



Official Gazette of Iraq

Al-Waqai' Al-Iraqiyya

الوقائع العراقية

وهقايعى عىراقى

الجريدة الرسمية لجمهورية العراق

رؤژنامهى فهرمى كؤمارى عىراق



تصدر عن وزارة العدل

وهزارهتى داد دهرى دهكات

Legislation

No. 35

Treaty Conclusion Law

No. (35) Of 2015

قانون عقد المعاهدات

Translated in

Ministry Of Justice

Iraqi Official Gazette Department

Translation Division

2022



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**In the name of the people
Presidency of the Republic**

Resolution No. (38)

Based on what was approved by the Parliament in accordance with the provisions of items (First) and (Fourth) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided on 17/ 9/ 2015 issuing the following law:

**No. (35) Of 2015
Treaty Conclusion
Law**



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Chapter One Definitions

Article 1

For the purposes of this law, the following terms and expressions shall have the meanings assigned to each of them:

- First: Treaty: Conformity of written wills, whatever the name of these wills, between the Republic of Iraq or its government and between a state or other states or their governments or an international organization or any personality of the international law recognized by the Republic of Iraq for the purpose of creating legal effects subject to the provisions of international law, regardless of the name of the document or the number of documents in which the provisions of compatibility are written such as treaty, agreement, compact or protocol, charter, covenant, joint record, memoranda, letters, exchanged books or other names and referred to in this law as Treaty.
- Second: The executive agreement: The memorandums and executive programs that are held to implement the provisions of treaties ratified under the provisions of this law.
- Third: Approval: Expressing the will of the Republic of Iraq to abide by the treaty by ratification or accession.
- Fourth: Ratification: The approval of the Parliament and the approval of the President of the Republic to abide by a treaty previously signed in the name of the Republic of Iraq or its government.
- Fifth: Accession: The approval of the Parliament and the ratification of the President of the Republic to be bound by a multilateral treaty that was not previously signed during the period specified for its signature.
- Sixth: Authorization document: The document by which the Council of Ministers appoints one or more persons to represent the Republic of Iraq in negotiating of the conclusion of a treaty, approving or



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authenticating it, or expressing the consent of the Republic of Iraq to be bound by a treaty or to perform any other act in relation to a treaty. A person authorized by the Council of Ministers to have this power may not delegate this power to others, and this power shall be issued with the signature of the Prime Minister and the Minister of Foreign Affairs.

Seventh: Authentication of the Treaty: The signature of the representatives of the participating countries with the initials of their names or their signature subject to consultation on the treaty or on the final minutes or in accordance with the procedure established in the treaty or the procedure agreed upon by the participating countries.

Eighth: Signature: The official stating of the signature of the representative of the Republic of Iraq on the text of the treaty.

Ninth: Reservation: A declaration by the government of the Republic of Iraq issued upon signing, ratifying, acceding to, accepting or approving a multilateral treaty aiming to exclude or change the legal effect of some provisions of the treaty in their application to the Republic of Iraq within the limits allowed in that treaty.

Tenth: Negotiating state: The state that participated in drawing up and approving the text of the treaty.

Eleventh: Concluding State: The State that agreed to be bound by the treaty, whether its implementation began or not.

Twelfth: Party: The state that has agreed to be bound by a treaty and has become effective in respect of it.

Thirteenth: International Organization: An international organization between governments.

Fourteenth: Bilateral Treaty: The treaty concluded between the Republic of Iraq on the one hand and another country, an international organization or an international legal person recognized by the Republic of Iraq on the other hand.

Fifteenth: Multilateral Treaty: A treaty concluded between more than two countries.

Sixteenth: Depository: It is the official body specified by the treaty in the final provisions for depositing the official text of a treaty and documents of ratification, accession, acceptance and approval of it, and it is the one that



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announces the date of entry into force of the treaty after depositing the required number of such documents.

Seventeenth: Enforcement: Entry of the treaty into international law.

Chapter Two Scope of Law

Article 2

The provisions of this law shall apply to international treaties concluded in the name of the Republic of Iraq or its government with another country or countries or their governments, an international organization or any other international legal person recognized by the Republic of Iraq.

