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Forest and Afforested land law

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قانون الغابى والمشجر

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Laws

In the name of the people

Presidency Council

Based on what has been approved by the Parliament, in accordance with the provisions of Item (First) of Article (61), and for the passage of the legal period stipulated in Paragraph (a) of Item (Fifth) of Article (138) of the Constitution, the following law has been issued:





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SECTION ONE IDENTIFICATIONS

ARTICLE 1

For the purposes of this law, the following terms shall have the definitions indicated next to them:

First:

- a. Forest: An integrated living unit of trees, shrubs, herbs, and plants, whether grown naturally or by man, such as artificial, irrigated or rain-dependent afforested lands, roses, bulbs, fruit trees, and land, aquatic and delicate animals, in an integrated ecosystem.
- b. Afforested lands: Areas artificially forested with suitable, fast-growing and short-lived trees.

Second: Forest produce: Every material in the forest, fixed or movable, such as artificial wood, fuel wood, charcoal, resin, tannins, glues, tanning materials, fruits, seeds, roots, fibers, bark, honey, honeydew, humus, soil, rocks, herbs, natural plants, mushrooms of all kinds, meat, fur of wild animals and birds, eggs, fish, flowers, ornamental bulbs and other products.



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Third: Tree: Any plant with a woody stem in all stages of its growth.

Fourth: Wood: The main material of trees in all their growth stages, whether standing or fallen, in any form or for any purpose.

Fifth: Livestock: Tamed animals.

Sixth: Nursery: Land designated for raising and developing seedlings of trees and shrubs of forests and afforested lands.

Seventh: Forest lands: Lands on which forest trees, shrubs, and natural plants grow and which were covered with forests.

Eighth: Afforested lands: Non-agricultural lands that are suitable for trees to create pure or mixed afforested lands.



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SECTION TWO OBJECTIVES, MEANS AND APPLICATION

ARTICLE 2

This law aims to the following:

First: Organizing the management, protection, maintenance and improvement of forests and increasing their areas.

Second: Contributing to:

- a. Improving the environment and combating desertification and erosion factors
- b. Providing some of the raw materials required by the national industry.
- c. Providing job opportunities and eliminating unemployment.
- d. Encouraging agricultural investment.

Third: Preserving the Iraqi agricultural heritage.

Fourth: Providing tourist and recreational areas.



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ARTICLE 3

The objectives of the law shall be achieved through the following means:

First: The Ministry of Agriculture's supporting natural forests, creating artificial afforested lands and support existing ones and their owners or new ones through:

- a. Technical supervision
- b. Providing seedlings and presenting them to beneficiaries at suitable prices and in accordance with the Ministry's plan.

Second: Providing protection for forests and afforested lands in cooperation and coordination with the competent authorities.

Third: Conducting a survey and inventory of forests to develop a plan for their development in coordination with the relevant competent authorities.

ARTICLE 4

This law shall be applied to forests and afforested lands of all types stipulated in Article (5) of this Law and any other type created with the approval of the Minister of Agriculture in accordance with the law, with the exception of the following:

First: Gardens and parks within the boundaries of the Baghdad Municipality or municipalities.

Second: Private sector orchards, trees and shrubs of cemeteries and holy shrines.



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Third: All types of trees and shrubs growing on person-owned lands and roadsides, whose area does not exceed (5) five dunams (unit of area equivalent to English Acre. Translator) and is not within protective forests.

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SECTION THREE TYPES OF FORESTS

ARTICLE 5

Forests are divided into:

First: In terms of its ownership to the following

- a. State-owned Forests: Forests located on state-owned lands or on improperly-endowed lands that are managed by the state.
- b. Private Forests: Forests owned by natural or legal persons other than state departments and the public sector.
- c. Natural Forests: Forests in mountainous areas that arise naturally and have special management to protect the soil from denudation and erosion.
- d. Protected or prohibited forests: Areas of forests or state-owned lands located within forests and are designated for environmental purposes to preserve some types of trees, wild animals, birds, rocks, or archaeological or tourist sites.
- e. Artificial afforested lands: Areas unsuitable for agriculture planted with fast-growing trees and short rows for the purpose of producing wood and improving the soil.



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Second: In terms of its type and importance, they are divided into:

- a. Productive Forests: The heavy continuous-production-capability forests.
- b. Preventive Forests: The forests that conserve soil and water, protect crops, facilities, animals and the environment, and prevent dangers, floods and other factors destructing land roads, railways and irrigation canals.
- c. Recreational and Tourist Forests: The forests in which state institutions carry out afforestation and improvement to be used for the purposes of recreation, tourism and summer vacations.

ARTICLE 6

The General Company for Horticulture and Forestry shall be responsible for establishing and organizing the state's forests and artificial afforested lands, managing, developing and protecting them technically, afforesting suitable areas, reforestation, and establishing the necessary facilities through the following:

- First: Conducting surveys, inventorying forests, and preparing the necessary designs and maps for them.
- Second: Afforesting river banks, main irrigation streams and public roads outside the boundaries of the Baghdad Municipality and municipalities affiliated with regions and not-affiliated- with-region governorates.
- Third: Conducting soil conservation operations in cooperation with the relevant competent authorities.



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Fourth: Establishing nurseries to produce forest seedlings and assisting state departments, the public sector and the private sector in establishing afforested lands and plant nurseries, and providing technical advice, with areas of up to half a dunam per person as a significant figure, in accordance with a medium-term plan.

Fifth: Providing free forest seedlings to create windbreaks.

