

The Means to Improve the Capacities of Environmental Police in Iraq

Webinar on “The Competences of Environmental Police in Iraq” organized by Elbarlament Culture of Democracy on 15 June 2020

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I. Introduction: Environmental Institutes in Iraq and their link to Environmental Police

The Federal Republic of Iraq created several institutes at each level of government mandated with the protection and improvement of environment.¹ At Federal level, besides the Ministry of Water Resources that has the duty to protect water from pollution,² the Ministry of Environment is the main institute mandated to protect and improve the environment. The Federal Minister of Environment was required to name an Environmental Supervisor from the officers of the Federal Ministry of Environment to “oversee the activities negatively affecting the environment covered by Law number (27) of 2009 on the Protection and Improvement of Environment and to submit reports on those activities before the Ministry of Environment in

¹ See The Composition and Competences of the Main Official Environmental Institutes in Iraq: The Need for a Permanent Institutional Cooperation under the Iraqi Federal System, Elbarlament Culture of Democracy, published under the Clean Tigris project supported with the German Federal Foreign Office’s funds by Institut für Auslandsbeziehungen, 2020, pp. 1-22. Available at <<https://elbarlament.org/wp-content/uploads/2020/06/Mohamed-Almosly-The-Composition-and-Competences-of-the-Main-Official-Environmental-Institutes-in-Iraq-1.pdf>>

² Law number (50) of 2008 of the Ministry of Water Resources, adopted by the House of Representatives of Iraq, published in the Iraqi Official Gazette (*Alwaqayyi*) number 4098 on 24 November 2008.

order to take the appropriate actions”.³ Pursuant to Law number (27) of 2009, the Environmental Supervisor was granted the status of a law enforcement officer.⁴ Also, the same law established Environmental Police Department and stated that this Department shall support the Environmental Supervisor.⁵ This paper examines the administration, structure and competences of Environmental Police Department; Police Directorate for the Protection of Forests and Environment in Kurdistan Region of Iraq; and the available means to improve the capacities of Environmental Police. The research incorporates the results and recommendations of the webinar on “The Competences of Environmental Police Department” organized by Elbarlament Culture of Democracy on 19 June 2020, in which civil society organizations participated as well as officers from the branches of the Ministry of Environment in Anbar and Thi-qar Provinces. The analysis also refers to the results of questionnaire distributed online for the participants of the above-mentioned webinar. Finally, the research provides concluding remarks.

II. The Federal Environmental Police Department: administration, structure and competences

On the basis of the Law number (27) of 2009, the Federal Minister of Interior issued Internal Regulation number (1) of 2015 regulating the administration, structure and competences of Environmental Police Department.⁶ According to that Regulation, the Environmental Police Department is linked to the Civil Defense General Directorate of the Ministry of Interior regarding administrative matters and to the Ministry of Environment on the technical aspects.⁷ The Headquarter of the Environmental Police Department is located in Baghdad. The Environmental Police Department is composed of the following Units:

1. Unit of Administration and Finance.
2. Unit of Environmental Laboratory and Combating Environmental Pollution.
3. Planning and Follow-up Unit.
4. Unit of Legal and Criminology Matters.

³ Article 24(First) of Law number (27) of 2009 on the Protection and Improvement of Environment, published in the Iraqi Official Gazette (*Alwaqayyi'i*) number 4142 on 25 January 2010.

⁴ *Ibid.*, Article 24(Second).

⁵ *Ibid.*, Article (25)

⁶ Internal Regulation number (1) of 2015 of the Environmental Police issued by the Federal Minister of Interior, published in the Iraqi Official Gazette (*Alwaqayyi'i*) number 4380 on 14 September 2015.

⁷ *Ibid.*, Article 1(First). Article (25) of Law number (27) of 2009 on the Protection and Improvement of Environment, *op. cit.*

5. Police Centers in the Provinces not merged with a region.⁸

The Environmental Police Department was mandated with various tasks as follows:

1. execute judicial orders and administrative decisions issued by the Ministry of Environment and the relevant official offices to implement environmental laws and regulations;
2. protect natural habitats and reserves and prevent illegal activities on these habitats and reserves;
3. protect the Environmental Supervision Teams of the Ministry of Environment during the fulfilment of the duties of these Teams;
4. participate in conferences, forums, workshops and meetings organized to evaluate the situation of environment by the Ministry of Environment and other institutes mandated to protect the environment;
5. receive complaints and refer them to a specialized judge based a mechanism agreed between the Ministry of Environment and the Ministry of Interior. The Environmental Police shall follow the procedure of these complaints. The complaints shall be written in a fixed form prepared in consultation with the Ministry of Environment;
6. exercise law enforcement authority accorded by law to Police Officers and Commissioners with respect to environmental crimes;
7. supervise the work of the Intervention and Treatment Teams affiliated to the Civil Defense General Directorate of the Ministry of Interior, which are specialized in combating pollution in coordination with the Ministry of Environment.
8. in coordination with the Ministry of Environment, investigate activities causing environmental pollution during natural disasters and environmental accidents;
9. disseminating awareness on environmental matters and educating the citizens on the role of the Environmental Police Department; and
10. oversee the availability and usage of dual-use chemicals in coordination with relevant authorities.⁹

