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IRAQ'S NON-COMPLIANCE WITH ITS SAFEGUARDS OBLIGATIONS

Cover note

1. On 18 July 1991 the Board of Governors considered a report by the Director General on non-compliance by Iraq with its obligations under the safeguards agreement which it had concluded with the Agency in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).^{1/}
2. At the end of its deliberations, the Board adopted the following resolution:

The Board of Governors,

- (a) Stressing the importance of non-proliferation of nuclear weapons to international and regional peace and security,
- (b) Expressing grave concern about the conclusion of the report of the Director General (GOV/2530) that the Government of Iraq has failed to comply with its obligations under its safeguards agreement with the IAEA (INFCIRC/172),

^{1/} The Director General's report is contained in Attachment 1 to this document.

(c) Recalling United Nations Security Council resolution 687 which, inter alia, called upon Iraq to declare all its nuclear activities to the International Atomic Energy Agency,

(d) Noting with appreciation the efforts of the Director General and his staff to implement the tasks assigned to the Agency by that resolution, and the diligent and effective conduct of the Agency's inspections of Iraqi nuclear activities, and

(e) Expressing grave concern about the evident deception and obstruction of IAEA inspectors in their efforts to carry out the Security Council's mandate in resolution 687, in violation of that resolution and the undertakings by Iraq governing the status, privileges and immunities of the IAEA and the inspection teams mandated under Security Council resolution 687,

1. Finds, on the basis of the report of the Director General in GOV/2530, that the Government of Iraq has not complied with its obligations under its safeguards agreement with the Agency (INFCIRC/172);
2. Condemns this non-compliance by the Government of Iraq with its safeguards agreement;
3. Calls upon the Government of Iraq to remedy this non-compliance forthwith, including placing any and all additional source and special fissionable material within Iraq's territory, under its jurisdiction or its control, regardless of quantity or location under Agency safeguards in accordance with the relevant provisions of INFCIRC/172 and in accordance with relevant technical determinations of the Agency;
4. Decides, in accordance with Article XII.C of the Statute, to report this non-compliance to all members of the Agency and to the Security Council and General Assembly of the United Nations;
5. Calls upon Iraq to cease all obstruction or interference with the IAEA inspection teams in their efforts to implement Security Council resolution 687;

6. Requests the Director General to keep the Board and the General Conference informed of progress in the implementation of this resolution so that they may consider appropriate action in accordance with Article XII.C and XIX.B of the Statute in the event of the Government of Iraq's failing to take fully corrective action; and

7. Decides to inscribe an item entitled "Iraq's non-compliance with its safeguards obligations" on the agenda of the September Board of Governors and requests the Director General to include such an item in the provisional agenda for the thirty-fifth regular session of the General Conference.

Security Council resolution 687, referred to in the Board resolution, is contained in Attachment 2 to this document.

3. Pursuant to the decision taken in operative paragraph 4 of the resolution, all Agency Member States and the United Nations Security Council and General Assembly were subsequently informed of the non-compliance.

4. On 12 September 1991 the Board considered a further report by the Director General on non-compliance by Iraq with its obligations under the NPT safeguards agreement concluded with the Agency.^{2/}

5. The Governor from Iraq stated that his country had responded adequately to the Board's 18 July resolution and had not been in further non-compliance with its obligations under the NPT safeguards agreement concluded with the Agency. He requested that the Board's report to the General Conference be accompanied by the text of a letter of 3 September 1991 which he had addressed to the Director General in that connection and also by the texts of letters of 23 July 1991 and 28 August 1991 from the Minister for Foreign Affairs of Iraq to the United Nations Secretary-General.^{3/}

^{2/} The Director General's report is contained in Attachment 3 to this document.

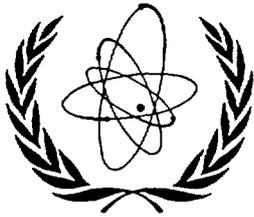
^{3/} See Attachments 4-6 to this document.

6. At the end of its deliberations, the Board concluded that there was evidence of further non-compliance by Iraq with its obligations under the NPT safeguards agreement concluded with the Agency and requested the Director General to report that non-compliance as required by Article XII.C of the Statute. In doing so, the Board reaffirmed the resolution adopted by it on 18 July 1991, including the operative paragraphs thereof.

7. The Board decided that this cover note should be accompanied also by the texts of the letters referred to in paragraph 5 above and by the text of a letter dated 24 July 1991 to the Iraqi Minister for Foreign Affairs in which the Director General had referred to the Minister's letter of 23 July 1991.^{4/} It further decided that it should be accompanied by the summary records of its discussions on 18 July and 12 September.^{5/}

^{4/} See Attachment 7 to this document.

^{5/} The summary records of the Board's discussion on 18 July are contained in Attachment 8. The summary record of the Board's discussion on 12 September will be transmitted to the Conference in an Addendum to the present document. Part of the opening statement made in the Board by the Director General on 11 September, in which he addressed points made by Iraqi representatives, is also attached (Attachment 9). Security Council resolution 707, referred to in this part of the Director General's opening statement, is contained in Attachment 10.



GOV/2530
16 July 1991

International Atomic Energy Agency

BOARD OF GOVERNORS

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A REPORT BY THE DIRECTOR GENERAL
ON NON-COMPLIANCE BY IRAQ WITH ITS OBLIGATIONS
UNDER THE SAFEGUARDS AGREEMENT CONCLUDED WITH THE AGENCY

1. By Security Council resolution 687, the Agency was entrusted, *inter alia*, with the task of carrying out immediate on-site inspections of Iraq's nuclear capabilities based on Iraq's declarations and on the designation of additional locations by the Special Commission established pursuant to para.9(b) of that resolution. Pursuant to the resolution, Iraq was to submit to the Secretary-General of the United Nations and to the Director General of the IAEA within 15 days of adoption of the resolution^{1/} a declaration of the locations, amounts and types of nuclear weapons, nuclear weapons-usable material and any subsystems or components and any research, development, support or manufacturing facilities related to nuclear weapons or nuclear weapons-usable material.

2. By letters of 18 and 27 April, Iraq submitted to the Secretary-General of the United Nations and to the Director General of the IAEA a list that included all material previously declared to the IAEA under the Safeguards Agreement between Iraq and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INF/CIRC/172). Iraq also reported a uranium concentrate production plant.

^{1/} Security Council resolution 687 was adopted on 3 April 1991.

3. The first Agency inspection under resolution 687 took place from 14 to 22 May. The second inspection mission arrived in Iraq on 22 June. During the course of that inspection, the inspection team was denied access on 23, 25 and 28 June to sites designated by the Special Commission.

4. At the request of the Security Council, a high-level mission composed of the Director General, the Chairman of the Special Commission and the Under Secretary-General for Disarmament Affairs went to Iraq on 30 June to secure immediate and unimpeded access to all sites and objects which the team had endeavored to inspect. Pursuant to the mission's visit, Iraq indicated its intention to submit an additional list of nuclear items relevant to Security Council resolution 687.

5. By a letter dated 7 July 1991 from the Foreign Minister of Iraq to the Secretary-General and copied to the Director General (Annex 1), Iraq submitted an additional list of nuclear equipment and material in its possession.

6. A review of the 7 July letter suggested that Iraq had been in non-compliance with its obligations under its Safeguards Agreement with the Agency, in particular with regard to Article 34(c), which requires nuclear material of a composition and purity suitable for fuel fabrication or isotopic enrichment, and any nuclear material produced at a later stage in the nuclear fuel cycle, to be subject to all of the safeguards procedures provided for in the Agreement; with regard to Article 34(b), which requires notification to the Agency of imports of material containing uranium or thorium which has not reached the stage provided for in Article 34(c), unless the material is imported for specifically non-nuclear purposes; and with regard to the requirements set forth in Article 42 of the Agreement and Code 3.1.2 of the Subsidiary Arrangements General Part concerning submission of design information in respect of facilities. On 9 and 11 July, the Director General wrote to the Foreign Minister of Iraq requesting urgent comments on the matter (Annexes 2 and 3).

7. On 12 July 1991, the Director General received from the Iraqi Resident Representative a letter from the Foreign Minister responding to the 9 July letter of the Director General, and providing observations and clarifications with regard to the enrichment activities in this context (Annex 4). In that letter the Foreign Minister stated that the enrichment activities were not subject to safeguards because they were still in the early stage of research and development, because there was no facility for isotope separation as defined in Article 98 of the Safeguards Agreement, and because the amount of material produced was less than a significant quantity. He further stated that in the interpretation of Iraq, Article 34(c) referred only to imports of nuclear material of a composition and purity suitable for fuel fabrication, and that as the material in question (a half kilogramme of uranium enriched to 4% U235) had been produced domestically, Article 34(c) was not applicable. Alternatively, it was maintained, as the material had not been produced in a "facility" as defined under the Agreement, Article 34(c) was not applicable.

8. On 13 July 1991, the IAEA received a further communication from the Foreign Minister responding to the Director General's letter of 11 July (Annex 5). In that communication, it was stated that, as regards the yellowcake and uranium dioxide referred to in Table 9 of the Iraqi declaration of 7 July, the material was meant for non nuclear use, and accordingly, the Agency had not been notified of such material in accordance with Article 34(b) of the Safeguards Agreement. With respect to the uranium hexafluoride, Iraq's view was that the quantity was insignificant and, hence, was not required to be notified or inspected. With regard to the uranium tetrachloride, it was maintained that the amount was the normal amount required for feeding experimental separators using the electromagnetic enrichment process and did not require notification. Finally, it was noted that the Government of Iraq considered its letter of 7 July 1991 a "corrective" measure meeting the requirements of Article 19 of the Safeguards Agreement.

9. The Safeguards Agreement between Iraq and the Agency, a standard INFCIRC/153-type agreement, requires the application of safeguards to all nuclear material in all peaceful nuclear activities in the State. Pursuant to Article 34(b), when any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in Article 34(c) is imported, the State is required to inform the Agency of the quantity and composition of such material, unless the material is imported for specifically non-nuclear purposes. Article 34(b) applies, inter alia, to imports of yellowcake. Pursuant to Article 34(c) of the Agreement, when any nuclear material of a composition and purity suitable for fuel fabrication or for isotopic enrichment leaves the plant or processing stage in which it has been produced, the nuclear material becomes subject to the other safeguards procedures specified in the Agreement. In addition, Article 34(c) requires the application of such other safeguards procedures to nuclear material of the composition and purity suitable for fuel fabrication or for isotopic enrichment, or any other nuclear material produced at a later stage in the nuclear fuel cycle, which is imported into the State. Article 34(c) would include, therefore, any domestically produced or imported uranium dioxide of a purity suitable for fuel fabrication, uranium tetrachloride, uranium hexafluoride and enriched uranium, as well as any nuclear material produced therefrom.

10. Peaceful nuclear activities include research and development activities in the nuclear field. The Safeguards Agreement provides no automatic exemption from the application of safeguards to nuclear material which is used or intended for use in such activities. Although the Agreement provides a mechanism for exempting nuclear material of certain quantities (Article 36) and for certain uses (Article 37), both mechanisms require the material to have been subject to safeguards and then, upon request by the State, to be exempted therefrom by the Agency.

11. The production of nuclear material in a location which is not a "facility" as defined in Article 98(I) of the Safeguards Agreement does not exempt the State from reporting such material to the IAEA. Article 49 of the Agreement requires that when nuclear material is customarily used outside facilities, the State must provide the Agency with, inter alia, a general description of the use of such material, its geographic location and the user's name and address for routine business purposes. The State is also obliged to provide a general description of the existing and proposed procedures for nuclear material accountancy and control.

12. The technical objective of the safeguards procedures set forth in the Agreement, as described in Article 28, which relates to the timely detection of diversion of significant quantities of nuclear material, and deterrence of such diversion by the risk of early detection, does not imply that any minimum quantity of nuclear material is required for the application of safeguards.

13. On the basis of the information and comments provided to the Agency by the letters of 7, 10 and 12 of July, and on the basis of reports by the Agency Chief Inspector currently in Iraq, it is concluded that Iraq failed to report to the Agency the existence in Iraq of nuclear material of the composition and purity provided for in Article 34(c), including the uranium dioxide, the uranium tetrachloride and the uranium hexafluoride identified in Table 9 of the annexes to the 7 July letter. In addition, it is concluded that Iraq failed to report the half kilogramme of enriched uranium as nuclear material past the stage provided for in Article 34(c). It is concluded, therefore, that Iraq has not been in compliance with its obligations under the Safeguards Agreement with the IAEA, in particular with respect to the obligation to accept safeguards on all nuclear material in all peaceful nuclear activities in Iraq.

14. It is not yet possible to reach a conclusion as to whether Iraq has failed to comply with its obligation to provide information with respect to facilities. Results of current inspection activities may provide additional data on which to base such an assessment. This, however, will not change the conclusion regarding non-compliance that has already occurred.

Annexes

LETTER DATED 7 JULY 1991 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ
TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

7 July 1991

Sir,

I wish to refer to the visit of the high-level mission, under instructions from the Security Council, to Baghdad from 30 June to 3 July 1991, and to its encounters and discussions with Iraqi officials.

We have reflected for some time following the useful meetings with the mission. Given the impressions which it voiced after viewing some of the parts destroyed, and in the light of whatever opinions that may emerge after consideration of the lists of equipment destroyed, we have decided that it would be appropriate to give an account of our peaceful nuclear programme in order to provide a more comprehensive picture of the real situation both before and after the aggression, and to permit a better assessment of the future of such a programme.

By careful examination of the attached details, you will be able to conclude that the programme does not entail any departure from, or violation of, the Treaty on the Non-Proliferation of Nuclear Weapons and the IAEA safeguards agreement. Indeed, I wish to affirm that both the Treaty and the agreement have been constantly observed by the programme initiators and those responsible for any progress made therein. However, Iraq had sound reasons related to its national security which induced it to refrain from declaring some of the stages of the programme though this was not in any way inconsistent with either the Treaty or the agreement.

The most important of these reasons, which we still believe to be valid, was a fear of exaggeration, abuse and aggression. Iraq was hoping that the international political situation in the region would so develop as to ensure security and stability and bring about a just peace, with the use of nuclear technology serving even as a stabilizing factor. It was hence believed best to abstain from overt reference to nuclear technology so that such reference might not be taken as a threat to the security of States or be used to hinder the propagation of the peaceful uses of such technology.

The current situation, as will be clear from a detailed consideration of the documents attached to this letter, and perhaps from the field inspection which may follow, is the result of two factors: first, the comprehensive destruction to which the programme was subjected as a result of the aggression; second, Iraq's decision to destroy anything which might possibly be interpreted as incompatible with Security Council resolution 687(1991) which was accepted by Iraq. You have chosen to consider the destruction carried out by Iraq, without prior notification and without your participation, as inconsistent with the requirements for the implementation of the Security Council resolution. I wish to reaffirm the interpretation which

His Excellency Mr. Perez de Cuellar
Secretary-General
United Nations
New York

we expressed to you, namely, a fear of exaggeration and deliberate alarmism in various fields, particularly the nuclear field. That was precisely what caused the President of the United States to declare in November 1990 that Iraq would produce a nuclear weapon within two months and that he was accordingly obliged to expedite launching the war and destroying Iraq's nuclear capabilities before Iraq could take advantage of that opportunity.

In our view, this alone was sufficient reason for a decision to proceed with destruction. The second reason, as you may be well aware, is that Iraq is now a poor country with extremely limited financial resources as a result of the economic sanctions which have continued for almost a whole year now. Moreover, according to Security Council resolution 700(1991), it was decided to make Iraq bear the financial costs arising from measures to implement Security Council resolution 687(1991), and it was for that reason that Iraq hastened its decision on destruction before receiving interminable lists of equipment to be destroyed.

In conclusion, I would like to reiterate Iraq's continued commitment to the Treaty on the Non-Proliferation of Nuclear Weapons and the IAEA safeguards system. At the same time, I wish to express my deep sorrow that the Treaty is unable to preserve the rights and material achievements attained by Iraq up to this time, though I hope that this can be achieved in the future. I am entirely optimistic that the Agency will continue to help Iraq to exercise its rights with respect to the peaceful use of atomic energy, in accordance with the Treaty.

Please find enclosed an overview of Iraq's nuclear programme, together with details of all its components, as shown in the relevant tables. Enclosed are also the tables of nuclear equipment and materials which we pledged to draw up by the evening of Sunday, 7 July or the morning of Monday, 8 July 1991. The equipment in question is ready and may be viewed by the inspection team.

Accept, Sir, the assurances of our highest consideration.

(signed) Ahmed Hussein
Minister for Foreign Affairs, Iraq

7 July 1991

- Enclosures: 1. Overview of the Iraqi nuclear programme;
2. Nine tables of nuclear equipment and materials. These include materials and equipment which have already been checked by the inspection team and are still on their respective sites.

Overview of the Iraqi nuclear programme

Iraq initiated nuclear activities in 1956, after President Eisenhower's announcement that the United States was launching a peaceful nuclear programme in exercise of the fundamental right of all societies to promote scientific and technological progress, and as one of the pillars of its new civilization. The Iraqi programme was implemented in the following three stages:

First stage

The first stage of the programme was initially carried out through collaboration with some Western countries and later, in the 1960s, with the Soviet Union. Its objective was to build a research reactor and laboratories for producing radioactive isotopes for medical and industrial applications.

Second stage

The second stage began with Iraq's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and to the system of safeguards relating thereto. In this way Iraq wished to express its sincere peaceful intentions and to facilitate its access to nuclear technology through the help of those States which had it, in accordance with the provisions of the Treaty. In fact, Iraq concluded agreements with France, Italy and other countries and thus achieved the following stages of the fuel cycle:

1. Experimental laboratories producing nuclear fuel for nuclear power plants;
2. Research laboratories for processing spent nuclear fuel;
3. The nuclear power plant programme;
4. Uranium extraction from phosphate ores;
5. The establishment of the Tammuz 1 reactor with its related facilities and equipment.

Although the activities of this stage were publicly disclosed, and despite their transparent nature, Israel aborted these endeavours when it destroyed the Tammuz 1 reactor and all its facilities and equipment on 7 June 1981. That operation had been preceded by an assassination campaign directed against several leading experts of the Iraqi atomic energy sector.

Third stage

It was evident that all the international guarantees and bilateral agreements have been unable to protect the facilities and their personnel against aggression. Hence, it was necessary to adopt new formulas in order to acquire the relevant nuclear know-how for the important and sensitive phases

of the nuclear fuel cycle, through self-reliance and the non-disclosure of information. These phases included the following:

1. Uranium extraction from carbonate ores;
2. Purification and conversion of uranium-bearing compounds;
3. Enriching uranium isotopes using the electromagnetic method;
4. Enriching uranium isotopes using the centrifugal method;
5. Enriching isotopes by chemical methods.

United States aircraft bombed the nuclear reactors while they were in operation, as well as the nuclear fuel stockpiles, without prior warning and without concern for the danger of a serious nuclear accident which could cause extensive harm to the population and the environment of the region. Such an act is contrary to civilized human behaviour and to the international resolutions which have been adopted on the subject and hence cannot be justified under any circumstance. This attack on declared nuclear facilities devoted to peaceful purposes is equivalent to a nuclear attack carried out by a major power which has committed itself to respecting the Treaty on the Non-Proliferation of Nuclear Weapons against a State which is a signatory to that Treaty.

It clearly follows from the foregoing, in particular from the reasons which led to the non-disclosure of some phases of the programme and its real state of progress, and from the nature of the aggression against it, that the purpose of such aggression was to cut short Iraq's scientific progress which belongs to its people and which is a basic factor in its development. Truly, the bringing of scientific activity to this sudden halt was one of the main objectives of the aggression, whereby the aggressor wished to ensure that Iraq and the Arab Nation would continue to lag far behind in terms of human progress.

It was therefore necessary to issue this clarification in response to ill-intentioned interpretations and exaggerations concerning the objectives and goals of Iraq's nuclear programme. The attached Tables 1-14 contain explanations relating to the phases of the programme and its state of progress.

