges the BEPIKR to cooperate with the Federal Ministry of Environment with respect to matters related to international treaties.<sup>19</sup> Also, cooperation between the two levels is required to ban the import and use of the internationally banned chemicals.<sup>20</sup>

In addition to the above-mentioned Departments and Divisions, a **Ministerial Council** was established by the 2008 Law of the Ministry of Environment, which is a consultative body that comprises the Minister of Environment, the Administrative Deputy Minister, the Technical Deputy Minister and the Director Generals of the Ministry.<sup>21</sup> The Minister of Environment may seek the opinion of experts on matters submitted before the Ministerial Council.<sup>22</sup> The Council shall meet at least once a month and can take decisions with the approval of the majority of its members attending the session concerned.<sup>23</sup> It has the powers to approve the working plan of the Ministry; propose the operational and investment budget of the Ministry; study the technical and administrative problems related to the work of the Ministry and take the appropriate decisions in this respect; and examine other matters submitted to it by the Minister of Environment.<sup>24</sup>

---

<sup>16</sup> For more details on the competences of the Central Laboratory of Environment, see Article (17) of Internal Regulation number (1) of 2011 on the Composition and Functions of the Departments of the Ministry of Environment, *op. cit.*

<sup>17</sup> *Ibid.*, Article (14).

<sup>18</sup> Articles 8(First) and 11(First) of Law number (37) of 2008 of the Ministry of Environment, *op. cit.*, and Articles 1(First) and (15) of Internal Regulation number (1) of 2011 on the Composition and Functions of the Departments of the Ministry of Environment, *op. cit.*

<sup>19</sup> Article 3(Ninth) of Law number (8) of 2008 on the Protection and Improvement of Environment in Kurdistan Region of Iraq, *op. cit.*

<sup>20</sup> *Ibid.*, Article (37).

<sup>21</sup> Article (7) of Law number (37) of 2008 of the Ministry of Environment, *op. cit.*, and Article 1(First) of the Regulation number (2) of 2010 on the Composition and Functions of the Council of the Ministry of Environment, *op. cit.*

<sup>22</sup> Article 1(Second) of Regulation number (2) of 2010 on the Composition and Functions of the Council of the Ministry of Environment, *op. cit.*

<sup>23</sup> *Ibid.*, Article 2(Second).

<sup>24</sup> *Ibid.*, Article 3(First).

The Ministerial Council of the Ministry of Environment shall be distinguished from the **Federal Council of the Protection and Improvement of Environment** (hereafter referred to as the Environmental Federal Council), as while the former is composed of members of the Ministry of Environment and has competences on the Ministry of Environment, the latter comprises Members from almost all the Federal Ministries in Iraq and has powers related to environment at national level.<sup>25</sup> The Environmental Federal Council is presided by the Minister of Environment and comprises representatives from the Federal Ministries at least at Director General level.<sup>26</sup> The Council meets at least once every two months and can issue decisions after securing the approval of the majority of its members attending the session.<sup>27</sup> It may recommend the Council of Ministers of the Federal Government to take certain measures and such recommendations will become legally binding if they are approved by the Council of Ministers.<sup>28</sup> The business of the Environmental Federal Council is administered by the Division of the Council of the Protection and Improvement of Environment, which is directly linked to the Minister of Environment (see Table 1).<sup>29</sup> The Environmental Federal Council is linked to the Provincial Councils of the Protection and Improvement of Environment, as will be detailed below. The Environmental Federal Council has mandate to:

1. provide recommendations on matters related to international relations on environment, national emergency plans, (draft) legislations on environment, and the national annual report on environment before the submission of such report to the Council of Ministers;
2. review the environmental aspects of draft national plans and programs prepared by the relevant Ministries;
3. coordinate with the relevant authorities to prepare and implement local programs related to the protection of environment;
4. coordinate the work of the Ministries and bodies specialized in environment and evaluate the work of these authorities;
5. prepare a list of the cultural and natural heritage sites in cooperation with the competent authorities and propose the inclusion of such sites in the World Heritage list; and
6. evaluate the work of the Provincial Councils of the Protection and Improvement of Environment.<sup>30</sup>

Finally, it is interesting to mention her two issues stipulated by the 2009 Law on the Protection and Improvement of Environment. First, the Law in question requires the Federal Ministry of

---

<sup>25</sup> Article (3) of Law number (27) of 2009 on the Protection and Improvement of Environment, *op. cit.*

<sup>26</sup> *Ibid.*, Article (4).