Article 3

The provisions of this law shall not be applied to the following:

First: The executive agreement that is concluded to implement the provisions of treaties ratified by law, and its enforcement shall be subject to the approval of the competent minister or the head of an entity not associated with a ministry if it does not include a financial obligation on Iraq and the approval of the Council of Ministers if it includes this commitment.

Second: Memoranda of understanding held between ministries and agencies not associated with a ministry and their equivalent in other countries, whatever the name of these memoranda, and their enforcement shall be subject to the approval of the Prime Minister or his/ her authorized representative. A person authorized to have this power by the Prime Minister may not authorize others to have it.



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Third: Subject to the provisions of Item (Second) of this Article, agreements and memoranda of understanding that are concluded in accordance with the principle of reciprocity with the rights and obligations it concluded by The Republic of Iraq represented by the Ministry of Foreign Affairs and the government of the concluding state represented by its Ministry of Foreign Affairs.

Chapter Three Negotiations

Article 4

First: The competent authorities shall present the draft bilateral treaty before negotiating on its conclusion in an appropriate period to the relevant authorities of the treaty and to the Ministry of Foreign Affairs to study it and express an opinion on it and submit it, along with the views of the relevant authorities, to the State Consultative Council to provide legal advice in this regard. It is then shall be presented to the Council of Ministers for its opinion.

Second: The provision stipulated in Paragraph (First) of this Article shall apply to the draft multilateral treaty prior to ratification or accession.

Third:

- a. The Ministry of Foreign Affairs may, when needed, appoint a its representative in the delegations entrusted with concluding bilateral treaties.
- b. The Ministry of Foreign Affairs shall participate in international and regional conferences concerned with concluding multilateral treaties.
- c. The Ministry of Foreign Affairs shall be responsible for studying, preparing and forming delegations for international and regional conferences concerned with codifying or developing international law.



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Article 5

- First: The Prime Minister shall represent the Republic of Iraq by virtue of his/ her position without the need to present credentials for the purpose of carrying out the work related to concluding the treaty.
- Second: The Minister of Foreign Affairs shall be considered a representative of the Republic of Iraq by virtue of his/ her position without the need to present credentials for the purpose of negotiating the treaty conclusion.
- Third: The Council of Ministers shall nominate the person authorized to represent the Republic of Iraq for the purpose of negotiating the conclusion of a treaty, adopting it, authenticating it, or expressing the consent to be bound by it.
- Fourth: In other than what is stipulated in Item (First and Second) of this article, a person shall be considered a representative of the Republic of Iraq for the purpose of negotiating the conclusion of a treaty or authenticating it or expressing the consent of the Republic of Iraq to be bound by it if he/ she presents a fundamental authorization document.

Article 6

Any act related to a treaty conclusion carried out by a person who is not authorized to represent the Republic of Iraq under Article (5) of this law, but who has an official capacity and has practiced work by virtue of his/ her position, this work shall have no legal effect unless it is authorized at a later time in accordance with legal procedures prescribed in this law, and the subsequent license document is exchanged through the Ministry of Foreign Affairs.



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Chapter Four Language of the Treaty

Article 7

Bilateral treaties between the Republic of Iraq and other countries shall be drawn up in one or more languages in accordance with one of the following forms:

First: In the Arabic language in the event the treaty is concluded with one or more Arab countries.

Second: In the Arabic language and the language adopted by the other negotiating state, provided that the two languages have the same legal effectiveness.

Third: In the Arabic language and the national language of the other negotiating state, and in a third language, either English or French, provided that the three languages shall have the same legal effectiveness and that the third language shall be relied upon only when there is a dispute in The interpretation of one of the texts of the treaty.

Chapter Five Bilateral Treaty

Article 8

The title of the treaty shall indicate its subject and that it is concluded between the Republic of Iraq and the other negotiating country, provided that the name of the Republic of Iraq is given precedence over the official name of the other negotiating country in the original copy belonging to the Republic of Iraq and vice versa.



