



Legal Congestion of Sustainable Development Goals and Potential Trade-Offs in Iraq

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Abstract:

Sustainable Development Goals (SDGs) consider milestones proposed as an all-encompassing approach to direct and promote sustainable development at all levels, both domestically and globally. Iraq decided to join the Agenda of 2030 umbrella in 2016. It presented its National Determined Contribution (NDC) to address the development challenges and opportunities through transformation programmes to facilitate the realisation of Sustainable Goals in Iraq. However, possible trade-offs among particular SDGs have been largely overlooked on the global level. This research identified these phenomena as reflected on Iraq's national level. The accumulation of SDGs burdened the liability of the Iraqi government to achieve the goals and sub-targets in a way that carries a threat of trade-offs between these SDGs. For instance, this includes SDGs related to inequality (SDG 10), poverty (SDG 1), economic development (SDG 8), and food security (SDG2). This exists for a variety of reasons. First, it is the techniques of obtaining these SDGs altogether, which carry a potential competition in many circumstances, and second is the scattering of norms and entities and monitoring of implementation by committees that operate the SDGs. This research attempts to develop policy-relevant socio-economic and environmental plans, necessitating the co-development of suitable decision frameworks among various stakeholders.

Keywords: Legal congestion, Sustainable Development Goals, legal Tradeoff, Socio-economic, Environmental.

المستخلص:

تعتبر أهداف التنمية المستدام أو (أجندة ٢٠٣٠) بمثابة نهج شامل لتوجيه وتعزيز التنمية المستدامة على جميع المستويات، محلياً وعالمياً. وقد قرر العراق الانضمام إلى هذه الاتفاقية هذه في عام ٢٠١٦، حيث قدم مساهمته المحددة وطنياً لمعالجة تحديات وفرض هذه اجندة خلال برامج تحويلية لتيسير تحقيق أهداف التنمية المستدامة في العراق. ومع ذلك، فقد تم تجاهل المفاضلات المحتملة بين أهداف التنمية المستدامة على المستوى العالمي إلى حد كبير. وقد حدد هذا البحث هذه الظاهرة كما تنعكس على المستوى الوطني العراقي. إذ أدى تراكم أهداف التنمية المستدامة إلى إثقال كاهل الحكومة العراقية في تحقيق الأهداف والغايات الفرعية، مما ينطوي على خطر حدوث مفاضلات بين هذه الأهداف. فعلى سبيل المثال، يشمل ذلك أهداف التنمية المستدامة المتعلقة بعدم المساواة (الهدف ١٠)، والفقر (الهدف ١)، والتنمية الاقتصادية (الهدف ٨)، والأمن الغذائي (الهدف ٢). ويعود ذلك إلى أسباب متعددة. أولاً، تكمن المشكلة في أساليب تحقيق أهداف التنمية المستدامة مجتمعة، والتي تنطوي على منافسة محتملة في كثير من الأحيان. ثانياً، في تشتت المعايير والجهات المعنية، ومراقبة التنفيذ من قبل اللجان التي تُشرف على هذه الأهداف. يسعى هذا البحث إلى وضع خطط اجتماعية واقتصادية وبيئية ملائمة للسياسات، مما يستلزم تطوير أطر عمل مناسبة لاتخاذ القرارات بشكل مشترك بين مختلف الجهات المعنية.

الكلمات المفتاحية: التراكم القانوني، أهداف التنمية المستدامة، الأزرحة القانونية، الجوانب الاجتماعية والاقتصادية والبيئية.

Introduction:



In 2015, history witnessed the adoption of Sustainable Development Goals (SDGs) with highly ratified state members. Iraq was one of the countries that agreed to join this legal framework in November 2016.¹ The true nature of sustainable development in Iraqis people can be evaluated via its key indicators and accomplishments. Nonetheless, it is below the requisite standard owing to the extraordinary conditions the country experienced, which altered the trajectory of the growth process. According to (Dhifaf R Salih, 2024)² post-2003, economic experts anticipated that Iraq would adopt a novel strategy to initiate genuine development and transform the prevailing circumstances, which had been marred by decades of fragmentation across all three Iraqi sectors: economic, environmental, and social. Nonetheless, it was manifested in the nation via the deterioration of numerous development indicators, particularly in infrastructure and community services, the proliferation of financial and administrative corruption as well as the decline of social and agricultural conditions, which adversely impact economic and human development.

