



Sectoral and Cross-Sectoral Integration of Biodiversity in Iraq

Contents

1. Introduction	2
2. Institutional Structure for CBD and core competencies	3
3. Cross-sectoral legislative needs to achieve main policy goals.....	5
4. Cross-sectoral legislative needs to address existing and future strategies and other International Conventions	6
Existing strategies	6
International conventions.....	6
5. Upcoming Iraqi National Biodiversity Strategy and Action Plans (NBSAP)	8

1. Introduction

Iraq reported¹ that sectoral and cross-sectoral integration of biodiversity policies and actions is required under Article 6 of the Convention. The relevant sectors, excluding the environment, to take into account in the drafting of the NBSAP include: agriculture, water management, education, health, rural development, forestry, fishery, trade, industry, tourism, and finance.

Some of the existing actions for biodiversity conservation in Iraq span a number of these sectors: the Mesopotamia Marshland National Park Management Plan, the New Eden Master Plan for Integrated Water Resource Management in the Marshland Areas, and the Dalmaj Marsh Management for Aquaculture Operations of Bunni (*Barbus sharpeyi*), for instance, cross-cut with agriculture, health, water management, rural development, tourism, fishery and trade. The KBA projects cross-cut rural development, forestry, fishery, education, and tourism.

Additionally, some of the policy measures, processes, and actions started or already in place for the implementation of other international conventions (e.g. CITES, CMS, Ramsar, the World Heritage Convention, UNFCCC, and UNCCD) also involve multiple sectors.

In addition to the MOE, many other institutional bodies have environmental functions and that been involved in a number of environmental projects. Unfortunately, even for those ministries with core environmental functions (like Environment, Water Management and Agriculture) communication and cooperation capacity is still poor. Some examples of mutual involvement in environmental issues by different bodies include:

- The designation, in February 2008, of the Hawizeh marsh as a Ramsar site involved higher government level cooperation to ratify the Convention. Moreover, in Iraq the instrument of adoption of an international convention (e.g. the National Law) has to be approved by the Parliament with the consensus of all the Ministries. A Ramsar National Committee has also been established involving all ministries concerned; since a Management Plan for the marsh exists, the National Committee has to approve it and implement it. Unfortunately, as stated previously, the plan has not been implemented as of yet, and therefore further cooperation and the functioning of the National Committee is under discussion.
- A Memorandum of Understanding has been signed between TRI, MOWR, the Kurdistan Regional Government, and MOA to try to address various issues related to water resources (see also paragraph II.2.5). This is an attempt to stimulate cooperation and mainstreaming between different institutional bodies, even though the outcomes of these activities are sporadic and do not have the necessary commitment and continuity.

¹ Iraq (2010). National Report on Biodiversity in Iraq, July 2010, 160 pp.

- The Ministries of Environment, Higher Education and Scientific Research, and Agriculture conducted research in 2005 on the degradation of Iraqi forested areas. Also in the collection of data and research activities more cooperation and communication is needed. Very often data are collected twice and used by the various stakeholders separately, replicating both efforts and results.
- A Biodiversity National Committee has been established (see also Background Information above), involving all relevant governing bodies. Hopefully this Committee with time and increasing capacity will launch a new vision of the institutional roles and will take on the primary responsibility for mainstreaming biodiversity protection.

Main existing biodiversity activities and International Conventions and related environmental sectors involved

