

## THE LEGAL REGULATION OF NATURAL RESERVES IN IRAQ

### A REGULAMENTAÇÃO JURÍDICA DAS RESERVAS NATURAIS NO IRAQUE

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#### Abstract

This research, entitled The Legal Regulation of Natural Reserves in Iraq, aims to clarify the legal framework governing the establishment, management, and protection of natural reserves, and to analyze the adequacy of Iraqi national legislation in achieving the objectives of biodiversity conservation and environmental security. The study concludes that the legal regulation of natural reserves in Iraq still requires legislative and institutional development to keep pace with international environmental developments. It emphasizes the necessity of issuing a special law on natural reserves that defines their types, management systems, funding mechanisms, and penalties for violations, thereby contributing to sustainable development and ensuring the protection of natural resources for future generations.

**Keywords:** Natural Reserves. Crimes Against Natural Reserves. Criminal Protection of Natural Reserves.

#### Resumo

*Esta pesquisa, intitulada “A Regulamentação Legal das Reservas Naturais no Iraque”, tem como objetivo esclarecer o marco jurídico que rege a criação, a gestão e a proteção das reservas naturais, bem como analisar a adequação da legislação nacional iraquiana para alcançar os objetivos de conservação da biodiversidade e segurança ambiental. O estudo conclui que a regulamentação jurídica das reservas naturais no Iraque ainda requer desenvolvimento legislativo e institucional para acompanhar os avanços ambientais internacionais. Ele enfatiza a necessidade de promulgar uma lei especial sobre reservas naturais que defina seus tipos, sistemas de gestão, mecanismos de financiamento e penalidades por violações, contribuindo assim para o desenvolvimento sustentável e garantindo a proteção dos recursos naturais para as gerações futuras.*

**Palavras-chave:** Reservas Naturais. Crimes Contra Reservas Naturais. Proteção Penal das Reservas Naturais.

## 1 INTRODUCTION

Natural reserves are among the most important legal and environmental tools adopted by states to protect biodiversity, preserve natural resources, and ensure their sustainability for future generations—especially in light of increasing environmental challenges such as desertification, climate change, and ecosystem degradation. International and national legislation has devoted growing attention to natural reserves as



a regulatory framework that balances environmental protection requirements with the necessities of sustainable development.

In this context, the role of the International Union for Conservation of Nature (IUCN) has emerged in defining and setting global standards for natural reserves, which has contributed to unifying their legal concept and strengthening their position within national environmental policies. Moreover, several international agreements, including the Convention on Biological Diversity, have emphasized the necessity of establishing and managing protected areas as a fundamental means of conserving ecosystems and endangered species.

At the national level, the Iraqi legislator has shown interest in environmental protection by enacting several laws regulating the management of natural resources and ensuring their protection, particularly in light of Iraq's environmental challenges resulting from climatic conditions and human activities. The regulation of natural reserves in Iraq thus represents a legal tool that contributes to achieving environmental security and promoting sustainable development.

### **1.1 Importance of the study**

The importance of this study stems from the growing significance of natural reserves in the framework of environmental protection and biodiversity conservation. It gains special relevance by shedding light on the legislative and regulatory aspects of natural reserves in Iraq, enriching the legal library with a specialized study in a field that still requires further research and analysis. This is particularly crucial given the need to develop legal frameworks that enhance the effective protection of natural resources. Furthermore, the study's findings may assist legislators and policymakers in evaluating the existing legal framework and proposing measures to strengthen it, thereby achieving a balance between environmental protection and sustainable development.

### **1.2 Research problem**

The central problem of this research lies in the following main question: To what extent has the Iraqi legislator succeeded in adequately and effectively regulating

natural reserves in a way that ensures environmental protection and biodiversity conservation in light of international standards?

This main question branches into several sub-questions, including:

- What is the legal definition of natural reserves, and what are their conditions?
- What is the legislative basis for regulating natural reserves in Iraq?

