

UNITED
NATIONS



Security Council

Distr.
S/1999/356
30 March 1999

ORIGINAL:
ENGLISH

LETTER DATED 27 MARCH 1999, FROM THE CHAIRMAN
OF THE PANELS ESTABLISHED PURSUANT TO THE NOTE BY THE PRESIDENT OF
THE SECURITY COUNCIL OF 30 JANUARY 1999 (S/1999/100) ADDRESSED TO
THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the note by the President of the Security Council (S/1999/100), I have the honour to attach the final report of the panel on disarmament and current and future ongoing monitoring and verification issues (annex I), which was adopted today, 27 March 1999.

As soon as the panel on humanitarian issues and the panel on prisoners of war and Kuwaiti property conclude their work, I will be ready to present the three reports to the Security Council.

(Signed) Celso L. N. AMORIM
Ambassador

Letter dated 30 March 1999 from the Chairman of the panels established pursuant to the note by the President of the Security Council of 30 January 1999 (S/1999/100) addressed to the President of the Security Council

With reference to the note by the President of the Security Council (S/1999/100) and to the letter dated 27 March 1999, which forwarded the report of the panel on disarmament and current and future ongoing monitoring and verification issues, I have the honour to attach herewith the final report of the panel on humanitarian issues (annex II), as well as the final report of the panel on prisoners of war and Kuwaiti property (annex III), which were adopted today, 30 March 1999.

As stated before, I am ready to present the three reports to the Security Council at an appropriate moment.

(Signed) Celso L. N. AMORIM
Ambassador

Annex I

REPORT OF THE FIRST PANEL ESTABLISHED PURSUANT TO THE NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL ON 30 JANUARY 1999(S/1999/100), CONCERNING DISARMAMENT AND CURRENT AND FUTURE ONGOING MONITORING AND VERIFICATION ISSUES

1. The panel on disarmament and current and future ongoing monitoring and verification issues, established pursuant to the note issued by the President of the Security Council on 30 January 1999 (S/1999/100), is submitting its report to the Security Council in accordance with paragraphs 1, 2, 3 and 4 of the aforementioned note.

I) Mandate, composition, working methods and plans of work

2. The panel was constituted in the context of increasing concern, among Security Council members, with the interruption of United Nations activities in Iraq in the area of disarmament/ongoing monitoring and verification, in particular since mid-December. During the discussions in the month of January, Security Council members felt that it was urgent to consider the parallel objectives of re-establishing an effective presence of the United Nations and the International Atomic Energy Agency (IAEA) in Iraq in the area of disarmament/prevention of development of proscribed weapons and addressing the humanitarian needs of the Iraqi people. In parallel, the issues of prisoners of war and Kuwaiti property were also brought to the fore.

3. On 30 January 1999, the Security Council decided that it would be useful to establish three separate panels on Iraq and to receive recommendations from them no later than 15 April 1999. In paragraph 2 of document S/1999/100, the Security Council invited Ambassador Celso L. N. Amorim of Brazil to chair each of the panels.

4. The constitution of the panel on disarmament and current and future ongoing monitoring and verification was defined in paragraph 4 of document S/1999/100, which reads as follows: "The first panel, on disarmament and current and future ongoing monitoring and verification issues, would involve the participation and expertise from the United Nations Special Commission, the International Atomic Energy Agency, the United Nations Secretariat, and any other relevant expertise. The panel would assess all the existing and relevant information available, including data from ongoing monitoring and verification, relating to the state of disarmament in Iraq".

5. As announced by the Chairman on 12 February 1999, the first panel was composed as follows: Ichiro Akiyama, Jacques Baute, Kaluba Chitumbo, Ron Cleminson, Rachel Davies, Jayantha Dhanapala, Charles Duelfer, Roberto Garcia Moritan, Gennady Gatilov, Gabriele Kraatz-Wadsack, Hideyo Kurata, Liu Jieyi, Johan Molander, Jack Ooms, Daniel Parfait, GianPiero Perrone, Horst Reeps, Paul Schulte, Tom Shea, and Nikita Smidovich.

