

CLASSIFICATION OF LAWS IN IRAQ
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THE INSTITUTE FOR INTERNATIONAL LAW & HUMAN RIGHTS

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Executive Summary:

A review of the laws of Iraq is urgently required to help bring the nation into a new age. Iraqi law is now a consecutive series of Ottoman, royal and Ba'athist Revolutionary Command Council and Presidential decrees, CPA orders, and new enactments by the Council of Ministers, and the elected Transitional National Assembly and Council of Representatives. These laws were drawn from different governing philosophies. It is not surprising that there is disagreement and contradiction in this body of law, and that much confusion about what the law is exists.

Iraq's laws need to be reviewed and then classified in one and preferably two manners. This first reason for review is to determine which laws are still valid, which need to be amended, and which need to be repealed. Many of these laws established the repressive and arbitrary rule of the former regime. Other old laws are simply out of date or obsolete. Examples of laws which need to be repealed or amended are provided in the memorandum below.

The second reason for classification is to organize the laws in a way in which provides clear and simple references by subject matter and assists legal publishers with producing comprehensive and accurate editions of Iraq's laws. There are many examples of legal classification throughout the world, but perhaps the most relevant are those which correspond to the traditional civil law categories of private law, criminal law, and public law held within Iraqi jurisprudence. Examples of such classification are the Civil Code (private law), Criminal Code and Administrative Code (public law) of France. Within these three categories, law could be further organized by subject matter according to the content of the law or, in the case of public law, by which ministry was responsible for the law. In the context of the codification of Iraqi law, an updated "Civil Code" could use as its base the excellent Law No. 40 of 1951 as amended, and additionally include other laws which govern private transactions, such as most of the Law of Commerce No. 30 of 1984 as amended and the Law No. 21 of 1997 as amended on companies.

Introduction

This memorandum explores ways to group Iraqi laws by subject matter, with the specific purpose of classifying the laws existing before April 9, 2003 for future action. The possibility of compiling the laws of Iraq into a system of codification in the future is also addressed.

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This exercise is essential for a prosperous and free future for Iraq under the rule of law. Over the last century, there have been radical changes in the governing philosophy of Iraq, from monarchy, socialism and tyrannical personal rule, through occupation into an electoral democracy. As a result of this, even though many of Iraq's laws are more than adequate in themselves, the body of all of Iraq's laws lacks coherence as a whole. As the working paper of Iraq's Law No. 35 of 1977 stated: "the civil legislation in Iraq includes a combination of rules taken from various sources differing in spirit and trend."¹ Since 1977, the "spirit and trend" have changed again and again, and now it seems to be the time to rationalize the rules of civil (private) law, administrative (public) law and the criminal law in accordance with the Constitution of 2005, the will of the people expressed through their elected representatives, and with international practices.

One possible reason for inconsistencies and conflicts in Iraqi law is that the laws are only organized chronologically, as published in the Official Gazette, by year and number (e.g. Law No. 80 of 1983) and not taxonomically codified by subject matter. In a taxonomically organized code, such as the Civil Code, Criminal Code and Administrative Codes of France and Germany, the United States Code, or the various U.S. state codes, laws which are enacted on a particular subject matter (example: commerce and trade) are always codified in the category, code, "title" or "chapter" which deals with the subject matter, for example in the case of commerce and trade laws are codified under "Title 15" in the U.S. Code. Laws which are enacted on the subject matter replace, amend, or supplement the existing laws in the subject's title or chapter when the code is republished periodically. There is a built-in system within a taxonomically organized code to ensure that new laws are reconciled with past enactments.

Any taxonomic classifications of law are necessarily based on the system of laws, cultural traditions, political priorities, the national constitution and the powers of the government in question to regulate the subject matter. How laws are organized by subject matter is not as important as that they *are* organized by subject matter and periodically reconciled with each other and republished in an authoritative edition.

