

Translated from Arabic

In the name of the people

Presidency of the Republic

Decision No. 49

The President of the Republic, acting on the basis of the decision taken by the Council of Representatives pursuant to the provisions of articles 61 (i) and 73 (iii) of the Constitution, decided on 22 May 2012 to promulgate the following law:

No. 48 of 2012

National Monitoring Agency for the Prohibition of Nuclear, Chemical and Biological Weapons Act

Chapter I

Definitions and scope

Article 1 For the purposes of the present Act:

- (i) "Agency" shall mean the National Monitoring Agency for the Prohibition of Nuclear, Chemical and Biological Weapons, which is mandated to implement the relevant international conventions and treaties.
- (ii) "Weapons" shall mean nuclear, chemical and biological weapons.
- (iii) "Inspector" shall mean a person designated in accordance with the treaties and conventions on the prohibition of weapons.
- (iv) "Escort" shall mean a person that the Director-General of the National Monitoring Agency designates to coordinate with the authorities responsible for escorting inspectors.
- (v) "Registration" shall mean the notification received by the National Monitoring Agency from a natural or a legal person concerning the commencement of activities pursuant to the non-proliferation treaties and conventions.
- (vi) "Facility" shall mean any establishment covered by the non-proliferation treaties and conventions.

Article 2 The provisions of the present Act shall apply to activities related to the proliferation, development, production or use of nuclear, chemical and biological weapons.

Chapter II

Establishment and purpose

Article 3 There shall be established a body named the National Monitoring Agency for the Prohibition of Nuclear, Chemical and Biological Weapons, which shall be a subsidiary of the Ministry of Science and Technology.

Article 4 (i) The Agency shall be headed by an official holding the rank of Director-General, appointed in accordance with the law. He/she may delegate some of his/her duties to his/her deputy or any of the heads of department of the Agency, as required by the public interest.

- (ii) The Director-General of the Agency shall be assisted by a deputy, appointed in accordance with the law, who holds the title of Assistant Director-General. He/she shall take the place of the Director-General of the Agency in the absence of the latter.

Article 5 The headquarters of the Agency shall be in Baghdad, and it may open branches in the regions and governorates.

Article 6 The Agency shall strive to ensure that the land territory, territorial waters and airspace of the Republic of Iraq and every place under its territorial jurisdiction are not used for any activities that are prohibited pursuant to the obligations of the Republic of Iraq under the treaties and conventions on the prohibition of nuclear, chemical and biological weapons.

Article 7 The Agency, in order to achieve its purposes, shall:

- (i) Establish and maintain a national system of control, verification and inspection that will enable the Republic of Iraq to fulfil its obligations under the treaties and conventions on the non-proliferation of weapons of mass destruction.
- (ii) Monitor relevant peaceful activities throughout the Republic of Iraq, in order to ensure that they are not converted into activities that are prohibited pursuant to the treaties and conventions on the non-proliferation of nuclear, chemical and biological weapons, including the production, possession, use, storage, export, import, shipment, transfer, disposal and management of material, equipment and technologies, or any other activities defined by the National Monitoring Agency.
- (iii) Establish controls and mechanisms for the submission of declarations and the issuance of licences and permits, as well as a comprehensive mechanism for monitoring the export and import of dual-use material and equipment.

Chapter III

Mandate of the Agency

Article 8 The Agency shall:

- (i) Follow up on and implement the obligations of the Republic of Iraq pursuant to international, regional and bilateral treaties and conventions and the protocols supplementary thereto, as well as import and export control regulations, relating to the prohibition of nuclear, chemical and biological weapons to which the Republic of Iraq is a party, given that such instruments form a part of Iraqi law.
- (ii) Ensure that no nuclear, chemical or biological weapons and related items are designed, developed, produced, traded, used, transported, stored, imported, exported, transited or shipped within the borders of the Republic of Iraq.
- (iii) Establish controls and mechanisms for submitting declarations and a comprehensive mechanism for monitoring and controlling exports and imports related to the treaties and conventions on nuclear, chemical and biological weapons.
- (iv) Establish a mechanism for reporting the loss or theft of material and equipment covered by the treaties and conventions on nuclear, chemical and biological weapons.
- (v) Issue identification cards for international inspectors, in coordination with the Ministry of Foreign Affairs.
- (vi) Issue identification cards for Iraqi persons who escort international inspectors.

- (vii) Collect and consolidate data and declarations submitted by State authorities and public, mixed and private sector entities that deal with material, facilities, equipment and technologies covered by the treaties and conventions on the prohibition of nuclear, chemical and biological weapons, and present such data and declarations to the competent international organizations.
- (viii) Establish a mechanism for managing seized material, both before and after a competent court has issued a decision ordering the seizure thereof, covered by the treaties and conventions on the prohibition of nuclear, chemical and biological weapons.
- (ix) Create a national database of the activities covered by the provisions of the present Act, in coordination with the relevant authorities and international organizations.
- (x) Submit periodic technical reports on topics related to the treaties and conventions on nuclear, chemical and biological weapons.

