

ASSESSING THE LEGAL CONSEQUENCES OF ENVIRONMENTAL POLLUTION: A COMPARATIVE ANALYSIS OF IRAQI AND INTERNATIONAL LEGAL PERSPECTIVES

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ABSTRACT

This study conducts a detailed comparative legal analysis of the Iraqi environmental legislation and its relationship with international environmental law and attempts to analyze the legal consequences of environmental pollution and propose reform opportunities. The multidisciplinary strategy of intermixing doctrinal legal analysis, comparative analysis with colleagues in the Middle East and international conventions, case study analysis, stakeholder interviews, and integration of environment information, the study uncovers vast gaps in legislation and enforcement in the field of environmental regulation in Iraq. The key results indicate that although Iraq has official undertakings to significant international accords and has a legal framework (especially the Environmental Protection and Improvement Law No. 27 of 2009) at the national level, its implementation is poor due to institutional disintegration, political interference, low levels of citizen engagement, and lack of technical capacity. Comparative analysis focuses on specialized institutions, civic engagement and the polluter-pays principle compared to the stakeholder approaches which concentrate on the systemic problems like legal illiteracy and starved agencies. Environmental degradation is also placed by the research as a human rights concern which requires legal modernization and governmental reform as governed by environmental justice, compliance and transnational law. The infusion value of this study is that it unites the legal theory, empirical facts, and stakeholder perceptions to offer the first unified legal-environmental analysis of the Iraq pollution crisis, which produces practical reforms between the legal gaps domestically and the international environmental obligations.

Keywords: Environmental law, pollution, Iraq, Basel Convention, Paris Agreement, Legal Enforcement, Environmental Governance, Comparative Analysis, International Treaties

1. INTRODUCTION

The growing pollution compels the intercontinental legislations to become powerful against environmental degradation. A study is carried out by the researchers which compares the Iraqi environmental laws to international norms, in an attempt to establish how its pollution affects the law. Iraq is one of the most important examples of examining how the legislation regarding pollution reacts in the country and fails to do so. This paper attempts to define where the legislative and enforcement systems of Iraq are similar or dissimilar to the systems used by other similar bodies such as the European Union and the United States. Finally, the research will be used to provide policies that conserve the environment and hold everyone accountable and harmonize national regulations with international regulations on the health and environment of people.

1.1. The Global Environmental Crisis: Law, Ethics, and Transnational Responsibility

International environmental crisis is defined as global problems in nature such as the changes in climate, reduction in biodiversity, pollution and lack of natural resources. These issues affect societies across the world and negatively affect the environment and the health of the society (Ahmad, 2024). Overcoming the problem of many components is not just about the technology and science but also relies on the existence of legal and ethical laws that unite obligations of states, firms, and citizens. Authorities have created international agreements and national laws to protect the environment, support sustainable progress and safeguard weaker ecosystems. There is a recent trend where these legislations are directed by ethics

related to protecting the environment, showing that society is more likely to see protecting nature not only as law, but also as a matter of right and wrong.

Because the effects of environmental damage in one nation can be felt globally, all nations should play a part in managing this crisis(Alkassaabeh, 2024). Greenhouse gas emissions, marine pollution and damage to forests must be dealt with by nations working together since each nation cannot solve them alone. For this reason, there are now multilateral agreements, like the Paris Agreement on climate change and the Convention on Biological Diversity which create significant global guidelines and s Also, corporate and multinational organizations operating globally require systems that ensure they are responsible and comply with international laws(Bildirici, 2020). Here, law and ethics combine to stress the responsibility of all countries and their commitment to rules that stop environmental problems equally worldwide.

1.2. Iraq's Environmental Crisis: Conflict, Weak Institutions, and Ecological Collapse

The state of the environment in Iraq can be traced to the impacts of past wars, political issues and failed institutions. War, sanctions and civil conflicts that lasted over the years have badly damaged the country's infrastructure and resources which has led to more pollution, fertile land damage and a shortage of water(Charlesworth, 2022). The serious damage to Iraq's oil facilities, heavy use of poisons by armies and not caring for the environment has lead to some of the most difficult ecological issues in the region. Additionally, ongoing unrest in government makes it difficult to routinely handle environmental concerns which delays both restoration and development.