EXISTING STRATEGY/PLAN	RELEVANT SECTORS	INTERNATIONAL CONVENTION	
Mesopotamia Marshland National Park Management Plan	Agriculture, Health, Rural development, Fishery, Tourism, Water management	Trade, Agriculture, Rural development, Forestry, Fishery, Finance, Interior	CITES
New Eden Master Plan for Integrated Water Resource Management in the Marshland Areas	Agriculture, Health, Rural development, Fishery, Water management	Agriculture, Rural development, Forestry, Fishery, Trade, Tourism	CMS
Dalmaj marsh management Plan for aquaculture operations	Rural development, Fishery, Trade, Water management, Agriculture	Water management, Agriculture, Rural development, Fishery, Tourism	Ramsar
Poverty reduction Plan	Agriculture, Education, Health, Rural development, Forestry, Fishery, Trade, Industry, Tourism, Finance	Rural development, Education, Tourism	World Heritage Convention
Oil Resources Management Plan	Agriculture, Education, Health, Rural development, Forestry, Fishery, Trade, Industry, Finance	Agriculture, Health, Rural development, Forestry, Fishery	UNFCCC
Hawizeh (Ramsar Site) Management Plan	Water management Agriculture, Rural development, Fisherv, Tourism	Agriculture, Health, Rural development, Forestry	UNCCD

2. Institutional Structure for CBD and core competencies

In order to implement a cross-sectoral approach to achieve biodiversity goals, it is essential to clarify the Iraqi institutional framework and the functions of the various stakeholders at all levels of law issuance and implementation.

For each institutional level the relevant sectors of interest are mentioned, together with the specific tasks performed by that institution.

- Ministry of Education: *Education. Tasks: organize lectures for students in schools, organize exhibitions, promulgate laws on the school structure, and cooperate with UNESCO as local focal point for Iraq.*
- Ministry of Science and Technology: *Health, Industry, Rural development. Tasks: conduct research and implement scientific projects proposed by other ministries, and conduct applied research.*
- Ministry of Water Resources: *Water management, Health, Rural development. Tasks: control of water quality, water quantity, water allocations and water engineering projects.*

- Ministry of Finance: *Finance. Tasks: manage the national budget on a yearly basis - working budget (salaries) and investment budget (given to the Ministry of Planning that distributes funds to the other ministries for projects and activities).*
- Ministry of Higher Education and Scientific Research: *Education, Agriculture, Rural development, Forestry, and Fishery. Tasks: academic research and projects carried on at the university level.*
- State Ministry of Tourism and Archaeology: *Tourism, Education, and Rural development. Tasks: develop tourism; investigate and manage archaeological and holy sites.*
- Ministry of Agriculture: *Agriculture, Fishery, Rural development, Forestry, and Trade. Tasks: sanitary control of cattle, livestock and breeding operations, veterinary controls, (with inspectors from other ministries like MOE and Ministry of Health), control of aquaculture operations, control of wild animals, forest management, promulgate relevant legislation, and issuance of hunting permits.*
- Ministry of Planning: *Agriculture, Education, Health, Rural development, Forestry, Fishery, Trade, Industry, Tourism, and Finance. Tasks: develop national strategies based on the projects and activities defined by all the other ministries and set priorities.*
- Ministry of Foreign Affairs: *Agriculture, Education, Health, Rural development, Forestry, Fishery, Trade, Industry, Tourism, and Finance. Tasks: organization of all international activities and relations.*
- Ministry of Environment: *Environment, Agriculture, Fishery, Trade, Forestry, and Rural development. Tasks: implementation of measures for compliance with all international conventions on the environment, other tasks broadly overlapping with those of the Ministry of Agriculture.*
- Ministry of Oil: *Industry and Health. Tasks: paying for restoration projects, control on the extraction and production activities.*
- Ministry of Trade: *Trade and Industry. Tasks: control of products in national and international trade, quality control of traded products and control of prices.*
- Ministry of Interior: *Security and Border control. Tasks: maintain police corps to enforce the laws of other ministries, environmental police department, control of import and export at customs.*
- State Ministry of Marshes: *Environment, Rural development and Water management. Tasks: Funds and provide logistical support for project in the marshland areas. Cooperates with Iraqi Ministries, NGOs and international agencies regarding activities in the marshlands.*
- Governorates: *All sectors. Tasks: implement the national laws*
- Provinces: *All sectors. Tasks: implement the national laws*
- Municipalities: *All sectors. Tasks: implement the national laws*
- Tribal councils: *All sectors. Tasks: solve local problems through agreements.*

3. Cross-sectoral legislative needs to achieve main policy goals

The process to build a strong national cross-sectoral legislative framework for the protection and sustainable use of biodiversity has to take into account main policy goals as defined in section II.3.1 on the tentative NBSAP, as well as strategies, activities, and processes started or existing under other sectors.

