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وەزارەتی داد دەری دەکات

Legislation

No. 2

Natural Reserves Regulation

No. (2) of 2014

With the Council of Ministers' decision related to it

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COUNCIL OF MINISTERS' RESOLUTION NO. (139) OF 2014

The Council of Ministries decided in its seventh regular session held on February 18, 2014 the following:

Approving the issuance of Regulation No.(2) of 2014, The Nature Reserves Regulation, reviewed by State Shura (Consultation) Council, based on the provisions of (Article 80/ Item Three) of the Constitution, (Article 4/ Items Fifteen, sixteen and Twenty) of the Ministry of Environment Law No.(37) of 2008 and Article (18) and (Article 38/ Item First) of the Environment Protection and Improvement law No.(27) of 2009.

Ali Muhsin Ismail

Acting secretary-general of the Council of Ministers

March 19, 2014

Council of Ministers

Based on the provisions of Item (Third) of Article (80) of the Constitution, Items (Fifteenth), (Sixteenth) and (Twenty) of Article (4) of the Ministry of Environment Law No. (37) of 2008 and Article (18) and Item (First)of Article (38) of Environment Protection and Improvement Law No. (27) of 2009, the following regulation has been issued:

NO (2) OF 2014

NATURAL RESERVES REGULATION

ARTICLE 1

For the purposes of this regulation, the following terms and expressions shall have the definitions next to them::

First: Natural reserve: An area of land or coastal or inland waters containing living plant or animal species or natural features of cultural, scientific, tourist or

aesthetic value placed under legal protection to protect its environmental resources and sustainably develop them.

Second: National park: An area of land, water, beaches, oases or forests that the Council of Ministers decides to declare national parks for the purpose of preserving the natural ecosystem.

Third: Wetlands: Areas of swamps, lakes, marshes and lands submerged by water, whether natural or artificial, permanent or temporary, running, fresh or salty, including areas of marine water whose depth at the lower part does not exceed (6) six meters.

Fourth: Ecotourism: Visiting natural sites and engaging in ecotourism activities without disturbing or harming their natural components by adhering to environmental regulations, site management instructions and using environmentally friendly materials.

Fifth: Biodiversity: The diversity of living organisms derived from all sources, including terrestrial and marine ecosystems, aquatic organisms and environmental components of which they are part. This includes diversity within each species and between species and ecosystems.

Sixth: Geological diversity: The diversity of rock, mineral, fossil, soil, landforms and natural processes that contribute to shaping the Earth surface.

Seventh- Habitats: The natural sites inhabited by plant and animal species, especially wild ones which are subject to the influence of climate factors, soil, and natural ecosystems that provide food and shelter.

Eighth: Endangered species: All plant or animal species that were abundant in the past and whose numbers have declined as a result of human activities such as agriculture, logging, grazing, illegal hunting, environmental pollution, and habitat destruction.

Ninth: Sustainable development: The ability to achieve and sustain economic and social development for current and future generations without depleting natural resources.

Tenth: Genetic Resources: Wild plants and animals genetically related to cultivated plants or domesticated animals or plant or animal varieties of economic interest that can be exploited for the genetic improvement of cultivated plants or domesticated animals.

Eleventh: Natural Heritage: Natural features consisting of physical, biological, geological or morphological formations or combinations of these formations that have outstanding universal value from an aesthetic or scientific point of view and precisely-defined areas that are home to endangered animal and plant species.

Twelfth: The central area: The area containing distinct ecosystem, endangered biota, a distinctive conservation model or an important cultural heritage that requires special protection arrangements to ensure the reserve of its components regardless of its area.

Thirteenth: Adjacent area: The area surrounding the border of the declared protected area and be considered as a complimentary to the objectives of establishing the reserve area, which the Council of Ministers, based on the Minister's recommendation, approves the land use determination plan therein. based on what conforms with the administrative objectives of the protected area.

Fourteenth: Site Management: One person or a group of experienced persons authorized by the project owner taking over management of the preserve area.

ARTICLE 2

First: In the Ministry of Environment, a committee shall be formed named (The National Committee for the Protected Natural Sites) headed by Director-General with experience and specialization nominated by the Minister of Environment and the membership of two representatives of the following authorities their job title is no less than director:

a. Ministry of Agriculture.

b. Ministry of Education.

c. Ministry of Water Resources .

d. Ministry of Science and Technology.

e. Ministry of Municipalities and Public Works.

f. Ministry of Higher Education and Scientific Research.

g. Ministry of Tourism and Antiquities.

h. Relevant Non-governmental organization designated by the Directorate of Non-Governmental Organizations in the General Secretariat of the Ministers Council.