List of Equipment on Site No.1

No.	Type of material/equipment	Number	Status
1	1200 mm vacuum chamber	16	A
2	1200 mm double coils	32	A
3	1200 mm iron rebar (return rod)	2	B
4	1200 mm coil die	6	B
5	1200 mm supporting base	9	A + B
6	1000 mm coil	1	A
7	1000 mm vacuum chamber	3	A
8	1000 mm iron rebar	3	A
9	500 mm coil	2	A
10	Vacuum pumps	25	A
11	Testing vacuum chamber	8	A
12	Steel scaffold	2	A
13	Small coils	2	A
14	500 mm vacuum chamber	1	A
15	Steel from the first 106 system	1	C
16	400 mm coil	2	A
17	400 mm iron rebar	2	A
18	Transformers of different types, sizes and capacities	38	A
19	High voltage capacitors	100	A
20	Air blower	5	A
21	Evaporators and their accessories	2	A
22	Iron base for magnet	1	A
23	Local control panel	1	A
24	Graphite blocks	one set	A
25	Different power suppliers	50	A

List of Equipment on Site No.1, continued

No.	Type of material/equipment	Number	Status
26	Heat exchangers	one set	A
27	Heating furnaces	2	A
28	Glove box	2	A
29	Vacuum traps	20	A
30	Coil holders	16	A
31	Vacuum system control panels	one set	A
32	Flanges	one set	A
33	Vacuum pipes	one set	A
34	Vacuum system trolley	1	A
35	Disc capacitors	one set	A
36	1200 mm coil mould	1	A
37	400 mm coil mould	1	A
38	Electronic equipment and electronic laboratory systems	50 pieces	A
39	Spare parts for power suppliers	one set	A

Status A:~ Equipment destroyed and can be seen

Status B: Equipment damaged and can not be used for the purposes for which it was designed

Status C: Equipment not affected

List of Equipment on Site No.2

No.	Type of material/equipment	Number	Status
1	Electrical transformers	10	A
2	Electrical transformers	8	B
3	Diffusion pumps	13	A
4	Diffusion pumps	3	B
5	Vacuum pumps	7	A
6	Vacuum pumps	1	B
7	Glove boxes of different sizes	6	A
8	600 mm raw pole face	1	A
9	600 mm raw pole face	1	C
10	600 mm coil holders	3	A
11	1200 mm coil holders	3	A
12	1200 mm coil holders	3	A
13	Power suppliers and control containers	77	A
14	Power suppliers and control containers	40	B
15	600 mm coils	2	A
16	600 mm coils	1	B
17	1000 mm coils	4	A
18	1200 mm coils	6	A
19	1200 mm coils	1	B
20	Whole parts of the 600 mm coil die	1	A
21	Part of the 600 mm coil die	1	B
22	Part of the 1200 mm coil die	1	A
23	Part of the 1200 mm coil die	1	B
24	Parts of the 600 mm mould	1	A
25	Parts of the 600 mm mould	1	B

List of Equipment on Site No.2, continued

No.	Type of material/equipment	Number	Status
26	Parts of the 1200 mould	1	A
27	Parts of the 1200 mould	1	B
28	1000 mm and 1200 mm ion sources	1	A
29	1200 mm ion sources	2	B
30	600 mm dipole facers		
31	Parts of a 500 mm isotope separator (half a separator)	1	B
32	Parts of a 1000 mm separator (half of a separator without electrical coil)	1	B
33	Parts of a 1000 mm separator (half a separator with electrical coil)	1	B
34	1200 mm peripheral disc	1	B
35	600 mm vacuum chambers and 1000 mm vacuum chambers with 1000 mm vacuum channels and vacuum chambers with 1000 vacuum channels	8	B
36	Frame and coil frame	2	A
37	Manipulation frame and coil holding frame	2	C
38	Power transfer compartment scaffolds	3	A
39	1200 mm iron rebar (pieces)	4	B
40	Experimental system (106), consisting of iron poles and coils	1	A
41	1200 mm measurement assemblies	4	A
42	Boxes containing copper conductors	8	A

Status A: Equipment destroyed and can be seen

Status B: Equipment damaged and can not be used for the purposes for which it was designed

Status C: Equipment not affected

List of Equipment on Site No.3

No.	Type of material/equipment	Number	Status
1	1000 mm pole face with electrical coil	3	A
2	1200 mm dipole face with electrical coil	2	A
3	1000 lateral iron rebar	2	A
4	1000 mm iron rebar (upper and lower covers)	2	A
5	1000 mm iron rebar circular disc	2	A
6	1200 mm iron rebar circular disc	2	A
7	1200 mm iron rebar	1	A
8	1200 mm iron rebar pieces of different dimensions	8	C
9	1200 mm chamber	1	A
10	1200 mm vacuum channel	1	A
11	High voltage isolation transformer	3	A
12	400 mm iron rings	100	A
13	Part of a motion system	1	A
14	Iron ring having the shape of a mould of 1500mm radius	1	A
15	1200 mm peripheral disc	1	B

Status A: Equipment destroyed and can be seen

Status B: Equipment damaged and can not be used for the purposes for which it was designed

Status C: Equipment not affected

List of Equipment on Site No.4

No.	Type of material/equipment	Number	Status
1	1200 mm iron rebar of different dimensions	5	C
2	1200 mm dipole face with electrical coil	1	B

List of Equipment on Site No.5

No.	Type of material/equipment	Number	Status
1	1200 mm dipole face	5	B
2	1200 mm dipole face with electrical coil	6	B
3	Vertical iron rebar	3	B

Status A: Equipment destroyed and can be seen

Status B: Equipment damaged and can not be used for the purposes for which it was designed

Status C: Equipment not affected

List of Equipment on Site No.6

No.	Type of material/equipment	Number	Status
1	Drying ovens	2	B
2	Drying oven	1	C
3	Transporting system (vertical lift) (conveyor)	3	B
4	Dissolution tanks	2	C
5	Adjustment tanks	2	C
6	Extraction system	1	B
7	Organic substance tank	1	B
8	Sodium carbonate tank	1	B
9	Ammonia tank	1	B
10	Mixing tank	2	B
11	Mixture pumps	3	B
12	Spray dryer	1	B
13	Horizontal lift (conveyor)	1	A
14	Vertical disk lift (conveyor)	1	A
15	Calcium bicarbonate oven	1	A
16	Vertical lift (conveyor)	1	A
17	Dehydration/deoxidation oven	1	A
18	Ammonia fix	1	A
19	Vertical lift for purification	1	A
20	Filling hopper	1	A
21	Central control system	1	B

Status A: Equipment destroyed and can be seen

Status B: Equipment damaged and can not be used
for the purposes for which it was designed

Status C: Equipment not affected

List of Equipment on Site No.7

No.	Type of material/equipment	Number	Status
1	Barrel lifting system	1	C
2	Filter	1	C
3	Horizontal lift (conveyor)	1	C
4	Vertical lift (conveyor)	1	C
5	Filling hopper	2	C
6	Reaction tank	2	C
7	Tanks	8	C
8	Pumps	8	C
9	Oil heating system	1	C
10	Iron structure	2	C
11	Heating system	1	C
12	Iron box containing control equipment and devices	1	C
13	Stainless steel tanks	2	C

Status A: Equipment destroyed and can be seen

Status B: Equipment damaged and can not be used for the purposes for which it was designed

Status C: Equipment not affected

List of Equipment on Site No.8

No.	Type of material/equipment	Number	Status
1	Mechanical oil centrifuges (BIMS type)	2	A
2	Components of two units only of the magnetic centrifuge	1 (about 1000 different parts)	B
3	Measurement instruments with sensors	3	C
4	Horizontal balance scale	1	C
5	Vertical balance scale	1	B
6	Single prototype feeding system	1	B

Status A: Equipment destroyed and can be seen

Status B: Equipment damaged and can not be used
for the purposes for which it was designed

Status C: Equipment not affected

Nuclear Material

Table No. 9

No.	Type of material	Quantity (kg)	State*
1	Yellow cake	130,000	Not affected
2	Yellow cake	100,000	Not affected
3	Yellow cake	164,000	Processed
4	UO ₂	27,000	7,000 kg processed
5	UO ₂	43,966	Not affected
6	UO ₂	52,129	Not affected
7	UCL ₄	1,370	Not affected
8	UCL ₄	1,207	Not affected
9	UF ₆	0,465	Not affected
10	ADU	1850	Not affected
11	UO ₃	2,050	Material not affected; container damaged
12	UF ₄	359	Not affected
13	UO ₂	78	Not affected
14	UO ₄ purified	2,255	Not affected

* 161,000 kg of yellow cake processed; the product is included in the quantities shown in 5,6,8,11,14.

** 7,000 kg of the quantity processed; the product is included in the quantities shown in 7,9,10,12,13

Table 1
Uranium reclamation from ores

Serial No.	Type of ore	Stage of development	Technological situation	Present status	Remarks
1	Phosphates	Achieved	Al Qaim production system	Completely destroyed	These technologies have been purchased and installed through international companies and 167 tonnes of uranium ore have been produced in the form of U peroxide.
2	Carbonate	Basic process data has been established through laboratory investigation	Pilot system of 1 kg/hr production capacity during initial installation and commissioning stage.	Intact	Initial operation of the system has been made and initial indicators point to the fact that the ore is not economically convenient for industrial production.

Table 2
Purification and conversion of uranium compounds

Serial No.	Purification or conversion method	Stage of development	Technological situation	Present status	Remarks
1	Purification of uranium using solvent extraction methods with the use of TBP.	Established basic process data	A production plant of 185 tonnes of uranium capacity per annum	Completely destroyed	Installation was in the stage of steady-state operation and 100 tonnes of uranium dioxides[*] have been produced.
2	Uranium dioxide	Established basic process data	A pilot system of 50 kg capacity per day	Completely destroyed	The compound is prepared from other uranium oxides and is reduced through hydrogen. The system is at the installation stage.
3	Uranium tetrachloride	Established basic process data	A pilot system of 20 kg capacity per day	Completely destroyed	Uranium tetrachloride is prepared by reaction of carbon tetrachloride with uranium dioxide at a certain temperature in order to obtain material to be purified by sublimation in vacuum.
4	Uranium tetrachloride	Established basic process data through laboratory investigation	Small laboratory system	Damaged	Laboratory quantities have been prepared for experimentation of single centrifuge.[**]
5	Uranium hexafluoride	Established basic process data through laboratory investigation	Small laboratory system	Damaged	Laboratory quantities have been prepared for experimentation of single centrifuge.

[*] Translator's note: Probably U₃O₈, not UO₂.

[**] Translator's note: Does not make sense. UCl₄ is a solid.

Table 3
Methods of uranium enrichment

ial	Enrichment method	Stage of development	Technological situation	Present status	Remarks
	Electromagnetic	Basic data established but concept incomplete in some aspects of physics and engineering of various sources of heavy ion production.	1) Eight separators installed for practical and engineering experimentation. 2) Seventeen separators being installed. 3) Five separators manufactured and being installed.	System completely destroyed	No quantity of enriched uranium has been produced according to separator design[?]. However around half a kilogramme of uranium has been prepared at an enrichment rate of 4% of uranium-235 during experimentation.
	Chemical methods	Basic data established and a good understanding achieved of chemical operations.	A laboratory engineering system has been designed though not completed.	Laboratories completely destroyed	Work was initiated in mid-1989 using the solvent extraction and ion exchange methods. Scientific results obtained were encouraging. All systems were on laboratory scale.
	Centrifugal system	Basic data for prototype centrifuge established but engineering understanding of cascade enrichment incomplete.	[*]A sample of an oil type (Bimstype) has been mechanically experimented and another has been magnetically[?] experimented. This last one has been experimented using operation gas[UF ₆ ?] and uranium separation was achieved.	Damaged	No significant quantities of enriched uranium have been prepared.

Translator's note: The translation is literally correct but it is difficult to make sense out of it. They apparently were experimenting with two types of prototypes: a mechanical co-axial flow type (Bimstype) and a Zippe type with magnetic suspensions and needle.

Table 4
Manufacturing of nuclear fuel

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	Experimental fuel manufacturing laboratories have been put into operation and best conditions for manufacturing samples of ceramic fuel pellets (natural uranium dioxide) and nuclear fuel rods for light water reactors have been specified. Moreover necessary data for verifying quality control activities of products have been verified.	Manufacturing of samples of ceramic fuel rods for light water reactor power plants starting by the ore on to all manufacturing stages.	Laboratories have been completely destroyed.	Laboratories were ready for the manufacturing of fuel for light water reactors.
2	The systems for recycling uranium as waste from operations of manufacturing fuel were operated in batches and requirements of quality control have been put in operation.			

Table 5
Nuclear reactors

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	The IRT-5000 reactor has been operational ever since 1968 and was upgraded and its capacity increased at the end of the seventies.	The reactors have been working satisfactorily and operational maintenance has been conducted depending on Iraqi staff only.	Both reactors have been completely destroyed.	
2	The TAMUZ 2 reactor, remaining from the French project, was used for training and research purposes after it was made operational under the supervision of the IAEA.			

Table 6
Nuclear power plant projects

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	Design requirements and information of the plant have been specified.	1) A study has been completed in collaboration with the USSR in order to identify six sites responding to technical requirements. 2) A detailed study is being carried out by Iraqi cadres and bodies under the supervision and with assistance of IAEA experts to identify the best sites and designs.	The project has been progressing slowly since the eighties due to required high investment costs of the project.	All project details have been declared and negotiations have been made with a number of companies for equipping it. However, no contractual agreements have so far been concluded for implementing the plans.

Table 7
Processing of spent nuclear fuel

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	Establishment of best conditions for all stages for the processing of spent ceramic nuclear fuel, in the light of laboratory designs (rod batch treatment).	- A laboratory system in which 41 rods of non-irradiated ceramic fuel have been treated and the uranium has been separated. - Processing of spent ceramic nuclear fuel and separation and purification of resultant uranium and plutonium as well as storage of liquid radioactive wastes.	Laboratories completely destroyed.	Laboratories were ready for processing spent ceramic fuel rods.

Table 8
Treatment of radioactive wastes

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	Identification of best conditions for the treatment of low- and medium-level radioactive wastes through incorporation of asphalt, then evaluation of Iraqi asphalts and proving its suitability for processing operations.	Operation of the systems for processing liquid radioactive waste using Iraqi asphalt and for processing solid radioactive waste using cement.	The facility has been completely destroyed.	The laboratories were ready to carry out operations for processing liquid and solid radioactive wastes of the indicated radioactive level as well as for conducting decontamination operations.
2	Best conditions for processing solid low-level radioactive wastes using cement have been established.			

Table 9
Scientific research

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	Level of scientific research was quite advanced and valuable results have been obtained in connection with many of the issues which were being investigated under research programmes.	Research involved the areas of physics, chemistry and engineering which served the purpose of programme implementation. In addition research has been conducted in the fields of agriculture, biology, isotope production and health physics.	Laboratories have been completely destroyed.	Research outputs are being published in the periodic annual report of the Iraqi Nuclear Energy Commission and also in scientific journals published in and outside the country.

Table 10
Application of radioisotopes in agriculture

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	Scientific research reached an advanced level of application.	Research involved developing mutation breeding in crops such as wheat, maize, sunflower, sesame, legumes, as well as in the field of food preservation using radiation, insect control, nitrogen fixation in the soil and palm tree reproduction using somaclonal agricultural methods.	Scientific research laboratories and equipment severely damaged.	

Table 11
Medical applications of radioisotopes

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	Research and experiments have been conducted and the use of radioisotopes and pharmaceuticals and radioimmunoassay analysis according to the needs of hospitals in the country.	Radioisotopes, radiopharmaceuticals and radioimmunoassay analysis have been produced according to the required types by the hospitals of the country and marketing these to some Arab countries had been initiated.	The whole facility has been destroyed.	

Table 12
Safety

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	All IAEA Departments and sites adopt the required safety measures for each scientific and technological stage in order to ensure safety of the operation and use of various facilities according to internationally standardized controls and instructions.	Safety controls and instructions have been applied for all work stages in various phases: siting, designing, manufacturing, building, installation, operation, maintenance, examination and decommissioning, in addition to developing scientific and engineering cadres to implement these tasks.	The laboratories have been destroyed.	During and after the attack, safety cadres were responsible for the implementation of safety measures for the protection of individuals and the environment against radiation hazards resulting from bombing and destroying nuclear facilities.

Table 13
Technical support

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	All IAEA Departments depend on IAEA engineering and technical cadres for operation and maintenance tasks and sometimes for installation of equipment.	Technical cadres have been developed in various work fields.	Laboratories and workshops have been destroyed.	

Table 14
Training

Serial No.	Stage of development	Technological situation	Present status	Remarks
1	Staff working in various areas have been well qualified.	There is a special institute for manpower training and development. Co-ordination has also been carried out with Iraqi, foreign and IAEA training centres for development of manpower capabilities.	Intact.	

LETTER DATED 9 JULY 1991 FROM THE DIRECTOR GENERAL
TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ

9 July 1991

Your Excellency,

I refer to your letter dated July 7, 1991, to the Secretary General of the United Nations, a copy of which was transmitted to me by the Iraqi Resident Representative in Vienna.

The Agency is examining in detail your Excellency's letter to the Secretary General and its annexes. I note, however, with concern the reference in your letter to the existence in Iraq of a programme for enrichment of uranium that was not submitted to Agency safeguards in accordance with the Safeguards Agreement between your Government and the Agency in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/172).

Annex 3 to your letter states that half a kilogram of uranium enriched to 4% U₂₃₅ has been produced during experiment through an electromagnetic process. The same annex also refers to the production of an "unappreciable" quantity of uranium enriched through an ultracentrifuge process.

Article 34(c) of the Safeguards Agreement provides that:

When any nuclear material of a composition and purity suitable for fuel fabrication or for isotopic enrichment leaves the plant or the process stage in which it has been produced, or when such nuclear material, or any other nuclear material produced at a later stage in the nuclear fuel cycle, is imported into Iraq, the nuclear material shall become subject to the other safeguards procedures specified in this Agreement.

His Excellency
The Minister for Foreign Affairs
Ministry of Foreign Affairs
Baghdad, Iraq

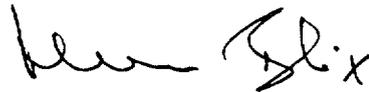
In addition, Article 42 of the Agreement provides that:

Pursuant to Article 8, design information in respect of existing facilities shall be provided to the Agency during the discussion of the Subsidiary Arrangements. The time limits for the provision of design information in respect of the new facilities shall be specified in the Subsidiary Arrangements and such information shall be provided as early as possible before nuclear material is introduced into a new facility.

Code 3.1.2 of the Subsidiary Arrangements General Part specifies that completed Agency information questionnaires for new facilities are to be submitted to the Agency "normally not later than 180 days before the facility is scheduled to receive nuclear material for the first time".

It appears from the above that certain activities by the Iraqi Government with respect to the enrichment programme have not been carried out in accordance with Iraq's obligations under the Safeguards Agreement. In view of Article XII.C of the Statute, which requires the Director General to report non-compliance with safeguards obligations to the Board, I would appreciate if Your Excellency would provide me with urgent comments on the above.

Accept, Your Excellency, the assurances of my highest consideration.

A handwritten signature in dark ink, appearing to read 'Hans Blix', written in a cursive style.

Hans Blix

LETTER DATED 11 JULY 1991 FROM THE DIRECTOR GENERAL
TO THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ

11 July 1991

Your Excellency,

I refer to your letter dated July 7, 1991, to the Secretary General of the United Nations and to my letter of July 9, 1991, in which, as a result of a preliminary examination of the annexes to your letter, I expressed concern with respect to the reported enrichment programme.

Upon further examination of the annexes, I note that large quantities of nuclear material identified in Table 9 has not previously been reported to the Agency pursuant to Article 34(c) of the Safeguards Agreement between Iraq and the Agency (INFCIRC/172), which provides, inter alia, that when nuclear material of a composition and purity suitable for fuel fabrication or for isotopic enrichment leaves the plant or process stage at which it has been produced, or is imported, it shall become subject to the full range of safeguards procedures provided for in the Agreement. Furthermore, Article 34(b) of the Agreement requires that imports of material which has not reached that stage, including yellow cake, be reported to the Agency unless it is imported for specifically non-nuclear purposes.

As with the activities referred to in my letter to you of 9 July, the non-reporting of the material in Table 9 appears not to have been in compliance with Iraq's obligations under the Safeguards Agreement. Keeping in mind Article XII.C of the Statute, I would appreciate if Your Excellency would provide me urgently with comments on the above.

Accept, Your Excellency, the assurances of my highest consideration.



Hans Blix

His Excellency
The Minister for Foreign Affairs
Ministry of Foreign Affairs
Baghdad, Iraq

LETTER DATED 10 JULY 1991 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ
TO THE DIRECTOR GENERAL

10 July 1991

Your Excellency,

I received, through the Iraqi Resident Representative to the IAEA, your letter addressed to me dated 9 July 1991.

In response to your request for our comments on the contents of your letter, I wish to make the following observations and clarifications.

You have mentioned in your letter that Iraq has a programme for enrichment of uranium that was not submitted to Agency safeguards, in accordance with the Safeguards Agreement between the Iraqi Government and the Agency (INFCIRC/172). I would like to refer here to the fact that the Safeguards Agreement, which is based on the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), does not bar any Member State of the Treaty from carrying out research and development in the field of uranium enrichment, without notifying the Agency, provided that this research did not reach the stage that necessitates such notification and its submission to the safeguards system. Table 3 attached to my letter dated 7 July 1991 refers to this fact: the three processes are still in the early stage of research and development; there is no laboratory for isotope enrichment according to the definition of Article 98 of the Safeguards Agreement. Article 28 of the Safeguards Agreement, as you understand, refers to significant quantities of nuclear material. We would like to refer, in this connection, to the definition of the significant quantity of nuclear material, as specified in paragraph 89 of document IAEA/SG/INF/1, which amounts to 75 kg of enriched uranium at less than 20% ²³⁵U. Therefore, half a kilogramme is far less than the significant quantity.

We would like to refer you to the findings of the Zangger Committee, which approved the control standards for the exportation of sensitive technologies, whose work was a main source for the material of the safeguards system. This Committee pointed out that the least amount of enriched uranium

His Excellency Dr. Hans Blix
Director General
International Atomic Energy Agency
Vienna

that could be submitted to safeguards is one effective kilogramme. We wish to refer you in this connection to paragraph 300 of document IAEA/SG/INF/1/Rev.1 issued in 1987.

All the above-mentioned facts confirm that the amount in question cannot be covered by the safeguards system.

With regard to your reference to the uranium enriched through an ultracentrifuge process, we have revised the English translation prepared by the Agency of our letter and the attached tables in the light of what you have mentioned in your letter, and we found a discrepancy between that translation and what you have referred to on the one hand, and between the Arabic text of our letter on the other hand. Therefore, we find it imperative to provide an accurate technical interpretation of this point.

