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Implementation of United Nations Security Council Resolutions Relating to Iraq

Report by the Director General

A. Introduction

1. In resolution GC(46)/RES/15, the General Conference requested the Director General, “*to report to the Board of Governors and to the forty-seventh regular session of the General Conference on his efforts to implement all relevant Security Council resolutions relating to Iraq.*” The General Conference also called upon Iraq “*to implement in full and without further delay all relevant Security Council resolutions, and in this regard to cooperate fully with the IAEA and provide immediate, unconditional, and unrestricted access to enable the Agency to carry out its mandate*”. This report provides information on the Agency’s activities related to the relevant United Nations Security Council resolutions since 1 September 2002. It includes the period, between 27 November 2002 and 17 March 2003, during which the Agency was able to resume the implementation of its Security Council mandated activities in Iraq following the letter¹ dated 16 September 2002 from Iraq’s Foreign Minister to the United Nations Secretary-General announcing the decision of the Iraqi Government to allow the unconditional return of the weapons inspectors to Iraq, and the subsequent adoption of resolution 1441 (2002) by the Council on 8 November 2002.

2. In accordance with UN Security Council resolution 1051 (1996), the Director General submitted to the UN Security Council the fourteenth² and fifteenth³ consolidated progress reports on the implementation of relevant Security Council resolutions, covering the periods 2 April 2002 to 1 October 2002 and 2 October 2002 to 1 April 2003 respectively. The latter report contains details of the activities conducted by the Agency following the resumption of inspections and provides an

¹ Paragraph (e) of resolution GC(46)/RES/15 refers.

² Document GOV/INF/2002/14 (UNSC document S/2002/1150).

³ Document GOV/INF/2003/13 (UNSC document S/2003/422).

assessment of Iraq's remaining nuclear capabilities, indicating the constraints due to the limited period of inspections. The current report contains a summary of the information referred to above.

3. Following adoption by the Security Council of resolution 1441 (2002) and the resumption by the Agency of its Security Council mandated activities in Iraq in November 2002, the Council requested several updates. The Agency provided these updates in the form of a report⁴ (Update Report for the Security Council pursuant to resolution 1441, dated 27 January 2003) and oral statements to the Security Council by the Director General (on 19 December 2002, 9 January 2003, 27 January 2003⁵, 14 February 2003⁶ and 7 March 2003⁷). The "Work Programme of the International Atomic Energy Agency in Iraq pursuant to Security Council resolution 1284 (1999)" was also provided to the Security Council on 20 March 2003⁸.

4. On 17 March 2003, in consultation with the President of the Security Council and the United Nations Secretary-General, the Agency withdrew its inspectors and staff from Iraq, in keeping with the United Nations' decision to withdraw all its staff, out of concern for their safety following notification of imminent military action.

B. Resumption of Agency verification activities

5. During the period covered by this report, the Director General, together with the Executive Chairman of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), met with high level Iraqi delegations in Vienna on 30 September 2002 and in Iraq on 18–19 November 2002, 19–20 January 2003 and 9 February 2003. These meetings permitted the definition, refinement and extension of practical arrangements endorsed in paragraph 6 of resolution 1441 (2002). They also included technical discussions with the Iraqi counterpart which resulted in increased co-operation on the part of Iraq.

6. During the meeting held in Vienna on 30 September 2002 between Iraq, UNMOVIC and the Agency, Iraq provided the Agency with the backlog of semi-annual declarations that had been due between January 1999 and July 2002. In December 2002, Iraq submitted its nuclear-related Currently Accurate, Full and Complete Declaration (CAFCD), as required pursuant to resolution 1441 (2002). Iraq's CAFCD contained no substantive differences from the Full, Final and Complete Declaration (FFCD) provided to the Agency in 1998. Iraq also submitted to the Agency the semi-annual declaration which was due in January 2003, covering the second half of 2002. In addition to these declarations and in response to requests by the Agency, the Iraqi authorities also made available a large number of additional original and photocopied documents.

7. Following receipt of the above referenced Iraqi letter of 16 September 2002, the Agency's Iraq Nuclear Verification Office (INVO, formerly the Action Team) intensified its preparations for the resumption of field activities. On 18 November 2002, an advance team of the Agency commenced

⁴ Document GOV/INF/2003/6 (UNSC document S/2003/95), Annex 1.

⁵ Document GOV/INF/2003/6, Annex 2.

⁶ Document GOV/INF/2003/7.

⁷ Document GOV/INF/2003/10.

