

IN THE NAME OF THE PEOPLE

RESOLUTION

**NUMBER (20) FOR THE YEAR (2008)**

**THE LAW OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT IN IRAQI KURDISTAN REGION**

According to the clause (1) of article (10) of amended Iraqi Kurdistan Region Presidency Law Number (1) for the year (2005) and depending on the bill which has done by Iraqi Kurdistan National Assembly in the session number (27) on June 11 \2008, we have decided to issue:

Law Number (8) for the year (2008)

**The Law of Environmental Protection and Improvement In Iraqi Kurdistan Region**

**FIRST PARTIAL**

**GENERAL DEFINITIONS, GOALS AND PRINCIPLES**

**CHAPTER ONE**

**GOALS AND DEFINITIONS**

**Article 1**

Meaning of the following expressions was the opposite meaning of them for the purpose of this law:

First: The region: Iraqi Kurdistan region.

Second: The Ministry: Environment Ministry in Kurdistan region.

Third: The Minister: The Minister of environment in Kurdistan region.

Fourth: The Council: The Council of Environmental Protection and Improvement in the region.

Fifth: The Chairman: The Chairman of Environmental Protection and Improvement Council in the region.

Sixth: Governorate council: The Environmental Protection and Improvement Council in the regional governorates.

Seventh: The Box: The Box of environmental protection and improvement in the region.

Eighth: The Environment: The biosphere that includes living organisms (Human, animal, and plant), and biotic components and all its surroundings such as air, water, soil, and their contents from solid, liquid, and gaseous substances, in addition to the mobile and immobile man made establishments.

Ninth: Environmental pollution: Any direct or indirect changes in the environmental components or properties that lead to its damage and distort its normal balance.

Tenth: Environmental pollutants: Solid, liquid, or gaseous substances, noise or biological factors or radiation and temperature, or rocking which have damaging effect on the environment and distort its normal balance.

Eleventh: Environmental protection: Protecting the environment and preventing from pollution and destruction.

Twelfth: Environmental improvement: Developing and beautifying environmental elements.

Thirteenth: Environmental impact assessment: Determination, analyzing and evaluating the effects

of any project, establishment, or activities on environment. Pointing out the ways of preventing or limiting the negative effects on environment and natural resources on which the approval of a project depend or not.

Fourteenth: The noise: The sounds in which their frequencies exceed the permitting level and determined by regulation.

Fifteenth: Dangerous substances: Solid, liquid, or gaseous substances with dangerous properties that have harmful effect on the environment like infectious, toxic, or explosive, combusted capability, or ionic radioactive substances and others.

Sixteenth: The Wastes: unusable Solid, liquid, or gaseous substances which are the output of different activities.

Seventeenth: The Natural Protectorates: Specialized areas to protect living organisms or any other protected ecosystems that are deporting ,affecting , harming and destroying are not allowed.

Eighteenth: Biodiversity: Variance and diversity of living organisms.

Nineteenth: The governmental agencies: the governmental agencies related to environment.

Twentieth: The Establishment: lands, buildings, services, and equipments within the area.

Twenty first: The general place: A place to receive all or certain group (few numbers) of people for any purpose from the purposes.

Twenty second: The Environmental consent: Formal document is issued by the Ministry, in which it permits performing certain activities from environmental point of view.

Twenty third: Environmental protection standards: Limits or concentration of pollutants that is not permissible.

Twenty fourth: Environmental disaster: The resulted accident from physical factors, or by human activity, which may lead to hard damage to the environment in accordance to the standards issued by instructions.

## **Article 2**

The goal of this law is to achieve the following purposes:

First: Maintaining the environment of the region, protecting, improving, developing and preventing it from pollution.

Second: Protection of nature and public health from dangerous activities and harmful works to human and environment.

Third: Maintaining and developing the natural resources, and rationing their utilization.

Fourth: Making the environmental policy a part of general planning of the development in all respects (humanity, industrial, agricultural, urban, tourism fields and others).