A single centrifuge prototype, and not a successive chain, has been experimented on. The aim of the single prototype experiment was to determine the separation performance of the centrifuge. Therefore, the material was recycled in the centrifuge, where the enriched product was mixed with depleted products, and the mixture was used to feed the centrifuge. Since the experiment adopted the recycling principle, no enriched material was obtained. This is the accurate scientific interpretation of the reference in the table to the fact that no significant quantities were produced during the experiment, since the resulting enrichment effort was offset during the mixing process previously mentioned.

It is quite evident from the above that the enrichment process by the centrifuge method is still in the early stages of scientific research.

You have established a sort of relationship between the production of half a kilogramme of uranium enriched to 4% ^{235}U and Article 34(c) of the safeguards agreement. The three paragraphs of Article 34, as we understand, deal with the importation and exportation of nuclear material to and from Iraq and with Iraq's obligations thereupon to notify the Agency of such nuclear material. Article 34(c) refers to the importation into Iraq of nuclear material of any composition and purity at any stage in the nuclear fuel cycle. Since the amount of half a kilogramme of uranium enriched to 4% ^{235}U in question was not imported by Iraq but locally produced through R&D experiments, our interpretation of Article 34 is that it does not apply to this case. Even if we suppose that the provisions of Article 34(c) go beyond the subject of importation, we believe that our comments on Article 42, especially the definition of the technical terms therein, make us stick to our belief that Article 34(c) does not apply to the case of the half kilogramme of uranium enriched to 4% ^{235}U .

With regard to Article 42, to which you referred in your letter, the information referred to in Table 3 concerning the three enrichment methods does not mean in any way the existence of an installation, but simply technological compounds which are still in the early stages of development, whose technical specifications were not finally and comprehensively established. The comprehension of some technical and physical aspects is still incomplete and requires further research and development in order to

reach technical and industrial design specifications that will be adopted for the construction of an integrated installation whose design capacity, operation and other technical details are known in such a way to provide the Agency with final design information.

The establishment of such specifications is not possible before carrying out real experiments using uranium. Therefore, our interpretation of Article 42 is that it does not apply to the present situation of the enrichment processes mentioned in Table 3 which was attached to my letter dated 7 July 1991.

As you may notice, we were keen to clarify in our message the scientific and technical facts in an accurate way and to explain our committed attitude with regard to the Safeguards Agreement. However, we are willing to send a specialized technical delegation, if you so wish, to provide answers and clarification for any enquiries you may have.

Kindly accept my highest consideration.

(signed) Ahmed Hussein
Iraqi Minister of Foreign Affairs

LETTER DATED 12 JULY 1991 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ
TO THE DIRECTOR GENERAL

12 July 1991

Sir,

Further to our letter dated 10 July 1991, and with reference to your letter of 11 July 1991 pointing out that there were large quantities of unreported nuclear material under Articles 34(c) and 34(b) of the Safeguards Agreement, we wish to clarify the following.

1. As regards the amounts of yellow cake and uranium dioxide, the Ministry of Defence earlier requested the Iraqi Atomic Energy Commission (IAEC) to conduct research and experiments on the uses of ceramic and metallic uranium for non-nuclear purposes, which included, among other things, reinforcing anti-tank warheads.

The said research has made good progress but has not yet been completed, particularly as far as technological and manufacturing aspects are concerned.

The programme in question requires large quantities of uranium, but as these quantities were needed for non-nuclear purposes, the IAEA was not informed thereof under Article 34(b) of the Safeguards Agreement.

In this connection we wish to recall that the IAEC, as a gesture of good will, has in fact always taken the initiative in giving Agency inspectors access to stores of nuclear material not included among the items subject to inspection whenever such material was present in the stores with other nuclear material which the inspectors were verifying; the inspectors had themselves pointed out that yellow cake was not subject to inspection, and on no occasion did they ever demand that the issue of notification be brought up.

2. As for uranium hexafluoride, the quantity of this material - containing only 465 g of natural uranium - is very small, yet it is essential for any nuclear laboratory working with such materials: we believe it is not a quantity that calls for either reporting or control.

3. With regard to the uranium tetrachloride, these quantities are intended as feed material for the experimental systems required in connection with the electromagnetic enrichment process.

His Excellency Mr. Hans Blix
Director General
IAEA, Vienna

As you are aware, the ratio of the [flow of] material produced within the enrichment chamber to the feed material inserted into it is normally very low. This is a common feature of all enrichment processes. In electromagnetic enrichment in particular, cycling of the material within the separator is not automatic since the amount of feed material required depends on several factors: the vaporization rate of the material inside the chamber, the ionization efficiency, the ratio of positive uranium ions produced from the source to other ions, the fraction of produced material reaching the collector, the collection efficiency, the weight of uranium-235 in the collector and the rate of enrichment achieved.

Indeed, the production of half a kilogramme of 4%-enriched uranium requires about half a tonne of uranium tetrachloride. It is clear from the above that the amount of 2.5 tonnes mentioned in the table is the normal amount required as feed material for the experimental separators and does not, in our view, call for notification.

In conclusion, and in the light of the above clarifications, we feel that our reporting of this material (with our letter of 7 July 1991), pursuant to UN Security Council resolution 687(1991), constitutes a corrective step which in our view means that we have adequately met the provisions of Article 19 of the Safeguards Agreement.

Accept, Sir, etc.

Ahmed Hussein
Minister for Foreign Affairs, Iraq
Baghdad

UNITED
NATIONS



Security Council

Distr.
GENERAL

S/RES/687 (1991)*
8 April 1991

RESOLUTION 687 (1991)

Adopted by the Security Council at its 2981st meeting,
on 3 April 1991

The Security Council,

Recalling its resolutions 660 (1990) of 2 August 1990, 661 (1990) of 6 August 1990, 662 (1990) of 9 August 1990, 664 (1990) of 18 August 1990, 665 (1990) of 25 August 1990, 666 (1990) of 13 September 1990, 667 (1990) of 16 September 1990, 669 (1990) of 24 September 1990, 670 (1990) of 25 September 1990, 674 (1990) of 29 October 1990, 677 (1990) of 28 November 1990, 678 (1990) of 29 November 1990 and 686 (1991) of 2 March 1991,

Welcoming the restoration to Kuwait of its sovereignty, independence and territorial integrity and the return of its legitimate Government,

Affirming the commitment of all Member States to the sovereignty, territorial integrity and political independence of Kuwait and Iraq, and noting the intention expressed by the Member States cooperating with Kuwait under paragraph 2 of resolution 678 (1990) to bring their military presence in Iraq to an end as soon as possible consistent with paragraph 8 of resolution 686 (1991),

Reaffirming the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait,

Taking note of the letter sent by the Minister for Foreign Affairs of Iraq on 27 February 1991 1/ and those sent pursuant to resolution 686 (1991), 2/

* Reissued for technical reasons.

1/ S/22275, annex.

2/ S/22273, S/22276, S/22320, S/22321 and S/22330.

Noting that Iraq and Kuwait, as independent sovereign States, signed at Baghdad on 4 October 1963 "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", thereby recognizing formally the boundary between Iraq and Kuwait and the allocation of islands, which were registered with the United Nations in accordance with Article 102 of the Charter of the United Nations and in which Iraq recognized the independence and complete sovereignty of the State of Kuwait within its borders as specified and accepted in the letter of the Prime Minister of Iraq dated 21 July 1932, and as accepted by the Ruler of Kuwait in his letter dated 10 August 1932,

Conscious of the need for demarcation of the said boundary,

Conscious also of the statements by Iraq threatening to use weapons in violation of its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, 3/ and of its prior use of chemical weapons and affirming that grave consequences would follow any further use by Iraq of such weapons,

Recalling that Iraq has subscribed to the Declaration adopted by all States participating in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held in Paris from 7 to 11 January 1989, establishing the objective of universal elimination of chemical and biological weapons,

Recalling also that Iraq has signed the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972, 4/

Noting the importance of Iraq ratifying this Convention,

Noting moreover the importance of all States adhering to this Convention and encouraging its forthcoming Review Conference to reinforce the authority, efficiency and universal scope of the convention,

Stressing the importance of an early conclusion by the Conference on Disarmament of its work on a Convention on the Universal Prohibition of Chemical Weapons and of universal adherence thereto,

Aware of the use by Iraq of ballistic missiles in unprovoked attacks and therefore of the need to take specific measures in regard to such missiles located in Iraq,

3/ League of Nations, Treaty Series, vol. XCIV (1929), No. 2138.

4/ General Assembly resolution 2826 (XXVI), annex.

Concerned by the reports in the hands of Member States that Iraq has attempted to acquire materials for a nuclear-weapons programme contrary to its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, 5/

Recalling the objective of the establishment of a nuclear-weapons-free zone in the region of the Middle East,

Conscious of the threat that all weapons of mass destruction pose to peace and security in the area and of the need to work towards the establishment in the Middle East of a zone free of such weapons,

Conscious also of the objective of achieving balanced and comprehensive control of armaments in the region,

Conscious further of the importance of achieving the objectives noted above using all available means, including a dialogue among the States of the region,

Noting that resolution 686 (1991) marked the lifting of the measures imposed by resolution 661 (1990) in so far as they applied to Kuwait,

Noting that despite the progress being made in fulfilling the obligations of resolution 686 (1991), many Kuwaiti and third country nationals are still not accounted for and property remains unreturned,

Recalling the International Convention against the Taking of Hostages, 6/ opened for signature at New York on 18 December 1979, which categorizes all acts of taking hostages as manifestations of international terrorism,

Deploing threats made by Iraq during the recent conflict to make use of terrorism against targets outside Iraq and the taking of hostages by Iraq,

Taking note with grave concern of the reports of the Secretary-General of 20 March 1991 7/ and 28 March 1991, 8/ and conscious of the necessity to meet urgently the humanitarian needs in Kuwait and Iraq,

Bearing in mind its objective of restoring international peace and security in the area as set out in recent resolutions of the Security Council,

Conscious of the need to take the following measures acting under Chapter VII of the Charter,

5/ General Assembly resolution 2373 (XXII).

6/ General Assembly resolution 34/146.

7/ S/22366.

8/ S/22409.

/...

1. Affirms all thirteen resolutions noted above, except as expressly changed below to achieve the goals of this resolution, including a formal cease-fire;

A

2. Demands that Iraq and Kuwait respect the inviolability of the international boundary and the allocation of islands set out in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters", signed by them in the exercise of their sovereignty at Baghdad on 4 October 1963 and registered with the United Nations and published by the United Nations in document 7063, United Nations, Treaty Series, 1964;

3. Calls upon the Secretary-General to lend his assistance to make arrangements with Iraq and Kuwait to demarcate the boundary between Iraq and Kuwait, drawing on appropriate material, including the map transmitted by Security Council document S/22412 and to report back to the Security Council within one month;

4. Decides to guarantee the inviolability of the above-mentioned international boundary and to take as appropriate all necessary measures to that end in accordance with the Charter of the United Nations;

B

5. Requests the Secretary-General, after consulting with Iraq and Kuwait, to submit within three days to the Security Council for its approval a plan for the immediate deployment of a United Nations observer unit to monitor the Khor Abdullah and a demilitarized zone, which is hereby established, extending ten kilometres into Iraq and five kilometres into Kuwait from the boundary referred to in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters" of 4 October 1963; to deter violations of the boundary through its presence in and surveillance of the demilitarized zone; to observe any hostile or potentially hostile action mounted from the territory of one State to the other; and for the Secretary-General to report regularly to the Security Council on the operations of the unit, and immediately if there are serious violations of the zone or potential threats to peace;

6. Notes that as soon as the Secretary-General notifies the Security Council of the completion of the deployment of the United Nations observer unit, the conditions will be established for the Member States cooperating with Kuwait in accordance with resolution 678 (1990) to bring their military presence in Iraq to an end consistent with resolution 686 (1991);

C

7. Invites Iraq to reaffirm unconditionally its obligations under the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

and to ratify the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, of 10 April 1972;

8. Decides that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:

(a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities;

(b) All ballistic missiles with a range greater than 150 kilometres and related major parts, and repair and production facilities;

9. Decides, for the implementation of paragraph 8 above, the following:

(a) Iraq shall submit to the Secretary-General, within fifteen days of the adoption of the present resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below;

(b) The Secretary-General, in consultation with the appropriate Governments and, where appropriate, with the Director-General of the World Health Organization, within forty-five days of the passage of the present resolution, shall develop, and submit to the Council for approval, a plan calling for the completion of the following acts within forty-five days of such approval:

- (i) The forming of a Special Commission, which shall carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the Special Commission itself;
- (ii) The yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless, taking into account the requirements of public safety, of all items specified under paragraph 8 (a) above, including items at the additional locations designated by the Special Commission under paragraph 9 (b) (i) above and the destruction by Iraq, under the supervision of the Special Commission, of all its missile capabilities, including launchers, as specified under paragraph 8 (b) above;
- (iii) The provision by the Special Commission of the assistance and cooperation to the Director-General of the International Atomic Energy Agency required in paragraphs 12 and 13 below;

10. Decides that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 above and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with this paragraph, to be submitted to the Security Council for approval within one hundred and twenty days of the passage of this resolution;

/...

11. Invites Iraq to reaffirm unconditionally its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

12. Decides that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director-General of the International Atomic Energy Agency within fifteen days of the adoption of the present resolution a declaration of the locations, amounts, and types of all items specified above; to place all of its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of the International Atomic Energy Agency, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9 (b) above; to accept, in accordance with the arrangements provided for in paragraph 13 below, urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 below for the future ongoing monitoring and verification of its compliance with these undertakings;

13. Requests the Director-General of the International Atomic Energy Agency, through the Secretary-General, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General in paragraph 9 (b) above, to carry out immediate on-site inspection of Iraq's nuclear capabilities based on Iraq's declarations and the designation of any additional locations by the Special Commission; to develop a plan for submission to the Security Council within forty-five days calling for the destruction, removal, or rendering harmless as appropriate of all items listed in paragraph 12 above; to carry out the plan within forty-five days following approval by the Security Council; and to develop a plan, taking into account the rights and obligations of Iraq under the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, for the future ongoing monitoring and verification of Iraq's compliance with paragraph 12 above, including an inventory of all nuclear material in Iraq subject to the Agency's verification and inspections to confirm that Agency safeguards cover all relevant nuclear activities in Iraq, to be submitted to the Security Council for approval within one hundred and twenty days of the passage of the present resolution;

14. Takes note that the actions to be taken by Iraq in paragraphs 8, 9, 10, 11, 12 and 13 of the present resolution represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons;

D

15. Requests the Secretary-General to report to the Security Council on the steps taken to facilitate the return of all Kuwaiti property seized by Iraq, including a list of any property that Kuwait claims has not been returned or which has not been returned intact;

E

16. Reaffirms that Iraq, without prejudice to the debts and obligations of Iraq arising prior to 2 August 1990, which will be addressed through the normal mechanisms, is liable under international law for any direct loss, damage, including environmental damage and the depletion of natural resources, or injury to foreign Governments, nationals and corporations, as a result of Iraq's unlawful invasion and occupation of Kuwait;

17. Decides that all Iraqi statements made since 2 August 1990 repudiating its foreign debt are null and void, and demands that Iraq adhere scrupulously to all of its obligations concerning servicing and repayment of its foreign debt;

18. Decides also to create a fund to pay compensation for claims that fall within paragraph 16 above and to establish a Commission that will administer the fund;

19. Directs the Secretary-General to develop and present to the Security Council for decision, no later than thirty days following the adoption of the present resolution, recommendations for the fund to meet the requirement for the payment of claims established in accordance with paragraph 18 above and for a programme to implement the decisions in paragraphs 16, 17 and 18 above, including: administration of the fund; mechanisms for determining the appropriate level of Iraq's contribution to the fund based on a percentage of the value of the exports of petroleum and petroleum products from Iraq not to exceed a figure to be suggested to the Council by the Secretary-General, taking into account the requirements of the people of Iraq, Iraq's payment capacity as assessed in conjunction with the international financial institutions taking into consideration external debt service, and the needs of the Iraqi economy; arrangements for ensuring that payments are made to the fund; the process by which funds will be allocated and claims paid; appropriate procedures for evaluating losses, listing claims and verifying their validity and resolving disputed claims in respect of Iraq's liability as specified in paragraph 16 above; and the composition of the Commission designated above;

F

20. Decides, effective immediately, that the prohibitions against the sale or supply to Iraq of commodities or products, other than medicine and health supplies, and prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall not apply to foodstuffs notified to the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait or, with the approval of that Committee, under the simplified and accelerated "no-objection" procedure, to materials and supplies for essential civilian needs as identified in the report of the Secretary-General dated 20 March 1991, 9/ and in any further findings of humanitarian need by the Committee;

21. Decides that the Security Council shall review the provisions of paragraph 20 above every sixty days in the light of the policies and practices of the Government of Iraq, including the implementation of all relevant resolutions of the Security Council, for the purpose of determining whether to reduce or lift the prohibitions referred to therein;

22. Decides that upon the approval by the Security Council of the programme called for in paragraph 19 above and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8, 9, 10, 11, 12 and 13 above, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall have no further force or effect;

23. Decides that, pending action by the Security Council under paragraph 22 above, the Security Council Committee established by resolution 661 (1990) shall be empowered to approve, when required to assure adequate financial resources on the part of Iraq to carry out the activities under paragraph 20 above, exceptions to the prohibition against the import of commodities and products originating in Iraq;

24. Decides that, in accordance with resolution 661 (1990) and subsequent related resolutions and until a further decision is taken by the Security Council, all States shall continue to prevent the sale or supply, or the promotion or facilitation of such sale or supply, to Iraq by their nationals, or from their territories or using their flag vessels or aircraft, of:

(a) Arms and related matériel of all types, specifically including the sale or transfer through other means of all forms of conventional military equipment, including for paramilitary forces, and spare parts and components and their means of production, for such equipment;

(b) Items specified and defined in paragraphs 8 and 12 above not otherwise covered above;

(c) Technology under licensing or other transfer arrangements used in the production, utilization or stockpiling of items specified in subparagraphs (a) and (b) above;

(d) Personnel or materials for training or technical support services relating to the design, development, manufacture, use, maintenance or support of items specified in subparagraphs (a) and (b) above;

25. Calls upon all States and international organizations to act strictly in accordance with paragraph 24 above, notwithstanding the existence of any contracts, agreements, licences or any other arrangements;

26. Requests the Secretary-General, in consultation with appropriate Governments, to develop within sixty days, for the approval of the Security Council, guidelines to facilitate full international implementation of paragraphs 24 and 25 above and paragraph 27 below, and to make them available to all States and to establish a procedure for updating these guidelines periodically;

/...

27. Calls upon all States to maintain such national controls and procedures and to take such other actions consistent with the guidelines to be established by the Security Council under paragraph 26 above as may be necessary to ensure compliance with the terms of paragraph 24 above, and calls upon international organizations to take all appropriate steps to assist in ensuring such full compliance;

28. Agrees to review its decisions in paragraphs 22, 23, 24 and 25 above, except for the items specified and defined in paragraphs 8 and 12 above, on a regular basis and in any case one hundred and twenty days following passage of the present resolution, taking into account Iraq's compliance with the resolution and general progress towards the control of armaments in the region;

29. Decides that all States, including Iraq, shall take the necessary measures to ensure that no claim shall lie at the instance of the Government of Iraq, or of any person or body in Iraq, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 661 (1990) and related resolutions;

G

30. Decides that, in furtherance of its commitment to facilitate the repatriation of all Kuwaiti and third country nationals, Iraq shall extend all necessary cooperation to the International Committee of the Red Cross, providing lists of such persons, facilitating the access of the International Committee of the Red Cross to all such persons wherever located or detained and facilitating the search by the International Committee of the Red Cross for those Kuwaiti and third country nationals still unaccounted for;

31. Invites the International Committee of the Red Cross to keep the Secretary-General apprised as appropriate of all activities undertaken in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990;

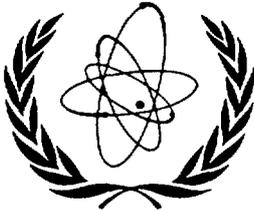
H

32. Requires Iraq to inform the Security Council that it will not commit or support any act of international terrorism or allow any organization directed towards commission of such acts to operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism;

I

33. Declares that, upon official notification by Iraq to the Secretary-General and to the Security Council of its acceptance of the provisions above, a formal cease-fire is effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990);

34. Decides to remain seized of the matter and to take such further steps as may be required for the implementation of the present resolution and to secure peace and security in the area.



International Atomic Energy Agency

BOARD OF GOVERNORS

GOV/2530/Add.1
9 August 1991

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**A REPORT BY THE DIRECTOR GENERAL
ON NON-COMPLIANCE BY IRAQ WITH ITS OBLIGATIONS
UNDER THE SAFEGUARDS AGREEMENT CONCLUDED WITH THE AGENCY**

1. In document GOV/2530 the Director General reported to the Board on non-compliance by Iraq with its obligations under the safeguards agreement concluded by Iraq with the Agency, and on 18 July 1991 the Board adopted a resolution (contained in document GOV/2532) in which it - inter alia - found, on the basis of the Director General's report, that Iraq had not complied with those obligations. The Board requested him to keep it and the General Conference informed of progress in the implementation of that resolution.

2. Since that time it has become clear, as a result of inspections and from information obtained from the Iraqi authorities in the course of the inspections, that Iraq's non-compliance included the undeclared production and separation of plutonium in safeguarded facilities. The Annex to this document sets out the findings on the basis of which the Director General is bringing the matter to the attention of the Board in accordance with the resolution contained in document GOV/2532 and with the Agency's Statute.

