



# Environmental Legislation Guides in Kurdistan Region - Iraq

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## Preface

It is known that the existence of environmental institutions for environmental protection is not enough unless they are empowered or have some sort of independence in applying environment rules. Without having power, government institutions will fail to execute their duties.

Environmental pollution is the forefront issue throughout the worlds' countries and considered to be a modern problem. Kurdistan Region faces multiple environmental problems especially in environmental laws and how they are executed.

Despite the fact that Kurdistan Region in particular and Iraq in general legislate many laws, instructions, decisions and regulations that conserve and protect the environemnt that is considered valid and executable until now, there is a sort of mixing and confusion among them when they are reviewed by stakeholders and citizens as many of them have multiple source of legislation in one hand and are dated back to the seventies and eighties on the other hand.

Therefore, Nature Iraq organization found that it is their duty to contribute in the making of the legal guide particularly for all environmental laws in Kurdistan Region – Iraq, with the aim to collect the environmental laws, instructions and regulations into one booklet with the goal of raising awareness standards for citizens and Civil Society Organizations (CSOs) through familiarizing with their rights and duties towards the environment and then, facilitating the execution of environmental laws by the stakeholders.

The guide consists of three important elements to the environment (Soil, Water and Air) and also the living elements (plants and animals) and will be distributed to all related environmental governmental institutions and CSOs in Kurdistan Region in three languages (Kurdish, Arabic and English).

Nature Iraq organization started to translate, print, and publish the legal guide under (Iraq Waterkeeper Environmental Law and Advocacy Project) funded by the European Union.

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## **Part One:- Environmental general legislations issued in Kurdistan Region**

### **1- Law no. (8) for (2008) Environmental Protection and Improvement in Kurdistan Region – Iraq**

IN THE NAME OF THE PEOPLE

RESOLUTION

NUMBER (20) FOR THE YEAR (2008)

THE LAW OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT IN IRAQI KURDISTAN REGION

According to the clause (1) of article (10) of amended Iraqi Kurdistan Region Presidency Law Number (1) for the year (2005) and depending on the bill which has done by Iraqi Kurdistan National Assembly in the session number (27) on June 11 \2008, we have decided to issue:

Law Number (8) for the year (2008)

The Law of Environmental Protection and Improvement In Iraqi Kurdistan Region

#### **FIRST PARTIAL:**

GENERAL DEFINITIONS, GOALS AND PRINCIPLES

#### **CHAPTER ONE:-**

GOALS AND DEFINITIONS

Article 1:

Meaning of the following expressions was the opposite meaning of them for the purpose of this law:

First: The region: Iraqi Kurdistan region.

Second: The Ministry: Environment Ministry in Kurdistan region.

Third: The Minister: The Minister of environment in Kurdistan region.

Fourth: The Council: The Council of Environmental Protection and Improvement in the region.

Fifth: The Chairman: The Chairman of Environmental Protection and Improvement Council in the region.

Sixth: Governorate council: The Environmental Protection and Improvement Council in the regional governorates.

Seventh: The Box: The Box of environmental protection and improvement in the region.

Eighth: The Environment: The biosphere that includes living organisms (Human, animal, and plant), and biotic components and all its surroundings such as air, water, soil, and their contents from solid, liquid, and gaseous substances, in addition to the mobile and immobile man made establishments.

Ninth: Environmental pollution: Any direct or indirect changes in the environmental components or properties that lead to its damage and distort its normal balance.

Tenth: Environmental pollutants: Solid, liquid, or gaseous substances, noise or biological factors or radiation and temperature, or rocking which have damaging effect on the environment and distort its normal balance.

Eleventh: Environmental protection: Protecting the environment and preventing from pollution and destruction.

Twelfth: Environmental improvement: Developing and beautifying environmental elements.

Thirteenth: Environmental impact assessment: Determination, analyzing and evaluating the effects of any project, establishment, or activities on environment. Pointing out the ways of preventing or limiting the negative effects on environment and natural resources on which the approval of a project depend or not.

Fourteenth: The noise: The sounds in which their frequencies exceed the permitting level and determined by regulation.

Fifteenth: Dangerous substances: Solid, liquid, or gaseous substances with dangerous properties that have harmful effect on the environment like infectious, toxic, or explosive, combusted capability, or ionic radioactive substances and others.

Sixteenth: The Wastes: unusable Solid, liquid, or gaseous substances which are the output of different activities.

Seventeenth: The Natural Protectorates: Specialized areas to protect living organisms or any other protected ecosystems that are deporting ,affecting , harming and destroying are not allowed.

Eighteenth: Biodiversity: Variance and diversity of living organisms.

Nineteenth: The governmental agencies: the governmental agencies related to environment.

Twentieth: The Establishment: lands, buildings, services, and equipments within the area.

Twenty first: The general place: A place to receive all or certain group (few numbers) of people for any purpose from the purposes.

Twenty second: The Environmental consent: Formal document is issued by the Ministry, in which it permits performing certain activities from environmental point of view.

Twenty third: Environmental protection standards: Limits or concentration of pollutants that is not permissible.

Twenty fourth: Environmental disaster: The resulted accident from physical factors, or by human activity, which may lead to hard damage to the environment in accordance to the standards issued by instructions.

Article 2:

The goal of this law is to achieve the following purposes:

First: Maintaining the environment of the region, protecting, improving, developing and preventing it from pollution.

Second: Protection of nature and public health from dangerous activities and harmful works to human and environment.

Third: Maintaining and developing the natural resources, and rationing their utilization.

Fourth: Making the environmental policy a part of general planning of the development in all respects (humanity, industrial, agricultural, urban, tourism fields and others).

Fifth: Raising the level of environmental awareness, and establishing individual and community responsibility to environmental protection and improvement and encouraging the voluntary efforts in this field.

## **CHAPTER TWO:-**

### **ESSENTIAL PRINCIPLES AND GENERAL RULES**

#### **Article 3:**

First: Each person has the right to live in a safe and perfect environment and it is the duty of all people to work for the sake of environmental protection and its perfection.

Second: Environmental protection and improvement must be respected in the planning processes at the level of projects, programs, and developing plans in different sectors in the region.

Third: General and special educational and academic institutions in the region must insert environmental education programs in their curriculums in coordination with the Ministry.

Fourth: Civil society Organizations, and general and special institutions working in the fields of education, learning, training, researches, media, culture, religion publication, and other fields, must propagate the environmental culture and awareness in the region.

Fifth: All administrative agencies, each in their way, must ration the utilization of natural resources to achieve sustainable development.

Sixth: The health care institutions, measurement device and quality control must consider the environmental health principles in their working programs.

Seventh: The Ministry has the right to communicate and coordinate with non-governmental international agencies in the environmental protection and improvement field.

Eighth: The Ministry should communicate and coordinate with the Iraqi environment Ministry in all things related to international agreements.

## **SECOND PORTAL:**

### **REGULATION OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT**

## **CHAPTER ONE :-**

### **ENVIRONMENTAL PROTECTION AND IMPROVEMENT COUNCIL IN THE REGION**

#### **Article 4:**

According to this law, a council will be established under the name of (Environmental protection and improvement council in the region) related to the Ministry, which acted by the council president or his appointed agent and its membership consisted of:

First: The Minister: president.

Second: Under secretary: deputy president.

Third: General Director of technical affairs and prevention from radiation in the Ministry: member or decider.

Fourth: General Directors in the Ministry: Members.

Fifth: The representative of Ministries and the boards related to environment that the Minister chooses them, whom must be at general director degree: Member

Sixth: The representative of local environmental organizations.

Seventh: The Minister can invite someone whom he sees suitable to attend the council session if needed, from inside or outside the region and benefit from their opinions without having the right to vote.

Article 5:

The council members follow up the execution of decisions and recommendations issued by the council in their Ministries, and prepare reports about it and send them to the council president.

Article 6:

In addition to the previous tasks, according to Ministries law, the council performs the following tasks and authorities:

First: Suggesting the general policy for environmental protection in the region and determining their ecological goals and priorities.

Second: Confirmation and dependence on the specification and estimated standards for environmental components.

Third: Confirmation the conditions and controls that must be present in the projects and activities that have harmful effects on the environment or leads to distortion in the balance of environment.

Fourth: Confirmation and dependence on the instructions, decisions, and controls required for execution the rules of this law and which issued by it.

Fifth: Unification the emergency plans prepared by the related agencies to face the environmental disasters.

Sixth: Performing necessary surveys to appoint environmental impact resulting from the use of international prohibited weapons in the region.

Article 7:

First: The Council holds its sessions one time every two months or when needed by convocation from the president and the quorum of council meeting is completed when most of the members are present.

Second: The council takes over the decisions by majority of vote numbers of the present members. In the case of equal vote, the agency is preferred in which the president of the meeting voted.

**CHAPTER TWO:-****COUNCIL OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT IN REGIONAL GOVERNORATES****Article 8:**

In all regional governorates, a council will be established called (The council of environmental protection and improvement in the governorate). Council of environmental protection and improvement in region proposes the formation of governorate council headed by the governor or his representative when he is not present. The governorate council performs the following tasks and authorities:

First: Following up the execution of council decision, which related to the governorate.

Second: Giving opinion about the environmental problems in the governorate.

Third: Suggesting plans for environmental protection, following up their execution, and offering periodic reports to the council about the environmental state and activity in the governorate.

**Article 9:**

First: The meeting of governorate council occurs at least one time every month by convocation from the president or his deputy.

Second: The quorum of governorate council meetings is completed when most of members are present.

Third: The governorate council takes over their decision by the majority of the vote numbers of the present members. In the case of equal votes, the agency is preferred in which the president of governorate council or his deputy voted.

Fourth: The minutes of meetings of the governorate council is shown monthly to the council to be informed and approved.

Fifth: The council of governorate can invite any one from specialists or experts to take benefit from their opinions and asking them about the environmental affairs in which they do not have the right to vote.

**CHAPTER THREE:-****THE BOX OF ENVIRONMENTAL PROTECTION AND IMPROVEMENT IN THE REGION****Article 10:**

First: Establishment of a box in the region under the name (environmental protection and improvement box in the region) in order to spend for environmental protection and improvement, and conservation of their elements to achieve the goals and purposes forenamed in this law and the regulations and instructions issued by it.

Second: The box is characterized by moral personality, directive and financial independence, and the possession of the box considered as public possession.

Third: The box income is composed of:

A- The particulate receipts from the budget of regional government.



B- The receipts, helps, donations, and grants offered from the grantor countries, boards, societies, and organizations which are local, regional, or international, and private and civil boards and societies or persons.

C- The environmental wages, fines, and duties levied according to this law.

Fourth: Determination the special procedures related to the box formation and consignment, conservation, spend, and the directions of many spending according to instructions issued by the council for this purpose.

#### **CHAPTER FOUR:-**

##### **THE ENVIRONMENTAL PLANNING**

Article 11:

First: The Ministry puts an essential plan to protect the environment in the region, depending on the council suggestion. The plan is decided by the council of Ministries.

Second: The essential plan for environmental protection is submitted to periodic review every two years by the Minister depending on the council suggestion and the modifications are affirmed by a decision issued by the council of Ministries.

Third: The periodic review is performed depending on the environmental state in the region with respect to the considerations of international development in the scientific, research, and technical fields.

#### **CHAPTER FIVE:-**

##### **EVALUATION OF THE ENVIRONMENTAL IMPACT AND ENVIRONMENTAL CONSENTS**

Article 12:

Any person normal or moral, general, specific, mixed, or any agency, after execution of this law, perform an activity affects on the environment, must prepare a study to assess the environmental impact of activities and projects that will be constructed, then send it to the Ministry in order to make a convenient decision about it, in which the study must include the following:

First: Evaluation of the positive and negative effects of the project, establishment or factory on the environment.

Second: Suggested means to prevent and treat the causes of pollution, in which attains the engagement to the environmental instructions and controls.

Third: The probable and emergency pollution states and the reservations that must be carried out.

Fourth: Possible substitutes for using more clean environmental techniques.

Fifth: Minimizing, recycling and reusing the wastes.

Sixth: Assessing the cost of environmental interest and impairment that have been produced by the projects.

Article 13:

The Minister can request from moral or normal person, or from any agency, before execution of this law, perform an activity affecting the environment, to prepare a study for environmental impact assessment of their projects if they need requirements of protecting the environment.

**Article 14:**

The council puts the standards, specification, principles, and controls required to determine the projects and fields that have been submitted to evaluate the studies of environmental impact assessment, and prepares lists on these projects, and put system and procedures for environmental impact assessment.

**Article 15:**

All the related agencies, in coordination with the Ministry before receiving approve for any project, commit to take over the following steps and procedures:

First: Work to prevent the negative environmental effects that resulted from their projects, or from projects that submitted under their supervision, or from projects consent about it.

Second: Taking over all the suitable procedures to ensure the application of rules forenamed in this law on their projects or the projects submitted under their supervision, or which proposed to issue the consent about it with the regulations and instructions issued according to this law.

Third: Observing and following up the environmental regulations, standards, and keeping them in their projects or projects submitted to their supervision, and providing the council with periodic reports about it.

Fourth: Making coordination with the council before issuing any consents or permits related to performing strategic or giant activities affecting on the environment.

**CHAPTER SIX:-****ENVIRONMENTAL OBSERVATION AND CONTROLS****Article 16:**

The Ministry observes the institutions, projects, establishments and different activities, to determine the extent to which they committed to the specifications, standards and measurements, which depended on in the protection of environment according to the rules of this law.

**Article 17:**

The owner of any project or establishment must encompass the processes of self-monitoring in coordination with related agencies according to the measurements, and controls put by the Ministry, and send the reports about it according to Ministry's instructions or any other agencies determined by the regulations and instructions that issued according to this law.

**Article 18:**

First: The Ministry encompasses to form environmental observation teams and whose duty is to control the environmental dissensions and crimes that contradict this law.

Second: The environmental observation teams have the right to enter establishments, and institutions for the purpose of inspection, taking samples and to ensure how much measurements, conditions and control of environmental protection have been applied and these teams are cooperated by members of police during performing their work.

Third: The owner of different projects and activities must enhance the environmental observation teams to perform their work and provide them with information and data that is necessary to execute the rules of this law.

Article 19:

Organizations of civil societies and persons can inform the Ministry about the activities and practices that have harmful effect on the environment.

## **CHAPTER SEVEN:- THE INCENTIVE PROCEDURES**

Article 20:

The Ministry in coordination with the Ministry of finance prepares a system of incentives to aid moral or normal persons who encompass activities or offer thinks in which protect or improve the environment.

## **CHAPTER EIGHT:- THE RESPONSIBILITY AND COMPENSATION OF DAMAGES**

Article 21:

First: Any one who causes environmental impairment, by his own action, negligence, or by the action of whom are under his care, observation, or control from persons or followers, or by dissenting the laws or regulations and instructions is responsible, and he is obliged to compensate, remove the impairment and return the state as it was before, during a period of time limited by the Ministry and according to conditions putted by it. In the case of neglecting or do not submitting to perform it, the Ministry after notifying him, can take over the procedures and action to remove the impairment and the causer tolerates all the loss for this purpose, in addition to the administrative costs with respect to the following standards:

- 1-Dangerous degree for types of polluted substances.
- 2-The effect of pollution on the environment now and in the future.

Second: The causative's responsibility on the impairments that resulted from dissention of application the rules of clause (First) of this Article is obligatory.

Third: Applying the laws of Iraqi civilian about the responsibility rules in everything when there is no text forenamed about this law.

Fourth: The organization of civil society and persons whom have been impaired, can process lawsuit according to the rules of clause (first) of this article.

Fifth: Consigning pollution removing costs into the box when consummated to be used for pollution removing.

**THIRD PORTAL :****RULES OF PROTECTION AND IMPROVEMENT OF THE ENVIRONMENT****CHAPTER ONE :-****WATER PROTECTION AND IMPROVEMENT**

## Article 22:

The exertion and discharging any harmful substances, liquid, gaseous, radioactive or thermal into water sources or their streams is prohibited if they are not treated according to usual standards.

## Article 23:

Determination of regional standards for surface, ground, and drinking water will be set by regulation.

## Article 24:

The Ministry determines the measurement for the pollution level that permissible in water used for drinking, irrigation, industrial, and services, with returning to this measurement when needed.

**CHAPTER TWO :-****AIR PROTECTION AND IMPROVEMENT**

## Article 25:

Each normal or moral person commits not to be a cause to revival or infiltration pollutants in to the air, including harmful or undesired nasty odor.

## Article 26:

All air polluted activities submit to the special regional standards. The revivals must remain within permissible limits.

## Article 27:

The Ministry determines the pollution levels that permissible for revivals of all air pollutant activities in which shows:

First: The permissible levels of fuel combustion revivals or other materials for any purposes.

Second: The permissible levels for noise levels.

Third: The permissible levels for radiation levels or radioactive substance concentrations emanated from any radioactive activity.

### **CHAPTER THREE:-** **SOIL PROTECTION AND IMPROVEMENT**

Article 28:

Prohibiting the following:

First: Any activity leads directly or indirectly to impair the soil of agriculture lands degree (A) or deteriorating or polluting it, in a degree that affect on the productive ability.

Second: Any activity leads to impair the land areas specialized for pasture, according to the issued regulations and instructions depending on this law.

Third: Construction or residence of any industrial, commercial, or service activity on agricultural lands opposite to the verdicts of this law.

Fourth: Changing the lands' state from agricultural to urbane, industrial, commercial, or service in opposition to the verdicts of this law.

Fifth: Scooping the agricultural lands or transferring its soil and using it for other purposes (not for agricultural lands). The scattering of the land or transferring its soil in the purpose of improvement or keeping the soil fertility are not considered as scooping.

Article 29:

Each person must be submitted to the essential designs of the civilian areas, and protecting the lands from the reconstruction creep. The office of reconstruction planning must offer the required reasons for obtaining the Ministry's consent on the maps, designs, and changes of lands' state.

Article 30:

The Ministry with coordination with the related agencies, puts suitable environmental conditions for the activities of exploration, mining, quarries, smasher, washers, mines, extraction of petroleum resources and others in a form that protect the natural resources in the region from pollution and depletion.

### **CHAPTER FOUR:-** **KEEPING THE BIODIVERSITY**

Article 31:

For the purpose of protection of nature and prevention of desertification and the conservation of animal and plant genera and their habitats the following are prohibited:

First: Any work or activity leads to destruction or threat of animal and plant genera.

Second: Hunting of fishes, birds, and animals, in their matting and reproduction seasons.

Third: Hunting of fishes, birds, and animals by using explosives, toxins, electrical shock or any method of unjust hunting.

Fourth: Cutting, eradication, or removing trees, shrubs, plants, and herbs, both terrestrial and aquatic, from the general properties.

Fifth: Hunting, killing, capturing, possession, or transferring the birds and animals that are threatened with extinction, or showing it for sell, or destructing nests or breaking its eggs.

**Article 32:**

The Ministry in coordination with related agencies and related external agencies must encompass the construction of gardens, natural protectorates, general parks, and maintain natural sites which have an extensive heritage.

**Article 33:**

It is prohibited for any person or agency performing of any work, behavior or activity leads to impair or affect the natural, beautiful, or heritage extensions of the natural protectorates or general gardens, or parks.

**CHAPTER FIVE:-****RECYCLING OF THE WASTES AND DANGEROUS SUBSTANCES****Article 34:**

It is not permissible for any person to manufacture, store, bury, incinerate, sink, use, treat or dispose of radiant substances or wastes (liquid, solid, or gaseous) only according to the instructions issued by the Ministry, and in coordination with related agencies.

**Article 35:**

The following are prohibited:

First: Importing of dangerous wastes that result in damage for humanity and environment to the region.

Second: Importing of dangerous substances to the region without the Ministry's consent.

Third: Passing of dangerous wastes and substances through the region without the Ministry's consent.

**Article 36:**

It's not permissible to produce, transfer, exchange, import or store the dangerous substances without taking over all reservations forenamed in the laws, regulations, and the instructions, in which to insure no environmental impairment will occur.

**CHAPTER SIX:-****PESTICIDES AND CHEMICAL COMPOUNDS****Article 37:**

Importing, using, or exchanging of the chemical compounds that are internationally prohibited, in cooperation with the Iraqi environment Ministry, is prohibited.

**Article 38:**

Manufacturing, importing, spraying, exchanging and using of epidemic pesticides or any other chemical compounds for the purpose of agriculture or health or public health, or for other purposes are prohibited, except after keeping the conditions, controls, and the insurances that determined by the regulations and the instructions issued according to this law, in which insure

that all environmental components will never be exposed directly or indirectly now or in the future to the harmful effects of pesticides and chemical compounds.

Article 39:

A committee will be formed in the region; cares to record and dependence of the pesticides and it will be composed of related agencies.

## **CHAPTER SEVEN:- FACING THE ENVIRONMENTAL DISASTERS**

Article 40:

The council in coordination with related agencies prepares a general plan for facing the environmental disasters and exposing to the council of Ministers for dependence and the following must be regarded:

First: The council undertakes collecting the information and regulations which available locally and internationally about facing the environmental disasters and minimizing their impairments.

Second: Formation of a committee at the region level headed by the prime Minister, for facing the disasters and limiting their risks by a regulation, determines the committee agencies, task and the mechanism work of each agency before, during, and after the disaster.

Third: Formation of emergency teams for facing the disasters by instructions issued from the representative agencies in the regional committee that forenamed in the second clause of this Article, in which provided by all new requirements with a suitable staff and trainer in the field of emergencies' confrontation.

Fourth: Classification of disasters in general and determination of work and responsibility of each agency by notifying about its happening, expecting its occurring, and how to face it.

Fifth: Construction of a central processing room for receiving the notifications about the environmental disasters and following up the reception and sending minute information about it in order to collect the required capabilities to face it.

Sixth: Formation of a work team divided from the processing room to follow up the facing environmental disasters at the time of its happening or expect its occurring, and the president of the work teams has all the authorities required for facing the environmental disasters, in cooperation and coordination with related agencies.

## **FOURTH PORTAL: THE PUNISHABLE RULES**

Article 41:

The Minister or his appointed agent can warn any establishment, project or any agency or environmental pollutant source to remove the effected and harmful factor to the environment during a period not exceed ten days from the date of informing the warning. In the case of non-

obedience, the Minister can stop the work, close it and withdraw the environmental consent temporarily until the pollution has been treated and this is organized by instructions.

