

FOREST LAW

No. 75 of 1955

We Faisal The Second, King of Iraq, after observing the first paragraph of the Twenty-sixth Article of the constitution and after the approval of Parliament, hereby sanction the following law and order its publication:

Article 1. The following terms have their definition as stated below:-

The Minister - Minister of Agriculture.

Director - General - Director General of Forests and Plantations.

Directorate - Directorate - General of Forests and Plantations of the Ministry of Agriculture.

Forest Official - Any person who is from the Directorate - General of Forests and Plantations Personell appointed by the Director - General from time to time as a forest official.

Forest - Any land bearing trees or that is suitable for a dense growth of large or small woody trees.

Undemarcated Forest - is a state forest which has not been surveyed and demarcated and in which the local inhabitants could utilize its produce according to a special permit issued by the Directorate - General.

Reserved Forest - A State Forest which has been surveyed and demarcated and placed under the control and administration of the Directorate General of Forests and Plantations and declared by a notification to be published in the official gazette and in which the local inhabitants could utilize its produce according to a special permit issued by the Director - General.

Closed Forest - Is the Reserved State Forest which is prohibited for any person to enter or dispose of its produce or to graze his animals in order to protect it and its trees or for any other technical purpose which has to be declared by publishing a notification in the official gazette.

Forest Produce - Any movable and immovable article existing in the forest such as timber , firewood, charcoal , resins , galls , grass , leaves , fruits , seeds , roots , fibre , bark , reeds , honey , manna , humus , soil and rocks.

Tree - Any plant with a woody stem in any stage of its growth.

Timber - Trees in all stages of growth, whether standing fallen, or fashioned by any form or for any purpose.

Livestock - Includes bulls, cows, goats, buffaloes, horses, mares, mules, donkeys, sheep, camels, pigs and their youngs, together with other domestic and grazing animals.

Shepherd - Any person who is tending livestock.

Article 2. The forests are divided into three categories:-

- 1- State Forest,
- 2- Wakif Forest (Endowed Forest),
- 3- Private Forest.

Article 3. The provisions of this law shall be applied to the State Forests. Private and Endowed Forests are exempted except from the technical and administrative supervision.

Article 4. A- Establishing , extending . and management of forests are considered of Public Interest and The Immovable Appropriation of Property Law shall be applied thereon.

B- The Minister of Finance will, upon an application submitted by the Minister of Agriculture, provide an area of State Land for the purpose of planting, establishing or extending the forests.

C- The minister may plant trees on the main irrigation canals and on the major public highways outside the boundaries of the municipalities after the approval of the appropriate agencies.

D- The minister of agriculture after the approval of the Council of Ministers may declare a special day in the year as an official holiday for the purpose of the "tree planting day celebration" in each Liwa of Iraq according to the local variation in the weather conditions suitable for planting trees.

E- The Director General after the approval of the Minister may control the transport of wood, charcoal, and other forest produce according to special permits or he may prohibit such transport completely.

F- The Minister may reduce the price of selling seedlings for public purposes.

Article 5. No disposal of any kind, after issuing this law as privileged by a concession in a Reserved Forest is allowed until the approval of the Council of Ministers is obtained.

Article 6. 1- No one is allowed to carry out the following acts in a Reserved Forest or a Closed Forest or cause to bring about:-

- a. Burning or stripping the bark of a tree or to remove its leaves or to damage it in any way.
- b. Burning grasses or weeds or setting fire in it.
- c. Dig, cut, plow, sow or cultivate the soil or to collect its produce.
- d. Construct a dam or a weir on a river or a stream passing through the forest or changing its course in any way.
- e. Reside or erect a building unless approved by the Minister.
- f. Damaging the boundary marks, fence, wall or structures erected in the forest or parts thereof.

- 2- No tree is to be planted in a reserved forest unless permitted by the Forest Official.
- 3- No removal of forest produce or grazing are allowed unless a permit is granted in accordance with this law, regulations and instructions issued accordingly.
- 4- Digging, the soil or cutting the trees are not allowed in a region which has been declared that it is under demarcation and survey preparatory to declare it a reserved forest.

Article 7. When a fire breaks out in a forest the The Forest Official, for extinguishing the fire, will ask the help of any Male Person who is sixteen years of age or older and living within a distance of not more than five Kilometers from the fire.

Article 8. The Director - General will issue licenses allowing the villagers and tribesmen to graze their animals in the adjacent forests according to instructions which shall be specified by regulations.

Article 9. Any one who violates a provision of Article 6 will be punished with imprisonment for a period not exceeding one year or with a fine not exceeding 10.100 or with both penalties.