To achieve the three main policy goals concerning protected areas, there needs to be: Creation of a national law for protected areas; development of a national management plan for protected areas; and establishment of a national network of protected areas. The legislative framework to build these activities will rest on the first goal: a national protected areas law issued possibly by the MOE. The law will give the baseline of norms and principles for protection. Proceeding from the general principles contained in the law, a series of national decrees, issued in consultation with the other competent ministries, will regulate the structure and functioning of the management plans and networking initiatives.

A the national law for forest management and protection, a national law for regulating hunting and the collection and trade in wild fauna and flora, already exist (*viz.* Law n°30/2009 on Forestry and Nurseries and Law on Wildlife Protection approved but not yet published). The implementation of these laws and the substantial provisions they contain will require close cooperation between the MOE and MOA in order to address the extensive environmental threats these sectors are facing.

For example, forest management is strictly linked to productive land use and rural development. The National Law on Forestry should, as much as possible, delegate the drafting of forest management plans to local authorities with an emphasis on traditional and sustainable forest management. It should also provide for forest protected areas, the management of which would be the responsibility of MOA in conjunction with the MOE.

As for the law on wildlife protection, the implementation of wild fauna and flora management plans should again be delegated to the local authorities with an emphasis on conservation of species, and MOA and other ministries, as appropriate, provide support and guidance.

For pollution, proceeding from the existing laws (*viz.* System of Rivers and Other Water Resources Protection from Pollution Law 25/1967; Ionizing Radiation Law 99/1999; Public Health Law 89/1981; Investment Law for Oil Refinery of 2007) a National Committee needs to be established, comprising all relevant stakeholders, with the tasks of: reviewing the existing legislation on pollutants in various sectors; integrating and drafting new legislation; strengthen the implementation, control, and enforcement of these provisions through appropriate training of the environmental police corps.

In terms of invasive alien species, this issue has to be dealt transversally and is relevant to all ministries and sectors involved with trade, protection, and use of nature resources. The main ministries involved are the MOE, MOA, Ministry of Trade, but also Ministry of Health, MOWR, State Ministry of Marshes, and Ministry of Higher Education and Scientific Research. A significant first step would be for major legislation of each of the above ministries to be amended to contain a provision for prohibiting the

introduction into the wild, and in some cases even the import, of a list of species considered invasive or dangerous to Iraq. The drafting of such a list could be delegated to the National Biodiversity Committee, with adequate advice from national and international experts.

The establishment or reorganization of environmental and agricultural departments in local governorates to communicate with local communities to manage the sustainable use of natural resources for a community's livelihood will involve the issuance of a national law outlining the structure of the government and the powers given to the various ministries, to the governorates, and to other local authorities.

Capacity building and training initiatives as well as the promotion of activities that would generate revenues from sustainable natural resource uses will mainly involve the MOE and MOA (i.e. forestry law, law on protected areas, national laws for regulating the hunting activity and the collection and trade of wild fauna and flora).

4. Cross-sectoral legislative needs to address existing and future strategies and other International Conventions

Existing strategies

The legislation to address the various management plans for marshland areas, wildlife reserves, and tribal reserves could also address protected areas. The law for regulating hunting and the collection and trade of wild fauna and flora could also be used as the framework for addressing species-specific protection measures. Both these laws are to be issued under the competence of MOE. Fishery and aquaculture operations as well as forest cutting provisions fall into the duties of MOA. The MOWR plays a primary role in the marshland protection and restoration, which has the duty of regulating water flow and availability through the territory. Close cooperation and strong communication are necessary to implement laws and regulations among these three authorities, and it is paramount to the meaningful implementation of the Convention.