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Article 9

The preamble to the treaty shall include the following:

- First: The name of (the Republic of Iraq) and the other negotiating state, provided that the name of the Republic of Iraq takes precedence over the official name of the other negotiating state in the original copy of the Republic of Iraq and vice versa.
- Second: A summary of the justifications and the main purposes for which the treaty is negotiated.
- Third: The goals that the Republic of Iraq and the other negotiating country seek to achieve through the treaty.
- Fourth: The agreement of the Republic of Iraq and the other negotiating country on the treaty's texts.
- Fifth: A reference to the two delegates of the Republic of Iraq and the other negotiating country who are authorized to conclude the treaty and that they have exchanged valid and duly authorized credentials.

Article 10

The provisions of the substantive treaty shall be distributed into sequential articles, and one article shall be divided into multiple items and paragraphs if this requires an accurate expression of the content of the article's provision, taking into account, as much as possible, classifying the provisions of the treaty in chapters, and the name of the Republic of Iraq, wherever mentioned, preceded over the official name of the other negotiating country in the original copy belonging to the Republic of Iraq and vice versa.

Article 11

The treaty shall include a chapter of the final provisions referring to the following issues:

- First: The procedures by which the treaty enters into force.
- Second: The date of entry into force of the treaty
- Third: The period of implementation of the treaty and the method of its extension



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Fourth: The method of amending the treaty or reconsidering it.

Fifth: The method of terminating the treaty.

Sixth: The method of settling disputes that arise from the application or interpretation of the treaty.

Seventh: The language in which the treaty is documented and its effectiveness in light of the provisions of Article (7) of this law.

Article 12

The treaty shall conclude with the following:

First: An indication of the place where the treaty is drawn up or signed.

Second: The date of signing the treaty.

Third: The name of the Republic of Iraq and the official name of the other negotiating state and the names of those authorized to sign the treaty and their positions and signatures on it on behalf of the two parties, taking into account the following:

- a. The name of the Republic of Iraq stipulated in this Item shall be on the right of the original copy of the treaty if it is written in Arabic and on the left if it is written in English or French and vice versa for the original copy of the treaty belonging to the other negotiating country.
- b. The document of authorization with document of signature authorization of the representative of the other negotiating country shall be exchanged before signing the treaty, taking into account the provisions of Item (First) of Article (5) of this law.

Chapter Six Multilateral Treaties

Article 13

First: The text of the treaty shall be adopted in accordance with the following:

- a. With the consent of all the countries participating in putting it in regional treaties.



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b. At an international conference in accordance with the rules established by that conference in this regard.

Second: The signature of the delegate on the treaty with its initials shall not constitute an obligation on the Republic of Iraq if it is proven that the negotiating countries have agreed upon this, except after its ratification in accordance with the procedures established in this law.

Third: The signature subject to consultation of the authorized representative of the Republic of Iraq shall constitute a complete signature of the treaty if it is authorized in accordance with the procedures prescribed in this law, taking into account the provisions of Article (17) of this law.

Article 14

The text of the treaty shall be established as being authenticated, namely original and final, in accordance with the following:

First: The procedures established in the text of the treaty or agreed upon by the countries participating in the drafting of the text of the treaty.

Second: In the absence of such procedures, authentication shall be done by signing subject to the consultation, or their signing by their initials on the text of the treaty or the final minutes issued by the conference that includes the text of the treaty.

Chapter Seven Commitment to Treaties

Article 15

The commitment of the Republic of Iraq with a treaty shall be expressed in accordance with the provisions stipulated in this law by one of the following means:



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First: Exchanging the ratification documents in bilateral treaties.

Second: Depositing documents of ratification in multilateral treaties signed during the period specified for signature.

Third: Depositing the documents of accession in multilateral treaties after the expiry of the period specified in their text for signature or after their entry into force.

Chapter Eight Exchange of Treaty Establishment Documents

Article 16

First: The Republic of Iraq shall be deemed as agreeing to be bound by a treaty consisting of documents exchanged between it and another country in one of the following two cases:

- a. If the exchanged documents stipulate that their exchange shall have this effect.
- b. If it is expressly agreed that the exchange of documents shall have this effect.

Second: The commitment to the treaty represented by the exchange of documents shall be subject to the ratification procedures stipulated in Article (17) of this law.