<sup>27</sup> *Ibid.*, Article (5)

<sup>28</sup> *Ibid.*

<sup>29</sup> Article (11) of Regulation number (1) of 2011 on the Composition and Functions of the Ministry of Environment, *op. cit.*

<sup>30</sup> Article (6) of Law number (27) of 2009 on the Protection and Improvement of Environment, *op. cit.*

Education and the Federal Ministry of Higher Education and Scientific Research to **incorporate subjects related to environmental science in the educational curriculum**.<sup>31</sup> It also requires both Ministries to cooperate with the Ministry of Environment to establish, and to develop existing, educational institutes specialized in environmental science to prepare qualified persons working in the environmental field.<sup>32</sup> As this Article still needs to be materialized, it could thus be interesting to advocate the establishment of an Environmental School.

The second interesting issue that can be identified here is that the 2009 Law on the Protection and Improvement of Environment requires the establishment of **Environmental Police**.<sup>33</sup> The powers of the Environmental Police were further detailed by a Regulation issued by the Federal Minister of Interior in 2015.<sup>34</sup> According to that Regulation, the Environmental Police shall be administratively linked to the Civil Defense Department of the Ministry of Interior and technically to the Ministry of Environment and its Provincial branches.<sup>35</sup> The Environmental Police was granted many powers related to environmental aspects such as investigating environmental crimes as well as executing judicial orders and administrative decisions issued on environmental matters.<sup>36</sup>

### III. **The Regional Institutes**

The National Council of Kurdistan Region adopted a law in 2008 that aims at protecting the environment in the Region.<sup>37</sup> It also created the **Board of Environmental Protection and Improvement of Kurdistan Region (BEPIKR)**, which is composed of the following Departments that are administered by Directors General: Department of Administration, Finance and Legal Matters; Department of Environmental Awareness and Media; Department of Technical Affairs; and Departments of Environment in the Provinces of Kurdistan Region.<sup>38</sup> The BEPIKR is empowered to:

1. propose the general policy for environmental protection to the Council of Ministers of Kurdistan Region;
2. adopt annual, medium-term and long-term plans for environmental protection and improvement;

---

<sup>31</sup> *Ibid.*, Article (13).

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*, Article (25).

<sup>34</sup> Internal Regulation number (1) of 2015 of the Environmental Police issued by the Minister of the Federal Ministry of Interior, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 4380 on 14 September 2015.

<sup>35</sup> *Ibid.*, Article 1(Third).

<sup>36</sup> *Ibid.*, Article 3(First and Sixth).

<sup>37</sup> Law number (8) of 2008 on the Protection and Improvement of Environment in Kurdistan Region of Iraq, *op. cit.*

<sup>38</sup> Article 6(First) of Law number (3) of 2010 of the Board of Environmental Protection and Improvement of Kurdistan Region of Iraq, adopted by the National Council of Kurdistan, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 114 on 2 August 2010. See also the following website of Kurdistan Regional Government <<https://gov.krd/english/government/entities/boe/>>

3. issue regulations on environmental aspects and supervise the implementation of such regulations taking into consideration international obligations and applicable laws on environment; and
4. check the causes of pollution and prepare environmental maps in coordination with the competent Ministries.<sup>39</sup>

It must be mentioned here that the BEPIKR has replaced the Ministry of Environment of Kurdistan Region.<sup>40</sup> In this respect, the Law of the BEPIKR stipulates that any reference to the ‘Ministry of Environment of Kurdistan Region’ in Law number (8) of 2008 shall be replaced with the ‘Board of Environmental Protection and Improvement of Kurdistan Region’.<sup>41</sup>

The BEPIKR consists of the **Council of the Protection and Improvement of Environment in Kurdistan Region** (hereafter referred to as Kurdistan Regional Council of Environment), which is presided by the President of the BEPIKR and comprises representatives of the Ministries of Kurdistan, who shall be at least at Director General level, and representatives of the Provincial Councils of the Protection and Improvement of Environment.<sup>42</sup> It meets on monthly basis and can take decisions on the basis of majority.<sup>43</sup> The Kurdistan Regional Council of Environment has the power to propose the environmental policy and to approve environmental standards.<sup>44</sup> In addition, it unifies the emergency plans prepared by the competent authorities and examines the negative effects of using internationally banned weapons in the region.<sup>45</sup>

