



LEGAL PROTECTION OF THE AQUATIC ENVIRONMENT FROM POLLUTION IN IRAQ / A REVIEW ARTICLE

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Article history:	Abstract:
Received: 11 th September 2022 Accepted: 11 th October 2022 Published: 24 th November 2022	In this article, we will discuss the concept of the environment with its various components and how dangerous it is Pollution on the aquatic environment, due to what people's hands have done, with the technological development, especially after the increased threat of using weapons of mass destruction along with the sources of pollution to protect the environment from pollution requires international, regional and national efforts, and in this context. Iraq is among the countries that realized the threat to the environment and developed a strategy to protect, this is reflected in the development of a set of laws and central and local mechanisms, as well as independent administrative mechanisms . Its main goal is to protect the environment from pollution

Keywords: Legal protection, Aquatic environment, Pollution

1- INTRODUCTION

The problem of environmental pollution is not a recent or urgent problem for the earth, but rather a new one in it is the diversity and increase in the intensity of pollution in terms of quantity and quality as a result of the industrial renaissance and the population explosion and technological progress in this era and the large number of factories, especially after the discovery of the nuclear bomb. The first atomic bomb was dropped on Hiroshima in 1945(Domínguez and Luoma, 2020). Today, the environment and what it contains of water, people, animals, plants and trees in this region it is experiencing mass destruction, which is what prompted the international community to oppose this action that threatens the environment with the specter of pollution the urgency of protecting the environment as a global problem has challenged the law international, regional and internal alike, and thus shows the interest of the Iraqi countries in the environment during the development of theories and means of protecting the environment from pollution of all kinds and sources, and contemplating the legislative system is noted for its richness in laws(Anechitoae, 2011). In addition to the ratification of many international and regional agreements and protocols for the protection of the environment and the creation of central legal mechanisms and local and independent, in addition to the role of the individual in protecting the environment from oil pollution from ships, aircraft, factories, radiation, chemicals, and warming, Heat and waste, especially since environmental pollution has severe effects on security, peace and development on the, International, regional and national levels which prompted us to choose this topic in addition to confirming(Anechitoae, 2009). To the international and internal community, the importance of the environment and its importance in development, security and peace, in terms of the importance of the topic, the issue of environmental protection from pollution is one of the most important of the hour, especially in light of the scientific revolution and the current international conditions, and the importance of issue is in the degree of its danger to the environment and to the continuity of human life, especially with the increase in resources pollution, and countries' failure to respect international conventions and not respond to them(Grigorut, *et al.* 2012).

What is the concept of environment and pollution? What is the relationship between the environment and development, security and peace? What are the mechanisms? Legal protection of the environment from pollution in Algerian legislation? To what extent have these mechanisms been achieved? Legal protection of the environment? To answer these questions, we followed a plan divided into two sections .The first topic: the concept of environment and pollution. The second topic: Legal mechanisms to protect the environment from pollution in the Algerian legislation. The first topic: the concept of environment and pollution and its types: The term environment has been widely used in the last decades of the twentieth century at the level Internal and international to denote the conditions surrounding the human being and the external and internal influences in an expression on the relationship of mankind to the environment (IMAM, 2011).

1-3 Damage caused by pollution of the aquatic environment and international character of environmental protection from pollution:

Includes natural pollution: It means pollution that changes the natural properties of water, making it unfit for human use, animals, plants and trees, the water acquires an unpleasant odor, changes in color or tastes abnormally. Chemical pollution: Water becomes toxic due to the presence of chemical toxic substances. Bacterial contamination: The water becomes sick microbes, causing very serious diseases (Marinescu, 2010). The many repercussions the modern world has witnessed and the deterioration of the level of ecological balance and the widespread use of the environment prompted the international community to take a warning stand against the dangers of environmental pollution, it has become necessary to establish a global legal system to protect the environment, which is embodied in the emergence of international law for the environment through the sum of the multiple conventions and treaties it signed most countries of the world, in the month of December 1968. The United Nations General Assembly called for a global conference on the environment and four years later from the preparation came the Stockholm Conference on July 05, 1972, which resulted in a declaration on the environment. Humanity, stressing the relations between countries in the affairs of environmental protection among the most important problems of global environmental pollution(Negruț, 2010):

- Global warming - Pollution of oceans and lakes
- Ozone depletion - Air pollution.
- Nuclear explosions - Chemical hazards.
- Destruction of tropical forests - Population density.

1-4 The environment and its relationship to development, security and peace, and the environment to development:

One of the most important international issues in the modern era is the problem of development, protection and improvement, the environment, and international, regional and internal bodies have made it a priority to pay attention to the environment despite(Popa, 2011). The conflicting positions that emerged at the Stockholm conference on the relationship of development to the environment, as the preamble of this conference recognized that most of the environmental problems in developing countries are due to underdevelopment. Hence, it must direct its efforts to development to preserve and improve the environment (Marinescu, 2010). The relationship of environment, development and peace is increasing, as it is considered a problem of environmental pollution Cross-border problems are directly among the problems of the age, security and peace between states or within the state one, as some legal academics use the term (Environmental security) This is due to the relationship and the link between the environment, security and peace, making the United Nations to include environmental issues the responsibility of all natural and moral persons. public or private in the state, because the legal texts alone are not sufficient, and this is in any field of the areas of public life of individuals unless they are enhanced by effective devices that ensure optimal application for these legal texts the embodiment and implementation of the legal system for environmental protection on the ground requires the state creating an effective executive body whose primary role is to actually embody the protection of the environment, and the legislature has taken (Joksimović, *et al.* 2016).

