

A Critical Examination of the Iranian National Legal Regulation of the Ecosystem of Lake Urmia

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Abstract : The Iranian national Law on the Ramsar Convention (officially known as the Convention of International Wetlands and Aquatic Birds' Habitat Wetlands) was approved by the Senate and became a law in 1974 after the ratification of the National Council. There are other national laws with the aim of preservation of environment in the country. However, Lake Urmia which is declared a wetland of international importance by the Ramsar Convention in 1971 and designated a UNESCO Biosphere Reserve in 1976 is now at the brink of total disappearance due mainly to the climate change, water mismanagement, dam construction, and agricultural deficiencies. Lake Urmia is located in the north western corner of Iran. It is the third largest salt water lake in the world and the largest lake in the Middle East. Locally, it is designated as a National Park. It is, indeed, a unique lake both nationally and internationally. This study investigated how effective the national legal regulation of the ecosystem of Lake Urmia is in Iran. To do so, the Iranian national laws as Enforcement of Ramsar Convention in the country including three nationally established laws of (i) Five sets of laws for the programme of economic, social and cultural development of Islamic Republic of Iran, (ii) The Iranian Penal Code, (iii) law of conservation, restoration and management of the country were investigated. Using black letter law methods, it was revealed that (i) regarding the national five sets of laws; the benchmark to force the implementation of the legislations and policies is not set clearly. In other words, there is no clear guarantee to enforce these legislations and policies at the time of deviation and violation; (ii) regarding the Penal Code, there is lack of determining the environmental crimes, determining appropriate penalties for the environmental crimes, implementing those penalties appropriately, monitoring and training programmes precisely; (iii) regarding the law of conservation, restoration and management, implementation of this regulation is adjourned to preparation, announcement and approval of several categories of enactments and guidelines. In fact, this study used a national environmental catastrophe caused by drying up of Lake Urmia as an excuse to direct the attention to the weaknesses of the existing national rules and regulations. Finally, as we all depend on the natural world for our survival, this study recommended further research on every environmental issue including the Lake Urmia.

Keywords : conservation, environmental law, Lake Urmia, national laws, Ramsar Convention, water management, wetlands

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