The growing relevance of sustainability has led to its prominent inclusion in Iraq's international legal frameworks. Laws play a key role in shaping human relationships, giving them greater sanctity. As sustainability becomes an integral part of these relationships—encompassing environmental, economic, social, cultural, and other collective benefits—it increasingly takes on legal significance (Roaa N Kadheem, 2022).³ However, the concept of sustainability in legal contexts is still in its infancy, with many aspects requiring further clarity. Despite being defined similarly across various legal instruments, its legal standards have helped resolve much of the uncertainty surrounding it.

When applied to human systems, sustainable development encompasses the interconnected dimensions of ecology, politics, economics, society, and culture. Its implementation seeks to harmonise environmental concerns with economic demands, social equity, and justice. To this end, (Sofia and Nastis 2020)⁴ opined that the United Nations (UN) has established a standard definition for sustainable development based on a "three-pillar approach." The UN highlights that sustainable development is founded on the alignment of three essential components, comprising economic growth and progress, social fairness and inclusivity, and environmental conservation and stewardship.

Currently, SDGs are adopted not just as political or ecological objectives by countries but also because they have long been a prescribed component of domestic and international law. Nonetheless, the enforcement of sustainable development law has proven to be tricky and somewhat ambiguous over time. The reason for this problem is embodied by their overlap in certain sections, to an extent, in terms of achieving a goal or target, which may impact other goals or indicators. For example, achieving the economic targets under SDG8 may increase the risk of achieving environmental goals under SDG2 or SDG13. This is what scholars call a tradeoff (Kroll, Christian, et.al 2019)⁵ the way of implementing certain SDG targets would undermine the achievement of other targets. So, it is necessary to embrace the tradeoff issue by defining this term; then, this research will discuss the reflection of SDG accumulation on the Iraqi national level. This research moves on to investigate the reason for administrative techniques that create a tradeoff. In the end, this



research discusses the findings to come up with suitable recommendations for stakeholders to void such a tradeoff.

2. What Does a Tradeoff Mean?

Tradeoffs, as per (Neve and Hamaide2017)⁶ arise when the provision of one legal component is diminished as a result of increasing use of another sector or component or when one stakeholder captures more of a specific sector at the expense of another. Tradeoffs exist between stakeholders as well as among the regulations that regulate a given environmental, economic, or social sector. They can be comprehended in a variety of ways, impacted by social norms and life experience, and presented in any location. Therefore, regarding SDGs, a trade-off refers to a scenario in which an enhancement in one dimension of the SDGs or human well-being is inherently linked to deterioration or loss in another dimension or a different SDG. Trade-offs are inherent in complex systems and must be considered in cases of production decisions intended to enhance socio-economic or environmental effects. Moreover, trade-offs differ from synergies, which are often termed “win-win” situations. Synergies occur when the improvement of one favourable outcome results in the improvement of another.

Also, a tradeoff is different from legal conflict; the latter presents a contradiction to obtaining two or more values or objectives. When these two aspects come together, each legal rule or principle will have the tendency to favour its own values and objectives just because the legislators or enforcers of the law are more knowledgeable of their own regimes than those of the competitors.

According to (Tomasovic 2018)⁷ who is well profound in the phenomena of tradeoffs in legal rules on international and national levels, claims that ecosystems, or economic and social dimensions, provide multiple services that interact with one another. It is important to concentrate on all important environmental services legally and the relationships between them with economic and social sectors for decision-making and legal management purposes. When delivering multiple required values and services simultaneously is not possible, blocking each other or causing unfavourable would create service tradeoffs. For example, in environmental studies, the exchange of one quality or element for another is referred to as a tradeoff. It is now more commonly employed in circumstances when a decision must be made between two or more things that cannot be obtained simultaneously.

3. The Dilemma of SDGs Accumulation

Since Iraqis adopted the agenda of 2030, the government proposed several initiatives to demonstrate awareness among the governmental sectors and ministries about whether to implement or monitor the indicators of SDGs and the applicability of following up on the targets of this agenda.⁸ To a certain extent, these efforts reflect the will of the Iraqi government's readiness to stand up through the international community. Despite that, certain challenges arise when these commitments accumulate on certain subject matter, which creates what this research described above as a tradeoff.