The Kurdistan Regional Council of Environment shall form **Provincial Councils of the Protection and Improvement of Environment** in each Province in Kurdistan.<sup>46</sup> The Provincial Councils of Environment are presided by the Governor of the respective Province and shall follow the implementation of the decisions of the Kurdistan Regional Council of Environment.<sup>47</sup> The Provincial Councils of Environment shall also propose environmental protection plans and supervise the implementation of such plans.<sup>48</sup> Finally, the Provincial Councils of Environment shall draw recommendations on environmental problems and regularly report to Kurdistan

---

<sup>39</sup> *Ibid.*, Article (4).

<sup>40</sup> See Law number (10) of 2006 of the Ministry of Environment, adopted by the National Council of Kurdistan, published in the Iraqi Official Gazette (*Alwaqayyi'i*) number 64 on 3 January 2007.

<sup>41</sup> Article 11(First) of Law number (3) of 2010 of the Board of Environmental Protection and Improvement of Kurdistan Region of Iraq, *op. cit.*

<sup>42</sup> *Ibid.*, Article 7(First).

<sup>43</sup> *Ibid.*, Article 7(Third).

<sup>44</sup> Article (6) of Law number (8) of 2008 on the Protection and Improvement of Environment in Kurdistan Region of Iraq, *op. cit.*

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*, Article (8).

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

Regional Council of Environment on the situation of environment at the level of the Province concerned.<sup>49</sup>

#### IV. The Provincial Authorities

At provincial level, some legislative and executive authorities have competences on matters related to environment. While the provincial legislative authorities have the competence to draw the policies of the province and to supervise the implementation of such policies, other bodies exercise executive powers. The following points summarize the role of the main bodies empowered to act on environment.

##### 1. Provincial Councils (*Majles Al-muhafadha*) and District Councils (*Majles Al-qhadhaa*)

As highlighted in the introduction of the current study, the power to draw the environmental policy is considered as one of the shared competences between the Federal Government, Regions and Provinces not merged in a region.<sup>50</sup> Therefore, besides the Federal Government, Regions and Provinces may, for instance, adopt legislations on environmental matters. In this respect, the 2005 Constitution of Iraq gives priority to laws enacted by Regions and Provinces over laws adopted by the Federal Parliament if a contradiction was found between such laws.<sup>51</sup> The legislative competences of Provinces is exercised by the Provincial Councils.<sup>52</sup> The Law number (21) of 2008 on Provinces that have not Joined a Region empowers the Provincial Councils to draw the general policy and priorities of Provinces in coordination with the relevant authorities.<sup>53</sup> It also prioritizes the decisions taken by the Provincial Councils over the decisions of other authorities in case of contradiction.<sup>54</sup> Besides the Provincial Councils, the District Councils were also given certain supervisory competences on environmental matters, as they were empowered to work on improving agriculture and irrigation and to supervise and improve the educational, health, agricultural and social activities.<sup>55</sup>

##### 2. Council of the Protection and Improvement of Environment in Provinces

In addition to the Federal Council of the Protection and Improvement of Environment, Provincial Councils of Protection and Improvement of Environment (hereafter referred to as Provincial Councils of Environment) were created on the basis of Law number (27) of 2009. In other words, each Province in Iraq shall form a ‘Council of the Protection and Improvement of Environment in

---

<sup>49</sup> *Ibid.*

<sup>50</sup> Article 114(Third) of the 2005 Constitution of Iraq, *op. cit.*

<sup>51</sup> *Ibid.*, Article (115).

<sup>52</sup> Article (2) of Law number (21) of 2008 on Provinces that have not Joined a Region (as amended), adopted by the House of Representatives of Iraq, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 4070 on 31 March 2008.

<sup>53</sup> *Ibid.*, Article 7(Fourth).

