

THE REPUBLIC OF IRAQ IMPLEMENTED INTERNATIONAL AGREEMENTS TO COMBAT DRUGS

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Abstract: States with different social and legal systems, cultures, spiritual values and the historical capabilities of their peoples unite in modern circumstances legal policy to confront the threats to peaceful coexistence. The development process in all societies is also affected by the exercise of States, their democratic and parliamentary institutions, the rights and freedoms of citizens and political pluralism. States' practice also affects various economic factors and social factors. The expected development of man, society and the State in the first place lies in the maintenance of peace and the establishment of effective national and regional security systems, because development and security are interdependent and contribute to the safety of social life.

Keywords: International cooperation Legal protection, Drug control, International security, National laws, Republic of Iraq.

1 Introduction

The need to activate international drug control cooperation is due to the high level of integration of drug crimes in Iraq into international drug trafficking, where State borders, national identity and differences of opinion are no longer obstacles to criminals trading in death. Heroin and opium in the "black" drug market come from neighboring countries. Under these circumstances, it is increasingly important to establish partnerships among States, particularly in areas such as law enforcement, as well as in drug demand reduction and prevention, more than ever before.

Iraq joined the Anti-Narcotics Conventions 1961 (Lande, 1962) and the Convention against Narcotic Drugs and Psychotropic Substances in 1988. Iraq's accession to the anti-drug conventions is a distinct step in enhancing international cooperation in the field of combating narcotic drugs and psychotropic substances. However, Iraq's accession to these conventions has legal effects. International commitments should be made to reduce the phenomenon of drugs in Iraq (Iraqi Chronicle, Law On The Ratification Of The Uniform Convention On Narcotic Drugs, 1961).

2 Methods

The method of system-structural analysis is used as the methodological basis of the research. It helps to reveal the importance of ensuring regional cooperation of States in ensuring the protection of the world's ocean ecosystems from pollution. For the purpose of modern interpretation of Convention norms, the most promising methodology is a combination of methods of historical and political science, international legal analysis. In addition to General scientific methods, private scientific methods, formal logical method, comparative law and legal modeling methods, as well as some logical techniques, such as induction and deduction,

generalization and comparison, were used to solve the problems underlying the research.

3 Results

These international obligations emanating from international drug control conventions should be reflected in the Iraqi legislation to achieve the purpose and objective of these international agreements, because drugs represent the greatest challenge to the Republic of Iraq as a flagrant attack on the moral and value system. The health of the Iraqi society, has confirmed government reports that the drug escalated use in Iraq in recent times, especially in the provinces of Iraq, which suffer from unemployment and poverty, and a lot of beggars, and we believe that the spread of the phenomenon of narcotic drugs. The phenomenon of terrorism is very widespread. When society is under the influence of drugs and psychotropic substances, it becomes an attractive environment for criminality, the most prominent forms of crime and the most dangerous is terrorism.

Hence, the Republic of Iraq through the legislative authority of the Iraqi Council of Representatives to issue the law against drugs and psychotropic substances No. 70 of 2017.

This law aims to:

- First: Developing the state agencies concerned with combating illicit trafficking in drugs, psychotropic substances and chemical precursors or misuse.
- Second: Intensify measures to combat trafficking and illicit circulation of narcotic drugs, psychotropic substances or chemical precursors and limit their spread.
- Third: Ensuring the effective implementation of international treaties relating to narcotic drugs, psychotropic substances and precursor chemicals ratified or acceded to by the Republic of Iraq.
- Fourth: Ensure the safety of dealing with narcotic drugs, psychotropic substances and precursor chemicals for medical, scientific and industrial purposes.
- Fifth: Prevention of addiction to drug or psychotropic substances and abuse and treatment of addicts in any of them in hospitals and hospitals eligible for treatment.

Article (3) / First: The Ministry of Health establishes a body called the Supreme National Commission for Narcotic Drugs and Psychotropic Substances (Iraqi Chronicle, Law On The Control Of Narcotic Drugs And Psychotropic Substances No. 50 Of 2017).

The Commission consists of ministries, bodies and trade unions specialized in combating drugs, but we did not see among these bodies the information network and the Ministry of Higher Education and scientific research, and this is contrary to the effective implementation of international treaties related to drugs and psychotropic substances, which stressed the need to give a big role. And effective for the media in order to raise awareness in society about the dangerous effects caused by drugs on the individual and society, and the point of embarking on the strategy in the fight against drugs begins by educating the community in the educational stages of the dangers of drugs and this role rests with the Ministry of Education and Research Scientific research.

