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THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS RELATING TO IRAQ

Report by the Director General

1. On 25 September 1998, the General Conference adopted resolution GC(42)RES/3 paragraph 7 of which requested the Director General to report to the Board of Governors and the forty-third regular session of the General Conference on his efforts to implement United Nations Security Council resolutions 687 (1991), 707 (1991), 715 (1991), and 1051 (1996) relating to Iraq.
2. Since the adoption of the resolution by the General Conference, the Director General has kept Member States of the IAEA informed on the implementation of relevant Security Council resolutions by means of the reports addressed by him on the subject to the Security Council.¹
3. As described in those reports, circumstances made it necessary for Agency personnel to leave Iraq on 16 December 1998. Since that time the Agency has not been able to implement its mandate in Iraq under the relevant Security Council resolutions and is, thus, unable to provide any measure of assurance regarding Iraq's compliance with its obligations under those resolutions. The Security Council continues in its endeavours to define a mechanism for the resumption of verification activities in Iraq.
4. This report provides information on the Agency's limited inspection activities in Iraq since 1 September 1998 and includes, as Annex 1, the chronology of major events that have occurred since that date.
5. The Director General will keep the Board and the General Conference informed of any significant developments regarding the resumption of the Agency's activities in Iraq.

¹ See documents GOV/INF/1998/22 dated 16 November 1998, GOV/INF/1999/4 dated 24 February 1999 and GOV/INF/1999/6 dated 19 April 1999.

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Delegates are kindly requested to bring their copies of documents to meetings.

**Report by the Director General on the implementation
of United Nations Security Council resolutions relating to Iraq**

Overview of reports to the Security Council

6. As reported to the forty-second regular session of the General Conference, Iraq declared, on 5 August 1998, that it would suspend its co-operation with the UN Special Commission (UNSCOM) and the IAEA such that Iraq would no longer permit access to "capable" sites or indeed any sites other than those for which Iraq routinely provided declarations under the plan for ongoing monitoring and verification (OMV). Iraq further declared that it would no longer co-operate in any activity involving investigation of its clandestine nuclear program. At the same time, however, Iraq stated that it would continue to facilitate OMV inspections at sites for which it routinely provided declarations under the OMV plan and would provide the Agency with access to locations for the purpose of collecting environmental samples or carrying out radiation surveys. As a result of the restrictions imposed, the Agency was forced to limit its activities and was unable to fully implement the "search" component of its OMV plan.

7. Document GOV/INF/1998/22, dated 16 October 1998, contained the sixth consolidated progress report submitted by the Director General to the United Nations Security Council in accordance with paragraph 16 of resolution 1051 (1996). The report provided a description of the work done by the Agency from 1 April 1998 to 1 October 1998 in implementing its plan for the ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991). The report described the impact on the Agency's activities resulting from Iraq's withdrawal of co-operation and concluded that Iraq's interference with the Agency's right to full and free access rendered impossible any meaningful implementation of the Agency's OMV plan. The report further observed that Iraq's refusal to address questions related to its clandestine nuclear programme made it impossible for the Agency to proceed with its stated intention to seek to clarify the few remaining questions and concerns regarding that programme as part of its OMV activities.

8. Notwithstanding the situation described above, the report restated the Agency's opinion that, subject to Iraq providing the necessary co-operation, there would be no technical impediment to the full implementation of the Agency's OMV plan and, as part of that plan, the further investigation of the few remaining questions and concerns and any other aspect of Iraq's clandestine nuclear programme arising from new information coming to the Agency's attention.

9. The report reiterated the view that the assessment of Iraq's fulfilment of its obligations under resolution 687 (1991) remained the prerogative of the Security Council and drew to the attention of the Council the need to put into effect a mechanism, based upon paragraph 4 of resolution 699 (1991), to secure long-term funding for the cost of implementing the Agency's OMV plan.

10. The operational situation described in GOV/INF/1998/22 continued until 11 November 1998 when circumstances made it prudent for the Agency to temporarily withdraw its personnel from Iraq.