6. The panel met from 23 to 27 February and from 22 to 27 March. Taking into account paragraph 3 of document S/1999/100, the Chairman held consultations with panel participants and members of the Security Council on appropriate working methods and plans of work. The panel decided that it should assess, from a technical point of view and a broad perspective, the work of the United Nations and IAEA in Iraq in the area of disarmament /ongoing monitoring and verification of proscribed weapons. To this end, the panel considered information from a variety of sources and heard short briefings on different aspects: (I) the ongoing monitoring and verification regime; (II) the export/import monitoring mechanism; (III) the nuclear, missile, chemical weapons and biological weapons areas; and (IV) overhead imagery.

7. In accordance with the note by the President of the Security Council, the main objective of the panel was "to make recommendations to the Security Council on how, taking into account relevant Security Council resolutions, to

reestablish an effective disarmament/ongoing monitoring and verification regime in Iraq. This mandate reflects the Security Council assessment that an effective presence of inspectors on the ground remains the most effective way to provide assurance that Iraq does not retain, acquire or rebuild its proscribed weapons programmes.

II) Introductory questions

8. The phrasing of the mandate (how... to re-establish", etc.) carries with it an implicit recognition that the task of getting inspector's back to Iraq is not self-evident. In effect, the panel has been asked to contribute to such an objective by devising technically feasible options which the Security Council may choose to implement. The panel recognized that the scope of its mandate implied that it would devise its recommendations from a technical, and not a political, point of view, while conceding that it could not ignore the political and indeed the legal context in which those deliberations were taking place. The panel deliberated against the background of discussions in the Council, where a number of proposals on how to address the present situation are still under consideration. On the one hand, a clear line had to be drawn between what is technical, and therefore germane to the panel's work, and what is political in its content, which is the exclusive province of the Security Council. On the other hand, the panel had to be conscious that some of the technical options may propitiate political consequences if the Security Council so decides.

9. In the context of the debate on the above mentioned proposals, the President of the Security Council for the month of January presented the following question to Council members: "while recognizing that there may be disarmament tasks to be carried out, wouldn't it be possible to perform those tasks, with a renewed approach, under a reinforced Ongoing Monitoring and Verification (OMV) system (With disarmament elements factored into it)?" This question helped to focus the discussions on ways to move forward in the short-term and may be viewed as being at the drigin of the establishment of the panel on disarmament/ongoing monitoring and verification. The same question was presented to panel members.

10. Always bearing in mind the mandate conferred upon it by the Security Council, the panel decided that it should first achieve an understanding of the current status of disarmament/ongoing monitoring and verification in that country. Such a discussion could neither be exhaustive nor excessively detailed, but a broad overview of the work undertaken by the United Nations and IAEA in Iraq to date, including their cooperative arrangements, was considered useful.

11. A further step was to evaluate, bearing in mind the basic elements of the OMV regime, as conceived in the plans approved by resolution 715, as well as the need of ensuring the full implementation of all relevant Security Council resolutions regarding Iraq, in particular resolutions 687, 707, 715 and 1051, the possibility of addressing remaining disarmament issues/areas of uncertainty through their integration into a reinforced OMV regime. By providing a satisfactory answer to the fundamental question of whether it is feasible to factor those outstanding issues into an OMV developed to its full potentiality, while avoiding policy judgements, the panel might be enlarging the scope of options for the Security Council.

III) Disarmament

12. Panel members had it clear that it was not their objective to evaluate, in its minute detail, every single aspect of each particular proscribed weapons area. Such an assessment had been made on a number of occasions by the competent institutions in charge of the disarmament/ongoing monitoring verification work in Iraq and is included in various reports to the Security Council, which were presented to the panel as part of the "existing and relevant Information available". Therefore, what follows is not an attempt to

summarize such assessments (much less to substitute for existing papers) but an indication of subjects discussed, in relation to which different shades of opinion were expressed.