Article 42:

First: Without prejudice of any severe punishment forenamed in other laws, the dissenting of the rules of this law, regulations and instructions issued according to it, is punishable by imprisonment for a period not less than one month or by a fine not less than 150000 one hundred and fifty thousand dinars and not to exceed than 200 000 000 two hundred million dinars or by both punishments.

Second: Duplication of the punishment, in each time the dissention has been repeated.

Third: The Minister or his appointed agent , which his job is not lower than general director, can impose a fine not less than 100 000 one hundred thousand dinars and not to exceed 10 000 000 ten million dinars against each one whom dissent the rules of this law, regulations and instructions issued according to it.

Article 43:

The dissenting of the rules of the clauses (first, second, and third) in article (35) of this law, is punished by imprisonment and returning the dangerous substances or wastes to its origin, or dispose of it in a safe way with compensation.

## **FIFTH PORTAL:**

### **THE EVENTUAL RULES**

Article 44:

The council of Ministers, depending on the Ministry's suggestion, can issue the required regulations for executing the rules of this law.

Article 45:

The Minister can issue the required instructions for the execution of the rules of this law.

Article 46:

Not working by any textual law opposite to the rules of this law.

Article 47:

The council of Ministers and related agencies must execute the rules of this law.

Article 48:

This law is executed after ninety days from the date of publishing it in the official newspaper (Kurdistan Gazette).

Massoud Barzani

President of Kurdistan region –Iraq



This law issued in Erbil in:  
 2nd Kharmanan of 2708 Kurdish year  
 21st Rajab 1429 A.H.  
 24th July 2008 A.D.

#### Necessitating Reasons

Depending on the importance given from the government of Kurdistan region to right of the human to live in clean, intact and stable environment, and to protect the environment of the region from all different forms of pollution, and to insure living of the organisms in clean and intact environment, and to insert principles of environmental protection to the humanity, economic, and social developing plans, and encouraging the sustainable development of vital resources in a form keeps the right of the immediate and next generation, and keeping the biodiversity, healthy nature, and natural region resources and its economic resources and protecting it from any impairment, which may results from industrial, agricultural and reconstruction activities or others and to publish the environmental awareness and culture and to graduate in the punishment rules, this law has been legislated.

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## **2- Instructions no. (2) of (2009) Environmental Protection and Improvement fund in Kurdistan Region-Iraq**

Instructions No.2 of 2009

Environmental protection and improvement fund in  
 Kurdistan Region – Iraq

We, members of Board of Environmental Protection and Improvement in Kurdistan Region;  
 Based on regulations of article (Ten) of Act of environmental protection and improvement in Kurdistan Region No. 8 of 2008, in order to achieve the objectives included in the mentioned article, and according to the authorities granted to us in paragraph (Fourth) of article (Ten) to determine the procedures related to allocation of funds for environmental protection and improvement of Kurdistan Region, to deposit, keep, spend and the aspects of amount spending, for those reasons we have issued the following:

#### Article 1 (definitions)

The following terms, as stated in the text of instructions, shall have the meaning next to them, unless the context indicates otherwise:

1. The Region: Kurdistan Region of Iraq.
2. The President: Chairman of Board of environmental protection and improvement's Funds in Kurdistan Region.

3. Vice President: Undersecretary of Ministry of Environment (or the technical undersecretary in case of more than one ministry undersecretary), acting as the chairman during his absence.
4. The Council: Board of Management for funds of environmental protection and improvement in Kurdistan Region.
5. The Fund: Board of Management for funds of environmental protection and improvement in Kurdistan Region.
6. General Manager: The General Manager of the Fund.
7. The Executive Body: administrative, finance and technical formations of the fund.
8. The meeting: any meeting (regular or extraordinary) held by the council.
9. Donators: donator with large amounts determined by board of environmental protection and improvement later.

#### Article 2 (objectives of the fund)

The fund resources are allocated according to the environmental priorities to achieve the following objective:

1. To support the sustainable environmental projects.
2. To support the activities that contributes in preserving the environment.
3. Encourage the innovations and patents in the environmental aspects.
4. To support studies and researches that aim to achieve the cleanest product.
5. Spread awareness and environmental education to all society sections.
6. To support the local environmental associations.
7. To support the initiatives that aim to instruct using of natural resources to achieve the sustainable development.
8. To support investments in the field of environmentally friendly technologies.
9. Facing the environmental disasters.
10. Establishment and management of reserves.
11. Establishment, installation and operation of environmental monitoring and control networks.
12. To train and qualify the environmental staff.
13. Any other activities that seems serving objectives of the fund by board of environmental protection and improvement.

#### Article 3

First: A committee will be established under name of Board of Management of Environmental Protection and Improvement Fund in Kurdistan Region, and the Board Chairman will assign members of management board after approval of majority of the members as follows:

1. Chairman of Board of Environmental Protection and Improvement Fund as Chairman of Fund Management Board.
2. The chairman shall assign one of the general directors at the Ministry of Environment to take the duty of fund management in addition to his duties in his position.

3. Four members of the representing ministries in the board of environmental protection and improvement, their position should not be less than general director.
4. Representative of organizations and local associations deal with environment shall be determined by the board.
5. Representative of private sector, who will be nominated in coordination with the related parties.
6. A representative, or more, from donators (honorary members).

Second: when the chairman is absent, his deputy will replace him.

Third: the chairman may mandate one of the Ministry staff to attend the board's sessions (on regular basis), as a secretary, with no right to vote.

Fourth: the board may invite any experienced person to benefit from his views.

Fifth: meetings of board of management of the fund are monthly, and extraordinary meetings can be held when needed.

Sixth: decisions shall be issued by majority of votes, and when votes are equal, the side where the chairman has voted with will be taken.

Seventh: a copy of minutes of meetings shall be sent to the board of environmental protection and improvement for follow up purposes.

Eighth: the membership period of fund's board of management members is two years, subject to renewal, after approval of the chairman of board, except in both paragraphs (4 &5) of article three, which period is determined by six months, subject to renewal.

Ninth: the fund's chairman of board may exempt a member, in case he could not perform his duty or he didn't attend 3 annual sessions without legitimate excuse, upon decision of chairman of board of environmental protection and improvement.

Tenth: the alternative member shall be replaced according to the set forth in paragraph first above.

Eleventh: the necessity to consider the balanced representation of donators.

#### Article 4

The fund has moral personality, financial and administrative independence.

#### Article 5

The fund has its own budget, and all its money are considered as public. The fund has an independent budget, and the fiscal year starts on the first day of January of each year, and ends on thirty first of December of the same year. The first fiscal year of the fund starts on date of

commencement of the fund, after validation of regulations of these instructions, and ends on the working day of thirty first of December of that year.

#### Article 6

##### Incomes of the fund

The fund's income consists of the following sources:

1. Allocated funds from Kurdistan Regional Government.
2. Allocated funds from the Federal government.
3. Grants or amounts allocated from governorates budgets.
4. Contributions and donations granted from governments, associations, bodies, local and international organizations and from Iraqis and foreigners.
5. Fees and environmental penalties received according to valid legislations.

#### Article 7

The amounts obtained from damages of Region's environment shall be deposit to the fund.

#### Article 8

It is conditional to approve the annual plan, funding and execution programs by the board of environmental protection and improvement.

#### Article 9

##### Duties and authorities of the board

1. Organize the chart of the fund.
2. Setting priorities of the fund according to region's environment's priorities.
3. Signing contracts required by the tasks entrusted to them.
4. To sue and prosecute real and moral persons in front of courts.
5. Follow up the projects related to the fund.
6. Recruit staff and employees, determine their rights, end their services and contract with any experts or technicians according to special contracts.
7. Set the necessary organizational instructions for activities of the fund.
8. Form committees.
9. Follow up of paragraph 5 of article six.
10. It is conditional to approve the chart, general policy, plans and work programs of the fund by the board of environmental protection and improvement.
11. Submission of the board's decisions and regular reports to the board of environmental protection and improvement.
12. Any other duty required according to nature of work of the fund.

#### Article 10

##### Duties and authorities of the general manger:

The general director shall have the following duties and authorities:

- a. Execution of the general policy approved by the board regarding activities of the fund, its plans and programs.
- b. Execution of decisions issued by the board.
- c. Management of the fund and its daily issues.

- d. Represents the fund in front of others according to what is determined by the board.
- e. Preparation of the annual budget, final accounts, quarterly and annual reports to the fund, and submission to the board.
- f. Preparation of standards and the mechanism of obtaining financial and technical supports, in addition to determination of spending principles from the fund and submission to the board.
- g. Work to obtain donations and other financial resources which achieve objectives of the fund.
- h. Suggestion of the organization chart of the executive body of the fund, and submission to environmental protection and improvement board for approval and adoption.
- i. Management of the executive and financial body of the fund, supervision of staff and employee's works and ensure the proper functioning.
- j. Submission of reports, studies and recommendations related to the fund to the environmental protection and improvement board for approval and adoption.
- k. Arranging meetings, preparing minutes of meetings and submission to the related parties.
- l. Any other mission authorized or assigned by the board.
- m. Pay bonuses to the fund's staff upon approval of the chairman.

#### Article 11

The board has the right to register the intellectual property and patents in fields of environment that shall be developed through activities funded by the board.

#### Article 12

The board shall arrange its accounts and records according to adopted and internationally recognized accounting principles, which will be subject to auditing of office of financial supervision. The board shall submit the annual report and the final financial statements to Council of Ministers and Environmental Protection and Improvement Board within a period not exceeding Ninety days from end of the fiscal year.

#### Article 13

In case the board could not achieve its goals due to financial deficit, the environment protection and improvement board must make recommendation to Council of Ministers about the need to provide necessary funds so that the board can perform its duties and achieve the objectives.

#### Article 14

In case the board was dissolute for any reason, all movable and immovable assets shall be transferred to Ministry of Environment.

#### Article 15

These instructions shall be active since the date of issuance and publish in official gazette of Kurdistan Facts.

Published in Kurdistan Facts number (151) on 22.06.2009

Dara Muhammad Ameen Saeed

Minster of Environment

Chairman of Board of Environmental Protection and Improvement

**3- Law no. (3) for (2010) Environmental Protection and Improvement Board in Kurdistan Region-Iraq**

IN THE NAME OF ALLAH MOST GRACIOUS MOST MERCIFUL

IRAQI KURDISTAN REGION  
PRESIDENCY OF REGION  
PRESIDENT

IN THE NAME OF THE PEOPLE  
RESOLUTION  
NUMBER (3) FOR THE YEAR (2010)

According to the authority in the clause (1) of article (10) of amended Iraqi Kurdistan Region Presidency Law Number (1) for the year (2005) and depending on the bill which has done by Iraqi Kurdistan Parliament in the session number (8) on May 11 \2010, we have decided to issue:

Law Number (3) for the year (2010)  
The Law of Environmental Protection and Improvement Board in Iraqi Kurdistan Region

Article 1

Meaning of the following expressions and idioms was the opposite meaning of them for the purpose of this law:

First: The region: Iraqi Kurdistan Region.

Second: The Board: Environmental Protection and Improvement Board in the region.

Third: The Council: The Council of the board

Fourth: The Chairman: Chairman of the Board

Article 2

According to this law, a board will be established under the name of (Iraqi-Kurdistan Environmental protection and improvement board). It has its moral person, and independent finance and administration which related to presidency of council of ministers administratively.

Article 3

The Goals of the board are the following:

First: Environmental protection and improvement, developing and preventing it from pollution for maintaining the cleanness and beauty of region.

Second: Protection of environment and public health from dangerous activities and harmful works to human and environment.

Third: removing and treating the effect of chemical and explosive weapons in coordination with related agencies for cleaning mine fields and remainder of ordnance which cause environmental pollution.

Fourth: Raising the level of environmental awareness, and establishing individual and community responsibility to environmental protection and improvement, activating the role of Organizations of civil societies and encouraging the voluntary efforts in this field.

#### Article 4

The board performs the following tasks for achieving its goals:

First: Suggesting the general policy for environmental protection from pollution and work on improving its quality, and sending to council of ministers for approving.

Second: putting annual, medium and long planning for environmental protection and improvement.

Third: Issuing special instructions for determinants, controls and required environmental information and auditing safety of environment for projects ,safety and reality of implementations of these instructions, taking into consideration the international covenants and agreements for the protection of the environment and the executive laws

Fourth: Performing surveys and tests related to environmental pollutants and the factors affecting the safety of environment and preparing environmental maps in coordination with the ministries and related agencies.

#### Article 5

First: The board shall have a chairman with a special rank .He is the high president for it and responsible for its activities, guiding policies, supervising and monitoring on it. All decisions, orders and instructions, with all duties regarding the function of the board, its authority and its technical, financial and administrative affairs, are issued and implemented under its authority according to the provisions of the law. He is responsible in front of council of ministers.

Second: Whoever becomes the chairman of the board should have the following qualifications:

1-He should be a citizen and inhabited in the region

2-He must hold at least a university degree and have experience and qualification in the field of his specialization.

3-He should have a good conduct and behavior and not punished by crime or misdemeanor related to honor.

4-He should not have participated in the crimes committed by repressive authority

Third: The Chairman is appointed by a regional decree depending upon the nomination of the Council of Ministers.

#### Article 6

First: The board is consisted of the following departments and each department is directed by an employee with the post of director who has a preliminary university degree in the specialized field of the department and a number of employees cooperate him

1-The Administrative, Financial and Legal Department

2- The Environmental Awareness and Information Department

3- The Department of Technical Affairs

4- Environmental departments in the regional governorates.

Second: Council of ministers, in coordination with the chairman of the board, may start or merge or abolish any department within the formations of the board in accordance with the requirements of its work.

#### Article 7

First: The board has a council with the presidency of the chairman of the board and consists of:

1-Representative of the following ministries with the degree of no less than general Director:

A-Ministry of interior

B-Ministry of Municipalities and Tourism

C-Ministry of Higher Education & Scientific Research

D-Ministry of Planning

E-Ministry of Agriculture and Water Resources

F-Ministry of Health

G-Ministry of Trade and Industry

H-Ministry of Natural Resources

I-Ministry of Electricity

J-Ministry of Transport and Communications

K-Ministry of Education

L-Ministry of Peshmerga Affairs

M-Ministry of Culture and Youth

N-Ministry of Endowment & Religious Affairs

2- a -Two specialized expert members in environmental protection by a decision from the chairman of the Board

b-a representative in the environmental protection and improvement committee in the regional governorates.

Second: The Chairman of the board may invite representative of other ministries and agencies which are not linked to the ministries to take part in the meetings of the council without having the right to vote

Third: The meeting of the council occurs monthly. The chairman may ask for urgent meeting when it is necessary and the decisions are taken over by the majority of the present members. In case of equal votes, the agency is preferred in which the chairman voted. The council should send annual report about environmental state to council of ministers.

#### Article 8

First: In all regional governorates, a committee will be established called (environmental protection and improvement committee in the governorate) headed by the governor or his representative and the membership of the representative of those ministries in the first paragraph of article 8 and manager of environment directorate in the governorate.



Second: the rules of article 7 of this law about the meetings of council board are executed on meetings of governorate committee

Article 9

Function and specialization of board formation are defined by system

Article 10

The chairman of the board can issue the required instructions for facilitating the execution of the rules of this law.

Article 11

First : The rules of Environmental Protection and Improvement law number (8) for the year (2008) in Kurdistan region are executed if it is not contrast to the rules of this law and the expression (The chairman) replaces ( the minister) and the expression ( the board) replaces ( the ministry) in any place mentioned in this law.

Second: Not working by any textual law or decision opposite to the rules of this law.

Article 12

The council of Ministers and related agencies must execute the rules of this law.

Article 13

This law is executed from the date of publishing it in the official newspaper (Kurdistan Gazette).

Massoud Barzani

President of Kurdistan region –Iraq

Erbil

8th July 2010 A.D.

17th Pushpar of 2710 Kurdish year

26th Rajab 1431 A.H.

Necessitating Reasons

For the purpose of environmental protection and keeping public health, natural resources and biodiversity, following up affecting factors to environmental intact, removing and treating the effect of chemical weapons and the materials causing environmental pollution and also for the purpose of publishing the environmental awareness and cultural environment in Kurdistan region, a board is established to undertake this task therefore this law has been legislated.

## **Part two:- Environmental legislations related to environmental elements**

### **Section One: Environmental legislations related to non-living environmental elements (Soil, Water, Air)**

#### **First : Environmental legislations related to soil**

#### **1- Law Regulating mineral investment Number (91) of (1988)**

##### **Chapter One:-**

##### Definitions and Terms

##### Article 1

The following expressions shall have the meanings set out next to them, for the purpose of this law:

1. The Ministry - The Ministry of Industry and Military Manufacturing.
2. The Minister - The Minister of Industry and Military Manufacturing.
3. The Establishment - The General Establishment for Geological Survey and Mineral Search.
4. The General Director - The General Director of the General Establishment for Geological survey and Mineral Search.
5. Mineral Investment - All work aims to investment in mined and quarried materials in their natural state or after treatment.
6. The Investor - The party authorized, according to this Law, to invest in quarried or mined materials.
7. The Quarry - The natural reservoir subject to investment which contains rocks and quarry material such as marble, gypsum, gravel, limestone or sandstone, flint, clay, sand, soil and other materials used in industry or construction; whether they are on earth's surface or in interior or in the territorial water or beneath.
8. The Mine - The natural reservoir subject to investment containing mineral ores like iron, phosphates, sulfates, industrial mud or any other mineral ores used in industry; whether on earth's surface or interior or in the territorial water or beneath.

##### Article 2

1. The Establishment shall undertake the responsibility to supervise application of this Law, monitoring the investment in quarries and mines all over the country, collecting and classifying the

information related to these activities for the purposes of promoting, guiding and directing investments to guarantee preserving of mineral wealth and environmental protection.

2. A permanent committee shall be formed in the Establishment, to determine the lands suitable for investment as quarries, from the General Director as chairman and membership of representatives from the following ministries:

- a. Ministry of Defense.
- b. Ministry of Planning.
- c. Ministry of Local Government.
- d. Ministry of Agriculture & Irrigation.
- e. Ministry of Health.
- f. Ministry of Oil.
- g. Ministry of Culture & Media.
- h. Ministry of Housing & Construction.
- i. Ministry of Endowments & Religious Affairs.
- j. Ministry of Transport & Communications.

The regular meetings shall be periodical, at least once a year, or according to the request of one of the authorities represented above.

## Chapter Two:-

### Taboo

#### Article 3

It is not allowed to allocate the following lands for mineral investment:

- 1- The area which includes a sacred site, public cemetery or is located less than five hundred meters of it, only upon approval of related authorities for that site. Every religious place or building supervised by a recognized religious body shall be considered a sacred site.
- 2- The area which contains a historical site, or located within less than five hundred meters of it, only upon approval of the competent authorities. It will be considered as a historical site, every place which is declared to be historical according to provisions of the Archeology Law.
- 3- Lands of Agricultural projects, forests, dam and reservoir sites, tunnels and main streams connected to them, only upon approval of the competent authorities, taking into consideration the stipulated conditions for the protection of agricultural products and compensation for damages incurred.
- 4- Lands located within and outside municipal boundaries of cities, unless determined by the determinants related to quarry and mine sites which will be issued by the Board of Environmental protection.
- 5- Land dedicated or maintained for the following:
  - a. Railway with a distance less than five hundred meters from each side.
  - b. Main road with a distance less than one thousand meters from each side.
  - c. Bridges with a distance less than one thousand five hundred meters from them excluding what have been approved by the competent authorities.
- 6- Land which belongs to military authorities or which has special military importance, only upon approval of the military authorities.
- 7- Oil and gas fields and lands far from oil pipelines, oil products and gas, by less than five hundred meters, only upon approval by the competent authorities.
- 8- Factories sites, departments, socialist sector, mixed and private sectors, only upon approval of the competent authorities.
- 9- Land which is far from electric transmission lines by less than one thousand meters, only upon approval of the competent authorities.
- 10- Land which is far from coaxial cable lines by less than five hundred meters, only upon approval of the competent authorities.

### Chapter Three:-

#### Investment in lands dedicated for quarries and mines

##### Article 4

- 1- Quarry and mine materials are considered as state owned property, and investment fees shall be charged for them by the Establishment.
- 2- The Minister or his nominee may allocate certain areas of land for departments of the social and mixed sectors for investment as quarries for their own projects and works, without fees or with suitable fee for a limited period on special conditions to be agreed including disposition of occasional products.
- 3- The establishment, or its nominee, may contract with the private sector (individuals and companies), to invest in lands as quarries within certain areas determined by the establishment, according to technical regulations for each case and nature of the material intended to be invested.
- 4- The Establishment or its nominee, may contract with non-Iraqi companies which are in contract with an Iraqi party, to invest in quarries, provided that their request is supported by a request from those parties indicating the quantity and quality of quarry materials required to be contracted for investment.
- 5- It is not allowed for any investing party to permit or contract for investment in a quarry or mine within the area allocated for its investment, only upon obtaining approvals from the Minister or his nominee; otherwise provisions of paragraph 1 of article fourteen shall be applied to all investors in addition to applying article ten paragraph (1) item (j) concerning the private sector.
- 6- The Establishment or its nominee, from the social or mixed sectors shall undertake to invest directly in mines all over the country, upon approval of the Minister.
- 7- The Establishment, with the approval of the Minister, in case, it or its nominee couldn't invest directly, may contract with others from the private sector in order to invest in a mineral in certain areas and regulations.

##### Article 5

- 1- State owned land burdened with the right of disposition, subject to investment as quarries prior to the enforcement of this Law shall be considered dissolved starting from the date of its enforcement. The governorate, after confirming the investment in the land as a quarry by a special committee formed for this purpose, shall decide on its dissolution and notify the relevant real estate registration department in order to change the land record accordingly. If the investment will be on a part of the land burdened by the right of disposition, the governorate shall arrange a drawing for the mentioned part and consider it as dissolved without rest of the land and notify the real estate registration department about that.

2- The state-owned lands burdened with right of disposition are considered dissolved, if they were taken as quarries without investment contract after enforcement of this law, taking into consideration the regulations of article fourteen of this law.

3- Provisions of paragraph 4 of article nine of this Law shall be valid on establishments constructed on lands that are determined to be dissolved.

