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Legislation

No. 24



## Agricultural Land Lease Law

No. (24) of 2024

قانون اجار الاراضى الزراعيه

Translated in

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**In the Name of People**

**Presidency of the Republic**

**RESOLUTION NO. (25)**

Based on what had been approved by the Parliament, in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided October 7, 2024 issuing the following Law:

**NO. (24) OF 2024**

**AGRICULTURAL LAND LEASE LAW**



**ARTICLE**

**1**

The Ministry of Agricultural may lease areas of land of the Ministry of Finance that allocated for the purposes of agricultural reform to Iraqi agricultural companies, agricultural associations and Iraqi individuals with an area not exceeding (5000) five thousand donums, and what is more than shall be presented to the Council of Ministers, and the lease contracts for invested or exploited land concluded before the entry into force of this law shall remain in force, even if the leased area exceeds (5000) five thousand donums.

**ARTICLE**

**2**

The following shall be taken into account when leasing:

First: The duration of the lease contract shall be (25) twenty-five years with the approval of the Minister or his/ her authorized representative, renewable for a period of (10) ten years each time, and renewal shall not be required the expiration of the lease contract.

Second: The tenant shall be allowed to:

- a. Establishing livestock projects, taking into account the controls for the establishment of these projects.



b. Establishing complementary-to-agricultural-activity projects in both its categories (plant and animal), taking into account the special controls for the establishment of these projects on the site.

Third: The right to disposal shall be granted to the tenant who plants an area not exceeding (10) dunams planted with date palms, olive trees, sidra trees or fruit trees after (5) five years as of the planting date and the horticulture and modern irrigation conditions are met, provided that the number of date palms does not fall below (40) forty palms per dunam, and that the cultivated land is classified as horticulture and is a single piece without fragmentation.

**ARTICLE**

**3**

The tenant shall be required the following:

First: Not an employee or a member of the Internal Security Forces, a military member or a public service commissioner who receives a salary and allowances from the government, provided that the lease contracts concluded with them before the entry into force of this law remain valid.

Second: Not a beneficiary of laws and agricultural reform decisions, provided that he/ she is not entitled to combine more than two contracts

Third: Not convicted of terrorism and drug crimes.



**ARTICLE**

**4**

First: The lands allocated or have been allocated for the agricultural investing projects shall be excepted from the provisions of this Law, under the investing plan, in accordance with the amended Law of Investment No. (13) of 2006 or any other law replacing it with the coordination of the Ministry of Agriculture and the National Investment Body.

Second: The tenant may, in accordance with the provisions of this Law and its instructions, ask the concerned agricultural departments for including him/ her by the provisions of the Investment Law in a manner that ensures the development of the agricultural sector, provided that the contracted area shall not be less than (50) fifty dunums. The Lease contract shall be expired automatically upon the issuance of the investing license.

**ARTICLE**

**5**

First: The lands included by the provisions of this Law shall be rented by public auction in accordance with the provisions of the amended Law of Selling and Renting of State's Funds No. (21) of 2013, in accordance with the technical matrix form for rental allowances prepared by the Ministry of Agriculture before the public auction, in



accordance to instructions issued by the Ministry of Agriculture, by the approval of the Prime Minister.

Second: The Minister of Agriculture may, by the decision of Opinion Board, amend the technical matrix of the annual rental allowances for each dunum in accordance with the difference of the general averages of prices in Iraq.

Third: The desert lands shall be excepted from the procedures of the public auctions and be rented in accordance with its own regulations.

**ARTICLE**

**6**

First: The tenant shall be committed, in accordance with the provisions of this Law, to the following:

- a. Using the modern scientific methods of agriculture and irrigation.
- b. Maintaining the networks of irrigation and drainage in accordance with the provisions of The Amended Law of Maintaining the Irrigation and Drainage Networks No. (12) of 1995 or any other law replacing it.
- c. Not harming the agricultural lands that are preserving their fertility.
- d. Following the agricultural rotation in accordance with the Ministry's plan.
- e. Cultivating the strategic crops which are considered main crops needed by the society for the agricultural and industrial purposes within specified period and other crops in accordance with what is approved by the Ministry of Agriculture.



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## Agricultural Land Lease Law

- f. Cultivating palm trees, olive, nabk and fruit trees in accordance with the plan decided by the Ministry of Agriculture and the instructions issued regarding the implementation of this Law
- g. Obliging the companies to the security of workers in accordance with the Worker Retirement and Social Security Law No. (18) of 2023 or any other law replacing it.

Second: The rented land may not be exploited for purposes other than those for which it was rented and the tenant may not divide it under any circumstances.

Third: The tenant may establish temporary irrigation facilities, plant orchards or implement livestock projects and projects complementary to agricultural activity in an area not exceeding (15 %) fifteen per cent of the rented area, pursuant to the Renting Contract. He/ she may plant windbreaks on the borders of the rented area, provided that ownership of the orchards and facilities established reverts to the state upon termination of the contract, in accordance with the requirements of the public interest, in exchange for compensating the tenant with its actual value.

### ARTICLE

## 7

The Ministry of Agriculture shall undertake the task of monitoring and inspecting the contractor on a periodic basis, in accordance with the provisions of this law, to ensure the implementation of the law's provisions. The tenant shall facilitate the entry of authorized employees to the agricultural land to perform their duties.



