

THE AGRARIAN REFORM LAW
No. 117 OF 1970

In the name of the people,
The Revolutionary Command Council,
Further to para. 8 Article 44 (amended) of
the Interim Constitution and in accordance
with what has been submitted by the Minister
of Agrarian Reform, we have decreed the fol-
lowing:

Article 1:

The following terms carry the significan-
ces shown against them for the purposes of
this law:

The Council: The Supreme Agricultural
Council.

Collective Distribution: The distribution
of areas of plots of land set by the Council
as joint-tenancy among recipients of a specific
agricultural unit.

Cultivator: A person who was assigned to
cultivate an agricultural unit under the aboli-
shed 'Sirf-Miri' Land Law No. 43 of 1951.

The First Tenant: Any Iraqi who had ren-
ted miri-sirf land in the Governorate of May-
san under a resolution passed by the Contracts
Committee of the Liwa of Amarah and whose
contract expired on March 31, 1958.

The Secondary Tenant: Any Iraqi renting
land from the first tenant under the resolu-
tions of the Contracts Committee of the Liwa
of Amarah and whose contract expired on
March 31, 1958.

Religious Trustee: Is the Iraqi religious
man who had been in control of miri land in
the Governorate of Maysan up to March 31,
1958.

The Official 'Sirgal' in the Governorate
of Thiqar: Any Iraqi registered in this capa-
city in official records under a decision passed
by the competent administrative authorities
prior to July 14, 1958.

Persons of Agrarian Relations: The owner
of the land, the tenant (al-Magharis), the pea-
sant and the proprietor of means of watering.

The Tenant (al-Magharis): The person
with whom the owner of the land agrees on
reclaiming and planting trees in a specific area
for a specific period and under specific terms.

The Peasant: Any person who took farm-
ing for profession and who personally carries
out land work in return for a certain share
of the crop.

Agricultural Labourer: A person carrying
out agricultural work in return for certain
wages under special agreement, or in accord-
ance to the laws of the land or local usages.

Landlord: The owner of the land in whose
name the land is registered in the Tapu (Land
Registration Department) or to whom land is
leased by 'lezma'.

Agrarian Reform Land: Agricultural land
taken over and owned by the State, Sirf-Miri
land and land reverting to the Agrarian Re-
form Administration from the Agricultural
Bank or any other legal way.

The Rainfall Line: the line where rainfall
averages 400 mm a year under a chart drawn
up by the Directorate-General of Surveys and
approved by the Council.

CHAPTER I
ON DEFINING AGRICULTURAL
OWNERSHIP

Article 2:

The area of agricultural land possessed by a person Tapu authorised or granted under long lease, shall not exceed the following limit:

a. Rain-Irrigated land:

1. 2,000 donums of land not excessively fertile, situated to the south of rainfall line.
2. 1,600 donums of excessively fertile land situated to the south of rainfall line.
3. 1,300 donums of land not excessively fertile land situated to the north of rainfall line.
4. 1,000 donums of excessively fertile land situated to the north of rainfall line.

b. Irrigated areas:

1. 600 donums of not excessively fertile land irrigated by mechanical devices.
2. 400 donums of not excessively fertile land irrigated by the flow method.
3. 400 donums of excessively fertile land irrigated by mechanical devices.
4. 300 donums of flow-irrigated excessively fertile land.
5. 120 donums of land irrigated by mechanical devices and cultivated with cotton or vegetables in the northern Governorates.
6. 80 donums of flow-irrigated land cultivated with cotton or vegetables in the northern Governorates.
7. 80 donums of mechanically irrigated land

cultivated with paddy in the northern governorates.

8. 60 donums of flow-irrigated land cultivated with paddy in the northern Governorates.
 9. 50 donums of mechanically irrigated land cultivated with tobacco in the northern Governorates.
 10. 40 donums of flow-irrigated land cultivated with tobacco in the northern Governorates.
 11. 100 donums of flow-irrigated land cultivated with paddy in the northern Governorates. When two types of land are combined, adjustment is made according to the above proportions.
- c. Areas cultivated with palm trees and other species of trees, since 5 years at least, shall not be calculated within the authorised maximum area specified herein, provided that the number of trees shall not be less than 40 per donum, and that consideration be taken of the average number of trees and the average age of the majority of trees be not less than 5 years and the number of fruitful trees be not less than 20 per donum.
- d. The Council may reduce maximum ownership in relation to the lands not far away from marketing centres to half the limits specified herein.

Article 3:

1. Any contract involving a violation of the provisions specified in Article (2) so as to increase the maximum, shall be null and

void and deemed to be not eligible for registration.

2. No successive or combined bequeathing shall be permitted in relation to a proprietor of agricultural land at one of the above-mentioned limits.
3. Individuals may have more than one of the limits specified in Article (2) if the source of increase were inheritance, legacy or grant, with areas in excess of the limits above becoming subject to requisition.
4. Area of land to which the proprietor is eligible shall be defined to him, and its former class shall be maintained until such time as it is re-classified.
5. When the method of irrigation of the land is changed by an act of the State, the maximum limit shall be revised in accordance with the specifications provided for in Article (2) after excepting the areas cultivated with trees, provided that the number of such trees be 40 per donum and their age be not less than three years.

Article 4:

1. If the original specification made under Law No. 30 of 1958 and amendments violated the objectives of the Agrarian Reform, then the area to which the land owner is eligible, shall be defined in accordance with this Law within the limits specified therefore or from requisitioned land; if this were impossible, such revision shall be made by resort to similar land in the area.
2. No heed shall be taken of the land owner upon which rights in kind were accorded

on previously fructed land, if such behaviour contradicted the interests of Agrarian Reform, this shall not nullify the right to disposal with such land thereby, by referring such right to the disposer.