- 2- In addition to the penalty stated in Para (1), the Convict could be expelled from the area where the Reserved Forest or the Closed Forest are located, with the removal of any structure that he has illegally erected in the forest. It is also legal to confiscate all the cultivation and trees that have been planted contrary to this law and the

- 3- Any person who purchases or receives a forest produce knowingly or has reason to believe that such produce has been taken from a reserved forest or from a closed forest will be liable to an imprisonment not exceeding one year or a fine not exceeding 10.100 or both penalties.
- 4- Any person who refuses to render an assistance for extinguishing a fire breaking out in a reserved forest or a closed forest or refuses the order for rendering such assistance will be punished with an imprisonment not exceeding fourteen days or a fine not exceeding five dinars or both penalties.
- 5- If any cattle is found in a reserved forest and proved to be unlicensed for grazing in accordance with the provisions of this law or it was without a shepherd or its being in the forest is against the conditions of the license, the owner will be prosecuted with a fine not exceeding (50) fils for each head.
- 6- Any person, due to his negligence, who causes a fire in a forest will be considered an offender and will be punished with an imprisonment not exceeding three months or a fine not exceeding 30 dinars or with both.
- 7- Any one who offends a closed forest, grazes or allows grazing of his livestock in it will be prosecuted to an imprisonment of a period not exceeding three months or a fine not exceeding 30 dinars or both penalties.

8- Any one found in possession of forest produce against the provisions of this law and the regulations issued accordingly will be prosecuted to an imprisonment for a period not exceeding six months or a fine not exceeding fifty dinars or with both penalties, aside from the confiscated material.

Article 10. 1- The Director - General or the person he authorises will seize forest produce, tools and means of transport and detain them^{same} until a court's decision is reached for their disposal, provided that he has reasons to believe that such materials are being used for causing damage to the forest, or for exploiting it or utilizing its produce against the provisions of this law.

2- Forest Officials are authorised to enter any place where a judge does not exist, except in dwelling houses, for the search of forest produce suspected to be there, and they should be accompanied by the police man in charge of Police Post, Police Inspector, Police Officer, and Mukhtar and two persons of that vicinity and the produce shall be detained.

Article 11. If the court found that the imprisonment or the fine is less than what the convict deserves, it has the right to confiscate the license issued according to this law and the forest produce, and means of transport by or through which the offence was committed against the provisions of this law and the regulations issued accordingly.

- Article 12. Expenses for detained and confiscated materials and animals will be charged to the offender's account.
- Article 13. Forest Official, Police Officer, Policemen and Mukhtars are authorised to arrest without a written warrant any person suspected to have committed an offence stipulated in this law and they can take him to the nearest police station and subsequently a warrant of arrest will be obtained from the nearest court. These officials can ask the suspected person to give a cash or an individual security in lieu of his arrest and to attend at the time and place specified. They can further ask him to give a guarantee to the effect that no violation against this law as well as the regulations, instructions and notifications issued accordingly shall be committed by him.
- Article 14. Possessor of forest produce should prove that such produce has not been taken contrary to the provisions of this law.
- Article 15. The Minister will specify by a notification, the place where the forest produce is brought and put for sale.
- Article 16. The Minister will issue regulations and instructions to insure the application of this law and to comply with its purposes.

Article 17. The Turkish Forest Regulations issued in 1870, and the Plantation Law No. 43 of 1943 are hereby cancelled.

Article 18. This law shall be enforced on the date of its publication in the official gazette.

Article 19. The Minister of Agriculture and the Minister of Justice will enforce this law.

Written in Baghdad on 26th of May, 1955.

AK.

The Preamble:

It is agreed generally that the provisions of the existing Turkish Forest Law of 1870 have become obsolete and do not meet the needs of a modern forest policy that suits the present prevailing conditions. On the other hand, the plantation law No 43 of 1943 has presented great difficulties in its application, due to its compulsory action to force people to plant trees and be responsible for their failure. In addition, the plantation law did not contain anything relating to the natural mountain forests.

Consequently, the need for a new well defined law, suitable to the present-day conditions was of utmost necessity.

In general, we can list the advantage that the country will obtain through protecting and extending the forests as following:-

- a. Protecting the soil from weathering and erosion agents brought about by severe winds and running waters, and also to reduce the effect of floods.
- b. Production of timber necessary for industry, construction, fuel and charcoal to secure a suitable standard of living for the people of Iraq.
- c. To secure productive jobs for unemployed people.

- d. Ameliorate the climate and beautify the environment.
- e. To secure tanning material, medical drugs and other chemicals.
- f. To reduce silting of irrigation reservoirs and canals.
- g. Protection of fields and towns from severe winds and dust storms.

Thus it is clear that protection of these forests which constitute an important source of national wealth, and establishing new ones to spread out their values in different parts of the country are very essential.

The policy which the government aims at by enacting this law, therefore, is to protect and extend the existing forests and establish new ones by planting suitable areas in different parts of the country. In addition, this law aims to arouse love of trees and induce better understanding of forest values.

The destruction of our forests is going ahead very fast in our present mechanical age. It is our hope that this law would delay this action until such time as national consciousness would be created to conserve this valuable holy gift for the use of future generations.

However, this law is aimed to achieve its goals gradually and with an understanding attitude to allow the general public to get used to the new forest policy which is intended to abolish the old traditions which considered the forests as natural gift that could be used in any way desired.

AK.