Since Iraq has a civil law system, Iraqi jurisprudence relies heavily on statutory law and regulations with very limited publication or precedential value given to prior court decisions. It is very important to write the statutes in a civil law system as clearly and unambiguously as possible. Unfortunately, there are many examples in Iraqi law where terms are undefined and provisions are vague. As one pre-war commentator noted: "Usually Iraqi statutes are drafted in general and

¹ Karam, *Business Laws of Iraq*, London 1990, p.3.4-xi

abstract terms, leaving broad possibilities for interpretation in the course of their application to specific cases,”² This served the purposes of the prior regime, as vague laws give officials wide discretion in their administrative decisions and judgments and thus great power. While the Civil Code does contain guidance on the rules of decision and standards of proof in civil cases, in most other laws there is a lack of definitions and deciding standards. This is not ideal in a democratic system, as vague laws give officials arbitrary power and undermine the rights listed in the Constitution. If this is the case, “[the Constitution will be] ignored in practice, especially in the articles on human rights which are made ineffective by the executive power’s arbitrary use of violence.”³ Therefore, all laws should be carefully reviewed for vague terms and refined through amendment as necessary.

The purposes of classifying laws for review and for codification are similar but not identical. The first purpose, classification of laws existing before April 9, 2003, is an exercise in legal triage. The ideal end product would be a clear statement of which laws are in force today. Because so many of the laws of the former regime have already been nullified by implication, they can be “declared dead,” and perhaps placed together on a list for repeal in an “omnibus” bill. In fact, so many laws in the Official Gazette are instrumentalities of the former regime and have been superseded by events that the question is whether it is more efficient to decide which laws are still in force (e.g. Civil Code, most of the Penal Code, Personal Status Law, Civil and Criminal Procedure laws and other non-political regulatory laws) and then to repeal and enact needed replacements for the rest, or to review the Gazette and pick out the many laws which are bad or useless now. In either case, this will be a large but unavoidable project of legal review and analysis which will have to be coupled with a massive legislative effort to fill the gaps in Iraqi law.

I. Classifying Laws Existing before April 9, 2003 for Retention, Amendment or Repeal

The first reason to classify Iraq’s existing laws is to decide which laws should be repealed, and which laws are still in force or should be amended. There could be several categories of laws which should be examined. The categories below are only suggestions of ways that old laws could be considered in an effort to “clean up” the laws of Iraq. These categories could be rejected or supplemented by the Council of Representatives, but are submitted for your consideration:

² S.H. Amin, *Middle East Legal Systems*, Glasgow, 1985, p. 225

³ C. Mallat, *Introduction to Middle Eastern Law*, Oxford 2009, Chapter 8.

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A. Laws which have been nullified by events from April 9, 2003

Many laws refer to state, party and state-owned institutions which were dissolved after April 9, 2003, or the oppressive or beneficent practices of those institutions. These laws are now nullities or almost nullities. The “dead” or “dying” laws include the following categories, and some laws will fall into more than one category:

1. Laws Governing
Defunct or Replaced Institutions of the Former Regime

These laws governed the Ba’ath Party, the personal regime of Saddam Hussein, party and state instrumentalities and organizations, or other institutions abolished, replaced, or that are in the process of being replaced by new institutions.

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

Examples:

Law No. 16 of 2001, Ministry of Information.

Law No. 10 of 1989, Saddam University of Islamic Sciences

Law No. 160 of 1979, Judicial Organization

Law No. 12 of 1988, Ashbal Saddam

Law no. 139 of 1972, General Federation of Iraqi Women

Law No. 27 of 1997, General Union of Iraqi Youth

Law No. 7 of 1958, Law of Plotters Against the Homeland (Revolutionary Courts)

Law No. 12 of 1996, Saddam Fedayeen

RCC Resolution No. 150 of 1990, Revolutionary Courts

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2. Laws which Contradict the Constitution of 2005

These laws contradict the human and political rights guaranteed and/or the governmental procedures established in the Constitution of 2005. As such, they are implicitly nullified by the Constitution but should also be considered for explicit repeal by the Council of Representatives.

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

Examples:

Law No. 5 of 1999, Licensing and regulation of private printing presses.

Instruction No. 5 of 1983, Department of Censorship

RCC Resolutions No. 70 and 74 of 1994, granting Ba'ath Party local leadership power to order detention without trial.

Instruction No. 2 of 1993, Prohibiting recording or distribution of music without prior approval of the Ministry of Culture and Information.

Regulation No. 32 of 1981, Ministry of Religious Affairs, Regulation of Religious Sects.

RCC Resolution No. 1333 of 1984, seizure of property by ministers and governors without trial.

Law No. 90 of 1985 – imprisonment for “insulting” official.