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*, Article 8(Eighth and Ninth).



the Province’, which shall be presided by the Governor of the Province in question and shall be linked to the Environmental Federal Council.<sup>56</sup> The Provincial Councils of Environment shall submit biannual report on their activities and on the obstacles to environmental protection to the Environmental Federal Council.<sup>57</sup>

The composition and competences of the Provincial Councils of Environment were defined via a Regulation issued by the Minister of Environment acting as the President of the Environmental Federal Council.<sup>58</sup> Each Provincial Council of Environment is presided by the Governor and comprises the Deputy Governor, the President of Health and Environment Committee of the Provincial Council, the Director General of the relevant Regional Department of the Ministry of Environment, the Manager of the Department of Environment of the Ministry of Environment in the Province concerned, the Manager of Environmental Police and representatives from other authorities.<sup>59</sup>

Similar to the Environmental Federal Council, the Provincial Councils of Environment shall meet at least once every two months and can make recommendations on the basis of majority.<sup>60</sup> Such recommendations shall be submitted for approval before the Environmental Federal Council.<sup>61</sup> The Provincial Councils of Environment were given several competences related to environment such as the power to:

- a) follow the implementation of the decisions of the Federal Council of the Protection and Improvement of Environment;
- b) provide recommendations on matters related to environment and the emergency plans of the Province; and
- c) coordinate between the authorities competent to implement environmental protection programs.<sup>62</sup>

### 3. Regional and Provincial Departments of the Ministry of Environment

The Ministry of Environment established four Regional Departments in Iraq, each of which supervises the work of the Departments of the Ministry of Environment in specific Provinces (see Table 1). Similar to the Ministry of Environment, the Regional Department and their Provincial branches were empowered to act in the environmental protection field. The competences of the

---

<sup>56</sup> Article (7) of Law number (27) of 2009 on the Protection and Improvement of Environment, *op. cit.*

<sup>57</sup> Article 2(First)(f) of Regulation number (1) of 2012 on the Composition and Competences of the Council of the Protection and Improvement of Environment in the Province, issued by the Minister of Environment acting as the President of the Federal Council of the Protection and Improvement of Environment, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 4232 on 12 March 2012.

<sup>58</sup> *Ibid.*

<sup>59</sup> *Ibid.*, Article 1(First).

<sup>60</sup> *Ibid.*, Article 3(Third).

<sup>61</sup> *Ibid.*, Article 3(Fourth).

<sup>62</sup> *Ibid.*, Article 2(First).

Regional Departments of the Ministry of Environment and their Provincial branches are stipulated in Regulation number (1) of 2011.<sup>63</sup>

## V. **Concluding Remarks**

Although it is difficult to draw a precise conclusion based on this brief research, it is important to stress some important issues. First, establishing Iraq as a Federal State and considering the competence to adopt environmental policy as a shared competence between the Federal Government, Regions and Provinces not joined in a region pursuant to the 2005 Constitution led to the creation of many legislative and executive institutions that have the mandate to improve the environment, which makes all levels of governance in Iraq responsible for the protection of environment. Despite the constitutional obligation to establish cooperation between federal and regional authorities on shared competences, the current laws do not establish permanent institutional cooperation between the Federal Ministry of Environment and the Board of Environmental Protection and Improvement of Kurdistan Region. Second, the Iraqi legal system lacks a legislation on marshes and wetlands, as was identified by the Federal Ministry of Environment.<sup>64</sup> Third, if the House of Representatives accepts the merging of the Ministry of Health with the Ministry of Environment, it has to adopt a new law to regulate the merging of both Ministries. Otherwise, each of these Ministries currently has its own law. Fourth, as the Environmental Police is mandated with huge responsibility to investigate crimes against environment, it is necessary to technically and financially support these forces. Finally, there is a need to study the compatibility of Iraqi laws with international treaties on environment ratified by Iraq and call upon the House of Representatives of Iraq to amend laws that contradict with such treaties.

---

<sup>63</sup> See Articles 15(Fifth) and 16(First) of Internal Regulation number (1) of 2011 on the Composition and Functions of the Departments of the Ministry of Environment, *op. cit.*

<sup>64</sup> Ministry of Environment, *Halat Albiaa fi Al-Iraq fi* 2016 (Report on the Environmental Situation in Iraq in 2016), 2016, p. 109. Available at the website of the Ministry of Environment <<http://www.moen.gov.iq/>>