3. Provision of this Article shall apply to the decisions having both become final or pending.

Article 5:

Any owner of agricultural land exceeding in area the limits specified in Article 2 shall submit a comprehensive acknowledgement covering his lands in accordance with a statement to be issued by the Minister of Agrarian Reform.

Article 6:

1. The Agrarian Reform authority shall requisition any excess of the limits specified in Article (2) and leave to the land owner the plants vital thereon until the end of the agricultural season during which such requisitioning takes place. Until requisitioning is completed of the excessive area, the land-owner shall continue to conduct complete cultivation thereof with due care and within an area not less than that he had cultivated prior to the promulgation of the Law.
2. Any area in excess of the limits specified in Article (2) shall be considered as pure governmental (Miri) as from the date when this Law is put into effect; such area shall be considered as leased to its former proprietor as from the beginning of the agricultural season which follows the ef-

fective date of this Law until its requisitioning and delivery against a substitute to be specified in a statement issued by the supreme Council for Agriculture.

Article 7:

No heed shall be taken in relation to the implementation of this Law if:

1. The disposal of the owner of the land upon which rights in kind have accrued on the excess of the limits specified in Article (2), if such disposal was not registered in land registration offices (Tapu); this shall not prevent the maintaining of disposal rights thereto in referring his right to such disposal
2. Whatever may happen after the effective date of this Law in the field of partition resulting from inheritance, legacy, grant or will-writing involving the agricultural land possessed by any person, the Agrarian Reform shall, in this case, requisition any area in excess of the limits specified in the Law and were possessed by the inheritor, the donor or the will-writer.

Article 8:

1. The owner whose land has been requisitioned under Article (6) hereof shall be entitled to reimbursement for the value of trees and installations, pumps and agricultural machinery alone. The Council shall issue a statement defining the immovable installations to subject to such reimbursement and the criteria to be adopted in such assessment.
2. Instructions to be issued by the Council

shall define the measures and denial of reimbursement. The Government shall decline any responsibility to everyone within the limits of payments made in accordance with the said measures.

3. If the land or accessories eligible for reimbursement were bound by mortgage or concession or any other right, the Government shall not pay such reimbursement to its owner, other than any amount in excess of the debt. If such debt exceeded the amount of the reimbursement, nothing shall be paid to him and the Government shall in no way afford any amount in excess of the reimbursement. The debtors should take the measures provided for in the instructions to be issued under Article (2), or else, the Government shall not be held responsible, except within the limits of the payments to be made within the context of the reimbursement.
4. The decisions related to assessment and reimbursement not having become final, shall be nullified, and provisions of this Law shall apply instead.
5. The decisions of assessment and reimbursement which have become final as per para (a) (1), (2), (3), (4), (6), Article (6) of Law No. 30 of 1958, shall be abrogated, and amounts of reimbursement paid prior to May 15, 1969, shall not be recovered.

Article 9:

1. The Council may decide the requisitioning of any Agrarian Reform lands or areas under Agrarian Reform Administration, if the interest of Agrarian Reform should

necessitate thus.

2. The owner of the land requisitioned under para. (1) hereof, shall be compensated by an area of equivalent value of the Agrarian Reform land as per the rules specified by the Law and the statements issued thereunder, with the registration to be made at this same class of the expropriated area.
3. If no such equivalent land were available in the same area, the land owner may claim compensation in another area or cash reimbursement in accordance with the following rules:
The value of land expropriated under this Article and the rights in kind accruing therefrom shall be assessed within the following limits:
 - a. **Concerning naturally-irrigated land:** ID. 3 per donum of excessively fertile land situated to the north of the rainfall-line; ID. 1.5 per donum of not excessively fertile land situated in the north of the rainfall-line; ID. 1.250 per donum of excessively fertile land situated to the south of rainfall-line; ID. 1 per donum of not excessively fertile land situated to the south of rainfall-line.
 - b. **Concerning irrigated land:** ID. 3 per donum of not excessively fertile land; ID. 4.5 per donum of excessively fertile land; ID. 12 per donum of flow or mechanically irrigated land cultivated with cotton or vegetables in the northern Governorates; ID. 20 per donum of

flow or mechanically irrigated land cultivated with paddy in the northern Governorates.

Article 10:

The following provisions shall apply to Tapu-authorized agricultural lands in Thiqar Governorate.

1. If title deed holder has actually disposed of the area of land specified in the deed, or a part thereof, in accordance with the domestic agricultural dealing, for three successive years prior to the implementation of Agrarian Reform Law No. 30 of 1958, then as area not exceeding the maximum specified in Article (2) hereof shall be registered in his name, and the area in excess thereof shall be considered as pure Miri land.
2. If the title deed holder has not actually disposed of the land specified in the deed or part thereof, for the period, mentioned in para. (1) above the undisposed area shall be registered as pure Miri land.

Article 11:

1. Anyone who claims the right of any Miri land and such disposal has been proved as per the domestic agricultural dealing during the five years preceeding the implementation of this Law, shall be entitled to the registration of the area under his disposal, to the maximum of 300 donums of naturally-irrigated land and 150 donums of land cultivated with wheat, barley or other winter crops, and mechanically or flow-irrigated, or 50 donums of land culti-

vated with paddy, tobacco or other summer crops. When two or more types are combined, adjustment shall be made as per the specified areas.