Fifth: Raising the level of environmental awareness, and establishing individual and community responsibility to environmental protection and improvement and encouraging the voluntary efforts in this field.

## **CHAPTER TWO**

### **ESSENTIAL PRINCIPLES AND GENERAL RULES**

#### **Article 3**

First: Each person has the right to live in a safe and perfect environment and it is the duty of all people to work for the sake of environmental protection and its perfection.

Second: Environmental protection and improvement must be respected in the planning processes at

the level of projects, programs, and developing plans in different sectors in the region.

Third: General and special educational and academic institutions in the region must insert environmental education programs in their curriculums in coordination with the Ministry.

Fourth: Civil society Organizations, and general and special institutions working in the fields of education, learning, training, researches, media, culture, religion publication, and other fields, must propagate the environmental culture and awareness in the region.

Fifth: All administrative agencies, each in their way, must ration the utilization of natural resources to achieve sustainable development.

Sixth: The health care institutions, measurement device and quality control must consider the environmental health principles in their working programs.

Seventh: The Ministry has the right to communicate and coordinate with non-governmental international agencies in the environmental protection and improvement field.

Eighth: The Ministry should communicate and coordinate with the Iraqi environment Ministry in all things related to international agreements.

## **SECOND PORTAL**

### **REGULATION OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT**

#### **CHAPTER ONE**

#### **ENVIRONMENTAL PROTECTION AND IMPROVEMENT COUNCIL IN THE REGION**

##### **Article 4**

According to this law, a council will be established under the name of (Environmental protection and improvement council in the region) related to the Ministry, which acted by the council president or his appointed agent and its membership consisted of:

First: The Minister: president.

Second: Under secretary: deputy president.

Third: General Director of technical affairs and prevention from radiation in the Ministry: member or decider.

Fourth: General Directors in the Ministry: Members.

Fifth: The representative of Ministries and the boards related to environment that the Minister chooses them, whom must be at general director degree: Member

Sixth: The representative of local environmental organizations.

Seventh: The Minister can invite someone whom he sees suitable to attend the council session if needed, from inside or outside the region and benefit from their opinions without having the right to vote.

##### **Article 5**

The council members follow up the execution of decisions and recommendations issued by the council in their Ministries, and prepare reports about it and send them to the council president.

##### **Article 6**

In addition to the previous tasks, according to Ministries law, the council performs the following tasks and authorities:

First: Suggesting the general policy for environmental protection in the region and determining their ecological goals and priorities.

Second: Confirmation and dependence on the specification and estimated standards for environmental components.

Third: Confirmation the conditions and controls that must be present in the projects and activities that have harmful effects on the environment or leads to distortion in the balance of environment.

Fourth: Confirmation and dependence on the instructions, decisions, and controls required for execution the rules of this law and which issued by it.

Fifth: Unification the emergency plans prepared by the related agencies to face the environmental disasters.

Sixth: Performing necessary surveys to appoint environmental impact resulting from the use of international prohibited weapons in the region.

### **Article 7**

First: The Council holds its sessions one time every two months or when needed by convocation from the president and the quorum of council meeting is completed when most of the members are present.

Second: The council takes over the decisions by majority of vote numbers of the present members. In the case of equal vote, the agency is preferred in which the president of the meeting voted.

## **CHAPTER TWO**

### **COUNCIL OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT IN REGIONAL GOVERNORATES**

### **Article 8**

In all regional governorates, a council will be established called (The council of environmental protection and improvement in the governorate). Council of environmental protection and improvement in region proposes the formation of governorate council headed by the governor or his representative when he is not present. The governorate council performs the following tasks and authorities:

First: Following up the execution of council decision, which related to the governorate.

Second: Giving opinion about the environmental problems in the governorate.

Third: Suggesting plans for environmental protection, following up their execution, and offering periodic reports to the council about the environmental state and activity in the governorate.

### **Article 9**

First: The meeting of governorate council occurs at least one time every month by convocation from the president or his deputy.