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ANNEX

1. In the course of the fourth inspection conducted by the IAEA pursuant to UN Security Council resolution 687 (1991), the inspection team obtained additional information in response to requests made by the IAEA during the third inspection. This information included a "List of Nuclear Material" dated 28 July 1991 (see Attachment 1). An introductory note at the top of the list stated that "the table of nuclear material previously mentioned in the letter of the Iraqi Foreign Minister dated 7 July 1991 was rearranged in fulfilment of the promise of the Vice-President of the Iraqi Atomic Energy Commission ...". However, the "List of Nuclear Material" dated 28 July 1991 included approximately three grams of plutonium, whereas "Nuclear Material Table No. 9" enclosed with the Iraqi Foreign Minister's letter of 7 July 1991 did not mention plutonium (see Annex 1 to GOV/2530). Another table enclosed with the letter of 7 July 1991 ("Table 7 Processing of spent nuclear fuel", also in Annex 1 to GOV/2530) provided a short description of laboratory activities, but it did not indicate the quantities of plutonium or uranium in the spent nuclear fuel which had been processed.
2. The Chief Inspector for the fourth inspection submitted a set of written questions (see Attachment 2). Replies by Iraq to questions 2.A, 5.A and C, and 10.B and C (see Attachment 3) show the following:
 - a. Approximately 3 g of plutonium in PuO_2 and solutions as a result of unreported irradiation of 46 UO_2 ceramic fuel rods (about 11 kg of uranium) in the IRT-5000 research reactor with subsequent reprocessing;
 - b. Approximately 8 kg of natural uranium in the form of UO_2 pellets in two fuel elements which had been subjected to unreported irradiation;
 - c. Approximately 11 kg of natural uranium in the form of UO_2 pellets in 60 cm long fuel assemblies prepared for irradiation in the IRT-5000 research reactor and subsequent reprocessing.

3. In the replies, it is stated that these materials were used for the purpose of carrying out "research and development (R&D) in the field of plutonium extraction from spent nuclear fuel" and "assessment processes of ceramic fuel manufactured in the ERLFF (Experimental Research Laboratory for Fuel Fabrication)" with a view to determining "operational conditions for the manufacture of ceramic nuclear fuel which can be used in nuclear power plants".
4. Although the IRT-5000 research reactor has a low potential as a producer of plutonium, any production and recovery of plutonium by Iraq without due notifications to the Agency is a non-compliance with the provisions of INFCIRC/172, the general part of the subsidiary arrangements, and the facility attachments for the IRT-5000 research reactor and the Experimental Research Laboratory for Fuel Fabrication. In particular, the modifications to the design information should have been provided to the Agency not later than 60 days before each modification was scheduled to be completed.
5. These research and development activities in plutonium production and separation are not comparable in terms of significance to Iraq's industrial-scale efforts to produce enriched uranium as identified in GOV/2530. However, the fact that the activities with respect to plutonium occurred in safeguarded facilities is of special concern.

List of Nuclear Material

In response to the request of the International Inspection Team during the third inspection visit, the table of nuclear material previously mentioned in the letter of the Iraqi Foreign Minister dated 7 July 1994 was rearranged in fulfilment of the promise of the Vice-President of the Iraqi Atomic Energy Commission (IAEC) to the International Inspection Team.

Ser. No.	Material	Weight	Remarks
1	Uranium metal	1 ton (approx)	
2	Plutonium (PuO_2 & solutions)	3 g (approx)	
3	ADU (ammonium di-uranate) & uranium oxides	50 g (approx) 70 g (approx)	Enriched at 10% (remains of the material exempted by Safeguards)
4	Uranium tetrafluoride	20 kg (approx)	
5	Irradiated fuel elements		Two items
6	New Berillium element		One item
7	Scrap UO_4		Eight barrels
8	UO_2 powder	2.5 tons (approx)	
9	Ventilation filter containing UO_4	100 kg	
10	Natural UO_2 fuel rods (experimental)		46 rods
11	ADU (natural uranium)	220 kg (approx)	
12	UO_2 (NO_3) ₂ powder (natural uranium)	400 g (approx)	Imported laboratory samples
13	U308 natural uranium	100 kg	
14	Plutonium	mgs (no figure)	Imported ampules
15	UO_4 in the form of liquid wastes from Al-Gesira laboratory	10 tons (approx)	
16	Radioactive wastes in the form of concrete containers (58 containers)		Radioactive wastes that do not contain nuclear material
17	Packages full of UCl_4 and plastic containers of UCl_4	150 kg (approx)	
18	Liquid wastes of natural uranium	6 kg (approx)	
19	U233	63 mgs	Imported
20	Depleted uranium	2 kg (approx)	Imported

Notes

- All the above weights are approximate.
- List of enriched and depleted uranium produced by the separators in Al Tuwaitha site were handed over to the Third Inspection Team on 18 July 1991.

ATTACHMENT 2

Questions on the 28 July 1991 Declaration

1.
 - A. Is the origin of the uranium domestic or foreign?
Where is it from?
 - B. What was the process used to produce the metal?
 - C. In what facility was the metal produced?
 - D. From what location(s) was the material recovered?
 - E. In what program was the material used?

2.
 - A. What is the origin of the plutonium?
 - B. From what laboratory was the material recovered?
 - C. Can a more exact weight of plutonium be given?
If so, what is it?
 - D. Is an isotopic distribution for the plutonium available?
If so, what is it?
 - E. What R&D program was involved with this material?

3.
 - A. From what laboratory was the material recovered?
 - B. From what program does this uranium come?

4.
 - A. What is the origin of the uranium?
 - B. From what facility was the material recovered?
 - C. In what program was this material involved?

5.
 - A. What is the quantity of uranium in the cell?
 - B. Provide a description of the cell.
 - C. What was the use of the cell?

6.
 - A. Give a description of the cell.
 - B. What was the use of the cell?

7.
 - A. From what process(es) was this material collected?
 - B. Can representative samples be taken?
Is the slurry homogeneous?
 - C. What is the estimated uranium content?

8.
 - A. What is the origin of the uranium?
 - B. From what production facility does this come?
 - C. In what program was this material used?

9.
 - A. From what facility does this filter come?
 - B. What is the estimated uranium content?

10.
 - A. Where were the fuel pins produced?
 - B. What is the quantity of uranium?
 - C. What was the experimental program in which the fuel was used?

11.
 - A. What is the origin of the uranium?
 - B. In what facility was the ADU produced?
 - C. In what program was the material used?
What facility?

12.
 - A. From where was the material purchased?
 - B. From what laboratory was it recovered?

13.
 - A. What is the origin of the uranium?
 - B. Where was the U_3O_8 produced?
 - C. In what program was the material used? What facility?

14.
 - A. From where was the plutonium imported?

15.
 - A. What is the process origin of the uranium waste?
 - B. Where is it currently located?
 - C. What is the estimated uranium content?

16.
 - A. From what facility(ies) does this waste come?
 - B. What program(s) produced this waste?
 - C. Where is the waste solidification facility?

17.
 - A. What is the origin of the uranium?
 - B. In what facility was the UCl_4 produced?
 - C. Is this product quality material?
 - D. In what program was this material used?

18.
 - A. From what facility(ies) does this waste originate?
 - B. What is the uranium content?

19.
 - A. Where was the U-233 purchased?

20.
 - A. From where and when was the uranium imported?
 - B. What was the intended use of this material?

ATTACHMENT 3

Translated from Arabic

THE REPUBLIC OF IRAQ
IRAQI ATOMIC ENERGY COMMISSION

31 July 1991

With reference to the questions and enquiries submitted by you on 28 July 1991 concerning the list of nuclear material, we enclose herewith the answers of the Iraqi side for your information.

Regards,

(signed)

Abdel Halim Al Hajjaj
Head of the Iraqi Team

Mr. David Kay
Head of the Fourth Nuclear Inspection Team

Translated from Arabic

**Answers to enquiries of the International Inspection Team
submitted on 28 July 1991 concerning the list of
nuclear material**

Paragraphs

1.
 - (a) The source of uranium is the material referred to in the table submitted to the Third Inspection Team on 7 July 1991 (no. 4 of Table 9)
 - (b) Uranium metal was prepared through the reduction of uranium tetrafluoride using magnesium powder in metal crucibles lined with ceramic material (MgF_2 and CaF_2) to obtain the metal.
 - (c) The metal was prepared in building No.10.
 - (d) The material was found in the Tuwaitha site.
 - (e) The material is used in the programme for manufacturing 125mm ammunition (subcalibre).

2.
 - (a) The source of plutonium is irradiation and reprocessing of 46 UO_2 ceramic fuel rods in the Tamuz 14 reactor (IRT 5000).
 - (b) Building No.9.
 - (c) The amount of plutonium is calculated on the basis of the weight of PuO_2 to be recovered in the range of 3 g.
 - (d) Not available.
 - (e) The answers are as follows:

First, to carry out research and development (R&D) in the field of plutonium extraction from spent nuclear fuel;

Second, to carry out assessment processes of ceramic fuel manufactured in ERLFF (Experimental Research Laboratory for Fuel Fabrication - IQC in Safeguards code) with a view to determine operational conditions for the manufacture of ceramic nuclear fuel which can be used in nuclear power plants.

3.
 - (a) Building No. 9.
 - (b) From Safeguard exempted nuclear material.

4.
 - (a) Obtained from the material referred to in the list which was submitted to the Third Inspection Team on 7 July 1991 (table 9, item 4).
 - (b) Building No.15.
 - (c) This material was used in the preparation of the metal.

5.
 - (a) The amount of natural uranium in both irradiated fuel elements is 7.9 Kg U in the form of sintered uranium dioxide pellets clad in Zircaloy.
 - (b) The shape of the assembly is similar to the EK-10 fuel assembly, with the exception of the fuel rods which are similar to those in item 10.
 - (c) Same as in paragraph 2(e).

6.
 - (a) The new beryllium assembly is a block similar to the fuel assembly of Tamuz 14 reactor and contains the core which is made from the same beryllium material as shown in drawing No.1 attached hereto. **[Note: no drawing attached to the original Arabic text].**
 - (b) The Be assembly is used as a reflector for neutrons in the reactor core and it is also used as a container inside the reactor core for the irradiation of samples.

7.
 - (a) The materials were collected from ERLFF.
 - (b) A sample can be obtained but we do not expect it to be representative.
 - (c) It is difficult to obtain the accurate proportion of uranium because the material is not homogeneous.

8. Obtained from the material referred to in the table which was submitted to the Third Inspection Team on 7 July 1991 (table 9, item 4).

9.
 - (a) ERFFL laboratories.
 - (b) It is difficult to obtain accurate figures for the proportion of uranium and the weight is approximately 50 kg U.

10.
 - (a) Fuel rods were manufactured in ERLFF laboratories.
 - (b) Amount of uranium is about 11 kg U in the form of natural uranium dioxide pellets in fuel assemblies 60 cm long.
 - (c) The same as in paragraph 2(e). This fuel was prepared for being irradiated in IRT 5000 and subsequently reprocessed, but it was not irradiated.

11.
 - (a) Phosphate fertilizer complex in Al-Qaim.
 - (b) Building No.85.
 - (c) Recovery of uranium from the linings of the separators operating in the Tuwaitha site, building No.80.

12. (a) Imported from BDH Chemical Co. Ltd., England.
(b) Building No.9.
13. (a) Phosphate fertilizer complex in Al-Qaim.
(b) Uranium purification plant in Mosul.
(c) Purification of U peroxide produced from Al-Qaim.
14. Plutonium was imported in ampules from Amersham, England, and contains:
(a) Plutonium-238, number of ampules 33, each containing 0.54 μ Ci.
(b) Plutonium-239, number of ampules 6, each containing 0.6 μ Ci.
15. (a) Liquid wastes containing UO_4 are produced by the purification plant in Mosul.
(b) In Mosul site.
(c) Amount of uranium is approximately 10 tons.
16. (a) Building No.9.
(b) Same as in paragraph 2(e).
(c) Building No.35 in the Tuwaitha site.
17. (a) Obtained from the material referred to in the table which was submitted to the Third Inspection Team on 7 July 1991 (table 9, item 4).
(b) Building No.85.
(c) Metal containers contain pure UCl_4 , number of containers 33. Plastic containers contain impure UCl_4 .
(d) For the preparation of R&D tests for the operation of separators in building No.80 at Tuwaitha and in Tarmiya.
18. (a) Building No.15.
(b) Approximately 6 kg U.
19. Amersham, England.
20. (a) Imported in the 70s.
(b) Used as filters for gamma rays in nuclear physics experiments carried out in Tamuz 14 reactor (IRT 5000).

ATTACHMENT TO LETTER OF 3 SEPTEMBER 1991 FROM THE
RESIDENT REPRESENTATIVE OF IRAQ TO THE DIRECTOR GENERAL

1. In his letter of 7 July 1991 to the Secretary-General of the United Nations the Foreign Minister of Iraq referred to certain laboratory activities relating to ceramic fuel and its irradiation in the IRT-5000 research reactor. Although the inspection team and the Secretariat could have sought further clarifications on the subject and could have included it in the agenda of the special meeting of the Board of Governors held on 18 July 1991, they did not do so. Only part of the matter was dealt with at that meeting, the other part being left for discussion at the following meeting. This was an attempt to persist in accusing Iraq of non-compliance with the Safeguards Agreement.

2. The Agency and its Department of Safeguards are fully aware of the IRT-5000 reactor's specifications which were provided by Iraq in accordance with its obligations under the Safeguards Agreement. The reactor contains vertical channels which have been used for over 20 years to irradiate various materials for the production of radioisotopes employed in medical diagnosis and therapy. For a number of years uranium has been one of the materials irradiated in this reactor. The researchers published their work in scientific journals and in the annual reports of the Iraqi Atomic Energy Commission (IAEC), copies of which were sent to the Agency's Library.

The Department of Safeguards never requested the reactor personnel or any other Iraqi authority to enter the data on irradiation in the operating records. Nor did it consider this a violation of the Safeguards Agreement. Why should this issue be raised now, especially as, during the first inspection mission, Iraq did declare its activities relating to fuel fabrication, processing of irradiated fuel pins and separation of uranium and plutonium therefrom?

3. The Agency's insistence that it should be provided with full information at once completely ignores the reality of what has happened in Iraq as a result of the aggression which it suffered. The bombs which were dropped on Iraq and its installations, factories and towns weighed more than all the bombs used during World War II. The Atomic Energy Commission's installations bore the brunt of the American bombing, which totally destroyed these installations and as a result of which most material, equipment and documents of importance were lost. Logistics were also seriously affected. We see that, instead of raising their voice against and condemning the American-led 30-nation aggression against safeguarded installations, the Agency and its Board of Governors are demanding that Iraq take meaningless measures as though the conditions in Iraq were normal. That the inspectors persisted during each of their visits in demanding, in an unprogrammed manner and sometimes even on the spot, detailed information which is very difficult to obtain under such conditions indicates deliberate intention to show that Iraq is not co-operating with the International Inspection Teams and, consequently, not complying with the Board's resolution.

4. The Iraqi authorities have made extraordinary efforts to retrieve and collect material buried under debris and to make it available to the inspection teams. Any objective observer will recognize that an operation of such magnitude and difficulty takes time and can only yield results little by little. The inspectors should have appreciated the work done by the Iraqi team, which was able to complete this huge task in record time. It must also be pointed out that no one could have found all this material buried under debris but for Iraq's sincere desire and its honest decision to declare fully all it had in the nuclear field and to leave no part of it undeclared.

5. The small quantity of plutonium produced is insignificant from the scientific and practical standpoints and indeed similar quantities are produced in scores of laboratory experiments all over the world without arousing the Agency's interest. Why should some wish to portray such a

trivial matter as a serious problem, making the IAEA mobilize legal, technical and administrative brains (putting in long hours of work and incurring enormous costs) for this purpose? The Director General has emphasized that such a quantity of plutonium is not significant from the practical point of view.

6. The fuel bundles mentioned in paragraph 2(c) of document GOV/2530/Add.1 are not bundles, nor are they intended for irradiation purposes. They are fuel pins used under the programme of the regular fuel laboratory, whose specifications and activities are known to the Agency as they are subject to safeguards. These fuel pins were fabricated for experimental purposes and are not suitable for making bundles since they are of various types. The fuel laboratory's programme of work involves fabrication of fuel of various forms and types, which are then dismantled and refabricated for experiments related to fuel fabrication. Hence the quantity of 11 kg of natural uranium mentioned in paragraph 2(c) was not at any time intended for irradiation purposes.

7. In compliance with the resolution adopted by the Board of Governors at its meeting held on 18 July 1991, Iraq provided, in addition to the information contained in the Foreign Minister's letters, lists of fuel found under debris and supplied without delay data and explanations to the third and fourth inspection teams, held several meetings with them and replied to all their queries. As a result, the material was collected in its entirety, the Agency's seal was affixed to it and it is ready for any further action that may be decided on.

8. The measures taken by Iraq clearly reflect its desire to comply with the resolution of the Board of Governors and to co-operate fully with the inspection teams. Why then should such issues be raised against Iraq despite its commitment to implement the Board's resolution? Would it have been better, then, for Iraq to conceal this material and information in order to appear in a blameless light?

A N N E X 1

LETTER OF 23 JULY 1991 FROM THE IRAQI
MINISTER FOR FOREIGN AFFAIRS TO THE
SECRETARY-GENERAL OF THE UNITED NATIONS^{x/}

Sir,

We have noted the resolution adopted by the Board of Governors of the International Atomic Energy Agency on 18 July 1991 on the basis of the report of the Agency's Director General contained in document GOV/2530.

We should like to state our official stand on the resolution referred to above, as set forth below.

1. We have carefully studied the contents of this document and have found that it is essentially based on paragraphs (b) and (c) of Article 34 of the Safeguards Agreement between Iraq and the Agency (INFCIRC/172).

In our letters of 10 and 12 July 1991 to the Director General of the IAEA we have given our view on those paragraphs of Article 34. Instead of the Agency studying our point of view and taking some time to reach, together with us, a common understanding of the meaning of this Article, we find that the Director General rushed to pass judgement against Iraq, claiming that it had not provided information to the Agency on some nuclear material, without taking into consideration that:

- (a) Iraq had in fact officially submitted information on nuclear material to the Agency with its letter of 7 July 1991;
- (b) This material was submitted to inspection by the third International Inspection Team, which left Iraq on 19 July 1991, and is now subject to the Agency's control.

Therefore, the Director General could very well have considered this sufficient as a corrective measure under Article 19 of the Agreement, as in previous similar cases handled by the Agency. We should like to cite a

His Excellency Mr. Javier Perez de Cuellar
Secretary-General
United Nations
New York

^{x/} The letter was translated from Arabic in the Agency's Secretariat.

similar case mentioned in the Safeguards Implementation Report for 1984 (document GOV/2201), which concerned the export of 41 tons of depleted uranium from Luxembourg to Israel. Do we not have the right to ask why the quantity of 11 000 tons of depleted uranium, which is produced every year in power reactors and is not subject to Agency safeguards, does not attract attention as did the small amounts of yellowcake and uranium compounds in Iraq?

We find that what was submitted to the Agency's Board of Governors was not based on the same criteria as those the Agency had applied in dealing with previous cases - quite apart from the question whether there was sufficient legal basis for it.

2. We would not have expected a meeting of the Board to be convened in this manner before the Agency's Inspection Teams had completed their last inspection visit and submitted their final report and conclusions, as provided under Article XII.C of the Agency's Statute, because the results of their work are, in our opinion, directly relevant to any discussion of a subject of this kind. At the same time, we deem it incorrect to separate the results of their activities, to fail to wait for all of them to complete their work and to go ahead without awaiting comprehensive conclusions.

3. As for the resolution adopted by the Board of Governors, preambular paragraph (e) and operative paragraph 5 have disregarded a number of facts and data, which are mentioned below.

- (a) So far three nuclear and three other inspection teams have visited Iraq. They all received full co-operation from the Iraqi authorities, except for one team which faced certain circumstances. We have already explained this to the President of the Security Council and also to the high-level mission which visited Iraq, of which the Agency's Director General was a member. The Iraqi officials at the highest level gave firm assurances of Iraq's complete readiness to provide all possible assistance to all the teams and to co-operate with them in the discharge of their functions.
- (b) The high-level mission submitted its report to the Security Council. It clearly mentioned these assurances given by the Iraqi officials and observed that the future visits by the teams would show the extent of co-operation received from the Iraqi authorities.

It would have been more appropriate for the Director General of the IAEA, who was a member of the high-level mission, to explain this to the Board of Governors and for the Board not to have hastened to include preambular paragraph (e) and operative paragraph 5 in its resolution until at least one of the inspection teams had completed its tasks - after Iraq's clarification of the reasons for the circumstances faced by the second inspection team, and following the clear and definite undertaking given by Iraq.

(c) The meeting of the Agency's Board of Governors which discussed the resolution was held on 18 July 1991, the last day of the visit of the third Inspection Team in Iraq. Whereas the Head and all members of the Team expressed their great satisfaction at the complete co-operation extended by the Iraqi authorities, the Board of Governors did not take that into consideration and adopted its resolution before seeing the Team's report. One is bound to wonder why.

We are in a situation that is incomprehensible, for while the Iraqi technical experts and the technical experts in the inspection teams are co-operating and doing business with each other in a scientific atmosphere, we find the Board of Governors insists on condemning Iraq for failure to co-operate.