Article 9 The Agency shall consist of the following bodies:

1. Nuclear Department
2. Chemical Department
3. Biological Department
4. Delivery Methods Department
5. Import and Export Department
6. Operations, Research and Studies Department
7. Administrative, Legal and Financial Affairs Department
8. Public and International Relations Department
9. Office of the Director-General of the Agency

Chapter IV

Council of the Agency

Article 10

- (i) The Agency shall have a Coordination Council that is chaired by the Director-General of the Agency, and its membership shall consist of representatives of the relevant ministries and authorities.
- (ii) The heads of the main departments of the Agency shall be members of the Council.
- (iii) The Chair of the Council shall have a Vice-Chair that he/she chooses and who shall take his/her place in his/her absence.

Article 11

- (i) The Chair of the Council shall preside over its sessions, in which the members specified in article 9 of the present Act shall participate.
- (ii) The working methods of the Council, the conduct of its meetings and its quorum requirements shall be established in instructions issued by the Director-General of the Agency.
- (iii) The Director-General of the Agency may rely on the services of one or more experts in the Agency's field of work. The remuneration of those experts shall be established by the Director-General.

- (iv) The Director-General of the Agency shall have all the financial and administrative powers set forth in the present Act.

Chapter V

Financial provisions

Article 12 The financial resources of the Agency shall consist of the following:

- (i) Funds allocated for the Agency in the general budget of the State.
- (ii) Donations and contributions, from inside or outside the Republic of Iraq, that are made in accordance with the law.

Chapter VI

Penal provisions

Article 13 Any person who commits any of the following acts shall be subject to a penalty of imprisonment for life and a fine of not less than 100 million dinars and not more than 200 million dinars.

- (i) Develop, produce, manufacture, retain, possess, directly or indirectly transfer, stockpile or use weapons of mass destruction.
- (ii) Directly or indirectly retransfer weapons of mass destruction to any party.
- (iii) Any person who uses nuclear, chemical or biological weapons, whether directly or through the agency of another, shall be punished by death.
- (iv) Any person who develops, develops or manufactures nuclear, chemical or biological weapons shall be subject to a penalty of life imprisonment and a fine of not less than 100 million dinars and not more than 200 million dinars.
- (v) Any person who retains, acquires, transfers or retransfers nuclear, chemical or biological weapons shall be subject to a penalty of imprisonment for no more than 15 years and a fine of not less than 100 million dinars and not more than 200 million dinars.

Article 14 Any person who produces, develops, retains or acquires material that is used in the manufacture of nuclear, chemical and biological weapons, as set out in tables 1, 2 and 3, shall be subject to a penalty of imprisonment for no more than 7 years and a fine of not less than 50 million dinars and not more than 100 million dinars.

Article 15 Any person who discloses confidential information relating to the items listed below shall be subject to a penalty of imprisonment for a period of no less than 3 years and a fine of not less than 25 million dinars and not more than 50 million dinars.

- (a) International organizations.
- (b) Civil and military activities and facilities.
- (c) Intellectual and industrial property rights.

The information specified in paragraph (c) may be disclosed, at the request of the Agency, in the following cases:

- (a) The relevant person or entity consents.

- (b) The disclosure thereof enables Iraq to fulfil its obligations under the conventions and treaties related to weapons of mass destruction.
- (c) Responding to an emergency that affects public safety.

Article 16 A penalty of imprisonment of no more than one year and a fine of not less than 10 million dinars and not more than 25 million dinars shall be imposed on all persons who:

- (a) Fail to declare to the Agency, within the time frames that it has established, their activities relating to the production, processing, utilization, storage, possession, transfer or use of chemicals, biological agents, toxins and nuclear material listed in the treaties and conventions concerning weapons of mass destruction and any other relevant protocol.
- (b) Fail to provide the Agency, within the time frames that it has established, information regarding research activities and the development, production and storage of material, equipment and technologies relevant to the implementation of the international conventions and treaties on weapons of mass destruction.
- (c) Obstruct inspection activities conducted by international inspectors in accordance with the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction; and the safeguards agreement concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons.

Chapter VII

General and final provisions

Article 17 The Director-General of the Agency may issue internal regulations specifying:

- (i) The working methods of the Council of the Agency, the conduct of its meetings and its quorum requirements.
- (ii) The functions of the bodies of the Agency that are listed in article 9 of the present Act.

Article 18 The rights and obligations of the employees of the National Monitoring Agency and its assets shall be assigned to the Ministry of Science and Technology.

Article 19 The Director-General of the Agency may issue instructions to facilitate the implementation of the provisions of the present Act.

Article 20 The present Act shall be implemented from the date of its publication in the *Official Gazette*.

Jalal Talabani
President of the Republic

Grounds

The present law has been enacted because of the need to establish a national entity to fulfil the obligations of Iraq pursuant to the international treaties and conventions on the non-proliferation, development, production and use of nuclear, chemical and biological weapons.

Table 1

1.	Source materials listed in the comprehensive safeguards agreement, if they are used in non-peaceful activities.
2.	Material and equipment listed in the annex to the protocol additional to the safeguards agreement, if they are used for non-peaceful purposes.

Table 2

1.	The chemical agents listed in schedule 1 of the Chemical Weapons Convention, if they are used for peaceful purposes.
2.	The material and equipment listed in schedules 2 and 3 of the Chemical Weapons Convention, if they are used for non-peaceful purposes.

Table 3

1.	The biological agents and toxins listed in schedule A of the Biological Weapons Convention, if they are used for non-peaceful purposes.
2.	The material and equipment listed in schedules B and C of the Biological Weapons Convention, if they are used for non-peaceful purposes.