13. The panel heard briefings by experts from the United Nations Special Commission (UNSCOM) and the IAEA on the current status of disarmament/ongoing monitoring and verification in the four proscribed weapons areas (nuclear, missiles, chemical, biological). These briefings were, concentrated on specific priority disarmament issues. In the case of UNSCOM this reflected its understanding of the desire of the Council to focus on selected important parts of the requirements of its resolutions. UNSCOM has decided to work on the basis of priority issues, setting aside other aspects such as proscribed weapons research and development activities, procurement, etc. The satisfactory resolution of these priority questions would considerably increase the level of confidence of UNSCOM's overall verification. If the priority issues are not satisfactorily resolved, then it is likely that the settlement of other outstanding disarmament issues will assume greater importance. The Iraqi Government provided the Chairman with some documentation with its views on the disarmament/ongoing monitoring and verification process. This documentation was also considered by the panel.

Nuclear Weapons

Achievements

14. The IAEA has been able, in the course of its eight years of extensive inspection activities, to develop a technically coherent picture of Iraq's clandestine nuclear programme covering the stages from the production and procurement of natural uranium compounds, through Iraq's development of enrichment processes, to the design and experimental work for the eventual weaponization of highly enriched uranium. Iraq's programme had been very well funded and was aimed at the development and production of a small arsenal of nuclear weapons, but there were no indications that Iraq had achieved its programme's objective. Most of the IAEA activities involving the destruction, removal and rendering harmless of the components of Iraq's nuclear weapons programme which to date have been revealed and destroyed were completed by the end of 1992. In February 1994, the IAEA completed the removal from Iraq of all weapon-usable nuclear material essentially research reactor fuel. On the basis of its findings, the Agency is able to state that there is no indication that Iraq possesses nuclear weapons or any meaningful amounts of weapon-usable nuclear material or that Iraq has retained any practical capability (facilities or hardware) for the production of such material.

Current status/remaining questions

15. In the nuclear weapons area, questions remain with regard to the lack of certain technical documentation, external assistance to Iraq's clandestine nuclear weapons programme and Iraq's abandonment of its nuclear weapons programme. However, the uncertainty deriving from those few remaining concerns does not present any technical impediment to the full implementation of the IAEA's OMV plan. Iraq has yet to adopt the necessary measures to implement its obligations under relevant Security Council resolutions and enact penal laws to secure their enforcement. This issue applies to the other proscribed weapons areas as well.

Proscribed Missiles

Achievements

16. With regard to items selected as key for the purpose of the verification of the material balance of proscribed missiles and related operational assets, UNSCOM was able to destroy or otherwise account for: (a) 817 out of 819 imported operational missiles of proscribed range; (b) all declared mobile launchers for proscribed Al Hussein class missiles, including 14 operational

launchers; the disposition of 9 of the 10 imported trailers used for the indigenous production of mobile launchers; and the destruction of 56 fixed missile launch sites; (c) 73 to 75 chemical and biological warheads of the declared 75 operational special warheads for Al Hussein class missiles; 83 of the 107 imported and some 80 of the 103 indigenously produced conventional warheads declared by Iraq to be in its possession at the time of the adoption of resolution 687.

17. As a means to compensate for Iraq's failure to present required evidence for the establishment of a material balance of the critical components for the indigenous production of proscribed missiles, UNSCOM has established a rough correlation between the total estimated weight of engine components and, the total weight of ingots and other remnants presented by Iraq as a result of its unilateral destruction. UNSCOM has also concluded that Iraq does not possess a capability to indigenously produce either BADR-2000 missiles or assets known as the 'Supergun'. UNSCOM has obtained a broad understanding of Iraq's efforts to develop a missile delivery system for nuclear weapons and a detailed picture of Iraq's procurement effort for its proscribed missile programmes.

Current status/remaining questions

18. In the missiles area, the main concerns mentioned during the briefing related to the determination whether or not the current assessment of the quantity of special warheads identified among the remnants excavated accounts for all special warheads declared to have been produced by Iraq or if the declaration is indeed correct. Satisfactory resolution of the following issues was considered essential for the achievement of a satisfactory material balance: a) the reasons why no remnants of 50 conventional warheads declared as unilaterally destroyed were recovered; b) accounting for proscribed propellants claimed to have been unilaterally destroyed; c) accounting for the unilateral destruction of seven indigenously produced missiles; d) accounting for the unilateral destruction of combustion chamber/nozzle assemblies for indigenously produced missiles.