Consequently, we feel concerned and dissatisfied and are led to conclude that the resolution was adopted for predetermined political considerations and purposes and that it is intended to provide the technical legitimacy that a specialized agency can offer in order to pave the way for fresh military aggression against Iraq after it has fully laid bare its nuclear programme. It is no longer a secret to anyone that the same parties who induced the Board of Governors to adopt this resolution are trying to maintain the boycott and embargo imposed on Iraq without any legal or moral basis in order to starve the people of Iraq, as a means of interference in its internal affairs and in an attempt to impose foreign will on the country.

In officially affirming Iraq's stand on the unfair and unbalanced resolution which was adopted by the IAEA Board of Governors, we wish to underline our grave concern at the absence of a spirit of fairness and justice evinced by certain parties in their dealings in this area, despite the fact that Iraq is fulfilling its obligations in conformity with Security Council resolution 687(1991).

We request you to circulate this letter as a document of the Security Council.

Accept, Sir, etc.,

(signed) Ahmad Hussein
Minister of Foreign Affairs of the
Republic of Iraq

LETTER OF 28 AUGUST 1991 FROM THE MINISTER FOR FOREIGN AFFAIRS
OF IRAQ TO THE SECRETARY-GENERAL OF THE UNITED NATIONS*)

I have the honour to refer to Security Council resolution 707 (1991).

The Government of Iraq considers that this resolution is unwarranted and that, like many of the other resolutions of the Council, it was adopted for motives based on the desire of a number of influential parties in the Security Council to harm Iraq and to contrive yet more pretexts for the non-implementation of the particular provisions of the Security Council resolutions from which Iraq may benefit by a lifting or mitigation of the unjust economic embargo imposed upon it. Iraq has fulfilled all of its obligations under the terms of resolution 687 (1991) in the manner requested by the inspection teams in general and the nuclear inspection teams in particular. It has done so by declaring all aspects of the Iraqi nuclear programme, whether in letters addressed to you or in those exchanged by the Chief of the Iraqi team and the Chiefs of the inspection teams that have visited Iraq. This has also been done in the seminars held, by answering all questions asked, and in the direct meetings held with those responsible for the nuclear programme and with research workers. This demonstrates the full cooperation that has been shown by the Iraqi authorities concerned.

For greater precision, we should like to state our view with regard to the provisions of the operative paragraphs of the Security Council resolution in question.

1. With regard to paragraphs 1 and 2, in which Iraq is condemned twice in the same resolution, it must be said that Iraq has adhered to all of its undertakings under the terms of Security Council resolution 687 (1991). It has, moreover, complied with the safeguards agreement concluded with the International Atomic Energy Agency (IAEA). It has done so by means of the full disclosure of all aspects of the Iraqi nuclear programme and the measures it has taken on remedial action in implementation of the resolution adopted by the IAEA Board of Governors on 16 July 1991. We should like once more to ask the question we have addressed to IAEA on more than one occasion: what more is now required of us, after all the measures we have taken and all the information we have provided, so that Iraq may meet all of its obligations under the terms of the resolution?

2. With regard to paragraph 3 (i) of resolution 707 (1991), Iraq has already provided full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes. There are no programmes of this type, of any kind whatever, that Iraq has not declared.

3. Since 28 June 1991, the inspection teams have noted no obstacle to their work in gaining access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect, as demanded in

*) Translation by the United Nations Secretariat, New York.

paragraph 3 (ii). We should like, in this connection, to refer to the recent reports of the inspection teams, including that of the third nuclear inspection team contained in document GOV/INF/621 of 2 August 1991, in which reference is made to the full cooperation provided by the Iraqi side. We should like to ask once again: what site is there that a team has not been permitted to enter and inspect?

4. With regard to paragraph 3 (iii), the Government of Iraq took the decision, as of 28 June 1991, to cease any movement or destruction of any material or equipment relating to Security Council resolution 687 (1991). With the arrival of the third nuclear inspection team, agreement was reached by the Chief of the team and his Iraqi counterpart on the movement of certain equipment, after it had been seen by the team, to an appropriate location so as to facilitate future monitoring and inspection by the inspection teams. Certain of these measures were taken under the supervision of members of the third team, and the fourth team once again verified them. Agreement was also reached with the Chief of the fourth team on the continued movement and assembly of those materials and equipment that the team had seen and recorded to the collection sites on which the two parties had agreed for the purpose of facilitating future inspections.

5. Paragraph 3 (iv) refers to the concomitants of an issue which has become part of the past and which was over and done with even before the arrival of the third nuclear inspection team in the first week of July 1991. The third team examined all items and, together with the Iraqi side, undertook its removal to the locations agreed on. We therefore wish to ask what items are still outside the supervision of the inspection teams and to what were they denied access.

We should be very grateful if you or the Special Committee would kindly inform us about such items as are referred to in paragraph 3 (iv). Since there were no such items, we wonder what were the grounds for including this paragraph in the resolution.

6. With regard to paragraph 3 (v), Iraq has already given its opinion concerning aircraft flights. Although Iraq has no objections to that in principle, all that Iraq wishes to make clear, for its part, is that there are issues relating to administration, communications and logistics that must be taken into consideration in order to guarantee the safety of the aircraft and their crews and passengers and that Iraq is most concerned about that and hopes that the issue will be resolved by agreement and cooperation with the competent Iraqi authorities, in order to safeguard the security and safety of all.

7. With regard to the halting of all nuclear activities of any kind, as referred to in paragraph 3 (vi), although this goes beyond the measures set forth in resolution 687 (1991), from the scientific and the practical viewpoints there is no longer any nuclear activity, even in the most elementary sense, following the comprehensive destruction of Iraqi nuclear locations - reactors, laboratories, materials and other. This is referred to

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also in the report of the Director-General of the International Atomic Energy Agency.

I wish to point out that all the requirements of privileges and immunities and travel facilities of the inspection teams and medical care for them, referred to in paragraphs 3 (vii) and 3 (viii), have been made available in full and to the furthest extent possible in the light of the economic embargo imposed on Iraq. The recent reports of the inspection teams are the best testimony to that.

8. With regard to paragraph 5, Iraq reaffirms its full commitment to its international undertakings, including the Non-Proliferation Treaty and the Safeguards Agreement with the International Atomic Energy Agency.

The preambular and operative paragraphs of resolution 707 (1991) are based on the provisions of resolution 687 (1991), but it deliberately overlooks the rights of Iraq set forth in resolution 687 (1991). In this connection, we wish to inquire what is requested of Iraq, in order that it may show even greater good will in demonstrating its compliance with Security Council resolutions.

We wish also to ask how long the Security Council will disregard the rights of Iraq laid down in Security Council resolutions and when the iniquitous economic embargo imposed on its people will be lifted.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs
of the Republic of Iraq
Baghdad, 28 August 1991

A N N E X 2

LETTER OF 24 JULY 1991 FROM THE DIRECTOR GENERAL
TO THE IRAQI MINISTER OF FOREIGN AFFAIRS

Sir,

I have the honour to refer to your letter of 23 July 1991 addressed to the Secretary-General of the United Nations, a copy of which was forwarded to me by the Resident Representative of Iraq in Vienna.

It is not for me to make any comments on the resolution which was adopted by the Board and which has been transmitted to the Security Council.

I enclose the text of the comment which I made at the end of the IAEA Board meeting on 18 July, which may not have been available to you when your letter was drafted, and which should answer the points you have raised.

I am arranging for your letter and this reply to be circulated to Members of the Board.

Accept, Sir, the assurances of my highest consideration.

(signed) Hans Blix

Attachment

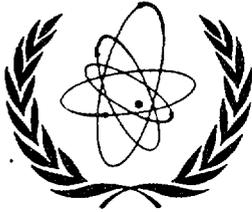
H.E. Mr. Ahmad Hussein
Minister for Foreign Affairs
of the Republic of Iraq
Baghdad

Reply by the Director General
to the statement made by the Governor from Iraq
at the Board of Governors of the IAEA
on 18 July 1991

The distinguished delegate of Iraq discussed at length two cases with which the Board has dealt in the past. They are not, I submit, comparable to the present case. The present case is not simply a failure to report nuclear material. There was an attempt to conceal a major program for the enrichment of uranium in ways which eventually became flagrant. It is good that Iraq is now helping our inspection team to clarify the situation and that a good deal of information is now provided under Resolution 687 - which should have been submitted much earlier by Iraq in order to comply with its obligations under the safeguards agreement. This recent information does not, however, remove my duty to report to the Board the non-compliance of which I have seen evidence and which I think the Board must assess and take action on.

Article XII.C was referred to. It reflects the manner in which the framers of the Statute thought non-compliance would be uncovered - through discovery by inspection. Had it not been for the excellent work of our inspection teams under Security Council resolution 687, we might indeed not have had the declaration of Iraq of 7 July 1991. This declaration has been given too late, to be sure, but it demonstrates unequivocally that Iraq failed to comply with its obligations under Articles 8(a), 34(c) and 42 of the Safeguards Agreement (INFCIRC/172).

The fact that Article XII.C does not address a scenario such as the present one, where the non-compliance became evident as a result of a declaration by the State, rather than by discovery by inspection of diversion, does not mean that the Director General should refrain from reporting such non-compliance to the Board, nor does it mean that the Board cannot take action. We are not acting on speculation but on the declaration by Iraq. The purpose of Article XII.C is that the Agency shall react against non-compliance. In my view, Mr. Chairman, this is what the Board now does.



International Atomic Energy Agency

BOARD OF GOVERNORS

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GC(XXXV)/978
Attachment 8

GOV/OR.758
26 July 1991

RESTRICTED Distr.

Original: ENGLISH

RECORD OF THE SEVEN HUNDRED AND FIFTY-EIGHTH MEETING

Held at Headquarters, Vienna,
on Thursday, 18 July 1991, at 10.50 a.m.

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[*] GOV/2529.

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91-2984

Attendance

(The list below gives, for each delegation, the name of the senior member who participated in the meeting and that of any other member whose statement is summarized in this record.)

Mr. VILAIN XIIII	Chairman (Belgium)[*]
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Mr. MAFFEI	Argentina
Mr. WILSON	Australia
Mr. GLEISSNER	Austria
Mr. WEI	Belgium
Mr. OLIVEIRA TAVARES	Brazil
Mr. LEE	Canada
Mr. NIÑO DE ZEPEDA	Chile
Mr. ZHANG	China
Mr. GUZMAN MARTINEZ	Cuba
Mr. RIHA	Czechoslovakia
Ms. TALLAWY	Egypt
Mr. TREMEAU	France
Mr. LOOSCH	Germany
Mr. KUMAR	India
Mr. LOUHANAPESY	Indonesia
Mr. ASSARPOUR	Iran, Islamic Republic of
Mr. AL-KITAL	Iraq
Mr. NOE)	Italy
Mr. PENNAROLA)	
Mr. ENDO	Japan
Mr. BAKHAT	Morocco
Mr. UMAR	Nigeria
Mr. BELLO III	Philippines
Mr. NOWAK	Poland
Mr. BRANCO ALEIXA	Portugal
Mr. AL-NOWAISER	Saudi Arabia
Mr. ALER	Sweden
Mr. SANGIAMBUT	Thailand
Mr. AMMAR	Tunisia
Mr. KOSTENKO	Ukrainian Soviet Socialist Republic
Mr. TIMERBAEV	Union of Soviet Socialist Republics
Mr. CLARK	United Kingdom of Great Britain and Northern Ireland
Mr. NEWLIN	United States of America
Mr. LISSIDINI	Uruguay
Ms. DAVILA BARRIOS	Venezuela
<hr/>	
Mr. BLIX	Director General
Mr. JENNEKENS	Deputy Director General, Department of Safeguards
Mr. SANMUGANATHAN	Secretary of the Board

[*] In the absence of Mr. Zelazny (Poland).

Attendance
(contd.)

Representatives of the following Member States attended the meeting: Algeria, Byelorussian SSR, Denmark, Finland, Greece, Israel, Republic of Korea, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Mexico, Netherlands, New Zealand, Pakistan, Peru, Qatar, Spain, Sudan, Switzerland, United Arab Emirates, Yugoslavia.

Abbreviations used in this record

NPT Treaty on the Non-Proliferation of Nuclear Weapons

ADOPTION OF THE AGENDA (GOV/2529)

1. The CHAIRMAN said that he had been requested to preside in the absence of Mr. Zelazny. In spite of the short notice, he had considered it necessary, in view of the gravity of the subject to be discussed, to consult in advance all Governors who were available for consultations. He thanked them for their advice and comments, which would doubtless be useful in bringing the meeting to a successful conclusion. If there were no objections, he would assume that the Board wished to adopt the agenda set out in document GOV/2529.

2. The agenda contained in document GOV/2529 was adopted.

REPORT BY THE DIRECTOR GENERAL ON NON-COMPLIANCE BY IRAQ WITH ITS OBLIGATIONS UNDER THE SAFEGUARDS AGREEMENT CONCLUDED WITH THE AGENCY (GOV/2530)

3. The CHAIRMAN asked the Board to consider the Director General's report in document GOV/2530. A few words on the reasons for convening the present meeting, on the legal framework within which the discussions should be held, and on the action which the Board might undertake, would undoubtedly be useful. To avoid any misunderstanding, or any suggestion that the Board was trespassing on Security Council responsibilities, it was important to bear in mind that the question at issue was not whether, or to what extent, a Member State had evaded the obligations imposed on it by Security Council resolution 687(1991); that was a matter for the Security Council itself, and the Council was in fact dealing with it already. The Board's task was simply to decide whether the Member State in question had fulfilled its obligations under its safeguards agreement with the Agency. In performing that task, and in deciding what measures should ensue, the Board was acting strictly within the bounds of its mandate as laid down in Article XII.C of the Statute.

4. The DIRECTOR GENERAL said that under, resolution 687(1991) of the United Nations Security Council, Iraq was obliged to declare within 15 days of the adoption of the resolution the locations, amounts and types of items that were relevant for a nuclear-weapons capacity, including "nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities". That clearly meant that enriched uranium and plutonium, and equipment and material directly relevant for the production thereof, as well as any items needed for the fashioning of nuclear weapons, must be declared.

5. Iraq's first declaration, dated 18 April 1991, had stated that Iraq had "no industrial and support facilities related to any form of atomic energy use which have to be declared". The Director General's letter dated 19 April had pointed to the fact that there was highly enriched uranium on the inventory of nuclear material in Iraq under safeguards which would have to be declared. He had also indicated, by way of example of what should be declared under the resolution, "facilities for the reprocessing of nuclear fuel or for the separation of plutonium from uranium or installations for the separation of isotopes of uranium, or any research programmes or supporting manufacturing facilities related to such activities". He had stated that they should be declared "irrespective of whether they have been damaged or destroyed".

6. A second letter from Iraq, dated 27 April, had attached a list of safeguarded material and information as to its status and a list of nuclear facilities at Tuwaitha, again with indications of their status. It had also listed the yellow cake production unit at Al Qaim. Thus, in neither of the first two communications from Iraq under paragraph 12 of Security Council resolution 687(1991) had there been any indication of a programme for research on or production of enriched uranium.

7. After IAEA inspections had pointed ever more clearly to the existence of enrichment activities and inspection teams had been denied access on several occasions to sites and objects they wished to inspect, the Security Council had requested that the Secretary-General send a high-level mission to Baghdad to convey the Council's demand that unhindered access be given to those sites and objects the inspection teams wished to see.

8. In view of the evidence that inspection teams had found of enrichment activities, the high-level mission, of which he had been a member, had expressly urged that an additional declaration be given, covering any items and materials relating to enrichment or reprocessing. Mention had been made, by way of example, of calutrons, centrifuges, uranium tetrachloride and hexafluoride. The high-level mission had been assured, however, that there was no enrichment programme; yet, even so, a promise had been given that lists of items deemed by Iraq to be possibly in contravention of resolution 687(1991) would be transmitted.

9. Those lists had been attached to a letter dated 7 July 1991 sent to the Secretary-General of the United Nations, with a copy to the Director General of the IAEA. The letter had disclosed that there had been three programmes for the enrichment of uranium, with a great deal of equipment and material involved, and that a quantity of about half a kilo of 4% enriched uranium had been produced. The letter and the lists were reproduced as Annex 1 to document GOV/2530.

10. An IAEA inspection team headed by Mr. Perricos had been in Baghdad since 6 July inspecting, inter alia, items on that list and was obtaining supplementary information relating to the programme which had thus been declared. The fact that that information had been given, and that a clearer picture was now emerging, was welcome; but, considering the manner in which nuclear-related information had been provided, it was not surprising that the world was asking whether there was still more to declare. The question thus remained a dominant preoccupation of the Security Council. The Council had been briefed on the work of the Agency under resolution 687(1991) three days earlier, on 15 July, by Professor Zifferero and himself. They had also provided the Council with a consolidated report on the first two Agency inspections completed before the Iraqi letter and lists of 7 July. The consolidated report was available to the Board in document GOV/INF/618. It revealed that the inspectors had concluded, even before the Iraqi letter of 7 July, that there was an enrichment programme and that they had even felt able to make some assessment of its size.

11. The reason why he had asked the Board of Governors to meet was that he felt obliged to report to it his conclusion that Iraq - because it had developed a major programme for the enrichment of uranium, without submitting materials and relevant facilities and installations to safeguards - was in non-compliance with its safeguards agreement with the IAEA.

12. The rationale of the safeguards system was to create confidence about the peaceful purpose of nuclear activities by ensuring that they were openly declared to the IAEA and inspected by the Agency. The large enrichment programme in Iraq had been clandestine, it had not been placed under safeguards, and there could be no confidence that it had peaceful purposes.

13. From the documentation submitted to the Board it would be apparent that the Secretariat had come to the specific conclusion that the substantial amounts of nuclear materials declared on 7 July and now inspected, including such materials as UO_2 , UCl_4 and UF_6 , should have been placed under safeguards. The comments offered as an explanation of why that had not been done were not persuasive. It should have been - and indeed probably had been - clear to the Iraqi authorities that those materials were subject to safeguards under the terms of Iraq's safeguards agreement with the IAEA.

14. Since the preparation of the report in document GOV/2530, issued on 16 July, it had also become clear through Iraqi explanations that the facility at Tarmiya, first described to the Agency's inspectors as a factory for the production of transformers, was in fact, as the inspectors had now concluded, a facility for the production of enriched uranium by the EMI separation method. It had been learnt that the huge Tarmiya facility had been designed to house 90 electromagnetic isotope separators, and that eight such separators had actually gone into operation in September 1990, resulting in the production of about half a kilogram of 4% enriched uranium. It was evident to the IAEA - and it must have been evident to the responsible authorities in Iraq - that a very large installation of that kind, built specifically for the purposes of uranium enrichment, and with enriched material already being produced, even if in modest amounts, should have been placed under safeguards, and that design information should have been provided to the Agency, long before the present week.

15. In his letter of 7 July, the Minister of Foreign Affairs of Iraq had stated, inter alia, that "Iraq had sound reasons related to its national security which induced it to refrain from declaring some of the stages of the [nuclear] programme ..." Reasons, maybe, but not legally valid reasons. There was also no doubt that the secretiveness of and uncertainty about Iraq's nuclear programme was a major factor leading to the present tragic situation.

16. It was now being asked, and the Agency had to ask itself, whether major changes were needed to strengthen the safeguards system. The case of Iraq demonstrated the inspection challenges that might need to be met and the ability of the Agency to meet them. Members of the Security Council had shown appreciation of that ability at the meeting on 15 July. It might be

reasonable to conclude from the case at hand that a high degree of confidence in the Agency's ability to uncover clandestine nuclear activities was justified if three major conditions were fulfilled: first, access had to be granted to information obtained - inter alia through national technical means - regarding sites that might require inspection; second, access to any such sites had to be an unequivocal right of the Agency, even at short notice; and third, it was vital to have access to the Security Council for backing and support if that proved necessary in connection with the performance of an inspection.

17. Mr. AL-KITAL (Iraq) said that he had listened very carefully to the Chairman's opening remarks explaining the purpose of the meeting. He had also listened very carefully to the Director General's explanation of the case submitted to the Board of Governors. At the outset, he wanted to point out that the Director General's statement went beyond the limitations set by the Chairman, since the matter he had spoken of came under the umbrella of the relevant Security Council resolution - the missions having been sent in compliance with that resolution - and did not fall within the competence of the Agency according to its Statute. The Director General had convened a meeting of the Board after Iraq had actually submitted full information on its nuclear activities, in the letter of 7 July 1991 from the Iraqi Foreign Minister to the Secretary-General of the United Nations, in compliance with its commitments and with Security Council resolution 687(1991). The Director General was of the opinion that the information submitted by Iraq included a declaration of certain nuclear material which should have been reported to the Agency under the safeguards agreement set out in document INFCIRC/172. The Director General viewed that as a sign of non-compliance with the safeguards agreement. He (Mr. Al-Kital) accordingly wished to submit certain information to the Board, most of which had already appeared in the two letters sent to the Director General by the Foreign Minister of Iraq:

- (i) Iraq had indeed submitted all necessary information concerning nuclear material to the Agency, and had done so officially by submitting to the Director General, on 8 July 1991, a copy of the letter of 7 July from the Foreign Minister of Iraq to the Secretary-General;

- (ii) The material in question had been placed at the disposal of the inspection mission sent to Iraq and was now under its supervision;
- (iii) Furthermore, the Iraqi authorities had submitted to Mr. Perricos, the head of the IAEA mission, detailed information about sites, materials and equipment and the way they had been used, as well as all the material requested by the inspection team, on 14 July 1991. That had been reflected in an official exchange of correspondence in Baghdad, copies of which were with him (Mr. Al-Kital) and with the Agency, and hence available to the Board;
- (iv) Iraq had stressed that its uranium enrichment programme was still in the research and development stage, and that the production stage had not yet been reached. The inspection team in Iraq had had ample opportunity to verify that fact;
- (v) Iraq had proposed sending a technical delegation from Baghdad to answer, in full, any outstanding questions, but the Agency had not seen fit to invite such a technical delegation to Vienna. It was his belief that the visit of that delegation would have been very useful, and also that it would have been in keeping with the terms of the safeguards agreement signed between Iraq and the Agency, according to which Iraq should have been given every possible opportunity to explain its position.