A further challenge comes from Iraq's institutions which cannot implement or effectiveness oversee environmental laws(Corten, 2021). Having different ministries working separately, lack of adequate financial support, not having enough technical expertise and political involvement impair the state's reaction to environmental issues. As a result of weak institutions, there are more ways for polluters to avoid rules, poorly supervised environmental actions and little responsibility for their actions. As a result, the environment in Iraq suffers greatly, affecting people's health, the amount of agricultural production and stability within the nation(Falih Chichan, 2021). Copping with this problem means putting forward new technical plans and stepping up the improvement of governance and institutions to ensure environmental protection is a key concern for everyone.

1.3. Iraqi Environmental Law: Constitutional Provisions, Statutory Frameworks, and Enforcement Gaps

The constitution of Iraq acknowledges that the government should support the environment and this is expressed most clearly in Article 114 which demands the government save natural resources and encourages sustainable development(Maniruzzaman, 2025). In addition to the constitution, Iraq has introduced the Environmental Protection and Improvement Law No. 27 of 2009 to create environmental quality standards, oversee pollution and ensure enforcement of those standards. They aim to make Iraq obey international environmental standards and resolve urgent environmental problems by legislative action.

There are major challenges in enforcement that reduce the safety of the environment in Iraq(Mohammed AL-Dulaimi, 2024). Many ministries have overlapping responsibilities and there is little coordination or accountability due to this. Furthermore, environmental penalties are not much of a deterrent and the public has limited access to fighting for justice in such cases. Gaps in the system are the reason why environmental damage often continues, especially in oil and industry, where financial benefits are stronger than laws(Nita, 2019). Institutions must be made stronger to overcome these gaps, laws to involve citizens must be updated and major penalties should be put in place to prevent similar offenses.

1.4. Iraq's International Environmental Obligations: Treaty Commitments and Global Accountability

Iraq has agreed to several important environmental accords that require the country to follow worldwide environmental and sustainable development guidelines. They include the Basel Convention on managing hazardous waste, the Stockholm Convention on persistent organic pollutants, the Paris Agreement on handling climate change and the Convention on Biological Diversity (Roberts, 2017). The signing of these treaties has made it official that Iraq supports containing pollution, reducing greenhouse gases, protecting biodiversity and properly managing hazardous materials. They make Iraq a part of a wider effort to protect the environment and work with other nations.

It is challenging for Iraq to apply international commitments at the national or local level (Simons, 2016). Some discrepancies between what is offered by Iraq in the treaties and what is delivered in practice have been caused by the weakness of key institutions, the absence of sufficient specialists and political challenges. These reports are often late or fail to provide all the information needed, and as such, reduce the transparency and external watch. Iraq ought to change the terms of international environmental treaties into its own regulations, consolidate institutions and provide sufficient resources towards effective monitoring and implementation which will respect its commitments at both local and global levels.

1.5. Research Objectives

The objective of this paper is to provide a comparative legal study of the environmental laws of Iraq in relation to the international environmental laws and how they are in line with the international laws, particularly the legal implications of pollution and the reform avenues. The particular goals are to:

- To assess Iraq's statutory and constitutional environmental frameworks.
- To compare Iraqi legal provisions with leading international environmental treaties and practices.
- To identify enforcement gaps, institutional weaknesses, and barriers to environmental justice.
- To recommend legal, policy, and institutional reforms to strengthen Iraq's environmental governance.

2. LITERATURE REVIEW

This section talks about the environmental laws, civil liability and the conduction of impact assessment and pollution that are caused by conflicts. It addresses the question of the influence of legal principles that are adhered to in other countries on the decisions taken in Iraq. Articles identify enforcement lapses and recommend new legislation particularly in terms of environmental protection in warfare and hence the role of ensuring that Iraqi legislation is global to acceptable standards.

2.1. National Legal Responses to Environmental Pollution in Iraq

Al-Bsherawy et al. (2020) compared and contrasted the civil liability of environmental damage in Iraqi law. They found that the legal system of Iraq lacked laws to distinguish environmental harmed and strict liability crimes. The laws of Iraq did not presuppose certain responsibility of people, but even though, the international law is founded on preventative defense and on helping victims. The implementation of new strategies to offer the victims of the pollution more legal protection and assistance was proposed by lawmakers (Al-Bsherawy, 2020).