Chemical Weapons

Achievements

19. UNSCOM has supervised or been able to certify the destruction, removal or rendering harmless of large quantities of chemical weapons (CW), their components and major chemical weapons production equipment as follows: (a) over 88,000 filled and unfilled chemical munitions; (b) over 600 tonnes of weaponized and bulk CW agents; (c) some 4,000 tonnes of precursor chemicals; (d) some 980 pieces of key production equipment; (e) some 300 pieces of analytical instruments. The prime CW development and production complex in Iraq was dismantled and closed under UNSCOM supervision and other identified facilities have been put under monitoring. It was pointed out that UNSCOM has been able to establish material balances of major weapon-related elements of Iraq's CW programme only on the basis of parameters as declared by Iraq but not fully verified by UNSCOM.

20. UNSCOM has been able to make considerable progress in the verification of other CW-related activities in Iraq, among them the uncovering of Iraq's VX project, CW research and development projects, Iraq's procurement network and efforts for its CW programme. On the basis of all these findings, UNSCOM obtained a good understanding of the major parameters of Iraq's CW programme.

Current status/remaining questions

21. In the chemical weapons area it was noted during the briefing that satisfactory resolution is required especially with regard to: a) discrepancies with Iraq's declarations on the expenditure of CW munitions in the 80s, as indicated by figures contained in a document detailing consumption

of special munitions by Iraq; b) evidence of 550 artillery shells filled with mustard declared to have been lost shortly after the Gulf War; c) accounting for five hundred R-400 bombs, which could be done through the verification of the disposition of the parachute tail sections of those bombs; d) Iraqi declarations on the production and weaponization of the chemical agent VX, in particular with regard to the military plans for the use of VX during various periods, the different precursors available and the synthetic routes pursued; and e) the material balance of CW production equipment.

Biological Weapons

Achievements

22. UNSCOM uncovered the proscribed biological weapons programme of Iraq, whose complete existence had been concealed by Iraq until 1995. This and subsequent work has permitted it to obtain significant insights into Iraq's biological warfare capabilities, including a broad understanding of the main delivery systems. UNSCOM has also gained a detailed, albeit incomplete, picture of Iraq's procurement activities for its biological warfare programme.

23. UNSCOM ordered and supervised the destruction of Iraq's main declared BW production and development facility, Al Hakam. Some 60 pieces of equipment from three other facilities involved in proscribed BW activities as well as some 22 tonnes of growth media for BW production collected from four other facilities were also destroyed. As a result, the declared facilities of Iraq's BW programme have been destroyed and rendered harmless.

Current status/remaining questions

24. In the biological area, Iraq's Full Final and Complete Disclosure (FFCD) has not been accepted by UNSCOM as a full account of Iraq's BW programme. A full disclosure of the scope and nature of the programme was considered outstanding by UNSCOM. The briefing indicated that this evaluation was corroborated by technical evaluation meetings called by UNSCOM including at the request of Iraq. The briefing also indicated that critical gaps need to be filled to arrive at a reasonably complete picture. It has also been recognized that due to the fact that BW agents can be produced using low technology and simple equipment, generally dual-use, Iraq possesses the capability and knowledge base through which biological warfare agents could be produced quickly and in volume.

25. The elements presented above indicate that, in spite of well-known difficult circumstances, UNSCOM and IAEA have been effective in uncovering and destroying many elements of Iraq's proscribed weapons programmes in accordance with the mandate provided by the Security Council. It is the panel's understanding that IAEA has been able to devise a technically coherent picture of Iraq's nuclear weapons programme. UNSCOM has achieved considerable progress in establishing material balances of Iraq's proscribed weapons. Although important elements still have to be resolved, the bulk of Iraq's proscribed weapons programmes has been eliminated. In this connection, reference was made to a possible "point of impasse" in the further investigation of these issues under the current procedures which might correspond to an apparent diminishing return in recent years.