1-5 National institutions to protect the environment indirectly:

National institutions have an important role in protecting the environment, whether directly or indirectly. The most important of these national institutions are: Education and scientific research sector , public health sector, Interior sector, tourism sector, Urban development and construction sector, Defense Sector. National Agency for Geology and Mining and Monitoring. Its competence is the optimal management of geological and mining resources(Amižić, 2008).

- Upgrading the geological aspect by collecting information related to Earth sciences. Create programs related to geological facilities. Implementation and completion of all geological and geoscientific studies of public interest. Monitoring the extent to which institutions respect mining art in order to better extract mineral materials agree to health rules. In addition to his specializations in the field of economic, social and cultural development, he has been entrusted with legislation has some specializations related to environmental protection, including: Coordination with the municipalities under the jurisdiction of the state in order to protect the environment from pollution, and this to encourage and establish mechanisms to protect the environment(Nikčević, 2013). Protection of agricultural lands, forests and plants of water resources, rivers and dams. Interfering with everything related to environmental protection from pollution, However, despite all the efforts and the competencies entrusted to it by the Algerian legislator, but there remains a great void in protecting the environment with its various elements from the various elements of pollution, and this is what the environment requires complains of different types of pollution and we support her in this demand, and therefore it requires reconsideration in environmental protection mechanisms the third requirement: other mechanisms to protect the environment from pollution. Environmental Associations: Legal texts have recognized the right to establish associations for the defense of the environment, including Environmental Law 1983, which authorized the establishment of associations to contribute to the protection of the environment, and in 1990 the law of associations was issued and they have a special place in the field of environmental protection, and the law is considered 10/03, which includes the protection of the environment within the framework of sustainable development, is one of the most important laws that have dedicated the role of associations in the field of environmental protection powers of environmental associations in

the field of environmental protection and sustainable development(WHO, 2013; Handbook of the Birds of the World, 2018.).

2- CONCLUSIONS AND RECOMMENDATIONS

The role of individuals in the field of environmental protection in the face of the multiplicity of elements of pollution, which requires the involvement of the individual because the individual has an important role in the field of environmental protection, especially since it is the main source of environmental pollution, directly or indirectly. The Iraqi legislator has committed the individual to several duties and obligations related to the protection of the environment, and that every waste producer or possessor must take all necessary measures to avoid the production of waste and prohibit mixing special hazardous wastes with other wastes and emphasizing that the problem of environmental pollution has become global in impact, such as cross-border pollution, the hole of the ozone layer and the spread of weapons of mass destruction, which requires the international community to intensify efforts to find radical and effective solutions to protect the environment and its components in particular with the security and stability of both national and regional international fishing directly linked to the environment. Iraq is one of the countries aware of the need to establish a culture of international cooperation in the field of environmental protection, this is embodied through the enactment of laws that are compatible with the characteristics of the environment, and the reliance on mechanisms to achieve legal environmental protection on the ground, and to make its reform a key to well-being on the one hand, and on the other hand, Algeria has joined many international and regional agreements concerning the protection of the environment, especially with the technological development, the increase in the population and the increase in the risks that affect the environment. There is no doubt that the laws aimed at protecting the environment from various types of pollution are the result of the increase in environmental problems and their development, and hence the importance of protecting the environment in all its forms national efforts and internal laws suffice, but international efforts must be combined, and it became clear to us two dealt with this subject as the existence of a large arsenal of treaties, international agreements and laws national environmental protection from pollution , through our study, we came to some recommendations, which we summarize as follows:

- 1- Working on communication and training of observers and observers of environmental crimes on how to implement legislation the environment and how the field inspection during the performance of their tasks and on the use of devices and tools necessary to facilitate the detection of crime and damage
- 2- The necessity of providing modern devices and equipment that are used in the detection of crimes environmental.
- 3- Enriching environmental awareness for all segments of the complex and for all its categories in general, and for factory owners and craft facilities, especially the importance of the environment and the need to preserve it.
- 4- Expanding the base of popular participation by giving associations, institutions and individuals the same importance relevance to the environment in the field of monitoring, follow-up and monitoring of any violations that occur on the environment.
- 5-The constitutionality of protecting the environment from pollution, meaning that the constitutional legislator must confirm and reinforce protecting the environment from pollution.
- 6-The necessity of strict application of environmental laws, especially in their civil and penal aspects and the culture of protecting the environment from various types of pollution must be globalized with rules of civil and criminal liability must be activated.

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