#### Article 6

The Establishment may seize any land outside the taboos, whenever is required, which suitability is confirmed for investment as quarries or mines, after arranging a memo by a committee formed for this purpose stating the land description, the fixed installations on it, plants and their current status, provided that the legal process is undertaken for allocating, appropriating it or amortizing disposition rights according to laws during one year from the date of establishment's decision to seize the land.

#### Article 7

Investment in owned lands as unadulterated property or endowed as genuine endowment as quarries for annual permission subject to renewal granted by the establishment or the nominee, and it may grant a license for a period exceeding this one for some improvement projects according to invested resources and nature of the investment upon approval of the related parties.

#### Article 8

The license or quarry investment contract shall expire at end of the prescribed period unless renewed according to provisions of this Law or at the depletion of the material under investment in the area allocated for investment.

#### Article 9

The investor must commit to the following:

1- Place signs at the corners of the quarry or mine after that the competent surveyor sets its area and maintain the signs throughout the validity period of the contract, and non-investment of any area outside the determined site.

2- Notify the Establishment in a quarterly report about monthly extracted quantities and submit the necessary data about the geological and productivity variables of the quarry or mine for the purpose of documentation and follow up.

- 3- Gradual rehabilitation of the quarry or mine ground when the extracted material is depleted such as leveling pits and removing risks resulting from investment during the investment period, provided that the rehabilitated area shall not be less than 50% of the used area at any time during the investment period.
- 4- Removing all equipment, machineries and tools, complete rehabilitation of pits, remove the risks resulted from investment according to instructions of the establishment during four months from the expiry date of contract or the license, otherwise, the establishment, or its nominee, shall undertake that, and the deposits collected, according to paragraph 6 of article eleven of this law as final earning for the executive party.
- 5- Handover the quarry to the Establishment or its nominee in addition to the materials extracted from the mine remaining in it, if the investor did not transport them within one month from the expiry date of the contract or license according to the Establishment's directives.
- 6- Provide specialist technical staff, a geologist or mining engineer, to ensure that the quarry or mine is properly invested, to produce materials according to valid specifications and to prepare the quarterly reports mentioned in paragraph 2 of this article.

#### Article 10

1. The general director or his nominee, may cancel the license or investment contract in the following cases:
  - a. If the investor violated the terms of the license or contract; or did not comply with the Law or the instructions issued accordingly.
  - b. If the investor did not commence the investment without a legitimate excuse within 3 months from the date of issue of the license or contract.
  - c. If the investor requests in writing to cancel the license or contract.
  - d. If the investor did not submit regular quarterly reports as mentioned in paragraph 2 of article nine.
  - e. If the investor did not comply with the stipulations of paragraph 6 of article nine.
  - f. If the investor did not comply with the technical specifications required for the produced materials.
  - g. If the investment was detrimental to public interest.
  - h. If the investor entered in contract with a party not permitted to invest in the determined area.
  - i. If public interest was accomplished thereby by a resolution issued by the Minister.
- 2- The investor whose license is canceled or whose contract is abrogated in the mentioned cases in this article except item (i) has no right to claim any compensation therein.

3- The investor whose license is canceled or whose contract is abrogated according to paragraph (1) of this article, except items (c) and (i), has the right to object to the Minister within thirty days from the date of notification of the cancelation of the license or the abrogation of the contract, the Minister's resolution about that shall be conclusive.

4- Provisions of paragraphs (3, 4, and 5) of article nine shall be applied when the license is canceled or the contract is abrogated.

5- The application for investment shall be canceled if the applicant delayed in completing the transaction within four months of submitting the application without legitimate excuse.



## Chapter Four:-

### Fees and Recompenses

#### Article 11

1. Amount of fifty dinars shall be taken for the annual license, if the quarry was within owned lands as unadulterated property or endowed as genuine endowment.
2. The following fees shall be taken for investment in quarries in state-owned lands:
  - a. Amount of (100 dinars) for each investment request in a quarry or a request for renewal of the contract annually.
  - b. Amount of (500 dinars) when contracting for investment in a quarry or renewal annually.
3. The whole investment recompense shall be collected for quarries on state owned-lands, on land owned as unadulterated property or endowed as genuine endowment and renewed according to the Establishment's instructions.
4. When a request is submitted to the establishment to conduct search and exploration, a contract shall be made, and costs shall be determined according to the nature of sedimentation, geological conditions and size of the required works.
5. An additional amount of 20% of the amounts accumulated by abusers shall be collected and will be paid to members of the committee mandated to verify the overrun according to the Establishment's instructions.
6. A cash insurances or bank guarantees equal to the amount of recompense shall be taken when issuing the license or investment contract for each donum or part of donum as the case may be, excluding departments of the social or mixed sectors.
7. Site survey fees shall be collected for each quarry according to the Establishment's instructions.
8. The Establishment shall collect its share of 30% of the net revenues from investment fees and recompenses for abuses.
9. The Fees and investment recompenses for mines shall be determined in special contracts arranged by the Establishment for each case.

#### Article 12

The establishment shall collect value of reports, information and geological works related to metal deposition which is intended to be invested as quarries from investing parties, and the amount shall be determined within contracts agreed later on.

## Chapter Five:-

### Punishments

#### Article 13

According to the law of collection of government's debts No.56 of 1977, double recompense shall be collected, as the removed quantities for abuse violating with provisions of this law, the recompense shall be estimated by a committee formed by the establishment's general manager or his nominee, and his decision shall be subject to objection with the Minister during thirty days from the date of notification, and the Minister's decision is conclusive.

#### Article 14

Without prejudice to provisions of article thirteen of this Law:

- 1- Will be punished with jail for a period not less than one year, and not exceeding five years, or penalty charges not less than five thousand dinars, and not exceeding fifteen thousand dinars, or by both penalties, everyone who invests in metal without obtaining investing contract or license.
- 2- Will be punished with jail for a period not less than 6 months, and not exceeding 3 years, or by penalty charges not less than two thousand dinars and not exceeding five thousand dinars, everyone who commits one of the following acts:
  - a. Preventing authorized persons to invest their legal rights.
  - b. Preventing the related party of the establishment or its official nominee to take their actions according to provisions of this law and instructions issued whereby.
  - c. The mineral investment in contrary with provisions of this law and issued instructions whereby.

#### Article 15

The secretary of Baghdad shall acquire the power of a misdemeanor's judge in considering cases arising from the enforcement of this Law.

**Chapter Six:-**

## General provisions

## Article 16

Exclusion from provisions of this law, the license and quarry investment contracts, signed before expiration of this law, shall remain valid up to end of its duration.

## Article 17

It is not allowed to export any material extracted from the quarry or mines abroad, unless upon approval of the establishment and according to regulations set, taking into consideration provisions of valid laws.

## Article 18

The establishment shall issue regulations and necessary instructions to facilitate execution of provisions of this law regarding investment of lands as quarries and mines, in addition to license conditions, investment contract, and how to invest in land by the investors and sell materials extracted from quarries, arrange records required for this reason and how to control the investment works.

## Article 19

The establishment may determine a part of them in areas forbidden to be used as national reserve for the future when importance, scarcity and specialty of mineral or quarry materials are confirmed.

## Article 20

1. The law of quarry investment number (129) of 1981 will be canceled.
2. Enforcement of regulations and issued instructions according to the mentioned law in paragraph (1) of this law will be continued, not inconsistent with regulations of this law until issuance of new regulations and instructions.

## Article 21

The administrative and financial authorities, each one according to its competence, shall coordinate with the establishment to facilitate execution of provisions of this law.

## Article 22

This law will be executed since the date of its publication in the official gazette.

## 2- Instructions Number (1) for the year (1999) , mining investment

### Article 1

Mines are classified according to materials and ores extracted from them, the adopted measurement unit is ton, for the purpose of these instructions and it includes the following: Iron, Chromium, manganese, nickel, copper, lead, tin, phosphate, sulfur, salts, asphalt, alboxat, sandglass, zirconia, industrial clays including kaoline, abanntunlat, attablkait, flint, alborlanite, and any other mineral services explored in future.

### Article 2

1. The following points are taken into consideration when granting mining license:

Frist: for normal people:

1. Completed eighteen of his age.
2. His position in military service is clean.
3. Submit evidences on clearances of income tax.
4. Fill the application form number (1) attached with these instructions.

Second: for moral persons:

If the person was in social and mixed sector departments wishes mining investment, form number (2) attached with these instructions will be applied by their representatives.

B. the following action will be taken to grant a license:

First: submit a request, to obtain mining investment contract, to the company upon paying the determined fees according to article (4) of these instruction including:

1. Determination of the mine location requested for investment by the company's surveyor on drawings in a style determined by the company networked with grids UTM and the investment activity will be limited at certain area.
2. Setting the physical, chemical and mineral specifications, in addition to the extraction method of the mineral material intended to be invested.
3. Naming the technical elements supervising the investment process to ensure the good exploitation of mineral wealth to guarantee the technical and technological processes of damages and environmental risks that may result from the investment process.
4. Determination of required period of the investment process and the annual quantities expected to be invested according to plan of the investing party.

Second: the request and stipulated documents, in both paragraphs (first and second) of chapter (1) of this article, shall be submitted to the Ministry for approval of the Minister on investment according to the law.

#### Article 3

The mining investment will be done through a signed contract between the company and the investor, subject to renewal, 90 days prior to expiration of the contract, after paying payment of accumulated debts on the contract.

#### Article 4

Investment fees and tariffs of mineral ores will be determined upon proposals from the company's board of management after approval of the Minister in accordance with the law.

#### Article 5

The mine investor should:

- a. Inform the company by an annual report indicating monthly extracted quantities, submission of information regarding the geological and production changes of the mine and the mineral varieties of the invested material for statistic and documentation purposes.
- b. Submission of a technical report when required by the company, regarding any changes in route and the technical method followed in the investment in addition to the necessary steps to treat damages and prevent environmental pollution.
- c. Facilitating the task of company's employees authorized to conduct regular inspection in the mine to ensure the application of data and necessary information.

#### Article 6

These instructions will be executed since the date of its publication in the official gazette.

General Manager of the Company

## **Second: Environmental legislations related to water**

### **1- Law Number (6) of (1962) Irrigation Law (amended)**

#### Article 1

Public irrigation works mean the following:

A.1 The lakes, marshes and streams of natural water used for irrigation or to drain the excess water or water drainage.

2. The synthetic sewages established by the state to store, distribute or discharge water and whatever is established in these sewages or water or on the sides to control, arrange, distribute and balance the water or to collect scientific and technical information for irrigation and drainage purposes.

B. the Minister of Irrigation may decide, upon a suggestion from the General Director of Irrigation, to consider any work established by Irrigation authorities as public irrigation works.

#### Article 2

a. The state is responsible for establishment, renovation, maintenance and preserve of public irrigation works.

b. The land owner is responsible for establishment, renovation, maintenance, preserve and supervision of the public irrigation.

#### Article 3

The irrigation authority is specialized to assign water shares, distribution and supervision of water.

#### Article 4

a. The irrigation engineer determines location and dimension of streams, drainages, sewages, dams, roads and other irrigation facilities, sanctuaries and the land which benefits from it, locations of drinking right, streams, officially fixed gutters, and the area where the owners disposition is restricted according to regulations of this law, in a condition that the engineer shall issue a statement to determine this area and sanctuary of irrigation works, the engineer can also change locations of these rights if necessary.

b. The engineer may take set forth actions in paragraph (a) on speed up basis, when necessary and these actions cannot be suspended except by an order from General Director of Irrigation or adjudication earned peremptory degree.

#### Article 5

- a. If the engineer noticed that one of the private irrigation works need establishment, maintenance, renovation or blocking, lifting or cleaning, then he has to warn the beneficiary or the land owner and take necessary actions within suitable time. If the land owner refrained or he was absent or unknown place, then the Irrigation Department must take action then forward the cost to the beneficiary, the department will exempt the warning in urgent cases when delaying causes damage in souls or wealth or irrigation works.
- b. If a public work damaged due to irrigation works, and the doer was not known, then the Irrigation Department will repair the damage and costs will be forwarded to the beneficiaries by sharing.

#### Article 6

The engineer may temporary cut the irrigation water in one of the following cases:

1. Execution of irrigation works.
2. Distribution of water by rotation.
3. Preventing damage occurred or there is fear from occurrence of damage in souls or wealth or irrigation works.
4. Bad use of water by the beneficiary or neglect taking care of water which leads to wastefulness.
5. Violation of orders or warnings issued by the irrigation authorities according to this law.

#### Article 7

The beneficiary has no right to use the water inside his farm, except for the determined purposes, on a condition not to damage his land or its cultivation or other's rights on the water, or to establish any irrigation work which there is fear of damage from any of the above mentioned.

#### Article 8

- a. It is not allowed to install a water pump or water wheel noria or any water lifting machine, only upon a written license from related irrigation authority. The license is not allowed to be used by anyone else other than the one whom license is issued in his name, or at a place other than the place where license is permitted to install the pumping machine, or to be used for a land other than the land which the license is determined to be irrigated. The irrigation authority shall determine power of the engine and capacity of the pump.

- b. The irrigation authority may cancel a license and move the machine in the following cases:
1. Violation of the license owner to conditions stated in the license.
  2. Reduce the land area in which the pumping machine is determined.
  3. Any reason makes keeping the pump will damage irrigation works.
- c. The license is deemed canceled, if it is not used by the owner within six months from the date of issuance.
- d. It is not allowed for companies or individuals to sell a pump, only after permission of the irrigation department.
- e. The finance authorities will receive fees, amount of one Hundred Fils per year from power of the engine for licensed installed agricultural pumps. And will receive a fee amount One Dinar per year for each horse from the engine power for unlicensed installed agricultural pumps, according to statistic list of pumps submitted by the irrigation departments to the mentioned authorities, and pumps installed by official and semi-official departments are exempted from these fees.

#### Article 9

If any part of the country exposes to a danger, with a fear from general damages in souls and wealth from flooded water, the Council of Ministers may decide to demolish or destroy any public or private facility if necessary, to keep danger off; and the damaged have the right for compensation on what have come over from the damage according to regulations of law.

#### Article 10

If irrigation works have been exposed to danger, with a fear from severe damages in souls and wealth, and the irrigation authorities could not get enough workers to prevent the damage, the engineer may ask residents of the area for help, and may ask the administrative authorities to bring the adequate number of the residents in order to prevent the danger, fees will be paid according to law, and the authorities must immediately execute the order.



#### Article 11

- a. It is not allowed for land owners to take any act, within the border of determined areas by the engineer, which may expose public irrigation works to danger, without permission from the irrigation department in the area, according to article Four.
- b. The irrigation authority may take any necessary action to protect irrigation works in the lands determined in paragraph (a), and to take the necessary soil, but the owners should be compensated fairly.

#### Article 12

The irrigation authority may enter to the lands, in order to check what is going on related to works violating with this law.

#### Article 13

If a boat or a ship clashed or sank in a river or stream or drainage, the owner should take it out and remove the ruins within a period determined by the engineer, otherwise, the irrigation authority shall take it out, remove the ruins and forward the costs to the owner.

#### Article 14

Due amounts of irrigation works will be received, on the works executed according to regulations of this law, from the one who is responsible, according to act of collection of due debts of the government.

#### Article 15

Everyone who hit irrigation work, intentionally or non-intentionally, with knowledge that his act will cause damage in souls or wealth, shall be punished by death, if his act resulted in death of human, and by hard labor for life or temporary, and by jail if his act resulted in damage or harm to souls or wealth.

#### Article 16

- a. Will be punished with jail for a period not exceeding six months, and penalty charges, or one of them, everyone who commits one of the following acts:
  1. Damage or change the irrigation works.

2. Take amount of water more than determined, by making a gap or brake or taking out something.
  3. Neglect the control of water determined to irrigate the land, or not taking the necessary precautions to prevent waste of water, if this act resulted in damages to a main road or one of the irrigation works.
  4. Use the irrigation water for purposes other than agriculture without permission of the irrigation department.
  5. Interfere in irrigation water supply in contrary with what is determined.
  6. Spoiling the water so as to be unusable as determined.
  7. Refrain from carrying out orders or statements issued by irrigation authority.
  8. Sell agricultural pump without permission of the irrigation department by companies or individuals.
  9. Install of any lifting machine without permission.
- b. The criminal court may accept the report issued by the environment unit of irrigation department, to approve the determined crimes in this article, unless it is necessary for presence of the related employee physically.
- c. 1. The Minister of Justice, upon suggestion of Minister of Interior and recommendation of Minister of Irrigation, may assign authorities of punishment judge to head of administration units, in order to judge with penalty charges not exceeding Thirty Dinars for execution of regulations of paragraph (a) of this article.
2. If the penalty charges imposed according to paragraph (c-1) of this article is not paid, head of the department, who issued the sentence, must forward the sentenced to specialized court of sanctions, to be jailed instead of the penalty charges according to regulations of code of criminal procedures number 23 of 1971.
- d. If head of the administrative unit who is authorized with judge's authority, according to this law after the trial, noticed that the act requires more severe punishment than what he is authorized, he must forward the sentenced to specialized criminal court, and the court may judge or decide to send the sentenced back to head of the administration unit to judge, and court decision will be returning with follow up.

#### Article 17

It is allowed to issue the necessary orders to facilitate execution of regulations of this law, and determination of employee's authorities of those who execute the orders.

The Minister of Irrigation may set instructions to indicate the private and public irrigation works in addition to license granting conditions.

### Article 18

The irrigation act number 52 of 1923 and amendments will be canceled.

### Article 19

This act will be executed since the date of its issuance in official gazette.

The act is published in Iraqi Facts number (645) on 12.02.1962.

## **2- Law (138) of (1971) Law of Execution of Irrigation Projects (amended)**

### Article 1

The irrigation projects, for the purpose of this law, mean the projects and actions directly executed by the irrigation department or through contractors, such as establishment, maintenance, expansion or improvement of rivers, streams, drains, locks, dams, buildings, tanks and banks with their taboos, in addition to operation of these projects.

### Article 2

1. Lands of irrigation projects which will be updated after execution of this law, or lands of any particular part (if the project was divided into two parts or more and execution works are going on separately in each part), and lands will be permanently occupied by buildings of the project outside its taboo, are considered as expropriated lands since the date of announcement publication for commencement of execution of the project or particular part of the project by Minister of Irrigation or his nominee.
2. Lands of irrigation projects in which execution works is started but not all these works are finished before expiration of this law, and lands permanently occupied by buildings of these projects outside their taboos, are considered as expropriated since the date of commencement of execution.
3. Lands of irrigation projects in which execution works are finished before expiration of this law, and lands permanently occupied by buildings of these projects, are considered as expropriated starting from the date of its execution, if the expropriation decisions have not gained the final degree, in accordance with provisions of expropriation law or any other law, and provisions of this law will be applied.
4. Right of the land owner, whom his land is considered as expropriated in accordance with paragraphs (1, 2 &3) of this law, shall be transferred to compensation and the land will be registered as state- owned unadulterated land for purpose of irrigation free of real rights.

5. The ground ownership deserves certain percentage from the compensation amount in accordance with provisions of law of erasing of ground ownership's right number (150) of 1976 (amended), or any other law replacing, and the ground ownership's right will be transferred to the compensated land when compensating in real by the same value of expropriated land.

### Article 3

This article was canceled in accordance with article (1) of the first amendment of law of execution of irrigation law number (138) of 1971, and the following text will be replacing:

1. The Minister of Irrigation or his nominee, announce commencement of any irrigation project, or part of a project, through announcement will be announced from the broadcasting station and will be published in a local newspaper, determining areas and counties which the project is passing through, and calling for the relevant persons to contact the competent committees, which were formed in accordance with this law, within ten days from the publication date to notify the inspection date of their lands as per the notification paper.
2. The governor or his nominee, shall issue an order to form a committee, or more, for assessment at every governorate, headed by chief one of the administrative units and membership of representatives of irrigation departments, agriculture and agrarian reform department, finance and union of farmer association at the governorate, in order to conduct inspection on the lands determined by the irrigation departments, considering that it is involved in the project, and shall arrange a report to set the area of plantations, number of cultivations and their types, the fixed buildings constructed on the land with reference to their descriptions in details, belongings and the real rights burdened. The committee may use experts when needed. The report will be signed by the chairman, members and available relevant experts.
3. The assessment committee shall undertake to assess value of the fixed facilities and plantations according to rules and standards stipulated in law of agrarian reform and the data issued thereunder.
4. The summer and winter crops shall be assessed according to the valid prices at the after inspection and upon guidance by a donum cost of each crop as per assessments of the competent agriculture departments at the area.
5. The committee shall decide on the compensation due to owners of fixed facilities, crops and plantations. The decision will be published through announcement at the administrative unit center and office of the closest agricultural cooperative association regarding the lands included in the project, and a copy of the same shall be forwarded to the competent irrigation department.
6. The competent and relevant irrigation departments have the right to object the decision of assessing committee to the agricultural council at governorate within fifteen days since the date of its publication or notification. If the objection is accepted in term of its form, the committee may decide on it, or to forward it to a committee, which will be formed headed by one the members, for re-inspection and re-assessment. The committee may use experts, the arranged report shall be submitted to the agricultural council at governorate and its decision in this regard shall be conclusive. In case there is no objection on assessing decision, the committee shall submit it with other reports to the agricultural council at governorate.

7. In some exceptional cases, the irrigation departments may request the assessing committee to set the current situation on agricultural lands included with a work, project or irrigation works immediately. The assessing committee shall commence immediately to set descriptions and belongings of agricultural lands such as fixed facilities, plantations and crops in details with indication of justifying reasons in resorting to this urgent procedure in the report of inspection and decision. The irrigation departments may start remove obstacles of the project execution, partially or totally, after setting of the current situation, provided that the decision should be informed according to provisions of paragraph (5) of this article.

8. The agricultural council at the governorate shall supply the competent irrigation department with copies of the approved decision, and the compensation shall be paid to those who deserve it in accordance with instructions will be issued by agricultural supreme council. In case of any dispute among people who deserve the compensation, the disputed amount will be kept as deposit at treasury until the dispute is solved by court or the competent party, and decision obtains the final degree in this regard.

#### Article 4

1. The assessing committees, formed according to this law, shall get guidance from what is written in the inspection and assessing reports mentioned below regarding financial facts, from what is stipulated in records and official documents, the decision related to compensating of relevant people will be issued in accordance with principles and rules mentioned in this law, these decisions are considered to have been gained the final degree upon approval of the agricultural council at governorate:

- a. The reports of assessment, arranged by committees of seizure, which have not obtained the final degree according to law number (189) of 1968 (amended).
- b. The reports of assessment, arranged by the official committees, formed by the administrative units, in accordance with provisions of law number (189) of 1968.
- c. The inspection reports arranged by the judicial authorities, when there is no official report arranged by the competent committees.