In order to achieve a sustainable economy under SDGs, Iraq would face a critical problem in the possibility of affecting other SDGs that serve the environmental targets. This situation arises when Iraq's economy is heavily reliant on oil, which accounts for 95% of



public revenues(Khalid I Al-Saleem 2015).⁹ Consequently, the economy is characterised by fluctuations and is susceptible to shocks stemming from the volatile global oil market, which is complicated due to the influence of various stakeholders. Additionally, there is a significant dependence on oil revenues, overshadowing other potential sources of income. As a result, these changes are evidently mirrored in the substantial degradation of Iraq's ecosystem, subsequently, the SDG15 that serves the environment and SDG1.

The internal situation, coupled with economic, social, political as well as environmental factors, may lead to disruptions in development indicators. This deterioration affects industry, agriculture as well as infrastructure, resulting in greater unemployment amounts and the outflow of talent and capital. According to (Dhifaf R Salih, 2024)¹⁰ this has facilitated the import of several goods and foodstuffs at a 80-90% rate. Consequently, imports from abroad undermine local industry and agricultural production, while economic policy fails to regulate prices. Therefore, this necessitated the formulation of clearer economic visions and strategic plans in alignment with SDG 8, capable of solving this tradeoff.

By doing so, they explicitly prioritise SDG 8 (Decent work and economic growth) over SDG 14 (Life below water) and SDG 15 (Life on land), even if this economic growth partially results from the natural resources' exploitation. Furthermore, although economic development may positively influence SDG 1 (No Poverty), evidence indicates that such growth is frequently not comprehensive, resulting in uneven poverty reduction across various regions and sectors. An exclusive emphasis on economic growth neglects the SDG principle of "leaving no one behind," presenting a significant ethical trade-off.

4. Reasons for SDGs Trade-Off on Iraqis and Its Reflection on a National Level

Accumulation of the SDGs in a specific area of international and national law would inevitably be followed by over-commitment to a large number of duties. Over-commitment has become a fact of modern international law. Over-commitment fundamentally undermines states' willingness to fulfil their commitments and cooperate with them. This is particularly for (Young 2011)¹¹ the case for states with the burden of human, administrative, and technical capital needed to cope efficiently, if at all, with growing responsibilities. State conformity with international norms is, of course, in most situations a required prerequisite of success, either by addressing the environmental issue at hand or by effectively altering state behaviour in accordance with treaty requirements. These challenges could be determined by substantive, institutional, and monitoring or reporting.

4.1 Substantive Compliance Challenges

The accumulation of the SDGs is a significant obstacle for nations, particularly those that are developing, in fulfilling their commitments to economic, social, and environmental targets. Substantive compliance challenges according to (Christian, et al. 2019)¹² include implementation obstacles restricting the fulfilment of concluded environmental commitments with economic prosperity or social equity. These obstacles for (Edward, et al. 2019)¹³ are caused by the absence of human, financial, and technological resources to



properly fulfil duties. The absence of required resources nearly ensures that compliance will be insufficient.

Nevertheless, quite frequently, there are and come in a variety of different types of additional impediments; suitable monetary as well as human resources ability is essential for sufficient ability. However, it is not always appropriate, besides the availability of sufficient resources, scholars would have a range of similar capacities to fulfil the enforcement demands of SDGs. For (Moyerand David 2019)¹⁴ these comprise the capability of a state to:

- Overcoming local institutional shortcomings of government systems as well as legal structure.
- To eliminate obstacles to the market.
- To have rewards that are absent or eliminate perverse incentives to efficiently manage as well as coordinate across agenda commitments.
- To seamlessly combine public involvement as well as private sector partnership, and
- To obtain trustworthy and necessary information.

4.2 Institutional Challenges (Bureaucratic)

The number of institutions and committees established within the government to obtain the SDGs put pressure on the focus and resources of states, which has been significantly increased by the accumulation of these bureaucratic entities. These institutions have included several bodies created by the expanding scopes of economic, environmental, and social requirements, including various regime-specific secretariats, conventions and gatherings of members, subsidiary organisations, non-compliance mechanisms, as well as working clusters(Edith Brown,2011).¹⁵ These tasks carried out by these committees and institutions include capability and competence criteria for states to engage in more acceptable changes, internal as well as external surveillance of implementation, decision-making on scheme-specified plans, and tradeoffs in decision-making(Bowen, Kathryn J.,et al.2017).¹⁶ For the statutes with SDGs commitments, this work continues to expand. The need for comprehensive and intense party involvement at the organisational level has culminated in a phenomenon termed "institutional overload."

