

Preface and Acknowledgments

The Middle East and North Africa (MENA) region is rich in biological, natural, and cultural resources. The region's diverse natural ecosystem ranges from semi-arid savanna to mountain upland plateaus, riverine and coastal plains, sand deserts, coastal mangroves (*qurm*), seagrasses, dry river valleys (*wadis*), wetlands, swamp forests, coral reefs, and oases.¹ In addition to the vast array of flora and fauna, the MENA region is also known for its rich cultural heritage, being home to several United Nations Educational, Scientific and Cultural Organization (UNESCO)-designated world heritage sites.² The diversity and richness of natural and cultural resources across the MENA region has been pivotal in catalyzing significant economic, touristic, cultural, social, medicinal, and eco-entrepreneurial activity in many parts of the region.

However, several of the biodiversity resources in the region increasingly face major threats. Environmental stresses relating to the overexploitation of plant and animal species, destruction of wildlife habitats, oil-related pollution, climate change, and underdeveloped resource management frameworks, coupled with gaps in environmental awareness and education, contribute to progressive biodiversity loss across the region. These debates have assumed greater significance and urgency as the United Nations Sustainable Development Goals (SDGs) 12, 14, and 15 underscore the need for all countries to protect the environment and avoid the unsustainable use of biological resources.³ The devastating impacts of the COVID-19 pandemic have also accentuated calls for a more balanced relationship with nature and all elements of the ecosystem in order to reduce the rising scale of pandemics and zoonotic diseases in areas where they did not exist before. As MENA countries implement COVID-19 economic recovery plans, understanding the scope and application of extant biodiversity law and policy across the region, the gaps that remain, and

¹ Damilola Olawuyi, *Environmental Law in Arab States* (Oxford University Press 2022) 245–275.

² Ibid., see also UNESCO, “Arab States” UNESCO World Heritage Centre <https://whc.unesco.org/en/arabstates/> accessed January 13, 2023.

³ United Nations, *The 2030 Agenda for Sustainable Development: Transforming our World – The 2030 Agenda for Sustainable Development* [2015] A/RES/70/1 <https://sdgs.un.org/partnerships> accessed January 13, 2023.

innovative environmental law education approaches for addressing those gaps can help policymakers and stakeholders to plot a clearer path for systemic integration and reform.

Despite the rise in public awareness and policy formulation on biodiversity and nature conservation across the region, only a few MENA countries have developed clear and comprehensive legal and institutional frameworks that coherently address the emerging threats. Furthermore, biodiversity education is still at an alarming stage of infancy in the region. One key reason for the slow pace of the expansion of legal education on biodiversity, nature conservation, and the protection of cultural heritage in the region is the absence of an authoritative text that unpacks the nature and guiding principles of biodiversity law and policy in the region. For example, while there are several cutting-edge books on biodiversity law and policy in other world regions, the law, governance, cultural, and ethical dimensions of biodiversity and nature conservation in the MENA region have yet to receive a detailed, authoritative, and book-length exposition. This book fills a gap in this regard.

This book also introduces readers to the latest legislative developments on biodiversity, nature conservation, and the protection of cultural heritage in the MENA region. Through a mix of thematic and case study chapters, the book explores the applicable legislation and institutions as emerging innovative and bottom-up approaches to foster greater coherence in the implementation of biodiversity and nature conservation treaties across the region. The gaps that stifle the coherent implementation of biodiversity treaties, including issues of regulatory fragmentation, gender inequality, inadequate protection of land rights in biodiversity programs, insufficient stakeholder engagement, limited access to environmental information, and a lack of comprehensive domestic legislation, are unpacked across the book. The book also provides legal assessments and reflections on how MENA countries can advance existing national strategies and visions on access and benefit sharing, biodiversity financing, biodiversity entrepreneurship, biodiversity education, nature-based solutions, and restoration of natural ecosystems, among others, through clear and comprehensive legislation.