The main question that can be asked regarding the competences of Environmental Police is that whether such forces possess the sufficient capacities to implement their mandate. The answer to that question is in the negative. The need to support the technical capacity of Environmental Police was highlighted by the majority of the participants to the webinar on “The Competences

⁸ Article (2) of Internal Regulation number (1) of 2015 of the Environmental Police, *op. cit.*

⁹ *Ibid.*, Article (3).

of Environmental Police Department” organized by Elbarlament Culture of Democracy on 19 June 2020. This needs of Environmental Police will be further examined below. Suffice to note in this regard that the 2015 Internal Regulations of Environmental Police Department required the Ministry of Environment to provide the necessary means facilitating the work of the Environmental Police such as providing buildings; surveillance and communication equipment; cars; and other equipment.¹⁰

III. Police Directorate for the Protection of Forests and Environment in Kurdistan Region of Iraq

The Board of Environmental Protection and Improvement of Kurdistan Region oversees the implementation of environmental standards by institutes and projects established in Kurdistan.¹¹ The Board was obliged to establish Environmental Supervisory Teams to identify environmental violations and crimes.¹² The operations of these Teams shall be supported by police as stipulated by Law number (8) of 2008 on the Protection and Improvement of Environment in Kurdistan Region.¹³ What can be noted in this respect is that the 2008 Law did not mention which branch of police shall accompany the Supervisory Teams. A reference could have been made to the Police Directorate for the Protection of Forests and Environment, which is subordinated to the Ministry of Interior of Kurdistan. This Directorate was mandated to protect forests in Kurdistan and it was given the authority to seize materials used to the detriment of forests until the issuance of a judicial decision.¹⁴ Compared to the Federal Law number (27) of 2009 on the Protection and Improvement of Environment that established a clear institutional link between the Federal Environmental Police Department and the Ministries of Environment and Interior, Law number (8) of 2008 on the Protection and Improvement of Environment in Kurdistan Region does not create institutional cooperation between the Police Directorate for the Protection of Forests and Environment and the Board of Environmental Protection and Improvement of Kurdistan Region. Another point that still needs to be clarified is whether a cooperation has been created between the Federal Environmental Police Department and the Police Directorate for the Protection of Forests and Environment in Kurdistan.

¹⁰ *Ibid.*, Article (4).

¹¹ Article (16) of Law number (8) of 2008 on the Protection and Improvement of Environment in Kurdistan Region of Iraq, enacted in 2008 by the National Council of Kurdistan Region of Iraq, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 90 on 8 November 2008.

¹² *Ibid.*, Article 18(First).

¹³ *Ibid.*, Article 18(Second).

¹⁴ Articles 1(Third) and (14) of Law number (10) of 2012 on Forests of Kurdistan Region of Iraq, enacted by the National Council of Kurdistan Region of Iraq, published in the Iraqi Official Gazette (*Alwaqayi'i*) number 151 on 22 November 2012.

IV. The Available Means to Improve the Capacities of Environmental Police

The need to improve the capacities of the Environmental Police Department was highlighted by the majority of the participants in the workshop. It was mentioned that the Environmental Police Department needs to be supported at many levels encompassing its human resources and infrastructure. At the outset, it must be noted that the 2015 Regulation of that Department stated that “The Ministry of Environment provides the Environmental Police Department with buildings; facilities; surveillance and communication equipment; cars and other equipment”.¹⁵ To raise financial resources, the Federal Law number (27) of 2009 created the Environmental Protection Fund administered by an Executive Board, which is appointed by the Federal Minister of Environment.¹⁶ The administration and resources of the Fund as well as the expenses that could be covered by the Fund were further defined by a Regulation issued by the Minister of Environment.¹⁷ Pursuant to that Regulation, the Fund could cover many activities that aim at strengthening the capacity of the Ministry of Environment and protecting environment.¹⁸ The Fund can receive donations from national and international donors. Therefore, one of the means to support the Ministry of Environment and the Environmental Police Department is by increasing the financial resources of the Fund in question. The main means to strengthen the capabilities of that Department can be summarized as follows:

1. **Buildings and branches of Environmental Police Department:** The Headquarter and branches of the Environmental Police Department were not given independent buildings, as they are located in the same buildings of the Civil Defense General Directorate in Baghdad, Basra, Maysan and Thi-qar, while it occupies the same building of Anbar Environmental Directorate of the Federal Ministry of Environment. In this regard, two points were highlighted: first, the need to allocate **independent buildings** to the Environmental Police Departments. Second, because all the branches of the Environmental Police Department are located in the city centers, there is an immense need to **open further branches at districts and villages** levels to strengthen the role of that department. It was also suggested to delink the Environmental Police Department from the Ministry of Interior and make it affiliated to the Ministry of Environment because of the similarity in specialization between the Department and the Ministry of Environment. In contrast, some participants argued that the affiliation of the Environmental Police Departments to the Ministry of Interior is necessary because such

¹⁵ Article (4) of Internal Regulation number (1) of 2015 of the Environmental Police, *op. cit.*

¹⁶ Article (26) of Law number (27) of 2009 on the Protection and Improvement of Environment, *op. cit.*

¹⁷ Regulation number (1) of 2013 of the Environmental Protection Fund, issued by the Federal Minister of Environment, published in the Iraqi Official Gazette (*Alwaqay'i*) number 4279 on 10 June 2013.