2. The official reports arranged by the assessment committees, are considered as formed in accordance with rules, regulations and valid instructions, before expiration of the law number (189) of 1968, if were approved by the administrative boards. The irrigation departments have to pay the set amounts to the relevant people each one according to his entitlement through the competent governorates.

3. In case lands, plantations, crops and facilities are disappeared due to execution or operation of irrigation project, and no official report has been arranged, the assessing committee which is formed in accordance with this law, shall arrange a report and issue a decision based on the official information will be obtained, or the trusted documents and data evaluated by relevant parties. These

decisions are subject to stipulated procedures in this law regarding objection, approval and paying compensation against updated and lands.

#### Article 5

The paragraph (1) of this article is amended according to article (3) of first amended law for execution of irrigation projects number (138) of 1971, numbered (138) issued on 15.11.1975, and became in the following form:

1. The technical parties at irrigation departments shall supply the assessment committees, formed according to paragraph (2) of article (3) of this law, with drawings of executed projects and those will be executed according to proper measurement, that will be indicated on the drawings with the expropriation borders and list of lands areas included in the project approved by the competent parties containing area, belonging, category, details and irritation methods of lands entered into the project, in addition to real rights and name of owners subject to provisions of determining the agricultural ownership and other necessary information.
2. The assessing committees must submit a copy of their decisions, reports and any other related papers and drawings to Directorate of Agrarian Reform at governorate to be forwarded to competent lands and seizure committee to apply provisions of both paragraphs (2&3) of article (9) of law of agrarian reform number (117) of 1970, and to compensate owners of expropriated lands.
3. In case the committee of lands and seizure realized that the expropriated area is legally less than the determined limit for distribution, the land owner will be compensated in cash.
4. In case the expropriation leads to fragment of remaining of the land in a form that cannot be used properly, the committee may decide to consider the remaining area as expropriated and to compensate the land owner for the whole land.
5. The mentioned measures in paragraph (3) of article (9) from law of agrarian reform number (117) of 1970 will be followed, when assessing expropriated agricultural lands in accordance with provisions of this law and the seized lands of genuine endowment will be treated as expropriated land, while the seized land of non-genuine endowment will be treated as land authorized for registration for this purpose.
6. The General Directorate of lands and Seizure shall present the issued decisions of Committees of Lands and Seizure, according to this article, to the Agricultural Supreme Council attached with its writing for consideration according to article (27) of law of agrarian reform number (117) of 1970.
7. The irrigation departments shall deposit the value of expropriated lands, in accordance with law of execution of irrigation projects (189) of 1968 and its amendment, in which the decisions have obtained the final degree, in addition to value of the expropriated lands according to provisions of this law, into the competent registration departments to pay those who deserve and to take actions for registration according to provisions of this law.

8. The Agricultural Supreme Council shall issue instructions related to status and necessary procedures in order to facilitate the execution of this article.

#### Article 6

This article has been amended according to article (3) of the first amended law of execution of irrigation law number (138) of 1971, numbered (138) issued on 15.11.1975 and it became in the following form:

1. If the entered land in the irrigation project belong to a person subject to provisions of determination of agricultural lands, or he owns common shares, the assessing committee shall take action to inspect it and will indicate in the inspection report descriptions of the land entered in the project, the irrigation method, its category, type of cultivation, fertility degree and any other facilities, plantations, crops, and descriptions of the land in details, with belongings and arrangement of drawing of the land entered in the project. The agrarian reform directorate will be supplied with a copy of the report and drawings to be submitted to the competent committee of lands and seizure for their notice when issuing its decision regarding the confessed land mentioned.
2. Areas exceeding of maximum limit of lands of owned by persons subject to provisions of determination of agricultural property, entered into the irrigation projects, are considered as expropriated from the date of inclusion with those provisions or from the date of commencement with execution works of the project, which one is earlier. The previous owners will not be compensated except for the plantations, crops and built facilities, and the compensation will be paid after that the decision has obtained the final degree according to instructions will be issued by agricultural supreme council.
3. In case an irrigation project covered all the agricultural lands, or part of the lands, belonging to a person subject to provisions of determination of agricultural property, which he is entitled to keep it, he will be compensated for the gone area in the project by the highest limit of a land of agrarian reform lands at the area in accordance with percentages stipulated in this law related to agricultural property determination, and in case there was no equivalent land to the expropriated land at the same area, his owner may request to be compensated at another place or to be compensated in cash according to the rules stipulated in this law.
4. Guidance will be taken when determining type of the land, irrigation method, fertility degree and type of the cultivation subject to determination of agricultural property when damaged or permanently flooded with water due to irrigation project based on what have been stated in the documents, recodes and official reports arranged by the competent parties, and when this is not doable, the committee shall investigate in the area and decide on what is possible in this regard.

## Article 7

1. When executing or operating an irrigation project, if the water is cut from an agricultural land and was unable to deliver water, or if it was damaged with irrigation, drainage or when taking soil from/ to the land, or when the utility is reduced in any form that is unable to be cultivated as in the past, the owner shall be compensated with five hundred Fils per each donum located outside the areas occupied by the project, its taboos and the related buildings for each agricultural season following the season that was unable to cultivate the land until the date of moving the damage from the land. First day of October of each year is considered as the beginning of winter agricultural season, and first day of April of each year is the beginning of summer agricultural season for the purpose of execution of provisions of this paragraph, provided that this compensation will not exceed the value of expropriated land according to provisions of this law.
2. If the mentioned irrigation works in paragraph (1) of this article have resulted in damages or destruction to unknown current plantations or cultivations and facilities, the owner will be compensated for damages and destructions according to provisions of this law.
3. The committee, formed in accordance with provisions of paragraph (2) of article (3) of this, shall inspect the damaged lands and updates based on a request from relevant persons, if approved that damage is occurred, the compensation to the owner will be assessed. Value of the damaged expropriated lands and updates will be assessed according to provisions of this law for the purpose of provisions of both paragraphs (1&2) of this article.
4. Inspection reports of damages will be submitted to the agricultural supreme council at the governorate for approval, and provisions of both paragraphs (6&8) of article (3) of this law will be applied.

## Article 8

This article is amended in accordance with article (3) of law of first amendment of execution of irrigation project's law number (138) of 1971, numbered (138) issued on 15.11.1975, and became in the following form:

1. Provisions of this law will be applied on all agricultural lands either located within or outside the borders of the capital's municipality. Agricultural lands shall be considered for this purpose, if were registered in this manner at competent real estate registration departments. The agricultural lands that were sorted to residential units, and drawings were approved by the competent parties will be excluded before expiration of this law for persons not subject to provisions of determination of agricultural ownership, and before its expiration for persons subject to that law.
2. The irrigation departments, when required, have the right to set the current situation immediately at non-agricultural lands included in irrigation projects by the formed committees in accordance with provisions of paragraph (2) article (3), and to remove necessary quantities of the updates and obstacles provided that the expropriation transaction will be done according to provisions of expropriation law.



#### Article 9

1. The courts refrain to listen to claims resulted from execution of provisions of this law, except the claims brought by claimer of entitlements for compensation on those who obtained the final decision by their compensation according to its provisions.
2. Claims of equivalent fee of expropriated lands for the purpose of irrigation projects, in which its expropriation decision has obtained the final degree, will not be listened, before expiration of this law from the previous expropriation.
3. Provisions of this law will be valid on cases not obtained the final degree.
4. Owners of these lands or others have no right to dispose or cultivate the areas included in irrigation projects from the date of announcement by irrigation department regarding commencement of execution works, and they don't deserve any compensation when they violate.

#### Article 10

1. Will be punished with jail, for a period not exceeding one year or with penalty charges not exceeding one hundred dinars or with both punishments, anyone who stops or caused to stop any execution work of irrigation project.

#### Article 11

1. Law number (189) of 1968 and its amendment number (50) of 1970 will be canceled.
2. Law number (121) of 1967 and its amendment number (128) of 1969 will be canceled, and the lands included with provisions of this law will be considered as expropriated since the date of flooding determined by the competent irrigation department, the provisions of this law will be valid.

#### Article 12

The agricultural supreme council may issue instructions to facilitate execution of provisions of this law.

#### Article 13

This law will be enforced since the date of its publication in the official gazette.

#### Article 14

The Ministers have to enforce this law.

Ahmed Hasan Al-Bakr

Chairman of Revolutionary Command Council

Published in Iraqi Facts number (2053) on 10.10.1971

### **3- Law (59) of (1987) law of exploitation of beaches**

#### Article 1

The following terms shall have the meanings set out next to them, for the purpose of this law:

1. River: is a natural main water route, it has riverhead and river mouth, its riverhead is from sources, underground water, lakes and others, all these sources or some of them are contributing in its ongoing water. Its water may continue throughout the year or will be cut in some periods.
2. Stream: is a natural water route flows into the main river, its sources are just like sources of main rivers, its water may continue throughout the year or will be cut in some periods.
3. Water level: amount of water surface elevation from sea level.
4. Island: land located within a river or a stream surrounded with water from all sides, it may be flooded or not flooded with water.
5. River basin: land surrounded between systematic stoppers or river cliff or a stream from both sides.
6. Lake Basin or reservoir: area of land surrounded between systematic stoppers or highlands, this area is dedicated for water storing.
7. Systematic stoppers: soil instructions established by the state outside the river basins, streams, lakes and reservoirs to protect lands from risk of flooding or high level of water.
8. Cliff: the high edge of a river or stream which is not covered due to high level of water.
9. Higher level of flooding: the line where water of a lake or reservoir is reached at the highest level.
10. River beach: the apparent land located on a river or a stream basin between edge of water low level and river cliff or systematic stopper.
11. Lake or reservoir beach: the apparent land located on a lake a reservoir basin between water low level and systematic stopper or the highest level of flooding.
12. Taboo: is the land along side of a stopper, river and a stream dedicated for services, determined according to provisions of irrigation law.

## Article 2

- a. This law aims to organize the exploit of Tigris and Euphrates's beaches and main rivers, streams, lakes, reservoirs and neighboring lands, to ensure flow of flooded water, prevent pollution regardless of type of relationship with land as property right, disposition right, utility right or rental and violation.
- b. The Minster of Irrigation has the authority, upon approval of Republic President, to remove facilities and other obstacles, established before issuance of this law, which hinder flow of water in a river basin and leads to narrow the waterway when the basin is unable to absorb the flood waves.

## Article 3

It is not allowed to use any land, covered with provisions of this law, for planting, cultivations and establishment of a project, only upon approval of Ministry of Irrigation and Agriculture.

## Article 4

This law is canceled according to article (1) of amendment of law of Exploit of Beaches number (59) of 1987, numbered (7) issued on 1990 and replaced with the following text:

First:

1. It is allowed to establish orchards, buildings and other projects on both sides of a river in front of or behind the systematic stoppers, provided that it will not affect the smooth flow of the river route and its pollution.
2. The Minister of Agriculture and Irrigation determines the river route, final dimensions required for smooth flow of water and route of high drainages.
3. Cultivation of agricultural crops is allowed, without any restriction with limited dimensions of the river route.

Second:

Ministers of Local Government, Agriculture and Irrigation and Baghdad Municipality are authorized, each one within his responsibility, to remove facilities established in violation with provisions of paragraph (first) of this law, on the expense of facility's owners without any compensation, when the above parties realize that the facility impedes the river route or leads to its pollution.

Third:

The current tourist facilities or those will be established close to lake beaches, which are supplied with health and environmental reasons, are excluded from provisions of paragraph (first and second) of this article.

## Article 5

Head of the administrative unit, upon a request of Irrigation Department, will take the necessary actions to stop the works violating provisions of this law.

#### Article 6

The violator of provisions of this law will be punished with penalty charges not less than one hundred dinars and not exceeding five hundred dinars.

#### Article 7

First: Head of Administrative Unit will be authorized with misdemeanor judge's authority to impose a penalty charge not exceeding three hundred dinars for a violated act to provisions of this law. If it is realized that the violation requires more severe penalty, the lawsuit will be forwarded to competent misdemeanor court.

Second: if the convict did not pay the penalty charge judged by head of the administrative unit, he will be forwarded to misdemeanor court to replace the sentence with jail.

#### Article 8

The report submitted by the competent employee of irrigation department supported with his witness, is enough evidence to confirm the violation to provisions of this law unless he submits conclusive evidence.

#### Article 9

Decisions and regulations issued in lawsuits, in accordance with this law, are subject to certain appeals determined by law of Code of Criminal Procedures.

#### Article 10

First: the provisions are executed by removal of the violation after obtaining the ultimate grade, when the competent irrigation engineer shall submit a notification to the convicted to remove the violation within determined appropriate period, if he did not remove it, the irrigation department shall remove it on his expense.

Second: if there was a fear from keeping the violation will damage souls or wealth, the irrigation department shall remove the violation on expense of the violator immediately upon a decision from Minister of Irrigation or his nominee.

Third: costs of removal of the violation will be collected from the violator, in accordance with law of obtaining governmental debts, added to administrative costs by 20%.

#### Article 11

Frist: Minister of Irrigation my issue a statement to include provisions of this law on any water route or to exclude any water route, lake, reservoir and dam from its provisions.

Second: Minister of Irrigation, in coordination with Ministry of Agriculture, shall issue the necessary instructions to facilitate execution of provisions of this law.

#### Article 12

This law will be executed from the date of its publication in the official gazette.

Saddam Husein

Chairman of Revolutionary Command Board

#### **4- Instructions Number (1) of (1987) Instructions of application of law of execution of irrigation projects number (138) of 1971**

Reference to the authority granted to us according to resolution of Revolutionary Command Council No. (980) on (30.07.1971), and provisions of article (2) of the law No. 88 of (1987), we have issued the following instructions:

##### Article 1

The following terms shall have the meanings set out next to them, for the purpose of these instructions:

Agrarian Reform law: the agrarian reform law number (117) of (1970), or the law number (90) of (1975) (as the case requires).

The Minister: Minister of Agriculture and Irrigation.

The project: any irrigation and drainage projects or dams in accordance with the definitions mentioned in article (1) of the law covered by its provisions.

The executing party of the project: means the Board or the agriculture and irrigation branch at the province.

##### Article 2

1. The executing parties of projects at the Ministry of Agriculture and Irrigation, before commencement of any irrigation and drainage works, should take the initiative to announce the project, according to provisions of paragraph (1) article (3) of the law, to notify the relevant provinces, and to submit requests to form committees for assessment, according to provisions of paragraph (2) article (3) of the law.

2. The technical sections, at the Ministry competent departments, must supply the assessment committees with all drawings and information set forth in paragraph (1) of article (5) of the law, and a copy of the said announcement.

##### Article 3

1. The assessment committees are specialized to conduct site inspection of lands and groves belonging to individuals subject/ not subject to provisions of the agrarian reform law in the

project covered by provisions of the law, and to arrange a detailed report about its descriptions and belongings, provided that the report should contain the following:

- a. Area of the lands located inside the project, indicating the registration number of the land and county, location, category, their irrigation methods, fertility degree, type of cultivation, the ownership, the related real rights including ownership and mortgage rights, in addition to cultivation right except for exceptional cases stipulated in paragraph (7) article (3) of the law.
- b. Indication of fixed facilities, plants and agricultural crops located in the expropriated land, in addition to indication of its description, belonging and estimation of its price according to the measures mentioned in both paragraphs (3&4) article (3) of the law.
- c. Determination of the area and damaged updated (not included in expropriation), according to provisions of article (7) of the law, based on a request from the affected, and to assess the due compensation according to the mentioned article and the deserved party, with estimating price of the land and damaged updated according to estimation rules indicated in the law, to ensure not to exceed the estimated value of the paid compensation for the mentioned lands and belongings, and to inform the relevant and competent departments at Ministry of Agriculture and Irrigation about the report according to the notifying paper.

2. The assessing committee shall issue its decisions in light of the site inspection reports related to compensation for cultivations, planted and fixed facilities located in the expropriated land. A copy of its decision, related documents, drawings and reports shall be submitted to the agriculture department at the province in order to be forwarded to the committee of lands and seizure specialized in application of provisions of both paragraphs (2&3) article (9) of Agrarian Reform Law no. (117) of 1970 related to lands fixed by assessing committees located inside the project.

3. The agriculture and irrigation departments and other relevant parties may object decisions of assessing committee to the Minister of Agriculture and Irrigation through the competent agriculture and irrigation department within (15) days from the notification date for agriculture and irrigation departments, and from the announcement date for other relevant parties. The agriculture branch shall submit a report to the Minister regarding the objections, in case the objection is accepted by the Minister, a competent committee shall be formed by the general authority of agricultural lands in order to re-inspect and re-assess. The decision shall be submitted to the Minister for final decision, and his decision in this regard shall be conclusive.

4. In case of no objection on decision of the assessing committee, or the objection was not accepted by the Minister, decision shall be submitted to the Minister for approval, and his decision shall be conclusive.

#### Article 4

1. The departments of Ministry of Agriculture specialized in depositing compensation amounts, due by owners of plantations, cultivations and fixed facilities, to the relevant governorates for payment to those who deserve the compensation upon the decision of assessing committee approved by the Minister with a copy of the mentioned decision.

2. The assessing committee shall supply the agriculture department at the relevant governorate with a copy of assessment reports related to expropriated lands, according to provisions of the law, in addition to all related documents and drawings in order to compensate the relevant parties with areas of lands of agrarian reform instead of their expropriated lands.

#### Article 5

1. A committee or more of not less than three members headed by a finance officer, at each province, shall be formed upon an order from the governor to undertake payment of the compensation cash amounts for those who deserve it.
2. The committee shall arrange a list in four copies consisting of full name of each one deserves compensation and total amounts of the payment, with reference to number and date of approved decision of the committee in addition to the approval date, name of the project, administrative unit, registration number of land and the county deserve to be compensated, in addition to date and number of the admin order related to formation of a committee for paying the compensations.
3. After confirmation of the committee from personality of the person who deserves the compensation, his signature (or fingerprint), on all copies of the list, shall be taken. The chairman and other members will sign also with their full names mentioned, after that; the compensation shall be paid in cash.
4. The committee shall keep a copy of the paid compensation; other copies shall be submitted to the competent agriculture and irrigation department.
5. The agriculture and irrigation departments shall notify the committee with amounts previously been paid to the person deserve the compensation, as advance payments or part of the compensation, before expiration of these instructions. The committee have to deduct the previously paid amounts from the total due amount of compensation, and also to deduct other governmental debts owed by person who deserve the compensation when the committee is officially notified before paying the compensation.
6. The committee shall arrange a record especially for paid compensations, and shall register all necessary information with name of receiver and amount of the compensation, and the approved order whereby the compensation is paid, in order to avoid repetition.
7. After that the task of the committee is accomplished, the chairman shall arrange a report, with all papers, documents and related records, and submit it to the competent party at the governorate for a receipt voucher. The other party must take the necessary actions to save them in orderly manner, to facilitate getting back to them when needed.

#### Article 6

The compensation committee must obtain a confirmation from competent agriculture and irrigation department, at end of the agricultural season whereby, he deserve the compensation according to paragraph (1) of article (7) of the law, which includes the damage before payment of the deserved compensation for coming years, taking into consideration the total compensation shall not exceed the estimated value of the lands and damage updated determined according to provision of paragraph (1c) of article (3) of this instructions.

#### Article 7

In case of disputes from a claimant who deserve the compensation, the disputed share shall not be paid unless the conflict is totally solved by competent parties.

#### Article 8

1. The agriculture and irrigation branches at the governorate shall study the reports forwarded to them by the assessing committee according to paragraph (2) article (4) of these instructions. If possibility of compensating owners of expropriated lands is realized by equivalent value of lands belonging to agrarian reform at the area, these reports shall be forwarded to the competent committee of lands and seizure in order to compensate the relevant people with the same according to provisions of the law.
2. In case there was no land equivalent in value to the expropriated land, the competent committee of lands and seizure shall issue an order for cash compensation according to the principles stipulated in expropriation law (12) of 1981 amended.

#### Article 9

Committees of land and seizure are specialized in the following:

1. Compensating the expropriated lands according to the law covering persons who are not subject to provisions of law of agrarian reform through guidance by the mentioned descriptions in the assessing reports forwarded to them, taking into consideration provisions of both paragraphs (3&4) article (5) of the law.
2. Compensation for lands belonging to persons subject to provisions of law of agrarian reform within the maximum limit that they are legally entitled to keep when all their lands are included in the project, or part of the land which they are entitled to keep. It is not allowed to compensate for the land entered within the project, if the confessors have other lands not included and enough to avoid the maximum limit for them.
3. Considering the exceeded areas from the maximum limit of lands of confessors within the project is seized in accordance with execution of both paragraphs (1&2) article (6) of the law since the date of commencement with project works, if it was earlier than the expiry date of the law (117) of 1970 or law (90) of 1975.
4. Compensation for grove lands expropriated if the compensated area is sortable according to resolution of revolutionary command council no. (286) on (03.05.1987), and the agriculture branch in the province has confirmed the possibility to compensate for the expropriated area by agrarian reform lands, otherwise, it shall be in cash compensation according to principles mentioned in law of expropriation number (12) of 1981 (amended).

#### Article 10

The committee of lands and seizure has to consider the following, when executing provisions of the law:

1. Inform the relevant people, according to provisions of instructions number (3) of 1970 (amended).
2. Arrangement of a report including the mentioned information in the report of assessing committee regarding descriptions of the expropriated land and to refer to the letter of the General Authority of Agriculture Lands concerning how to compensate the expropriated lands in real in cash or in similar.
3. Determining the compensated area when the compensation is in same, so that it can be equal to value of expropriated land according to the descriptions mentioned in the report of assessing committee.



4. Determining the cash amount for the expropriated land in accordance with the principles mentioned in expropriation law number (12) of 1981(amended), and concerning the area in which people, who are subject to the law, have the right to keep the expropriated lands and determining each one of partners by cash amount.
5. Separation in claims of farmers and rights of plantation within expropriated lands, and determining share of farmers in land and trees in accordance with provisions of instructions number (28) of 1970 (amended).
6. Issuing a decision in light of the report and to inform the relevant parties, using the same method where seizure decision issued according to law of agrarian reform, is informed, taking into consideration, when the decision is issued to compensate in similar, the same rights burdened by the expropriated land should be transferred to the compensated land, or to be transferred to the compensation amounts when the compensation is in cash.