Competing demands resulting from national intuitions increase the structural demands caused by SDG accumulation in Iraq((Bowen, Kathryn J.,et al.2017).¹⁷ The UN specialised agencies involved in environmental activities include the Food and Agricultural Organisation (FAO) and organs that established by the UN General Assembly, such as the UN Environment Programme (UNEP), the UN Development Program (UNDP), and the Commission on Sustainable Development (CSD).¹⁸ In addition, a world of intergovernmental organisations established by other national efforts outside the UN resolves environmental concerns that often impose duties on states.¹⁹ This encompasses entities such as the World Trade Organization (WTO), the International Bank for Reconstruction and Development and other institutions of the World Bank



Group,²⁰ the Intergovernmental Panel on Climate Change (IPCC), as well as the Global Environment Facility (GEF).

In the implementation of SDGs, national bodies external to the UN system still hold a significant influence. The position of national organisations has risen significantly over the past decade in implementing the concept that various economic, environmental, and social dimensions requirements should be extended to different geographical regions. They are also in a position to have the versatility required to resolve special regional issues.²¹

As those national committees and institution bodies operate independently of each other and are generally uncoordinated, major administrative inefficiencies are involved within the organisational structure. Subsequently, this creates a tradeoff.²² The pressure put on states regarding financial and human capital primarily to engage in administrative meetings. For instance, the responsibilities performed, from the norm creation to the decision to approve project funding, and the skills and capacity required are significant. Additionally, the SDGs bodies' secretariats and the headquarters of other institutions are scattered all over the national level, such as the National Committee on Sustainable Development (NCSO), the Committee of Environmental Sustainability (CES), and the National Committee of Biological Diversity (NCBD).²³ Therefore, the quantity of required meetings is large, with variability in both timing and location. This may lead somehow to a tradeoff in adopting SDGs and inharmonic decision-making by making the right choice. The International Institute for Sustainable Development's (IISD) Earth Negotiations Bulletin reported 63 significant institutional and diplomatic meetings in 2019, illustrating the concept of this type of institutional demand. As of 2020, thirty-seven significant meetings have occurred.²⁴ (Rashmi 2023)²⁵ notes that, even within the limited scope of international wildlife law, it is essential to:

“About the demand’s participation in international affairs. Glance, for example, at the weekly or monthly intelligence bulletins published by the International Institute for Sustainable Development (IISD), including listings of the giddy round of meetings and events widely distributed around the globe that those who want to have a place at the table and some prospect of influence will need to think about attending. ... And it is even harder to see how to make sense of it all. Does it make sense, except as a recipe for international political insomnia or exhaustion for those caught up in all of this

4.3 Monitoring and Reporting Process Challenges

Monitoring the SDGs presents a significant obstacle as well as a strategic opportunity for stakeholders and beneficiaries engaged with Agenda 2030 across all levels. To assess advancement across various objectives with numerous targets and indicators and to evaluate overall progress. Iraqi National Determined Contribution (INDC) is an annual report generated by the Iraqi planning ministry, concluding several indicators present from subsidiary committees.²⁶



This invokes the most direct functional challenge that arose from SDG accumulation, which is the ability of committees to unify their report to monitor or observe the application of the various economic, environmental, and social commitments established over the last years can be undermined. Again, and lacking a national institutional authority to operate and supervise the implementation of SDGs in Iraq, monitoring and reporting duties on actions concerning the adoption as well as compliance with conventional requirements being now widely placed on states as an internal surveillance method. The accumulation of SDGs monitoring commitments under numerous conventions will greatly overwhelm a state's administrative ability to adequately report or, indeed, to report at all. The exaggerated number of monitoring and reporting criteria, as well as significant disparities in those requirements among regimes, jeopardise capability and result in a tradeoff. It is generally recognised that, despite the greatest intentions, especially in developing countries, human and financial resources are often lacking to successfully manage and supervise what are frequently huge SDG commitments. Even in the absence of excessive obligations, a absence in knowledge and management skills may remain render execution problematic. Consequently, Iraq, confronted by the ability, has limited its authorisation to "general declaratory instruments not involving active participation or operational aspects" of technical execution.