**Table (1): Structure of the Ministry of Environment and certain Bodies Linked to that Ministry**

| Official Position or Department                    | Composition  | Main Powers  |
|--|--|--|
| Minister of Health and Environment                 | Dr. Hasan Mohamad Altimimy   | See Article (5) of Law number (37) of 2008 of the Ministry of Environment  |
| Technical Deputy Minister                          | Dr. Jassim Abdul-Azeez Almuhamady<br>Mobile: +9647809288768<br>Email: Dr.gassimalfalahy@gmail.com<br>Website of the Ministry of Environment:<br><http://www.moen.gov.iq/>  | See Article 15(Fifth) of Internal Regulation number (1) of 2011  |
| Administrative Deputy Minister                     | Mr. Cameran Ali Hussain<br>Mobile: +9647901935573\ +9647701521964<br>Email: Kamaran@gmail.com  |  |
| Ministerial Council of the Ministry of Environment | It comprises the Minister of Environment, the Administrative Deputy Minister, the Technical Deputy Minister and the Director Generals of the Ministry.<br><br>The Minister of Environment may seek the opinion of experts on matters submitted before the Council. | The Council shall meet at least once a month and takes its decision by the majority of the members attending its sessions.<br><br>It has the powers to approve the working plan of the Ministry; propose the operational and investment budget of the Ministry; study the technical and administrative problems related to the work of the Ministry and take the appropriate decisions in this respect; and provide opinion on |

|   |  |  |
|---|--|--|
|   |  | <p>other matters submitted to it by the Minister of Environment (for further details, see Regulation number (2) of 2010 on the Composition and Functions of the Council of the Ministry of Environment issued by the Minister of Environment).</p>   |
| <p>Federal Council of the Protection and Improvement of Environment</p> | <p>It is presided by the Minister of Environment and comprises representatives from the Federal Ministries at least Director General level.</p> <p>It is linked to the Provincial Councils of the Protection and Improvement of Environment.</p> | <p>It meets at least once every two months and can issue decisions after securing the approval of the majority of its members attending the session.</p> <p>It provides recommendations on matters submitted before it, international relations on environment, national emergency plans, (draft) legislations on environment, and the national annual report on environment before its submission to the Council of Ministers.</p> <p>It reviews the environmental aspects of the draft national plans and programs prepared by the relevant Ministries.</p> <p>It coordinates with the relevant authorities to prepare and implement local programs related to the protection of environment.</p> <p>It coordinates the work of the Ministries and bodies specialized in environment and evaluate the work of these authorities.</p> <p>It prepares a list of the cultural and natural heritage sites in cooperation with the relevant</p> |

|   |  |  |
|---|--|--|
|   |  | <p>authorities and propose the inclusion of such sites in the World Heritage list.</p> <p>It evaluates the work of the Provincial Councils of the Protection and Improvement of Environment. (for more information, see Article (3-6) of Law number (27) of 2009 on the Protection and Improvement of Environment)</p>   |
| <p>Provincial Council of the Protection and Improvement of Environment in Provinces</p> | <p>It is linked to the Federal Council of the Protection and Improvement of Environment.</p> <p>It shall be formed in each province and shall be presided by the Governor.</p> <p>It comprises the Governor, Deputy Governor, the President of Health and Environment Committee of the Provincial Council, the Director General of the relevant Regional Department of the Ministry of Environment, the Manager of the Department of Environment of the Ministry of Environment in the Province concerned, the Manager of Environmental Police and representatives from other authorities.</p> | <p>It shall meet at least once every two months and can make recommendations.</p> <p>The recommendations shall be submitted for approval before the Federal Council of the Protection and Improvement of Environment.</p> <p>It follows the implementation of the decisions of the Federal Council of the Protection and Improvement of Environment.</p> <p>It provides recommendations on matters related to environment and the emergency plans of the Province.</p> <p>It coordinates between the authorities competent to implement the local programs related to the protection of environment (Regulation number (1) of 2012 on the Composition and Competences of the Council of the Protection and Improvement of Environment in the Province)</p> |
| <p>Environmental Police</p>   | <p>It is administratively linked to the Civil Defense Department of the Ministry of Interior and</p>   | <p>It has several powers related to environmental matters such as investigating environmental</p>  |