Chapter Nine Ratification and Accession

Article 17

The commitment of the Republic of Iraq to treaties concluded in accordance with the provisions of this law shall be subject to the approval of the Parliament on the law of ratification of the treaty or the law of accession to it by an absolute majority of the number of



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members of the Parliament, except for the following treaties that shall be approved by a two-thirds majority:

First: Border treaties and treaties that affect the territorial sovereignty of the Republic of Iraq.

Second: Peace and peace treaties.

Third: Political, security and military alliance treaties.

Fourth: Treaties establishing or joining regional organizations.

Chapter Ten Accession to Multilateral Treaties

Article 18

The Republic of Iraq may join multilateral treaties after the expiry of the period specified in their text for signing or their entry into force in one of the following cases:

First: If the treaty permits this.

Second: When the negotiating countries agreed on the permissibility of accession.

Third: When all parties to the treaty agree on the permissibility of accession.



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Chapter Eleven Entry into Force of the Treaty

Article 19

The entry into force of the treaty in respect of the Republic of Iraq on the date stipulated in the treaty shall be required based on:

First: Ratification of the bilateral treaty in accordance with the provisions of this law and the exchange of ratification documents or the exchange of notes supporting ratification.

Second: Ratification of the multilateral treaty or accession to it in accordance with the provisions of this law, and the necessary document is deposited or notified in accordance with the provisions stipulated in the treaty with the depositary in accordance with the final provisions of the treaty.

Third: The final provisions of the treaty shall be applied from the time of the adoption of its text with regard to regulating the ratification of its texts, proving of states' consent to be bound by them, the method or date of its entry into force, reservations thereon, functions of the depositary and other matters that take place before its entry into force.

Chapter Twelfth Temporarily Application

Article 20

First: The treaty or part of it shall be applied temporarily pending its final entry into force in respect of the Republic of Iraq if the treaty itself stipulates that or if the Republic of Iraq



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has agrees with the negotiating country or countries on another method for the same purpose.

Second: The temporary application of the treaty or part of it with respect to the Republic of Iraq shall end if the other countries that temporarily apply the treaty among them notified of their intention not to become a party to the treaty, unless the treaty provides or the Republic of Iraq and the other negotiating state agree otherwise.

Third: The provision of this article shall be applied to treaties related to the establishment of international organizations or treaties concluded under the auspices of the United Nations.

Chapter Thirteen Reservation

Article 21

First: The government of the Republic of Iraq may express its reservation to a multilateral treaty when signing, ratifying or acceding to it unless the treaty prohibits explicitly stating the inclusion of any reservation to it, or if the reservation was contained in a part of the treaty stipulating the impermissibility of stating a reservation to it, or that the reservation contradicts the object or purpose of the treaty.

Second: The reservation of the Republic of Iraq shall be established, wherever necessary, on each multilateral treaty in the following form:

(This signature, ratification or accession does not in any way signify recognition of Israel or entry into any relationship with it).

Article 22

First: The reservation shall be established in writing and communicated to the concluding states and to other states in accordance with the method stipulated in the treaty.



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Secondly: If the reservation is made at the time of signing a multilateral treaty that is subject to the ratification condition, the reservation shall be formally confirmed upon the ratification or accession of the Republic of Iraq to the treaty.

Article 23

First: The Republic of Iraq may accept or object to the reservations made by the other concluding states in accordance with the provisions of international law.

Second: The Republic of Iraq may withdraw the reservation it has made to a multilateral treaty or object to a reservation has made by another country, in accordance with the provisions of international law.

Third: Any express acceptance of the reservation, any objection to it or any withdrawal of a reservation has already been withdrawn by the Republic of Iraq shall be made in writing.

Chapter Fourteen Correcting the Error in the Texts of the Treaty or in Its Approved Versions

Article 24

First: If an error appears in the procedural matters in a bilateral treaty after its authentication and before its entry into force, it shall be corrected in one of the following two ways:

- a. Correcting the original text of the treaty and signing it, it shall be initialled in all copies by the authorized representative of the Republic of Iraq and the representative of the other concluding party.



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- b. Conducting the correction by exchanging notes or letters between persons authorized to represent the Republic of Iraq and the other concluding party, provided that it is considered an integral part of the treaty.

