

The Security Council,

Recalling all its previous relevant resolutions, in particular its resolutions 661 (1990), 678 (1990), 686 (1991), 687 (1991), 688 (1991), 699 (1991), 707 (1991), 715 (1991), 986 (1995), 1060 (1996), 1154 (1998) and 1284 (1999) and all the relevant statements of its President,

Reaffirming also its resolution 1382 (2001) and its intention to implement it fully,

Recognizing the threat Iraq's noncompliance with Security Council resolutions and proliferation of weapons of mass destruction and long-range missiles pose to international peace and security,

Deploring that Iraq repeatedly put obstacles to immediate, unconditional and unrestricted access to sites designated by the United Nations Special Commission (UNSCOM), failed to cooperate fully and unconditionally with UNSCOM and International Atomic Energy Agency (IAEA) weapons inspectors, as required by resolution 687 (1991), ultimately ceased all cooperation with UNSCOM and IAEA after december 1998,

Noting with grave concern the absence in Iraq of any international monitoring, inspection and verification body with regard to weapons of mass destruction and ballistic missiles since december 1998, in spite of the Security Council's repeated demands that Iraq provide immediate, unconditional and unrestricted access to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) established in resolution 1284 (1999) as the successor organization to UNSCOM, and the IAEA,

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

Commending the Secretary General and the secretary general of the league of arab states for their unrelenting efforts,

Taking note of the letter dated 16 september 2002 of the minister of foreign affairs of the republic of Iraq (S/2002/1034) in wich Iraq accepts the return of the United Nations weapons inspectors to Iraq without conditions,

Welcoming the efforts of the Executive Chairman of UNMOVIC and the Director General of IAEA, and taking note of the agreement reached in Vienna on the practical arrangements necessary for the immediate resumption of inspections in accordance with the provisions of the relevant resolutions, on the basis of the proposals made by UNMOVIC and IAEA,

Taking note in this regard of the letters dated 8 October 2002 and transmitted by the Executive Chairman of UNMOVIC and the Director General of IAEA to General Al-Saadi of the Government of

Iraq, and expressing the gravest concern at the failure by the Government of Iraq to provide unequivocal confirmation of the arrangements as laid out in that letter,

Underlying that full cooperation of Iraq with UNMOVIC and the IAEA would be a first step towards a comprehensive settlement based on full implementation of all relevant resolutions of the Council, full compliance by Iraq of its obligations in the field of disarmament, and opening the way to ending the prohibitions referred to in Council's resolution 687,

Recalling that, in its resolution 687 (1991), the Council decided that, upon official notification by Iraq of its acceptance of the provisions of this resolution, a formal cease-fire will be effective between Iraq and Kuwait and the Member States cooperating with Kuwait in accordance with resolution 678 (1990),

Recalling also that, in its resolution 687 (1991), the Council decided to remain seized of the matter and to take such further steps as may be required for the implementation of this resolution and to secure peace and security in the region,

Determined to secure full compliance with its relevant resolutions, in particular its resolutions 687 (1991) and 1284 (1999),

Reiterating the commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq, Kuwait and other neighbouring States,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns Iraq's failure to comply with its obligations under relevant resolutions, including resolutions 687 (1991) and resolution 1284 (1999), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 4 and 9 of resolution 1284 (1999) ;

2. Decides that, in order to facilitate the establishment by UNMOVIC and IAEA of their work programme as referred to in Security Council's resolution 1284 (1999), Iraq shall provide within 30 days a complete, detailed and updated declaration of all its past programmes and remaining capacities to develop weapons of mass destruction and ballistic missiles with a range greater than 150 km, as well as, if UNMOVIC or IAEA so wishes to facilitate the discharge of their mandate, non prohibited items such as aerial unmanned vehicles or dispersal systems designed for use on aircraft, and of any holding and precise locations of such weapons, their components, sub-components, stocks of agents, and related material and equipment, the location and work of its research, development and production, including any which it

claims are for purposes not related to weapon production or material ;

3. Decides that Iraq shall provide UNMOVIC and IAEA immediate, unconditional and unrestricted access in Iraq to any and all areas, facilities, equipments, records, means of transport which UNMOVIC and the IAEA wish to inspect as well as to all officials and other persons under the authority of the Iraqi Government whom UNMOVIC and the IAEA wish to interview so that both organs may fully discharge their mandate ;