|  |                      |   |   |
|--|----------------------|---|---|
|  |                      | technically to the Ministry of Environment and its Provincial branches. | crimes and executing judicial orders and administrative decisions issued on matters related to environment (for more details, see Internal Regulation number (1) of 2015 of the Environmental Police issued by the Minister of the Federal Ministry of Interior). |
| Departments administered by a Director General | Technical Department | Division of Water Supervision and Evaluation                            | See Article 3(First) of Internal Regulation number (1) of 2011  |
|  |                      | Division of Air and Noise Supervision                                   |   |
|  |                      | Division of Industrial Activities Supervision and Evaluation            |   |
|  |                      | Division of Supervision on Activities related to Services               |   |
|  |                      | Marshes and Wetlands Division   |   |
|  |                      | Division of Soil Supervision and Evaluation                             |   |
|  |                      | Division of Supervision on Chemicals and Evaluation of Polluted Areas   |   |
|  |                      | Division of the Usages of Lands and Evaluation of Environmental Effects |   |
|  |                      | Sustainable Development Division  |   |
|  |                      | Biological Diversity Division   |   |
|  | Legal Department     | Division of Rights  | See Article 4(First) of Internal Regulation number (1) of 2011  |
|  |                      | International Treaties Division   |   |
| Division of Legislations and Consultation      |                      |   |   |

|  |   |   |   |
|--|---|---|---|
|  | Planning and Follow-up Department               | Planning and Statistics Division                      | See Article 5(First) of Internal Regulation number (1) of 2011  |
|  |   | Division of Follow-up                                 |   |
|  |   | Division of Development                               |   |
|  |   | Information Technology Division                       |   |
|  |   | Division of Administration                            |   |
|  |   | Interpretation Division                               |   |
|  | Department of Administration and Finance        | Human Resources Division                              | See Article 6(First) of Internal Regulation number (1) of 2011  |
|  |   | Services Division                                     |   |
|  |   | Engineering Division                                  |   |
|  |   | Division of Finance                                   |   |
|  | Department of Environmental Awareness and Media | Division of Environmental Education                   | See Article 7(First) of Internal Regulation number (1) of 2011  |
|  |   | Division of Environmental Awareness                   |   |
|  |   | Division of Media                                     |   |
|  | Radiation Protection Centre                     | Radiation Supervision Division                        | See Article 14(First) of Internal Regulation number (1) of 2011 |
|  |   | Radiation Research Division                           |   |
|  |   | Division on Monitoring Personal Exposure to Radiation |   |
| Division of Administration and Finance |   |   |   |
| Legal Unit                             |   |   |   |

|   |   |   |
|---|---|---|
|   | Environmental Awareness and Radiation Unit        |   |
| Department of Environmental Protection and Improvement in Northern Iraq – Located in Kirkuk Province                      | Department of Environment in Ninawa Province      | For the competences of the regional departments, see Article 15(Fifth) of Internal Regulation number (1) of 2011<br><br>Regarding the powers of the provincial departments, see Article 16(First) of Internal Regulation number (1) of 2011 |
|   | Department of Environment in Kirkuk Province      |   |
|   | Department of Environment in Salah-Alden Province |   |
| Department of Environmental Protection and Improvement in the Middle Euphrates Region of Iraq - Located in Babel Province | Department of Environment in Najaf Province       | See above   |
|   | Department of Environment in Karbala Province     |   |
|   | Department of Environment in Babel Province       |   |
|   | Department of Environment in Muthanna Province    |   |
|   | Department of Environment in Qadisiya Province    |   |
| Department of Environmental Protection and Improvement in the Central Region of Iraq – Located in Baghdad                 | Department of Environment in Baghdad Province     | See above   |
|   | Department of Environment in Anbar Province       |   |
|   | Department of Environment in Dyala Province       |   |
|   | Department of Environment in Basra Province       | See above   |



|  |   |   |   |
|--|---|---|---|
|  | Department of Environmental Protection and Improvement in Southern Iraq – Located in Basra Province | Department of Environment in Meesan Province                      |   |
|  |   | Department of Environment in Thi-qar Province                     |   |
|  |   | Department of Environment in Waset Province                       |   |
| Divisions administered by a Manager and Linked to the Minister | Minister Office   | Follow-up and Coordination Unit                                   | See Article 13(First) of Internal Regulation number (1) of 2011 |
|  |   | Unit on the Affairs of the Council of the Ministry of Environment |   |
|  |   | Computer and Internet Unit  |   |
|  |   | Ceremonies and Guests Receiving Unit                              |   |
|  |   | Confidential Correspondence Unit                                  |   |
|  | The Central Laboratory of Environment   | Planning and Follow-up Unit                                       |   |
|  |   | Unit of Advanced Analysis of Chemicals                            |   |
|  |   | Unit of Regular Analysis of Chemicals                             |   |
|  |   | Microbiology Analysis Unit  |   |
|  |   | Biological Analysis Unit  |   |
|  |   | Unit of Administration and Finance                                |   |
|  |   | Laboratory Information Management System                          |   |
|  | Maintenance Unit  |   |   |
|  | Spending Auditing Unit  |   |   |