#### Article 11

1. The competent departments of agriculture and irrigation shall deposit the compensation allowance of expropriated lands, in accordance with the law which its decisions gained the final grade, to the competent real estate registration departments, in order to pay it to due persons, and to request registration of the expropriated lands compensated as follows, without any other procedures, and to notify the competent agriculture and irrigation department about the same.
  - a. Registering the expropriated lands as state owned lands for agriculture and irrigation purposes, free of any real rights.
  - b. Registering the compensated land by the same category on the expropriated land burdened with real rights which were on the expropriated land.
2. The General Authority of Agriculture lands shall correspond with the competent registration departments to register the seized lands after gaining decisions the conclusive degree as state property, for purposes of agriculture and irrigation free of any real rights.

#### Article 12

Instructions of Agriculture Supreme Council number (115) of 1975 shall be canceled.

#### Article 13

These instructions shall come to force since the date of its publication in the official gazette.

Minister of Agriculture and Irrigation

## 5- Instructions Number (1) of (2015) Water well drilling instructions in Kurdistan Region-Iraq

By virtue of authority given to us, pursuant to item No. 5, clause 3, Ministry of Agriculture and Water Resources law No. 6, for 2010, we decided to issue the following instruction:

Instruction No. 1, for 2015

Water well drilling instructions in Kurdistan Region – Iraq

Item 1

Incoming terminologies can have the following meanings:

First – Ministry: Ministry of Agriculture and Water Resources.

Second – Minister: Minister of Agriculture and Water Resources.

Third – General Directorate: General Directorate of Water Resources.

Fourth – Well Drilling: Directorate of Underground Water in Kurdistan Region Governorates, specialized private sector companies and bureaus in drilling and test works.

Fifth – Beneficiary: Citizen or farmer or an individual who benefits from drilling water well.

Sixth – Water well: the well that produces a quality and quantity the water.

Seventh – Well Category:

a. Shallow Well: It is a water well that dug without drilling tools.

b. Deep Well: It is a water well drilled by well drilling tools.

Definition of Well:

a. Streaming well (artisan): It is a water well with water running normally.

b. Public well: It is a water well, drilled upon a formal request by the agencies, for public projects and public utility purposes.

c. Private sector well: It is a water well, drilled upon a request submitted by private sector, for private sector projects utility purposes.

d. Experimental well: It is a water well, made for scientific and research purposes.

e. Fit well: It is a water well which water production and its sort conform the objective of making the well and scientific standards.

f. Unfit well:

1. In terms of hydro-geology and hydro-chemistry, it is water well which its production and water quality do not conform the project requirement, objective and aim of digging the well and scientific and measurement standards.

2. Technically, it is not counted as a successful water well, due to technical faults such as inclined well, borehole disconnection, drilling bore disconnection, etc.

3. The permissible rate, according to the directorates of underground water, of unfit well hydro-geologically and hydro-chemically, is up to 10% whereas technically it is not more than 3%.

Item 2 Distance between two wells:

Distance between two wells can be measured by considering water storage layer and geological report of the driven-point where the well is to be drilled as the following:

- In the Region governorates and independent administrations, distance among wells in mountainous areas, should not be less than 250 meters.

- Distance between water wells in terms of particle composition:

a. Erbil Governorate:

Upper Pool (North): distance between two wells should be 450 meters.

Middle Pool: distance between two wells should be less than 600 meters.

Lower Pool (South): distance between two wells should be 550 meters.

Dibaga and Makhmour Pool: distance between two wells should be 400 meters.

b. Sulaimaniya Governorate:

Distance between two wells should not be less than 450 meters.

c. Dohuk Governorate:

1. In Semel, Zakho and Sheikhan plain distance between two wells should not be less than 500 meters.

2. In Akre plain distance between two wells should not be less than 600 meters.

d. Garmian and Raparin Independent Administration:

Distance between two wells should not be less than 450 meters.

e. Item 2 does not include public utility wells built in cities, towns and villages as drinking water sources or a strategic projects provided that they are not negatively affecting the quantity and level of underground water.

Public utility: formal concerned authority (governmental).

f. The lands sizes according to item 7, clause 2, but not included in item 2 distance of wells with their surrounding wells, are checked by a special committee; when confirmed that the well is planned to feed an important project, it would receive permission for drilling the water well.

Item 3 Distance of well site from springs and Karezes:

Under no circumstances drilling well near springs and karezes are permitted. The place of the water well should be moved, at least, 500 meters from areas of water sources. In case of already dried well, the water well should be moved, at least, 500 meters.

Item 4 License for drilling agricultural water wells, is issued when surface water can no more serve and obtained by provision of a support letter by the Directorate of Water.

Item 5 Instructions for drilling water well for public utility (drinking water, agriculture, industry, etc.):

1. Beneficiary request is forwarded through administration unit to the directorate of groundwater.

2. Exploring the well site by a committee consisting of the directorate of groundwater, the beneficiary and the administration unit to indicate the number of individual beneficiaries and to prepare a geological report.

3. Submitting the committee's report to the general directorate for approval.

4. After obtaining approval and license of the general directorate, the requesting party is permitted to drill the well.

5. In village and countryside prohibited territories, drilling well is allowed only as a drinking source and for the public benefit purposes while taking item 3 rules into consideration.

Item 6 Instructions for water well drilling for private sector:

1. The request is forwarded through administration unit to the directorate of groundwater.

2. Exploring the well site by a committee consisting of the directorate of groundwater, to prepare a biological report.

3. Submitting the committee's report to the general directorate for approval.

4. After obtaining approval and license of the general directorate, the applicant is permitted to drill the well.

5. License is not granted to fuel stations, car wash, small factories, trade buildings, private sector warehouses, gravel and sand factories, mineral water and related projects to drill water wells.

6. Under no circumstances selling underground water and installing pipes on the private sector water well allowed, in this regard, the well owner should provide a letter of commitment, signed before the Notary Public; on the contrary the license for the water well is withdrawn and the well is backfilled.

#### Item 7 Instructions for drilling water well for agriculture utility

1. The farmer submits an application through the administration unit to forward through the area agriculture department to the governorate general directorate of agriculture; when legal validity of the land have been checked pursuant to applied laws of agricultural lands, the application is to be submitted to the directorate of underground water.

2. In mountainous areas in Erbil, Dohuk and independent administration, the land size should not be less than (10) donum, while in Sulaimaniya (5) donum and in plain areas of all three governorates and independent administrations (20) donum.

3. In agricultural lands, one license is granted to several lands on the same line where land sizes are measured according to clause 2 in this item and distance between wells is considered according to item 2 in these instructions.

4. The directorates of underground water forward letters to several concerned authorities for approval; the concerned authorities should reply in writing. The concerned authorities include the following departments:

- a. Directorate of Roads,
- b. Directorate of antiquities,
- c. Directorate of environment,
- d. Directorate of forests and woods.

5. The beneficiary (landlord) should provide convenient reconstruction system in addition to a commitment letter for utility purpose after drilling the well. The system method is designed by the directorate of water and irrigation.

6. The directorate of underground water assigns a committee to check and pinpoint a suitable place using a GPS for the well to be drilled. Depth is measured upon specificity of constituents, underground water storage and inspection committee's report.

7. The assigned committee composes a written report to submit to the general directorate for approval of water well license for the applicant farmer.

8. After obtaining approval of the general directorate for licensing the farmer for drilling the well, the directorate of underground water grants the license to the farmer after signing a contract with well drilling bureaus and companies licensed by general directorate.

9. The licensed well should be drilled in (6) month time. If it is delayed more than the fixed time a new inspection process will undergo by the directorate of underground water with composition of new minutes and new written letters.

10. The well owner should install new irrigation gauge on the well, and should only extract the requisite amount of water, as indicated by the general directorate of agriculture and directorate of irrigation of the governorate, required for planted products.

11. When drilling wells in artisan pools like (Upper Erbil 'Hawelri Saroo', Sharazoor, Akre-Bardarash), the driller should consider not to pass beyond artisan layers and adhere to instruction

of the specialized directorate of geology to limit upper layers and install valves to control the well which exceeded artisan level. If this procedure did not apply in (1) month the license is void and the well is backfilled.

12. If after (3) months of well inspection the applicant without provision of permissible excuse did not finish the license, the applicant should resume application again.

13. After drilling the well, if the farmer did not adhere to instructions of license for drilling water well, the general directorate of agriculture in governorates and independent administrations would backfill and shutdown the well.

14. Prior to commencing drilling process, the farmer or the beneficiary should submit a commitment letter, post finishing the well, the beneficiary should take inspection procedures into consideration then apply for final permission, on the contrary the beneficiary undertakes all the responsibility.

Item 8 Any application for drilling deep wells or any technical problems of already drilled well not mentioned in instructions items a special committee is to form for assessment, research and decision making purposes.

Item 9 Already dug wells without approval do not get license.

Item 10 The general directorate will stop licensing any pool or partial pool, if underground water level lowered or water type and quantity changed.

Item 11

1. Water is a national wealth, therefore, the general directorate of water resources can abstain or cancel licensing any wells and backfilling the well for public interests.

2. Water is not a private property and the well owner is not entitled to freely utilize water but water usage is according to public interests which is not exempted from instructions.

3. The governorates and local independent administration general directorates of agriculture determine owned and partner lands issue by obtaining approval letter of partners on well drilling.

4. Selling the water of artisan well is prohibited, on the contrary the well owner faces legal procedures including shutting down the well and canceling the well license.

Item 12 License of companies for well drilling tools and bureaus of well testers:

First License of companies for well drilling tools and bureaus of well testers

1. Submit an application to the directorate of underground water.

2. The applicant should know inspection and testing profession or have an expert engineer or knowledgeable technician employed to work.

3. In addition to a compressor, the applicant should possess the following devices:

(a) Sounder.

(b) GPS to pinpoint driven-points according to width and length lines used to pinpoint the well place by a special committee to mark well point and take height of well in terms of sea level into consideration.

(c) Allocation of a box to take different geological samples during drilling process.

(d) A tanker for water provision.

(e) Mobile caravan.

4. An assigned committee by the directorate of underground water carefully inspects the applicant devices and equipment.

5. After inspection and report writing, by the special committee of licensing companies for well drilling and bureaus for well tester consisting of the general directorate and all three (Erbil,

Sulaimaniya and Dohuk) directorates' representatives of underground water and approving by the general directorate, the committee writes its report and forwards it to the general directorate for approval.

6. After gaining general director's consent, the applicant obtains license of the bureau.
7. The bureau owner should employ a geological supervisor who knows about testing, holds the geologists union or syndicate support and visits the well site for testing purposes and preparing the well tester form.
8. The bureau should meet all technical terms issued by the directorate of underground water in terms of well testing application.
9. The bureau should submit the testing form, after one month of testing the well, to the directorate of underground water.
10. The directorate of underground water is entitled at any time to explore, inspect test devices and check the bureau to ensure the capacity and operation of devices.

Second Tester bureau license by compressor:

1. Submit an application to the directorate of underground water.
2. The applicant should know inspection and testing profession or have an expert engineer or knowledgeable technician employed to work.
3. In addition to a compressor, the applicant should possess the following devices:
  - a. Sounder.
  - b. GPS to pinpoint well driven-points.
4. An assigned committee by the directorate of underground water carefully inspects the applicant devices and equipment.
5. After inspection and report writing, by the special committee of licensing companies for well drilling and bureaus for well tester consisting of the general directorate and all three (Erbil, Sulaimaniya and Dohuk) directorates' representatives of underground water and approving by the general directorate, the committee writes its report and forwards it to the general directorate for approval.
6. After gaining general director's consent, the applicant obtains license of the bureau.
7. The bureau owner should employ a geological supervisor who knows about testing, holds the geologists union or syndicate support and visits the well site for testing purposes and preparing the well tester form.
8. The bureau should meet all technical terms issued by the directorate of underground water in terms of well testing application.
9. The bureau should submit the testing form after one month of testing the well to the directorate of underground water.
10. The directorate of underground water is entitled at any time to explore, inspect test devices and check the bureau to ensure the capacity and operation of the devices.

Third Tester bureau license by pump:

1. Submit an application to the directorate of underground water.
2. The applicant should know inspection and testing profession or have an expert engineer or knowledgeable technician employed to work.
3. In addition to compressor, the applicant should possess the following devices:
  - a. Sounder.
  - b. GPS to pinpoint well points.

- c. Allocation of a box to take different geological samples during drilling process.
- d. A tanker for water provision.
- e. Mobile caravan.
4. An assigned committee by the directorate of underground water carefully inspects the applicant devices and equipment.
5. After inspection and report writing by the special committee of licensing companies for well drilling and bureaus for well tester consisting of the general directorate and all three (Erbil, Sulaimaniya and Dohuk) directorates' representatives of underground water and approving by the general directorate, the committee writes a report and forwards it to the general directorate for approval.
6. After gaining general director's consent, the applicant obtains license of the bureau.
7. The bureau owner should employ a geological supervisor who knows about testing, holds the geologists union or syndicate support and visits the well site for testing purposes and preparing the well tester form.
8. The bureau should meet all technical terms issued by the directorate of underground water in terms of well testing application.
9. The bureau should submit the testing form after one month of testing the well to the directorate of underground water.
10. The directorate of underground water is entitled at any time to explore, inspect test devices and check the bureau to ensure the capacity and operation of the devices.

Item 13 Duties are defined according to Ministry of Finance and Economy:

1. Inspection and license for government offices wells and public wells are as the following:
  1. IQD15.000 for exploring the well location.
  2. IQD50.000 duties of well license.
2. Inspection and license for private sector wells:
  1. IQD15.000 for exploring the well location.
  2. IQD100.000 duties of well license.
3. Inspection for well drilling devices, compressors and pumps
  1. IQD15.000 for device inspection.
  2. IQD100.000 for well license for the well driller.

Item 14 Penalties

1. Drilling unlicensed well by licensed bureau devices for the first time is fined IQD1.000.000 (one million Iraqi Dinar) pursuant to instructions by the ministry of finance and economy in addition to putting the device into suspension for (6) six months and to keep under custody in the directorate of underground water garage in addition to withdrawing the license until completion of penalty time.
2. In case of repeating this breach, it is find IQD2.000.000 (two million Iraqi Dinar) pursuant to instructions by the ministry of finance and economy in addition to putting the device into suspension for (1) one year time and to keep under custody in the directorate of underground water garage in addition to withdrawing the license until completion of penalty time.
3. In case of third time breach the license for driller and device is canceled.
4. Breaching clause 11, item 7 in this instruction by the bureau or driller, the device is suspended for (1) one year time, the well owner license is withdrawn and the well is backfilled.

5. Breaching clauses (7, 8 and 9), of all three parts of item 12 in this instruction by the bureau, the device and driller is suspended for (3) month. In case of repetition the device is suspended for (6) months. If repeated for the third time, the license would cancel.

6. In case of late renewal of bureau's license, the device is suspended for (3) months for each month delay.

7. For each breach, a special report about the breach is written by a committee under the directorate of underground water and forwarded to general director of underground water for amending and approving the penalty.

Item 15 Drilling water well by pile is prohibited for well drilling purposes. If pile used, it would seize to become the government asset.

Item 16 No rules opposing this instruction are applied.

Item 17 This instruction is effective since the day of publication in Kurdistan news facts.

Abdulsatar Majeed

Minister of Agriculture and Water Resources

Published in the Kurdistan News facts No. 183, dated 24 Feb 2015



### **Third: Environmental legislations related to air**

#### **1- Instructions no. (1) of (2011) Noise Reduction in Kurdistan Region-Iraq**

Reference to provisions of article 10 of the law of Environmental Protection and Improvement Committee numbered 3 of 2010 and article 27/ second, law of Environmental Protection and Improvement in Kurdistan Region of Iraq No. 8 of 2008; we issued the following instructions:

#### Article 1

The following terms and expressions shall have the meanings set out next to them, for the purpose of these instructions:

1. The Region: Kurdistan Region of Iraq.
2. The Committee: Environmental Protection and Improvement Committee.
3. The Chairman: Chairman of Environmental Protection and Improvement Committee.
4. The Noise: sounds are annoying human and animals when heard, due to the high and variable frequency, and it consists of three types: (external noise, internal noise and back noise).
5. The national determinants of the region: the maximum acceptable level --exposing citizen's hearing to unacceptable noise.
6. The unacceptable noise: the undesirable sound which disturbs mind and mood or raises nerves and exceeds 85 decibel on daytime and 70 decibel nighttime.
7. Decibel: logarithmic measurement to measure the sound pressure level and to what extent the normal human can withstand noises.
8. Sound Power: a more comprehensive measurement to measure noises, it expresses the total amount of sound energy power transmitted from the source, it is measured by (bel, equals to 10 decibel).
9. Standard level: the constant (continuous) noise allowed at the working site is 85 decibel.
10. The Change Rate: when noise exceeds the standard level, the exposure time to the employee should be decreased, (table No. 1) attached to these instructions.
11. The external amplifier: the amplifiers used outside buildings.
12. The internal amplifiers: the amplifiers used inside buildings.
13. Rest times: from 11pm to 6 am and from 3 pm to 6 pm in summer. From 10 pm to 7 am and from 2 pm to 5 pm in winter.

## Article 2

The environmental departments receive citizen's complaints related to noises (emitted from buildings, vehicles, or machines or equipment on roads or from persons or any other sources that cause disturbance). After it is approved that the noise is unacceptable, it will be submitted to the Provincial Council, to give an opinion.

## Article 3

According to these instructions, a Noise Observatory will be established at the big cities of the region undertaking the following:

1. Researches related to noises (current and future situation).
2. Preparing of environmental map for noise with annual update.
3. Preparing studies about the health impact of noises.
4. Evaluation of regulations and national instructions of the region related to acoustic environment of a city, and to what extent people are reacting with it.
5. The noise observatory will be under the province formation.
6. Media connection with people, through a clear strategy, with the goal of awareness on risks of noises on public health, quality of life and preparation to execute this regulation.
7. Monitoring the noise level of projects in cooperation with the related parties.
8. To show the noise maps, data and information related to noises to the citizens.

## Article 4

The noise observatory undertake, in cooperation with the body and other related parties, and in coordination with relevant parties including Civil Society Organizations, preparation of the national program in order to reduce noise sources through:

1. A comprehensive survey of the Region's governorates, use of experts to reach a decision on the limits of allowed noises in the working environments and residential areas.
2. Adoption of national noise maps for the governorates and districts centers.
3. Setting noise standards resulted from vehicles and trucks.
4. Setting noise standards resulted from machineries and different equipment.
5. The national program deals with methods of how to reduce noises at:

- a. Main roads.
  - b. Markets, malls, bourses, auctions and others.
  - c. Industrial areas.
  - d. Residential areas.
  - e. School surroundings, kindergartens, elderly and handicap houses.
  - f. Hospitals.
  - g. Official departments.
  - h. Airports.
6. Preparing specialized staff to work in the field of noises.
  7. Adoption of updated data in establishing new projects.
  8. Activation of environmental law through awareness, control, regular monitoring and fining violators.
  9. Cooperation with the relevant Iraqi departments in order to prepare Iraqi specifications of acoustic and noises especially the quality control.
  10. Supply the required equipment to employees working on control and monitoring.

#### Article 5

1. Sounds exceeding 70 decibel are considered as noises harmful to human health, and it is advised not to be exposed to such noises.
2. Exposure of human ears to sound intensity exceeding 65 decibel are considered noises having negative impact on quality of life.
3. Sounds intensity exceeding 60 decibel are considered as noises.

#### Article 6

Noise at the working environment is included within occupational safety subject, so it has to:

1. Classify the professions in governmental institutions, mixed and private sectors, according to exposure degree of the employees to acoustic pollution, taking into consideration their rights due to the exposure to this type of pollution.
2. Preventing employees of all sectors from exposure to noises exceeding the levels stipulated in table (2) attached to this instructions.
3. All institutions (factories, workshops, etc...), should supply ear protections, conduct regular ear checks to the employees exposing to unacceptable levels of noises.

#### Article 7

The maximum exposure to noises for residents of surrounding areas for all projects is: 60 decibel on daytime and 55 decibel on nighttime.

#### Article 8

1. The projects managers are responsible to keep the acoustic level within the permissible level during all stages of project execution. In case the noises exceeded the permitted level, the project manager is subjected to questioning and he will be required to focus on acoustic insulation methods.
2. The project managers are required to provide all acoustic information related to their project to the body in addition to the procedures taken to reduce noise (during and after execution of projects).
3. The project management is required to present a study on traffic density and noises resulted from execution of the project to the body.

#### Article 9

The party which funds projects bears the expenses of installation of proper acoustic insulation methods, and not to exceed the acceptable acoustic levels.

#### Article 10

1. Owners of clubs, concerts, occasions and wedding halls, gardens, casinos and public gardens used for all occasions have to install instruments to measure the noise level connected with alarm system which shall disconnect the power supply of amplifiers, according to standard 70 decibel to the ears of the audience.
2. All the related parties should make a condition, when granting licenses and renewing contracts, to install the above mentioned instruments.
3. The project owner or the nominee; is given 3 months to complete the installation process in a technical way.

#### Article 11

Employees working in noisy environments, have the right to request for weekly checks, in order to know the extent they have exposed to noises.

#### Article 12

It is not allowed to rely on hearing sense in recommending the complainant, but the following measures are adopted:

1. Reading of noise measurement instrument.

2. Classification of noise area.
3. Time of noise occurrence.
4. The acceptable level of noise at that time.

#### Article 13

Noise of police, ambulance and firefighting siren cars is considered as a violation when there is no excuse for the emergency case, and the violator is punished according to provisions of these instructions.

#### Article 14

The Body exclusively is the responsible party to determine indicators and measuring methods of noise in addition to the acceptable limit.

#### Article 15

1. All parties and individuals are committed not to exceed the acceptable level of sound intensity, within working areas and other indoor public places indicated in table (1) attached to these instructions, when commencing production and service activities, especially when operating machines and equipment, and using alarm instruments and amplifiers.
2. The parties granting permissions must consider that the total sounds emitted from fixed sources in one place should be within the acceptable range, and to ensure commitment of the establishment to choose the proper tools and equipment to guarantee this issue, according to what is shown in table (2) attached to these instructions in aspect of the acceptable range of sound intensity and the time of exposure.