11. Following personal intervention from the Secretary-General of the United Nations, Iraq, on 16 November 1998, formally agreed to provide full co-operation to UNSCOM and the IAEA. As a result of this agreement, Agency personnel returned to Iraq on 17 November 1998 and immediately resumed verification activities.
12. As the Director General reported to the Security Council in his letter of 14 December 1998 (S/1998/1172), the IAEA carried out an intensified programme of activities during the period from 18 November - 14 December 1998 and, as recorded in that letter, the Iraqi counterpart provided the necessary level of co-operation to enable those activities to be completed efficiently and effectively.
13. The letter also recorded that an IAEA team had visited Iraq from 9 to 13 December to discuss with the Iraqi counterpart the status of the few remaining questions and concerns related to Iraq's clandestine nuclear programme. Although no substantial clarifications were obtained during the discussions, the Iraqi counterpart expressed its intention to continue to co-operate with the IAEA in seeking to resolve those matters.
14. However, on 16 December 1998, circumstances again developed which made it prudent to withdraw Agency personnel from Iraq. Since that date the Agency has not been able to implement its mandate in Iraq under the relevant Security Council resolutions.
15. In a note by its President, document S/1999/100, dated 30 January 1999, the Security Council, inter alia, established three separate panels on Iraq-related matters, of which one panel was to address disarmament and current and future ongoing monitoring and verification issues. Three Agency staff members participated in that panel and the written contribution provided by the Director General to the work of the panel has been distributed as GOV/INF/1999/4, dated 24 February 1999.
16. The panel held two meetings - 23 to 27 February and 22 to 27 March - and the Chairman of the panels reported to the Security Council on the recommendations of all three panels on 7 April 1999 (documents S/1999/356, dated 30 March 1999, and S/1999/415, dated 13 April 1999, refer).
17. It is relevant to note that the Agency had long anticipated that a "point of diminishing returns" would be reached which would necessitate a judgement of whether it would be appropriate to seek to clarify remaining uncertainties as part of the implementation of the OMV plan. In its reporting to the Security Council since October 1997, the Agency has recorded its view that it had indeed reached the "point of diminishing returns". The Agency has further recorded its intention to proceed with the full implementation of its OMV plan and, as part of that plan, to investigate further the remaining questions and concerns and any other aspect of Iraq's clandestine nuclear programme arising from new information acquired by the IAEA.
18. It is also relevant to note that, since October 1997, the Agency's Action Team had focused most of its resources on the implementation and strengthening of its OMV plan and in updating and extending the technologies used in its monitoring activities. This strengthening process included the consolidation of a number of OMV technical activities into a wide area monitoring programme designed to increase the ability of the OMV plan to detect indications of prohibited nuclear activities.

19. Document GOV/INF/1999/6, dated 19 April 1999, contained the seventh consolidated progress report submitted by the Director General to the United Nations Security Council, providing a description of the limited activities carried out by the Agency in Iraq during the period 1 October 1998 to 1 April 1999.

Ongoing monitoring and verification activities

20. The Agency was only free to fully implement its OMV plan from 18 November to 15 December 1998 and the relevant inspection statistics are recorded in document S/1998/1172. However it is appropriate to note that full implementation throughout the whole period under review would have resulted in the carrying out of some 300 monitoring inspections, 50 inspections of "capable sites", 50 interviews, 100 road-vehicle based radiation surveys, 1 fixed-wing aerial radiation survey campaign, 2 hydrological sampling campaigns and the collection and analysis of some 500 environmental samples. The information gained through these activities would have provided a comprehensive basis for a statement by the Agency regarding Iraq's compliance with its obligations under the relevant Security Council resolutions.

21. For completeness, it should be recorded that Paragraph 22 and Annex 2 of the OMV plan (Document S/22872/ Rev.1 and Corr. 1 (1991)) require Iraq to provide semi-annual declarations, in January and July, on the current use of certain facilities, installations and sites, including those formerly involved in its clandestine nuclear programme, and on changes during the previous six months regarding the inventory and location of materials, equipment and isotopes identified in Annexes 3 and 4 of the plan. To date, Iraq has not provided the declarations due on 15 January 1999 and 15 July 1999.

22. During 1999 the Agency's Action Team has updated and maintained an operational plan for the resumption of its monitoring activities in Iraq and has focused its resources on refining its information databases and improving its computer-based analytical tools. It has also held discussions with an international team of experts in order to optimise the technical content of its planned programme of wide-area monitoring activities.

Summary and Observations

23. The Agency's OMV plan is robust collection of techniques and procedures which has the capability to provide the basis for a credible statement by the Agency regarding Iraq's compliance with its obligations under the relevant Security Council resolutions. The Agency is technically prepared to resume implementation of its OMV plan at short notice and to accelerate and intensify that implementation in order to regain, to the extent possible, its previous level of knowledge of Iraq's clandestine nuclear programme and the status of Iraq's nuclear-related assets.