Second: The quorum of governorate council meetings is completed when most of members are present.

Third: The governorate council takes over their decision by the majority of the vote numbers of the present members. In the case of equal votes, the agency is preferred in which the president of governorate council or his deputy voted.

Fourth: The minutes of meetings of the governorate council is shown monthly to the council to be informed and approved.

Fifth: The council of governorate can invite any one from specialists or experts to take benefit from their opinions and asking them about the environmental affairs in which they do not have the right

to vote.

### **CHAPTER THREE**

#### **THE BOX OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT IN THE REGION**

##### **Article 10**

First: Establishment of a box in the region under the name (environmental protection and improvement box in the region) in order to spend for environmental protection and improvement, and conservation of their elements to achieve the goals and purposes forenamed in this law and the regulations and instructions issued by it.

Second: The box is characterized by moral personality, directive and financial independence, and the possession of the box considered as public possession.

Third: The box income is composed of:

A- The particulate receipts from the budget of regional government.

B- The receipts, helps, donations, and grants offered from the grantor countries, boards, societies, and organizations which are local, regional, or international, and private and civil boards and societies or persons.

C- The environmental wages, fines, and duties levied according to this law.

Fourth: Determination the special procedures related to the box formation and consignment, conservation, spend, and the directions of many spending according to instructions issued by the council for this purpose.

### **CHAPTER FOUR**

#### **THE ENVIRONMENTAL PLANNING**

##### **Article 11**

First: The Ministry puts an essential plan to protect the environment in the region, depending on the council suggestion. The plan is decided by the council of Ministries.

Second: The essential plan for environmental protection is submitted to periodic review every two years by the Minister depending on the council suggestion and the modifications are affirmed by a decision issued by the council of Ministries.

Third: The periodic review is performed depending on the environmental state in the region with respect to the considerations of international development in the scientific, research, and technical fields.

### **CHAPTER FIVE**

#### **EVALUATION OF THE ENVIRONMENTAL IMPACT AND ENVIRONMENTAL CONSENTS**

##### **Article 12**

Any person normal or moral, general, specific, mixed, or any agency, after execution of this law, perform an activity affects on the environment, must prepare a study to assess the environmental impact of activities and projects that will be constructed, then send it to the Ministry in order to make a convenient decision about it, in which the study must include the following:

First: Evaluation of the positive and negative effects of the project, establishment or factory on the environment.

Second: Suggested means to prevent and treat the causes of pollution, in which attains the engagement to the environmental instructions and controls.

Third: The probable and emergency pollution states and the reservations that must be carried out.

Fourth: Possible substitutes for using more clean environmental techniques.

Fifth: Minimizing, recycling and reusing the wastes.

Sixth: Assessing the cost of environmental interest and impairment that have been produced by the projects.

### **Article 13**

The Minister can request from moral or normal person, or from any agency, before execution of this law, perform an activity affecting the environment, to prepare a study for environmental impact assessment of their projects if they need requirements of protecting the environment.

### **Article 14**

The council puts the standards, specification, principles, and controls required to determine the projects and fields that have been submitted to evaluate the studies of environmental impact assessment, and prepares lists on these projects, and put system and procedures for environmental impact assessment.

### **Article 15**

All the related agencies, in coordination with the Ministry before receiving approve for any project, commit to take over the following steps and procedures:

First: Work to prevent the negative environmental effects that resulted from their projects, or from projects that submitted under their supervision, or from projects consent about it.

Second: Taking over all the suitable procedures to ensure the application of rules forenamed in this law on their projects or the projects submitted under their supervision, or which proposed to issue the consent about it with the regulations and instructions issued according to this law.

Third: Observing and following up the environmental regulations, standards, and keeping them in their projects or projects submitted to their supervision, and providing the council with periodic reports about it.

Fourth: Making coordination with the council before issuing any consents or permits related to performing strategic or giant activities affecting on the environment.