2. No land registration shall be made hereunder in the name of:
 - a. Any person who owns an agricultural land, registered in his name, Tapu-authorized or long-leased to him, at an area to the limit specified in para (1) hereof. If his holding were less than the area of the land proved to be at his disposal shall be authorised to him to reach the said limit.
 - b. Anyone who has an agricultural land reverting to him through distribution under Agrarian Reform Law or the law for development and exploitation of pure Miri land (abrogated).
3. Authorisation shall not contradict with the interests of the Agrarian Reform, and thus land authorisation shall be made at an equivalent area in the same region.
4. The successors of the disposer shall be considered as one person.

Article 12:

The Agrarian Reform authority shall take over the obligations of survey committees in relation to the lands, not completely surveyed, and those against which decisions have not become final:

1. Definition of land classes and property.
2. Specification of kind and absolute rights related thereto and cultivation rights in orchards.
3. Specification of land demarkation, areas

and locations of the rights mentioned in para. (2) above.

Demarkation of the areas allotted for public utility, e.g. archaeological sites, quarries, mines, public highways, rivers, rivulets drainage systems.

Article 13:

The land shall be subject to pure possession if registered in the manner provided hereabove in the land registration records, or having become thus as a result of the final re-classification procedure prior to the implementation of this Law.

The land shall be bequeathed if registered in the manner mentioned above, in the land registration records, or the bequeathing title deed had been authenticated prior to the implementation of this Law.

1. The land shall be Tapu authorized if registered thus in the land registration records or were cultivated with trees for a period not less than (10) years and at an average of (40) trees per donum, provided that consideration be taken of the average number of trees in relation to the area of land planted or becoming thus as a result of re-classification having become final prior to the implementation of this Law.
2. No land registration shall be made in the name of the person to whom the right mentioned in the three paragraphs above have accrued except within the limits specified in Article (2) of this Law, provided that his total holdings of agricultur-

al basis should not surpass the specified limits, except for the land planted with trees as mentioned in para. (3) above, and the true legacy. Areas in excess of such limits shall be considered pure Miri.

5. All areas set aside for public utility and areas not possessed, Tapu authorised or bequeathed shall be considered pure Miri.
6. Any Tapu authorised, long-leased or incorrectly bequeathed agricultural land whose possessor or whoever represents him fails to cultivate for two successive seasons after the implementation of this Law without true legitimate excuse shall be considered uncontracted and pure Miri land. Competent committees shall investigate the feasibility of implementing the provisions of this law.

Article 14:

A) The rights to cultivation in orchards shall be defined according to the following:

1. The actual cultivator who is continuously taking care of the orchard shall be entitled to 50 per cent proportion in the land and trees, of the area cultivated by him, after the conclusion of the cultivated contract term or (10) years after the beginning of his cultivation thereof, whichever is less. Any agreement to the effect of a lower share shall be considered as null and void.
2. Competent plant committees set up under Article (15) of this law shall investigate cultivation contracts and define cultivators' rights in accordance with para. (1) hereof; the committees' decisions shall

only be final after the approval of the Council thereof.

3. Cultivation contracts shall be authenticated by personal testimony and all other legal authentication means.
4. Law courts shall not consider the cases related thereto, but shall refer them to the committees mentioned in para. (2) hereof, immediately after the implementation of this Law.
5. Provisions of this article shall apply to cultivations whose decisions have reached final degree and registered prior to the effective date of this law; land registration offices shall revise their records and deeds in accordance with the decisions adopted by the committees and authenticated as per para. (2) hereof.
6. The cultivator's share in land and trees shall remain public property, and the actual cultivator continuing thus shall proceed to take care of the orchard as before against the share specified for him of the output under this Law.
7. The cultivator's share shall be excepted from the foreclosure formalities prior to the definition of his rights in accordance with the provisions of this Law except upon the straightforward agreement of the cultivator in presentia before the court of justice; if the cultivation term were not concluded yet, the cultivator's rights shall be maintained, and the land trees shall revert to the buyer burdened therewith.
8. The land owner shall only possess the cultivator's share in accordance with the pro-

visions provided for in this Law

9. The Council shall issue instructions related to the conditions and formalities required for the registration of the implementation of provisions hereof.

B) Fragmentation of orchards to areas of less than (5) donums each may only be effective by approval of the Council.

Article 15:

By decisions to be issued by the Minister of Agrarian Reform, committees for lands, expropriation, distribution, assessment, land survey, and land agglomeration shall be set up with a view to achieving the overall agricultural-economic unity, while other committees shall be set up to implement the provisions of this Law as required, in the light of instructions to be issued by the Council in this connection.

In Kirkuk, the Federation of Peasant Associations also organised a mass procession to mark the same occasion. The demonstrators were cheering the Arab Baath Socialist Party, the Kurdistan Democratic Party and Arab-Kurdish solidarity.

Joining in the procession were representatives of the local organisations of both Parties and large crowds of members of popular and professional organisations.

Addressing the gathering, a representative of the Baath Party in the Governorate, congratulated the peasants on the birth of the new Agrarian Reform Law and said that the July 17 Revolution has come to deliver all toilers from all forms of exploitation, oppression and extortion practised by the reaction-

ary and feudalistic classes.

The representative of the Kurdistan Democratic Party who spoke next said that the new law has come as a true expression of the will of the toilers and the hungry. The speaker urged the peasants to display caution and vigilance towards the agents of imperialism and reaction.

CHAPTER II DISTRIBUTION

Article 16:

Agrarian reform lands shall be distributed to peasants collectively or individually in accordance with the conditions provided in the law when such distribution takes place and within the limits specified hereafter:

a. In naturally irrigated (rainfall) lands:

1. 200 donums of not excessively fertile land situated to the south of rainfall-line.
2. 160 donums of excessively fertile land situated to the south of rainfall-line.
3. 135 donums of not excessively fertile land situated to the north of the rainfall-line.
4. 100 of excessively fertile land situated to the north of the rainfall-line.

b. In irrigated lands:

1. 60 donums of excessively fertile land flow or mechanically irrigated.
2. 40 donums of excessively fertile land flow or mechanically irrigated.
3. 15 donums of flow or mechanically irrigated land cultivated with cotton or vege-

tables in the northern Governorates.