¹⁸ *Ibid.*, Article (5).

affiliation enables the officers of that Department to receive the support of the Ministry of Interior and to use its military equipment.

2. Human Resources of the Environmental Police Department: The Headquarter and branches of the Department consist of few officers and, therefore, the need to increase the Department's human resources was emphasized by many participants to the webinar. It is also crucial to improve the technical capacity of police by organizing for them **long-term training courses** and allow them to **pursue further education such as postgraduate environmental studies**. This can be done in consultation with the national and international universities. However, considering the deficit in the General Budget of the Iraqi Government, it is important to ensure that such long-term training and postgraduate studies will be **financed by national and international donors rather than by the Iraqi Government**.
3. Equipment of Environmental Police Department: The Department lacks sufficient **modern equipment** to fulfil its mandate such as machines to detect pollution, toxic fume and radiation; cars; boats and drones. Such equipment shall be delivered to the relevant Department of the Ministry of Environment and to the Unit of Environmental Laboratory and Combating Environmental Pollution that is affiliated to the Environmental Police Department. Some partisans emphasized the need for the following machines:
 - i. **Gas Chromatography** Machine used to check oil compounds and pesticides;
 - ii. **Atomic Absorption** Machine used to check heavy metals such as mercury, cadmium, nickel and copper;
 - iii. **Geiger Detector** used to detect and measure ionizing radiation; and
 - iv. **High Performance Liquid Chromatography (HPLC) Machine** used to examine pesticides, chloride compounds and phenols.
4. Awareness of the role of Environmental Police Department: the role of the Department is not known to all citizens. Some of the participants to the questionnaire indicated that they are even not aware that such Department exists. Some even mentioned that they knew about the existence of the Department during the webinar on "The Composition and Competences of the Main Official Environmental Institutes in Iraq" organized by Elbarlament Culture of Democracy on 11-12 May 2020. This illustrates the immense need to **educate the people of the duties of the Environmental Police Department**. The

civil society organizations shall play a greater role in this respect. Additionally, to strengthen the visibility of the Department, the latter shall **advertise in the public channels its phone numbers** so that the people can reach the Department to submit complaints on environmental crimes and violations.

V. Concluding Remarks and Recommendations

The brief analysis demonstrated the need to strengthen the role of, and to provide technical assistance to, the Federal Environmental Police Department and the Police Directorate for the Protection of Forests and Environment in Kurdistan Region by:

1. allocating independent buildings to the branches of the Department;
2. providing long-term training courses to the officers of the department;
3. allowing the officers to pursue further environmental education such as postgraduate studies financed by international donors;
4. providing modern equipment to the Department such as Gas Chromatography, Atomic Absorption, Geiger Detector and High Performance Liquid Chromatography Machines;
5. increasing the visibility of the department and the awareness of the people of its existence;
6. providing donations to Environmental Protection Fund to enable it to cover more activities improving the capacities of the Ministry of Environment; and
7. creating permanent cooperation between the Federal Environmental Police Department and the Police Directorate for the Protection of Forests and Environment in Kurdistan Region.

The majority of the participants agreed that the decision of merging the Ministry of Environment with the Ministry of Health shall be annulled, as this decision affected the independence of the former. It made it impossible for the Ministry of Environment to conduct an independent evaluation of the commitment of the Ministry of Health to environmental standards while both Ministries are now considered as a single legal entity.

Finally, the participants were encouraged to participate in the next webinar of Elbarlament that is planned to be held on 29 June 2020 and will tackle the following topic “Comparative Analysis of Environmental Police Competences in several Countries: the Main Lessons to Improve the Capacity of Environmental Police in Iraq”.

VI. Annex: Questionnaire distributed before the Webinar on “The Competences of Environmental Police Department” organized by Elbarlament Culture of Democracy on 19 June 2020

1. Where is the environmental police based in your governorate/town? Where is their office?
2. To your knowledge, is the environmental police work together with civil society, citizen, public administration, state institutions? How many persons belong to the environmental police in your governorate/town?
3. What cases are they working on? How do they identify cases? Are citizens reporting environmental crimes to them for instance?
4. How does environmental police work? Do they take water samples? Can some individual send them a complaint? How will they deal with it?
5. Have you approached environmental police previously such as by reporting an environmental crime?
6. Could you briefly let us know what procedure was taken by the environmental police when you reported an environmental crime?
7. What are the powers/competencies of environmental police? To whom are they subordinated?
8. What measures can be taken to strengthen the capacities of environmental police in Iraq?

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