Sixth: Protecting forests from diseases, insects and pests in cooperation with relevant authorities.

ARTICLE 7

The forests artificial nurseries owned by state departments and the public sector shall be considered national wealth and facilities designated for public benefit and they may not be disposed of or reduced by any party except in accordance with the law.

ARTICLE 8

As an exception to the provisions of the Law on the Sale and Rent of State Property No. (32) of 1986, the Minister or whomever he/ she authorizes may sell the produce and quickly-perishable crops without a public auction.

ARTICLE 9

It shall not be permissible to cut trees in private sector forests in the following cases, except for the technical necessity in return for fair compensation:



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First: If the forest protects the lands from the incursion of rivers and torrents in sloping areas where the slope rate exceeds (50%) fifty percent.

Second: If the forest leads to the preservation of springs and water streams

Third: If cutting down forest trees affects:

- a. Public Health.
- b. Increasing dangers of hurricanes and sand dunes.
- c. Natural forests in summer vacation and tourism areas.

ARTICLE 10

Beneficiaries of a state-owned forest may not trade in the forest's produce or use it for purposes other than for which it is intended.

ARTICLE 11

No person may carry out the following works without prior approval from the General Company for Horticulture and Forestry:

First: Planting trees and constructing buildings in the forests rented from the company. If the tenant does so, they shall be deemed state property without compensation.

Second: Establishing an industry that relies on the products of the forests of the Republic of Iraq as its raw material.



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Third: Extracting plant and animal genetic origin from natural forest areas and artificial afforested lands.

Fourth: Extracting stones, sand, minerals, dirt or natural fertilizers from the state's forests.

ARTICLE 12

Grazing livestock shall be prohibited in the following locations:

First: Those where a fire occurred less than (10) ten years ago.

Second: Forest areas where natural or planted trees are less than (15) fifteen years old and afforested lands are less than (7) seven years old.

Third: Areas cut down by total cutting in lowland forests and afforested lands that have been cut for less than (5) five years.

Fourth: Areas under the influence of wind fenders or protected areas within forests to preserve some trees, wild animals, birds, rocks and archaeological sites.



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CHAPTER FOUR PENALTIES

ARTICLE 13

A term of not less than one year's imprisonment shall be imposed on anyone who sets fire by any means with a view to causing a fire in forests and reserves.

ARTICLE 14

A term of not exceeding (3) three years' imprisonment shall be imposed on anyone who causes serious error or violates the instructions issued under the provisions of this law to cause a fire in a forest of the State and the public sector.

ARTICLE 15

A term of not exceeding (3) three months' imprisonment and a fine not exceeding (3,000,000) three million dinars shall be imposed on anyone who infringes the provisions of Item (First) of Article (11) of this law.



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ARTICLE 16

A punishment of not exceeding (3) three months or a fine equal to (3) times the value of the materials taken in contrary to the provision of Item (Fourth) of Article (11) of this law.

ARTICLE 17

Whoever violates the provisions of Article (9) of this law shall be punished with a fine not less than (1,000,000) one million dinars.

ARTICLE 18

Whoever transports forest products without a permit shall be punished with a fine of (1,000,000) million dinars, with confiscation of the transported forest products. If the violation is repeated, the fine shall be doubled.

ARTICLE 19

Whoever violates the provisions of Item (Third) of Article (11) of this law shall be punished with a fine not less than (500,000) five hundred thousand dinars and not more than (1,000,000) one million dinars, with confiscation of the transferred material.



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ARTICLE 20

Whoever trespasses into forests and afforested lands without obtaining a license from company shall be punished with a fine amounting to (100,000) one hundred dinars for each dunam of forest, and he/ she shall be obligated to remove the violation by him/ her or at his/ her expense, and a part of a dumam shall be considered a whole dunam, in the following cases:

First: plowing and cultivation for purposes other than those designated for forestry.

Second: Dumping rubble, solid, liquid, radioactive waste or any materials polluting the environment.

Third: Extending water, electricity, telephone, drainage, canals and road lines.

ARTICLE 21

Whoever removes or destroys a indicating sign on the forest's borders shall be punished with a fine of (50,000) fifty thousand dinars, and the same fine shall be imposed for every meter of its fence.

ARTICLE 22

Whoever cuts a tree from State or public sector or artificial afforested lands shall be punished with a fine of (50,000) fifty thousand dinars, and a fine of (25000) twenty-five thousand dinars if he/ she cuts it from private forests with the confiscation of tools.



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ARTICLE 23

Whoever grazes in violation of the provisions of this law and the instructions issued pursuant it shall be punished with a fine of (2,500) two thousand five hundred dinars for damages to each tree or bush of forest

ARTICLE 24

The Minister shall issues instructions on the following issues:

First: Technical supervision of private sector forests and afforested lands.

Second: Regulating investment in forests and afforested lands.

Third: How to dispose of the seedlings produced by the company.

Fourth: How to cut, transport or store forest produce.

Fifth: Conditions for granting special license for:

- a. Grazing and hunting, their periods and areas.
- b. Woodcutting in natural forests adjacent to housing.

Sixth: Plant and animal genetic assets and how to deal with them.

Seventh: Public safety measures in forests, afforested lands and nurseries.



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ARTICLE 25

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

ARTICLE 26

Forestry Law No. (75) of 1955 shall be repealed, and the instructions issued pursuant to it shall remain in force in a manner that does not conflict with the provisions of this law until what replaces or repeals them is issued.

ARTICLE 27

This law shall be implemented as of the date of its publication in the Official Gazette.