

- The presentation of the draft law on the safety and protection of dams was prepared on illustrative slides using the Power Point program
- by the legal engineer, Yaqoob Yousef Yousef.

# **Draft of law on the safety and protection of dams**

By

legal engineer

Jaqoob Yousef Yousef

Master's degree in international law / expert on  
international waters and disputes November  
2021

**The draft includes eight  (8) chapters distributed over (26) articles that dealt with legal texts regarding the draft law**

## **Chapter One: Definitions ❖**

### **Number of Articles (1) ❖**

**Article (1) included phrases for the ❖  
purposes of the law, namely the council -  
the ministry - the commission - the project  
owner - the project management - the work  
supervisor - the dam - the height of the dam  
- monitoring the safety of the dam -  
observation the safety of the dam -  
inspecting the dams - the expert or the  
inspector.**

- ❖ **Chapter Two: Objectives and Application of the Law  
Number of Articles (2)**
- ❖ **Article (2) is devoted to the objectives of the law related to strengthening and enhancing the safety of dams, ensuring the protection and safety of people and property, and bearing administrative, criminal or civil liability for the damages incurred - Compliance with international standards in design, completion, exploitation and benefiting from human and material capabilities - Studying exceptional natural phenomena such as earthquakes and major floods.**
- ❖ **Article (3) is devoted to the application of the law for dams whose height is more than five meters from the dams and dams that are currently operating, under construction, suspended, or that have been conducted and are being studied.**

- ❖ **Chapter Three: Study of Designs and Construction  
Number of Articles (3)**
- ❖ **Article (4) The considerations to be taken into account when determining the study of the construction of the dam or changing some of its facilities or demolishing it, including the purpose of construction, qualifications and competence of the legal and natural persons charged with studies, designs, implementation and control - general and special technical specifications in construction and study of environmental impacts - application of the laws in force with regard to Acquisitions and amortizations.**

- Article (5) The prior authorization to conduct investigations, designs and changes made thereto, and to supervise the implementation and delivery of the work.
- Article (6) is devoted to the rules and specifications of dams, from technical specifications to speculative statements and urgent measures.

- ❖ **Chapter Four: Monitoring the Safety and Protection of Dams No. of Articles (3)**
- ❖ **Article (7) The conditions required for the sustainability of the dam and its safety assessment, including detection and repair of any accident - Determining the qualifications of the persons in charge - Preparing a report on the study of reform and the method of completion - Taking measures to ensure emergency treatment - The project management bearing administrative, penal and civil responsibility - The right of project affiliates to report any exhibitor Emergency and inform the ministry or the body directly - keeping records of the dam.**



- ❖ **Article (8) Obligations of the Administration to observation**
- ❖ **And the protection of dams through its employees by taking pictures - videos - using scientific equipment - periodic examination of records - documents - requesting any information - document - technical rules - submitting administrative reports for business.**
- ❖ **Article (9) includes the Commission's obligations in the safety and protection of dams by reviewing all reports, documents, studies, maintenance and inspection work - assigning the project management to prepare monitoring or inspection schedules for any emergency matter.**

- ❖ **Chapter Five: Administrative, criminal or civil liability for damages to dams and their facilities Number of Articles (7)**
- ❖ **Article (10) Conditions for realizing the general origin, including the real estate quality - allotment - management.**
- ❖ **Article (11) Conditions for the realization of damage, which is that it must be investigated - special, exceptional, unusual or - assessable in money - affecting legally protected situations.**
- ❖ **Article (12) The user of the public establishment bears the risks Article (13) includes the basis for establishing the tort liability, whether it is administrative, criminal or civil.**

- ❖ **Article (14) Assuming liability on the basis of breach of normal maintenance or risks.**
- ❖ **Article (15) included cases of exemption from liability such as force majeure, exceptional circumstance, the fault of the aggrieved party, or the act of a third party.**
- ❖ **Article (16) included the competence of the ordinary judiciary to consider all kinds of liability. normal.**

- ❖ **Chapter Six: Dams Inspection and Safety  
Number of Articles (2)**
- ❖ **Article (17) included the specifications of the inspection staff of good know-how with design, experience, knowledge, continuous training, professionalism and specialization, and that he should not be from the staff working in the dam and submit an administrative document proving his capacity.**

❖ **Article (18) The duties of the inspector by writing down the condition of the dam - protecting the responsibility of the project management - providing the higher authorities with information - the extent of the administration's commitment to the technical rules - examining the essential records or documents - stating the reasons or difficulties in detecting defects - reviewing previous inspection reports - determining Classifying the type and extent of risk - determining the treatment condition - taking responsibility for not reporting the dam's condition.**

- ❖ **Chapter Seven: the punishments Number of Articles (6)**
- ❖ **Article (19) talked about the administrative investigation.**
- ❖ **Article (20) included the formation of an investigation committee to search for defects and an inclusion committee if necessary.**
- ❖ **Article (21) talked about the powers of the minister or the commission in the discretionary authority in the subsequent procedures.**

- ❖ **Article (22) talked about the penalty for an employee who provides or writes down false, erroneous or misleading information.**
- ❖ **Article (23) talked about referring to the competent courts for anyone who obstructed the work of work, maintenance or inspection.**
- ❖ **Article (24) included referral to the competent courts and the punish prescribed in the Iraqi punishment law .**

- ❖ **Chapter Eight: General Provisions**  
**Number of Articles (2)**
- ❖ **Article (25) to authorize the competent minister to issue instructions to implement the law.**
- ❖ **Article (26) for the entry into force of this law after its publication in the Iraqi Gazette .**



## ❖ Possible reasons

- ❖ The goal of the law was determined as one of the water legislation for how to protect and maintain dams, in addition to preserving people and property at risk. There was a need to formulate legal texts to clarify the roles of the various administrative institutions according to their location and to set strict deterrent penalties for violators of the provisions of this law.