Second: For the committee, a secretary shall be designated by the Minister of Environment.

Third: The Committee shall hold at least one meeting a month by the invitation on its Chairman or his/ her deputy.

Fourth: The quorum for the committee meeting shall be achieved with the attendance of two-thirds of members. Decisions and Recommendations shall be taken be the majority of the present members. In the event of a tie in votes, the side with which the Chairman voted shall be prevailed.

Fifth: The committee may seek the assistance of those with experience and specialization to seek their opinions without their having the right to vote.

Sixth: The representative of the Ministry of Agriculture shall replace the Chairman in his/ her absence.

ARTICLE 3

First: The Committee shall undertake the following tasks:

a. Proposing to enlist the nominated areas as reserves within the national list of the nature reserves areas.

b. Receiving and studying the nominees submitted from the governmental and non-governmental entities or from the population of the area surrounding the reserve and recommending about it.

c. Categorizing the reserves to national, regional, cross-border, governmental and non-governmental reserves.

d. Setting necessary plans for administering the nature reserves and scientific plans about how to develop the living resources in the reserve.

e. Recommending about choosing or designating specialists concerned to administer the site and develop their capacities and follow up and evaluate their performance in administering those areas.

f. Preparing programs for the environmental awareness regarding the importance of sustaining the nature reserves for the populations of the neighboring and surrounding area and all the citizens and the necessity of participation in protecting, administering, developing them and preventing to overtake them through the means of awareness and available media.

g. Coordinating with the administration of the natural site concerning encouraging residents of the area neighboring and surrounding of the reserve to produce souvenirs and products related to the location to support the local population, provided that the site is not effected.

h. Coordinating with the natural site management regarding the establishment of alternative projects that compensate the residents of the area adjacent to or surrounding the reserve for the activities they were practicing, which may have a negative impact on biodiversity.

i. Coordinating with the management of the natural site to encourage and develop the traditional knowledge of the inhabitants of the area adjacent to or surrounding the reserve, which has a positive impact on the components of biological diversity.

j. Recommendation to encourage workers to practice properly management by granting rewards in accordance with the law.

k. Recommendation to encourage residents of the area adjacent to or surrounding the reserve to protect these sites by involving them in guarding, maintaining green spaces, caring for animals, and other necessary work.

l. Coordinating with relevant international organizations and countries with experience in this field with the aim of developing nature reserves.

m. Contributing to the preparation of studies and researches necessary for the developing nature reserves.

n. Reviewing periodic reports submitted by site managers and expressing an opinion on them.

o. Preparing a database on areas declared as nature reserves.

p. Reviewing disaster plans submitted by the site manager.

Second: The decisions and recommendations of the committee stipulated in Item (First) of this Article shall be subject to the approval of the Environmental Protection Council.

ARTICLE 4

The Ministry of Environment shall, based on the recommendation of the National Committee and with the approval of the Council of Ministers, designate areas of natural areas in Iraq as natural reserve areas in accordance with international standards and the characteristics of these sites, or nominate these areas for inclusion in the national list of natural reserves.

ARTICLE 5

The establishment of nature reserves requires the following:

First: Determining policies and objectives.

Second: Forming a planning team.

Third: Surveying environmental elements.

Fourth: Government and public participation in selecting and establishing the reserve.

Fifth: Demarcating the reserve's boundaries.

Sixth: Identify the required resources.

Seventh: Preparing and implementing a management plan.

Eighth: Dividing the protected area into a central area and an adjacent area.

Ninth: Preparing educational and media programs.

Tenth: Conducting research and studies.

Eleventh: Addressing the effects of environmental degradation.

ARTICLE 6

The following criteria shall be taken into account when establishing nature reserves:

First: Natural Criteria: These include natural ecosystems, species, and genetic diversity.

Second: Social Criteria: These include social acceptance of the residents, promotion, culture, heritage landmarks and the aesthetics of the site.

Third: Regional Criteria: These include the regional and national importance of the site and its appropriate uses.

ARTICLE 7

The following conditions must be met to select a preserve area:

First: It must be distinguished by a clear richness in the components of biological diversity.

Second: The availability of a significant number of unique species habituated of the components of biological diversity.

Third: The presence of one or more rare or endangered species.

Fourth: The distinctiveness and uniqueness of the habitats.

Fifth: The importance of geological history, especially fossils that represent the record of life and its evolution through geological eras.

