

DRAFT

**NOTES FOR THE BRIEFING TO THE SECURITY COUNCIL
28 OCTOBER 2002**

HANS BLIX, Executive Chairman, UNMOVIC

1. UNMOVIC is a **subsidiary** organ of the Council and will seek to implement whatever the Council instructs it to do. However, we appreciate the opportunities we have had to provide comments from the practical viewpoint of the inspectors to members and the opportunity now given to us to make further comment to this informal meeting and answer questions.

2. There has been some discussion whether a **new resolution** is needed. I think there is agreement that, **from the legal point of view, no new text would be required to allow inspections to resume.** However, there is also nothing to preclude a resolution. In my view, it might be natural to have one, when we are hopefully starting a new chapter.

After the welcome declaration by Iraq that it was again willing to accept inspections without preconditions, I have also sensed a wish among many delegations to **strengthen the hand** of the inspectors and that the Council would not tolerate any **'cat and mouse'** games.

3. What Dr. ElBaradei and I achieved in our Vienna talks with an Iraqi delegation was important but more modest than what the Council is now engaged in. We were **not seeking a new 'agreement'**. Rather, we wanted to make sure that we and the Iraqi side saw eye-to-eye on a number of practical arrangements required for the implementation of the Security Council's resolutions.

We felt it was better to have discussions outside Iraq in advance of inspections than inside after we have resumed inspections. The Iraqi side shared that view and we did clarify a number of points. **Most** of these have been **confirmed** through two subsequent letters from the Iraqi side. It would be welcome if the

Iraqi side could fully **endorse the letter** of 8 October from Dr. ElBaradei and myself. In any case, I welcome the authoritative support of the arrangements listed in our letter in the draft resolutions now discussed within the Council.

4. With regard to the resolutions now considered, let me stress that from the inspectors' horizon **Council unity** is of the greatest importance. We have difficulty in acting with full strength, if we feel that we do not have the backing of the whole Council.

5. By '**backing**' I mean full support and readiness to exercise the influence that may be necessary to ensure the implementation of its resolutions. This readiness must be there not only the first month but also over time. **Council 'fatigue'** could be fatal for effectiveness.

6. It is true that an **Iraqi acceptance** of the resolution is by no means needed to make it legally binding. Considering on the other hand that for several years Iraq chose to regard Res. 1284 (1999) as irrelevant and that Res. 687 (1991) was followed by an exchange of letters through which Iraq expressly agreed to some fundamental practical rules and arrangements for the operation of inspection, it would not seem unnatural that acceptance of the resumed inspection regime be expressly acknowledged as a sign that a new chapter is started between Iraq and the Council.

7. It would seem to me that a new **declaration** would provide Iraq an opportunity to take a serious look at its stocks and stores and to present anything proscribed. It would be in line with the original concept of Res. 687 (1991), which called upon Iraq to **declare** and UNSCOM and the IAEA to **verify**. It requires a more active role of Iraq than that of opening doors and allowing itself to be searched. The references to unmanned aerial vehicles (UAVs) and dispersal systems are timely and welcome.

A declaration regarding **weapons programme** should be possible within 30 days and the same should be true for declaring remaining permitted peaceful **nuclear** programmes (op.3). To declare all other **chemical** programmes in a country with a fairly large chemical industry, as well as other biological programmes might be more problematic in a short time.

8. I turn to **access to sites**.

It was clarified at our Vienna discussions that there would be no special ‘modalities’ for so-called **sensitive sites**. This is confirmed in the draft resolution. That is welcome. It is also welcome that express reference is made to ‘**means of transport**’ and sites ‘**underground**’.

UNMOVIC and the IAEA are at present bound, under para. 11 of Res. 1284 to apply the MOU of 1998 concerning **eight Presidential sites**. While these sites are thus **not off limits** for inspection, access to them is **not ‘immediate’**. Dr. ElBaradei and I wrote in our letter that if these sites were made subject, as all other sites, to immediate access, we would conduct inspections there with the **same professionalism** as in all these other sites. This is what is now foreseen under the draft resolution.

9. The draft resolution prescribes that Iraq shall provide UNMOVIC and the IAEA **access to officials or other persons for interviews** pursuant to any aspect of their mandates and that this shall occur in the mode or location chosen by the organizations. I understand this to mean that we can request Iraq to find the relevant persons and **assist in bringing them** to a place of our choice for the interview and that it is open to us to decide to hold the interview **without any official present** to avoid any risk of intimidation. We are aware, however, that, for various possible reasons, some of the persons thus asked for interviews **might decline to speak with us in private** or to speak at all.

I understand that the provision (in op. 5) under which UNMOVIC or the IAEA might “**facilitate the travel of those interviewed** and family members **outside of Iraq**” is an **authorization** rather than a mandate. There would be great **practical difficulties** in using such authority, unless there was cooperation by the Iraqi side.

10. I take it that the provision in op. para. 7 about UNMOVIC and IAEA determining the **composition of their inspection teams** does not mean any deviation from the provisions of Res. 1284, which enjoins us to look to professional competence and a broad geographical recruitment. If so, perhaps the provision is **redundant**. By contrast, the protection given to our staff in the following sentence about **immunities** is welcome, though I am happy to **note** that there was no significant case in the past when it would have been needed.

11. I fully understand the need for “**freezing a site**” referred to in draft para. 7. The inspectors must be able to take measures ensuring that nothing is changed in or taken out of a site being inspected.

12. I welcome that Member States are recommended to give full support to UNMOVIC and the IAEA, inter alia, by providing information and recommendation of sites to be inspected and persons to be interviewed. I think we might be able to determine, without guidance, the **conditions** of the interviews and what data to collect. I take it that, as in the past, **only significant results will be reported** to the Council.

13. The provision I have referred to touches upon some of the most sensitive and difficult parts of our future activities. Access to sites is vital but it must be **coupled with information** about what sites may be relevant. We have much information ourselves, from the past, from satellite images, from the recently delivered semi-annual monitoring declarations and from open sources. However, this information needs to be supplemented by recommendations from **Member States’ intelligence**.

The providers of such information can legitimately require that we be organized and operate in such a fashion that there are no leakages and that no sources are endangered. They cannot, however, expect us to conform to a **common two-way pattern** of exchange. We are **not** engaged in some **quid pro quo activities**. Their governments have a direct interest in our going the most interesting sites and objects for inspection. This is the most important gain that what we and they can get out of our cooperation.

To achieve this, we must, as we have noted earlier, be able at least to have a **dialogue** in which we tell our providers what particular information we are interested in. **What goes beyond** that is difficult to define and must, I think, be left to our judgement to decide in particular matters. It is clear that our **mandate** is limited to weapons of mass destruction and that we have **no business to look for conventional weapons** other than when they are relevant for WMDs, e.g. bombs or warheads as munitions for WMDs.

14. Some comments on **reports by UNMOVIC and the IAEA to the Council** regarding “interference by Iraq with inspection activities” and any

“failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections”.

We are fully aware that such paragraphs place a very **great responsibility** upon us. Our reports must be as **accurate and objective** as is at all possible. However, I will not agree with an interpretation suggesting that we have peace and war in our hands. **We report.** It is the Security Council and its Members who decide.