4. Holdings of flow or mechanically irrigated land cultivated with paddy in the northern Governorates.
5. Holdings of flow or mechanically irrigated land cultivated with tobacco in the northern Governorates.
6. Holdings of flow irrigated land cultivated with citrus in the northern Governorates. The Council shall define the demarkation of distribution in each area within the limits specified hereabove, and it may in special cases reduce such limits to half their value. The conditions of distribution in the areas should necessitate this.

Article 17:

The following shall be adopted in Agrarian Reform of lands (a) the orchards expropriated and situated on pure Miri land, reverting to the Agrarian Reform through another legal procedure.

1. They shall be distributed to cultivators thereof and in this case the area distributed to the cultivator shall be authorized to him and he shall pay the value of the government share of trees and installations.
2. They shall be distributed to the peasants of the orchards to be distributed.
3. They shall be distributed to the peasants exercising orchard nursery with priority being given to such peasants in the area. In both cases, those to whom distribution is effected shall pay the value of trees and installations which shall be assessed in accordance with the assessment rules pro-

vided for in this Law.

Payments previously made by cultivators shall be computed in accordance with previously valid laws, and the said value shall be deducted therefrom. If, however, the previous payments should exceed the above-mentioned value, nothing shall be refunded to them.

Upon non-availability of those to whom distribution is made under paras. 1, 2 and 3 hereof, then the orchard shall be sold in accordance with instructions to be issued by the Council in this connection.

He to whom an orchard has been distributed or who has bought such orchard in accordance with the provisions of this Law, shall continue to exploit the same for agricultural and orchard-nursery purposes, and he may not change its class or exploit it for other purposes than those mentioned above.

Article 18:

A) Any peasant to whom land is distributed shall meet the following qualifications:

1. He shall be Iraqi not less than 16 years old.
2. His profession shall be in the agricultural field.
3. His holdings of agricultural land shall not be less than the limits specified in Article (16).

B) The agricultural worker shall be considered as peasant for the purpose of distribution upon availability of conditions mentioned hereof; however, he shall hold second priority after the peasant.

C) The Council may cover with the distribution of Arab nationals, graduates of agricultural colleges, institutes and schools, as well as any other citizen whose profession is confined to agriculture, regardless of the conditions mentioned in para. (A) hereof.

D) Priority in distribution shall be determined in accordance with instructions to be issued by the Council.

E) Distributed land may not be acquired on the basis of atonement or overjudgement.

Article 19:

1. An area from the investment unit shall be distributed to the investor within the limits specified in Article (16) hereof if his actual agricultural practice has been proved have extended over the 5 years preceding the effective date of this Law.
2. No distribution shall be made to the investor if he has another agricultural land whether possessed thereby, Tapu authorised or long-leased thereto, with an area being tantamount to the distribution limit specified in Article (16) hereof and if his holdings were less, then a complementary area shall be awarded thereto.
3. The plants and immovable installations put up by the investor within the area distributed thereto shall be considered within such land; if that should contradict with the interests of the Agrarian Reform then he shall be reimbursed for the value thereof after assessment under the provisions of this Law; the reimbursement shall be paid from the Council's budget. If, however, the investor's actual agricul-

tural practice is not proved and he had cultivated part of the land, then only such cultivated area shall be Tapu-authorised in his name provided that such plantation should not be less than 40 trees per donum and the age of such trees should not be less than (3) years.

Article: 20:

Provisions of Article (18) shall apply to:

1. The lessee of pure Miri land at Abu Ghreib Irrigation Project as per contract with the government dated prior to July 14, 1958. If however, his actual agricultural practice is not proved therein, and he had cultivated in area thereof, then only such cultivated area shall be Tapu-authorised in his name under the same conditions mentioned in para (3) of Article (19). The Council shall issue a statement to the effect of defining the lands in which the provisions of this Article are to apply within the limits of the said project.
2. The shareholder and priority-holder in Thiqr Governorate (formerly Nasseriya).

Article 21:

1. The primary contractor, the official agent and the practiser in pure Miri land at al-Hawija Project, Kirkuk Governorate, shall be entitled to the land under their disposal provided that its area should not exceed: 300 donums of naturally (rainfall) irrigated land, or, 150 donums of flow or mechanically irrigated land cultivated with wheat, barley or other winter crops, or 50 donums of flow or mechanically ir-

- irrigated land cultivated with paddy or other summer crops.
2. The secondary official contractor shall be entitled to the land at his disposal provided that its area should not exceed two-thirds the limits specified in para. (1) hereof.
 3. Holder of priority right (al-Mahram "religious man") shall be entitled to the land previously at his disposal in accordance with the local agricultural dealings provided that its area should not exceed 60 donums of land cultivated with wheat, barley or other winter crops and irrigated by flow or mechanically; 120 donums of such land is irrigated by rainfall; 25 donums of land cultivated with paddy or other summer crops.
 4. Partners in one contract both in regard to official, primary or secondary contractors in Maysan Governorate, shall be considered as one person.
 5. No distribution may be made to anyone who has agricultural land possessed thereby, Tapu-authorized or long-leased, with an area exceeding the limits specified in this Article. If total holdings of such land under his disposal is less than the said limit, the area of the land at his disposal shall be awarded thereto. However, if his holdings are less than the limits specified in Article (16) then an area of land equivalent to the complementary portion to the distribution limit specified in the area shall be distributed thereto.

