

Resolution No. 191

Date - 20 Th. Sha'aban, 1418H.

20-12-1997 A.D.

In accordance with the provisions of Para. (A) of Article 42 of Constitution.

The Revolutionary Command Council have decided the following:-

Firstly -1- There shall be established an enterprise in the name of (The state Enterprise for Horticulture and Forests). connected with Ministry of Agriculture, and shall enjoy the juristic personality and the Financial and administrative independence and it shall be represented by a Director general or whoever he authorizes.

2- The enterprise shall be financed personally and its nominal capital shall be (300) three hundred million Dinar.

Secondly - The Enterprise aims at , putting the plans required to develop activities of the horticulture and forests in the Country within the following :

1- Making researches and studies to define classes of trees and shrubs of high productivity suitable for the environment circumstances in different kinds of the Country.

2- Leading in, and extracting new scions from the trees and shrubs of the Horticulture and Forests.

3- Developing the seeds and improvement methods to cultivate trees and shrubs of Horticulture and forests whether it is imported or being Locally invented.

4- Making the researches and studies to develop and invent and choosing the imported and locally classes from sorts of the vegetables, aiming at dispersing the outstanding classes and suitable for the environment circumstances in different places of the Country.

5- Carrying out the field studies to define the Technical requirements to cultivate classes of different vegetables and plants horticulture and forests for the sake of applying same by the farmers (agronomist).

6- The contribution in spreading the Technical consciousness for the better exploitation for the unit of area in scope of horticulture and forests.

Thirdly - The Enterprise has the right to conclude contract with the private sector as personnel and companies to execute the following tasks under its supervision and directive.

1- Exploiting the artificial existing gardens and forests.

2- Producing nursery (set) plants and purity of origin of the trees and shrubs of horticulture and forests.

3- Producing seeds and nursery plants of the local classes for the vegetable products as to participate in preserving them from break down and extinction (perished).

4- Producing the olive oily nursery plants and augmentation its plantation in the country to cover needs of the factories of Ministry of Industry and Minerals .

5- Establishing original mother gardens for the rare and very good classes of the palm trees.

6- Afforesting the Barren lands allocated for artificial forests.

7- Afforestation the desert oases and cultivating storms confrontations (stoppings).

Fourthly - The enterprise shall carry out concluding the contracts with Ministry of Industry and Minerals, and with other Offices of the State to provide them with the agricultural raw materials included in the Industry being mentioned in this Resolution.

Fifthly - The Enterprise shall be directed by Boards of Directors formed by an order from the Minister of Agriculture and consisted of:

- 1- Director General of the Enterprise as Chairman.
 - 2- Three members from officials of Agriculture Ministry from those having experience and specialization in fields of horticulture and forests to be nominated by the Minister of Agriculture.
 - 3- Three members from Officials of Ministry of Industry and Minerals from those having experience and specialization to be nominated by Minister of Industry and Minerals .
 - 4- Two Members from staff of the Enterprise nominated by Director general of the Enterprise.
- Sixthly - The Board of Directors shall undertake the following:-
- 1- Drawing the policies of the Enterprise and deciding its plans in the fields of Horticulture and Forests.
 - 2- Studying possibilities of providing needs of the Ministry of Industry and Minerals and other Offices of the State from raw materials of the agriculture products which falling under within activities of the Enterprise.
 - 3- Discussing and deciding project of the annual Budget and the Cadre.
 - 4- Studying the proposals and reports pertaining to develop and enlarge activity of the Enterprise and tackling the impediments, and the increase of production.
 - 5- Appoints phases of investing properties of the Enterprise .
 - 6- Deciding forms of the contracts proposed to be concluded with ministries and different Offices of the State, and with the Socialist and private sectors as personnel and as companies.
 - 7- Following up the reports concerning of implementing stages of the annual plans.
- 8- Defining contracts conditions and wages of employing the Iraqi and Arab experts and researchers.
 - 9- Proposing of amending the formations of the Enterprise by the creation or amalgamation or abolition.
 - 10- Taking the administrative and financial Decisions which it deems necessary for the progression of works of the Enterprise.
 - 11- Authorizing some of its jurisdictions for the Director General to facilitate the execution of works entrusted to him.
- Seventhly -1- The Administrative Board (Board of Directors) shall elect in its first meeting a vice Chairman from among its members to take the place of the Chairman in his absence.
- 2- The Board shall meet once per month at least.
 - 3- The quorum for meeting the Board shall be valid by the attendance of the Chairman or his vice chairman, and the two thirds of its members.
 - 4- Decisions of the Board shall be taken by majority of member's present and in case of equality, the Chairman shall have the casting vote.
 - 5- Decisions of th Board shall be subject to the approval of minister, and in case of objection by the Minister thereon, they will be presented to the Board in its first session held, and if the Board insists on its opinion therefore, another session should be held by the Chairmanship of the Minister to consider the subject and the decision taken in that session would be final.
- Eighthly - The Enterprise shall be presided over by a Director General holding first university certificate at least from among those having the experience specialization.

Ninthly - There shall be defined by an internal regulation decided by the Board and issued from the Minister, the duties of the Director general as well as his powers, functions of the administrative formations of the Enterprise, and its financial, store, administrative and technical matters.

Tenthly - The Financial sources of the Enterprise shall be formed from.

- 1- Revenues of the Contracts being concluded with the private sector against the implementation of its activities stipulated in this Resolution.
- 2- The revenues coming for its direct activities in the fields of research, development and services.
- 3- The revenues derived from the gifts, and contributions.
- 4- whatever is reverted to the Enterprise from from the assets and allacations according to the provisions of this Resolution.

Eleventhly - The Enterprise shall apply the unified accountancy's system.

Twelvthly - The Enterprise shall be subjected to the Diwan of Financial Control (Board of supreme Audit).

Thirteenthly 1-The General Body for Horticulture and Forests mentioned in para. (Secondly-D) of Article 4 of the Law of Ministry of Agriculture No.(7) of 1993 shall be cancelled, and all its specializations, duties, assets, and all its allocations in the ordinary budget, the exploitation programme, and all its staff with their rights and obligations shall be transferred to the created enterprise according to this Resolution.

- 2- The State Enterprise for Forests and Industrial Products shall be abolished from formations of Ministry of Industry and Minerals

and its activity in spheres of horticulture and forests shall be transformed to the created State Enterprise according to this Resolution together with all what is concerned to such activity from rights, obligations, assets, personnel, lands, cash balances, and financial allocations in the investment programme as it was on 11-10-1996.

Fourteenthly -1- There shall be applied on the created enterprise, according to this Resolutions the laws, regulations, rules of service, privileges, and the powers which were applied in the State Enterprise for Forests and Industrial Products as abolished.

- 2- There shall be applied on the created enterprise according to this Resolution, the incentives which were applied in the State Enterprise for Forests and Industrial products as abolished or the incentives decided in accordance with the Law of Incentives of Staff of Ministry of Agriculture No. (11) of 1996 whichever is preferrable.

Fifteenthly - The Minister of Agriculture may issue internal regulations and instructions to facilitate execution of the provisions of this Resolution.

Sixteenthly - This Resolution shall be published in the Official Gazette and shall be implemented from the date of 1-1-1998.

Saddam Hussain
Chairman of the
Revolutionary Command Council

(Published in Alwaqai Aliraqiya (Ar. Edit)
No. 3702 of 29-12-1997).