## **CHAPTER SIX**

### **ENVIRONMENTAL OBSERVATION AND CONTROLS**

#### **Article 16**

The Ministry observes the institutions, projects, establishments and different activities, to determine the extent to which they committed to the specifications, standards and measurements, which depended on in the protection of environment according to the rules of this law.

#### **Article 17**

The owner of any project or establishment must encompass the processes of self-monitoring in

coordination with related agencies according to the measurements, and controls put by the Ministry, and send the reports about it according to Ministry's instructions or any other agencies determined by the regulations and instructions that issued according to this law.

### **Article 18**

First: The Ministry encompasses to form environmental observation teams and whose duty is to control the environmental dissensions and crimes that contradict this law.

Second: The environmental observation teams have the right to enter establishments, and institutions for the purpose of inspection, taking samples and to ensure how much measurements, conditions and control of environmental protection have been applied and these teams are cooperated by members of police during performing their work.

Third: The owner of different projects and activities must enhance the environmental observation teams to perform their work and provide them with information and data that is necessary to execute the rules of this law.

### **Article 19**

Organizations of civil societies and persons can inform the Ministry about the activities and practices that have harmful effect on the environment.

## **CHAPTER SEVEN**

### **THE INCENTIVE PROCEDURES**

### **Article 20**

The Ministry in coordination with the Ministry of finance prepares a system of incentives to aid moral or normal persons who encompass activities or offer thinks in which protect or improve the environment.

## **CHAPTER EIGHT**

### **THE RESPONSIBILITY AND COMPENSATION OF DAMAGES**

### **Article 21**

First: Anyone who causes environmental impairment, by his own action, negligence, or by the action of whom are under his care, observation, or control from persons or followers, or by dissenting the laws or regulations and instructions is responsible, and he is obliged to compensate, remove the impairment and return the state as it was before, during a period of time limited by the Ministry and according to conditions putted by it. In the case of neglecting or do not submitting to perform it, the Ministry after notifying him, can take over the procedures and action to remove the impairment and the causer tolerates all the loss for this purpose, in addition to the administrative costs with respect to the following standards:

1-Dangerous degree for types of polluted substances.

2-The effect of pollution on the environment now and in the future.

Second: The causative's responsibility on the impairments that resulted from dissention of application the rules of clause (First) of this Article is obligatory.

Third: Applying the laws of Iraqi civilian about the responsibility rules in everything when there is no text forenamed about this law.

Fourth: The organization of civil society and persons whom have been impaired, can process lawsuit according to the rules of clause (first) of this article.

Fifth: Consigning pollution removing costs into the box when consummated to be used for pollution removing.

### **THIRD PORTAL**

## **RULES OF PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT**

### **CHAPTER ONE**

#### **WATER PROTECTION AND IMPROVEMENT**

##### **Article 22**

The exertion and discharging any harmful substances, liquid, gaseous, radioactive or thermal into water sources or their streams is prohibited if they are not treated according to usual standards.

##### **Article 23**

Determination of regional standards for surface, ground, and drinking water will be set by regulation.

##### **Article 24**

The Ministry determines the measurement for the pollution level that permissible in water used for drinking, irrigation, industrial, and services, with returning to this measurement when needed.

### **CHAPTER TWO**

#### **AIR PROTECTION AND IMPROVEMENT**

##### **Article 25**

Each normal or moral person commits not to be a cause to revival or infiltration pollutants in to the air, including harmful or undesired nasty odor.

##### **Article 26**

All air polluted activities submit to the special regional standards. The revivals must remain within permissible limits.

##### **Article 27**

The Ministry determines the pollution levels that permissible for revivals of all air pollutant activities in which shows:

First: The permissible levels of fuel combustion revivals or other materials for any purposes.

Second: The permissible levels for noise levels.

Third: The permissible levels for radiation levels or radioactive substance concentrations emanated from any radioactive activity.