26. Although there were differences in the panel members' perception and understanding of remaining issues, including as regards their relevance to the overall verification process, it is evident that a satisfactory resolution of certain areas, in particular those identified as priority, would contribute to the overall assurance that any disarmament and/or monitoring and verification mechanism could provide. Or, in other words, there seems to be an inverse correlation between resolution of those issues by Iraq and the overall degree of intrusiveness of the regime to be implemented.

27. It has been indicated on various occasions that "some uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities. The extent to which such uncertainty is acceptable is a policy judgement". Both UNSCOM and IAEA have therefore been adopting a pragmatic approach which assumes that 100% of verification may be an unattainable goal.

IV) Ongoing Monitoring and Verification

28. The OMV system was conceived to provide assurance that Iraq is not undertaking proscribed activities. The plans approved by resolution 715 (docs. S/22871/Rev.1 and 22872/Rev.1) establish the mechanisms for the monitoring and verification of Iraq. The dynamic nature of these mandates implies that procedures and practices under the Plans may be continuously adjusted. Key among the tools given by the Security Council to both IAEA and UNSCOM under the Plans are full and free access at any time to all sites, facilities, areas, locations, activities, materials and other items, including documentation, and to all persons and all Information that, in the judgement of IAEA and UNSCOM, may be necessary for their monitoring activities.

Adopted procedures and practices to date

29. The IAEA's monitoring plan has been operational since August 1994. Since that time, work has continued in order to increase the scope and technology of OMV measures, although it is recognized that any OMV mechanism will always encompass a component of disarmament of varying degrees. The Agency's OMV plan is designed to give assurances as to the absence of prohibited equipment, materials and activities. The plan takes fully into account the extensive technological expertise developed by Iraq in the course of its clandestine nuclear programme. The Plan also takes into account the uncertainties referred to in paragraph 15 above and is predicated on the assumption that Iraq retains the capability to exploit, for nuclear weapons purposes, any relevant material or technology to which it may gain access in the future.

30. The design and operation, since 1994, of UNSCOM's monitoring system have been based on a number of assumptions regarding the conditions under which the Plan for OMV would be implemented. It was believed that, before proceeding exclusively to monitoring and verification activities, the Commission would receive, from Iraq, full and complete disclosures of all its proscribed activities and capabilities and that the identification and disposal of all proscribed weapons, materials and programmes would have been achieved. Based on this expectation, the way UNSCOM had been pursuing the monitoring and verification system was not designed to search for proscribed weapons and materials. This task has been carried out by UNSCOM separately through disarmament activities and investigations. In view of this Atwo-track@ approach UNSCOM was able to conduct its monitoring activities in the least Intrusive manner, consistent with the objectives for ongoing monitoring and verification set forth by the Security Council.

Current status

31. Inspectors from both the Agency and the Special Commission departed from Iraq on 16 December 1998. As a consequence, the OMV plans are not operational at this moment.

V) Relationship between disarmament and ongoing monitoring and verification

Integration, including legal aspects

32. The briefings referred to above demonstrated clearly that although disarmament and monitoring and verification address different dimensions of the broader problematic of disarmament/reacquisition of proscribed weapons,

both can be implemented through the use of the same - or similar - tools. Disarmament assumes the existence of proscribed weapons and/or capabilities, which must be located, accounted for and, eventually, disposed of. The monitoring and verification system's immediate goal is to attempt to determine that proscribed activities are not being carried out. Experience has shown, however, that actions in disarmament/ongoing monitoring and verification can be mutually supportive, and that there are many similarities and complementarities between them. Both can be achieved, in an integrated fashion, through the use of on-site inspections with full access, including no-notice inspections, sample analysis, aerial surveillance, evaluation of documentation, interviews, installed monitoring equipment, or, most effectively, a combination of them.