Alrikabi and Alumery (2021) reflected on the procedures of Environmental Impact Assessment (EIA) in Iraqi and Saudi law. They found out that EIA practices were not effectively implemented in Iraq due to post war problems and ignorance on issues concerning the environment. The assessment process in Saudi Arabia was based more on the

internationally referred standard. They believed that Iraq should implement EIAs as per the international standards in order to strengthen the environment (Alrikabi, 2021).

Al-Shammari (2016) examined the effects of war time pollution in Iraq on the human population. The environment of cities, air, water and soil of the city were found to be damaged by the military operations. According to Al-Shammari, numerous cases of respiratory ailments, cancers and birth defects were caused by pollution (Al-Shammari, 2016). The study concluded that the environment must be restored quickly and that those responsible for pollution from war should be held accountable by law.

2.2. International Legal Standards and Their Influence on Environmental Governance

Alam et al. (2015) looked into how international environmental law has grown over the years, putting special focus on the Global South (Alam, 2015). It was found that the historical differences in power among states affected the building and use of environmental rules. Despite growth worldwide, IMT confined its laws to American and European concerns, unmindful of developing nations. They suggested that governance in the area of the environment should be more joint and shared to allow Global South states to have a stronger say.

Bekezhanov et al. (2021) regarded legal points concerning controlling pollution that affects more than one nation (Bekezhanov, 2021). They noticed that enforcement of these treaties is difficult when states have different laws and that some of the existing treaties are not strongly implemented. They considered it important to come up with clear legal tools and encourage regional teams to address damage done to the environment across national boundaries.

Qader (2023) analyzed how international treaties are regulated according to laws in Iraq (Qader, 2023). The study revealed that both process and organizational barriers stand in the way of approving and carrying out environmental treaties, pointing out the disagreements between laws and treaty terms. He believed that by updating the laws and supporting officials, Iraq could more easily match its environmental rules with international standards.

Yang (2018) studied the progress of EIA as an international law applicable in all member states (Yang, 2018). According to the research, the role of EIA shifted from mechanical steps to being established as a rule within international agreements and national laws. According to Yang, EIA achieved status as a legal rule in international law due to the widespread practice and recognition of states.

2.3. Comparative Legal Accountability and Liability for Environmental Harm

Mahmood (2019) analyzed enforcement issues of environmental criminal law in Iraq and specifically air pollution crimes (Mahmood, 2019). The research found gaps in lenient sanctions and low levels of judicial engagement. It advised tougher penalties, more surveillance, and environmental courts. The research concluded that harsher punitive and institutional interventions were required to enhance environmental governance in Iraq.

Romdoni (2023) investigated the legal responsibility of environmental harm in the war between Russia and Ukraine in accordance with international criminal law and humanitarian law. This study identified the fact that war is threatening the environment excessively and that the accountability mechanisms are not effective. Romdoni wanted to expand the definition of war crimes to include damage to the environment and introduced legal changes to increase the safeguarding of conflict ecosystems (Romdoni, 2023).

3. THEORETICAL FRAMEWORK

The interdisciplinary theoretical framework also stands effectively in this study and appeals to legal pluralism, regulatory compliance theory, environmental justice, and legal transplant and transnational law approaches. These mutually supportive legal theories that shape the conceptual framework of the disjointed nature of environmental governance in Iraq and the challenges in the convergence of domestic laws and international environmental laws.

3.1. Legal Pluralism Theory

Legal pluralism theory recognizes the co-existence and interdependence of several legal regimes within one unit of social-political organization that incorporates formal state law, religious law, international treaties, and customary practices. The Iraqi context has been used to explain disjuncture between promise on Constitution environmental provisions, statutory law including the Environmental Protection and Improvement Law No. 27 of 2009 and international commitments of Iraq in international agreements including the Basel, Stockholm and Paris Agreements. The discussion notes how these systems tend to cross over each other without adequate coordination leading to regulatory gaps as well as competing norms. On this theoretical framework, the study can critically explore how domestic legal systems can and cannot accommodate (or fail to accommodate) transnational environmental commitments, particularly in post-conflict societies where institutions are weak.