4. Endorses the 8 October 2002 letter from the Executive Chairman of UNMOVIC and the Director General of IAEA to General Al-Saadi of the Government of Iraq, which is annexed hereto, and decides that the letter shall be binding upon Iraq ;

5. Decides that, in view of the prolonged interruption by Iraq of the presence of UNMOVIC and IAEA and in order for them to accomplish the tasks set forth in paragraph 3 above, the Security Council hereby establishes the following revised or additional procedures to facilitate their work in Iraq :

i) UNMOVIC and IAEA shall determine the personnel on their inspections teams, and all their personnel shall enjoy the privileges and immunities corresponding to those of experts on mission ;

ii) UNMOVIC and IAEA shall have unrestricted rights of entry into and out of Iraq, the right to free, unrestricted and immediate movement to and from inspections sites, and the right to inspect any sites and buildings, and the Executive Chairman of UNMOVIC shall improve the necessary modalities to ensure the full implementation of the provisions of the memorandum of understanding (S/1998/166) endorsed by the Security Council in its resolution 1154 (1998) so as to allow UNMOVIC and IAEA teams immediate, unconditional and unrestricted access as referred to in paragraph 2 above ;

iii) UNMOVIC and IAEA shall have immediate, unrestricted and private access to all officials and other persons whom they wish to interview in the mode or location of UNMOVIC's or IAEA's choice pursuant to any aspect of their mandate, and that such interviews may occur without the presence of observers from the Iraqi government at UNMOVIC's or IAEA's discretion ;

iv) UNMOVIC and IAEA shall be provided regional bases and operating bases throughout Iraq, including offices for inspection teams in regions outside of Baghdad ;

v) UNMOVIC and IAEA shall have the right to be provided by Iraq the names of personnel associated to Iraq's chemical, biological, nuclear and ballistic missile programs and the associated research, development and production facilities ;

vi) UNMOVIC and IAEA shall have the right to declare for the purposes of freezing a site to be inspected no-fly/no-drive zones, exclusion zones, and/or ground and air transit corridors ;

vii) UNMOVIC and IAEA shall have the free and unrestricted use and landing of fixed and rotary winged aircraft, including unmanned reconnaissance vehicles ;

viii) UNMOVIC and IAEA shall have the right at their sole discretion verifiably to remove, destroy, or render harmless all prohibited weapons, subsystems, components, records, materials and other related items, and the right to impound or close any facilities or equipment for the production thereof ;

ix) UNMOVIC and IAEA shall have the right to unrestricted voice and data communications, including encrypted communications ; and

x) UNMOVIC and IAEA shall have the right to free import and use of equipment or materials for inspections and to seize and export any equipment, materials, or documents taken during inspections ;

6. Underlines that Iraq will be fully accountable for the safety of the teams of UNMOVIC and IAEA and decides that the security of UNMOVIC's and IAEA's bases shall be ensured by sufficient UN Security guards ;

7. Requests the Secretary General immediately to notify Iraq of this resolution, which shall be binding upon Iraq and demands that Iraq cooperate immediately, unconditionnaly and actively with UNMOVIC and the IAEA ;

8. Requests all member states to cooperate fully with UNMOVIC and IAEA, including for those with special capabilities in this field by providing them any information related to prohibited programs, in accordance with the procedures developped by UNMOVIC in this area ;

9. Supports the Secretary General in his ongoing efforts, in particular to ensure the implementation of this resolution, and expresses its full confidence and support for IAEA and its Director General, and UNMOVIC and its Executive Chairman, in the discharge of their mandate with all necessary professionalism and strictness ;

10. Directs the Executive Chairman of UNMOVIC and the Director General of IAEA to report immediately to the Council any serious failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections, under this resolution ;

11. Decides to convene immediately, upon reception of a report in accordance with paragraph 10 above, in order to

consider the situation and the needed steps to ensure full compliance with all of the relevant Security Council resolutions in order to restore international peace and security ;

12. Recalls, in that context, that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations ;

13. Confirms the full relevance of section D of resolution 1284 (1999) and its intention to act accordingly ;

14. Decides to remain seized of the matter.