Article 22:

1. The distribution effected under Articles 19, 20 and 21 of this Law shall not contradict with the interests of Agrarian Reform, or otherwise an equivalent area in the same region shall be distributed.
2. The regular heirs of those entitled to distribution under Articles 19, 20 and 21 shall be considered as one person.
3. Upon combination between two or more types of land, an adjustment shall be made in accordance with the proportions of the limits legally specified for distribution.

Article 23:

1. The land distributed under the provisions of Articles 18 and 19 hereof, whose distribution decision has acquired the final degree, shall be registered in the name of the person to whom it is distributed, 5 years after his receipt thereof under a decision by the Council
2. The land distributed under the provisions of Articles 20 and 21 hereof shall be registered in the name of those to whom it is distributed after the distribution decision has become final.
3. All agricultural land distributed thus, shall be Tapu-authorized and provisions of this Article shall apply to lands after distributed and appropriated after the effective date of Agrarian Reform Law No. 30 of 1958.
4. Tapu offices shall effect registration in implementation of provisions of this Article free of duty, in accordance with the decision of the Council and without any other

formalities, with registers and documents to be adjusted in accordance therewith.

Article 24:

The distributee shall abide by the following:

1. Undertake the cultivation of the land distributed thereto and exert due attention thereto and avoid all that might reduce its productivity; he shall reside in the places specified therefrom in the distribution area.
2. Join the cooperative society set up under this Law, and carry out its decisions and avoid all that might hinder its undertaking the obligations entrusted thereto, in as much as distribution under Articles 18 and 19 hereof is concerned.
3. Refrain from the transfer of title-deed of land distributed, in as much as distribution under Article 18 and 19 hereof is concerned.
4. Avoid taking any arrangement to the effect of any right in kind to the land distributed under Article 18 of this Law.
5. Avoid any violation of any fundamental undertaking provided for by the Law, instructions, statements and orders issued by the Council and other competent authorities.

Article 25:

1. If the distributee fails to meet his obligations specified in Article (24) hereof, he shall be subject to investigation by a specialised committee which may take a decision to the effect of nullifying the distri-

bution, cancelling its registration and recovering the land therefrom. The plantation and installations put up therein shall revert to the agrarian reform at their value, and they shall be eligible for extraction after the decision of such cancellation becomes final by approval of the Council.

2. The distributee under Articles 18 and 19 hereof may demand the cancellation of distribution, if more than half the area of the plot distributed thereto becomes non-arable by force majeure, or if he fails to undertake agricultural activities therein, or if he chooses any other profession than agriculture. The specialised committee shall investigate the matter and issue a decision to the effect of such cancellation. Provisions of the previous paragraph shall apply thereto provided that plantation and installation shall be assessed according to the provisions of this Law.

Article 26:

1. No fragmentation may be made of the Tapu-authorized agricultural land to areas less than the distribution limits specified for the area except by approval of the Council.
2. If the distributee covered by Articles 18 and 19 of this Law passes away, then his heirs or those who represent them legally shall report to the Directorate of Agrarian Reform in the Governorate notifying of the heir who exercises an agricultural profession whom they accredit to deal

- with the Agrarian Reform.
3. If among the heirs there is no one who practices an agricultural profession and none of the minority age to be represented by a custodian, then the Agrarian Reform shall recover the land after paying the value of plantations and installations thereon to the heirs of the deceased distributee.

Article 27:

1. The decisions of the committees set up under provisions of Article 15 of this Law shall not be considered as final unless approved by Council.
The Council, when such decisions are referred thereto, may approve, amend, cancel or take a decision in relation thereto, and its decision in this connection shall be final and binding in any dispute emanating from the original ownership or any right; the Council may also correct the written material and legal mistakes in its decisions.
2. The Council may set up a Body entitled the Agrarian Reform Cassation Body, with membership not less than (3); the Minister of Justice may second any magistrate of Grade 1 or 2 of legal service grades, to the membership of such Body.
3. The Body may be convened by the presence of 3 of its members, at least, and may take its decisions by majority vote, and upon equal votes, the side comprising the chairman shall win; the Body shall be presided over by the most senior of its members.

4. The Council may authorise the Body to exercise powers provided for in para. (1) hereof or part thereof.

**CHAPTER III
IN AGRICULTURAL RELATIONS**

Article 28:

The agricultural relationship existing upon the implementation of this Law shall be maintained and organised between parties to such agricultural relationship as from the beginning of the agricultural season coinciding with the implementation of this Law in accordance with the following Articles.

Article 29:

1. The peasant or cultivator may not be dismissed from the land or the orchard against his desire and may not be denied the right to using the irrigation means except upon violating a fundamental obligation provided for by the contract or the Law.
2. The Council may nullify the contracts related to agriculture on the lands distributed by the Agrarian Reform in accordance with Articles 18 and 19.
3. The Council may, of virtue of the public interest, issue a statement to the effect of terminating the agricultural relationship in specific regions or areas of land or in connection with a specific type of agricultural relationship in specific regions or areas of land or in connection with

a specific type of agriculture.

4. Instructions issued by the Council shall specify the procedures to be followed in terminating the agricultural relationship and negotiating contracts, and the consequences emanating therefrom.

Article 30:

A) The owner of the agricultural land or the orchard shall extend to the peasant or cultivator the following:

1. The agricultural land and the possibility of disposal thereto, for the purpose of exploiting it in accordance with the contract, the Law and the instructions.
2. Irrigation water to be flowed to the borders of the farm, or mechanically conveyed, if there is no third party to undertake this obligation instead.
3. The seeds required for plantation, if the peasant demanded thus, which shall then be considered as an advance to be recovered from the crops in kind and at similar quantity from the peasant's share; however, its recovery shall be deferred to a following season if the crop emanating therefrom should be damaged by force majeure.
4. Chemical fertilisers, insecticides and anti-fungus drugs, with their cost to be recovered from the beneficiaries at proportional rates commensurate with the share of each from the output.
5. The agricultural advances necessary for the peasant and for the land service, until the end of the season, at a reasonable am-

ount to be agreed upon between the two parties.