3.2. Regulatory Compliance Theory

Legal enforcing performance is expounded using regulatory compliance theory which considers institutional action, sanctions, incentives and socio-political environment in which compliance with rules takes place. The research concludes that despite Iraq being signatory to key environmental treaties and drafting legislative bills, the rate of adherence to these laws is low because of lack of enforcement, political influence, bureaucracy and lack of institutional capacity. This theory forms the basis of the empirical study of enforcement activity and stakeholder behaviour that illuminates the structural barriers to environmental compliance and the ineffectiveness of sanctions to prevent pollution.

3.3. Environmental Justice Theory

Environmental justice theory deals with equitable allocation of environmental benefits and costs, particularly in vulnerable and marginalized society. The research uses this as a lens to evaluate how Iraq's environmental degradation detrimentally affects disadvantaged communities like those exposed to oil spills, poor air quality, or contaminated water while affluent and politically influential sectors avoid regulatory attention. The study validates the thesis that environmental protection needs to be regarded as an ethical and social need rather than a technical or regulatory issue, as it suggests placing the issue of environmental damage as a human rights issue in the context of larger concerns of justice and public health.

3.4. Legal Transplants and Transnational Law Perspectives

The comparative element of this study is based on the idea of legal transplantation and the processes of adoption and adaptation of foreign models of law and more broadly the system of international and transnational law. The regulation of the environment in Iraq has been progressively affected by the importation of international standards of law and international best practices. These imported norms however, tend not to take root due to incongruences, institutional stasis or localization. Comparing Iraq and Turkey, Tunisia, Jordan, the study evaluates the extent of internalizing, replicating or opposing transnational legal models and determines potential opportunities and constraints of legal modernization.

3.5. Guiding the Comparative Legal Analysis

These structures provide the general plan of the framework of which the comparative legal research is the core of this research. Legal pluralism describes the state of affairs in Iraq as multi-layered; a regulatory compliance theory describes why laws are not generally effective; an environmental justice theory describes how socio-political injustices are manifested in environmental degradation, and transnational legal insights provide an idea of how Iraq is performing in comparison to the international standard. The combination of these theories enables one to possess an advanced concept of the functionality of law not only concerning formal laws, but also institutional, cultural and normative circumstances that form the environmental governance in Iraq and other countries.

4. METHODOLOGY

In order to develop a thorough analysis of the legal issues of environmental pollution in Iraq within the context of the international legal norms, the present analysis relies on multi-layer qualitative legal approach, the combination of the doctrinal legal research, comparative legal research, case study research, and the stakeholder-based socio-legal research. The research shall not only seek to map legislative and institutional structure of Iraq but shall also quantify its practical performance, practical challenges and the avenues of its legal reform in its amalgamation of these methodologies.

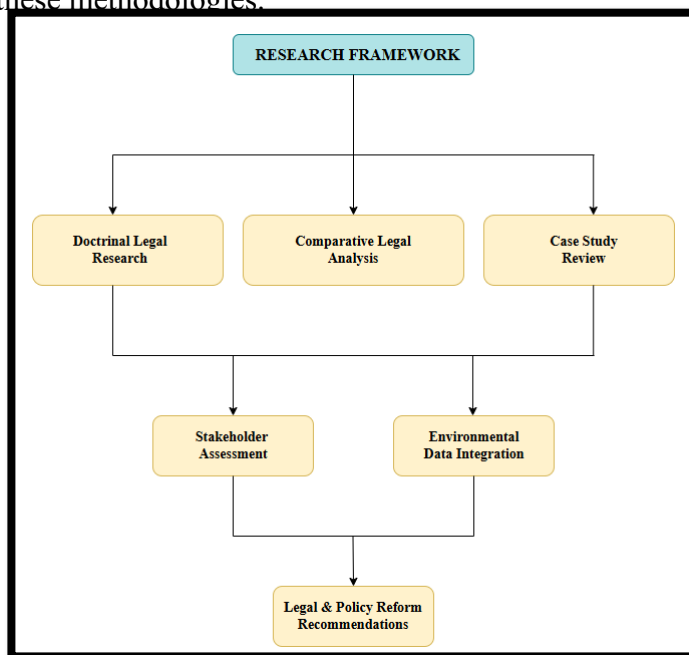


Figure 1:Research Framework

4.1. Doctrinal Legal Research

The basis of this research was doctrinal legal research that is defined as the methodical gathering, systematization and a critical analysis of law authoritative materials. This entails:

- **Primary sources:** The Iraqi Constitution (specifically Articles 33, 114), the Environmental Protection and Improvement Law No. 27 of 2009, administrative legislation, court decisions, and ministerial directives.
- **Secondary sources:** Commentaries of scholars, law review journals (e.g. Al-Juboori and Al-Saedi), law encyclopaedias, international environmental law treaties (Basel, Stockholm, Paris).

Black-letter legal analysis methods are applied in this step and the legal texts are analyzed as a whole to derive rules, legal principles, and obligations and find ambiguity in the interpretation, contradictions and gaps in application. It also analyzes the legal history of Iraq to trace the development of environmental traditions of environmental protection, between the period before 2003 and the constitutional reforms, through UNEP reports and statistics by the Iraqi Ministry.

4.2. Comparative Legal Analysis

This study provided a comparative legal evaluation of the Iraqi environmental policy through benchmarking with the Iraqi counterparts in the MENA region; Jordan, Tunisia and Turkey international best practices. It evaluated the adherence of Iraq to the international norms such as polluter pays, precautionary principle and intergenerational equity based on the institutional arrangements, judicial process and social involvement. Iraq was not supportive of citizens and judicial review, but was falling behind in terms of delivering procedural reforms. The paper indicated that it failed to establish enforcement mechanisms and tools of laws to be enforced that established a foundation on what would be done with effective

recommendations to reform laws, strengthen institutions and improve access to environmental justice in Iraq.

4.3. Case Study Review

Case study analysis was also included as well as comparative analysis of the law that explored high profile issues related to the environment in Iraq and the rest of the world. The legal claims, laws, and court decisions were determined through domestic cases of industrial pollution, oil spill and water pollution. The cases studied included the Trail Smelter Arbitration, Shell Nigeria litigation, and the Bhopal Gas Tragedy, which are cases that occurred in various parts of the world and were analyzed in terms of their influence on the issue of transboundary harm, corporate responsibility, and environmental justice. The review has found problems such as the lack of opportunities in the courts and ineffective enforcement and outlined what has been done in other places to assist in reforming in Iraq.

4.4. Stakeholder-Centered Socio-Legal Assessment

The approach is an amalgamation of socio-legal analysis and semi-structured in-person interviews with legal actors, government institutions, NGOs and communities in the case. The qualitative analysis of the findings has revealed serious issues, such as fragmented bureaucracies, resource shortage, political and political issues, and absence of trust among the population and the widespread ignorance of the law. It is this research that confirmed the previous research in the legal review and provided more obstacles to the appropriate environment management. The methodology uses the proven methodologies to make sure that the study is addressing big issues, and not theoretical changes.

4.5. Integration of Environmental Data

The environmental statistics such as UNEP, WHO and FAO are used to provide the study with a foundation. It evaluates the existing air, water, and soil pollution rate in the entire Iraq and takes into account the incompetence of waste management in the form of urban waste statistics and takes into account the consequences of the climate change, including desertification and biodiversity reduction. This bridge of empirical evidence is therefore an urgent appeal to legal reform and facilitating prioritization of regulatory intervention with consideration of the hottest environmental issues of Iraq such that the study findings are informed by facts and useful.

4.6. Ethical Considerations and Research Limitations

The study is carried out in the strict adherence to the ethical principles of research ethics in terms of the privacy and respect of all respondents and sources of information. The interviewees will provide an informed consent and the participants will be fully aware of the purpose of the study, that their participation will be voluntary and that they are free to withdraw any time without consequence. In order to ensure privacy and facilitate open discussion, particularly when dealing with sensitive political or institutionally important topics, all personal identifiers are deleted and feedback anonymized. In addition, the research adopts only publicly available or institutionally disseminated environmental data sets, thus securing data integrity and transparency. The ethical approach maintains the integrity of research while protecting the rights and interests of all parties contributing.