#### Article 16

The private project owners shall undertake not to expose their employees and users to noise levels exceeding the acceptable range mentioned in both tables (3&4), and to consider values of noises according to the instructions mentioned in table (5) attached to these instructions.

#### Article 17

These instructions are executed after publication in the official gazette (Kurdistan Facts).

Dr. Rezan Hasan Mawlood

Chairwoman of the Body

**Table (1)**

**Indicates reduction of exposure time into half with every triple increase**

Period of the maximum acceptable every day in hours	Exchange rate 3 decibel
	The acceptable level
8	85
4	88
2	91
1	94
0.5	97
0.25	100

**Table (2)**

**The acceptable limit of noise for construction activities**

Industrial areas	Trade areas	Residential areas	
85 dBA	80 dBA	75 dBA	Daily: from 7am to 7 pm
70 dBA	65 dBA	60 dBA	Daily: from 7pm to 7am

**Table (3)**

**Sound intensity inside the workplace and indoor places**

The acceptable level of noise intensity within places of production activities:

Determination the type of place and activity	The maximum acceptable noise intensity equivalent dB
1. Workplaces of night shift until 8 hours, it aims to reduce risks of noises on hearing sense.	85
2. Workplaces that require hearing of acoustic signs and good speech hearing.	80
3. Workrooms to follow up, measure and set of operation and with	65



**Table (4)**  
**The maximum acceptable of noise strength at different areas**

Type of the area	The acceptable limit of sound intensity decibel		
	Daytime From – to	Evening From – to	Nighttime From – to
Administrative and Trade areas and downtown	55-65	55-60	45-55
Residential areas including some workshops or commercial works or on the main road	50-60	45-55	40-50
Residential areas in the city	45-55	40-50	35-45
Residential neighborhoods with weak movement	40-50	35-45	30-40
Rural residential neighborhood, hospitals and gardens	35-45	30-40	25-35
Industrial areas (heavy industries)	60-70	55-65	50-60

Daytime: from 7 am to 6 pm

Evening: from 7 pm to 10 pm

Nighttime: from 10 pm to 7 am

**Table (5)**  
**The instructional values of noise in certain environments**

Certain environment	Health impacts	Level	Time	Level
	Critical	Equivalent noise (Laeq) dB (A)	Hour	Maximum noise (LA max) dB
Places of fresh air	Serious annoying, day and evening, moderate annoying day and evening	55	16	-
		50	16	-
Within houses or indoor	Clear speech, moderate	35	16	45
		30	8	



places, inside bed rooms	annoying, day and evening, sleeping disorder, nighttime			
Outside bed rooms	Sleeping disorder, opened windows (values of fresh air)	45	8	60
Inside classrooms in schools and kindergartens	Clear speech, sleeping disorder in debriefing, and to desired speech	35	During classes	-
Sleeping places within kindergartens	Sleeping disorder	30	Sleeping time	45
Schools, opened play yards	Annoying (external sources)	55	During playing	-
Hospitals, lounges, inner rooms	Sleeping disorder, nighttime, sleeping disorder, daytime and evening	30 30	8 16	40 -
Hospitals, treating rooms, within rooms	Interaction with rest and improvement	#1		
Industrial areas, trade zones, markets, traffic areas (inside and outside)	Weak hearing	70	24	110
Ceremonies, celebrations, entertaining events	Weak hearing (organizer: less than 5 times a year)	100	4	110
Public addresses (inside and outside)	Weak hearing	85	1	110
Music and other sounds through headphones	Weak hearing	4#85	1	110

Onrushing sounds from games and fireworks	Weak hearing (adults) weak hearing (kids)	- -	- -	2#140 2#120
External places of parks and protected areas	Silence disturbance	3#		

- 1- The least
- 2- Peak acoustic pressure (LA max), measured in 10 cm away from ear.
- 3- Existence of external calm places, it should be preserved, and it should reduce the noise ratio intruder to natural sounds.
- 4- Under headphones adapted to free values.

The instructions published in Kurdistan Facts number (140) on 29.12.2011

			(11,500mg/m <sup>3</sup> )	
		Chronic	1 ppm (3800mg/m <sup>3</sup> )	Neurological
3	Xylene	Sharp	1 ppm (4400 mg/m <sup>3</sup> )	Neurological
		Medium	0.7 ppm (3100 mg/m <sup>3</sup> )	Development
		Chronic	ppm (440 mg/m <sup>3</sup> )	Neurological
4	Cadmium	Chronic	0.2 mg/m <sup>3</sup>	Renal
5	Chromium(III)	Medium	0.02 mg/m <sup>3</sup>	Respiratory
		Chronic	0.02 mg/m <sup>3</sup>	Respiratory
6	Mercury	Sharp	0.02 mg/m <sup>3</sup>	Developmental
		Chronic	0.014 mg/ m <sup>3</sup>	Neurological
7	Nickel	Medium	0.1 mg/m <sup>3</sup>	Respiratory
8	Vanadium	Sharp	0.2 mg/m <sup>3</sup>	Respiratory

## **2- Instructions no. 2 of 2011, protection of atmosphere from common and dangerous air pollutions (Ambient Air Quality Protection from dangerous and common air pollutants)**

Reference to provisions of article (10), Law (3) of 2010 Environmental Protection and Improvement Body in Kurdistan region- Iraq, and provisions of both articles (26 & 27/1) law of Environmental Protection and Improvement in Kurdistan region number (8) of 2008, we have decided to issue Instructions (2) of 2011.

### **Article 1**

The following terms shall have the meanings set out next to them, for the purpose of these instructions:

1. **The Body:** Environmental Protection and Improvement Board in Kurdistan region.
2. **The President:** Chairman of Environmental Protection and Improvement Body in Kurdistan region.
3. **The Instructions:** the instructions of ambient air quality from common and dangerous air pollutants.
4. **Air:** the gaseous atmosphere surrounding the earth planet.
5. **Air pollution:** existence of one or more air pollutants or combinations with concentrations and periods that may harm human, plants, animals, soil and properties.
6. **Air pollutants:** solid, gaseous or liquid impurities in the air that above acceptable concentrations limit may cause risks to public health or damage to environment or living things.
7. **Reasons of air pollution:** introducing strange objects into its components, or change of the natural percentages of component concentrations, or both.
8. **Sources of air pollutants:** air pollutants are classified, according to their sources, into two categories.
  - **Pollutants from natural sources-** include pollutants discovered in nature.
  - **Pollutants from humanitarian sources-** usually non-existed pollutants in nature which enter into air due to humanitarian activities or exists in nature and increasing due to humanitarian activities.
9. **Types of air pollutants:** smokes, vapors, dust, fog, smells and tiny objects, radioactive and poisonous materials which increase due to humanitarian activities.
10. **Aerosol:** solid-gaseous objects stuck to air.
11. **National determinants:** the maximum acceptable limit of concentration of all air pollutants allowed to be thrown in to environment.

12. **Common pollutants:** means the following pollutants: ground-level- ozone, tiny objects stuck, carbon monoxide, carbon dioxide, sulfur and lead dioxide.
13. **Hazardous pollutants:** meant by all dangerous air pollutants including composites depleting the ozone layer, determined by the Body later on; and will be updated when required.
14. **Ground level ozone:** dangerous gas harmful to health, it is produced from reaction of nitrogen oxide with volatile organic compounds under sunlight and air temperature.
15. **Stuck tiny objects:** consist of two types:
- **Rough objects-** objects with diameter exceed 2.5 micrometer and less than 10 micrometer.
  - **Soft objects-** their diameter is less than 2.5 micrometer.
16. **Six national standards:** are standards related to ambient air (outside buildings) in Kurdistan Region, consisting of two types:
- **Primary standards:** the standards to protect human health with proper limits of safety especially for sensitive categories such as kids, elderly people and those who suffer from lung diseases, determined by the Body through instructions to be updated when necessary.
  - **Secondary standards:** the standards prepared to protect public health from risks of any known pollutants or the possible adverse effects of a pollutant such as (animals, plants, materials or others), determined by the Body through instructions to be updated when necessary.
17. **Major emitting facility:** it means the fixed sources of air pollutants which release or has the capacity to release 100 tons or more in a year, from pollutants of fixed sources mentioned in this instruction.
18. **Usage:** means any tool or method contains or uses one of the common or dangerous pollutants.
19. **Protocol:** it means Montreal Protocol attached to Vienna agreement to protect Ozone layer including the amendments adopted and those executed.
20. **Medical tools:** means medicine, diagnostic products and distribution systems, in which common and dangerous pollutants are used, provided that:
- Obtaining approval of the Body and Quality Control Department for importing or manufacturing.
  - Confirmation of Ministry of Health that these are considered as urgent needs to be imported.
  - Proofs and updated scientific evidences related to safe using.
21. **Compounds depleting Ozone layer:** means the chlorinated and fluorinated compounds and others which are proven to deplete the upper ozone layer mentioned in the agreement and determined by instructions.

**Article 2**

The educational, research and health institutions are excluded from using dangerous pollutant materials.

**Article 3**

**First:** sources of common air pollutants are represented in the following:

- A. Steam power plants operated by fossil fuel, with production capacity of 250 million British BTUs / hour or more.
- B. Giant geysers operating with fossil fuel 250 BUT/ hour or more.
- C. Coal Cleaning Plants and Thermal Dryers.
- D. Cement Plants.
- E. Paper Mills.
- F. Zink smelter
- G. Iron and Steel Plants.
- H. Mills.
- I. Plants of Aluminum primary reduction.
- J. Primary Copper smelter.
- K. Primary Lead smelter.
- L. Municipality burners with capacity of 50 tons/ day.
- M. Acid Plants (hydrochloric, sulfuric, hydrofluoric and nitric acids).
- N. Oil Refineries.
- O. Gypsum plants.
- P. Phosphate rocks treatment plants.
- Q. Giant briquette furnaces.
- R. Sulfur purifying plants.
- S. Black Carbon plants.
- T. Fuel exchange plants.
- U. Paint plants.
- V. Primary metal manufacturing facilities.
- W. Chemical treatment workshops with capacity of 300 thousand barrel.
- X. Oil storages
- Y. Ore rock crushers.
- Z. Fiberglass plants.
- AA.Charcoal plants.
- BB.Carpentry plants (suspended tiny objects and soils).

- a. Construction of buildings in non-scientific methods, such as throwing craps, emission of dust quantities and tiny objects and etc.
- b. Places of throwing solid waste and sewages (existence of tiny objects, dust, stink smells included with microorganisms such as fungi, bacteria and viruses widespread in atmosphere transmit to human and other tiny livings resulting in health damages to them.
- c. Any other source or facility producing 250 tons/ year or more, of pollutants into air.

**Second:** the related parties undertake to provide the Body with concentration of each pollutant mentioned above with annual emissions.

#### Article 4

The following table adopts the acceptable levels of common pollutants until issuance of the national track for each level of six common pollutants by the Body through instructions to be issued later on.

The pollutant	Type	Standard	Average time
SO <sub>2</sub>	Primary	0.14 PPM 356mg/m	24 hours
SO <sub>2</sub>	Primary	0.030 PPM 80mg/m	Annually
SO <sub>2</sub>	Secondary	0.3 PPM 1300mg/m	3 hours
PM <sub>10</sub>	Primary and secondary	150mg/m	24 hours
PM 2.5	Primary and secondary	35mg/m	24 hours
PM 2.5	Primary and secondary	15mg/m	Annually
CO	Primary	35 PPM 40mg/m	1 hour
CO	Primary	9 PPM 10mg/m	8 hours
O <sub>3</sub>	Primary and secondary	0.075 PPM 235mg/m	8 hours
No <sub>2</sub>	Primary and secondary	0.053 PPM 100mg/m	Annually
PB	Primary and secondary	1.5mg/m	Quarterly

Note:

Each measurement mentioned in the above table has its own standard in terms of number of times the level increased, and in some cases it depends on the average once every 3 years.

## **Article 5**

**First:** The Body acts as follows:

- a. Determination of air pollution spots and areas, which are subjected to regular monitoring programs.
- b. Conducting surveys and necessary analysis to determine the air pollution level in the areas of control, and identification of causes that prevent exceeding the acceptable limit in coordination with the related parties.
- c. Conducting the necessary surveys to collect data and necessary information related to air pollution sources in terms of their types, numbers, sizes and classification of activities polluting the air of the region, according to quantity, quality and impact of the emitted pollutants, determining places exposing to it, and to conduct regular monitoring to reduce its negative effects on environment and humans.
- d. Coordination with the relevant parties to prepare the air quality national standards.
- e. Conducting monitoring and inspection on all mixed, private and public sector establishments which pollute the environment.
- f. Setting and maintaining a database in coordination and cooperation with the relevant parties.

**Second:**

- a. The opinion of the environmental authorities should be taken for all projects and future activities affecting on quality of air.
- b. Installation of fixed monitoring stations in different areas of the region, and linking them with electronic information network when finance resources are available.
- c. The Body is exclusively specialized in follow-up of air pollutants in Kurdistan Region as per the legal granted authorities.

## **Article 6**

It is prohibited to use machineries, equipment, vehicles, engines and generators producing air pollutants exceeding what have been mentioned in annexes (1& 2).

## **Article 7**

The Body specializes, in coordination with the relevant Ministries, to prepare the information system related to air quality in Kurdistan Region. All private and public concerned persons should:

- a. Supply the Body with all data and available information in their records, or those representing their activities from industrial, agricultural and service projects, including the professionalism, for the purpose of these instructions it includes investment in different types of projects, and those at industrial areas or free zones or those that will be established later on.

- b. Submission of data and information on numbers and nature of storages containing poisonous materials and very dangerous chemicals to atmosphere and public health.

### **Article 8**

The parties, cause air pollution from their activities, are committed to the following:

**Frist:** submission of environmental impact statement before commencing its establishment, including the procedures to for ambient air quality protection.

**Second:** providing methods and systems for air pollution treatment, confirming its efficiency, fixing the defects when they occur and to inform the Body about that.

**Third:** the mentioned parties must have measuring devices and monitor the main air pollutant, supply the Body with results of measurements, and in case it was not provided, it should be inspected at consultant offices and laboratories adopted by the Ministry.

**Fourth:** setting a database in terms of air protection and to sustain it.

### **Article 9**

**Frist:** the owner of any project, before starting the establishment, is committed to submit an environmental impact assessment statement of his project included with the following in terms of air protection:

- a. Evaluation of positive and negative impacts of the project on air quality.
- b. The suggested methods to reduce and address the causes of air pollution in order to achieve compliance with valid instructions.
- c. Urgent and possible cases of air pollution and the precautions needed to be taken.
- d. Possible alternatives to use environmentally cleaner techniques to reduce air pollution.

**Second:** activities of current establishments, their extensions, and renovations are subjected to provisions of this article.

### **Article 10**

The provisions of this instruction are valid after 60 days from issuance date in the official gazette of Kurdistan Facts.

Dr. Rezan Hasan Mawlood  
Chairwoman of the Body



**Table (1)**  
**The maximum limit of pollutants of outside air**

#	Name of the pollutant	Exposure Time	Primary limit	Secondary limit
1	SO <sub>2</sub> - sulfur dioxide	3 hours	0.5 ppm	350 mg/m <sup>3</sup>
		24 hours	0.40 ppm	125-150 mg/m <sup>3</sup>
		One year	0.03 ppm	20-60 mg/m <sup>3</sup>
2	CO- carbon monoxide	1 hour	30 mg/m <sup>3</sup>	30 mg/m <sup>3</sup>
		8 hours	10 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>
3	NO <sub>2</sub> - nitrogen dioxide	1 hour	200 mg/m <sup>3</sup>	200-400 mg/m <sup>3</sup>
		24 hours	150 mg/m <sup>3</sup>	150 mg/m <sup>3</sup>
		One year	100 mg/m <sup>3</sup>	100 mg/m <sup>3</sup>
4	O <sub>3</sub> ozone	1 hour	0.12 mg/m <sup>3</sup>	200-60 mg/m <sup>3</sup>
		8 hours	120 mg/m <sup>3</sup>	120 mg/m <sup>3</sup>
5	Suspended particles such as black smoke	24 hours	260 mg/m <sup>3</sup>	150-100 mg/m <sup>3</sup>
		One year	75 mg/ m <sup>3</sup>	60 mg/m <sup>3</sup>
6	Total suspended particles	24 hours		230 mg/m <sup>3</sup>
		One year		90 mg/m <sup>3</sup>
7	Chest particles PM <sub>10</sub>	24 hours		150 mg/m <sup>3</sup>
		One year		50 mg/m <sup>3</sup>
8	Chest particles PM <sub>2.5</sub>	24 hours		35 mg/m <sup>3</sup>
		One year		15 mg/m <sup>3</sup>
9	Lead Pb	3 months	1.5 mg/m <sup>3</sup>	-
		One year	0.5 mg/m <sup>3</sup>	0.5 mg/m <sup>3</sup>

**Notes :**

Primary limit: means effect on human health.

Secondary limit: means effect on plants and other livings; microgram/ m<sup>3</sup> (mg/m<sup>3</sup>)

**Table (2)****The maximum limits of solid total particles emitting from chimneys of industrial facilities**

#	Type of activity	Maximum limit of exhaust emission Milligram/m <sup>3</sup> mg/m <sup>3</sup>
1	Carbon industries	50
2	Coal industries	50
3	Phosphate industries	50
4	Lead extraction and industry	20
5	Ingots industry, zinc and copper extraction, other mineral non-steel industries	100
6	Steel industries Established facilities and those will be established after issuance of instructions	100
7	Cement industries Established plants before issuance of instructions Plants will be established after issuance of instructions	200 150
8	Industrial wood and fibers	150
9	Oil industries and refining	100
10	Other sources	150

Solid particles: mean all solid materials emitted from industrial establishment's chimneys.

**Table (3)****The maximum limits of gas and smoke emission from chimneys of industrial establishments**

#	Name of pollutant	Maximum limit of emissions allowed from the chimney mg/m <sup>3</sup>
1	Dehydrate (measured as formaldehyde)	20
2	Antimony	20
3	<u>Carbon monoxide CO</u>	250

	current established facilities and those will be established after issuance of instructions.	
4	<u>Sulfur dioxide SO<sub>2</sub></u> , Oil industries, coal, current establishments. And those will be established after issuance of instructions, non-steel industries, sulfuric acid industries and other sources.	4000 2500 3000 1500
5	Sulfur trioxide, in addition to sulfuric acid	150
6	Nitric acid to industry of nitric acid	200
7	Hydrochloric acid (hydrochloride)	100
8	Hydrofluoric acid	15
9	Lead and its compounds Pb	20
10	Hg and its compounds	3
11	Arsenic and its compounds	10
12	Heavy metals (total)	20
13	Silicon florid	10
14	Fluorine (F)	20
15	Tar: battery electrode industries	50
16	Cadmium Cd	5
17	Sulfuric hydrogen H <sub>2</sub> S	10
18	Chlorine Cl <sub>2</sub>	20
19	Carbon, burning garbage and waste Electrode industries	50 50
20	Organic compounds	50 (0.04%) of raw oil refining
21	Copper and its compounds Cu	20
22	Nickel Ni	20
23	Nitrogen oxides: Nitric acid industries, current facilities, and those will be established after issuance of instructions Other sources Burning processes in degree not less than 1200 Celsius Burning processes in degree more than 1200 Celsius	400  300 200 180

**Table (3b)**  
**The maximum limit of air pollutants within working places**

#	Pollutant material	Internal atmosphere of the plant (exposure for 8 hours)	Internal atmosphere of the plant (exposure for 15 minutes)
1	Acrolein	0.02 ppm	0.25 ppm
2	Aldehyde acid	5 ppm	100ppm
3	Formaldehyde	0.016 ppm	0.1ppm
4	Carbon monoxide	8.6 ppm	86 ppm
5	Carbon dioxide	3500 ppm	9000 ppm
6	Ozone	0.064 ppm	0.2 ppm
7	Nitrogen dioxide	0.05 ppm	5 ppm
8	Chest particles (less than 2.5 micrometer)	0.015 mg/m <sup>3</sup>	0.04 mg/m <sup>3</sup> (1 hour)
9	Sulfur dioxide	0.019 ppm	0.38 ppm
10	Humidity	30-80 % summer 30-50 % winter	
11	Asphalt smokes	5 mg/m <sup>3</sup>	
12	Welding smokes	5 mg/m <sup>3</sup>	
13	Cadmium and its compounds (smokes)	0.05 ppm	0.2 ppm
14	Copper and its compounds (smokes)	0.2 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>
15	Tin and its compounds (smocks) non organic	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>
	Organic	0.1 mg/m <sup>3</sup>	0.2 mg/m <sup>3</sup>
16	Arsenic and its compounds (smokes)	0.2 mg/m <sup>3</sup>	-
17	Zinc and its compounds (smokes)	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>
18	Tetraethyl lead	0.001 mg/m <sup>3</sup>	0.003 mg/m <sup>3</sup>
19	Lead chromate	0.005 mg/m <sup>3</sup>	-
20	Lead arsenate	15*10 <sup>-4</sup> mg/m <sup>3</sup>	40*10 <sup>-4</sup> mg/m <sup>3</sup>
21	Toluene	375 mg/m <sup>3</sup>	560 mg/m <sup>3</sup>
22	Antimony and its compounds (smokes)	0.5 mg/m <sup>3</sup>	-