Due to the fact that the subject matter of SDGs is scattered, supervisory and reporting obligations require a variety of technologies and expertise (Muhammad Saif Ramadan2023).²⁷ For example, the requirements for monitoring as well as reporting will vary from collecting and analysing intricate statistical information. For example, SDG 8, which promotes attaining technical and economic development that safeguards natural and environmental resources, requires certain indicators such as wealth and incomes of economic projects. However, obtaining environmental indicators such as preserving natural resources will be vague and unclear, especially those under SDG15. Consequently, this may invoke the tradeoff in reporting accurate details on certain sectors of SDG to another.

5. Findings

A variety of capability problems emerge from over-commitment caused by SDGs accumulation, which results in the tradeoff; these can be concluded as follows:

First, perhaps the feature finding of the possible tradeoff of interest among the SDGs is related to the development of Iraq's economic sector. This is undeniably the situation of relying on oil, where economic development continues to exert a significant impact on the environment by raising the demand for natural resources.

Second, as noted above, and as a result of the fragmented policy on SDG management, the underlying capacity to meet substantial commitments is compromised by an unmanageable number of obligations.

Third, the willingness of Iraq to engage substantially in institutional practices to promote their interests is weakened as SDG governmental bodies and organisations proliferate along with the increasing corpus of conventions.



Fourth, the capability of countries to observe and report effectively on the application of their commitments, as increasingly mandated by SDGs, is burdened by the accumulation of committees that operate to INDC.

Fifth: The Iraqi economy faces several obstacles of an economic, environmental, social, as well as institutional mechanism that impede progress action, which affects general policies to accomplishing its aims of sustainable development and environmental and social growth.

5. Recommendations

The findings drew attention to the legal accumulation of SDGs that exist on the international level, which have been transmitted to the national level of Iraq, and the latter embodied by adapting various administrative positions through establishing several committees that create a legal tradeoff. This research could conclude a bunch of recommendations that aid in avoiding such tradeoffs:

First: It is essential for the government to recognise trade-offs among the SDGs. Considering the urgent necessity and importance of these goals aims, and in alignment with the adaptive management approach across SDG indicators, this identification process should be integrated into projects, programmes, work initiatives, and annual INDC reports.

Second, a synergy between SDGs is required by the Iraqi government; this can be achieved through renegotiating Iraq's international legal arrangements between committees to harmonise socio-economic with environmental protection and conservation.

Third, environmental factors must be incorporated into development plans, with concrete actions taken to enact laws and regulations addressing environmental pollution. This includes enforcing environmental impact assessments for both new and existing production projects and increasing financial resources dedicated to achieving SDG8 to effectively tackle environmental challenges.

Fourth: Create harmonisation between subsidiary committees. This can be achieved by establishing synergy on the administrative level; this would be a successful integration step that unifies their efforts in addressing environmental and social values to be in harmony with economic goals.

Fifth: Establish a synergy working office to oversee the implementation of the SDGs. To build integrated plans, realise possible co-benefits, and reach an agreement on tradeoffs where they exist between SDGs, this office should be led by well-trained experts to be in charge of managing, contacting, and information sharing between key conventions of Agenda 2030, as well as holding regular meetings between committees to update on international progress and local implementation accomplishments.

FOOTNOTES:

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10. Dhifaf Riyad Salih, 102.
11. For detailed discussions of the meanings of implementation and compliance, especially as they are tied to effectiveness, see Oran R. Young, "Effectiveness of international environmental regimes: Existing knowledge, cutting-edge themes, and research strategies." *Proceedings of the National Academy of Sciences* 108, no. 50 (2011): 19854; Fernando Cardozo Fernandes Rei., 154.
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18. UNGA Res. 1995 (XIX) (1964); www.unctad.org. (accessed on 18 November 2014)
19. Senior officials from the following bodies participated: FAO, UNESCO, WMO, WHO, ILO, World Bank, IAEA, UNEP and UNDP; any other body member could also take part in discussions on relevant topics.
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