The Authority's powers and competences were defined by the law by setting the general policy for the importation of any kind of narcotic drugs and psychotropic substances, coordination and cooperation between the ministries and the competent authorities in the affairs of narcotic drugs and psychotropic substances and between the official Arab and international bodies and civil society organizations concerned. , To take the necessary measures to combat the phenomenon of drug abuse and abuse of psychotropic substances according to the scientific, corrective

and therapeutic method for addicts, to determine the amount of narcotic drugs and psychotropic substances (Iraqi Chronicle, Law On The Control Of Narcotic Drugs And Psychotropic Substances No. 50 Of 2017).

The reasons behind the Republic's enactment of the Anti-Narcotics and Psychotropic Substances Law are the ratification of the Republic of Iraq and its accession to several international treaties related to narcotic drugs and psychotropic substances and to counter the spread of illicit trafficking in narcotic drugs and psychotropic substances in Iraq and to suppress criminal gangs that mislead certain categories of people And encourage them to abuse those substances that pose a serious threat to human health and well-being and harm the economic, social, cultural and ethical foundations of society and for the purpose of adopting scientific rules in the treatment of drug addicts and Psychotropic substances and to strengthen Arab and international cooperation in this regard and to prevent the cultivation or reduction of narcotic drugs or plants from which psychotropic substances are taken as a dangerous scourge threatening the society (Fadel, 2018).

It should be noted that the Iraqi legislator in the Law on Combating Drugs and Psychotropic Substances has agreed on its legal provisions in the field of interest in the therapeutic aspect. Article 8 of the Anti-Narcotics and Psychotropic Substances Law stipulates that:

First: Establish in the Ministry of Labor and Social Affairs a center for the rehabilitation of drug addicts or psychotropic substances who are scheduled to be released by judicial decision or released from the Iraqi Rehabilitation Department or Juvenile Rehabilitation Department upon completion of their sentence or removal of the hospital or suspension of their frequency at the psychiatric and social clinic. Subject them to a rehabilitation program in coordination with the Ministry of Health and the opening of other centers in the provinces as needed.

Second: The center provided for in item (Lande, 1962) of this Article shall establish an appropriate program to qualify those wishing to learn a profession that suits their qualifications and employ them in such a way as to provide them with an adequate source of income and follow up the implementation of subsequent care programs.

Thirdly: The Center may use its program to employ psychologists, social workers and qualified religious counselors to treat drug addicts or psychotropic substances.

The legal provisions contained in the Anti-Narcotics and Psychotropic Substances Law have also been harmonized with the international conventions related to drug control, which Iraq has regulated in the field of allowing the medical use of drugs and psychotropic substances. Article (9.8) states:

First: The import, export and transfer of narcotic drugs, psychotropic substances and chemical precursors shall be authorized or approved by the Minister of Health.

Second: The leave is granted for a period of one year renewable and expires on 31 December of each year.

Thirdly, the granting of leave shall be subject to the limits of the quantity of narcotic substances, psychotropic substances or precursors approved by the Supreme National Commission for Narcotic Drugs and Psychotropic Substances on import or export and shall be transferred in the year in which such leave is granted (Iraqi Chronicle, Law On The Control Of Narcotic Drugs And Psychotropic Substances No. 50 Of 2017).

4 Discussion

The import, export, transfer, cultivation, production, manufacture, possession, acquisition, sale, sale, purchase, delivery, transfer, medical description, barter, assignment or sale of narcotic substances, psychotropic substances or precursors

may not be imported, exported, transferred, In any case except for medical or scientific purposes and in the circumstances and conditions provided for in this Law.

The Iraqi legislator restricted the medical use of drugs and psychotropic substances. Article 19 states that a doctor may not prescribe narcotic substances or psychotropic substances to any patient except for the purpose of medical treatment and in accordance with the instructions and regulations issued by the Ministry of Health. The pharmacist may not dispense narcotic substances or psychotropic substances unless by a prescription from a doctor or by a license issued by the Ministry of Health specifying narcotic drugs and psychotropic substances and their amount.

The law referred to the penalties clearly in Article 27, where it is stipulated that any person who commits one of the following acts shall be sentenced to death or to life imprisonment:

First: Import, import or export of narcotic substances, psychotropic substances or chemical precursors for the purpose of trading in them other than those authorized by law.

Second: Produce or manufacture narcotic substances or psychotropic substances for the purpose of trading in them other than in the cases permitted by law.

Third: Planting a plant that produces narcotic or psychotropic substances or imports, imports or exports plants from these plants at any stage of its growth in order to trade them or trade their seeds in other than the conditions permitted by law.

The penalties also included an aggravating circumstance if the perpetrator committed the crime more than once or if the perpetrator was a member of the public service or charged with combating trafficking or the illicit use of narcotic drugs and psychotropic substances, or if the perpetrator participated in an international gang or was in concert with A crime that violates the internal or external security of the State, or if the perpetrator used violence or weapons to commit the crime ...)