6. All that is traditionally considered the duty of administrations, including the organisation and provision of safe custody of crops in the farm, and the obligations of agents and foremen, as well as all connected services or claims to be submitted to government authorities.

The land owner shall be responsible for management in the lands irrigated by law, or by mechanical devices, if such devices are possessed therein. The owner of the devices shall be responsible for management.

The peasant shall be bound to undertake the following:

ploughing the land in accordance with the land and agricultural methods required for that crop, if the land owner or the owner of the pump does not possess the mechanical devices required for that purpose, harvesting, collecting and transporting the crops, to be threshed, husked and prepared for market, if the owner of the land or owner of the pump does not possess the mechanical tools required for that purpose.

All agricultural operations required by agricultural production, beginning with sowing the seeds and ending with the harvest, notably the preparation of the land after ploughing, sowing the seeds, fertilising, irrigating dredging water canals and internal drainage system, weeding, and combating agricultural pests manually.

4. Main canals and branches are irrigated by flow if he is resident therein.
5. Main canals in the lands irrigated by flow or mechanical devices if the person responsible therefore should fail to do so. The agreement may be reached on the basis of certain obligations from one of the parties to the other, or in effect-ive partnership in one undertaking.

Article 31.

1. The cultivator shall abide by the following:
 - a. Planting and levelling the soil and making the necessary canals.
 - b. Planting palm-trees and seedlings to the number agreed upon, provided that it shall be not less than 40 trees per de-num.
 - c. Fertilising, weeding and cleaning the soil from unwanted plants and grass, and dredging the canals.
 - d. Safeguarding and maintaining the trees.
 - e. Harvesting the fruits, protecting them and carrying them to the accumulation area in the farm.
 - f. Marketing the fruits and transporting them to marketing centres.
 - g. Combatting agricultural pests.

The costs of materials and equipments required in accordance with paras. (C) and (F) and transportation and marketing expenses provided for in para. (G) above shall be afforded equally by the cultivator and land owner.

2. The peasant in the orchard shall abide by the following:

Under taking the works of the cultivator, except for the development of the land and planting of trees; he shall undertake the necessary works agreed upon for taking care of the orchard, without affording any costs of materials and equipments.

Marketing and transportation expenses specified in para. (1-G) shall be afforded equally by the peasant and the land owner or the cultivator or whoever he employs for that purpose.

Article 32:

Concerning the cultivation of fruit crops, they winter or summer, including particularly cotton, tobacco and vegetables, the proportions of output distribution shall be maintained, in accordance with the agricultural production factors mentioned in Agrarian Reform Law No. 50 of 1958, its amendments and the statements issued by the Supreme Board for Agrarian Reform until the agricultural season that follows the effective date of this Law.

The Council shall issue statements to the effect of proportional distribution of output as from the agricultural season which follows the effective date of this Law. The Council may also issue statements to the effect of amending or changing such factors and the proportions due there against in accordance with various areas.

Such statements shall be published in the Official Gazette.

2. **In orchards:**

- a. **The actual cultivator continuously exercising his work in taking care of the orchard — the land and trees — shall be entitled to half the fruits of palm trees and other types of trees, together with their wood and all other waste, within the area covered by the cultivation contract. His share from the cultivation of farm crops under such trees shall be determined in accordance with para. (1) hereof.**
- b. **The actual peasant continuing his work in taking care of the orchard — lands and trees — shall be entitled to have the fruits of palm trees, other types of trees as well as their wood and all other waste, within the area where he works alone if there is no cultivator actually continuing his work there.**
- c. **The actual peasant continuously undertaking his work in taking care of the orchard with the actual cultivator continuously working there, shall be entitled to half the share due to the cultivator of the fruits of palm trees, other types of tree, their wood and all other waste, or whatever remains thereof in the area covered by the cultivation contract.**
- d. **The peasant's share from the cultivation of farm crops, cultivated under the trees shall be determined in accordance with para. (1) hereof.**

3. **Agreement may be reached on increasing the peasant's share of farm cultivation and in orchards; however, any agreement**

to the effect of lowering the above shares shall be considered as null and void.

4. **Any one who provides any of the factors of production specified in the above-mentioned statements shall be entitled to the proportion specified therefore.**
5. **The relationship between the land owner and actual cultivator shall only be direct, and mediation shall be banned in this connection.**
6. **The agricultural tax shall be deducted from the output and calculated on both parties in accordance with specified proportions.**

Article 33:

1. **By decision of the Minister of Agrarian Reform, a committee shall be set up in each administrative unit under the chairmanship of the head of such administrative unit in the district or sub-district with membership comprising a representative from Agrarian Reform and a representative from peasants cooperatives, to undertake the settling of disputes related to agricultural relationships mentioned in the Law.**

The committee may impose temporary sequestration on crops subjects of dispute until such time as settlement is reached and finally approved. The decision of the committee may be subject to objection with a specialised committee at the Governorate.

2. **By decision of the Minister of Agrarian Reform, a committee shall be set up in each Governorate under the chairmanship**

of an official to be nominated by the Governor and membership of two representatives from the Agrarian Reform and peasants cooperatives, to consider objections to the decisions of dispute settlement committees related to disputes emanating from agricultural relationships. Such committees' decisions shall be final except for those related to the termination of agricultural relationships which only become final after approval by the Minister of Agrarian Reform.