### **CHAPTER THREE**

#### **SOIL PROTECTION AND IMPROVEMENT**

##### **Article 28**



Prohibiting the following:

First: Any activity leads directly or indirectly to impair the soil of agriculture lands degree (A) or deteriorating or polluting it, in a degree that affect on the productive ability.

Second: Any activity leads to impair the land areas specialized for pasture, according to the issued regulations and instructions depending on this law.

Third: Construction or residence of any industrial, commercial, or service activity on agricultural lands opposite to the verdicts of this law.

Fourth: Changing the lands' state from agricultural to urbane, industrial, commercial, or service in opposition to the verdicts of this law.

Fifth: Scooping the agricultural lands or transferring its soil and using it for other purposes (not for agricultural lands). The scattering of the land or transferring its soil in the purpose of improvement or keeping the soil fertility are not considered as scooping.

### **Article 29**

Each person must be submitted to the essential designs of the civilian areas, and protecting the lands from the reconstruction creep. The office of reconstruction planning must offer the required reasons for obtaining the Ministry's consent on the maps, designs, and changes of lands' state.

### **Article 30**

The Ministry with coordination with the related agencies, puts suitable environmental conditions for the activities of exploration, mining, quarries, smasher, washers, mines, extraction of petroleum resources and others in a form that protect the natural resources in the region from pollution and depletion.

## **CHAPTER FOUR KEEPING THE BIODIVERSITY**

### **Article 31**

For the purpose of protection of nature and prevention of desertification and the conservation of animal and plant genera and their habitats the following are prohibited:

First: Any work or activity leads to destruction or threat of animal and plant genera.

Second: Hunting of fishes, birds, and animals, in their matting and reproduction seasons.

Third: Hunting of fishes, birds, and animals by using explosives, toxins, electrical shock or any method of unjust hunting.

Fourth: Cutting, eradication, or removing trees, shrubs, plants, and herbs, both terrestrial and aquatic, from the general properties.

Fifth: Hunting, killing, capturing, possession, or transferring the birds and animals that are threatened with extinction, or showing it for sell, or destructing nests or breaking its eggs.

### **Article 32**

The Ministry in coordination with related agencies and related external agencies must encompass the construction of gardens, natural protectorates, general parks, and maintain natural sites which have an extensive heritage.

### **Article 33**

It is prohibited for any person or agency performing of any work, behavior or activity leads to impair or affect the natural, beautiful, or heritage extensions of the natural protectorates or general gardens, or parks.

## **CHAPTER FIVE RECYCLING OF THE WASTES AND DANGEROUS SUBSTANCES**

### **Article 34**

It is not permissible for any person to manufacture, store, bury, incinerate, sink, use, treat or dispose of radiant substances or wastes (liquid, solid, or gaseous) only according to the instructions issued by the Ministry, and in coordination with related agencies.

### **Article 35**

The following are prohibited:

First: Importing of dangerous wastes that result in damage for humanity and environment to the region.

Second: Importing of dangerous substances to the region without the Ministry's consent.

Third: Passing of dangerous wastes and substances through the region without the Ministry's consent.

### **Article 36**

It's not permissible to produce, transfer, exchange, import or store the dangerous substances without taking over all reservations forenamed in the laws, regulations, and the instructions, in which to insure no environmental impairment will occur.

## **CHAPTER SIX PESTICIDES AND CHEMICAL COMPOUNDS**

### **Article 37**

Importing, using, or exchanging of the chemical compounds that are internationally prohibited, in cooperation with the Iraqi environment Ministry, is prohibited.

### **Article 38**

Manufacturing, importing, spraying, exchanging and using of epidemic pesticides or any other chemical compounds for the purpose of agriculture or health or public health, or for other purposes are prohibited, except after keeping the conditions, controls, and the insurances that determined by the regulations and the instructions issued according to this law, in which insure that all environmental components will never be exposed directly or indirectly now or in the future to the harmful effects of pesticides and chemical compounds.

### **Article 39**

A committee will be formed in the region; cares to record and dependence of the pesticides and it will be composed of related agencies.