## 2 METHODOLOGY

This study adopts a descriptive-analytical approach, by clarifying the concept, characteristics, and foundations of natural reserves, then analyzing the Iraqi legal texts regulating them and assessing their adequacy in achieving environmental protection.

### 2.1 Structure of the study

Accordingly, this research will address in the **first section** the definition of natural reserves in terms of their concept, conditions, and foundations. The **second section** will be devoted to clarifying the legal regulation of natural reserves in Iraq.

### 2.2 Theoretical background

Defining the definition of nature reserves is one of the most prominent things that the international community has turned to for the purpose of preserving the environment, as it is managed according to scientific and legal foundations that ensure its sustainability for future generations, and for this purpose, we will deal with the definition of reserves according to three sections, the first section is dedicated to the definition of nature reserves, and in the second section we will address the conditions and foundations of the selection of nature reserves.

In 1994, the International Union for Conservation of Nature (IUCN) defined nature reserves as: "an area of land and/or sea dedicated to the protection of biodiversity

and associated natural and cultural resources, and managed by legal or other effective means" (1).

In 2007, the International Union for Conservation of Nature (IUCN) updated the definition of a protected area to include "a clearly defined, defined geographical place, designated and managed, through a legal or other effective means, to achieve the long-term protection of nature with its accompanying ecosystem services and cultural values" (1).

This definition has been adopted by international and regional organizations, conferences and treaties concerned with the protection of the environment and global biodiversity, as well as has become a legal reference for countries to develop national environmental laws and legislation.

The Iraqi Nature Reserves Law No. (2) of 2014 defined it as:

"An area of land, coastal or inland waters containing plant or animal organisms or natural features of cultural, scientific, tourism or aesthetic value that are placed under legal protection for the protection of their environmental resources and for the sustainable development of their natural resources".<sup>2</sup>

According to the Law on the Protection and Improvement of the Environment, the protected area is defined as:

"Reserve: An area of land or water allocated to protect natural, vital and cultural resources from extinction."

There are those who consider natural reserves to be those legal and administrative means that are used for the purpose of protecting the environment by allocating certain areas managed by scientific methods for the purpose of achieving environmental balance and preserving natural resources.<sup>910</sup>

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(1) A protected area is "An area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other effective means", IUCN Guidelines 1994.

(1) A protected area is: "A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values", IUCN 2007.

(2) Paragraph (1) of Article (1) of the Natural Reserves Law No. (2) of 2014 published in the Iraqi Chronicle No. (4316) dated 24/3/2016

(3) Item (12) of Article (2) of the Law on the Protection and Improvement of the Environment No. 27 of 2009, Iraqi Chronicle No. (4142) on 25/1/2010.

Despite the multiple definitions that have dealt with the concept of nature reserves, they all agree in their general content that the nature reserve aims to achieve one goal, which is to protect nature and preserve its components from degradation and depletion, considering natural reserves as one of the most important legal and environmental means for the purpose of ensuring environmental security and sustainable development.

## 2.3 Conditions and foundations for selecting nature reserves

*2.3.1 In the Iraqi Nature Reserves Law, the establishment of a nature reserve stipulates that one of the following conditions must be met* <sup>(2)</sup>

First, it is characterized by a clear richness of the components of biodiversity.

Second, there are a significant number of individual endemic species of biodiversity components.

Third, the availability of one or more rare or endangered species.

Fourth: Habitat Distinction and Uniqueness.

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

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

Seventh: Socio-cultural richness related to the nature of the region.

## 2.4 Bases for selecting nature reserves

Nature reserves are one of the most important tools that countries and environmental organizations rely on, for the purpose of protecting biodiversity and preserving natural resources. To achieve this purpose, the reserves must be selected according to precise scientific foundations and criteria, which we will explain as follows:

**A-Achieving the required goals:** represented in the preservation of areas where animal and plant groups are present whose survival is required, the protection of

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<sup>(1)</sup> Dr. Suad Khalil Ismail, *Environmental Law: A Comparative Study*, New University Press, Alexandria, 2019, p. 120.

