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THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS RELATING TO IRAQ

Report by the Director General

INTRODUCTION

1. On 1 October 1999, the General Conference adopted resolution GC(43)/RES/22, paragraph 8 of which requested the Director General, *inter alia*, “*to report to the Board of Governors and the forty-fourth regular session of the General Conference on his efforts to implement Security Council resolutions 687, 707, 715, and 1051.*” In paragraph 2 of this resolution, the General Conference stressed “*the need for full implementation by Iraq of all relevant Security Council resolutions*” and in paragraph 5 “*that the Agency's Action Team's monitoring and verification activities in Iraq should be re-established without delay.*”

2. Since the adoption of resolution GC(43)/RES/22, 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. This report provides information on the Agency's implementation of the relevant Security Council resolutions and limited verification activities in Iraq since 1 September 1999. It also provides an overview of Security Council resolution 1284, adopted on 17 December 1999.

SUMMARY OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1284

4. Resolution 1284 (the full text of which is contained in Annex 1) provides the framework for the resumption of the Security Council mandated verification activities in Iraq, which have been suspended since 16 December 1998.

5. In paragraph 3 of resolution 1284, the Security Council reaffirmed the provisions of the relevant resolutions with regard to the role of the IAEA in addressing compliance by Iraq with

¹ See documents GOV/INF/2000/9 and GOV/INF/2000/10, dated 30 May 2000.

paragraphs 12 and 13 of resolution 687 (1991) and with other related resolutions. This paragraph is consistent with paragraph 7 of resolution GC(43)/RES/22, which concluded that it was “*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*”, as it clearly establishes that the Agency’s rights in Iraq remain unchanged.

6. The resolution also requests the Director General of the IAEA to draw up a work programme (paragraph 7), not later than 60 days after inspections have resumed in Iraq, for approval by the Security Council, as well as reporting on Iraq’s co-operation in all respects with the Agency (paragraph 33).

7. Resolution 1284 also establishes the Monitoring, Verification and Inspection Commission (UNMOVIC), which replaces the United Nations Special Commission (UNSCOM). In accordance with paragraph 3 of the resolution UNMOVIC will provide assistance and co-operation to the IAEA in the fulfilment of discharging its mandate in Iraq. Paragraph 8 of the resolution calls for UNMOVIC and the Agency to re-establish a joint unit for the implementation of the export/import mechanism approved by resolution 1051 (1996), and to revise the relevant associated lists of items and technologies to which the mechanism applies.

8. Resolution 1284 reiterates that the Government of Iraq shall be liable for the full costs of the IAEA (and of UNMOVIC) work under this and other related resolutions on Iraq. The Agency’s verification activities in Iraq under Security Council resolutions will thus continue to be funded through the United Nations.

9. Resolution 1284 also requests Member States to provide full co-operation to UNMOVIC and the IAEA in the discharge of their mandates. The Agency will thus continue to rely on Member States’ support for the provision of technical expertise and technologies as well as for the provision of information.

OVERVIEW OF COMMUNICATIONS TO THE SECURITY COUNCIL

10. Documents GOV/INF/2000/9 and GOV/INF/2000/10 dated 30 May 2000 contain the eighth and ninth consolidated progress reports submitted by the Director General to the United Nations Security Council in accordance with paragraph 16 of resolution 1051 (1996). These reports provided a description of the work done by the Agency from 1 April 1999 to 1 April 2000.

11. The reports stress that, given that the Agency has not been in a position, since 16 December 1998, to implement its mandate in Iraq under the relevant Security Council resolutions, it is unable to provide any measure of assurance with regard to Iraq’s compliance with its obligations under those resolutions.

12. Both reports note that the Agency has not received from Iraq the semi-annual declarations required by paragraph 22 and Annex 2 of the Agency’s ongoing monitoring and verification (OMV) plan. These semi-annual declarations are the principal means for Iraq to provide information regarding the current use and any changes in the use of certain facilities, installations and sites and regarding the inventory and location of certain materials,

equipment and isotopes. The semi-annual declarations were due on 15 January 1999, 15 July 1999, 15 January 2000 and 15 July 2000.

13. Security Council Document S/2000/120 of 15 February 2000 contains a letter of the Director General to the President of the Council, dated 10 December 1999, which recalls that, during the time the IAEA was able to perform its mandate in Iraq pursuant to Security Council resolutions, the activities which it was to carry out pursuant to Iraq's Safeguards Agreement with the Agency in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons were subsumed under the activities pursuant to the Security Council resolutions. However, given that those activities ceased in December 1998, and given the requirements of the IAEA safeguards system, an IAEA team conducted a physical inventory verification of the nuclear material in Iraq at Tuwaitha, Location C, between 22 and 25 January 2000.