At the higher institutional levels, there will also need to be a local management dimension, where consultations are performed whenever a management plan crosses the core competencies of other sectors or ministries. At the local scale, the management committee should involve a comprehensive set of representatives from other sectors.

International conventions

All international conventions require a national law for ratification, usually consisting of a translation of the convention text into the official language of the country. Additionally, one or more laws are needed to regulate and implement the provisions of the convention, depending on the specific legislative and institutional structure of the country.

CITES

For this convention, a specific law is needed to be issued by the MOE in consultation with the MOA and Ministry of Trade to address: the continuous updating of the Appendices of protected species; the establishment of an administrative structure functioning as a management authority for the issuance of import and export permits; the empowerment of an enforcement authority to control illegal activities; the establishment of a scientific authority, and a strong sanction system.

CMS/Ramsar

For the implementation of these conventions, the three main legislative instruments suitable to grant protection for the migratory species and for wetland areas are: the National Law for Protected Areas; the National Law for Forest Management and Protection; and the National Law for Regulating Hunting and the Collection and Trade of Wild Fauna and Flora. The two competent ministries are the MOE and MOA. The management of particular cases in which wetland areas or protected areas along migratory routes interact or cross into other sectors and competencies (e.g. human settlements with productive activities, oil extraction sites, and industrial areas) may require specific legislative or regulatory actions at the national, regional, and/or local scale.

World Heritage Convention

Depending on the specific values and resources found in the three Iraqi cultural sites currently listed as UNESCO World Heritage Sites, their protection will be addressed nationally by laws issued by various ministries and local bodies (e.g. Ministry of Tourism and Archaeology, and the MOE).

UNFCCC

Addressing climate change is no doubt the most challenging environmental issue that Middle Eastern countries have to face in upcoming years. Scientific evidence confirms that the major impacts of climate change in the MENA region would increase droughts and reduce freshwater supplies.

On 28 July 2009, Iraq completed the ratification of UNFCCC and Kyoto Protocols that entered into force on 26 October 2009. NI and TRI have agreed with the MOE on a 5-year work program supported by IMELS that is focused on providing technical assistance to the MOE in implementing these agreements.

Besides MOE, several other ministries are involved in addressing the effects of climate change, including: MOA (sustainable agriculture and forestry, combating desertification, addressing salinization of soil and waters, maintaining agro-biodiversity, ensuring bio-safety, and conserving biodiversity), MOWR (sustainable management of water resources, combating desertification, addressing salinization of soil and waters, and conserving biodiversity), Ministry of Planning (urbanization, infrastructures, control and reduction of GHG emissions), Ministry of Oil (oil sector development, control and reduction of GHG emissions), and Ministry of Energy and Transport (infrastructures, control and reduction of GHG emissions).

UNCCD

In the framework of the Convention to Combat Desertification, the responsibility for implementation at a national level belongs to the MOA, which has the duty of enacting legislation on land tenure and territorial assets, and of delegating, at the local scale, the task of drafting rural development plans.

These plans will also involve core competencies of the MOE, such as the restoration and management of water resources and marshland areas to combat and mitigate the adverse effects of drought and prevent desertification.

5. Upcoming Iraqi National Biodiversity Strategy and Action Plans (NBSAP)

With National Law No 31, Iraq has confirmed its commitment to fulfilling its obligations under the Convention for Biological Diversity. In order to draft a NBSAP for Iraq as soon as possible, it is important to address legislative and regulatory needs that would be necessary to implement it. The NBSAP will encompass a variety of subjects and issues normally delegated to various institutional bodies. Therefore though useful, a law to adopt the strategy approved by all existing ministries cannot, by itself, be the only answer to the complex problem of implementing the NBSAP. Too often perfect laws remain unimplemented because of lack of interest or shared vision among the stakeholders. The only way a NBSAP can be drafted and applied in Iraq is the enthusiastic participation of the relevant institutions in the entire process.

The National Biodiversity Committee has to build its own capacity and become the leader of the strategy, supported by a law that would state the obligations and responsibilities of each Ministry.