Limitations include:

- Limited access to classified or confidential government information.
- Sensitivity or institutional loyalties-based potential bias in the accounts of stakeholders.
- Insufficiency of real-time environmental monitoring information for some industries, necessitating the use of sporadic reports.

The research utilizes multiple data sources, methodological triangulation, and strict cross-validation to produce strong, reliable, and actionable results.

5. ANALYSIS OF RESULTS

It systematically examines Iraq's legal and institutional responses to environmental pollution, comparing them to best international practice and drawing on legal theory and empirical evidence. It combines doctrinal, comparative, and socio-legal analysis to uncover the structural and operational challenges influencing Iraq's environmental governance framework.

5.1. Legislative Strengths, Weaknesses, and Gaps

Iraq's Environmental Protection and Improvement Law No. 27 of 2009 was drafted as an all-encompassing legislation to govern environmental quality, enforcement, and procedures, underpinned by constitutional pledges like Article 114. This demonstrates Iraq's attempt at bringing its environmental governance up to international standards and basing environmental rights as absolute. Through the new law, environmental protection was modernized and made consistent with international norms.

Serious challenges within institutions have made it difficult to enact reform. Not having a single authority over environmental issues has led to overlap and reduced productivity, while enforcement uses low penalties that fail to stop major oil and gas companies. Because there are few strict liability laws or citizen suits, both deterrence and justice for citizens suffer. Despite overseas examples that are tailored to the public and are successfully enforced, Iraq still lacks the strength and laws necessary to control environmental damage.

5.2. Institutional Capacity and Governance Failures

There are serious institutional issues with Iraq's environmental regulations, mainly because the Ministry of Environment often does not get enough money and staff. There are not enough technical skills, infrastructure or systems in place for the ministry to enforce regulations well. The lack of resources prevents it from carrying out its legal responsibilities and watching over the enforcement of environmental protection everywhere.

Such issues become more serious because politicians and corruption affect oil and gas systems, causing economic issues to take priority over environmental concerns. At times, abusers are assisted by political supporters and local officials to avoid being held accountable. Even though Iraq has general environmental institutions, it does not have ombudsmen or specialized environmental courts. Such a lack of institutions leads to impunity, weakens the public's faith in the government and makes people reluctant to complain about environmental incidents.

5.3. Treaty Obligations and International Legal Compliance

Iraq is a signatory to key multilateral agreements such as the Basel Convention, Stockholm Convention, Paris Agreement and the Convention on Biological Diversity, proving its intent to help protect the world's environment. Nonetheless, the country has not yet properly and promptly carried out these agreements and the majority of their obligations have not become parts of its domestic legislation or culture. Because of this, Iraq's international obligations are not in line with its domestic rules.

Iraq does not enforce treaties with sufficient institutional support. International organizations often find that information from countries is missing or out of date which makes it difficult to be open. Significant environment rules such as precaution, polluter pays and intergenerational equity are not properly enforced in Iraq. While other countries have done so, Iraq has not managed to place treaty commitments into the law that can be enforced nor has it clearly identified its goals, time, budget and engaged its people. As a result, it is clear that big changes are needed to ensure international agreements are really put into practice.

5.4. Empirical Environmental Trends and Data Insights

UNEP, WHO and FAO have warned about severe environmental issues in Iraq. Air pollution is consistently high in Baghdad, Basra and Mosul because of oil field gas flaring, industrial emissions, traffic fumes and sandstorms caused by desertification. Levels of air pollution as

high as we see today are very bad for public health, especially leading to more cases of respiratory illnesses.

Drinking water is made unsafe because of contaminated rivers, while sewage, agricultural water runoff and industrial waste lead to health and agriculture issues. Additionally, farmers pumping too much water for irrigation, the effects of climate change and dam construction by neighboring countries in the upper region are speeding up the process of desertification and soil salinization in southern Iraq. As a result, the lack of effective institution and laws in Iraq has greatly damaged the environment and therefore they must be altered now.

