

Performance of The Republican Iraq Obligations Under Agreement UN To Combat Desertification 1994

Cumplimiento de las obligaciones del Iraq republicano en virtud del acuerdo de la ONU para combatir la desertificación de 1994

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Abstract

This article is devoted to the study of questions implementation of the provisions of the UN convention to combat desertification 1994, in the Republic of Iraq. In June 1992 in Rio de Janeiro hosted the UN Conference on environment and development (UNCED), in which the decision was made to change the course of development of the world community with way fragile, crises and disasters towards sustainable development, where opportunities for brand-harmonious existence of society and nature. At the same time, the transition to sustainable development must be complex, changing the course of only some countries and only in relation to certain components of the natural environment will not solve the problem. The purpose of this article - describes the progress in the implementation of the main objectives of the convention against desertification 1994. On the basis of the study, the author concluded that the effective implementation of Iraq their international obligations to combat desertification would make a significant contribution to the goals and the principles of the international convention on biological diversity, as desertification is the main and fundamental threat to resources biodiversity of Iraq. On the basis of studies, the author concluded that such agreement plays an important role in the implementation of modern the concept of the environment, as analyzed statistics clearly indicate the formation of positive trends in the issue of cooperation in the field of ecosystems.

Keywords: Convention, Combating Desertification, UN, Republic of Iraq, National Strategy, Iraqi legislation.

Resumen

Este artículo está dedicado al estudio de las cuestiones relativas a la implementación de las disposiciones de la convención de la ONU para combatir la desertificación de 1994, en la República de Irak. En junio de 1992 en Río de Janeiro fue sede de la Conferencia de las Naciones Unidas sobre medio ambiente y desarrollo (CNUMAD), en la que se tomó la decisión de cambiar el rumbo del desarrollo de la comunidad mundial de manera frágil, con crisis y desastres hacia el desarrollo sostenible, donde las oportunidades de marca -existencia



armoniosa de la sociedad y la naturaleza. Al mismo tiempo, la transición al desarrollo sostenible debe ser compleja, cambiando el rumbo de solo algunos países y solo en relación con ciertos componentes del medio ambiente natural no se resolverá el problema. El propósito de este artículo: describe los avances en la aplicación de los principales objetivos de la convención contra la desertificación de 1994. Sobre la base del estudio, el autor concluyó que la aplicación efectiva por parte del Iraq de sus obligaciones internacionales de lucha contra la desertificación constituiría una contribución significativa. a los objetivos y principios de la convención internacional sobre diversidad biológica, ya que la desertificación es la principal y fundamental amenaza para la diversidad biológica de recursos de Iraq. Sobre la base de estudios, el autor concluyó que dicho acuerdo juega un papel importante en la implementación del concepto moderno de medio ambiente, ya que las estadísticas analizadas indican claramente la formación de tendencias positivas en el tema de la cooperación en el campo de los ecosistemas.

Palabras clave: Convención, Lucha contra la Desertificación, ONU, República de Irak, Estrategia Nacional, Legislación iraquí.

Introduction

The UN Plan of Action to Combat Desertification (PACD) and the UN Convention to Combat Desertification (CCD), both of which have proven unsuccessful, identify and apply a preliminary structure for assessing the efficacy of international environmental agreements (IEAs). Strong correspondence exists between the nine requirements of the system and official explanations of the reasons for poor implementation (Grainger, 2009). Desertification is one of the most important issues of international environmental law, which is widespread and has serious consequences not only for the environment but also for human health and activities (Steenmans, 2017; United Nations Convention to Combat Desertification, 1994).

In recent years, Iraq has been suffering from the influence of sandstorms carried from the southern and southwestern parts of the Arabian Peninsula, as a result of which droughts are becoming more frequent, contributing to the occurrence of desertification, interacting in conjunction with human factors, primarily due to the irrational use of natural resources during agricultural activities (Katyal & Vlek, 2000).

The presence of toxic or radioactive materials does not allow the exploitation of a certain part of the land due to significant damage to the environment and public health. The military operations in Iraq over the past three decades, and the type of weapons used, have polluted large land areas in the south of the country and have had a tremendous impact on the Iraqi environment (Kalkhan, 2019; Schwarte, 2003).

One of the most important human factors that contributed to the expansion of the desertification area is the process of drainage of marshes in

southern Iraq since these areas are important for the biological diversity of animals and plants (Glantz, 2019). Wetlands provide Iraq with about 60% of the fish wealth, crops such as rice and sugarcane grow on them, swamps are a system of healing and purification of the Tigris and Euphrates rivers, are part of intercontinental migration routes and are inhabited by endemic species (Abdullah, 2019; Iraqi Chronicle, 2009; Lawler, 2005).