<sup>(2)</sup> Article (7) of the Natural Reserves Law No. (2) of 2014.

endangered species (rare), the preservation of natural areas that have a special character, and the preservation of areas where there are natural areas that can be exploited in an organized and continuous manner.<sup>(1)</sup>

**B- Assessing the importance of the reserve:** The nature reserve represents an area of land that is excluded from all traditional uses carried out by the community, as it requires a lot of material and moral efforts for the purpose of carrying out the tasks entrusted to it. Although nature reserves sometimes face resistance from members of the community who have interests and uses for that area of land or water space. For this purpose, the justifications for declaring the reserve should be strong to convince the various segments of society of its importance in achieving development sustainable.<sup>(1)</sup>

**C- Planning basis in determining the scope and boundaries of reserves:** Areas requiring protection are identified by relying on the data of environmental information banks and the results of field surveys of living species that are vital for the purpose of their continued survival, such as areas of feeding, reproduction, reproduction, migration, etc. Critical sites that include various economic, rare, endemic, endangered or migratory species are also identified, with a statistical list of these sites developed, and arranged according to importance, priority and nature of environmental criticality.<sup>(2)</sup>

**D- Ecological basis in the identification of reserves:** The analysis of important ecological factors, especially photosynthesis, growth, reproduction, the phenomenon of environmental succession, and others, as well as the need to distinguish the important inputs to the ecosystem such as floods and heat and their timing, and the need to reconcile this timing with physiological functions.<sup>(3)</sup>

**E- The functional basis of the goals and tasks of the reserves:** by preparing programs and studies aimed at developing their areas, following up on environmental phenomena by inventorying land and marine creatures and

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<sup>(1)</sup> Mohamed Ali Ahmed, *Natural Reserves in Egypt*, Family Library, 2007, p. 5.

<sup>(1)</sup> Mohamed Ibrahim Mohamed Ibrahim, *Nature Reserves and Biodiversity in Egypt*, 2010, p. 7.

<sup>(2)</sup> Dr. Mahmoud Saleh Al-Adly, *Encyclopedia of Environmental Protection, Part One*, Dar Al-Fikr University, Alexandria, 2003.

<sup>(3)</sup> Arab Organization for Agricultural Development, *Study of the Role of Nature Reserves in the Protection of Biodiversity and Projects Proposed for Development*, League of Arab States, 1999, p. 183.

establishing a special register for each reserve, as well as the task of coordinating activities within the reserve, as well as spreading awareness among community members for the purpose of establishing the reserves, in addition to enhancing cooperation and exchange of experiences and information between countries and international organizations specialized in this field.<sup>(4)</sup>

## 2.5 Criminal protection of nature reserves in Iraq

Nature reserves are one of the most important legal tools for the protection of biodiversity and the conservation of natural resources, due to their environmental, economic and scientific value that contributes to achieving environmental security and sustainable development. In Iraq, the importance of these protected areas is increasing in light of the serious challenges to the environment as a result of wars, pollution, desertification and the illegal exploitation of resources, which necessitated the intervention of the legislature to establish special legal protection for them, not limited to administrative and organizational aspects, but also extends to criminal protection as the most effective guarantee to deter attacks on them.

Accordingly, we will divide this demand into three sections, the first of which deals with criminal protection and the second section deals with crimes against protected areas.

## 2.6 Criminal protection

Natural reserves have been granted criminal protection, as this protection is intended to deter and deter anyone who practices any activity that harms the nature reserves, as it is protection that comes after the occurrence of the criminal<sup>act.1</sup>

The Iraqi legislature and other legislations have played an important role in the protection of nature reserves, as the legislator has worked to criminalize many acts and actions that are considered as an attack on protected areas, as they include many living

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<sup>(4)</sup> Muhammad Ali Ahmed, op. cit., p. 6.