3. Laws which Contradict Iraq's International Agreements

These laws violate the international agreements and political and human rights standards now adhered to by Iraq through the Convention against Torture, Covenant on Civil and Political Rights and other international conventions.

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

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Examples:

RCC Resolution 22 of 1996 (imposing fees on Iraqis traveling outside the country)

RCC Resolution 92 of 1994 (imposing penalty of hand amputation for falsifying debt release)

RCC Resolution 96 of 1994 (specifying procedures for imposing penalty of hand and leg amputation)

Articles 41, 81-83, 179-180, 200-202, 211, 214, 225, 228, 305, 433, 434, 438 of the Iraq Penal Code, Law No. 111 of 1969, (these sections violate covenants on civil and political rights with regard to freedom of expression, the Convention Against Discrimination Against Women, and also violate Constitution of 2005)

RCC Resolution No. 115 of 1994 (amputation of ear for desertion or sheltering a deserter).

4. Laws Governing Pre-war Compensation of State Employees and Awards to Iraqis

These laws govern compensation, exemptions, reward schemes and business licenses for state employees and persons favored by the former regime. They are outdated in terms of both figures in Iraqi Dinars and because of changes and dissolutions of the governing institutions. They may or may not be “dead,” but merit close review with the idea of repeal or replacement.

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

Examples:

RCC Resolution 215 of 2000, governing incentives to employees of the Central Bank from revenues of the Central Bank.

RCC Resolution 71 of 2001, exemption of “Lebanon Vegetable Oils Project” of Bakri International from taxes and fees.

Law No. 11 of 1996, Incentives for Staff of Ministry of Agriculture.

B. Laws Governing International or Bilateral State Agreements

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There are many laws in the Official Gazette ratifying bilateral or international agreements which are still in force. These laws should be gathered and reviewed by the Ministry of Foreign Affairs and the Committee for Foreign Affairs of the Council of Representatives. These laws could also be gathered into a single volume and codified into a chapter of the laws of Iraq, titled “treaties and international agreements.”

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

Examples:

Law No. 7 of 2001, Health Veterinary Agreement with Sudan.

Law No. 10 of 2001, ratifying International Labor Organization Agreement 172 of 1991.

Law No. 14 of 1999, ratifying International Transport Agreement of Railways

Law No. 130 of 1981, Technical Cooperation Convention between Morocco and Iraq

C. Laws Governing Market and Economic Issues
in Derogation of Private Sector Development
and World Trade Organization Accession

Many laws of the previous regime established state-owned monopolies and exclusive agencies, and strictly controlled trade in goods and services in the manner of Ba’ath socialism or personal tyranny. These laws run contrary to the principles of the development of the private sector expressed in Article 25 of the Constitution of 2005. They also may be in contravention of agreements required for Iraq’s entry into the World Trade Organization (WTO). They should be reviewed closely in the light of Article 25 and present economic conditions in Iraq.

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

Examples:

Law of Regulation of Trade No. 20 of 1970

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Law of Transportation No. 80 of 1983

Law No. 30 of 2000, Organization of the Industrial Services.

Resolution 1097 of 1985, controlling employment of Iraqis in foreign firms.

D. Laws which May Require Amendment to Eliminate Ba'athist Language

Many pre-2003 laws are basically consistent with the principles of the Constitution of 2005 but contain ideological rhetoric of the former regime which may be offensive or confusing.

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

Examples:

Law No. 38 of 1999, Ministry of Youth and Sport.

Law No. 76 of 1983, Juveniles Welfare

E. Laws Governing State-owned Enterprises

These laws govern the operation of state-owned enterprises which may be defunct or in the process of being replaced by private businesses, or may need to be revised for the present situation.

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

Examples:

Law No. 19 of 1996, Agricultural Supplies Company

Instruction No. 4 of 1993 for the State Company of Alyom Al Adhim

Law No. 56 of 1982, Distribution of State Economic Enterprises Profits

F. Routine Regulatory Laws

These laws regulate routine standards such as health and safety standards and for the most part may be left in place, although they may require updating in accordance for example with World Trade Organization sanitary and other international standards⁴ and recent scientific research.

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

Examples:

(Ministry of Health) Regulation No. 1 of 1992 – Nursing Homes

Standards of the Central Office for Standards and Quality Control (COSQC).

