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IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS RELATING TO IRAQ

Report by the Director General

1. In resolution GC(45)/RES/17, the General Conference requested the Director General, inter alia, "to report to the Board of Governors and to the forty-sixth regular session of the General Conference on his efforts to implement Security Council resolutions 687, 707, 715, 1051 and 1284." The General Conference also called upon Iraq "to implement in full all relevant Security Council resolutions, including resolution 1284, and in this regard to cooperate fully with the IAEA and to provide the necessary 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 2001.
2. The Director General participated, together with the Executive Chairman of the United Nations Monitoring, Verification and Inspections Commission (UNMOVIC), in the second and third round of talks between the United Nations Secretary-General and senior representatives of the Government of Iraq. These talks took place in New York on 1-3 May 2002 and in Vienna on 4-5 July 2002 and included meetings of technical experts. The talks also provided an opportunity for the Agency to clarify to senior Iraqi officials the requirements for the full implementation of the relevant Security Council resolutions. This is the first such dialog since December 1998. At the time of writing this report, the talks have not led to the resumption of inspections.
3. In accordance with UN Security Council resolution 1051 (1996), the Director General submitted to the United Nations Security Council the twelfth and thirteenth consolidated progress reports on the implementation of relevant Security Council resolutions¹. These reports stress that the Agency has not been in a position, since 16 December 1998, to implement its mandate in Iraq under those resolutions. As reported to the last three General Conferences, the Agency is unable to provide any assurances regarding Iraq's compliance with its obligations under those resolutions.

¹ Documents GOV/INF/2001/10 of 15 October 2001, and GOV/INF/2002/4 of 17 April 2002.

4. The Agency remains prepared to resume its Security Council mandated verification activities in Iraq at short notice². Upon return to Iraq, the Agency intends to “place the highest priority on regaining a level of knowledge of the status of Iraq’s nuclear-related assets required for the full implementation of the Agency’s system of ongoing monitoring and verification”³. The structure and content of the Agency’s information system has continued to be refined, additional in depth analysis of original Iraqi documentation has been carried out, as well as reassessment of past inspection results.
5. With the objective of improving its ability to detect undeclared nuclear activities, the Agency has obtained new commercial satellite imagery and has strengthened its analytical capabilities in this area⁴. Work has also continued, with the technical and financial support of several Member States, on the development of a network of air particulate samplers.
6. United Nations Security Council resolution 1409 of 14 May 2002 requested the IAEA to evaluate applications submitted to the Office of the Iraq Programme (OIP)⁵ in New York related to the export of products and commodities to Iraq. The Agency will review such applications to identify nuclear-related items referred to in paragraph 24 of resolution 687 (1991) or in Section D (Nuclear) of the Goods Review List (GRL)⁶ referred to in resolution 1409 (2002), to determine whether such items are either prohibited or require prior approval by the Security Council Committee established by resolution 661 (1990) (the “Sanctions Committee”).
7. The Secretariat took steps to increase its resources and information technology support to respond to the new responsibilities, particularly with regard to the turn around deadline of ten days that is allowed for the review and assessment of each contract. Over 800 contract applications have been received and assessed by the Agency between 14 May and 15 July 2002.
8. The Agency has maintained regular contacts with UNMOVIC in order to co-ordinate efforts, as required under UN Security Council resolutions 1284 (1999) and 1409 (2002), and it has been represented as an observer at the quarterly meeting of UNMOVIC’s College of Commissioners. The Agency has also established the necessary communication with OIP in order to perform the duties mandated by UN Security Council resolution 1409 (2002) as efficiently as possible.
9. As in previous years, the Agency carried out, between 26 and 30 January 2002, an annual physical inventory verification of the declared nuclear material in Iraq, pursuant to Iraq’s NPT safeguards agreement with the Agency. With the co-operation of the Iraqi authorities, Agency’s inspectors were able to verify the presence of the declared nuclear material remaining in Iraq. It should be noted, however, that such inspections do not serve as

² Operative paragraph 5 of resolution GC(45)/RES/17 refers.

³ Operative paragraph 4 of resolution GC(45)/RES/17 refers.

⁴ Operative paragraph 6 of resolution GC(45)/RES/17 refers.

⁵ OIP was established in 1997 to implement the “Oil for Food” programme for Iraq established by UN Security Council resolution 986 (1995).

⁶ The Goods Review List (GRL) was published as Security Council document S/2002/515. The nuclear-related items are listed in Section D of the GRL. This section is identical to the list of nuclear-related items to which the export-import mechanism approved by UN Security Council resolution 1051 (1996), applies, which is also Annex 3 to the Agency’s OMV plan approved by UN Security Council resolution 715 (1991). Annex 3 to the Agency’s OMV plan was updated in 2001 and published as UNSC document S/2001/818.

a substitute for the verification activities required by the relevant resolutions of the United Nations Security Council, nor do they provide the assurances that Iraq is in compliance with its obligations under these resolutions.

CONCLUSIONS

10. Additional analysis of the large amount of documentation accumulated through the inspection process and other information has not changed but refined the Agency's technically coherent picture of Iraq's past clandestine nuclear programme and nuclear-related capabilities as of December 1998. As stated in earlier reports, there remain a few questions and concerns regarding Iraq's nuclear programme prior to 1998, the clarification of which would reduce the uncertainty in the completeness of the Agency's knowledge and understanding of that programme. These specific questions and concerns do not constitute "remaining disarmament issues", as referred to in UN Security Council resolution 1284 (1999), and the uncertainties resulting from them would not prevent the Agency from moving to the full implementation of its OMV plan, in which such questions and concerns are taken into account.

11. However, more than three and a half years have elapsed since the Agency has been able to implement its Security Council mandate in Iraq. It will therefore be important for the Agency to resolve, upon recommencement of inspections, the key issue of whether the situation of Iraq's nuclear activities and capabilities has changed in any material way since December 1998.