

LAWS

therein, and he shall be partnered by the land owner for compensation in respect thereof in the proportion of his actual outlay in accordance with the terms of planting lease contract and local usage.

Article 10

Firstly : The land and appropriation committees shall assume the issuing of unified orders for all that is relative to the lands appropriated accordance with the provisions of this Law, including orders for assessment or compensation in kind or in cash, confirmation of titles to lands whose settlement is still pending, plantation lease rights, release of lands the cultivation of which is abandoned, and determine all claims made to them in this connection. All decisions of such committees are subject to verification and objection as provided for in the Agrarian Reform Law and other relative legislations.

Secondly : The Committee may, in urgent cases, issue independent orders for cash compensation in respect of installations, cultures and plants.

Article 11

Firstly : Cash compensation under the provisions of this Law shall be payable in respect of any damage attaches to the lands, plants, fixed installations and the plants existing outside reclamation (areas) owing to reclamation works.

Secondly : The committees specified in Article (10) shall assume the issuing of compensation orders referred to in Paragraph (Firstly) of this Article.

Article 12

The Land and Appropriation Committee shall notify the competent real estate registration department of its commencement of work in implementation of the provisions of this Law. This

department shall, in such a case, refrain from registering any transitional transaction relating to the lands covered by the provisions of this Law except after obtaining the approval of the said committee.

Article 13

Firstly : The area given in replacement shall be recorded in the category of the area replaced.

Secondly : The area of the land being appropriated in accordance with the provisions of this law which was not compensated, shall be registered in the name of the Ministry of Finance, as a property to the State for the purposes of Agrarian Reform.

Thirdly : Registration shall be carried out in accordance with the terms of this Article without fees.

Article 14

The real and appendant rights encumbering the lands being compensated with according to the provisions of this Law, shall be transferred to cash compensation. If they are not existed or insufficient, then they shall be transferred to the lands being compensated with.

Article 15

It is not permissible to separate or partition the agricultural unit specified in accordance with the drawings of the project neither consensually nor judicially.

Article 16

The Ministry of Agriculture shall bear the expenses of reclamation and shall recover the same in accordance with the provisions of Law No. 79 of 1985 as amended.

Article 17

The following legislations are hereby abrogated :

- 1- Law No. 152 of 1973 Regulating Ownership in Agricultural Projects.

LAWS

RESOLUTION No. (333)

In the Name of the People,
The Revolutionary Command Council.

In accordance with the provisions of Paragraph (a) of Article (42) of the Constitution,

The Revolutionary Command Council have decided in their session held on May 16, 1987 to promulgate the following Law :

LAW No. (42) OF 1987 :

REORGANIZATION OF AGRARIAN OWNERSHIP UNDER RECLAMATION

PROJECTS

Article 1

This Law aims to reorganize the ownership in agricultural land projects reclaimed with a view to being utilized in accordance with the modern scientific techniques either by partial reclamation thereof, by altering their mode of irrigation and introducing canals and drainages or by total scientific reclamation.

Article 2

Firstly : The provisions of this Law shall be applied to any project or part thereof in respect of which the Minister of Agriculture in coordination with the Ministry of Irrigation issues a proclamation bringing such a project or part thereof under these provisions.

Secondly : The lands falling under the provisions of this proclamation shall be specified, whatsoever their classification, including agrarian reform lands already distributed and contracted for.

Thirdly : The said proclamation shall be published twice in a daily newspaper in Baghdad and announced on the Iraqi Broadcasting Station and displayed at

the centre of the Administrative Unit where the project is located.

Article 3

The Ministry of Agriculture shall take up ownership re-organization arrangements for the agricultural covered by the project when the implementing authority shall commence reclamation works.

Article 4

Lands already owned by individuals or conveyed to them by absolute freehold title in their favour or under waqf (mortmain) and covered by the provisions of this Law, shall be deemed to have been appropriated by the date of first publication of the proclamation in the daily newspaper. Orchards, where the requirements of gardening are provided according to Agrarian Reform Law, shall be excepted, unless such (an exception) shall be contrary to the projects drawings.

Article 5

Firstly : The Implementing Authority shall, at the beginning of the execution of reclamation works, warn the parties concerned not to cultivating or planting the land or putting up any new installations therein.