23	D.D.T	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>
24	Cyanide salts	5 mg/m <sup>3</sup>	-
25	Steel and its compounds (smokes)	5 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>
26	Lead (smokes) non-organic	15*10 <sup>-4</sup> mg/m <sup>3</sup>	40*10 <sup>-4</sup> mg/m <sup>3</sup>
27	Magnesium and its compounds (smokes)	10 mg/m <sup>3</sup>	
28	Mercury Hg	-	-
29	Phosphorus P	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>
30	Selenium and its compounds (smokes) Se	0.2 mg/m <sup>3</sup>	-
31	Barium and its compounds (smokes) Ba	0.5 mg/m <sup>3</sup>	-
32	Hexagonal chloronafetalin	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>
33	Bromine and its compounds (smokes)	0.7 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>
34	Chrome and its compounds (smokes)	0.5 mg/m <sup>3</sup>	-
35	Fluorine F	2 mg/m <sup>3</sup>	4 mg/m <sup>3</sup>
36	Nickel and its compounds (smokes)	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>
37	Alkyl compounds (fumes)	0.01 mg/m <sup>3</sup>	0.03 mg/m <sup>3</sup>
38	Vanadium and its compounds (smokes)	0.5 mg/m <sup>3</sup>	-
39	Warfarin	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>
40	Thallium and its compounds (smokes)	0.1 mg/m <sup>3</sup>	-
41	Phosgene	0.4 mg/m <sup>3</sup>	-
42	Phosphine	0.4 mg/m <sup>3</sup>	1 mg/m <sup>3</sup>
43	Pentachlorophenol	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>
44	Naphthalene	50 mg/m <sup>3</sup>	75 mg/m <sup>3</sup>
45	Nicotine	0.5 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>
46	Nitroglycerine	0.2 mg/m <sup>3</sup>	0.5 mg/m <sup>3</sup>
47	Iodine	1 mg/m <sup>3</sup>	-
48	Iron Penta-carbonic	0.8 mg/m <sup>3</sup>	1.6 mg/m <sup>3</sup>
49	Endo sulfan	0.1 mg/m <sup>3</sup>	1.3 mg/m <sup>3</sup>
50	Endrine	0.1 mg/m <sup>3</sup>	0.3 mg/m <sup>3</sup>
51	Fiberglass dust	10 mg/m <sup>3</sup>	-

52	Hexagonal krunfthleen	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>
53	Cobalt and its components (smocks)	0.1 mg/m <sup>3</sup>	-
54	Cyanogen chloride	0.6 mg/m <sup>3</sup>	-
55	Dichloride Estelline	0.4 mg/m <sup>3</sup>	-
56	Dichloride klorofos	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>
57	Aldrin	0.25 mg/m <sup>3</sup>	0.75 mg/m <sup>3</sup>
58	Dio netroarthukrisol	1 mg/m <sup>3</sup>	3 mg/m <sup>3</sup>
59	Dioxin	90 mg/m <sup>3</sup>	350 mg/m <sup>3</sup>
60	Carbovioran	0.1 mg/m <sup>3</sup>	-
61	Carbon tetrachloride	30 mg/m <sup>3</sup>	125 mg/m <sup>3</sup>
62	Chlordane	0.5 mg/m <sup>3</sup>	2 mg/m <sup>3</sup>
63	Chlorine	3 mg/m <sup>3</sup>	9 mg/m <sup>3</sup>
64	Asitaldahyde chlorine	3 mg/m <sup>3</sup>	-
65	Diphitile chlorine	0.5 mg/m <sup>3</sup>	1 mg/m <sup>3</sup>
66	Chloroform	50 mg/m <sup>3</sup>	255 mg/m <sup>3</sup>
67	Chlorine perfuse	0.2 mg/m <sup>3</sup>	0.6 mg/m <sup>3</sup>
68	Chrome components hexavalent	0.05 mg/m <sup>3</sup>	-
69	Pent hydrate	1 mg/m <sup>3</sup>	-
70	Bromoform	5 mg/m <sup>3</sup>	-
71	Beryllium	0.002 mg/m <sup>3</sup>	-
72	Proteolytic enzymes	60*10 <sup>-6</sup> mg/m <sup>3</sup>	-
73	Ammonium chloride	10 mg/m <sup>3</sup>	-
74	Tri-nitro toluene	1.5 mg/m <sup>3</sup>	2.5 mg/m <sup>3</sup>
75	Sodium Flore acetate	0.05 mg/m <sup>3</sup>	1.5 mg/m <sup>3</sup>
76	Methanol	260 mg/m <sup>3</sup>	310 mg/m <sup>3</sup>

**Notes:**

1. Components in general mean the soluble salts of metal oxide and soils which come out in smock in working atmosphere.
2. It is not allowed to expose to a material of any component for 15 minutes more than 4 times a day, provided that the period of exposure and the one following is not less than 60 minutes.

**Table (4)**  
**The maximum limit of emission from chimneys of hospital burners**

#	Pollutants	Maximum limit allowed (mg/m <sup>3</sup> )
1	Total particles (total soil)	10
2	Gaseous materials and smocks, in shape of organic carbon	10
3	Hydrochloric acid	10
4	Hydrofluoric acid	2
5	Sulfur dioxide	50
6	Nitrogen oxide	200
7	Carbon oxide	100
8	Components of furan and dioxin	0.1*10 <sup>-6</sup>
<b>Heavy metals</b>		
9	Cadmium and its components	0.1
10	Thallium and its components	0.1
11	Hg and its components	0.1
12	Antimony and its components	0.1
13	Arsenic and its components	0.1
14	Lead and its components	0.1
15	Chrome and its components	0.1
16	Cobalt and its components	0.1
17	Copper and its components	0.1
18	Manganese and its components	0.1
19	Nickel and its components	0.1
20	Tin and its components	0.1
21	Metal melting and its components	1

Table (5)

## The maximum limit of emissions resulted from fuel burning

The source	Fuel type	Maximum limit allowed (mg/m <sup>3</sup> )			
		Carbon oxide	Carbon dioxide	Totally stuck tiny objects	Percentage of oxygen
Steam boilers	Gasoline	500	3600	150	3%
	(diesel) solar	250	1600	100	3%
Industrial furnaces	Gasoline	600	3600	250	3%
	(diesel) solar	300	1600	125	3%
<u>Other purposes:</u> - current installed establishments - will be established after issuance of instructions	Coal or	4000	4000	500	Locations far from urbanism or garbage burning
	gasoline	2500	2500	250	

Taking into consideration limits of other emissions mentioned in annex (6), the following formula shall be used for calculation:

$$\text{Real concentration of the pollutant} - \text{measured concentration} * 0.03$$

Table (6)

## The maximum limits for emissions of chimneys of clay and thermal brick factories

#	The source	Maximum limit of polluted emission (mg/m <sup>3</sup> )			Place of sampling
		Carbon oxide	Sulfur dioxide	Smock	
1	Chimneys of Clay brick factories	800	300	50	At the chimney
2	Chimneys of thermal brick factories	800	600	50	At the chimney

Table (7)

## The maximum limit of dangerous pollutants of air

#	The material	Period	Concentration	Endpoint
1	Benzene	Sharp	0.5 ppm (1600 mg/m <sup>3</sup> )	Immunological
2	Toluene	Sharp	3 ppm	Neurological



**Section Two: Environmental legislations related to living environmental elements  
(plants and wild animals)**

**1- Law on Protection of wild animals and birds Number (21) of (1979)**

Article 1

First- The wild animals are considered as national wealth, all citizens must protect and avoid abusing and aggression, it is not allowed to hunt and dispose them in any way, unless according to provisions of this law.

Second- It is meant by the wild animals which stipulated in this law, all non-pet mammals and wild birds.

Article 2

The Ministry of Agriculture undertakes to one of its specialized departments, the task of monitoring and supervising the application of provisions of this law, hereinafter called the competent department.

Article 3

The competent department may take the following actions to carry out its duties:

First- Breeding of local wild animals within fenced lands and reserves, in order to maintain and augment them, to ensure bringing balance back to the nature in this aspect.

Second- Breeding of wild animals from other environments to domesticate and adapt them to Iraqi environment, in order to augment and release them.

Third- Work to find the necessary natural environment to protect and preserve the wild animals.

Fourth- Limiting and fencing the protected hunting areas, and arrangement of hunting according to provisions of this law.

Fifth- Monitoring the good execution of issued rules, instructions and data, according to provisions of this law.

Article 4

First- For the purpose of this law, the country is divided in the following areas:

- a. Restricted areas where hunting is forbidden permanently or temporarily.
- b. Protected hunting areas within the state-owned lands, and the competent department shall undertake to arrange hunting under its direct control and supervision, according to special instructions issued.
- c. Areas where hunting is allowed, according to regulations determined in this law.

Second- The competent department, upon a decision from agriculture supreme council, may seize lands owned by private sector located within protected hunting areas, or restricted areas, when required, and to compensate according to provisions of relevant laws.

## Article 5

First- The Minister of Agriculture and Agrarian Reforms issues, based on recommendation from the competent department, statements published in the official gazette and other Medias, determining the following affairs:

- a. Types of the wild animals which hunting is restricted.
- b. Permanent and temporary restricted areas.
- c. Seasons where hunting is restricted.
- d. Minimum quantity of hunting.
- e. Equipment and hunting tools, their sizes and types.

Second- The Minister or his nominee may exclude the scientific authorities from provision of a statement or more than provisions of statements, stipulated in item (one) of this article, when required, according to submitted research methodology.

## Article 6

It is totally forbidden to:

First – Use of cheating methods and genocide in hunting of wild animals, such as using nets, traps, iron traps and poisons.

Second- Chasing wild animals using planes, vehicles and other transport methods.

Third- Using automatic rifles, machineguns and hunting rifles which length of its firing is less than a millimeter.

Fourth- Hunting within restricted areas and seasons.

Fifth- Hurting and damaging wild animals in any form.

Sixth- Collecting eggs of wild birds or destroying their nests, unless it is for scientific purposes and upon approval of the Minister of Agriculture and Agrarian Reform.

## Article 7

Right of hunting wild animals is limited at the competent department, for trading purposes and product industries in coordination and cooperation with the relative departments.

## Article 8

First- Professional hunting of wild animals is forbidden, it is not allowed to practice it, only as hobby, and upon license issued by the Minister of Agriculture and Agrarian Reform.

Second- Issuance of hunting licenses is subject to conditions and special procedures determined by the Minister, and upon recommendation of the competent department by instructions that will be published in the official gazette.

#### Article 9

First- It is conditional in granting the hunting license that the person should be Iraqi or a foreigner legally resident in Iraq, and provided that the same will be treated.

Second- Arabs resident in Iraq are treated as Iraqis in granting hunting license.

#### Article 10

First- When granting a license, according to provisions of this law and relevant instructions, amount of Ten Dinars will be collected as fees, subject to renewal annually for amount of Four Dinars.

Second- The scientific bodies shall be excluded from provisions of item (First) of this article, and they will be granted free hunting license according to provisions of this law.

#### Article 11

First- The social sector shall undertake to provide and sell hunting tools and requirements, according to specifications determined by the competent department.

Second- It is not allowed to sell hunting tools, only to licensed persons for the first time during the year, and to renewed licensed persons for the coming years.

#### Article 13

Licensed persons are not allowed to hunt in lands of private properties as unadulterated, or lands under their legal disposition, only upon their approval, and according to provisions of this law.

#### Article 14

The competent department may withdraw or cancel hunting licenses on temporary or permanent basis, if the licensed person have violated his obligations according to provisions of this law, instructions and issued instructions. It is allowed to object the issued decisions by the Minister of Agriculture and Agrarian Reform in this regard within fifteen days from the date of notification, and the Minister's decision shall be conclusive.

#### Article 15

The Minister of Justice, upon suggestion of Minister of Interior and recommendation of Minister of Agriculture and Agrarian Reform, may authorize Mayor of the district, with power of judge to issue decisions and sentences in application of this law, where no Criminal Court is available.

#### Article 16

Employees of the competent department and others whom authorized by the department, have the right to check shops, except residential houses, at the areas where no judge is available, for inspection, if they have thought due to reasonable causes about existence of hunting productions and hunting tools according to provisions of this law, provided that they are accompanied by a policeman to register an official report about the inspection.

#### Article 17

Authorized employees of the competent department, administrative and financial authorities, may arrest anyone violated provisions of this law, to be handed over to the closest police station in order to take the legal actions against him.

#### Article 18

The court may adopt the submitted report by an employee authorized to execute the issued orders according to this law, as an evidence for condemn if it was support by his witness, unless the evidence is the contrary.

#### Article 19

Frist- The violator to provisions of this law, shall be punished with penalty charges not exceeding five hundred dinars, or with jail for not more than three years, or with both in addition to confiscation of hunting tools, and will be punished with both punishments and confiscation of the hunt, tools, equipment and transport methods when repeating the violation.

Second- Provisions of this law are not preventing any feedbacks according to another law, if the crime requires more severe punishments.

#### Article 20

First- The wild animals, their products, tools, equipment and transport methods confiscated due to violations of provisions of this law, shall be sold by the competent department in appropriate way, without a report of quantities, types, selling price and statement of the violation. The price shall remain in deposit until issuance of the court's judgment in this regard gained the final grade.

#### Article 21

The Minister of Agriculture and Agrarian Reform or his nominee, may issue necessary instructions to facilitate execution of provisions of this law.

This law was published in Iraqi facts No.(2702) on 19.03.1979.

**2- Resolution No. (1054) of 1980, Confiscation of cattle grazing at agricultural and fenced lands or grazing restricted areas.**

Reference to provisions of paragraph (a) of article (42) of temporary constitution:

The Revolutionary Command Council has decided, in its session held on 3rd of July 1980 on the following:

Article 1

Confiscation of cattle grazing at agricultural and fenced lands or grazing restricted areas, according to the instructions issued by the Ministry of Agriculture and Agrarian Reform, and authorizing heads of administrative units to sell these cattle in public auction; and the value shall be registered as state-final earning.

Article 2

The Minister of Agriculture and Agrarian Reform may issue instructions to execute provisions of this decision.

Article 3

The competent Ministers shall undertake to execute this decision.

Saddam Husen  
Chairman of  
Revolutionary Command Council

The decision is published in Iraqi Facts gazette number (2786) on 28.07.1980.

### **3- Instructions No. 35 of 1980, related to execution of provisions of the Revolutionary Command Council's decision:**

Reference to provisions of paragraph (2) of the decision of Revolutionary Command Council numbered (1045) dated on 03.07.1980; we have issued the following instructions:

#### Article 1

1. It is forbidden to graze within fenced lands or areas where grazing is restricted, according to a statement issued by the Minister of Agriculture and Agrarian Reform, or his nominee.
2. It is forbidden to graze within sand dunes at downstream area from kilometer 27th to 92nd and by depth of 3 km.

#### Article 2

1. Employees and guards of grassland stations are responsible for supervising the application of above decision, by reporting to the administrative authorities about any violation, in cooperation with customs and border police.
2. A committee shall be formed within the administrative units in which grasslands are located in, from the following:
  - a. Head of the administrative unit as-chairman.
  - b. Director of the station- member
  - c. Financial member of the administrative unit- member.
1. The committee will issue a conclusive decision to confiscate cattle, and to deposit the cattle at the grassland station which will be responsible for guarding and breeding, until the selling process in public auction is finished, provided that the confiscation and selling procedures shall not exceed fifteen days.

#### Article 3

These instructions shall be executed from the date of its publication in official gazette.

Minister of Agriculture and Agrarian Reform

The instructions are published in Iraqi Facts gazette number (2815) on 02.02.1981.

#### **4- Act of natural Pastures No.2 of 1983**

##### **Chapter one :-**

###### Goals of the act

###### Article 1

This act aims to organize and improve the affairs of natural pastures through:

###### First

Determining the necessary areas for natural pastures

###### Second

Organizing the graze according to scientific principles

###### Third

Protection of natural plants

###### Fourth

Maintaining the aquatic sources at natural pastures and organizing their uses.

###### Fifth

Conducting studies and researches to develop and protect the natural pastures.

###### Sixth

Provision of necessary services for natural pastures in coordination with related parties

##### **Chapter two :-**

###### Scope of the act

###### Article 2

###### First

The natural pasture is meant by any land with natural plants related to graze owned by the government, allocated for graze purposes and not proper for agriculture in terms of economy.

###### Second

The regulations of this act is valid on lands of state-owned, allocated for natural pasture purposes including the fenced lands and those lands which graze are temporary forbidden. This act is valid also on state owned rain-fed agricultural lands; purely owned or state owned lands burned with right of dispose south of marginal line of pastures.

###### Article 3

###### First

Minister of Agriculture and Agrarian Reform determines lands considered as natural pastures through a statement will publish in Official Gazette based on a recommendation of Natural Pastures Department.

###### Second

All rain-fed agricultural lands located south of marginal line of pastures determined according to this act are allocated for the graze purposes and development of livestock and it cannot be used for agriculture and cannot be invested in other fields, only the exceptions according to the regulations of this act.

###### Third

The marginal line of the pastures is determined by rain-fed lands where the rainfall rate is less than (200-250) mm annually. Ministry of Agriculture and Agrarian Reform will determine the route of this line and will be set on land and map in coordination with General Institute of Area and other related departments and parties.

#### Article 4

The regulations of item (second) of article 3 of this act, exclude the following rain-fed agricultural lands:

##### First

Lands changed nature of their irrigation by the government, whatever classification or belonging they have.

##### Second

Completely state-owned lands or burden with right of dispose which changed method of its irrigation by their owners before expiration of this act, if they corrected their real estate records as per its reality within one year from expiration date of this act

##### Third

Completely state-owned lands or burden with right of dispose which the related parties agree to change the method of their irrigation by their owners after expiration of this act, provided that they corrected their real estate records accordingly within one year from the date of its approval.

##### Fourth

Lands decided by the Minister to be excluded.

#### Article 5

##### First

The provisions of dissolution are not valid due to leaving agriculture on completely state-owned rain-fed lands or burden with right of dispose located under marginal line of pastures allocated for herding.

##### Second

Upon the request of land owner, the Ministry should practice acquisition of the lands indicated in item (first) of this article or extinguish the right of expose on it for the purpose of natural pastures.

#### Article 6

##### First

The state-owned lands used for natural pastures will be register under name of Ministry of Finance as allocated for natural pastures, in addition to acquisition lands or the lands where the right of dispose is extinguished for purposes of this act and owned by the state.

##### Second

Restriction procedures of lands allocated for natural pastures will be determined according to instructions and records will be organized.



### **Chapter Three :-**

#### **Organizing the Graze**

##### Article 7

The Ministry will organize the graze all over the country, and for this reason, they will:

##### First

Organizing cattle movement, follow the grazing system according to seasons and different areas, in coordination with local administrations, taking into consideration provisions of treaties and agreements signed with neighboring countries.

##### Second

Determining beginning and end of the grazing season all over the areas in the country

##### Third

Setting fences in natural pastures.

##### Fourth

Grazing will be restricted at degraded pastures, and seeding will be done according to scientific basics.

##### Fifth

Establishment of water barriers to collect rainwater in the valleys and other places, and towards the pastures areas

##### Sixth:

Ensuring the delivery of instructional, veterinary, marketing and other services to pasture areas

##### Article 8

The Minister or anyone authorizing, may prevent grazing at the degraded pasture areas, fenced areas and areas needs conducting researches, studies and scientific experiments through a statement will be published on the official gazette, determining the areas, sites and durations where grazing is forbidden.

##### Article 9

##### First

It is not allowed to dig artesian wells at natural pastures and completely state-owned rain-fed lands or burden with right of dispose determined for grazing purposes, except with decision of the related department.

##### Second

The related department, in coordination with Ministry of local Government and General Institute of Underground Water, will arrange opening and closing water wells at the natural pastures for certain periods that does not contradict with provisions of this law.

##### Article 10

It is forbidden to cut trees and bushes, industries for commercial purposes and cultivation at the pasture areas.

#### Article 11

Employees of the related department authorize management staff of natural pastures to take immediate and necessary actions to control fires at pasture areas, in cooperation with other related departments and Cooperative Farm Associations at the area. When it is required, they may request from administrative authorities to provide requirements of keeping danger away according to provisions of forced law number 37 of 1961.

### **Chapter Four :-**

#### Punishments

#### Article 12

##### First

Will be punished by jail, for a period not more than one year, and penalty charges not more than five hundred dinars, or one of these two punishments, anyone who plants or cultivates at natural pastures, or caused damage to a pasture, well, water source, water facility or any source of water inside the pasture, or to a fence, sign, border indication or building or natural pasture, or violated any provisions of this law or the data and instructions issued accordingly.

##### Two

In case of repetition, the punishment will be strict to jail for a period not more than two years and penalty charges not more than one thousand dinars.

#### Article 13

The violation act to regulations of this law is crime with severer punishment according to another law, so the text of severest punishment will be applied.

#### Article 14

Heads of administration units at areas with natural pastures or fenced areas and areas located under marginal line of the pastures will be authorized with misdemeanor judge to apply the set forth punishments in this law.

### **Chapter Five :-**

#### Final regulations

#### Article 15

Item (two) of this article is canceled according to article (1) of cancelation order of item (two) of article (15) of natural pastures law number (2) of 1983, with number 1467 issued on 01.01.1984, and decision of revolutionary command council number 1045 was re-activated.

##### First:

Law of pastures and its protection number 106 of 1965 is canceled.

#### Article 16

The Minister may issue instructions to facilitate execution of regulations of this law.

Article 17

This law will be executed within three months from the date of its issuance in the official gazette.

Saddam Husein

Chairman of revolutionary command council

Positive reasons

Due to importance of natural pastures, as one of national wealth sources, and due to its direct relationship with development of livestock and provision of food security requirements to the country, it is necessary to support and improve this significant source according to the latest scientific styles, in addition to protection of natural plant and maintenance of natural pastures from violation and unjust grazing, for this purpose, this law is legislated.

The law is published in Iraqi Gazette number 22922 on 31.01.1983.

## 5- Instructions (117) of 1987, organizing of grazing at natural pastures

Reference to provisions of article (16) of natural reserve's law (2) of 1983, we have issued the following instructions:

### Article 1

The provisions of these instructions are valid on natural reserves in the state-owned lands including fenced and temporary irrigation forbidden lands, and also on pastures located in rain-fed agricultural lands owned unadulterated or state-owned burdened with disposition right located south of separating line of pastures.

### Article 2

The Minister of agriculture may determine the lands, considered as natural pastures, through a statement will be published in the official gazette based on proposal of the competent department of Horticulture, Forest and Pasture's Body.

### Article 3

Owners of lands as unadulterated property or state-owned lands burdened with disposition right, in which the department agrees to change the irrigating method after expiration of pasture's law (2) of 1983, should contact the real-estate registration departments in order to correct their real-estate records accordingly within one year from the acceptance date only in case of a legitimate reason.

### Article 4

First: the owner of rain-fed unadulterated property land or state-owned land burdened with disposition right located south of the separating line of pastures dedicated for grazing purposes, can submit a request to Minister of Agriculture and Irrigation in order to expropriate his land or erase the disposition right on the land and pay the compensations.

Second: the competent department shall submit a copy of expropriation decision or the erasing taken, in accordance with paragraph (first) of this article, to the real-estate department for registration of the expropriate land or erased the disposition right under the name of Ministry of Finance dedicated for natural pastures.