18. The present meeting had been convened in accordance with Article XII.C of the Agency's Statute. That section of Article XII made reference to a number of other parts of the Statute, notably sub-paragraph F-4 of Article XI, sub-paragraph A-2 of Article XII and sub-paragraph A-6 of Article XII. It was clear, from his reading, that the Director General had not sent an inspection mission to Iraq under the provisions of Article XII.A.6. Even if one assumed that the mission headed by Mr. Perricos, still in Iraq, had been sent in order to fulfil the requirements of Article XII.A.6, it was clear that no report had yet been submitted by the mission to the Board of Governors and that no opinions had yet been uttered about the results of its inspections. Accordingly, unless more information was available which had not yet been

disclosed to the Board, he considered that there was - up to the present time - no justification for the steps that had been taken, supposedly under the provisions of that sub-paragraph.

19. Article XI.F.4, which dealt with materials and equipment supplied by the Agency under its technical assistance programme, obviously had no relevance to the present case. Similarly, Article XII.A.2, which actually dealt with health and safety measures, had no relevance to the matter at hand. The last part of Article XII.A.6 referred to "any other conditions prescribed in the safeguards agreement between the Agency and the State or States concerned", and he considered that Iraq's answer in that connection had been given at the beginning of his statement. There was thus, quite clearly, no legal or statutory justification for convening the present meeting.

20. There were precedents to which one could refer in support of that contention. In the Safeguards Implementation Report for 1981 (GOV/2082) the Secretariat had stated that the Agency had not been in a position, pending implementation of certain technical measures proposed by the Agency, to perform adequate verification. The same case had been referred to in subsequent Safeguards Implementation Reports, yet the Board of Governors had taken no action. The Secretariat and the Board had been satisfied, apparently, with the corrective measures proposed. The Safeguards Implementation Report for 1984 (GOV/2201) had mentioned another case where depleted uranium had been exported by a party to the Non-Proliferation Treaty to another State without prior notification to the Agency as required by the safeguards agreement. It later transpired that the exporting State, Luxembourg, had sent 41 tonnes of depleted uranium to Israel. Once again, no special meeting of the Board of Governors had been convened by the Director General, nor had any other measures been taken. Apparently the Secretariat and the Board had felt that adequate corrective action had been taken to deal with the situation. Why was it, then, that in the present case the explanations given in the two letters from the Iraqi Foreign Minister to the Director General dated 10 and 12 July 1991, respectively (Annexes 4 and 5 to document GOV/2530), were not also considered to be a sufficient corrective measure?

21. It was well worth mentioning that depleted uranium of nuclear grade was a material capable of immediate use in the production of plutonium. It was a well-known fact that Israel possessed the necessary reactor to produce plutonium at Dimona, yet the Agency had been satisfied with the unconvincing justification that the quantity of uranium involved had been imported for non-nuclear purposes. If that had been possible and acceptable in the case of Israel and Luxembourg, why then was it not possible and acceptable for Iraq? It should be noted, moreover, that, in the case of Iraq, the material in question was only natural, unpurified yellow cake and not nuclear-grade uranium. The Foreign Minister of Iraq, in his letter to the Director General, had moreover clearly stated that the material had been imported for non-nuclear purposes. Why were different yardsticks being applied?

22. In the case under discussion, involving the export of depleted uranium, differences in interpretation of the safeguards articles seemed to be possible, even acceptable. In connection with the transfer of depleted uranium, Mr. Ernemann of Belgium had said on 20 September 1985 (GOV/OR.643, paragraph 101) that "the safeguards agreement contained in document INFCIRC/193, like all other safeguards agreements concluded under Article III(1) of NPT, was based on document INFCIRC/153" - something that was also true of Iraq's safeguards agreement. Ernemann had gone on to say that "the interpretation to be given to Article 34 of document INFCIRC/193 had to match a single interpretation by the Members of the Agency of Article 34 of document INFCIRC/153, lest differences arose regarding the commitments entered into by the States party to NPT and reflected in document INFCIRC/153". Belgium was thus concerned that (paragraph 102) "the interpretation given by the Director General [should] be formally confirmed by the Board. The objective was to see that the safeguards system for exports of depleted uranium, where they fell within the scope of Article 34(c), became a common doctrine for all Member States of the Agency. There would have to be a greater degree of clarity on that matter in future, as his delegation considered that clarity was currently lacking".

23. The statement he had quoted showed that there was quite clearly an acceptable margin in the way in which the Agency and concerned States could interpret the safeguards agreement. Why, then, was there so much finality in

the present case, why should the final word be the prerogative of only one body, and why could no other point of view be conceded? Was it because the case specifically referred to Iraq? What was the importance of tonnes, even, of the yellow cake which Iraq had said it needed - non-purified and therefore unsuitable for nuclear purposes - in comparison with depleted uranium?

24. At the Board of Governors' meeting on 13 June 1985, Mr. Ernemann of Belgium had said (GOV/OR.638, paragraph 72) that "a 1000-MW PWR reactor was each year fuelled with some 27.9 tonnes of uranium enriched to 3.2%. That amount of fuel was produced from 164 tonnes of natural uranium and created 135.9 tonnes of uranium depleted to 0.2%. It followed that, if the world PWR installed capacity was 160 GW, 22 000 tonnes of depleted uranium were produced every year. The amount of depleted uranium under safeguards in 1984 had been 11 200 tonnes, or about half that created annually. Where then were the hundreds of thousands of tonnes produced in the last 30-40 years and not subject to safeguards? Seen in that context, it was difficult to take seriously the present case as it involved only 41 tonnes. He regretted that the incident had been mentioned in the SIR because, although the details given were accurate, the insinuations were much more serious."

25. Thus, there were more than 11 000 tonnes of depleted uranium produced annually in nuclear power reactors which were not subject to Agency safeguards. That state of affairs was perfectly familiar to the Agency and its Board, and yet nothing was said about it. Why, then, did such a small quantity, some 100-200 tonnes, of natural uranium in Iraq give rise to so much concern and alarm, and to such enthusiasm to condemn Iraq? He demanded a fair, unprejudiced response, devoid of any political motivation, and based on the Agency's own technical and legal standards.

26. Turning to the matter of the 0.5 kg of 4% enriched uranium, he affirmed that it was a tiny amount of no value. Even the Zangger Committee in its recommendations had stipulated that any amount of nuclear material less than one effective kilogram was not subject to inspection. What was the value of that half kilogram, a tiny amount, which was causing such consternation and providing an incentive to take measures against Iraq? In the 1987 edition of the IAEA Safeguards Glossary (IAEA/SG/INF/1(Rev.1)) one could read, in paragraph 300 concerning frequency of inspection: "... The largest quantity (L)

is measured in effective kilograms (ekg). For reactors and research and development facilities there are no routine inspections if L is less than 1 ekg ..." It was thus perfectly obvious that the amount under discussion was very trivial compared with 1 ekg.

27. Plainly, then, what had occurred was simply a difference in interpretation, and the matter could easily have been resolved between the competent Iraqi authority and the Agency, without the need to resort to special measures. Indeed, Iraq had already taken adequate corrective action. The Agency had been fully informed about material, and that material had been put at the disposal of the inspection team. The Foreign Minister had provided clarifications, in the light of his understanding of the articles of the safeguards agreement, in the two letters responding to the Director General's queries.

28. Only the previous day, the international inspection team in Baghdad headed by Mr. Perricos had expressed its full satisfaction with the co-operation offered by the Iraqi authorities. The team had been allowed full access to all facilities and sites, and no impediments had been placed in its path. Iraq's co-operation should be appreciated and seen as a practical corrective measure intended to remedy all that had taken place in the unusual circumstances which he had earlier referred to and explained. Mr. Perricos had also declared that the allegation that Iraq possessed 40 kg of enriched uranium was incorrect. Mr. Perricos had not, as yet, submitted a report to the Board, so the only information available to the Iraqi delegation had come through the media.

29. More could be said in the same vein; however, he believed that he had submitted enough convincing arguments to show that there was no legal or statutory justification under the Agency's Statute for convening the present meeting. If there was any reason for convening the meeting, it was purely political. There was also no need to take any additional measures in view of the fact that his country had taken all the necessary corrective steps, and had submitted amply sufficient clarifications and explanations.

30. In the light of all that he had said, he proposed that the debate be closed and the meeting adjourned in accordance with Rule 28 of the Provisional Rules of Procedure of the Board of Governors.

31. The CHAIRMAN invited the Board to vote on the proposal by the Governor from Iraq to adjourn the meeting under Rule 28 of the Board's Provisional Rules of Procedure.

32. At the request of Mr. Al-Kital (Iraq), a roll-call vote was taken.

33. The Ukrainian Soviet Socialist Republic, having been drawn by lot by the Chairman, was called upon to vote first.

34. The result of the vote was as follows:

In favour: Iraq.

Against: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Czechoslovakia, France, Germany, Italy, Japan, Philippines, Poland, Portugal, Sweden, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining: Cuba, Egypt, India, Indonesia, Islamic Republic of Iran, Morocco, Nigeria, Saudi Arabia, Tunisia.

35. There was 1 vote in favour and 24 against, with 9 abstentions. The proposal to adjourn the meeting was rejected.

36. Mr. TIMERBAEV (Union of Soviet Socialist Republics) said that the present meeting was the first of its kind in the history of the Agency - a meeting at which the Board was being asked to consider the question of the non-compliance of one of its members with obligations assumed under a safeguards agreement. The Director General's report contained in document GOV/2530 and his statement at the present meeting had shown that Iraq had failed to comply with its obligations under a safeguards agreement concluded with the Agency in accordance with the NPT, and also with Security Council resolution 687(1991), which had conferred special functions on the Agency.

37. The aim of the meeting was to consider the facts established by the Agency's inspectors in co-operation with the Special Commission of the United Nations, and in that connection to take the necessary measures within the competence of the Agency as defined by its Statute.

38. With all due respect for the Governor from Iraq, regrettably his statement could not alter the conclusions reached by the Director General concerning the non-compliance of Iraq with its obligations under the safeguards agreement contained in document INFCIRC/172. The Governor from Iraq had not even referred to that agreement in his statement, and had not attempted to dispute the facts contained in the Director General's report and his statement at the present meeting.

39. The Soviet delegation wished to venture an assessment of what had occurred in a wider political context. In recent times the world community had taken a number of important and responsible steps towards strengthening the non-proliferation regime. It was sufficient to mention the decision by France to become a party to NPT; the adherence to the Treaty by the Republic of South Africa, and by Tanzania and Zambia, which opened the way to transformation of the southern African region into a nuclear-weapon-free zone; the agreement between Argentina and Brazil, which aimed to make non-proliferation secure in that region and, one hoped, would lead to a strengthening of the Tlatelolco regime; the conclusion of negotiations on a safeguards agreement under NPT between the Agency and the Democratic People's Republic of Korea, which should enable the Board to approve that agreement at its next session; and finally the statement by the five permanent members of the United Nations Security Council on 9 July of the current year concerning measures taken with a view to establishing a zone in the Middle East free from nuclear weapons and other weapons of mass destruction. It was also very encouraging that the Soviet Union and the United States of America were coming very close to reaching agreement on a radical reduction in their strategic offensive nuclear weapons. At a meeting in London on the previous day the Presidents of the Soviet Union and the United States had reached agreement in principle on certain unresolved questions, and a Soviet-American summit meeting would take place in Moscow on 30 and 31 July.

40. In the context of that increasing tendency towards universal application of the non-proliferation regime and a reduction in nuclear arsenals, the actions of Iraq were particularly regrettable. Parties to NPT and the entire world community would have to draw the necessary conclusions.

41. He noted with particular satisfaction the quick and effective work of the Agency's inspectors and the special group headed by Professor Zifferero, and commended all those who had taken part in the inspections in Iraq, and indeed were still continuing the work there.

42. While recognizing the effectiveness of the Agency's safeguards system, which had been developed over many years, he also noted that, as the problems in Iraq had shown, the Agency's Secretariat and all Member States should intensify their work on further improvement of the system. In that connection he wished to note once again the importance of the initiative of the Director General, who in February had made a number of suggestions which had been further developed at the June session of the Board of Governors with a view to developing more effective methods for safeguards in situations where there were or had been attempts to circumvent them. He also supported the statement just made by the Director General on that subject.

43. For the Government of Iraq the moment of truth had arrived, and it should demonstrate its courage by recognizing the facts, learning the necessary lessons, and adopting the measures required to remedy the violations of its treaty obligations.

44. The delegations of the People's Republic of China, the United Kingdom of Great Britain and Northern Ireland, the United States of America, France and the Soviet Union were presenting to the Board a draft resolution contained in document GOV/2531, and called on members to support it.

45. Mr. TREMEAU (France) thanked the Director General for his report and commended the work of the Agency and the actions of its inspectors in the very difficult and complex mission entrusted to them under Security Council resolution 687(1991). The Director General's report was both enlightening and disturbing, and the delegation of France had several comments to make in that connection.

46. Firstly, an agreement which had been freely entered into and signed by a Member State should then be respected by the signatory in all its clauses, in spirit as well as in the letter. That was true whatever the subject matter of the agreement, but it was particularly important with regard to non-proliferation and NPT - to which, as members would be aware, France had

decided to adhere. No other approach was acceptable where international agreements were concerned, and that was why the present situation called for an appropriate, indeed exemplary response.

47. The Director General's report brought clear proof that there had been non-compliance with the safeguards agreement concluded between the Agency and Iraq, and that fact could not be passed over in silence. Indeed, what would happen if the Board were not vigilant and if States were allowed to interpret their obligations in any way they wished? The present situation clearly required a firm attitude as it involved a number of elements and principles of fundamental importance to the Agency and Member States, namely the credibility and therefore the future of the safeguards system as a whole. If one State abused the system, the entire system was damaged. The safeguards system should not only be respected in its present form but should be reinforced to avoid any further instance of non-compliance in the future. That fully justified the recent proposals made by the Director General in February, aimed at reinforcing the effectiveness of safeguards and also confidence in the exclusively peaceful use of nuclear power. It was a question of respect for international law. When an agreement had been concluded and signed, any member of the international community was entitled to expect it to be implemented in good faith by the parties involved. In the present case, the signatory had failed to respect the law and that fact should be stated and placed on record publicly, as it was a very sensitive issue for international peace and stability.

48. The draft resolution before the Board was based on a precise and proven instance of non-compliance with the safeguards agreement between Iraq and the Agency which had entered into force on 29 February 1972. The Board was required to denounce any instance of non-compliance, to remedy it and to draw whatever conclusions were necessary if no corrective action was taken. The law could not be interpreted according to any one party's own wishes, and the resolution both condemned the present situation and gave a warning for the future. It was the first time that the Board had been asked to take a position on a case of non-compliance with a safeguards agreement. If the Board was equal to its responsibilities and wished the Statute to be

respected - particularly its goals as established in Article II - it would adopt the resolution now before it. International law had not been respected and that fact should be put on record. His delegation fully supported the draft resolution.

49. Mr. CLARK (United Kingdom) thanked the Director General for his report and expressed his gratitude to the team of inspectors who had carried out their tasks in Iraq with great dedication and thoroughness under the most difficult conditions. The Director General's report revealed a most serious situation. By its own belated emission, Iraq had engaged, extensively and over a considerable period of time, in a clandestine uranium enrichment programme in clear breach of its obligations under NPT and its safeguards agreement with the Agency. Much of the statement made by the Governor from Iraq at the present meeting had been irrelevant, and had been designed to divert attention from the central issue. The legal case against Iraq was clear, and Iraq had compounded the breaches of its obligations by attempting to conceal its activities from the Agency, the Special Commission and the Security Council. Security Council resolution 687(1991) required Iraq to make a declaration to the Agency of the locations, types and amounts of all of its nuclear-weapons-usable material or any sub-systems or components or any related research, development, support or manufacturing facilities. It had become clear that, at the very least, Iraq's first two declarations under resolution 687(1991) had been seriously deficient. The Iraqi authorities had mounted a concerted campaign to mislead the Agency as to the scope of their programme, to the extent at one point of using firearms to deter inspectors acting with the full authority of the Security Council.

50. The Iraqi authorities had subsequently attempted to justify their omissions, but the letters of 10 and 12 July from the Iraqi Foreign Minister were no defence. Against that background, what faith could Member States possibly have that the Iraqi declaration of 7 July of nuclear-weapons-usable material and equipment was a full statement of the facts? There was much evidence that they could not. No sooner had the latest Iraqi declaration been received, than inspectors reported the discovery of yet another multi-million-dollar electromagnetic separation project - a twin to the one at Tarmiya - at

Ash-Sharqat, which did not feature in the declaration. How many more such clandestine projects remained to be discussed? It was clear that the Iraqi authorities were still trying to avoid their international obligations.

51. The duty of the Board of Governors was clear. Iraq was indisputably in breach of its NPT obligations as incorporated in the safeguards agreement (INFCIRC/172). His Government condemned those breaches and expected the Board to do the same. In accordance with Article XII.C of the Statute, an urgent report should be submitted to the United Nations Security Council and General Assembly. The United Kingdom was therefore co-sponsoring the draft resolution to which the Governor from the Soviet Union had drawn the Board's attention. The duty of Iraq was also clear. Iraq should comply forthwith with its international obligations. Continued prevarication and attempts to mislead the international community would have serious consequences.

52. Mr. RIHA (Czechoslovakia) said that the convening of the present meeting had been essential to discuss the report of the Director General. The statement made by the Iraqi Governor had in no way altered the conclusions to be drawn from that report.

53. He recalled that his country fully and scrupulously fulfilled its obligations under its safeguards agreement with the Agency, including the declaration of all nuclear facilities, components and materials, and allowed unhindered inspections on its territory. It had also been the first country in the previous year at the negotiations on security and disarmament in Europe to disclose to all countries of the region full details of its military forces, arms and facilities. His country had therefore been shocked to learn that Agency inspections in Iraq had shown that the Government of that country had failed to report to the Agency the existence of nuclear material in Iraq which it had been obliged to report, and had also failed to accept the Agency's safeguards on that material, despite the signing of a safeguards agreement. If the material had been intended for peaceful purposes in Iraq, why had it been so carefully concealed? His delegation would reject any attempt to draw the Board into a discussion of how to explain or how to interpret the provisions of a safeguards agreement. It therefore fully

concurred with the Director General's conclusion that Iraq had not complied with - or, more correctly, had been in clear breach of - its obligations under the safeguards agreement.

54. The attitude of the Iraqi Government represented a severe and insidious blow to the efforts made by the entire international community, and particularly by the Agency's Member States, to ensure the non-proliferation of nuclear weapons, and should be unequivocally condemned. His delegation called for complete and lasting respect for all obligations arising from safeguards agreements, as that was crucial for the non-proliferation of nuclear weapons and was in the interest of the entire international community.

55. The non-compliance of Iraq with its safeguards agreement should be terminated without delay, and the Iraqi authorities should comply fully and swiftly with the requirements of Security Council resolution 687(1991).

56. Firm action was needed to avoid such situations in the future, and after careful study of the draft resolution prepared and submitted by the five permanent members of the Security Council, his delegation wished to be considered a co-sponsor. He hoped that the draft resolution would be accepted unanimously.

57. Ms. TALLAWY (Egypt) said that her delegation, after hearing the Director General's statement and having studied the Agency's analysis of the response sent by the Iraqi authorities, as well as the report of the inspection team, could only express regret about Iraq's non-compliance with its commitments under the safeguards agreement. That failure to comply constituted a very serious precedent affecting the credibility of the safeguards system and also the credibility of Iraq as a State with an important and effective role to play in the Middle East.

58. Her country had always held to a very firm and clear policy in calling for nuclear disarmament and the non-proliferation of nuclear weapons in the Middle East, in view of the negative effect of such armaments on both regional and world peace and security. That was why Egypt, ever since 1974, had been calling for a nuclear-weapon-free zone in the Middle East. President Mubarak's initiative to eliminate all weapons of mass destruction from the region was

well known, and Egypt had continued to urge all States in the region, including Israel, to become signatories of NPT, and to place all nuclear facilities in the area under the Agency's safeguards system.

59. Egypt could not condone and indeed condemned the present case of non-compliance with the safeguards system by a State which was a party to NPT and a Member of the Agency, a State which had signed the safeguards agreement required by NPT. She called on Iraq to correct any violations of that agreement.

60. That much said, it was important to remain aware of the unsettled and unbalanced situation in the Middle East, which called for measures by the permanent members of the Security Council and by the world community as a whole: every possible effort should be made to create a zone free of weapons of mass destruction, and above all free of nuclear weapons, in the Middle East.