|                      |  |   |   |
|----------------------|--|---|---|
|                      | Division of Internal Auditing and Supervision                            | Investment Budget Auditing Unit   | See Article 8(First) of Internal Regulation number (1) of 2011  |
|                      |  | Warehouses Auditing Unit  |   |
|                      |  | Salaries Auditing Unit  |   |
|                      |  | Records Auditing Unit   |   |
|                      | Public Relations Division  | Photographing and Archiving Unit  | See Article 9(First) of Internal Regulation number (1) of 2011  |
|                      |  | Internet and External Communications Unit   |   |
|                      | International Environmental Relations Division                           | International Cooperation Unit  | See Article 10(First) of Internal Regulation number (1) of 2011 |
|                      |  | Bilateral Treaties Unit   |   |
|                      |  | Multilateral Treaties Unit  |   |
|                      |  | Deputations Unit  |   |
|                      | Division of the Council of the Protection and Improvement of Environment | Unit on the Affairs of the Council of the Protection and Improvement of Environment             | See Article 11(First) of Internal Regulation number (1) of 2011 |
|                      |  | Unit on the Affairs of the Provincial Councils of the Protection and Improvement of Environment |   |
| Division of Contacts | Contacts Unit  | See Article 12(First) of Internal Regulation number (1) of 2011                                 |   |
|                      | Follow-up Unit   |   |   |
|                      | Information and Archiving Unit   |   |   |

Source: Author's compilation based on Law number (27) of 2009 on the Protection and Improvement of Environment, Law number (37) of 2008 of the Ministry of Environment, Regulation number (2) of 2010 on the Composition and Functions of the Council of the Ministry of Environment and Internal Regulation number (1) of 2011 on the Composition and Functions of the Ministry of Environment.

**Table (2): Summary of the Main Official Environmental Institutes in Iraq**

| Level of Government        | Institutes and Bodies  |
|----------------------------|--|
| Federal Level              | <ul style="list-style-type: none"> <li>- Federal Parliament (legislative and supervisory powers)</li> <li>- Ministry of Health and Environment (website: <a href="http://www.moen.gov.iq/">http://www.moen.gov.iq/</a>)               <ul style="list-style-type: none"> <li>• Federal Council of the Protection and Improvement of Environment (linked to the Ministry of Health and Environment)</li> </ul> </li> <li>- Environmental Police</li> </ul>  |
| Regional Level (Kurdistan) | <ul style="list-style-type: none"> <li>- National Council of Kurdistan (legislative powers)</li> <li>- Board of Environmental Protection and Improvement of Kurdistan Region, which has branches in the Provinces of Kurdistan (website: <a href="https://gov.krd/english/government/entities/boe/">https://gov.krd/english/government/entities/boe/</a>)               <ul style="list-style-type: none"> <li>• Council of the Protection and Improvement of Environment in Kurdistan Region (linked to the Board of Environmental Protection and Improvement of Kurdistan Region)                   <ul style="list-style-type: none"> <li>○ Councils of the Protection and Improvement of Environment in each Province in Kurdistan (linked to the Council of the Protection and Improvement of Environment in Kurdistan Region)</li> </ul> </li> </ul> </li> </ul> |
| Provincial Level           | <ul style="list-style-type: none"> <li>- Provincial Councils (legislative and supervisory powers)</li> <li>- District Councils</li> <li>- Council of the Protection and Improvement of Environment in the Province (linked Federal Council of the Protection and Improvement of Environment)</li> <li>- Regional and Provincial branches of the Federal Ministry of Health and Environment</li> <li>- Environmental Police</li> </ul>  |

Source: Author's compilation based on the relevant Iraqi legislations.