Convention No. 152 of 1979 – Occupational Safety and Health in Dock Work (an International Labor Organization convention adopted by Iraq in this law)

G. Laws which are Foundations for the Law of Iraq

Most articles of these laws are well-respected within Iraq and internationally and provide foundations for the Iraqi legal system. Despite some need for updating and amendments, they should be retained in large part. However, some of the articles of the Penal Code establishing political crimes and excusing violence against women should be repealed in consideration of the Constitution of 2005 and Iraq's international human rights agreements, such as the Convention against All Forms of Discrimination against Women.

Note that the laws listed below are merely examples and is not an all inclusive list of laws which could be included in this category. Further review is needed.

Examples:

Law No. 40 of 1951 as amended, the Civil Code.

Law No. 111 of 1969 as amended, the Penal Code

Law No. 83 of 1969 as amended, Civil Procedure Law

⁴ See http://www.wto.org/english/tratop_e/sps_e/sps_e.htm

Law No. 188 of 1959 as amended, Personal Status Law

Law No. 23 of 1971 as amended, Criminal Procedure.

Law No. 76 of 1983 as amended, Juveniles' Welfare

II. Options on Organizing the Laws of Iraq into Codes According to Subject Matter

The Council of Representatives should consider whether the laws which it determines shall remain in force should be organized into one code or multiple codes or should be a mixed system of codes and other laws not organized into a code, and if and how they should be republished in an authoritative and comprehensive edition.

Codification is defined as compiling all existing effective statutory laws into a publication. This was of course first achieved in Babylon, in the Code of Hammurabi. Then as now, the purpose of codification is to provide notice and access to existing laws to citizens in a timely and simple manner. Private publishers accomplish this to some extent in Iraq with their republication of laws which are in frequent demand. The private publishers vary in the accuracy of their inclusion of all amendments to the law. However, the laws of Iraq as a whole have not been republished in an official, authoritative edition for decades. This makes legal research very difficult and confuses citizens. In addition, one law may have legal force and may be available in an accurate privately published edition, but may be largely contradicted by another law also in force enacted later.

Furthermore, while Iraqi laws specify their subject matter in the title of the law, laws related by subject, sector, or jurisdiction are not grouped in any organized fashion. The state only publishes the Gazette, which solely contains new enactments and amendments in a chronological fashion. The organization of the laws of Iraq chronologically rather than by subject matter makes it very difficult for a lawyer or a citizen to research and know the law.

With computer technology, it is much easier to compile and organize text for a code. The United Nations Development Program's Iraqi Legal Database (ILD) has already compiled Iraqi law into a searchable format in Arabic. In some ways, computer technology makes organization of the law less necessary for the purposes of research, as computer text searches help a researcher find the correct law and its amendments even if the law is not organized into a code by subject

matter. However, the ILD will not resolve conflicts between laws drawn from different governing principles. Conflicts between laws is one reason why organization of the law into a code or codes is a useful legislative exercise, as it would require legislators to decide how much of the pre-2003 law remains in force and which law conflicts with the principles of the Constitution of 2005 or other laws. Also, the ILD is not an official Iraqi government publication which carries the authority of the Official Gazette when presenting the law in courts or in other situations.

A. Classification of Law by Subject

Iraq, as a civil law jurisdiction, has looked to other civil law jurisdictions for examples of how to organize its laws, while not adopting a comprehensive code system. For example, Instruction No. 20 of 1990 of the Ministry of Higher Education, *Concerning Higher Studies of Laws*, uses the categories of *private law*, *public law*, *criminal law* and *international law*. These categories correspond to the traditional civil law distinctions used in France, Germany and other civil law or “code” jurisdictions.

These civil law “code” categories include these types of laws:

“Private law” or “Civil law” governs obligations between persons, including private companies and societies. The Iraq Civil Code, Law 40 of 1951 as amended, is a good example of a civil code governing private transactions. However, the Law of Commerce, No. 30 of 1984, also contains many provisions governing private transactions such as cheques, bills of exchange, other negotiable instruments, and banking contracts.⁵ Private law provides basic rules for contract obligations, including sales, barter, partnerships, agencies, property and companies, as well as obligations caused by injuries. Private law is pervaded by the concept of personal autonomy, “sovereignty of the will,” or freedom of agreement between parties, derived from both Islamic and western law sources. This concept of personal autonomy or “sovereignty of the will” was expressly criticized by Law No. 35 of 1977, which advocated the subordination of individual will and private contracts to state interests under socialist principles. The tension between earlier Iraqi private law, represented by the synthesis of Islamic law and western law contained in the Civil Code, Law No. 40 of 1951, and the later socialist laws has not been resolved.