5.5. Cross-Sectoral Linkages and Human Rights Dimensions

The main reason environmental destruction happens in Iraq is due to unsuccessful government policies and the fact that oil production is a major source of the nation's income. Although there are more economic interests, activities such as flaring gas, leaking oil and dealing with waste are still an issue. Breaks in who manages water, poor planning for irrigation and ongoing issues with other nations over water all add to Iraq's water scarcity and pollution.

These environmental issues directly impact the health and human rights of the general population and have a disproportionate impact on the vulnerable groups, such as marginalized communities, children, the elderly, and communities with low incomes. By desertification and salinization, which reduces land area, the right to health is endangered by the deterioration of air and water quality, and environmental injustice is introduced. There is a tendency towards the human rights traditions in different parts of the world to consider the issue of environmental degradation as a violator of human rights and refer to the necessity to implement extensive changes in the policies to ensure the environmental protection with the involvement of the most vulnerable population groups in Iraq.

5.6. Key Analytical Insights and Reform Opportunities

The profound analysis brings to several important conclusions:

- It is not only due to bad laws that the environmental crisis in Iraq has occurred, it is also due to a collapse in capacity, responsibility and governance.
- Things like reform would mean incorporating legal, institutional, technical, and societal reforms, which are based on the best practices in the international arena, and applied to the case in Iraq.
- Comparative perceptions and outlooks the future that will be propelled by the inventions of environmental courts, community surveillance, public interest litigation, and transboundary cooperation contracts.
- The additional deterioration of the environmental situation in Iraq will harm the health of the population, economic stability, and the international image of the country unless certain systemic changes are implemented.

6. DISCUSSION

The research has a complex image of environmental regulation in Iraq, whereby institutional, political, legal and socio-economic forces are intertwined to determine the environmental fate of the country. The debate not only includes the empirical and legal analysis, but reflects the larger pattern of global trends and proposes both restriction and reform opportunities.

6.1. The Interplay of Law, Governance, and Environmental Degradation

The absence or the outdated legislative provisions cannot be entirely attributed as the cause of environmental degradation in Iraq. As the analysis has revealed, there is a formal law system (Environmental Protection and Improvement Law No. 27 of 2009), constitutional provisions (Article 114), and international treaties in Iraq. The fact that the environmental degradation process still runs, however, is a witness to the fact that legal frameworks, unless supported by effective governance, institutional competence and political will, are peripheral in the real sense.

This conforms to the literature on global environmental governance that recognises the law as not being the sole pillar of the effective environmental management. Without efficient institutions, implementation of these structures seriously, involving the people and long term political commitment environmental laws may be symbolic. Iraq is a good example: even though the official approach to international standards is observed, the actual performance is very low since the adequate financing is insufficient, the politics is involved, and the level of public responsibility is poor.

6.2. Comparative Perspectives: Lessons from International Models

The comparative international analysis has shown that effective environmental governance is a prerequisite of clear and coherent institutional designs in which the mandate between ministries and agencies is well established such that overlaps are minimized, and synergies are enhanced. In nations where the environmental systems are well established then in such cases there are specialized bodies such as courts and commissions that assist in enforcing the laws. Such organizations are able to apply the environmental laws to the letter and to see that management is enhanced.

Effective models take active involvement of the people, and they make sure that the citizens are able to have avenues such as suing them, holding open events and documents which makes the civil society to be able to keep a close check on the government. Polluters are motivated by financial implications, taxes and some market indicators under the polluter-pays principle to minimize the harm they do the environment. The lack of institutions, experts and sufficient engagement of the people render Iraq incapable to take care of its environmental conditions, hence reform is obligatory to introduce global best practices.

6.3. The Role of International Law and Multilateral Commitments

The Basel, Stockholm, Paris and Biodiversity Conventions mean useful policies that Iraq applies in protecting the environment. The conventions that are in place assist to establish regulations of the hazardous waste in order to safeguard the climate as well as preserve the diversity of nature and health of the people. When Iraq formulates its laws according to these principles, it has precise direction towards sustainable development and may seek assistance of UNEP, UNDP, and the World Bank in capacity building and law enforcement.