Sixth: A distinctive landform that has scientific, historical or aesthetic value.

Seventh: Sociocultural richness associated with the nature of the area.

ARTICLE 8

First: The nature reserve shall be managed by an experienced person or group of persons assigned by the project owner to manage the reserve area.

Second: The site management shall undertake the following tasks:

a. Preparing and implementing the nature reserve site management plan and annual work plans for the various activities within the reserve, with the aim of developing and advancing it in accordance with the requirements for protecting its natural resources, and in light of the budget approved for implementing the plan.

b. Developing and implementing a plan to protect the site (of the nature reserve. Translator), increasing the capacity of field activities, focusing on training and taking measures to ensure the safety of personnel, equipment and facilities.

c. Implementing environmental, economic and social monitoring programs.

d. Preparing semi-annual reports covering the status of biodiversity and geological diversity in the reserve area and sending them to the authority concerned with the nature reserves

and wildlife within the Ministry for evaluation, commentary and necessary action and informing the National Committee of the procedures.

e. Preparing a database of wild and aquatic plant and animal species, recording their increases and declines, their potential causes and the measures taken to address and update them.

f. Studying landforms, monitoring rock fragmentation and transport, soil thickness and monitoring water resources and their levels.

g. Monitoring violations such as poaching, setting up camps, loading rocks, minerals and primary building materials, or destroying the natural environment. Taking deterrent measures against violators and protecting natural and heritage resources in accordance with the law.

h. Raising awareness among visitors within inter-regional tourism activities and residents of the area adjacent to or surrounding the reserve of the importance of not harming nature reserves, national parks and wetlands, and drawing their attention to environmental protection through various means.

i. Supervising the assessment of environmental damage resulting from violations and incidents, and preparing technical reports on them, supported by accurate data and supporting documents.

j. Coordinating and cooperating with residents of the area adjacent to or surrounding the reserve to protect nature within the reserve area and preserve their cultural heritage, and assisting them in improving their livelihoods and participating in the conservation of natural heritage, genetic resources and biodiversity.

k. Encouraging investment opportunities, provided that sustainable elements are present in the use of the nature reserve's resources, without, under any circumstances, affecting the biodiversity within the reserve or the purpose for which it was established. The investment program shall be approved by the National Committee.

l. Preparing a preliminary report on potential disasters affecting the reserve area and developing the necessary plans to address them, in coordination with the National Committee.

m. Permitting the environmental monitor to enter and inspect these sites to ensure they are managed in an environmentally appropriate manner, or to conduct studies or gather information.

ARTICLE 9

The following actions shall be prohibited within the nature reserves:

First: Establishing camps without license from the ministry of environment.

Second: Damaging or changing the physical, geological, or morphological formations and natural ecosystems and features.

Third: Introducing or setting any alien plant or animal species.

Fourth: Holding various military maneuvers and activities.

Fifth: Hunting ,transporting ,killing ,displacing .harming ,disturbing ,expelling or threatening stability any of the wild, native or migratory creatures, including bird species, their eggs, chicks, nests or parts thereof such as feathers, horns and fur.

Sixth: Moving rocks, soil, surface or ground water outside the protected area.

Seventh: Establishing facilities, roads railways or airports.

Eighth: Cutting, uprooting, destroying or removing plants or parts thereof from reserve area.

Ninth: Any activities or experiments that leads to the pollution of the soil, air or water of the reserve area.

Tenth: Entry of all kinds of vehicles.

Eleventh: Practicing any agricultural, economic or commercial activities without a license from the site management.

Twelfth: Change of the land use character.

Thirteenth: Using natural resources in a manner that leads to soil deterioration, loss of fertility or the deterioration of biological species and natural landscapes.

Fourteenth: Any activity that negatively affects the natural life of plant or animal species.

ARTICLE 10

The ministry's approval shall be obtained for the following:

First: Establishing camps in specific areas of the reserve.

Second: Reintroducing or acclimatization indigenous plant or animal species if they are from their natural environment and recorded from the same area with scientific and historical documentation.

Third: Bringing in site management vehicles within reserve.

ARTICLE 11

Punitive provisions stipulated in Environmental Protection and Improvement Law No. (27) of 2009 shall be applied to those who violate the provisions of this law.

ARTICLE 12

The minister of environment, in coordination with the minister of agriculture, may issue instructions to facilitate the implementation of the provisions of this regulation.

ARTICLE 13

This regulation shall be entered into force as of the date of its publication in the official Gazette.

Nouri Kamil al-Maliki

Prime minister

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