<sup>(1)</sup> Dr. Aref Saleh Makhlif, *Administrative Protection of the Environment*, 1st Edition, Dar Al-Yazouri Scientific House for Publishing and Distribution, Amman, Jordan, 2007, p. 69.

components whose damage leads to damage to the public interest on which social construction is based.

With regard to Iraq, it has worked on the issuance of the Law on Nature Reserves (No. 2 of 2014), as this law was not issued by law, as it consists of 13 articles related to nature reserves, Article (1) includes the definition of a nature reserve and many other expressions<sup>(2)</sup>, Article (2) clarifies the formations and quorum of the National Committee for Protected Natural Sites<sup>(3)</sup>, Article (3) clarifies the tasks of the National Committee for Natural Sites<sup>(4)</sup>, and Article (5) clarifies the requirements for the establishment of nature reserves<sup>(5)</sup> Article (6) clarifies the criteria for establishing nature reserves<sup>(6)</sup>, Article (7) deals with the conditions for selecting the protected area<sup>(7)</sup>, Article (8) refers to the management of the protected area<sup>(8)</sup>, Article (9) clarifies the prohibited acts within the reserve and are considered crimes<sup>(9)</sup>, and Article (10) clarifies the approval of the Ministry of Environment to carry out camps, re-introduction or settlement of plants or animals, and the introduction of vehicles into the nature reserve<sup>(1)</sup> Article (11) clarifies the penalties that must be imposed on violators of the regulations of the nature reserve<sup>(2)</sup>, as well as the Kurdistan Regional Law (No. 9 of 2011).

## 2.7 Crimes on reserves

The crimes committed against the reserves are numerous and varied, and we will work to explain them in detail:

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<sup>(1)</sup> Dr. Nabil Mahmoud Hassan, *Criminal Protection of Victims of Crime in International and Humanitarian Law*, Unpublished, New University Press, Alexandria, 2009, p. 31.

<sup>(2)</sup> Article (1) of the Iraqi Reserves Law No. (2) of (2014).

<sup>(3)</sup> Article (2) of the Iraqi Reserves Law No. (2) of (2014).

<sup>(4)</sup> Article (3) of the Iraqi Reserves Law No. (2) of (2014).

<sup>(5)</sup> Article (5) of the Iraqi Reserves Law No. (2) of 2014.

<sup>(6)</sup> Article (6) of the Iraqi Reserves Law No. (2) of (2014).

<sup>(7)</sup> Article (7) of the Iraqi Protected Areas Law No. (2) of (2014).

<sup>(8)</sup> Article (8) of the Iraqi Reserves Law No. (2) of (2014).

<sup>(9)</sup> Article (9) of the Iraqi Reserves Law No. (2) of (2014).

<sup>(1)</sup> Article (10) of the Iraqi Reserves Law No. (2) of 2014.

<sup>(2)</sup> Article (11) of the Iraqi Reserves Law No. (2) of (2014).

### *2.7.1 First: the crime of setting up camps without a permit*

Article (9) stipulates that the following acts are prohibited within nature reserves: First: Establishing camps without a license from the Ministry of Environment<sup>(3)</sup>. We will outline the elements of this crime.

**Physical Element:** The establishment of camps without a permit means the erection of tents inside nature reserves, where the establishment of camps is considered a behavior that contradicts the purpose for which the reserve was established, as camps can be established in order for individuals to reside in them, and individuals will produce wastes, which leads to pollution of the environment, natural resources and the reserve<sup>(4)</sup>. As a result, and for the purpose of preserving the reserve, the Iraqi legislator has worked to prohibit the establishment of camps in Article (9) of the first of the legal system for nature reserves. Therefore, it stipulates Article (10) of the Natural Reserves Law requires obtaining the approval of the Ministry on the following: First: Establishing camps in specific areas of the reserve.