**Table (3): The Main Environmental Legislations in Iraq**

| Level of Governments  | Legislations  |
|---|---|
| Legislations related to the federal and provincial levels of governance | <ul style="list-style-type: none"> <li>- Law number (37) of 2008 of the Ministry of Environment, adopted by the House of Representatives of Iraq, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4092 of 2008.</li> <li>- Law number (27) of 2009 on the Protection and Improvement of Environment, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4142 on 25 January 2010.</li> <li>- Regulation number (2) of 2010 on the Composition and Functions of the Council of the Ministry of Environment issued by the Federal Minister of Environment, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4152 on 10 May 2010.</li> <li>- Internal Regulation number (1) of 2011 on the Composition and Functions of the Departments of the Ministry of Environment, issued by the Federal Minister of Environment, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4211 on 3 October 2011.</li> <li>- Regulation number (1) of 2013 of the Environmental Protection Fund, issued by the Federal Minister of Environment, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4279 on 10 June 2013.</li> <li>- Regulation number (2) of 2014 on the Protection of Environment from Municipality Waste, issued by the Federal Minister of Environment, published by at the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4328 on 7 July 2014.</li> <li>- Internal Regulation number (1) of 2015 of the Environmental Police issued by the Federal Minister of Interior, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4380 on 14 September 2015.</li> </ul> |

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>- Law number (83) of 2018 on Irrigation, adopted by the House of Representatives of Iraq, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4475 on 2 January 2018.</li> <li>- Law number (50) of 2008 of the Ministry of Water Resources, adopted by the House of Representatives of Iraq, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4098 on 24 November 2008.</li> <li>- See also the table on the (draft) laws and regulations related to environment referred to in Ministry of Environment, <i>Halat Albiaa fi Al-Iraq fi 2017</i> (Report on the Environmental Situation in Iraq in 2017), 2017, pp. 349-350. Available at the website of the Ministry of Environment &lt;<a href="http://www.moen.gov.iq/">http://www.moen.gov.iq/</a>&gt;</li> </ul>   |
| <p>Laws and Regulations issued at Kurdistan level</p> | <ul style="list-style-type: none"> <li>- Law number (8) of 2008 on the Protection and Improvement of Environment in Kurdistan Region of Iraq, enacted in 2008 by the National Council of Kurdistan Region of Iraq, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 90 on 8 November 2008.</li> <li>- Law number (3) of 2010 of the Board of Environmental Protection and Improvement of Kurdistan Region of Iraq, adopted by the National Council of Kurdistan, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 114 on 2 August 2010.</li> <li>- Regulation number (2) of 2009 of Environmental Protection and Improvement Fund of Kurdistan Region of Iraq, issued by the Council of the Protection and Improvement of Environment in Kurdistan Region, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 101 on 22 June 2009.</li> <li>- For further details on environmental legislations see Rshan Aso Ali and Shelan Aziz Saleh, Guide of Environmental Legislations in Kurdistan Region of Iraq, 2015. Available in Arabic at &lt;<a href="http://www.natureiraq.org/uploads/5/2/9/9/52997379/arabic.pdf">http://www.natureiraq.org/uploads/5/2/9/9/52997379/arabic.pdf</a>&gt;</li> </ul> |

|  |  |
|--|--|
| Legislations related to the provincial level of governance | <ul style="list-style-type: none"><li>- Law number (21) of 2008 on Provinces that have not Joined a Region (as amended), adopted by the House of Representatives of Iraq, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4070 on 31 March 2008.</li><li>- Regulation number (1) of 2012 on the Composition and Competences of the Council of the Protection and Improvement of Environment in the Province, issued by the Minister of Environment acting as the President of the Federal Council of the Protection and Improvement of Environment, published in the Iraqi Official Gazette (<i>Alwaqayi'i</i>) number 4232 on 12 March 2012.</li></ul> |
|--|--|

Source: Author's compilation based on the Iraqi Legislations Bank <[http://iraqld.hjc.iq:8080/identity\\_search.aspx](http://iraqld.hjc.iq:8080/identity_search.aspx)>

This research was conducted in the framework of the project "Clean Tigris". The project is implemented by elbarlament and supported with German Federal Foreign Office's funds by ifa (Institut für Auslandsbeziehungen), funding Programme zivik.

Mohamed Riyad M. Almosly, LL.M, LL.M, PhD candidate at Ghent University  
E-mail : mohamed.almosly@yahoo.com