Overall, the book aims to enhance an understanding of the interrelationships between biodiversity, nature conservation, and the attainment of water, energy, and food security, as well as resilience to global disasters such as climate change and global pandemics. Second, it explores and appraises the laws, policies, and institutions that address biodiversity, nature conservation, and the protection of cultural heritage in the MENA region. Third, it aims to foster an understanding of the various legal, policy, and governance challenges that hinder a nexus and integrated implementation of biodiversity and nature conservation treaties at national and municipal levels in the MENA region. Finally, the book analyzes how decision-making and information sharing on biodiversity and nature conservation can be enhanced across diverse institutions and stakeholders, and how this can be simplified and integrated in practical terms, including through environmental education.

In examining these issues, this book takes an international and comparative approach that benefits immensely from the cutting-edge research and professional and teaching experience of the editors and contributors from across the region and beyond. Furthermore, the book is prepared in a user-friendly style to enhance its utility among its primary audience, namely students, corporations, environment departments and ministries, law firms, courts, and arbitrators, notably international and regional committees and tribunals before whom arguments over biodiversity, access and benefit sharing, and resource management often come for resolution. The book analyzes the key roles that international institutions such as the United Nations Environment Program (UNEP), International Renewable Energy Agency, Global Environment Facility, World Trade Organization; regional institutions such as the League of Arab Nations, Gulf Cooperation Council, Asian Development Bank, African Development Bank; and national institutions such as ministries and departments, play in biodiversity, nature conservation, and the protection of cultural heritage in the MENA region.

It remains for us to register our profound gratitude to many helping hands, without whom the publication of this book would not have been possible. This book is the second book project of the Association of Environmental Law Lecturers in Middle East and North African Universities (ASSELLMU), a professional network of leading environmental law academics in the MENA region, which was established in 2018. The book was conceived at the 4th ASSELLMU Conference held at the University of Jordan, February 27–28, 2023. Special thanks to the President of the University of Jordan, Dr. Nathir Obeidat, as well as Dr. Omar Khataibeh, Dr. Ghufra Hilal, and everyone at the University of Jordan for their exceptional contributions to the success of that conference. Thanks are also due to Dean Susan L. Karamanian of the College of Law, Hamad Bin Khalifa University (HBKU) for her exceptional and steadfast support for ASSELLMU's events and activities. We must especially acknowledge UNEP and SADER Legal Publishing for their timely research funding and support without which this book, as well as all other ASSELLMU initiatives and programs, would not have been possible. We are deeply grateful to Professor Patricia Mbote and Aphrodite Smagadi at UNEP for their support and contributions to the success of this book. We also appreciate the UNESCO Chair on Environmental Law and Sustainable Development at HBKU; the Research Laboratory on Business Law of Hassan 1st University, Settat, Morocco; the Jordanian Society for Climate and Sustainable Development; the Institute for Oil, Gas, Energy, Environment and Sustainable Development at Afe Babalola University, Ado Ekiti, Nigeria; and the Rule of Law Programme Middle East and North Africa, Konrad-Adenauer-Stiftung, for their technical cooperation and partnership for the conference and the eventual publication of this book.

Special thanks are due to the editorial staff of Cambridge University Press, especially Toby Ginsberg, for the smooth and professional review process which guided this book through to its timely completion. Our profound appreciation also goes to

Elena Athwal (Harvard Law School) and Tasniem Ahmed Elyass Hussain (HBKU College of Law) for providing remarkable and thoughtful research assistance. They assisted greatly in collating chapters at submission, review, and editing stages. We specially acknowledge the dedication and collegiality of all the contributing authors, whose substantial research and commitment to leading-edge scholarship in this field have been pivotal to the production of this book.

Finally, the editors are grateful to their family for their love, support, and inspiration. Thanks are also due to our exceptional students whose class contributions and ideas greatly shaped the conceptualization and development of this book.

This book has endeavored to state the position of the law as of March 2024, although authors have been able to take into account subsequent developments in a few instances.

Damilola S. Olawuyi, SAN, FCI Arb, Doha, Qatar
Riyad Fakhri, Settati, Morocco