**The moral element:** The crime of establishing camps is considered a deliberate crime, which requires the existence of criminal intent, and the required intention is the general intention, which contains knowledge and will, as what is meant by knowledge is that a person establishes camps within the reserve knowing that this behavior is prohibited and prohibited by law, and the will of the offender is directed to carry out this act and achieve the legal result.

### *2.7.2 Second: the crime of damaging or altering physical or geological formations or natural ecosystems*

Article (9) of the Iraqi Reserves Law stipulates that the following acts are prohibited within nature reserves: Second: Damage or alteration of physical, geological or morphological formations, natural features and ecosystems. Accordingly, we will explain the elements of this crime.

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<sup>(3)</sup> Article (9) of the Iraqi Reserves Law No. (2) of 2014.

<sup>(4)</sup> Christian du Saussay, *Legislation On Wildlife, Hunting and Protected Areas In Som Europes*. Fao, un. Legal studies no20, 1980, p14.

**Material element:** Conduct is represented by the criminal conduct of the offender, whether natural or moral, by the offender of the criminal conduct represented by damage or alteration of physical, geological or morphological formations, appearances and ecosystems.. As for change, it is any action that works to change the nature reserve, such as the removal of large areas of forests, the burial of lakes, or the change of the streams within the reserves<sup>(2)</sup>.

**Moral Element:** This crime is considered a deliberate crime in which there is criminal intent, in the event that the will of the perpetrator to carry out one of the acts is directed either to damage or change that leads to damage to the natural reserves, knowing that this result will occur in the event that he commits one of these acts.

### 2.7.3 Third: the crime of introducing or localizing races

Article (9) of the Iraqi Reserves Law stipulates that the following acts are prohibited within nature reserves: Third: Introduction or settlement of any species of plant or animal that are alien. Accordingly, we will explain the elements of this crime.

**Physical Element:** Introduction is the process of bringing in a type of alien organism, whether local within the borders of the state in the same environment or non-local, that is brought in the form of groups from a system outside the state and placed inside the reserve. Introduction behavior is the introduction and localization of new and alien organisms, and their introduction into a different environment.

**Moral Element:** The crime of entry or resettlement is considered a deliberate crime, as it contains the general intention that consists of knowledge and will <sup>(2)</sup>. Therefore, the perpetrator must be aware that the act committed by him represented in the introduction or settlement is illegal and causes a crime, and that his will is directed to carry out this behavior in spite of everything.

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<sup>(2)</sup> Dr. Firas Yawz, Crimes against Natural Reserves, Research Published in Al-Huqooq Magazine, Issue 16, Sixth Year, 2011, p. 19.

<sup>(1)</sup> Louis Maalouf, Al-Munajjid fi al-Lugha, 19th edition, Catholic Press, Beirut, 1966, p. 477.

<sup>(1)</sup> Abdel Sattar Younis Al-Hamdouni, Criminal Protection of the Environment: A Comparative Study, 1st Edition, Dar Al-Kutub Al-Qanuniyya, Cairo, 2013, p. 135.

<sup>(2)</sup> Dr. Awad Mohammed, Al-Wajeez in the Penal Code, 1st Edition, University Publications House, Alexandria, 1978, p. 98.

#### 2.7.4 Fourth: the crime of conducting various military maneuvers and activities

The Iraqi Protected Areas Law No. (2) of 2014 stipulates in Article (9) the fourth prohibition of the establishment of various military exercises and activities. We will clarify the elements of this crime.

**Physical Element: Holding Military Exercises:** The Iraqi legislator stipulates in the Protected Regulations No. (2) of 2014 that this crime is stipulated, where the military personnel work to establish places carried out by the army for the purpose of training in nature reserves, called maneuvers, **while military activities** are the set of actions and operations carried out by the armed forces, as they are characterized by their military nature, for example, the introduction of explosive materials or the entry of military vehicles into the nature reserves, and the legislator has not clarified the military activities for the purpose of protecting the public interest. <sup>(1)</sup>.