⁵ The Law of Commerce also has “public” law aspects governing registration and reporting of businesses.

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“Public law” sometimes also referred to “administrative law” governs relationships between individuals and the state as well as those between state entities. Thus, a law establishing a ministry and defining its duties, imposing taxes, or setting manufacturing standards would be public law. The Law on Regulation of Trade would be a “public” law, as it governs the relationship between a business and the state. In this area, many of the laws have not been revised to reflect the new Constitution of 2005, democracy, elected local governments and new ministries and institutions.

“Criminal law” establishes crimes and penalties. Often criminal procedure is classified as criminal law as well, although legal procedures are sometimes grouped separately.

“International law” usually refers to treaties and conventions which are generally accepted internationally, such as the Geneva Conventions or the U.N. Convention on the International Sale of Goods and could include bilateral and multilateral treaty obligations. Another category, “private international law,” would govern special procedures for obligations between private parties in different countries. In a sense, “international law” is a category of “public law,” as it usually involves relationships within the state or between the state and persons. As stated above, existing international agreements should be reviewed by the Ministry of Foreign Affairs and the Committee on Foreign Affairs of the Council of Representatives and perhaps gathered into a new volume.

Some of the major civil law jurisdictions, such as France and Germany, organize their laws according to these categories of private, public, criminal and international law.

Of course, there are many circumstances in which an event or a transaction will implicate several areas of law. For example, a civil code or commercial code may impose a duty of fairness in the formation of a contract. If the duty is breached, then areas of public law in the area of consumer protection or even criminal law may be activated in practice along with the civil code. An injury to a person may create a private obligation for compensation under a civil code, but also criminal culpability under a criminal code or a regulatory violation under a public administrative law. This means that any case or situation may implicate more than one code.

B. Categorization of Laws by Source

In addition to the subject matter of the law and its categorization as private (civil), public (administrative), criminal, international, or simply by subject matter, there must be consideration of the source of the law. Is it a “law” which is a legislative enactment by the Council of Representatives or is it a regulation or order issued by the executive branch, including the Office of the Prime Minister, Council of Ministers or a ministry? Iraq has a tradition of publishing laws, regulations, ordinances, decrees and orders from various sources. The differences between these traditional enactments were not defined well in the Constitution of 2005. In the past regime, the power of the state was wholly contained within a unitary apparatus of personal and party dictatorship. It was understood that laws passed by the National Assembly, Revolutionary Command Council (RCC) orders or laws, Republican Ordinances, treaties, and ministerial regulations all came from the same source of power in the Presidential Diwan. Now, governmental power is divided, but the boundaries of legislative power are not well-defined. Article 61 of the Constitution of 2005 grants the power to make laws to the Council of Representatives, but seems not to limit the authority of regulations and orders issued by the executive, as other democracies do.⁶

Some countries issue a separate code of regulations which is subordinate to the statutory law. When the regulations are in conflict with the laws, the laws control the issue. The *Code of Federal Regulations* of the United States⁷ is an example of a code of regulations which acts this way.

C. Examples of Codification by Subject Matter and Source

1. France

France, which is a source of Iraqi law by the French Civil Code through the Egyptian Civil Code and the work of Abd Razzaq Al Sanhuri and his assistant the French jurist Edouard Lambert, has organized many of its laws into a Civil Code, Administrative Code and Criminal Code.⁸ As in Iraq, the Civil Code regulates private transactions and obligations. The Administrative Code establishes the rules of regulatory procedure, and is supplemented by laws covering sector-specific regulatory areas, for example, electricity and telecommunications. The Criminal Code controls crimes and punishments.

⁶ Compare with Articles 34 - 37, Constitution of France, which limit the powers of the executive to write laws.

⁷ The Code of Federal Regulations is available online at <http://www.gpoaccess.gov/CFR/>

⁸ C. Mallat, *Introduction to Middle Eastern Law*, Oxford 2009, Chapter 7, on the adoption of civil law derived from France in Arab countries.