61. If the Security Council was now applying pressure to Iraq to respect international law, which had been accepted by Iraq, it should also bring pressure to bear on another State in the region which had so far refused to become a party to NPT and was putting obstacles in the way of every effort towards the creation of a nuclear-weapon-free zone, despite the very positive effects the creation of such a zone would have for the settlement of all conflicts in the region. Her delegation regretted that several Members had not supported the various appeals made by Egypt for the safeguards system to be applied to all States of the Middle East, including Israel. She wished to express clearly and officially her delegation's objection to the fact that some States had exported nuclear material to Israel in violation of NPT, thus also contributing to the continuing unrest in the region. Peace and a settlement in the Middle East required a comprehensive and integrated policy that would apply a single criterion to all States in the region without exception.

62. Her country could not agree to the argument heard so often recently, calling for different treatment of States according to whether or not they were parties to NPT or signatories to a safeguards agreement. Perhaps the argument was acceptable from the legal point of view, but it was not in keeping with the main objective of non-proliferation. All States should be urged to join NPT, but the fact that some States had not signed the Treaty

should not be used as an argument for treating them differently. Recent events in the Middle East had fully justified Egypt's repeated appeals over the past 15 years for the application of safeguards to the entire region in a stricter and more effective way than at present.

63. The Agency's recent experience, and its activities in support of Security Council resolution 687(1991), should provide a basis for extending those activities to all States in the region in order to guarantee security. She hoped that Iraq would take all the necessary corrective measures and co-operate with the inspectors to put an end to the problem.

64. Her country fully respected the role and work of the Agency, and particularly the safeguards system. Precisely because of that it rejected any exploitation of the Agency's responsibilities for political purposes. Such exploitation would affect the credibility and good reputation of the safeguards system, and would also have a deleterious effect on non-proliferation. Egypt's abstention in the roll-call vote was due to the fact that most of the Western countries represented on the Board, both in the course of the General Conference and even in the Board of Governors itself, had applied different criteria and double standards to States in the Middle East, with regard to the non-proliferation of nuclear weapons, and particularly in respect of Israel, what Israel produced, and exports to Israel in the nuclear field.

65. Egypt, while calling on Iraq to respect its commitments - which explained why it would vote in favour of the draft resolution - at the same time wished officially to call upon the countries of West and East, and particularly the permanent members of the Security Council, to put an end to the proliferation of nuclear weapons in the Middle East, and she urged them to put pressure on Israel to respect NPT and to apply the safeguards system.

66. Mr. GUZMAN MARTINEZ (Cuba) observed that the discussion of the matter before the Board should be based on international law and on the principle that every State must fulfil obligations assumed under the agreements it had concluded. Non-compliance with international agreements should be penalized after a thorough analysis of the facts. In the present instance, debate should be confined to questions directly related to the application of safeguards under the agreement contained in document INFCIRC/172.

67. As for document GOV/2530, a number of points required clarification. First, the objective of Agency safeguards being timely detection of any diversion of significant quantities of nuclear material for military purposes, he wondered why it would not have been possible to invoke only the provisions of Article 18 of INFCIRC/172.

68. Second, under Article 19 of that document the Board might act in accordance with Article XII.C of the Statute if it concluded that the Agency had not been able to verify that there had been no diversion of nuclear material. Since such a conclusion could not be drawn at present from the information provided, it might be well for the Board to await the final results of the inspection process in Iraq before taking a decision.

69. Third, the letters reproduced in the annexes to document GOV/2530 indicated that there were differences in interpretation. That being so, he wondered why the procedures provided for under Articles 20, 21 and 22 of document INFCIRC/172 had not been applied.

70. Fourth, he enquired whether the Secretariat had taken any action in response to the suggestion made by the Iraqi authorities in the last paragraph of the letter of 10 July (Annex 4 to document GOV/2530).

71. He urged that matters like the one now before the Board should be dealt with calmly and on the basis of objective, appropriate and full information.

72. As to the draft resolution contained in document GOV/2531, he expressed a number of reservations. The preambular part dealt with some questions which were not strictly relevant to the question of Iraq's compliance with its safeguards agreement with the Agency. For example, the first paragraph was very general and the second did not indicate which specific obligations Iraq had not fulfilled.

73. The operative part also suffered from the same deficiencies, the first and second paragraphs being very general and open, since there was no final conclusion yet. The third paragraph introduced seemingly unnecessary elements because it referred to non-compliance - the failure to declare a certain quantity of enriched uranium - and at the same time called upon Iraq to remedy the situation "... by placing any and all additional source and special

fissionable material ... regardless of quantity or location under Agency safeguards ... in accordance with relevant technical determinations of the Agency". Were the safeguards agreements not based on precisely those specifications?

74. Mr. NEWLIN (United States of America) said that the Director General's report in GOV/2530 left no doubt that the Government of Iraq had not complied with its obligations under the safeguards agreement, and that its non-compliance lay in failing to report all source and special nuclear material to the Agency, as required under Articles 1 and 34 of that agreement (INFCIRC/172). That non-compliance was a most serious matter. Agency safeguards played a vital role in verifying the peaceful nature of nuclear programmes and represented an essential element in the global regime to prevent the spread of nuclear weapons. Agency safeguards were also essential for maintaining the confidence of governments and public opinion that nuclear energy would be used exclusively for peaceful purposes. The violation by the Government of Iraq of its obligations was thus bound to have adverse consequences for the non-proliferation regime and for the future of nuclear energy. Moreover, Iraq had not only failed to report nuclear material but had also deliberately deceived the Agency and obstructed its efforts to implement its safeguards responsibilities.

75. He fully supported the Director General's conclusion that the Government of Iraq had failed to report all the nuclear material which it was obliged to declare to the Agency in accordance with the relevant provisions of document INFCIRC/172. In his opinion, the letters of 10 and 12 July (Annexes 4 and 5 to document GOV/2530) were replete with obfuscations, irrelevancies and arguments which did not meet the test of logic. Those letters did not in any way alter the Director General's conclusions and constituted further evidence of Iraq's attempts to deceive the Agency and its Member States.

76. The Government of Iraq had maintained, in its letter of 12 July to the Director General (Annex 5 to document GOV/2530), that by its reporting of nuclear material in its letter of 7 July 1991 (Annex 1 to document GOV/2530) it had taken "a corrective step which in our view means that we have adequately met the provisions of Article 19 of the Safeguards Agreement".

Iraq's letter of 7 July in fact constituted an admission of its failure to comply with its safeguards obligations. However, given Iraq's pattern of deceit, lies and obstruction, the United States was unable to accept that it had, by virtue of its letter of 7 July, declared all the nuclear material which it was required to report to the Agency. A point that could not be stressed too much was that the Government of Iraq had made its declarations of 7 July only after the inspection teams had uncovered evidence of Iraqi enrichment programmes, despite deliberate and repeated efforts by the Iraqi authorities to obstruct them. It was essential, therefore, that the Board demand that Iraq take all necessary steps to comply fully with its safeguards obligations and to co-operate wholeheartedly with the international inspection teams.

77. Whether Iraq had made a full disclosure with its letter of 7 July would only be known after the United Nations Special Commission had designated further locations for inspection and the Agency had conducted additional inspections pursuant to Security Council resolution 687(1991).

78. He recalled that under Article XII.C of the Statute, in the event of a State failing to take fully corrective action within a reasonable time to remedy its non-compliance with a safeguards agreement, the Board might take a number of measures, including suspension of the non-complying Member, in accordance with Article XIX of the Statute, from the exercise of the privileges and rights of membership.

79. In view of the importance and seriousness of the matter, an appropriate item should be included in the agenda for the September meetings of the Board and also in the agenda for the session of the General Conference following immediately thereafter.

80. Mr. ZHANG (China) said that the Agency's safeguards system was important in that it guaranteed the peaceful utilization of nuclear energy and had a vital role in preventing the proliferation of nuclear weapons. Every Member State therefore had a duty to support that system, to abide by the Statute and to fulfil its obligations under its safeguards agreement with the Agency. As a Member of the Agency, Iraq must in good faith fulfil its commitments under the safeguards agreement it had concluded with the Agency pursuant to NPT.

81. Mr. LEE (Canada) agreed with the Director General that it was not possible to be sure whether Iraq had declared all its nuclear facilities; what was certain was that truthful reporting was essential for safeguards. The large enrichment programme in Iraq had been clandestine and no confidence could be placed in the declaration that it was intended to serve peaceful purposes.

82. He had hoped that Iraq would provide some convincing explanations about its activities. The Governor from Iraq had argued at first that the Director General's statement had gone beyond the limits which had been established before the Board's meeting. His delegation thought, however, that it would not be an easy matter to divide the various aspects of Iraq's culpability between the competences of different forums. There was in any case incontrovertible evidence for Iraq's non-compliance with its safeguards obligations.

83. The second argument of Iraq was that it had now - for the last few days - been fulfilling its obligations. In that connection, he recalled the Director General's comment that the large enrichment facility discovered by the inspection team should have been placed under Agency safeguards much earlier.

84. Thirdly, the Governor from Iraq had read out selected portions from a number of documents, apparently in an endeavour to explain and excuse the fact that Iraq had flagrantly violated its safeguards agreement with the Agency. That recitation of the Statute had, in Canada's view, done nothing to clarify the very serious situation.

85. In the light of the information provided to the Board and the statements made by the Director General and various Governors, Canada endorsed and wished to sponsor the draft resolution in document GOV/2531.

86. Mr. WILSON (Australia) agreed with the conclusion in paragraph 13 of document GOV/2530 that Iraq had not fulfilled its obligation to accept safeguards on all nuclear material in all of its peaceful nuclear activities. From the information available to the Board it was clear that Iraq had failed to report to the Agency nuclear material in various forms of the composition and purity provided for in paragraph 9(c) of Article 34 of its safeguards

agreement with the Agency. As to the question of Iraq's obligation to inform the Agency under that Article, it should be clear that no limit applied to the nuclear material concerned: any amount of nuclear material at all had to be reported; thus the issue was not whether the material had now been inspected or not.

87. In view of the remarks in paragraph 14 of document GOV/2530, it was important for the Board not to base its conclusions only on what had come to light so far, since further instances of non-compliance might become known. The Board should therefore carefully consider all new information as it became available - for example through the gradual implementation of Security Council resolution 687(1991).

88. Despite Iraq's claim that its letter of 7 July to the IAEA constituted a corrective measure meeting the requirements of Article 19 of the safeguards agreement, Australia did not consider that Iraq had already remedied its non-compliance and called upon it to do so forthwith and to provide all information relevant to the application of safeguards in that country.

89. In its future examination of suitable actions which might be taken in accordance with Article XII.C of the Statute, the Board should consider maintaining the present suspension of technical assistance to Iraq imposed by the Security Council following the invasion of Kuwait. Such continued suspension would thus constitute an action taken by the Agency in response to Iraq's non-compliance with its safeguards obligations.

90. In view of the information contained in document GOV/2530, Australia and many other States represented on the Board strongly felt that the Board should take early, decisive action to reinforce the safeguards regime by the increased use of special inspections and by strengthening the requirements for the provision of design information by States. Australia would continue to support the strengthening of the international nuclear non-proliferation regime through NPT, and urged that early action be taken to enhance the effectiveness of Agency safeguards, particularly in the areas he had just mentioned.

91. Since Iraq's agreement with the Agency, contained in document INFCIRC/172, concerned safeguards in connection with NPT, Iraq had also failed to comply with its international obligations under that Treaty. He wished to

join other Governors in calling on Iraq to observe unconditionally and without delay its obligations under NPT and the safeguards agreement, and to comply immediately with the requirements of Security Council resolution 687(1991).

92. Australia considered that the Board's stand on the subject was well reflected in the draft resolution set out in document GOV/2531, of which it wished to be a co-sponsor.

93. Mr. NOWAK (Poland) pointed out that international action was needed in three areas. First, it was necessary to strengthen and ensure strict observance of international law. Non-compliance with NPT and the safeguards agreement in the present case was clearly a case of failure to abide by international law. Second, the non-proliferation regime must be strengthened. Iraq's failure to fulfil its commitments was a blow to safeguards. That was a serious matter, and, with regard to the attempts by the Governor from Iraq to explain and excuse his country's actions, the Polish delegation could only agree with the comments of the Governor from Canada. Third, it was essential to strengthen the Agency's role in the non-proliferation regime as part of a multilateral approach to that problem. In that context, he deplored Iraq's obstruction of the Agency's inspection missions and expressed his full confidence in the Agency and its Director General.

94. He therefore called upon Iraq to take urgent steps to remedy its non-compliance. The Board should adopt appropriate measures and continue its activities in that connection.

95. In conclusion, he said that Poland also wished to co-sponsor the draft resolution now before the Board.

96. Mr. ENDO (Japan) considered that the Government of Iraq must be condemned for its failure to report to the Agency the existence of nuclear material of the composition and purity specified in Article 34(c) of the safeguards agreement, and consequently for non-compliance with that agreement. He strongly urged the Iraqi Government to take all necessary steps to remedy its non-compliance as soon as possible.

97. At the same time, the Board should make every effort to discharge its responsibilities under the relevant articles of the Agency's Statute, and under Article XII.C it should report Iraq's non-compliance to the Security Council and General Assembly of the United Nations.

98. Furthermore, he wished to make a few comments in connection with the recent behaviour of the Iraqi Government. First, Iraq should submit, in full and without delay, all the information required under Security Council resolution 687(1991). There was no justification for the Iraqi Government's submission of information little by little.

99. Second, it was unacceptable that the Iraqi Government should try to justify its clandestine activities and its non-disclosure of information, as it had done in its letter of 7 July.

100. Third, he felt bound to express serious concern about the reported deception and obstruction by Iraqi authorities of the inspection activities of the UN/IAEA inspection team. The Government of Iraq must ensure the inspection team's full and unconditional access to any location.

101. Japan supported and wished to co-sponsor the draft resolution in document GOV/2531.

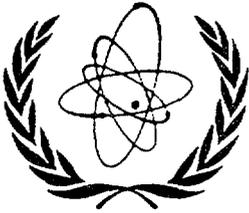
102. Mr. PENNAROLA (Italy) shared the concerns and views expressed by the Governors from the Soviet Union, France, the United Kingdom, the United States, China, Canada, Australia, Poland and Japan, and requested that his country's name be added as a co-sponsor of the draft resolution in document GOV/2531.

103. Mr. ALER (Sweden) observed that it was the first time in the history of the Agency that a Member State had been found not to have complied with its obligations under a safeguards agreement with the Agency. Under Article XII.C of its Statute, the Agency must react strongly and decisively to the non-compliance by Iraq, which was indeed a very serious matter. Furthermore, Iraq's non-compliance also threatened to undermine worldwide confidence in the non-proliferation regime and in the Agency's safeguards system.

104. Article XII.C was very clear about what actions the Agency should take in cases of non-compliance. His country fully supported the draft resolution contained in document GOV/2531, which was strictly in keeping with the Statute and with the Agency's mandate under Security Council resolution 687(1991), and would like to be one of its co-sponsors.

The meeting rose at 1 p.m.

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International Atomic Energy Agency

BOARD OF GOVERNORS

GOV/OR.759
26 July 1991

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RECORD OF THE SEVEN HUNDRED AND FIFTY-NINTH MEETING

Held at Headquarters, Vienna,
on Thursday, 18 July 1991, at 3.15 p.m.

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agenda*

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[*] GOV/2529.

8549e/801e
91-2998

Attendance

(The list below gives, for each delegation, the name of the senior member who participated in the meeting and that of any other member whose statement is summarized in this record.)

Mr. VILAIN XIII

Chairman (Belgium)[*]

Mr. MAFFEI	Argentina
Mr. WILSON	Australia
Mr. GLEISSNER	Austria
Mr. CARBONEZ	Belgium
Mr. OLIVEIRA TAVERES	Brazil
Mr. LEE	Canada
Mr. NIÑO DE ZEPEDA	Chile
Mr. DONG	China
Mr. ROSALES ARIAS	Cuba
Mr. RIHA	Czechoslovakia
Ms. TALLAWY	Egypt
Mr. TREMEAU	France
Mr. LOOSCH	Germany
Mr. BEKSHI	India
Mr. LOUHANAPESSY	Indonesia
Mr. ASSARPOUR	Iran, Islamic Republic of
Mr. AL-KITAL	Iraq
Mr. NOE	Italy
Mr. ENDO	Japan
Mr. BAKHAT	Morocco
Mr. UMAR	Nigeria
Mr. BELLO III	Philippines
Mr. NOWAK	Poland
Mr. BRANCO ALEIXA	Portugal
Mr. AL-ZAID	Saudi Arabia
Mr. ALER	Sweden
Mr. SANGIAMBUT	Thailand
Mr. AMMAR	Tunisia
Mr. KOSTENKO	Ukrainian Soviet Socialist Republic
Mr. TIMERBAEV	Union of Soviet Socialist Republics
Mr. CLARK	United Kingdom of Great Britain and Northern Ireland
Mr. NEWLIN	United States of America
Mr. LISSIDINI	Uruguay
Ms. DAVILA BARRIOS	Venezuela

Mr. BLIX	Director General
Mr. JENNEKENS	Deputy Director General, Department of Safeguards
Mr. SANMUGANATHAN	Secretary of the Board

[*] In the absence of Mr. Zelazny (Poland).

Attendance
(contd.)

Representatives of the following Member States attended the meeting: Algeria, Bolivia, Denmark, Finland, Greece, Hungary, Israel, Republic of Korea, Kuwait, Libyan Arab Jamahiriya, Malaysia, Mexico, Netherlands, New Zealand, Pakistan, Peru, Qatar, Spain, Switzerland, Yugoslavia.

Abbreviations used in this record

NPT Treaty on the Non-Proliferation of Nuclear Weapons

REPORT BY THE DIRECTOR GENERAL ON NON-COMPLIANCE BY IRAQ WITH ITS OBLIGATIONS UNDER THE SAFEGUARDS AGREEMENT CONCLUDED WITH THE AGENCY (GOV/2530) (continued)

1. Mr. LOOSCH (Germany) thanked the inspectorate, and most particularly the team working under Mr. Zifferero. Thanks to their expertise, efficiency and devotion to their work, the situation in Iraq with respect to the latter's non-compliance with its obligations under the safeguards agreement it had concluded pursuant to NPT was now clear. It was gratifying to know that the Agency could respond efficiently to such serious situations as the present one. He thanked the Secretariat for the information provided in document GOV/2530, and the Director General for his oral explanation during the previous meeting which had complemented and updated that document, particularly paragraph 14 thereof.

2. His delegation was in full support of the draft resolution contained in document GOV/2531. Operative paragraph 2 thereof was a proper response to the findings contained in document GOV/2530 and the Director General's statement, which showed that there had been clear non-compliance on the part of Iraq with a number of the provisions of the safeguards agreement set out in document INFCIRC/172. Under that agreement, as stated in Article XII.A of the Statute, the Agency was requested by the parties concerned to apply safeguards. That was the correct starting point for an understanding of Article XII, and the comments made by the Governor from Iraq during the morning meeting, when, by quoting parts of Article XII rather than looking at it as a whole, he had attempted to demonstrate that the present situation was not one that could legitimately be dealt with under that Article, were largely irrelevant. Operative paragraphs 3 and 4 of the resolution stemmed directly from the findings and from Article XII.C of the Statute. Paragraph 5 justly called upon Iraq to cease obstruction or interference with Agency inspection teams in their efforts to implement Security Council resolution 687(1991). The actions outlined in operative paragraph 6 were a necessary move in the present situation and, as operative paragraph 7 rightly implied, the matter would need to be reviewed at subsequent Board meetings and at the General Conference.

3. The activities of the Agency and international life in general rested upon the integrity of agreements entered into under international law. He therefore was in full support of the actions proposed in the draft resolution and asked to be named as a co-sponsor thereof.

4. Mr. KOSTENKO (Ukrainian Soviet Socialist Republic) thanked the Secretariat for the work it had done pursuant to Security Council resolution 687(1991), and for the document which had been produced on the issue.

5. Iraq's actions showed how fragile international diplomacy was, even when international agreements were in force. The whole structure of inter-governmental collaboration in the international organizations was founded on the assumption that States would subordinate their own national interests to international interests. In the context of the Agency, that meant it was assumed that States would direct their nuclear activities towards peaceful ends. International co-operation on the peaceful uses of nuclear energy entailed the united efforts of States working in the interests of all countries and peoples. Any break in that chain of mutual responsibilities required adequate action on the part of all interested States. Whatever excuses Iraq might put forward, claiming that it had failed to notify the Agency of certain parts of its nuclear programmes out of considerations of national security, it was clearly putting its own national interests above international interests.

6. His delegation agreed with the conclusions drawn in document GOV/2530, and lent its full support to the draft resolution which it also wished to co-sponsor.

7. It was to be hoped that the experience gained during the present situation would in future prevent anyone from placing their own narrow national interests above the interests of humanity.

8. Mr. GLEISSNER (Austria) thanked the Director General, his staff, and most especially the inspection team. The work had been done well but it was sad that a Member State had failed to comply with its obligations under a safeguards agreement. Austria saw the safeguards system as an essential tool for upholding NPT and one which, in recent times, was becoming ever more widely recognized. Thus, the actions of Iraq were not only a disservice to that country itself but flew in the face of international political trends.

9. The Director General and his staff had done their job. It was now up to the Board to take a decision. He thanked the five original sponsors of the draft resolution for having taken the initiative to submit it. Austria also wished to co-sponsor the resolution.