14. As the Board of Governors was informed during its meeting in March 2000, the Agency inspectors were able to verify the declared nuclear material subject to safeguards, which consists of low enriched, natural and depleted uranium. Iraq provided the necessary co-operation for the inspection team to perform its activities effectively and efficiently. The inspection, planned initially for December, could however, take place only in January due to the delay in the provision of the necessary visas by the Government of Iraq.

MAINTENANCE OF AGENCY'S CAPABILITIES FOR RESUMPTION OF INSPECTIONS

15. The IAEA has continued to update its operational plan for the resumption of its monitoring activities in Iraq, in accordance with operative paragraph 6 of resolution GC(43)/RES/22. It has focused most of its resources on refining the structure and content of its information system in the areas of computer support to inspections and analytical tools. It has also continued an enhanced analysis of the available original Iraqi documentation, as well as an assessment of the results accumulated through the past inspection process.

16. The Agency has begun field trials of air particulate sampling methodologies to be implemented in the context of environmental monitoring in Iraq. The financial and technical support of several Member States has been essential to this effort.

DESTRUCTION ACTIVITIES PURSUANT TO RESOLUTION 687

17. From 23 to 25 May 2000, the Agency was able to complete the destruction, in Jordan, of a filament winding machine and its associated spare parts and raw materials owned by Iraq. Iraq initiated procurement of this equipment and material in mid-1990 for use in its clandestine uranium enrichment gas centrifuge programme. The machine was received in Jordan in July 1991, and remained stored there until May 2000 (see Security Council documents S/1996/261 and S/1996/833 for details on the origin and whereabouts of these items).

CO-OPERATION WITH UNMOVIC

18. Since the establishment of UNMOVIC, contacts have been maintained between the Agency and UNMOVIC, in order to co-ordinate efforts as required under relevant Security Council resolutions, including resolution 1284.

19. The joint unit related to the export/import mechanism approved by resolution 1051 (1996) has been reconstituted, and its modus operandi, with regard to staffing, shared data and secure communication, defined. A revision and updating of the nuclear related list of items and technology to which the mechanism applies (Annex 3 to the Agency's OMV plan) has been initiated by the Agency. The first draft of the revision is currently being discussed with relevant experts from UNMOVIC and Member States.

SUMMARY AND OBSERVATIONS

20. The role of the IAEA, including its rights and obligations, to ensure compliance by Iraq with paragraphs 12 and 13 of resolution 687 (1991) and other related resolutions has been reaffirmed in resolution 1284 (1999), adopted by the Security Council on 17 December 1999. However, as already reported to the forty third General Conference, the Agency has not been in a position, since 16 December 1998, to implement its mandate in Iraq under the relevant Security Council resolutions. It is thus unable to provide any measure of assurance with regard to Iraq's compliance with its obligations under those resolutions. The Director General made this point in his Statement of 24 April to the 2000 NPT Review Conference. The Conference, in its Final Document, noted the Director General's statement. The Conference also reaffirmed the importance of Iraq's full continuous co-operation with the IAEA and compliance with its obligations.

21. The Agency maintains the core staff of its Iraq Action Team and remains prepared to resume the implementation of its OMV plan at short notice with an initial focus on an effort to regain a level of knowledge of the status of Iraq's nuclear related assets similar to the level attained in 1998.

22. The status of the Agency's technically coherent picture of Iraq's past clandestine nuclear programme has not evolved in the last year. As stated in earlier reports, there remain a few questions and concerns regarding Iraq's past nuclear programme, the clarification of which would reduce the uncertainty in the completeness of the Agency's knowledge and understanding of that programme. Provided that the Agency could satisfy itself that Iraq's past and present nuclear activities have not changed since December 1998, the uncertainties resulting from these questions and concerns would not prevent the Agency from the full implementation of its OMV plan. The Agency will continue to investigate these questions, along with any other aspect of Iraq's clandestine nuclear programme that may come to its knowledge as part of its OMV activities.

23. During an inspection in January 2000 pursuant to Iraq's Safeguards Agreement with the Agency in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons, the Agency's inspectors were able to verify the declared nuclear material subject to safeguards. The inspection had the limited objective of verifying the nuclear material in question. It was not intended, nor could it serve, as a substitute for the Agency's activities under the relevant Security Council resolutions. The resumption by the Agency of its verification activities

authorized under these resolutions is essential for the Agency to fulfil the mandate entrusted to it by the Security Council, and to provide the necessary assurances sought by the Council.