**Moral Element:** These crimes are considered intentional crimes, which require the existence of a general intention, as the offender knows that the act he commits constitutes a crime, and leads to harm to the public interest and natural reserves in particular, and that the will of the offender is directed to carry out this act, knowing from his knowledge of the damage he will inflict.

#### 2.7.5 Fifth: crimes of assault on animals

Article 9 of the Iraqi Reserves Law stipulates that the following acts are prohibited within the nature reserves, which are represented in Fifth: hunting, transporting, killing, displacement, harming, disturbing, removing or threatening the stability of any endemic or migratory terrestrial or aquatic organisms, including bird species, their eggs, chicks, nests or parts thereof, such as feathers, horns and dander. Accordingly, we will clarify the elements of the crime.

**The physical element:** It consists of many verbs. We will work on their statement.

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<sup>(1)</sup> The military maneuver can be seen on the website, which was accessed on 25/1/2026: <http://ar.m.Wikipedia.org/wik>

- **Hunting:** The Iraqi legislator in the Reserves Law has worked to mention hunting first, as it is considered one of the oldest activities and continues to this day. It can be defined as the perpetrator carrying out hunting acts that occur on living creatures within the nature reserve, using various means such as nets, guns and other means that work on hunting, for the purpose of either eating or for recreational reasons, or even hunting rare animals and then selling them for the purpose of reaping a financial profit.
- **Transportation:** means the process of transferring the subject of the crime from one place to another, which may be inside or outside the reserve.
- **Murder:** It is the act of taking the soul of a living organism, directly or indirectly, by human action within a nature reserve. If the killing takes place outside the reserve, it is subject to the Law on the Protection and Improvement of the Environment and the Law on the Protection of Wild <sup>Animals</sup>.<sup>3</sup>

**Abuse:** It is any assault on the body of an organism without ending its life, as it includes the wound by which we mean any physical touch that would cause an effect on the animal's body, such as cutting off a part of the body, fractures, bruises, and <sup>burns</sup>.<sup>(4)</sup>

- **Nuisance:** It is any act that results in damage to living organisms in nature reserves, for example, the emission of toxic gases, which may lead to disturbing the animal inside the reserve and causing it to have shortness of breath <sup>(1)</sup>.
- **Expulsion:** This is done by removing the animals from the nature reserve to another place outside the reserve <sup>(2)</sup>

**Threatening the stability of animals:** This is done by removing animals from the places where they live and destroying them, where the places where living organisms are suitable for their conditions, such as the climatic factor and the ecosystem that provides water and food<sup>(3)</sup>.

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<sup>(1)</sup> Dr. Ashraf Tawfik Shams El-Din, *Criminal Protection of the Environment in Egyptian Legislation*, 1st Edition, Dar Al-Nahda Al-Arabiya, Cairo, 2012, p. 150.

<sup>(2)</sup> Dr. Ashraf Tawfiq Shams Al-Din, *ibid.*, p. 151.

<sup>3</sup> Article 18, paragraph 3, of the Iraqi Law on the Protection and Improvement of the Environment.

<sup>(4)</sup> Dr. Maher Abd Shwish Al-Durra, *Explanation of the General Penal Code, Special Section*, No Edition, Al-Atik for the Book Industry, Cairo, 2009, p. 185.

<sup>(1)</sup> Dr. Hassan Sadiq Al-Marsafawi, *The Special Penal Code*, Ma'arif Establishment, Alexandria, 1991, p. 225.

<sup>(2)</sup> Louis Maalouf, *Al-Munajjid fi al-Lugha*, 19th edition, Catholic Press, Beirut, 1966, p. 288.

<sup>(3)</sup> Article 7 of the Iraqi Reserves Law No. 2 of 2014.

**The moral element:** The moral element in this crime is based on the elements of knowledge and will, where knowledge is represented by the knowledge of the offender that the act he may commit leads to damage to natural reserves, and that his act will lead to the result that the legislator has criminalized, such as repelling, murder, transport, nuisance, etc. The will of the doer is directed towards the realization of this thing.