33. Discussions in the panel have also revealed that, from a technical standpoint, the ongoing monitoring and verification is not incompatible with the continuing search for satisfactory resolution of outstanding elements from proscribed weapons programmes. It was made clear that UNSCOM's decision to separate aspects related to monitoring from those related to disarmament had been taken at the executive level, based on certain assumptions that seemed to be warranted at the time. It was recognized however, that it is technically possible to carry out further the resolution of remaining issues mentioned above under the framework of OMV, provided adequate arrangements are established to ensure the full exercise of the rights contemplated by the Plans. The panel recognized that, due to different degrees of confidence, more effort should be placed in areas which have caused greater concern, as seems to be the case in the biological and some chemical weapons areas. In order to be effective, the reinforced OMV system should be able not only to certify that present activities are in accordance with Security Council resolutions but also to address unresolved issues, whenever necessary. Indeed, the retention of the right to investigate any aspect of proscribed weapons programmes would be a fundamental element of the integrated system. As in the case of disarmament, cooperation by Iraq is essential.

Legal framework

34. The reinforced OMV system should be based on the full implementation of the plans for ongoing monitoring and verification approved by Security Council resolution 715 (1991), provided the rights enshrined therein and in resolutions 687, 707 and 1051 are fully exercised. The plans establish that the IAEA and UNSCOM should, through inspections and aerial overflights, as well as through the provision of information by Iraq, monitor and verify that activities, sites, facilities, material and other items, both military and civilian, are not used by Iraq in contravention of its obligations under relevant Security Council resolutions. It is understood that, for operational reasons, the full potential of UNSCOM's plan has never been explored. The existing plans provide an adequate legal framework for implementing a rigorous and effective system of monitoring and verification, and thus for integrating into it the investigation of unresolved issues regarding proscribed weapons programmes.

35. The possibility of continuing the investigation of proscribed weapons programmes under the reinforced monitoring regime is explicitly provided for in the plans. Paragraphs 22 and 23 of the plan presented by UNSCOM and 36 and 37 of the IAEA's Plan refer to the discovery of any item, including documentation, or activity in contravention of resolutions 687, 707 or of the Plan. Paragraph 24 of UNSCOM's Plan and 38 of the IAEA's Plan referred to above instruct UNSCOM and IAEA to bring to the attention of the Security Council any findings that indicate that Iraq is not in compliance with its obligations under resolutions 687 and 707. From a legal perspective, the ability to carry out specific operations aimed at clarifying certain questions and detecting if there is an attempt to retain proscribed items which escaped the destruction/removal, rendering harmless process is fully guaranteed.

Technical feasibility and necessary arrangements

36. The IAEA's OMV activities have been using essentially the same procedures and techniques initially employed to detect the presence of prohibited equipment, materials and activities. These procedures must not only credibly ensure such absence at routinely inspected locations, but also provide a significant probability of detection at other locations. Further clarification of remaining questions can therefore be integrated into the IAEA's Plan, provided the Agency is able to fully exercise the rights of access enshrined in the Plan.

37. In the case of the other proscribed weapons areas, satisfactory resolution of remaining issues under the OMV plan would require modifications in some assumptions for the operation of the OMV plan, procedures and practices that were being used to date. More specifically, changes in the basic assumptions of the OMV plan would require the strengthening of the monitoring and verification system to maintain its effectiveness so that the Security Council mandate can be carried out. As stated earlier, the OMV plan, as it was being implemented before the interruption of inspections, was based on the assumption that: a fairly complete knowledge of the past would have been obtained, not having been designed to explicitly resolve remaining disarmament issues. The positive resolution of priority issues related to proscribed activities before the starting of the monitoring and verification system would surely contribute to an increase in the degree of confidence that the system would otherwise provide. Such uncertainties, however, could be offset through a reinforced OMV, based on the assumption that Iraq has the knowledge and technical expertise to exploit, for proscribed purposes, any relevant materials or technologies which it may retain or gain access to in the future.