A Superior Commission of Codification assists in the organization of French law by subject matter.⁹ In addition to codification, which requires legislation to designate the subjects under which law will be organized, the French *consolidate* their law, which is the republication of law with deletions and amendment included.

As in Iraq, sectoral regulations are written by the ministry most responsible for the subject matter of the law. The regulations are then defined by the law. However, in France, Regulations control internal governmental regulatory procedures, and do not impose rules or penalties on ordinary citizens because of the limitations on executive rule making.

2. Germany

German law follows the same general civil law classifications as France, with a civil code, criminal code, and public administrative laws.

The German Civil Code (*Bürgerliches Gesetzbuch*)¹⁰ was published in 1896 and is a comprehensive code governing private obligations in the style of the Iraq Civil Code. It has more than 2800 articles and governs obligations and property to a precise degree. The German Civil Code is one of the legal sources of the concept of “sovereignty of the will” (*Privatautonomie*), or the guarantee of the right to private contracts. This principle derived from civil law was criticized in Iraq’s Law on Legal Reform No. 35 of 1977 and other laws of the Ba’athist period, such as the Law of Commerce No. 30 of 1984. Article One of the Law of Commerce expressly stated its aim as curbing the principle of sovereignty of the will and the primacy and control of the state over private agreements.

Germany also has a Criminal Code, the *Strafgesetzbuch*.¹¹ The *Strafgesetzbuch* has nationwide jurisdiction within the federal system.

Public administrative law in Germany includes Social Security Law, Tax Law and a wide range of regulatory laws for communications, environmental protection, product standards, water rights and many other matters.

3. United States

⁹ See http://www.legifrance.gouv.fr/html/aproposdroit/aproposdroit_uk.htm#e2

¹⁰ English translation at http://bundesrecht.juris.de/englisch_bgb/index.html

¹¹ English translation at http://www.gesetze-im-internet.de/englisch_stgb/index.html

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The United States is described as a “common law” jurisdiction because its law has been drawn from the decisions of judges along with statutes enacted by the legislature. However, the difference between “civil law” and “common law” jurisdictions is narrowing due to the greater use of statutory law in common law jurisdictions, so examples of the organization of statutory law can be drawn from anywhere in the world, including common law jurisdictions. The United States has a very organized statutory law system on both the federal and the state levels.

As in Iraq, there are laws, regulations and other executive orders in the United States federal system. Laws of general jurisdiction enacted by the Congress are first published in the volumes of Public Laws of the United States, numbered by the session of Congress during which they were passed. Executive regulations are first published in the *Federal Register*. The Public Laws of the United States and the *Federal Register* are analogous to the Iraqi Official Gazette, in that they contain all federal law and regulations of general jurisdiction enacted by Congress or ordered by the executive.

However, as the general and permanent laws passed by Congress are adopted, they are republished by subject matter in the *United States Code*.¹² The *United States Code* is published every six years in a new edition and updated on an annual basis by paperback supplements. There are also commercial editions which are published more frequently, and it is updated online.

The *United States Code* is organized by “titles” by subject matter. There are 50 titles:

- Title 1, General Provisions
- Title 2, The Congress
- Title 3, The President
- Title 4, Flag and Seal, Seat of Government, and the States
- Title 5, Government Organization and Employees
- Title 6, Domestic Security
- Title 7, Agriculture
- Title 8, Aliens and Nationality
- Title 9, Arbitration
- Title 10, Armed Forces
- Title 11, Bankruptcy
- Title 12, Banks and Banking
- Title 13, Census
- Title 14, Coast Guard

¹² The U.S. Code is available online at <http://www.gpoaccess.gov/uscode/index.html>

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Title 15, Commerce and Trade
Title 16, Conservation
Title 17, Copyrights
Title 18, Crimes and Criminal Procedure
Title 19, Customs Duties
Title 20, Education
Title 21, Food and Drugs
Title 22, Foreign Relations
Title 23, Highways
Title 24, Hospitals and Asylums
Title 25, Indians (original Americans and their territories)
Title 26, Internal Revenue Code
Title 27, Intoxicating Liquors
Title 28, Judiciary and Judicial Procedure
Title 29, Labor
Title 30, Mineral Lands and Mining
Title 31, Money and Finance
Title 32, National Guard (state militias)
Title 33, Navigation and Navigable Waters
Title 34, Navy (Repealed and combined into Title 10)
Title 35, Patents
Title 36, Patriotic Societies and Observances
Title 37, Pay and Allowances of the Uniformed Services
Title 38, Veterans' Benefits
Title 39, Postal Service
Title 40, Public Buildings, Property, and Works
Title 41, Public Contracts
Title 42, The Public Health and Welfare
Title 43, Public Lands
Title 44, Public Printing and Documents
Title 45, Railroads
Title 46, Shipping
Title 47, Telecommunications
Title 48, Territories and Insular Possessions
Title 49, Transportation
Title 50, War and National Defense