Objective

The purpose of this article is to explain the progress made in achieving the key objectives of the 1994 Convention against Desertification. The author concluded on the basis of the analysis that the successful implementation of Iraq's international commitments to fight desertification would make a major contribution to the objectives and principles of the International Convention on Biological Diversity.

Material and Methods

The method of system-structural analysis is used as the methodological basis of the research. It helps to reveal the importance of ensuring regional cooperation of States in ensuring the protection of the world's ocean ecosystems from pollution. For the purpose of modern interpretation of Convention norms, the most promising methodology is a combination of methods of historical and political science, international legal analysis. In addition to general scientific methods, private, scientific methods, formal-logical method, comparative law and legal modelling methods, as well as some logical techniques, such as induction and deduction, generalization and comparison, were used to solve the problems underlying the research.

Results and Discussion



Desertification threatens human populations all over the world, particularly in arid and semi-arid regions. The intensity of desertification in a region, such as topography, local climate, and land use, is influenced by several variables. The accession to the Convention to Combat Desertification provides for the implementation by the Government of Iraq of international obligations aimed at combating desertification and mitigating the effects of drought (Abbas & Mahdi, 2019; Al-Bahadeli et al., 2020; Ankush, n.d.; Shihab & Al-hameedawi, 2020; Yahya, 2019), namely: the creation of an institutional framework to combat desertification; development of the necessary legislation; Collaboration and coordination between national authorities, relevant non-governmental organizations and local residents; mobilizing national resources to help reduce poverty; efficient use of arid and semi-arid natural areas; improving land-use efficiency and sustainable land management; development of national programs and preparation of sustainable land development plans; agricultural expansion; conservation of natural resources; search for solutions to the phenomenon of salinization of the soil and the creation of a database of plant species.

Board of representatives of Iraq took the law number 7 of 2009, "on the accession the Republic of Iraq to the convention to combat desertification." law was published in Iraq Journal of the facts number 6412 of 2009, and therefore Iraq became a member of international convention, обязующимся perform the principles of approved by the convention to combat desertification. In accordance with the obligations established by the convention, from the government of Iraq is required to take a direct involvement in the implementation of organizational measures to the convention; these measures include the creation of an institutional framework to fight desertification; the definition of ministries and officials, in order to facilitate the planning and implementation of complex activities convention and coordination at the National level; the creation of National coordination bodies in order to counselling relevant issues state policy, as well as on the issues related to the implementation of the united nations convention to combat desertification; promotion of education and awareness public; capacity-building preparedness drought and the elimination of its consequences, as well as an overview of National action plans; strengthening the interagency coordination and implementation of specific programs to combat desertification.

Thus, the agricultural sector in Iraq was significantly affected, especially in its southern regions, affecting everything related to agriculture, which led to the extinction of many species of fish

and animals and their migration to neighbouring areas. A severe consequence of the drainage of the swamps was the migration of the local population living in this territory, as well as the residents of some villages located near the Shatt al-Arab river since the high salinization rate of the river led to the death of their farms and animals.

In this regard, the elimination of dangerous environmental conditions, in particular the fight against desertification (Anaya-Garduño, 2019; Benjaminsen & Hiernaux, 2019; Zalibekov et al., 2019), is a serious problem for the Iraqi government, which requires great work at the international and national levels. The priority areas of activity are the identification and implementation of investment projects and programs, as well as the creation of targeted innovative funds to combat desertification, as a real threat to the diversity of plants and animals (Farm, 2020; Resolution of the Cabinet of Ministers of the Republic of Iraq No. 160, 2008).

The Iraqi National Action Program to Combat Desertification (Kanbour, 2003) complies with the obligations contained in Article 10 of the International Convention to Combat Desertification and aims to take measures to combat this phenomenon, as well as to strengthen the relationship between government programs that contribute to the conservation of natural and biological resources.

Article 9 of the Convention to Combat Desertification (Bruyninckx, 2004) provides for the preparation and implementation of national action plans. Changes to national programs are being implemented in accordance with the UNCCD strategic plan, which should be aligned with the NAP. The Iraqi National Action Program to Combat Desertification is a comprehensive framework and action plan envisaged by the Government of Iraq, taking into account a number of relevant national strategies and programs, as well as with the requirements of international conventions, in particular the International Convention to Combat Desertification.

There is a need for the adoption of new laws that are an integral part of the UNCCD and which provide for articles 5, 10 and 16 of the Convention. The existing normative acts include the Resolution of the Cabinet of Ministers of the Republic of Iraq No. 160 dated February 17, 2008: "On approval of the development and management strategy for combating desertification of the Republic of Iraq for 2008-2018" (Federal Law No. 27, 2010).