3. Decisions shall be carried out immediately except for those related to the termination of agricultural relationships, through administrative channels.
4. The courts of justice shall not consider the dispute related to agricultural relationships; they shall refer such cases to the above-mentioned committees for consideration.
5. The Council shall issue instructions concerning the terms and formalities connected therewith.

Article 34:

1. Any peasant enjoying the qualifications for distribution or contracting, having hired, or cultivated, a land belonging to Agrarian Reform or its administration shall be liable to paying the share due to Agrarian Reform from the crops of such land, as specified in the Law and statements issued thereunder, whether he has or has not cultivated the same.
2. Anyone who encroaches, on cultivation, on any Agrarian Reform land, or any land

under the Agrarian Reform administration, shall be liable to pay double the share due to the Agrarian Reform.

The Supreme Agricultural Council shall issue instructions concerning the administration of the said lands during a transitional period between requisitioning and distribution.

Article 35:

Against payment of cash reimbursement, agricultural pumps irrigating a land belonging to Agrarian Reform or under its administration shall be taken over; this shall also cover the rights related thereto and registered with Tapu offices, and also the area they erected thereon if such is deemed necessary for the cultivation of the land, or if the owner of such pumps failed, without legitimate excuse, to operate such pumps.

The competent committee shall effect such requisitioning as mentioned in para. (1) hereof as per the instructions to be issued by the Council. However, its decisions shall only become final after approval of the Council which may amend, cancel or approve such decisions.

The pure Miri land requisitioned thus, as well as the buildings installed thereupon, shall be registered pure property in the name of the Ministry of Finance for Agrarian Reform purpose after payment of reimbursements to their owners or depositing such payments in their name with the notary public.

Article 36:

1. The Minister of Agrarian Reform may order the effect of temporary sequestration of any agricultural pump and its accessories if such action is deemed necessary in the interests of agricultural production with expenses to be paid thereupon and calculated within the amounts due to its land it irrigates: the pumps shall not be handed over to its owner before the end of the agricultural season during which temporary sequestration has been effected.
2. The temporary sequestration of the pump and accessories shall be for a period not exceeding two successive agricultural seasons; if it turns out to prove that the reasons for such temporary sequestration were still valid, then permanent taking-over shall be effected in accordance with the provisions of Article (7) hereof.

Article 37:

1. By approval of their owners, pumps and agricultural machinery may be substituted for the pumps, machinery and tools belonging to the Agrarian Reform if such measure is deemed to be necessary for the administration or cultivation of Agrarian Reform lands.
2. The substitution of the pump, the tool or machinery, may be made for one or more, or by exchange of shares for shares.
3. If the values of substitutes were different the substitute of the lesser value shall afford such difference in value.

1. The title-deed of the substitute shall revert to the original owner and the title-deed of the substitute shall revert to the other party by the completion of substitution decision to be taken by the Council Formalities of the State and cross-delivery shall be effected after payment of the difference.
5. The Council shall issue the instruction necessitated by such formalities.

CHAPTER IV

ON AGRICULTURAL COOPERATIVE SOCIETIES

Article 38:

Agricultural cooperative society shall be organised between those to whom land is distributed and Article (18) and (19) of this Law and peasants who have hired land and belonging or subject to the administration of Agrarian Reform. The society may include in its membership those whose lands area does not exceed the maximum limit of distribution, if they so desired.

Collective farms shall be established by those who participate by their labour and means of production in the economy of the collective cooperative society with a view to exploiting their resources on the basis of collective ownership of means of production and collective work, for the coordination of their mutual interests and efforts, and the distribution of income bet-

shall be in accordance with the principles and rules of socialist cooperation.

Article 39

a. The cooperative societies and collective farms established under Article 31 of this Law shall resolve to achieve the following objectives:

1. Organisation of various agricultural production, and its stages, and undertaking all the requirements related to the exploitation of the society lands, the farm and members.
2. Assisting members in the implementation of the agricultural programme formulated by competent authorities to develop the economy of the society and of the farm and to increase agricultural production.
3. Providing all the requirements of the society and farm, as well as their members, of materials, accessories and technical equipments necessary for the improvement and increase of agricultural production.
4. Ownership and hiring of agricultural tools and machinery, and also means of transportation, and the use of chemical fertilisers and insecticides, land reclamation and improvement.
5. Marketing the output of the society and farm, as well as their members, and undertaking all the requirements of marketing process e.g. collecting, classification, preservation, storage, canning, packing, loading, transportation,

sale to State organisations, or offering of products on internal or external markets.

6. Improving housing and living conditions and contributing to the improvement of social, education, and health standards in the countryside, and participation in the reduction of discrepancy between the countryside and metropolitan areas.

borrowing and lending the members for the realisation of the objectives of the society and farm

and undertaking any other obligations that enhance the interests of the society, the farm and members provided that their funds shall only be invested for the purposes specified in this Article.

The activities of the society and the farm shall be confined to the service of their members. They may extend some of such services to others after the needs of their members have been met and when such extension of interest for them which would help to realise their objectives. Lending operations shall only be confined to the members.

Article 40:

The cooperative society and collective farm established under Article 31 of this Law shall have a juristic personality and the right of ownership of moveable and immoveable property, and a right to concluding contracts, disputes and all that might lead to fostering their interests.

Article 41

1. The agricultural cooperative societies established under Agrarian Reform Law No. 30 of 1958 and cooperative societies and collective farms established under Article 8 of this Law shall be excluded from the provisions of Cooperative Societies Law No. 13 of 1959 (amended).
2. The Council shall issue instructions specifying the formalities of establishing such societies and farms, their registration and membership condition therein; such instructions shall also cover specification of management, conventions financial affairs and supervision thereon, amendment of their articles of association, dissolution, liquidation and all the consequences emanating therefrom, as well as all other relative matters.