Second: If the error is related to the essential issues of the bilateral treaty and it is discovered before the entry into force of the treaty, it shall be corrected in one of the following two ways:

- a. The correction shall be carried out in accordance with the provisions of Paragraph (a) of Item (First) of this Article.
- b. Correction shall be carried out by exchanging notes or letters between persons authorized to represent the Republic of Iraq and the other concluding party, provided that they are considered an integral part of the treaty and they are subject to the conditions related to the entry into force of the treaty itself.

Third: If an error is discovered in the procedural matters in the bilateral treaty after its entry into force, it shall be corrected by the exchange of notes or letters between persons authorized to represent the Republic of Iraq and the other party. But if the material error is related to essential matters, then the correction shall be subject to of the conditions related to the entry into force of the treaty.

Fourth: In multilateral treaties, the error shall be corrected as agreed upon by the signatory states and the concluding states after authenticating the text of the treaty.

Chapter Fifteen Procedural Provisions

Article 25

The Ministry of Foreign Affairs, upon the approval of the Council of Ministers, shall prepare the documents of authorization for negotiating, signing, documents of ratification or approval, documents of authorization for exchanging ratification documents, minutes of exchanging



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ratification documents, notes supporting ratification or approval and accession documents for the purposes specified in this law.

Article 26

The ministry or the entity not affiliated with a ministry shall translate the texts of treaties written in a foreign language into Arabic, and the translation shall be presented to the Ministry of Foreign Affairs for approval after ensuring that the translation is correct and conforms to the original.

Article 27

- First: The ministry or the entity not affiliated with a ministry shall send the draft treaty to the State Consultative Council to request legal advice. The State Consultative Council shall seek the opinion of the relevant government agencies regarding the conclusion of the treaty before issuing legal advice.
- Second: The State Consultative Council shall send the copy approved by it of the draft treaty and legal advice to the General Secretariat of the Council of Ministers and the concerned governmental authority.
- Third: The General Secretariat of the Council of Ministers shall submit the approved text of the draft treaty and the legal advice received from the State Consultative Council to the Council of Ministers to obtain its approval of authorization for negotiating and signing the treaty.
- Fourth: The Ministry of Foreign Affairs shall prepare the document for negotiating and signing the treaty and sending it to the General Secretariat of the Council of Ministers to obtain approval to sign it, and the original copy of this document shall be sent to the competent authority to take the necessary action.
- Fifth: After signing the treaty, the concerned authority shall send it with the document of authorization to negotiate and sign to the General Secretariat of the Council of Ministers to obtain its approval and send it to the Parliament to organize the ratification process of the treaty.
- Sixth: The Presidency of the Republic shall ratify the treaty after approval by the Parliament.



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Seventh: The Ministry of Justice shall publish the treaty and the law of ratification or accession to it in the Official Gazette.

Eighth:

- a. The Ministry of Foreign Affairs shall take the necessary measures regarding the exchange of documents of ratification of the bilateral treaty or diplomatic notes regarding the completion of the ratification procedure with the signatory country.
- b. The Ministry of Foreign Affairs shall deposit the document of ratification or accession with the depositary in accordance with the final provisions of the multilateral treaty.

Ninth: The Ministry of Foreign Affairs shall take the necessary measures to determine the date of entry into force of the treaty, and this shall be published in the Official Gazette.

Article 28

Other countries shall be addressed on all issues related to treaties stipulated in this law by the Ministry of Foreign Affairs exclusively, and the aforementioned ministry shall inform the concerned Iraqi authorities of this.

Article 29

The original copies of treaties and the original documents related to them, such as documents of authorization for negating, signing, documents of ratification or approval, documents of authorization for the exchange of ratification documents, minutes of exchanging documents of ratification and notes supporting ratification or approval, shall be deposited with the Ministry of Foreign Affairs for safekeeping in the Treaty Treasury, and the concerned ministry or institution shall keep a copy of it.



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Chapter Sixteen Final Provisions

Article 30

The Treaty Conclusion Law No. (111) of 1979 shall be repealed.

Article 31

First: Regulations to facilitate the implementation of the provisions of this law may be issued.
Second: The Minister of Foreign Affairs may issue instructions to facilitate the implementation of the provisions of this law.

Article 32

This law shall be implemented from the date of its publication in the Official Gazette.

Fouad Ma'soum
President of the Republic