38. IAEA and UNSCOM have both contemplated the possibility of integrating remaining disarmament issues into their OMV plans. In paragraph 34 of its latest report (doc. S/1999/127) the Agency states that "provided that it is able to exercise its right to full and free access in Iraq, the IAEA is in a position to proceed with the full implementation of its OMV plan and, as part of that plan, to investigate further the remaining questions and concerns and any other aspect of Iraq's clandestine nuclear programme arising out of new information acquired by the IAEA".

39. UNSCOM, in turn, points out in its latest reports that "the present review of the OMV system takes into account the possibility that the mandated objective of the full accounting of Iraq's proscribed weapons and verification of Iraq's prohibited programmes will not be achieved but the Commission may, nevertheless, be required to operate its OMV system under the shadow of Iraq possibly retaining prohibited materials" (paragraph 23 of S/1999/94).

40. Panel members agreed that the adoption of a reinforced OMV might represent a refocusing and evolution of patterns of work as pursued by UNSCOM. The reinforced OMV system should make maximum use of synergies, cross checks and cross fertilizations between the activities of the four disciplines (nuclear, biological, chemical, missile) and the Export/import Monitoring Mechanism in order to ensure confidence in the continuing absence of proscribed activities as well as clarification and progressive resolution of disarmament issues. It was pointed out that the benefit of the integrated approach would be that all information gathered from these concurrent activities would be analyzed systematically, considered against other data and examined in a multidisciplinary context. The net effect could be to enable rapid and effective work towards confirmation of Iraq's disarmament status, provided the rights set forth in Security Council resolutions 687, 707, 715 and 1051 are fully respected.

41. Changes on the ground resulting from the adoption of a reinforced OMV would be related rather to the intensity, frequency, intrusiveness and methods than to rights, which would remain unaltered, since all actions required are already permitted under relevant Security Council resolutions.

42. Panel members acknowledge that this evolution of UNSCOM's work will have implications for its organizational structure and resourcing, which it might be premature to address in detail at this stage. However, it was considered useful to present some of the parameters under which unresolved or not sufficiently resolved disarmament issues can be integrated into OMV:

- a) Full implementation of the rights enshrined in the OMV plans, particularly full access to locations, individuals and information as well as the right to implement any relevant technology;
- b) Re-establishment of baselines of what Iraq had acquired and achieved in each of the proscribed weapons areas on the basis of the knowledge so far accumulated;
- c) Identification of critical milestones at which any resumption of proscribed activities could be detected, as a means to address the potential consequences of possible uncertainties,
- d) Further development of lists of equipment/procedures/methods and a corresponding degree of intensity/frequency/intrusiveness bearing in mind the amount of intellectual property Iraq acquired; prioritization of methodology accordingly;
- e) Regular inspections of military sites;
- f) Increase in the number of inspector and supporting staff taking into account technical expertise and-wide geographical representation;
- g) Improvement of mobility/access through the establishment of regional centres and/or the use of fixed and rotary wing aircraft;
- h) Enhancement of in-house scientific analytical capability to increase speed and independence of results;
- i) Improvement of structures to promote linkages and information flows across disciplines and activities; and
- J) Identification of a long-term, adequate and independent source of funding.

43. It was noted that Iraq should confirm the rights and privileges of UNSCOM and IAEA inspectors and support staff, and, consistent with past experience, confirm that the health and safety of said personnel will be protected at all times when these Individuals are within the territory of Iraq.

44. Discussions on the specific question of techniques and tools were held. Although it was recognized that this debate was of a preliminary character, some time was devoted to issues related to efficiency, cost-effectiveness and the degree of intrusiveness of the different techniques. In this regard, it was noted that, although not a substitute for on-site inspections, overhead imagery may play, for instance, a very powerful role in providing indications of the presence of prohibited activities. The role of such a means in providing timely and accurate reference data to support, supplement and/or enhance inspection activities had already been proven in Iraq. The panel concluded that overhead imagery has already played an important role in the effective implementation of the OMV plans and that it should be exploited to the limit of its technical capabilities. There would be advantages in the United Nations and the IAEA being able to derive independent conclusions therefrom.