### Article 5

The competent department will be authorized to supervise organizing of grazing all over the country through the following:

First: organizing the movement of cattle, follow the grazing system based on seasons and different places in coordination with local governments taking into consideration the provisions of signed treaties with neighboring countries.

Second: determining beginning and end of grazing season at different areas of the country through a statement will be issued by Minister of Agriculture as the case requires, this statement will be published in the official gazette and will be published from the broadcasting station.

Third: establishment of fences at natural pastures.

Fourth: restrict of grazing at degraded grazing areas and start reseeding based on scientific principles.

Fifth: establishment of water barriers and dams to collect raining water at valleys and to arrange the utility for grazing purposes.

Sixth: securing the delivery of counseling, veterinary, marketing and other services to the grazing areas.

Seventh: prevent grazing at degraded natural pastures, fenced areas and other necessary areas in order to conduct studies, researches and scientific experiments through a statement will be issued by Minister of Agriculture, will be published in the official gazette and the broadcasting station, whereby it determines the places, areas and periods where grazing is prevented.

Eighth: establishment of useful tracks and setting indications leading to the areas in order to reduce the normal tracks leading to negative effects on the vegetation cover.

#### Article 6

A committee will be formed at each governorate, upon an order from the Minister of Agriculture, from representatives of the local government, underground water department, soil department, and Ministry of Agriculture to check the requests submitted to dig wells at natural pasture areas, and to submit them to the competent department to take necessary action in this regard.

#### Article 7

The research centers of natural pastures have to conduct researches, experiments and studies related to arrangement of plant map, grazing capacity, nutritional value of plants and studies related to how to exploit rain water and to publish them for the purpose of improvement and development of the pastures.

#### Article 8

First: grazing at the border areas is not allowed, unless permitted by license issued by the competent department at the local government according to the attached format. The committee consists of the Head of Administrative Unit, representative of General Authority of Customs, Ministry of Agriculture, Directorate of Custom Police and Security Directorate.

Second: those who wish to graze at the border areas, should submit a request to the competent committee within one month, before start of grazing season indicating his name, address, number of cattle, situation and type of his cattle, and also determining the pregnant and number of other animals in addition to machineries used for grazing, place of grazing, the route being followed, period of grazing and return date.

Third: the above mentioned request (paragraph second) will be attached with a health certificate issued by the competent health department, in addition to a pledge certified by a financial bail

approved by the Public Notary or a bail equivalent to 50% of cattle's value which will be confiscated in case of violation of these instructions.

Fourth: the above committee must study the grazing requests, and after ensuring the availability of provisions of legal conditions, they will tag the cattle with distinctive mark, and the grazing permission will be issued in four copies, in which a copy will be saved, another will be given to relevant persons, a copy will be sent to customs department and another will be sent to custom police.

Fifth: the pastors should consider the followings:

1. Stay away from border lines by 10 km, when this limit is crossed, the cattle are considered as prepared for smuggling.
2. Do not take non-tagged cattle, otherwise it is considered as prepared for smuggling.
3. Do not cross the determined areas by the grazing permission, only upon approval of the competent committee.
4. Non-selling of cattle, only upon approval of the competent committee and except for the products.
5. Return from grazing once the determined period in the permission is over.

#### Article 9

The grazing stations must refrain supplying non-permitted pastors with necessary cattle feed and other services.

#### Article 10

Field committees are formed upon an order from Minister of Agriculture or his nominee, consisting from representatives of the General Authority of Customs, Customs Police Directorate and Ministry of Agriculture to follow-up the pastors, make sure they don't violate the instructions, and to offer proposals to the competent committee which assign it to the relevant committees in order to take the legal actions in this regard.

#### Article 11

The administrative units, where pastors are exist in their areas, shall arrange a record to register information related with grazing.

#### Article 12

These instructions will be applied from the date of publication in the official gazette.

Minister of Agriculture

The instructions are published in Iraqi Facts number (3169) on 28.09.1987

## **6- Resolution 463 of 1989 to ban deer hunting all over Iraq**

Reference to provisions of paragraph (a) article forty two of the constitution, the Revolutionary Command Council has decided on the following:

### Article 1

It is forbidden to hunt deer all over Iraq.

### Article 2

1. Will be punished with penalty charges of Five Thousand Dinars, everyone who kills a deer, and will be detained for one month for each deer he kills, and the punishment will be doubled if repeated.
2. The penalty will be immediately collected from anyone who is punished, and in case of not paying, his properties will be sold for the amount enough to pay the penalty charge.

### Article 3

Anyone who reports on any case of deer hunting will be rewarded by amount of One Thousand Dinars.

### Article 4

This decision will be applied by the governors or their deputies and heads of administrative units, they will be authorized with judge authorities to apply the set forth penalties and their decisions will be final.

### Article 5

This decision will be published in the official gazette, and the related Ministers shall execute the decision.

## 7- Regulation number (9) of (2011)

Regulation of establishment of Natural Reserves in Kurdistan Region of Iraq and its management

Reference to the authorized power, according to article Forty Four of Act of Protection and Improvement of Environment in Kurdistan Region of Iraq number 8 of 2008, and as per the approval of Council of Ministers in the session number 16 held on December 5th 2011, we decided to issue the following order:

Article One:

The Natural Reserve is meant by any area of land or water with determined geographic dimensions, containing unique natural systems or living species coexist together, according to certain ecosystems that some of them may be under threat or downfall or extinction, and according to the value of these systems in terms of culture, scientific, tourism or aesthetic, legal protection is imposed in order to be preserved and sustained.

Article Two:

This law aims to:

1. Preserving the environmental resources represented by biodiversity and biological diversity at the natural protected areas.
2. Preserving the plant and animal species inside and outside the natural habitats and environmental orders.
3. Scientific studies in the field of biology and ecosystems, in addition to provision of facilities to researchers.
4. Encouraging the environmental tourism and humanitarian activities without damaging the natural resources.
5. Citizen awareness on the importance of preserving the natural reserves and the significant of plant and animal genetic resources as a national heritage for the region.
6. Protecting the attractive natural views and caves from influential humanitarian activities.
7. Achieving development to the site through the sustainable use of economic resources of the site, in a manner that does not affect the animals, plants and natural landscape of the site.
8. Preservation of cultural, heritage and traditional knowledge of the local society related to the site.

The authority supervising the natural reserves and its duties

Article Three:

First: a supreme committee will be established to supervise the natural reserves in Kurdistan. President of this committee will be assigned by Council of Ministers with an order, and members



of the committee will be assigned from representative of the following ministries and parties, provided that their employment degrees not less than General Director.

1. Ministry of Agriculture and Water Resources.
2. Ministry of Interior.
3. Ministry of Finance and Economy.
4. Committee of Environmental Protection and Improvement in Kurdistan Region.
5. Number of Experts and Specialists in the fields related to natural reserves and its management either inside or outside the government.

Two: The committee will practice the following duties and activities:

1. Studying the nominations related to establishment of protected areas and approvals.
2. Categorizing the natural reserves and setting the necessary plans for management.
3. Arranging programs of environmental awareness to residents of nearby and surrounding areas and also to citizens in general, in order to know the importance of preserving natural reserves, the necessity to participate in its protection and management, development and preventing violation on reserves through awareness methods and available media.
4. Coordination with natural reserves administration in regards with establishing alternative projects for residents of nearby and surrounding areas of the reserves as alternative for activities practiced in past which might affect negatively on biological diversity.
5. Coordination with natural reserve administration in regards with encouragement and development of traditional knowledge to the residents of nearby and surrounding areas of the reserves which positively affect the components of biological diversity.
6. Coordination with related international organizations and states which are experienced in natural reserves in order to develop the natural reserves.

Three: President of Supreme Committee supervising the natural reserves is authorized to set branch committees to execute its decisions under provisions of related laws and instructions.

Conditions of natural reserves

Article Four:

It is required to provide the following conditions at site when it is selected as a protected area taking into consideration privacy of the area:

1. Discriminated with clear richness by component of biological diversity.
2. Provision of a significant number of unique native types.
3. Provision of one type or more of rare species or under threat of extinction.
4. The habitats are discriminated and unique.
5. The landscape is qualified, distinctive and with historical, aesthetic, social, and cultural value linked with nature of the area.
6. Richness of the area with locations significant for long term scientific researches.
7. The areas are significant for environmental tourism.

The prohibited behaviors inside natural reserves:

#### Article Five:

Frist: the following behaviors are prohibited inside natural reserves:

1. Damages or changes in physical, geological and morphological components in addition to natural aspects.
2. Cutting or pulling out or destruction or removing of plants or part of them from reverse areas.
3. Hunting, moving, killing, forcing to emigrate, harming, harassment, taking out or threat on stability of any type of wild or aquatic livings, native or emigrated, including types of birds and their eggs or chicks or nests or part of them like their feather, horn or hair.
4. Introducing or localizing any type of invasive plants or animals.
5. Any activity affecting negatively on natural areas like those related to extraction of oil and metals.
6. Everything that could damage the natural system at the area resulting in environmental deterioration.
7. Every activity or test resulting in pollution of soil, air and water of the reserve area.
8. Using the natural resources in ways leading to soil degradation, losing fertility, degrading biogenic species and natural views.
9. Pulling out and moving stones, gravel, soil or surface and underground water outside the reserve area.
10. Entering of vehicles of all types, except for vehicles related to site management.
11. Camping without permission, and in case of permission, camping will be made on certain areas inside natural reserves.
12. Practicing any agricultural or economic or commercial activity.
13. Construction of facilities, roads, railways or airports.
14. Conducting maneuvers and different military activities.
15. Changing the use of land which is in contrary with provisions of this rule and other related regulations and instructions.

Second:

The natural reserve's supervising committee may permit practicing some necessary activities inside the natural reserves, in a manner that does not conflict with nature of reserves.

#### Article Six:

The Ministries and other related parties must execute provisions of this order from the date of its issuance in the official gazette published in Kurdistan Official Gazette number 140 dated on 29.12.2011

## 8- Act of Forests in kurdistan Region of Iraq, number 10 of 2012

### Section One

Definitions, objectives and validity

#### Chapter one :-

Definitions

##### Article one

The following terms and expressions represent meanings next to them for the purpose of this act:

First: the Ministry: Ministry of Agriculture and Water Resources at Kurdistan Region- Iraq.

Second: The General Directorate: The General Directorate of Horticulture, Forestry and Pastures.

Third: Police Directorate for Environment and Forest Protection at the region: police directorate assigned for protection of forests and its products and components.

Fourth: the Forest: the integrated life unit consisting of trees, bushes, grasses and plants, either planted naturally or unnaturally, in addition to animals, birds and tiny livings.

Fifth: State Forests: mean the natural forests, arboretum and forest lands belonging to the Region, either linked with right of utilization to others or not.

Sixth: Private forests: mean forests established by normal or moral people in which the ownership or right of dispose belongs to those people.

Seventh: Forest product: any movable or immovable materials like artificial wood, firewood, coal, resin, gall, glue, tan materials, fruit, seeds, roots, fibers, bast, honey, natural sweets, dung, soil, stones, grasses, mushroom, meat, furs of wild animals, birds, fish, eggs, flowers and others.

Eighth: Bushes: every plant with wooden leg in all stages of its growth.

#### Chapter Two :-

Objectives

##### Article two

This law aims to:

First: maintain stability, natural balance, manage and organize forests and increase the areas.

Second: improve the environment; reduce impact of climate changes and maintain the environmental diversity.

Third: provide of some raw materials required by industry.

Fourth: encourage agricultural investment in the field of forests.

Fifth: maintain the natural varieties of plants and keep their genetic origin in Kurdistan.

Sixth: provide tourism areas.

**Chapter Three :-**

## Validity

## Article Three

First: the regulations of this act are valid on the following:

1. Forests and lands of the region planted with trees for public benefit, in addition to lands free of trees at forest areas which can be planted with forests.
2. Private forests in terms of technical and management.
3. Natural pastures.

Two: the lands determined in item (one) of this article will be allocated by an order from the Ministry.

**Section Two**

Forest protection procedures and arrangement of relevant uses

**Chapter One :-**

Forest protection procedures

## Article Four:

First: It is forbidden to dispose forests, whether registered under name of the Ministry or not registered, except in accordance with law.

Second: It is not allowed to transfer the ownership of State forests to the benefit of any person or party, unless the project is strategic; and it is difficult to find a more appropriate site for its execution only by a former order from Council of Ministers

Third: It is not allowed to practice any of the following activities and actions, except by approval of the Ministry:

1. Establishment, changing or transferring any other real rights, other than property ownership, on forest lands (conditional with no damages to plant cover).
2. Rental of forest lands.
3. Establishment of private or public facilities inside the forest lands, temporarily or permanently.
4. Cultivation and use of forest lands.
5. Pruning of forest trees and bushes or cutting which leads to damages and distortion.
6. Cutting of any forest trees.
7. Bringing machineries and special methods of cutting into the forest.
8. Grazing within the burnt areas; or trees are completely cut for a certain period, or within the violated areas newly arising.
9. Establishment of dam or barrier on a river or a stream moving through the forest, or switching the routes, or extending high tension power lines.
10. Establishment of quarries or extraction and moving stones, rocks and soil from the forest areas, or making excavations in those areas.
11. Fragmentation of forest lands.

Fourth: It is forbidden to graze animals at:

1. Forest where fire broke out or trees were completely cut, only after certain period and according to type of trees.
  2. Protected forests and preventive areas mentioned in both articles (fifth and sixth), in addition to forests where age of their trees are less than ten years.
- Fifth: When procedures and legal approvals obtained to construct a project within forest areas, the related parties must keep minimum of (30%) of trees and bushes.

#### Article five

Protected forests: certain area of forests or lands inside forests allocated for special purposes, such as preserving some type of trees, animals, birds, archaeological sites and natural views. The establishment and determination of these protected forests will be only by an order from the Ministry determining the following:

First: Name of the protected forest and objective of its establishment.

Second: Location, border and its area.

Third: Arrangement of entrance and exit and the management.

#### Article six

First: The Minister of Agriculture and Water Resources may establish protected areas inside the State-owned and private ownership lands that are barren, and exposed to striping off, due to surface flow of water, or through other forest lands; in order to:

1. Stable the soil on mountains, hills and cliffs where their slope is exceeding more than 40%.
2. Protect lands from floods of rivers and streams.
3. Preserve water springs, sources and waterways.
4. Maintain the natural views of summer resorts or main roads.

Second: It is not allowed to owners of private properties to make inappropriate investment for preventive objectives inside the forest.

Third: The Minister of Agriculture and Water Resources may cancel the order to establish protected areas when reasons for establishment are gone.

## **Chapter Two :-**

### Forest utilization

#### Article Seven

First: Residents in the forests, or nearby forest lands, and exclusions of provisions of article four of this act, may take advantage from forests, but not exceeding their personal needs, in a condition not to damage forests, they can take advantage through:

1. Utilization from dry or Brocken woods that can be used to manufacture agricultural tools and equipment, after obtaining permission.
2. Grazing cattle, and reducing number of goats within protected forests.
3. Preventing cattle entered from outside of the region to enter into the forests, only by an order issued from the Ministry.

Two: General Directorate of Forests and Pastures may grant licenses free of charge, permitting people covered by item (first) of this article, and tribe members to graze their cattle within surrounding forests on a condition to obey the instructions issued for this reason.

#### Article Eight

First: Ministry of Finance shall determine required areas from state-owned lands upon request from Ministry of Agriculture and Water Resources, for the purpose of afforestation, establishment and expansion of forests at areas where trees do not grow naturally.

Second: The Ministry may afforest areas facing threat of striping off, sides of irrigation canals, basins of rivers and dams, sides of main roads outside borders of municipalities and other places, in coordination with related parties.

#### Article Nine

The Ministry, in coordination with related Ministries; may aware people and educate them on importance of forests, and how to preserve, protect and maintain forests from fire, and also to enter this subject into school curricula in different stages and involve students in afforestation campaign.

#### Article Ten

Owners of private forests may invest their forests through lightening or changing forest trees with fruitful trees appropriate for the area taking into consideration obtaining permission from the Ministry.

#### Article Eleven

The Ministry works on support, encourage, develop and improve the private forest nurseries through:

First: Determining non-forest lands according to instruction issued by the Ministry.

Second: Offering technical experience, seedlings, seeds and other supports.

Third: Offering easy loans for this reason.

#### Article Twelve

Owners of agricultural and cultivated lands with fruitful and forest trees intensively less than (10%) may cut, move and charring of fruitful trees and pruning of forest trees, according to a permission obtained from Forest Department at the area after survey of the site.

#### Article Thirteen

The investor is not allowed to move products of the Region's permitted forests, and invest at collection sites or storage warehouses, only upon a permission of transport issued by Forest Directorate at the province or area, determining quantities of transported products, types, categories and roads which must be taken when transported.

**Article Fourteen**

Forest Police may confiscate forest products, tools and transport methods and keep them until issuance of Court decision regarding dispose of confiscated materials, if approved that the materials have been used to damage forests or use them or utilize them in contrary with provisions of this law.

**Article Fifteen**

Making coal at forests is forbidden, only upon a special permission issued by the Ministry or who is authorized, only for needs of the Region.

**Article Sixteen**

It is forbidden to take the genetic origins of plants and animals out from the forest areas. Necessary instructions will be issued regarding the origins and types permitted by the Ministry.

**Article Seventeen**

First: The Ministry issues instructions related to production of forest seedlings and confiscation of produced seedlings for commercial purposes without permission.  
Second: It is not allowed to enter forest seedlings that don't fulfill conditions and protection regulations of plants and related rules inside the region.

**Article Eighteen**

It is forbidden to violate on forest lands by throw of trash, garbage, solid or liquid or radioactive scraps and any other material polluting and damaging the environment.

**Article Nineteen**

The grazing period at forests and pastures will be determined according to seasons and different places in coordination with local governments.

**Section Three**

Firefighting and prevention

**Chapter One :-**

Fire Prevention

**Article Twenty**

first: It is prohibited to set on fire outside houses and buildings inside and outside the border of Region's forests in a distance of 200m away from forest's border.  
Second: It is prohibited to use fire inside tents, workshops, factories, and temporary facilities in the Region's forests or in a distance of 200m away from forest's border, only for cooking and heating, and in these cases necessary measures should be taken.  
Third: It is not allowed to establish any industrial institute uses fire, or to establish warehouses for radioactive materials, or to construct a house exceeding 120m<sup>2</sup> in the Region's forest or in a

distance of 500m from any side of its border in the forest without permission from the Ministry. Clarifications will be issued in the instructions of the Ministry.

Fourth: It is not allowed for anyone to set on fire in forests of the Region or on a distance less than 300 m, only upon permission from the party in charge of protection of the forest.

Fifth: The Ministry, in coordination with the technical departments, should provide mechanical and manual tools and requirements for firefighting, and to construct control towers and firefighting centers at high and medium density areas.

Sixth: The Minister of Agriculture and Water Resources, or who is authorized, may apply for help from local authorities at the area to use machineries and equipment in order to take necessary actions for fire prevention.

## **Chapter Two :-**

### **Punishments**

#### **Article Twenty One**

First: Will be punished with jail for a period not exceeding one year, and penalty charges not less than Three Million Dinars and, not exceeding Five Million Dinars, anyone who violates regulations of (1, 5, 6, 7, 8 and 10) of item Third of article Four of this act.

Second: will be punished with jail, and penalty charges not less than Five Million Dinars, anyone who violates regulations of (2, 3, 4 and 11) of item Third of article Fourth of this act.

#### **Article Twenty Two**

Without violation to any more severe punishment prescribed by law:

First: will be punished by jail for a period not less than six months, and penalty charges not less than Five Million Dinars everyone who:

1. Cut or burnt aged and unique forest trees, strip off the peel or distortion in any manner.
2. Caused intentionally to set on fire or burn forests, reserves, forest lands, preventive areas and pastures.
3. Cultivates or utilizes forest lands and burned reserves.

Second: will be punished by jail for a period not less than three months, and not more than one year, and penalty charges not less than Five Million Dinars, anyone who made coal without permission of the Ministry.

Third: will be punished by jail for a period not exceeding three months, and penalty charges not less than Five Hundred Thousand Dinars everyone who:

1. Causes a mistake or violation to regulations of this act or the instructions issued in regards with set on fire in a public or private forest.
2. Violates regulations of article 18 of this act, and he will be required to move materials which he threw on his own charge.
3. Establish a dam or a barrier on a river or a stream flowing through the forest or extension of high tension power lines.
4. Decline to offer help to extinguish fire set on the forest or reserve or he refused to help without any excuse.



Fourth: will be punished by jail for a period not less than six months, and penalty charges of double the value of the material (coal), everyone who transports or takes the material out of the region without permission of the Ministry in violation with regulations of this act.

#### Article Twenty Three

Will be punished by jail for a period not exceeding seven years, everyone who purchased or held, in bad will, products of the forest with knowledge that what he holds is obtained in violation with regulations of this act, and the holder will be punished by jail conditionally he did not participate in the crime of obtaining of those products.

#### Article Twenty Four

First: will be punished by jail for a period not less than one year, and penalty charges not less than Three Million Dinars, in addition to confiscation of what has been taken from him which violates regulations of article 16 of this act.

Second: will be punished by jail or penalty charges amount of One Thousand Dinars per each seedling, everyone who produced or entered seedlings for commercial purposes or not fulfill with the regulations according to the provisions of this act.

Third: regulations of punitive laws valid in the Region will be applied on crimes committed related to forests and not mentioned in this act.

#### Final regulations

##### Article Twenty Five

Minister of Agriculture and Water Resources shall issue necessary instructions to facilitate execution of regulations of this law.

##### Article Twenty Six

Working with act of Iraqi Forest number 75 of 1955 will be seized in Kurdistan Region- Iraq.

##### Article Twenty Seven

This act will be executed since the date of its publication in official gazette (Kurdistan Facts).

Masoud Barzani

President of Kurdistan Region- Iraq

The necessary causes

Due to inappropriate of valid laws in Kurdistan Region related to forests with the protection requirements, and in order to arrange the management, protection, maintenance, improve forests, increase the green areas, contribution in environment improvement and provision of recreational and tourist areas which has currently became one of the necessities of life, and in order to keep up with the current conditions and forest policies that should be followed in forest protection, taking into consideration that forests are national wealth, and the necessity to preserve the proper natural varieties and to keep their genetic origin in Kurdistan, this law has been legislated.

The law is published in Iraqi official gazette number 151 of 2012.