



SNAPSHOT IRAQ SANCTIONS REGIME

Why are sanctions imposed?

The United Nations Security Council (UNSC) has imposed sanctions in relation to Iraq. The sanctions were initially imposed in 1990 in response to Iraq's invasion of Kuwait. Although the UNSC has removed several sanctions measures that were imposed during the Saddam Hussein era, there are still some sanctions in place in relation to Iraq.

Australia implements the UNSC sanctions concerning Iraq by incorporating them into Australian law.

What is prohibited by the Iraq sanctions regime?

The Iraq sanctions regime imposes three sanctions measures:

Measure	UNSC	Autonomous
restrictions on supplying arms or related matériel	✓	
restrictions on using or dealing with certain assets	✓	
restrictions on dealing with cultural property that has been illegally removed from Iraq	✓	

Restrictions on supplying arms or related matériel

The Iraq sanctions regime imposes an arms embargo. It is prohibited to directly or indirectly supply, sell or transfer arms or related matériel to Iraq without a sanctions permit.

Arms or related matériel includes, but is not limited to, weapons, ammunition, military vehicles and equipment, and spare parts and accessories for any of those things. It also includes paramilitary equipment. While each case will be considered individually, goods on the [Defence and Strategic Goods List](#) are likely to be considered arms or related matériel. Depending on the context, end-user and end-use, other goods may also be considered arms or related matériel.

The Minister for Foreign Affairs may grant a permit authorising the supply of arms or related matériel if the goods are required by the Government of Iraq or the multinational force for the purposes of UNSC Resolution 1546.

Restrictions on using or dealing with certain assets

Restrictions are imposed on using or dealing with assets that were owned by Saddam Hussein's regime, or by persons or entities that were part of or associated with that regime and have been designated by the UNSC. It is prohibited to use or deal with any of the following assets:

- an asset of the government led by Saddam Hussein (including a state body, corporation or other body or agency) that was located in Australia on 22 May 2003
- an asset that has been removed from Iraq, or acquired, by a designated person or entity.

An 'asset' includes an asset or property of any kind, whether tangible or intangible, movable or immovable. The [Consolidated List](#) available on DFAT's website includes the names of all designated persons and entities.

Restrictions on dealing with cultural property that has been illegally removed from Iraq

The Iraq sanctions regime seeks to protect cultural property that has been illegally removed from Iraq. An item will be protected if it was illegally removed from Iraq on or after 6 August 1990 and it is either Iraqi cultural property or it is of archaeological, historical, cultural, rare scientific or religious importance.

It is prohibited to give illegally removed cultural property to another person, to trade it or to transfer the ownership of it to another person. A person who suspects that an item is illegally removed cultural property must notify DFAT, the Arts Department or Federal, State or Territory Police.

Who must comply with sanctions?

Australian sanction laws apply to activities in Australia and to activities undertaken overseas by Australian citizens and Australian-registered bodies corporate.

In some circumstances, it may be possible to obtain a permit from the Minister for Foreign Affairs to engage in an activity that would otherwise be prohibited by a sanctions measure. As noted above, the Minister may only grant a permit authorising the supply of arms or related matériel if the goods are required by the Government of Iraq or the multinational force for the purposes of UNSC Resolution 1546. Information on planning an activity and submitting an application for a sanctions permit is available on the [DFAT website](#).

It is a serious criminal offence to contravene a sanctions measure (or a condition of a sanctions permit). The penalties include up to ten years in prison and substantial fines.

Relevant legislation

The relevant legislation for the Iraq sanctions regime includes the following:

- *Charter of the United Nations Act 1945*
- *Charter of the United Nations (Sanctions – Iraq) Regulations 2008*

Where can I get more information?

More information on Australia's sanctions can be found on DFAT's website: <https://dfat.gov.au/international-relations/security/sanctions/Pages/sanctions.aspx>.

Enquiries can be made to DFAT by emailing sanctions@dfat.gov.au.

DFAT maintains a mailing list for people interested in receiving updates on Australian sanctions laws. You can subscribe to this list via the [DFAT website](#).

This document provides a summary only of relevant sanctions laws. It should not be relied upon as a substitute for legal advice. It is your responsibility to ensure you do not contravene sanctions law, including by obtaining your own legal advice.