Article 42:

1. These societies and farms shall participate in establishing cooperative federations between them, and may establish joint societies or farms, participate therein and merge therewith.
2. The Council, when necessity arises, for the interests of agricultural development, may order to the merger of two societies, two farms or more in one society, or one farm.

Article 43:

1. Societies and farms established under this Law shall be exempted from stamp duties, and all other charges of formalities with the notary public, duties of the registration of moveable property and estates with

government departments, duties on the registration of formalities and guarantees, etc., with all official and unofficial departments, including the Chambers of Commerce and Industry and the Federation of Industries.

2. The society and farm shall be entitled to the privileges accorded to industrial projects under the provisions of Law for the promotion of industrial projects, as per a recommendation of Directorate General of Agricultural Cooperation and Production and the approval of the Ministry of Finance.

CHAPTER V

MISCELLANEOUS ARTICLES

Article 44:

The Council may interpret the provisions of this Law, and its decision in this connection shall constitute a binding legislative interpretation; such decisions shall be published in the Official Gazette.

Article 45:

The following shall be excluded from the provisions of Chapter I of this Law.

1. The land re-classified and expropriated whose class rectification and expropriation formalities had been effected prior to the enforcement of this Law.
2. The lands fragmented into housing plots and whose fragmentation plans have been approved by the competent authority prior to the effective date of this Law.

Article 46:

Punishment of imprisonment not exceeding 6 months, or a fine not exceeding ID. 100, or both, shall be charged on:

1. Any party in an agricultural relationship who has deliberately encroached on shares exceeding the shares appropriated for him under the Law.
2. Any party in an agricultural relationship who has deliberately violated or neglected his undertakings to take care of the land, or its cultivation, so as to cause reduction in its productivity.

Article 47:

Punishment of imprisonment not exceeding 6 months, or a fine not exceeding ID. 100, or both, with the possibility of seizing the land belonging to:

1. Anyone who embarks on an action that would nullify the provisions of Article (5) of this Law.
2. Any owner of land subject to requisitioning, who deliberately caused the reduction of its productivity or spoiled its accessories with the purpose of preventing its utilisation at the time of expropriation.
3. Anyone who ceases, without legal excuse, to cultivate the lands subject to requisitioning.

Article 48:

The courts of justice shall not give hearing to any case emanating from the implementation of this Law, and the request for the cancellation of decisions issued thereunder, or

suspension of the implementation thereof, shall not be accepted by any legal or administrative authority.

Article 49:

1. The requisitioned land shall be registered at the Tapu offices after approval of the requisitioning decision by the Council, and after the land and installation thereon have become free all rights in kind.
2. The estate right in Agrarian Reform lands shall be considered as null and void, and compensation amounts paid thereupon at the effective date of this Law shall not be refundable.
3. The Waqf estate right shall be excepted from the provisions of para. (2) hereof, and the provisions of the Law for the Amortisation of Estate Right No. 150 of 1968 (amended) shall apply instead, provided that assessment and compensation be made in accordance with the provisions of this Law.
4. Land registration and authorisation at Tapu offices shall be effected in accordance with Article (11), and those of land cultivated with trees in accordance with para. (3) of Article (3) of this Law in the name of the Iraqi citizen.

Article 50:

- a. The following laws and regulations shall be abrogated:
 1. Agrarian Reform Law No. 30 of 1958, together with its amendments, supplements and the regulations issued thereunder.

2. Law for the establishment of Agrarian Reform Cassation Body No. 7 of 1960.
3. Law for the Sequestration of Agricultural Pumps No. 65 of 1961 (amended).
4. Law for the exemption of Agrarian Reform land hiring contracts from stamp duties No. 61 of 1963 (amended).
5. Law for the requisitioning of long-leased plots of lands situated in between investment units, No. 66 of 1962.
6. Law for the exception of cultivation and agricultural labour from the foreclosure No. 69 of 1963.
7. Law for the distribution and sale of Agrarian Reform orchards No. 104 of 1964 (amended).
8. Law for the substitution of pumps and agricultural tools and equipments belonging to the Supreme Body for Agrarian Reform No. 119 of 1964.
9. Law for the appropriation of government orchards in Basrah Governorate, authorised under Law No. 46 of 1941 to their cultivators. No. 137 of 1964.
10. Law for the appropriation of investment units distributed under Law for the development and investment of pure Miri lands No. 43 of 1951 (abrogated), No. 31 of 1965 (amended).
11. Law for the cancellation of expropriation of pumps and agricultural tools and definition of their rights No. 90 of 1967.
12. Law for authorising the commission member, powers by the supreme body for Agrarian Reform No. 135 of 1967.

13. Law for appropriating pure Miri land at Abu Ghraib Irrigation Project No. 109 of 1968.
14. Law for the formalities of the sale of Agrarian Reform orchards No. 130 of 1969.
15. Law for the exception of district 51 - Lazretat Sinjar in Mosul - from the provisions of Law No. 131 of 1965. No. 132 of 1969.
16. Law for the survey of land rights No. 133 of 1968 together with its amendments and supplements.
17. All provisions, explicit and implicitly conflicting with the provisions of this Law shall be abrogated.
 - a. All provisions becoming or not becoming final under Law No. 61 of 1967 in Misra Governorate shall be abrogated.
 - b. Requisitioning decrees not becoming final shall be abrogated and provisions of this Law shall be applied thereupon.

Article 51

This Law shall be effective as from the date of its publication in the Official Gazette.

Article 52:

The Ministers are charged with the execution of this Law