## **CHAPTER SEVEN FACING THE ENVIRONMENTAL DISASTERS**

### **Article 40**

The council in coordination with related agencies prepares a general plan for facing the environmental disasters and exposing to the council of Ministers for dependence and the following must be regarded:

First: The council undertakes collecting the information and regulations which available locally and internationally about facing the environmental disasters and minimizing their impairments.

Second: Formation of a committee at the region level headed by the prime Minister, for facing the disasters and limiting their risks by a regulation, determines the committee agencies, task and the mechanism work of each agency before, during, and after the disaster.

Third: Formation of emergency teams for facing the disasters by instructions issued from the representative agencies in the regional committee that forenamed in the second clause of this Article, in which provided by all new requirements with a suitable staff and trainer in the field of emergencies' confrontation.

Fourth: Classification of disasters in general and determination of work and responsibility of each agency by notifying about its happening, expecting its occurring, and how to face it.

Fifth: Construction of a central processing room for receiving the notifications about the environmental disasters and following up the reception and sending minute information about it in order to collect the required capabilities to face it.

Sixth: Formation of a work team divided from the processing room to follow up the facing environmental disasters at the time of its happening or expect its occurring, and the president of the work teams has all the authorities required for facing the environmental disasters, in cooperation and coordination with related agencies.

## **FOURTH PORTAL THE PUNISHABLE RULES**

### **Article 41**

The Minister or his appointed agent can warn any establishment, project or any agency or environmental pollutant source to remove the effected and harmful factor to the environment during a period not exceed ten days from the date of informing the warning. In the case of non-obedience, the Minister can stop the work, close it and withdraw the environmental consent temporarily until the pollution has been treated and this is organized by instructions.

### **Article 42**

First: Without prejudice of any severe punishment forenamed in other laws, the dissenting of the rules of this law, regulations and instructions issued according to it, is punishable by imprisonment for a period not less than one month or by a fine not less than 150000 one hundred and fifty thousand dinars and not to exceed than 200 000 000 two hundred million dinars or by both punishments.

Second: Duplication of the punishment, in each time the dissention has been repeated.

Third: The Minister or his appointed agent , which his job is not lower than general director, can impose a fine not less than 100 000 one hundred thousand dinars and not to exceed 10 000 000 ten

million dinars against each one whom dissent the rules of this law, regulations and instructions issued according to it.

#### **Article 43**

The dissenting of the rules of the clauses (first, second, and third) in article (35) of this law, is punished by imprisonment and returning the dangerous substances or wastes to its origin, or dispose of it in a safe way with compensation.

### **FIFTH PARTIAL THE EVENTUAL RULES**

#### **Article 44**

The council of Ministers, depending on the Ministry's suggestion, can issue the required regulations for executing the rules of this law.

#### **Article 45**

The Minister can issue the required instructions for the execution of the rules of this law.

#### **Article 46**

Not working by any textual law opposite to the rules of this law.

#### **Article 47**

The council of Ministers and related agencies must execute the rules of this law.

#### **Article 48**

This law is executed after ninety days from the date of publishing it in the official newspaper (Kurdistan Gazette).

Massoud Barzani

President of Kurdistan region –Iraq

This law issued in Erbil in:

2nd Kharmanan of 2708 Kurdish year

21st Rajab 1429 A.H.

24th July 2008 A.D.

#### **Necessitating Reasons**

Depending on the importance given from the government of Kurdistan region to right of the human to live in clean, intact and stable environment, and to protect the environment of the region from all different forms of pollution, and to insure living of the organisms in clean and intact environment, and to insert principles of environmental protection to the humanity, economic, and social developing plans, and encouraging the sustainable development of vital resources in a form keeps

the right of the immediate and next generation, and keeping the biodiversity, healthy nature, and natural region resources and its economic resources and protecting it from any impairment, which may results from industrial, agricultural and reconstruction activities or others and to publish the environmental awareness and culture and to graduate in the punishment rules, this law has been legislated.