Regarding the regulatory process of land resources, it should be noted that Iraq is one of the oldest



countries that legally regulate the exploitation of land and water. So the Code of Hammurabi in Babylonian civilization included the rules of regulation of agriculture, irrigation and grazing.

In the modern era, the first land-use law was passed during the Ottoman rule. In the royal era, a new law on the regulation of land use was adopted, which retained the state ownership of agricultural land. After the creation of the Republic of Iraq, land regulation is based on land use regulations.

In 1976, the Law on the Standardization of State Lands was passed, according to which all lands are classified as state-owned and registered in the Ministry of Finance.

There are other laws issued to regulate land use, such as Law No. 35 of 1983, which regulates the leasing of land to agricultural companies and individuals, as well as the maintenance of irrigation and drainage networks.

In 1869, the Law on the Protection of Forests was promulgated. As a result, in accordance with administrative and legislative procedures, the Ministry of Forestry and Minerals was created, the Forest Department and the Department of Forestry and Public Economy were formed.

The law contains information on areas of natural pastures, regulates the organization of grazing based on the scientific and natural protection of plants, as well as the conservation of water resources.

In 2009, Law No. 30 "On Forestry" was adopted, and then Law No. 27 of 2009 "On the Protection and Improvement of the Environment".

Section 17 of the Law "On the Protection and Improvement of the Environment" in the field of protecting lands from desertification prohibits the following:

Any activity that directly or indirectly leads to damage, deterioration or pollution of the soil, affecting the agricultural potential and quality characteristics of food chains, except as otherwise provided by applicable law; Non-compliance with planning requirements in areas of cultural value, as well as the location of settlements in the territories of agricultural land zones; Any activity that damages the vegetation cover and leads to desertification or a change in the individuality of the environment, with the exception of cases of prior consent from the relevant authority; Destruction of cultural and natural objects and damage to objects registered by the Ministry as such; Disposal of solid waste, with the exception of areas specially designated for such purposes.

The measures taken by the Government of Iraq did not solve the problem of desertification. Most of these measures have a very limited effect due to the lack of a scientific and realistic assessment of this problem. As a result, it was not possible to reduce the economic, social and environmental consequences of desertification in Iraq.

Studying the problems of land degradation and desertification, developing projects and strategies, as well as assessing and analyzing the real state of things, is one of the most difficult topics that has not received the necessary research and analysis. Statistical information is not available, and for a real assessment of the situation, information based on scientific theories is not enough. In addition, studies on the problem of desertification in Iraq were conducted on a small scale, the problem was not addressed at the regional and international level, since they have a great impact on desertification in Iraq. The definition and development of an action plan to combat desertification should be based on a comprehensive and analytical study of the environmental, economic and social situation.

Conclusion

In order to solve international and national environmental problems, society needs to develop a new system of environmental relations, which will transform international relations towards giving the highest priority to the issue of environmental security. Humanity is interested in ensuring that the impact on the natural environment is less destructive and sparing. Modern environmental law should contain primary requirements concerning the rational use of all-natural objects: land, water, forests, etc., in order to ensure the optimal possibility of implementing the ecological function of nature. Nevertheless, despite the existence of a rule in international law that reveals the content of the concept of "environmental safety", the question of the true nature of this concept is still under discussion, and the existing regulatory framework in this area is disordered and fragmented (Valiullina & Galeev, 2017).

We note that in Iraqi Law No. 27 of 2009 on the Protection and Improvement of the Environment, the definition of "desertification" is not given. Despite the fact that the law and other legal documents refer to this term, it is not included in the list of definitions contained in article 2 of the Law on the Protection and Improvement of the Environment, which is a big flaw in Iraqi legislation that needs to be corrected, given that Iraq acceded to the Convention to Combat Desertification in 2009.



In order to fill the legislative vacuum and eliminate the deficiency in Iraqi environmental legislation, and as a sign of respect for Iraq's international obligations, we propose that the definition of desertification from the Convention to Combat Desertification be included in the list of definitions in article 2 of the law.

And also, we recommend that the Government of Iraq focus its efforts on specific and key areas, in particular in the process of sustainable land use, integrated water resources management, the development of new energy sources, the development of sustainable agriculture and pasture management.

The study includes analysis and monitoring of natural resources, the biological potential of land use, rationalization of water consumption, preservation of soil fertility, reclamation of desert lands and the development of plant species that are resistant to natural environmental conditions in dry and semi-dry areas.

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