24. As previously stated, there remain a few questions and concerns regarding Iraq's clandestine nuclear programme whose clarification would reduce the uncertainty in the completeness of the Agency's knowledge and understanding of that programme. However, the Agency is satisfied that the uncertainties resulting from these questions and concerns do not prevent the full implementation of the OMV plan and would continue with their investigation, along with any other aspect of Iraq's clandestine nuclear programme, as part of

its OMV activities. The existence of uncertainties are factored into the Agency's OMV plan, which takes fully into account the extensive technological expertise developed by Iraq in the course of its clandestine nuclear programme, particularly regarding the production of weaponisable nuclear material and its weaponisation.

25. The effectiveness of the implementation of the Agency's OMV plan is critically dependent upon the full exercise of the rights of access enshrined in the plan. It is essential that the basis under which the Agency's activities in Iraq might be resumed preserves those rights of access in order to avoid any reduction in the value of assurance provided by the Agency through the implementation of its OMV plan.

26. Finally, the basis under which the Agency's activities in Iraq might be resumed should take into account the need to provide secure long-term funding for those activities. The annual direct costs of full implementation of the Agency's OMV plan would be in the region of ten million US dollars, not including the substantial costs of logistical and other assistance provided through the UN.

**THE IAEA'S ACTIVITIES CONCERNING IRAQ UNDER THE RELEVANT
SECURITY COUNCIL RESOLUTIONS**

Chronology of major events since 1 September 1998

Date	Event
1998	
9 September	UNSC adopts resolution 1194 (1998) demanding that Iraq rescind its 5 August decision and resumes full co-operation with IAEA and UNSCOM and suspending sanctions reviews indefinitely.
28 September	IAEA denied access to Al Iraq factory even though the IAEA had inspected this site eight times since February 1995.
7 October	IAEA submits sixth consolidated semi-annual report under resolution 1051 (1996). Report highlights adverse impact of limited implementation of its mandate in Iraq.
31 October	Iraq announces decision to cease co-operation with UNSCOM. IAEA continues with limited implementation of OMV plan.
3 November	IAEA reports "inability to exercise its right to full and free access under its OMV plan" to UNSC recording that Iraq's 31 October decision results in "significant reduction in level of assurance" that could be provided by the OMV plan.
5 November	UNSC resolution 1205 (1998) demands that Iraq rescind its 31 October decision.
11 November	Following similar action by UNSCOM, the IAEA relocates its personnel to Bahrain, due to concern for their safety.
14 November	Iraq announces decision to resume co-operation with UNSCOM and IAEA.
17 November	IAEA personnel return to Baghdad and undertake an intensified programme of inspection activities to re-establish knowledge of the status of Iraq's nuclear-related assets.
9 December to 13 December	IAEA Technical Team visits Baghdad to discuss remaining questions and concerns.
14 December	Director General's letter reports on Iraq's co-operation since 17 November, as requested in UN S-G's letter of 25 November.

16 December Following similar action by UNSCOM, the IAEA relocates its personnel to Bahrain, due to concern for their safety.

1999

30 January UNSC Presidential Note establishes three panels on Iraq-related matters. One panel (the Disarmament Panel) is charged with recommending how to re-establish an effective disarmament/ongoing monitoring and verification regime in Iraq.

8 February In response to the 30 January UNSC Presidential note, the IAEA provides written input to the Disarmament Panel describing the status of the implementation of its mandate in Iraq

23 February to
27 February Disarmament Panel meets in NY. IAEA representatives provide briefings on status of OMV and disarmament.

9 March
11 March International expert group on wide area monitoring meets in Vienna to consolidate and optimise related OMV technical activities.

22 March to
27 March Second and final meeting of Disarmament Panel in NY.

30 March Disarmament Panel issues report on disarmament and current and future OMV.

7 April Chairman of the three panels presents reports to UNSC and states reports offer "concrete recommendations" for "dealing with the Iraqi question" and "Status quo is not a viable option."

7 April IAEA submits seventh consolidated report to UNSC on its mandate in Iraq. Report records IAEA's "inability to implement its mandate in Iraq", notes passage of "more than 100 days since last on-site inspection", and confirms that the IAEA is "unable to provide any assurance" of Iraq's compliance with its obligations.