⁸ Document GOV/INF/2003/11 (UNSC document S/2003/342).

work at the Baghdad Ongoing Monitoring, Verification and Inspection Centre (BOMVIC) to re-establish the Agency's field office, with logistical support provided by UNMOVIC, in preparation for the arrival of inspection teams.

8. Between 25 November 2002 and 17 March 2003, Agency inspection teams carried out 237 inspections at some 148 locations, including 27 new locations. The Agency sought to determine what, if anything, had changed in Iraq over the previous four years relevant to Iraq's nuclear activities and capabilities. The vast majority of the inspections were carried out with no prior announcement; a number of them were conducted in co-operation with UNMOVIC.

9. Other verification activities were also re-instated, including: the interviewing of key Iraqi scientists; the collection of documents and computer files, in an effort to understand Iraq's procurement patterns; the carrying out of radiometric surveys of Iraq's main watercourses; the collection of a broad variety of nuclear and non-nuclear material, environmental, soil and swipe samples from various locations across Iraq; aerosol sampling; and vehicle-based radiometric surveys.

10. During January 2002, prior to the resumption of the Security Council mandated verification activities in Iraq, and in connection with the Safeguards Agreement between Iraq and the Agency pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the annual physical inventory verification of the declared nuclear material under safeguards in Iraq at Location C Nuclear Material Storage Facility near the Tuwaitha complex took place. Between 9 and 11 December 2002, as part of the resumed Security Council mandated inspections in Iraq, the declared nuclear material inventory at Location C was re-verified, and the inspectors were able to confirm that the nuclear material which had been under Agency custody and seal had remained undisturbed.

11. After the adoption of UN Security Council resolution 1409 in May 2002, the Agency evaluated requests submitted by States to the Office of the Iraq Programme in New York in relation to the control of exports to Iraq of UN Security Council controlled products and commodities, and to provide impact assessments in connection with contracts related to dual-use items. Between the inception of the export control system on 14 May 2002 and June 2003, the Agency completed the review of 10 748 contract communications and provided 5 impact assessments.

C. Assessment of Iraq's nuclear-related activities and remaining capabilities

12. By the time the Agency ceased its Security Council verification activities in Iraq in March 2003, it had not found any evidence of the revival of nuclear activities prohibited under resolutions 687 (1991) and 707 (1991). However, considering the four-year absence of Agency inspectors from Iraq, the time available for the renewed inspections was not sufficient to permit the Agency to complete its overall review and assessment. This assessment would have required further investigation of the various types of assets needed for Iraq to reconstitute a nuclear programme, as well as investigation of all of the possible processes of nuclear weapons development. It was the Agency's intention to continue to implement additional verification activities to provide the level of assurance required by the Security Council. Over the longer term, the Agency would have implemented its Ongoing Monitoring and Verification Plan, which was, inter alia, designed to ensure that Iraq could not resume without detection prohibited nuclear activities even if it retained the knowledge required for such nuclear activities through documents, concealed equipment or the expertise of individuals.

13. In the areas of uranium acquisition, concentration and centrifuge enrichment, extensive field investigation and document analysis revealed no evidence that Iraq had resumed such activities. While investigations could not be completed due to the lack of time, no indication of post-1991 weaponization activities was uncovered in Iraq. The Agency observed a substantial degradation in facilities, financial resources and programmes throughout Iraq that might support a nuclear infrastructure. The former cadre of nuclear experts was being increasingly dispersed and many key figures were reaching retirement or had left the country. Prior to the evacuation of Agency personnel in 1998, there were no unresolved disarmament issues in the nuclear area, although there remained a number of questions and concerns about Iraq's pre-1991 nuclear programme, as described in the Agency reports to the Security Council dated 7 October 1998⁹ and 9 February 1999¹⁰. During the inspections carried out after November 2002, no progress was made in the resolution of those remaining questions and concerns. The clarification by Iraq of these questions and concerns would have reduced the remaining uncertainties about Iraq's programme.

D. Post-evacuation activities of the Agency

14. Since the withdrawal of Agency inspectors and other staff from Iraq in March 2003, INVO has focused and continues to focus its activities on: analysing the wealth of additional information collected during inspections; collecting and analysing a variety of new information, including satellite imagery, to update its knowledge of the relevant facilities in Iraq; refining its plan for resumed verification activities, taking into account the many uncertainties of the present situation in Iraq; and evaluating lessons learned.

15. On 22 May 2003, the Security Council adopted resolution 1483 (2003), in which it, inter alia, expressed its intention to revisit the mandates of the IAEA and UNMOVIC under Security Council resolutions 687 (1991), 1284 (1999) and 1441 (2002).