Iraq cannot enforce these treaty conditions due to the fact that its institutions are feeble, the technical assistance is limited, it experiences political problems and corruption is commonplace. In post-conflict countries where poor governance is rife, gaps between theory and practice are likely to be rife. Participation in international monitoring, reporting and review processes in the process has the effect of putting pressure on Iraq by the outside world and as such, it is slowly getting accustomed and better at performing because of this.

6.4. Environmental Protection as a Human Rights Imperative

It shows that the fact that environmental protection as a basic human rights issue is much more significant than one can just address it with regulations. The international laws acknowledge that environmental problems lead to the infringement of fundamental rights such as health, water, food, life and dignity. Some of the worst victims to environmental injustice in Iraq are rural communities who are being deprived of sufficient water, communities in the cities who are struggling with pollution and downstream communities who are struggling with neighbours who are causing them trouble. When we perceive human rights as the paradigm we realize that many social and ethical issues are on the table and that the swift and ethical answers are needed.

Integration of human rights in the governance of the environment can strengthen the Iraqi policy and legal systems by enabling the courts to apply environmental rights as fundamental human rights to improve its enforcement efficacy. Politically it exports the environmental issues into wider social justice agendas, which contributes to accountability. It is a strong tool to the civil society in uniting and insisting on environmental justice and equity to future

generations. The linkage of environmental issues in Iraq to the global struggle against human rights also presents the possibility of unity, support and reforms all over the world.

6.5. Reform Imperatives and Strategic Recommendations

The discussion mentions that there are some priority areas of reform:

- **Strengthening institutions:** Strengthen the specialized environmental institutions, improve interagency coordination, and increase budget and technical capacities.
- **Legal modernization:** Update the existing laws to follow the best practice in the international community, including enhanced liability, governmental enforcement systems, and economic incentives.
- **Data and monitoring systems:** Invest in environmental data to facilitate better policy development, citizen reporting, and oversight of compliance.
- **Civic participation:** Melting down the law provisions of citizen participation, monitoring by the civil society and resource management at community level.
- **International co-operation:** Harness international cooperation in technical support, investment and knowledge exchange, especially on issues to do with climate resilience, water management and biodiversity conservation.

The review points out that the environmental problems in Iraq cannot be resolved alone and without law, governance and social justice issues. They will need answers that are technical, but also radical legal and institutional reforms, based on international best practice and human rights standards.

7. CONCLUSION AND RECOMMENDATIONS

This study concludes that the overall performance of environmental governance in Iraq is still inadequate despite its constitutional foundation and formal law like the Environmental Protection and Improvement Law No. 27 of 2009 due to the disintegration of institutions, limited enforcement capacity, political interference, and lack of incorporation of the international treaty commitments into the national practice. Although Iraq is a signatory to major international environmental agreements, its enforcement has remained problematic, and as a result, uncontrolled pollution, environmental degradation, and lack of respect to environmental justice, particularly the marginalized groups have been witnessed. Comparative legal analysis indicates that whereas international models stress strong enforcement, specialized institutions, public participation, and the polluter-pays principle, Iraq's system lacks on all these fronts and needs immediate legal modernization and institutional reform. Through embracing rights-based environmental governance, improving public access to justice, and encouraging transnational legal integration, Iraq can fill important legal gaps and harmonize its environmental policies with the best international practices. The study emphasizes that environmental pollution in Iraq is not only a technical or legal issue but an urgent governance and human rights priority that requires concerted, inclusive, and sustainable reform. Based on the results of this study, the following actionable recommendations are submitted to enhance the environmental legal framework and governance capacity of Iraq:

- Develop dedicated environmental courts and regulatory institutions with defined mandates and technical competence to enhance enforcement of the law and accountability.
- Strengthen and amend current environmental legislation by integrating international concepts like strict liability, public interest litigation, and the polluter-pays principle.
- Enhance public engagement through legal mechanisms ensuring access to environmental information, community monitoring, and civil society participation in policy-making.
- Strengthen institutional capacity through sufficient funding, technical capacity building, and inter-agency coordination mechanisms to ensure effective environmental governance.

- Embed international treaty commitments directly into domestic legislation with clear implementation timetables and ongoing compliance reporting processes.

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