Secondly : The Implementing Authority may permit the owners of lands being appropriated and the farmers therein to carry on with the utilization of the land where execution of reclamation works shall not be obstructed.

Thirdly : The Project Implementing Authority may, in the lands which are under reclamation and tentative plantation along with the Authority in charge to administer the project in the land reclaimed, be entitled to destroy any plants or cultures and uproot any installations being created there contrary to

the scheduled project's drawings and cultivation cycles after notification, provided that the competent officer shall prepare a minute thereon. The owner thereof shall not be entitled to have any compensation therefor.

Article 6

Firstly : The owner of the land taken over in the project or the title owner with the right of disposal or the waqf (mortmain) authority shall be compensated by a number of agricultural units as specified in the projects, drawings equal to the area of his land, less an area proportional to the area being taken by irrigation, drainage and road networks and other reclamation installations according to project drawings as to total area of the project, provided that the compensation shall observe the returning of landlords to their very lands being taken over unless such (returning) was impossible due to the drawings of the project.

Secondly : (a) - If the area of the land appropriated is less than the area of an agricultural unit in the project and its owner is engaged in agricultural work, he shall be compensated in accordance with the provisions of Paragraph (Firstly) of this Article, and the area of the agricultural unit shall be made up for him by way of lease. Should it not be possible to compensate him by an agricultural unit, he shall be compensated in cash for the land appropriated from by paying him an amount equal to its value as an unreclaimed land on the date of taking it over according to this law.

(b) Jointly owned portions shall be compensated to each partner in the land by separate agricultural units equal thereto

in area in accordance with this Article.

- (c) If the land owner is left with a residual area of land less than the area of an agricultural unit, the value thereof shall be reimbursed in cash assessed in accordance with the rules laid down in Sub-paragraph (a) of this Article .
- (d) If the owner of the land compensated for had any plants, cultures or fixed installations he shall be compensated for in cash.
- (e) If the land given in compensation contained any plants, cultures or fixed installations, the person receiving compensation shall bear their value and this shall be added to the costs of reclamation.

Article 7

Firstly : All distribution orders and lease contracts to peasants and full time farmers and other lessees of the lands included under the provisions of this Law are hereby superseded.

Secondly : The provisions of Law No. (79) of 1935 (as amended) shall be applied to the lands covered by Paragraph (Firstly) of this Article, and priority of lease shall be accorded to the peasants and full time farmers whose contracts had been abrogated.

Article 8

For the purposes of this law, assessment of compensation shall be made in accordance with the provisions of the Appropriation Law.

Article 9

If the period of planting lease is unexpired at the time of appropriation, the land owner shall be entitled to compensation for land in accordance with the provisions of this Law, and the planting leaseholder shall be entitled to compensation for plants and installations he had put up

2- Revolutionary Command Council Resolution No. 742 of 1977.

3- Revolutionary Command Council Resolution No. 1309 of 1980.

Article 18

Courts of Law shall be precluded from hearing cases arising out of the application of the provisions of this Law.

Article 19

The Minister of Agriculture shall, in coordination with the Ministry of Irrigation, issue the necessary instructions to cover all matters concerned with the implementation of the provisions of this Law.

Article 20

This Law shall come into force from the date of its publication in the Official Gazette.

Saddam Hussain
Chairman of the
Revolutionary Command Council

(Published in the Alwaqai Aliraqiya
(Ar. Edit.) No. 3152 of 1.6.1987)

STATEMENT OF GROUNDS

with a view to do away with duplicity between the provisions of THE LAW FOR REGULATION OF OWNERSHIP IN AGRARIAN PROJECTS No. 152 of 1973, and the Resolution of Revolution Command Council No. 742 of 1977; and on the light of directions of Mr. President, the Leader (MAY THE LORD SAVE HIM) in the session of the Council of Ministers held on 30th October 1986 as regards the expansion in agrarian production, and the utilization of agrarian lands in large areas, and to prevent the fragmentation of land into small portions, and to restrict legal rules related to unification of ownership in reclaimed lands projects by a unified enactment which deals with all cases required by this operator this law has been enacted.