16. Following persistent media reports of looting of nuclear and radioactive material at the Tuwaitha complex in Iraq, the Director General requested, and the Coalition Provisional Authority in Iraq (hereinafter "the Authority") agreed, that the Agency would conduct an inspection, in accordance with the NPT Safeguards Agreement with Iraq, in order to verify the nuclear material subject to safeguards stored at the Location C Nuclear Material Storage Facility near the Tuwaitha complex south of Baghdad. The inspection mission took place from 7 to 23 June 2003¹¹ and was carried out relying on the logistical support provided by the Authority. The inspection team verified the nuclear material inventory according to Agency standards. The team's estimate is that at least 10 kg of uranium compounds could have been dispersed; for example, a few grams of natural uranium compound could have remained in each of the approximately 200 emptied containers when upended by the looters, in the form of dust on the container walls or as material adhering to the bottom folds. The quantity and type of uranium compounds dispersed are not sensitive from a proliferation point of view. However, the Director General has requested the Authority to make every effort to recover this dispersed material and, if and when the material is recovered, to return it to the Location C Nuclear Material Storage Facility and to place it under Agency safeguards. In addition to the nuclear material stored at

⁹ Document GOV/INF/1998/22 (UNSC document S/1998/927).

¹⁰ Document GOV/INF/1999/4 (UNSC document S/1999/127).

¹¹ Document GOV/2003/46 (UNSC document S/2003/711).

Location C Nuclear Material Storage Facility, there is also nuclear material subject to safeguards stored at other locations in Iraq, principally material previously recovered from rubble. In this connection, the Director General has requested the Authority to ensure the physical protection and security of the entire nuclear material inventory in Iraq.

17. In order to consolidate the Agency's overall picture of Iraq's past nuclear programme, it is important that, if new information or evidence regarding prohibited activities is uncovered in Iraq, such new information be provided to the Agency, in keeping with Security Council resolutions.

E. Conclusions

18. In the nearly four months during which the Agency was able to resume its Security Council mandated inspections in Iraq, the Agency made significant progress in assessing the status of Iraq's nuclear-related capabilities. As of 17 March 2003, the Agency had found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq. However, the Agency did not have sufficient time to resolve completely the key questions of whether Iraq's nuclear activities and capabilities had changed since December 1998. Provided that Iraq's co-operation had remained active, and barring unforeseen circumstances, the Agency would have been able to provide the Security Council, within an additional two to three months of continuing verification activities, with credible assurance regarding the absence of the revival of Iraq's nuclear programme.

19. However, any such assurance, as with any verification process, would have had a degree of uncertainty.¹² It is for that reason that the Agency, as requested by the Security Council, would have moved to the implementation of its reinforced OMV system, which was designed to act as an effective deterrent to the resumption by Iraq of its nuclear weapons programme, while permitting the Agency to continue to look for possible past activities or hidden assets, thus providing the international community with an ongoing and real-time assessment of Iraq's compliance with its obligations under the relevant Security Council resolutions.

20. As indicated above, the Security Council has, in resolution 1483 (2003), underlined its intention to revisit the IAEA's and UNMOVIC's mandates as set forth in resolutions 687 (1991), 1284 (1999) and 1441 (2002). Until that occurs, the mandate of the Agency, except as it relates to the implementation of sanctions now lifted by resolution 1483 (2003), remains valid. While awaiting further guidance by the Security Council, the Agency continues to remain ready to resume its verification activities, particularly under resolution 715 (1991), in which the Agency's OMV Plan was

¹² As highlighted by the IAEA in numerous earlier reports, such as the report reviewing the status of the IAEA's activities as of early 1999 (GOV/INF/1999/4; UNSC document S/1999/711), "... *there is an inevitable degree of uncertainty in any countrywide verification process that seeks to prove the absence of readily concealable or disguisable items or activities. It is this uncertainty which makes it essential for ongoing monitoring and verification to be a continuous process. Nonetheless, the IAEA, despite its extensive verification measures, cannot provide absolute assurance of the absence of readily concealable items, such as components of centrifuge machines or copies of weapon-related documentation. Similarly, it should be recognised that verification measures cannot guarantee detection of readily concealable or disguisable proscribed activities, such as computer-based weaponisation studies, explosives experimentation or small-scale centrifuge cascade development. A statement by the IAEA that it has found "no indication" of prohibited equipment, materials or activities in Iraq is not the same as a statement of their "non existence". It is for this reason that the OMV plan takes into account the prudent assumption that Iraq has retained documentation of its clandestine nuclear programme, specimens of important components and possibly amounts of non-enriched uranium. It is similarly assumed that Iraq retains the capability to exploit, for nuclear weapons purposes, any relevant materials or technology to which it may gain access in the future.*"

approved. The Agency will also continue to carry out its work in connection with the notifications provided to it by States pursuant to Security Council resolutions which require them to notify the Agency of relevant exports to Iraq, taking into account the Export-Import Mechanism approved by the Council in resolution 1051 (1996).