Article (44) provides that the control authority of narcotics of all kinds, amounting to one million dinars per kilogram of resources, shall be doubled and doubled in the case of arrest of the fugitive accused and possession of narcotic substances.

The law also discriminates against traffickers and the amount of drugs they have. A person with hallucinations can not be punished with a person who trades a kilo of grams of crystal.

We believe that measures to reduce the supply of illicit drugs in Iraq can not be implemented without a concerted response. It is necessary to identify and suppress the sources of drug trafficking, not only to determine the drug distribution system in Iraqi territory, but also to establish contacts between suspects and accused with suppliers Abroad, to identify and suppress the channels of smuggling and sustainable, and this is achieved through the promotion of bilateral and regional cooperation between Iraq and neighboring countries.

The suppression of illicit export channels of narcotic drugs and psychotropic substances and their precursors is of political importance, particularly in light of Iraq's negotiating process with neighboring States and the implementation of the road map agreements on a common space of freedom, security and justice (Nasser Abed, 2018).

The most important link in the system of measures to combat the spread of drugs and reduce the population's addiction to drugs is to organize cooperation with foreign partners, not only at the bilateral level, but also on a multilateral basis (Aziz Mohamed, 2001).

In particular, these opportunities are provided by Iraq's participation in the United Nations Law Enforcement Agencies Program on Combating Illicit Drug Trafficking as Observers,

which ensures the creation of a broad information space within the framework of the drug control policy to develop measures to combat the drug threat and to suppress the crime of transnational drugs. And the joint coordination in the field of drug control, thereby strengthening the system of international cooperation in the fight against illicit drug trafficking, covering all regions of the world, disseminating uniform principles of international drug control to the international community as a whole. For illicit drug trafficking in the Republic of Iraq.

The policy of state in the field of drug control should be systematically based on the exclusion of official and declaratory approaches in this direction, with a clear focus on the drug control stance and on the unified measures between the state and society (Suef, 1998).

In order to successfully combat illicit drug trafficking at the national and global levels, it is important to ensure effective international cooperation in strengthening the role of the judicial authorities and mutual legal assistance (Omran, 2005).

5 Summary

Regional and international cooperation between the Republic of Iraq and the external international environment should be strengthened through the conclusion of memorandums of understanding and bilateral and regional agreements aimed at combating narcotic drugs and psychotropic substances. The agreements are based on the common problems and specific needs of the Republic of Iraq and neighboring States. Taking into account the specificities of local infrastructure and the cultural and political identity of States.

Activating the intelligence component in the Republic of Iraq to detect drug smugglers. This is because the phenomenon of narcotics helps greatly in spreading the phenomenon of terrorism. When society is under the influence of drugs and psychotropic substances, it becomes an attractive environment for criminality.

Demanding continued economic support from countries that have ratified the conventions related to the fight against drugs and psychotropic substances. Iraq is facing a regional and international challenge in the field of combating drugs and psychotropic substances.

To provide practical assistance in regulating the direct contacts of the law enforcement and customs authorities, especially in the Republic of Iraq, where urgent measures should be taken to achieve border security between the Republic of Iraq and neighboring countries.

The participation of the Republic of Iraq in the convening of regional and international forums against narcotics and psychotropic substances, which helps to exchange statistical data from the study, analysis and synthesis of practice and expert assessments for the development and standardization of international and national legal norms in the field of combating drugs and psychotropic substances. Of the national legislation of the States that have ratified the said documents, including the Republic of Iraq.

Amending the Anti-Narcotics and Psychotropic Substances Law No. 50 of 2017 in order to achieve the purpose for which the law was promulgated and in line with the international obligations arising from the international conventions related to combating

drugs and psychotropic substances. The amendments include the following:

In order to ensure the effectiveness of the work of the Supreme National Commission for Narcotic Drugs and Psychotropic Substances, the rest of the relevant institutions should be involved in combating drugs and psychotropic substances, including:

- Add the membership of the Information and Communications Commission in the membership of the Supreme National Commission for Narcotic Drugs and Psychotropic Substances.
- Adding the membership of civil society organizations to the membership of the Supreme National Commission for Narcotic Drugs and Psychotropic Substances.

6 Conclusions

If intergovernmental cooperation on these issues is not established, the provisions of the international treaties against illicit drug trafficking, particularly those contained in the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, will often be impossible to implement.

It should be noted that the mere existence of agreements against drug trafficking still does not solve the problem of confronting this evil. It is essential that these conventions work effectively. This, in turn, depends on many factors, including a clear mechanism for international legal control in the field of narcotics and psychotropic substances.

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