#### 2.7.6 Sixth: crimes of assault on plants

Article (9) of the Iraqi Reserves Law No. 2 of 2014 states that it is prohibited to carry out the following acts inside the reserve: Eighth: Cutting, uprooting, damaging, or removing plants or parts thereof from protected areas. This crime requires the existence of a material and a moral element, which we will work to clarify in detail:

- **The physical element:** We will work to clarify the most important works that make up the physical element.

**Cutting:** It is the process of removing a part of a plant from its stems or organs while the roots remain, so that there is hope that the plant will return to its position<sup>(1)</sup>.

**Extraction:** It is the process of removing the plant from the roots and eliminating it, i.e. working to kill it permanently<sup>(2)</sup>. The uprooting process inside the reserve is very easy, due to the presence of people and animals, especially if the plant is small or newly planted<sup>(3)</sup>.

- **Destruction:** The Iraqi Reserves Law has stipulated that the destruction process is criminalized, as the destruction process is considered a dangerous process, and it has been defined as the loss or destruction of the value of the plant, and the inability to restore it to its natural form<sup>(4)</sup>.

**Moral Element:** The crime of infringing on plant diversity within the nature reserve is one of the intentional crimes, which are rarely occurring by mistake, due to the nature of the crime in terms of the place where it was committed, and since it is one of

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<sup>(1)</sup> Dr. Ramses Behnam, Penal Code, Special Section Crimes, Ma'arif Foundation, No Edition, Alexandria, 2005, p. 1398.

<sup>(2)</sup> Dr. Ramses Behnam, Ibid., ibid., ibid.

<sup>(3)</sup> Adrian Davey, National Planning for Protected Areas, p. 40.

<sup>(4)</sup> Dr. Mahmosud Naguib Hosni, Crimes of Abuse of Funds in Lebanese Law, Dar Al-Nahda Al-Arabiya, Beirut, 1984, p. 554.

the intentional crimes, the moral element in it takes the form of criminal intent. This is based on the elements of knowledge and will.

### 3 CONCLUSION

In conclusion, after this research trip on the subject of "the legal organization of nature reserves in Iraq", we reach this conclusion, through which we do not want to repeat what has been presented and show all that has been said, but only to outline what we have concluded within this framework, in addition to what we have proposed in the light of an amendment that will make the subject of the research more effective in our opinion in that field, and this is what we will show in the following points:

#### 3.1 First: conclusions

- 1- Nature reserves have been shown to be an essential legal tool for protecting biodiversity and achieving environmental security, but the legal regulation in Iraq still needs more elaboration and legislative clarity.
- 2- The conditions and foundations for the establishment of nature reserves in Iraq lack precise and specific criteria based on international standards adopted by the International Union for Conservation of Nature (IUCN).
- 3- Crimes against nature reserves – such as poaching, logging, land encroachment, and pollution – are often linked to poor oversight and lack of environmental awareness, as well as security and economic conditions
- 4- There is a gap between the legal text and the practical application, due to the limited technical and supervisory capabilities and the lack of coordination between the concerned authorities

#### 3.2 Second: recommendations

- 1- The need to issue a special and independent law on nature reserves in Iraq that includes a precise definition of them, their types, the mechanisms for their establishment and management, and the penalties for attacking them

- 2- Spreading environmental awareness among the local communities near the reserves, and involving them in their management to achieve the concept of participatory protection.
- 3- Activating administrative and financial control mechanisms on the entities responsible for managing the reserves to ensure their proper management and sustainability.
- 4- Tighten criminal penalties related to crimes committed against nature reserves, and make them deterrent and proportionate to the seriousness of the environmental damage resulting from them.
- 5- Aligning national legislation with international conventions related to the protection of biodiversity.

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### **Authors' Contribution**

All authors contributed equally to the development of this article.

### **Data availability**

All datasets relevant to this study's findings are fully available within the article.

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