Chronology of Major Events (2002 – 2003)

Date	Event	Comment
2002		
2002-09-16	Iraqi letter to UN Secretary-General	Announced decision of Iraqi Government to allow unconditional return of weapons inspectors
2002-09-30	Vienna talks	UNMOVIC/IAEA/Iraq high level delegation talks
2002-10-01	Joint press statement (UNMOVIC/IAEA/Iraq)	Agreement on practical arrangements needed for, or facilitating, resumption of inspections in Iraq
2002-10-01	Iraqi semi-annual monitoring declarations	Submission by Iraq of 4 CD-ROMs containing backlog of declarations for the period June 1998 to July 2002
2002-10-08	UNMOVIC/IAEA letter to Iraq regarding practical arrangements for resumption of inspections	Letter sent upon recommendation of Security Council
2002-10-10	Iraqi letter responding to UNMOVIC/IAEA letter	Communication by Iraq indicating that content of letter coincides with what was agreed in Vienna on 2002-10-01 concerning practical arrangements
2002-10-12	Iraqi follow-up to Iraqi letter dated 2002-10-10	Further confirmation of acceptance of agreed practical arrangements
2002-10-14	Fourteenth Consolidated Report of IAEA Director General under paragraph 16 of UNSC Resolution 1051 (1996)	Report delivered by IAEA Director General to the UN Security Council

2002-11-08	UNSC resolution 1441 (2002) adopted	Resumption of inspections in Iraq
2002-11-13	Iraqi letter to UN Security Council	Response by Iraq to adoption of UNSC resolution 1441 and acceptance of resumption of inspections
2002-11-18/19	Baghdad talks	UNMOVIC/IAEA/Iraq high level delegation talks
2002-11-27	Resumption of inspections	UNMOVIC and IAEA inspectors return to Iraq to resume inspections under the mandate of UNSC resolution 1441
2002-12-07	Currently Accurate Final and Complete Declaration (CAFCD)	Submission of CAFCD by Iraq to the IAEA
2002-12-11	Physical inventory verification at Location C Nuclear Material Storage Facility	Verification of declared nuclear material inventory at Location C Nuclear Material Storage Facility near Tuwaitha complex
2002-12-17	Edited version of CAFCD to UN Security Council	Edited version provided to UN Security Council
2002-12-19	Preliminary assessment of Iraqi declaration	Report delivered by IAEA Director General in an informal briefing of the UN Security Council on 2003-01-09

2003

2003-01-09	Status of Agency's Verification Activities in Iraq	Report delivered by IAEA Director General in an informal briefing of the UN Security Council on 2003-01-09
2003-01-19/20	Baghdad talks	UNMOVIC/IAEA/Iraq high level delegation talks

2003-01-27	Status of Nuclear Inspections in Iraq	Report delivered by IAEA Director General to the UN Security Council
2003-02-09	Baghdad talks	UNMOVIC/IAEA/Iraq high level delegation talks
2003-02-14	Status of Nuclear Inspections in Iraq – Update	Report submitted by IAEA Director General to the UN Security Council
2003-03-07	Status of Nuclear Inspections in Iraq – Update	Report delivered by IAEA Director General to the UN Security Council
2003-03-15	Letter from Iraq to UNMOVIC and IAEA	Invitation to visit Baghdad at earliest convenience to hold high level meeting
2003-03-17	Notification to UNMOVIC/IAEA inspectors	Cessation of resumed inspections and preparation for departure from Iraq
2003-03-18	UNMOVIC/IAEA inspectors depart Iraq	Departure via Saddam International Airport, Baghdad
2003-03-20	Work Programme of the IAEA in Iraq pursuant to UNSC resolution 1284 (1999)	Report delivered by IAEA Director General to the UN Security Council
2003-04-14	Fifteenth Consolidated Report of IAEA Director General under paragraph 16 of UNSC resolution 1051 (1996)	Report delivered by IAEA Director General to the UN Security Council
2003-05-22	UNSC resolution 1483 (2003) adopted	Underlining of Council's intention to revisit the IAEA's and UNMOVIC's mandates as set forth in resolutions 687 (1991), 1284 (1999) and 1441 (2002)
2003-06-07/23	Verification at Location C Nuclear Material Storage Facility	Verification of declared nuclear material inventory at Location C Nuclear Material Storage Facility near Tuwaitha complex