State codes are also organized by subject matter. States have jurisdiction over all subject matters not within the exclusive power of the federal government, such as national defense or foreign relations.

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The state of California is one example of state law codification within the United States. It has 29 codes organized by subject matter for the governance of matters within California:

Business and Professions Code	Civil Code
Code of Civil Procedure	Commercial Code
Corporations Code	Education Code
Elections Code	Evidence Code
Family Code	Financial Code
Fish and Game Code	Food and Agricultural Code
Government Code	Harbors and Navigation Code
Health and Safety Code	Insurance Code
Labor Code	Military and Veterans Code
Penal Code	Probate (inheritance) Code
Public Contract Code	Public Resources Code
Public Utilities Code	Revenue and Taxation Code
Streets and Highways Code	Unemployment Insurance Code
Vehicle Code	Water Code
Welfare and Institutions Code	

4. Romania

Romania follows a mixed system of codes and laws based on civil law.

Romania's laws are classified by the Legislative Council, a specialized parliamentary independent institution in accordance with the law. The Legislative Council has the exclusive responsibility – besides reviewing and notifying parliament and executive institutions on conformity of legislation with constitutional provisions – to establish, manage and publish the laws of Romania to have one centralized official database with information and history on legal status of each piece of legislation.

The Romanian legal database is a public one accessible not only on the Legislative Council's website but on different other institutional websites as parliament or Ministry of Justice and is published periodically.

Basically consists in 2 parts: the old database with legislation in force between 1864 till December 22nd 1989 (end of dictatorship) continuously regressing and the new one created after the change of regime till present.

It contains diverse and complex methods of classification on legislation – inquiry can be made by:

- ❖ alphabetical order of topics,
- ❖ chronological order of legal provisions enacted,
- ❖ Official Gazette
- ❖ subject matter,
- ❖ enacting institution (parliament, president, executive, ministries, agencies and so on),
- ❖ type of laws (normative acts (constitution, codes, laws, governmental decisions, instructions, Regulations, statues and so on), individual acts (example presidential decrees), international acts (treaties, conventions, agreements, memorandum of understandings, protocols and so on)
- ❖ rectification of legislation (amendments) and republished version of laws
- ❖ separate classification of old database and new one

Search of legal provisions is possible by key words in title or text of the law or by time period of enacting legislation (example between Jan 10 2005 to Jan 18 2006).

There have been several attempts by governments in Romania to try codifying legislation in order to simplify the huge amount of legislation enacted after the change of regime. During the last 20 years, Romania has been continuously reviewing its past legislation. Accession to European Union has accelerated the process, but this review is not completed yet.

5. United Kingdom

The United Kingdom is an advanced industrialized country which has not codified or organized its statutes by subject matter, indicating that a full codification may not be necessary to have a successful legal system. Since much of the law in the U.K. is based on judicial decision, the need to organize statutory law may not have been as important to British legislators. This differs from Iraq, which relies heavily on statutory law.

As in Iraq, laws are designated by subject matter title and by year, for example “the Social Security Act 1988.”¹³ “Acts” are laws passed by the Parliament. “Regulations” or “Statutory Instruments” are issued by ministries or other executive offices as appendages to acts.

Conclusion

¹³ UK statutory law is available for online searches at <http://www.statutelaw.gov.uk/>

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This paper sets out various approaches to the classification and codification of laws. There is no perfect way of performing this task, there will be only an Iraqi way. Whether Iraq decides to codify and republish its laws or not, consideration of the pre-war body of Iraqi law is an essential enterprise. This will harmonize and provide clear public notice of Iraq's laws. The Council of Representatives can work with teams of lawyers and subject matter experts on considering these older laws in order to free the country from the burdens of the past and make a new start to a free and prosperous Iraq.