10. Truthfulness was the foundation of any inspection system, but where the statements of national authorities could not be trusted international authorities had to take verificatory action. It was to be hoped that, in time, an atmosphere of trust could be restored.

11. Mr. BRANCO ALEIXA (Portugal) associated himself with the views expressed by the speakers before him, thanked all those who had supported the resolution and declared that Portugal also wished to be considered a co-sponsor thereof.

12. Mr. CARBONEZ (Belgium) commended document GOV/2530 and the statement of the Director General in which he had listed the various ways in which Iraq had failed to comply with NPT. The explanations proffered by the Governor from Iraq had been unconvincing. He agreed with the Governor from France that an agreement which a country had signed should be respected both in spirit and to the letter. That had not been the case in the situation under discussion. Any failure to act in response to a situation of that kind might have the effect of opening the door to further violations. In conclusion, he expressed his support for the draft resolution and asked to be included as a co-sponsor.

13. Mr. AL-KITAL (Iraq) said that, as the Governor from Cuba had pointed out, the issue at hand was an important and complex one. He had already attempted to abide by the Chairman's directive to limit his observations to matters concerning the safeguards agreement and pertinent articles in the Statute, and he had cited precedents of non-compliance. Some Governors were not satisfied with those explanations.

14. When the political mind had fixed upon a certain course of action, people would not listen because they had already decided what action they would take. The Governor from the USSR had even said that he (Mr. Al-Kital) had not referred to the safeguards agreement in his statement, which was not the case. The Governor from the United States of America had made personal

remarks which were more applicable to what that Governor himself had said. The political aims of the United States were clear. That country was bent on inciting unrest in Iraq and was even encouraging the Iraqi army to take over in Baghdad, thus furthering the aims of the United States' Government. There was an Arabic saying to the effect that, whatever people said, they would in the end do what they wanted to, and it was clear that, whatever explanations he offered, the resolution would be passed. The Governor from the United Kingdom had referred to the facility at Ash Sharqat. There was no such facility. There was indeed a building, but there was no equipment in it. Nor had equipment been removed from it. There had never been any there.

15. Several Governors had said that Iraq should comply with its obligations but nobody had said what that meant. Iraq had informed the Agency of the extent of its nuclear activities and had opened its facilities for inspection. He had also explained the Iraqi Government's interpretation of the safeguards agreement. As far as he could see, Iraq had thereby taken the necessary corrective action. What else was required? As yet nobody had said what still remained to be done.

16. As he had already stated, the conditions for the application of Article XII of the Statute had not been met. No inspection mission had been sent to Baghdad in connection with the application of Article XII. There had been no report of any kind. There had not been enough discussions between the Iraqi authorities and the Agency. The situation had been quickly prejudged, and sometimes on the basis of speculations. Various speculative remarks had been made in the media as to how much enriched uranium Iraq might have produced. He had never known judgements to be passed on the basis of speculations. Comments had also been made to the effect that a uranium enrichment facility in Iraq would have been ready for operation within 18 months. Under the safeguards agreement, Iraq was required to inform the Agency of the specifications of the facility only six months prior to the introduction of nuclear material. Why did the many speculations never conclude that Iraq might comply with that obligation in time?

17. The resolution which had been submitted did not comply with the Board's Provisional Rules of Procedure. It should have been distributed 24 hours in advance and yet it bore the date 18 July. There were clearly political motives behind it. The language was not like that used in any other document relating to safeguards, or the language in the Statute, or indeed in any other document produced by the Agency. The word "deception" had no meaning. To be credible it should contain factual statements. It could, for instance, state that all nuclear facilities in Iraq, including those under Agency safeguards, had been destroyed or damaged by the aerial bombardment of the Allied forces led by the United States. An attack on a safeguarded nuclear facility was an attack on the safeguards system and its credibility and could not enhance it. Those were factual statements. It was irrelevant, under such circumstances, whether Iraq was in compliance with its safeguards agreement or not. He had never before seen a resolution which condemned a Government. That in itself was clear proof that the resolution reflected the political aims of the United States, the United Kingdom, and perhaps other Governments. The end of the resolution was an attempt to perpetuate the problem by reporting to the next session of the Board and the General Conference. That action was merely an excuse for keeping up the sanctions which had been imposed on Iraq and which prevented Iraq from receiving the humanitarian aid it required in its current situation, thus contributing to the suffering of the Iraqi nation. As for the proposed report to the Security Council, the Director General had already reported the matters in question to that body. The resolution was clearly political and there was no basis for it in the Agency's Statute. He called upon all Governments to look at the issue without political prejudice and thus prevent a situation where the Agency would be plunged into political turmoil.

18. Mr. NEWLIN (United States of America), replying to the comments made by the Governor from Iraq, said he was sorry if that Governor had interpreted his comments as a personal attack. They had not been so intended but had been directed solely at the statement which he had made - a statement which, presumably, had been prepared and delivered on the instructions of his Government. His criticisms had been criticisms of the substance of that statement and had not been intended as personal remarks.

19. The DIRECTOR GENERAL said that the Governor from Iraq had discussed at length two cases which the Board had dealt with in the past. They were not comparable with the present case, which was not simply a failure to report nuclear material. There had been an attempt to conceal a major programme for the enrichment of uranium in ways which had eventually become flagrant. It was good that Iraq was now helping the inspection team to clarify the situation, and that a good deal of information was now being provided under resolution 687(1991) - information which should have been submitted much earlier by Iraq in order to comply with its obligations under the safeguards agreement. That recent information did not, however, remove his duty to report to the Board the non-compliance of which he had seen evidence and which he thought the Board must assess and take action on.

20. Article XII.C had been referred to. It reflected the manner in which the framers of the Statute had thought non-compliance would be uncovered - through discovery by inspection. Had it not been for the excellent work of the Agency inspection teams working pursuant to Security Council resolution 687(1991), Iraq might never have made its declaration of 7 July 1991. That declaration had been given too late, to be sure, but it demonstrated unequivocally that Iraq had failed to comply with its obligations under Articles 8(a), 34(c) and 42 of the safeguards agreement contained in document INFCIRC/172.

21. The fact that Article XII.C did not specifically envisage a scenario such as the present one, where the non-compliance had become evident as a result of a declaration made by the State, did not mean that the Director General should refrain from reporting such non-compliance to the Board, nor did it mean that the Board could not take action. The Agency was acting not on speculation but on the declaration by Iraq. The purpose of Article XII.C was to ensure that the Agency could react against non-compliance. That was in fact what the Board was now doing.

22. The CHAIRMAN, referring to the comment made by the Governor from Iraq, said that the text of the draft resolution had been distributed during the course of the previous day and that the date which appeared on the top of document GOV/2531 was clearly a mistake.

23. He had been approached by the co-sponsors of that resolution, who had requested, in accordance with Rule 31 of the Provisional Rules of Procedure, that operative paragraph 2 thereof be amended to read as follows:

"2. Condemns this non-compliance by the Government of Iraq with its safeguards agreement".

He noted that the full list of co-sponsors for the resolution in its amended form included, apart from the original sponsors, Austria, Canada, the Czech and Slovak Federative Republic, Italy, Japan, Poland, Sweden, Germany, the Ukrainian Soviet Socialist Republic, Austria, Portugal and Belgium.

24. He asked whether the Board was ready to proceed to a vote on the draft resolution contained in document GOV/2531, with the amended operative paragraph 2 which he had read out.

25. Ms. TALLAWY (Egypt) said that, before proceeding to a vote on the draft resolution, delegations should be given an opportunity to examine it. With the consent of the Chairman, she proposed to make a few comments.

26. She thanked the authors of the draft resolution, and stated that a preliminary version of the draft, slightly different from the one before the Board, had in fact been circulated to her during the previous afternoon. However, it was regrettable that consultations had not been held on the draft resolution so as to give delegations the chance of expressing their viewpoint and proposing amendments where necessary. She hoped that such situations could be avoided in future.

27. Doubtless the five permanent members of the Security Council had responsibilities with respect to world peace and security, but the other Members of the Agency and the members of the Board of Governors also had responsibilities, and it was not in the interest of the United Nations or the Agency to limit the exercise of those responsibilities to the five Member States in question.

28. With respect to the draft resolution itself, both its preamble and its operative section were unnecessarily long. For example, preambular paragraph (c), which referred to Security Council resolution 687(1991) was unnecessary since the agenda for the meeting only mentioned the Agency's safeguards system.

29. The sponsors had agreed to make an amendment to operative paragraph 2 which the Chairman had read out. She thanked them for having accepted that slight amendment, though it did not correspond entirely to the version she had proposed.

30. The Egyptian delegation would not oppose the adoption of the draft resolution, but she requested that her objection with respect to the lack of consultations be taken note of.

31. The CHAIRMAN apologized to the Governor from Egypt. He had not at any point intended to prevent her or any other members of the Board from taking the floor before or after the ballot. Such interventions were, moreover, provided for under Article 42 of the Provisional Rules of Procedure, which stated that any member of the Board who wished to explain his or her vote before or after the ballot had the right to do so. Such comments would then be duly reflected in the summary record of the meeting.

32. At the request of the Governor from Iraq, a roll call vote was taken on the draft resolution contained in document GOV/2531, as modified orally by the Chairman.

33. Venezuela, having been drawn by lot by the Chairman, was called upon to vote first.

34. The result of the vote was as follows:

In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Czechoslovakia, Egypt, France, Germany, India, Indonesia, Islamic Republic of Iran, Italy, Japan, Philippines, Poland, Portugal, Saudi Arabia, Sweden, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Iraq.

Abstaining: Cuba, Nigeria, Tunisia.

35. There were 29 votes in favour and 1 against, with 3 abstentions. The draft resolution contained in document GOV/2531, as modified orally by the Chairman, was adopted.

36. Mr. ROSALES ARIAS (Cuba) reiterated the position of his delegation on the issue. That position was well known and had been stated before both the Board of Governors and the United Nations Security Council. Cuba had instantly condemned Iraq for the occupation of Kuwait and had demanded its immediate withdrawal. In particular, the Cuban delegation had made a long statement during the meeting in May on resolution 687(1991) and its implementation. Cuba had abstained on the present occasion because no clear explanation had been given as to what kind of violation had occurred, and because the information before the Board was incomplete. Both the preambular and operative paragraphs of the resolution mixed together various subjects which were not necessarily related to the issue at hand. The Cuban delegation had moreover not received a satisfactory reply to various important questions it had asked during the course of the morning meeting.

37. Mr. AL-KITAL (Iraq) said that he wished the following comments to be noted for the record. Iraq, which he had had the honour of representing in the Board of Governors for several years, had not spared any effort, despite circumstances, to prevent the Agency from falling into a political rut. If one analysed the documents from the Board of Governors and the General Conference since 1980, it was clear that that could have been avoided. Noting with regret that the Agency had finally allowed itself to be entirely politicized by adopting a draft resolution of the kind it had just approved, he requested, first of all, that all of his interventions, whether or not he had provided a written text, should be reproduced in extenso in the summary records of the meetings and, secondly, that all the documentation on the meeting, as well as the draft resolution, be communicated to the Security Council, the General Assembly and any other competent body.

38. The CHAIRMAN assured the Governor from Iraq that all his statements, as with all statements made in the Board, would be duly reflected in the summary records of the discussions.

39. Mr. AL-ZEID (Saudi Arabia), explaining his vote, said that the commitment of his country to world peace was well known. Saudi Arabia was determined to prevent the proliferation of weapons of mass destruction, particularly in the Middle East, and the development of armaments-related

nuclear activities in all countries in the region, particularly in Israel. He therefore requested that the Agency provide the members of the Board with all the available information on Israel's nuclear activities, whether peaceful or military in nature.

40. Mr. ASSARPOUR (Islamic Republic of Iran) said that he had voted for the draft resolution, but he felt that no country should receive special treatment. Consequently, he requested that the Director General send a team to Israel to draw up a report to be submitted to a special meeting of the Board of Governors for examination and action.

41. The CHAIRMAN, there being no further speakers, thanked the Director General and his staff on behalf of the members of the Board for having convened the meeting in order to bring to the Board's attention the highly important information it had just received, thus enabling it to meet its responsibilities in a particularly serious situation. He also thanked all the members of the Board for the support they had given him during the course of the discussions.

The meeting rose at 4.20 p.m.

PART OF THE OPENING STATEMENT MADE IN THE BOARD
BY THE DIRECTOR GENERAL ON 11 SEPTEMBER 1991

The DIRECTOR GENERAL recalled that in June 1991 he had reported to the Board on the measures taken by the Agency pursuant to Security Council Resolution 687, and that he had also, following the first three inspections, informed the Board of his conclusion that Iraq was failing to comply with its obligations under the safeguards agreement it had concluded with the Agency (document GOV/2530 of 16 July 1991). On 18 July 1991 the Board had adopted a resolution (set out in document GOV/2532) in which it recorded its conclusion that Iraq had in fact failed to comply with its obligations.

He recalled further that, on the basis of the investigations carried out by the fourth inspection team and information provided by Iraqi authorities, he had submitted a further report on 9 August 1991 (GOV/2530/Add.1) concerning other cases in which Iraq had failed to comply with its obligations, notably in relation to the undeclared production of plutonium in a safeguarded facility and the subsequent separation of the produced plutonium.

In recent communications addressed to the United Nations and the Agency, Iraq had sought to belittle its failure to declare the production and separation of plutonium, and had asked what more was required for it, Iraq, to be considered in full compliance with its safeguards obligations. Those two points called for a number of comments.

With regard to the irradiation of undeclared nuclear material in the IRT-5000 reactor, the Agency was unable to accept the attempt to conceal the production of plutonium in specially designed units containing nuclear material under the cover of radioisotope production. The production of units containing natural uranium, as well as their irradiation and reprocessing, should have been declared to the Agency under the safeguards agreement. The reports required to be submitted under the agreement could not be replaced by the publication of research results in scientific journals or in the annual reports of the Atomic Energy Commission - even if copies of them were sent to

the Agency's library. The fact that the amount of plutonium produced had been insignificant did not justify the failure to report. Whatever the amount produced might be, the development and testing of any plutonium production and separation programme was significant. The argument that quantities of plutonium similar to those produced in Iraq were produced in numerous laboratories throughout the world without attracting the Agency's interest also had to be rejected. Undoubtedly the nuclear materials involved in similar experiments, if carried out in safeguarded facilities, were properly recorded and reported to the Agency.

As to the second question - When could Iraq be considered in full compliance with its safeguards obligations, and what more could it declare? - the following reply could be made. The Agency was not aware of any violations by Iraq of its safeguards agreement other than those which had gradually come known through inspections and through declarations by Iraq since inspections pursuant to Security Council Resolution 687 had begun. Nevertheless, in the face of a record of incomplete and conflicting information and deceptive action, the Agency was in no position to say that there was nothing further to declare. It was also by now very clear that Iraq had practised deception on a large scale to avoid detection. A great deal of work remained to be done before the whole of the Iraqi nuclear programme could be satisfactorily evaluated. Large gaps in the Agency's knowledge remained, particularly in the area of uranium enrichment by centrifuge. Manufacturing facilities had been found, but no coherent picture of the overall plan had emerged as yet. The origins of much of the material and of the technical skills displayed had still not been revealed, and the inspectors still had the feeling that many of the explanations offered were inadequate.

In addition to pursuing their investigations, the inspectors would have to continue their visits to Iraq with a view to monitoring the fuel and facilities that had to be removed or rendered harmless under the terms of Security Council Resolution 687. Negotiations concerning the removal of enriched uranium were in progress, and he wanted to thank the Governments that had helped to facilitate those negotiations.

The Agency had been requested to prepare a plan, under the terms of Security Council Resolution 687, for long-term monitoring of Iraq's nuclear

activities. A preliminary plan had been submitted before 1 August, as requested by the Security Council, but since Security Council Resolution 707 had in the meantime imposed even more stringent restrictions than Resolution 687 on the activities which Iraq was entitled to undertake in the nuclear field, the plan had had to be substantially revised. The Agency was at present putting the finishing touches on a revised long-term plan for monitoring and verification of Iraq's nuclear activities.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/707 (1991)
15 August 1991

RESOLUTION 707 (1991)

Adopted by the Security Council at its 3004th meeting,
on 15 August 1991

The Security Council,

Recalling its resolution 687 (1991), and its other resolutions on this matter,

Recalling the letter of 11 April 1991 from the President of the Security Council to the Permanent Representative of Iraq to the United Nations (S/22485) noting that on the basis of Iraq's written agreement (S/22456) to implement fully resolution 687 (1991) the preconditions established in paragraph 33 of that resolution for a cease-fire had been met,

Noting with grave concern the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General, conveying information obtained from the Executive Chairman of the Special Commission and the Director-General of the IAEA which establishes Iraq's failure to comply with its obligations under resolution 687 (1991),

Recalling further the statement issued by the President of the Security Council on 28 June 1991 (S/22746) requesting that a high-level mission consisting of the Chairman of the Special Commission, the Director-General of the IAEA, and the Under-Secretary-General for Disarmament Affairs be dispatched to meet with officials at the highest levels of the Government of Iraq at the earliest opportunity to obtain written assurance that Iraq will fully and immediately cooperate in the inspection of the locations identified by the Special Commission and present for immediate inspection any of those items that may have been transported from those locations,

Dismayed by the report of the high-level mission to the Secretary-General (S/22761) on the results of its meetings with the highest levels of the Iraqi Government,

Gravely concerned by the information provided to the Council by the Special Commission and the IAEA on 15 July 1991 (S/22788) and 25 July 1991 (S/22837) regarding the actions of the Government of Iraq in flagrant violation of resolution 687 (1991),

Gravely concerned also by the evidence in the letter of 7 July 1991 from the Minister of Foreign Affairs of Iraq to the Secretary-General and in subsequent statements and findings that Iraq's notifications of 18 and 28 April were incomplete and that it had concealed activities, which both constituted material breaches of its obligations under resolution 687 (1991),

Noting also from the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General that Iraq has not fully complied with all of its undertakings relating to the privileges, immunities and facilities to be accorded to the Special Commission and the IAEA inspection teams mandated under resolution 687 (1991),

Affirming that in order for the Special Commission to carry out its mandate under paragraph 9 (b) (i), (ii) and (iii) of resolution 687 (1991) to inspect Iraq's chemical and biological weapons and ballistic missile capabilities and to take possession of them for destruction, removal or rendering harmless, full disclosure on the part of Iraq as required in paragraph 9 (a) of resolution 687 (1991) is essential,

Affirming that in order for the IAEA, with the assistance and cooperation of the Special Commission, to determine what nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to them need, in accordance with paragraph 13 of resolution 687 (1991), to be destroyed, removed or rendered harmless, Iraq is required to make a declaration of all its nuclear programmes including any which it claims are for purposes not related to nuclear-weapons-usable material,

Affirming that the aforementioned failures of Iraq to act in strict conformity with its obligations under resolution 687 (1991) constitutes a material breach of its acceptance of the relevant provisions of resolution 687 (1991) which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region,

Affirming further that Iraq's failure to comply with its safeguards agreement with the International Atomic Energy Agency, concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, as established by the resolution of the Board of Governors of the IAEA of 18 July 1991 (GOV/2532), 1/ constitutes a breach of its international obligations,

1/ A/45/1037; S/22812, appendix.

Determined to ensure full compliance with resolution 687 (1991) and in particular its section C,

Acting under Chapter VII of the Charter,

1. Condemns Iraq's serious violation of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to cooperate with the Special Commission and the IAEA, which constitutes a material breach of the relevant provisions of resolution 687 which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region;

2. Further condemns non-compliance by the Government of Iraq with its obligations under its safeguards agreement with the International Atomic Energy Agency, as established by the resolution of the Board of Governors of 18 July, which constitutes a violation of its commitments as a party to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

3. Demands that Iraq

- (i) provide full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 km, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material, without further delay;
- (ii) allow the Special Commission, the IAEA and their Inspection Teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect;
- (iii) cease immediately any attempt to conceal, or any movement or destruction of any material or equipment relating to its nuclear, chemical or biological weapons or ballistic missile programmes, or material or equipment relating to its other nuclear activities without notification to and prior consent of the Special Commission;
- (iv) make available immediately to the Special Commission, the IAEA and their Inspection Teams any items to which they were previously denied access;
- (v) allow the Special Commission, the IAEA and their Inspection Teams to conduct both fixed wing and helicopter flights throughout Iraq for all relevant purposes including inspection, surveillance, aerial surveys, transportation and logistics without interference of any kind and upon such terms and

/...

conditions as may be determined by the Special Commission, and to make full use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission;

- (vi) halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes until the Security Council determines that Iraq is in full compliance with this resolution and paragraphs 12 and 13 of resolution 687 (1991), and the IAEA determines that Iraq is in full compliance with its safeguards agreement with that Agency;
- (vii) ensure the complete implementation of the privileges, immunities and facilities of the representatives of the Special Commission and the IAEA in accordance with its previous undertakings and their complete safety and freedom of movement;
- (viii) immediately provide or facilitate the provision of any transportation, medical or logistical support requested by the Special Commission, the IAEA and their Inspection Teams;
- (ix) respond fully, completely and promptly to any questions or requests from the Special Commission, the IAEA and their Inspection Teams;

4. Determines that Iraq retains no ownership interest in items to be destroyed, removed or rendered harmless pursuant to paragraph 12 of resolution 687 (1991);

5. Requires that the Government of Iraq forthwith comply fully and without delay with all its international obligations, including those set out in the present resolution, in resolution 687 (1991), in the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 and its safeguards agreement with the IAEA;

6. Decides to remain seized of this matter.