ARTICLE

8

First: If the tenant fails to fulfill his/ her legal, contractual or technical commitments on the leased land, he/ she must remove the violation within a period not exceeding (90) ninety days as of the occurrence of the violation. The Minister of the Agriculture or his/ her authorized representative may issue a decision to terminate the lease contract and recover the land from the tenant, and the plants and facilities he/ she has created at their value due for removal, estimated in accordance with the provisions of this law, in the event that the violation is not removed.

Second: If the tenant does not cultivate the agricultural land, he/ she shall bear double the similar rent of the uncultivated agricultural land, and his/ her contract shall be terminated after two consecutive years of not cultivating it.

Third: In the event that there are two or more partners in the contract and one of the partners fails to fulfill his/ her contractual, legal or technical obligations, legal measures shall be taken against him/ her by terminating his/ her share and it shall be presented to the remaining partners in the contract for the purpose of adding it to their shares. In the event that they do not wish to do so, this share shall be announced for rent by public auction in accordance with the law.

Fourth: If the public interest requires it, the Minister of Agriculture or his/ her authorized representative shall issue a decision to terminate the lease contract, recover the land, compensate the tenant for the damages he/ she suffered, and take possession of the plants and facilities that he/ her created at their actual values, estimated in accordance



with the provisions of this law. The beneficiary shall bear paying the value of the compensation to the tenant.

Fifth: It is permissible to add an area to the contract that does not exceed the distribution unit in the event that there is a vacant area that overlaps with the area of the original contract to which it is to be added, provided that there are no disputes. Otherwise, it shall be announced by public auction.

Sixth: A committee shall be formed, by decision of the Minister of Agriculture, to estimate the values of the plantations and establishments and the estimated compensations stipulated in the two previous paragraphs, headed by a representative from the Real Estate Registry and with the membership of an agricultural expert and a financial expert, and the beneficiary party shall bear their fee.

### ARTICLE

## 9

The Minister's decision issued in accordance with the provisions of Items (First, Fourth) of Article (8) shall be subject to objection before the competent Court of First Instance within (15) fifteen days as of the date of notification, and the Court's decision shall be subject to appeal before the Court of Appeal in its Cassation capacity within (30) thirty days as of the date of notification



ARTICLE

10

The Minister or his/ her authorized representative may approve the following:

First: The tenant's waive of his/ her contractual and legal rights and obligations to a third party who meets the legal conditions.

Second:

- a. Transferring the rights and obligations of the tenant upon his/ her death to his/ her heirs whose names are mentioned in the estate regular legal division rule, within a period not exceeding (6) six months as of the date of his/ her death, provided that they meet the legal conditions for the contract.
- b. Taking into account paragraph (a) of this Item, if there are minors and adults and they haven't agreed to choose one of them to transfer the rights and obligations to him/ her or to approve him/ her as an heir to manage the affairs of the contract, the contract shall be terminated and the land shall be returned to the State and the heirs shall be compensated for the actual value of the existing establishments and plantings.
- c. In the event that the heirs do not report the death of their testator and the legal procedures stipulated in paragraphs (a, b) of this Item are completed, legal measures shall be taken against them by terminating the contract after warning them in accordance with the provisions of this law.



ARTICLE

11

First: The Minister of Agriculture or his/ her authorized representative may postpone the collection of rent allowance in cases of extreme necessity. The Minister may approve the payment of rent in four equal installments per year.

Second: The Council of Ministers may, based on the Minister's proposal, exempt rent allowance in whole or in part, or reduce it in cases of force majeure, with the approval of the governorate's agricultural committee by a formal report certified by the governor.

Third: The Council of Ministers shall have the authority to amend the rent allowance of agricultural lands.

ARTICLE

12

First: (10%) ten percent of rent allowances shall be allocated to address cases resulting from natural disasters and agricultural risks through the establishment of a fund to address cases resulting from natural disasters and agricultural risks. This shall be regulated by instructions issued by the Minister.



Second: (3%) three per cent of the revenues generated from rent allowances shall be allocated to the assessment committee, tax collectors, and supervisory and oversight bodies, to cover the requirements of the administrative service and employees, in accordance with instructions issued by the Minister

**ARTICLE**

**13**

First: Law No. (35) of 1983 on the Agricultural Reform Land Lease of the Agricultural Companies and Individuals and its amendments shall be repealed, provided that agricultural contracts concluded pursuant thereto that are not repealed for a legal reason shall remain in effect, and the provisions of this law shall be applied thereto, except what is excluded thereof by special provision. Instructions issued pursuant thereto shall remain in effect, provided that they do not conflict with the provisions of this law, until they are replaced or repealed.

Second: Decision No. (44) of 1997 of the (dissolved) Revolutionary Command Council shall be repealed.

**ARTICLE**

**14**

Agricultural lands located within disputed areas shall be excluded from the provisions of this law until Article (140) of the Constitution is resolved.



**ARTICLE**

**15**

The Minister of Agriculture may issue instructions to facilitate the implementation of the provisions of this law.

**ARTICLE**

**16**

This law shall enter into force thirty (30) days after the date of its publication in the Official Gazette.

**Abdul Latif Jamal Rasheed**

**President of the Republic**