45. The Export/Import Monitoring Mechanism would remain a critical component of the reinforced OMV. This system of information/notification would have to

be reinforced and greater reliance would have to be placed in the provision of information by suppliers, particularly if conditions related to the volume of commercial transactions into Iraq are changed. In any case, the lists of dual-use equipment, the last version of which dates back to 1995, should be revised. It has been noted that, due to particularities in Iraq's programmes of weapons of mass destruction, these lists are already more comprehensive than those of the Chemical Weapons Convention and other non-proliferation arrangements, such as the Missile Technology Control Regime and the Australia Group.

46. For the reinforced OMV system to achieve its objectives, Iraqi cooperation will be necessary in particular in the sense of: a) providing immediate unobstructed access to all locations by United Nations and IAEA teams; b) not interfering with monitoring equipment; c) providing documentation to determine the legitimacy of activities under monitoring; d) providing all available information and materials related to past proscribed activities; e) ensuring access to personnel involved in such activities for interviews without interference; f) ensuring that relevant evidence is not concealed, removed or destroyed; g) ensuring access by fixed or rotary wing aircraft; h) adopting national legislation, as appropriate. At the same time, Member States are expected to cooperate fully for the effective functioning of the system.

VI) Organization and methods

General observations

47. The panel had in mind, in making its suggestions in this and other areas,- that it should work within the existing legal framework for the implementation of Security Council resolutions related to proscribed weapons in Iraq. The panel also notes that there are proposals before the Security Council, which have also been mentioned during the panel meetings, that may imply changes in Security Council resolutions. It will be a matter for the Security Council to judge upon the desirability of their adoption. Nevertheless, the panel thought it worth examining adjustments in current practices and procedures within the present legal framework. The nomenclature in the following paragraphs was used in the discussions without prejudice to any future Security Council decision.

48. The panel held its discussions on this subject bearing in mind the experience accumulated during the past eight years of inspections but also the possibility of a reinforced OMV system as delineated above. In the course of debates on how to improve the operation of the system, reference was made to the desirability of reinforcing overall coordination, including within the UN system, without prejudice to a close relationship between the executive body and the Security Council. This implies the possibility of the Executive Chairman bringing any urgent matter to the attention of the Security Council. As a subordinate organ of the Security Council, the executive body derives its effectiveness and authority from this close relationship, both in terms of political supervision and of providing support for its activities.

49. In this context, suggestions were made, inter-alia, with regard to the possibility of restructuring the Commission as a collegiate body. Without prejudice of the close relationship referred to in paragraph 48, the Commission could provide for independent advice, guidance and general oversight, both at expert and diplomatic levels, on carrying out activities under the monitoring and verification plan and any problems, referred to it, that might arise in that connection. It would carry out functions entrusted to it by the Security Council, possibly including: a) consideration of any matter relating to the execution of the monitoring plan referred to it by the Security Council for advice; b) consideration of regular reports from the Executive Chairman on the conduct of operations; c) consideration of particular issues referred to it by the Executive Chairman with a view to their resolution or to a recommendation to the Security Council; d)

consideration of complaints by Iraq regarding the conduct of inspections; e) establishment of rosters of experts for possible selection to serve on monitoring operations; and f) advice on personnel policy.

50. Recognizing the role of the Secretary-General in this regard, the Commission's composition would also be reviewed by the Security Council so that it possibly includes a core of technical experts; representatives from among Security Council members; the Under-Secretary-General for Disarmament Affairs and possibly other representatives of the Secretariat. It is thought that among the technical experts a representative of the IAEA and of the Organization for the Prohibition of Chemical Weapons (OPCW) might be included. In order to ensure proper liaison of the collegiate body with the Security Council, the meetings of the Commission might be presided over by a representative of a non-permanent member of the Security Council. The Commission should meet at least every three months (apart from emergency meetings).

51. Some suggestions were made that, at the operational level, the implementation of the reinforced OMV should be entrusted to a renovated UNSCOM, consistent with the provisions of such a system. This may have staffing implications that were not considered at length by the panel. It is understood that the Baghdad Monitoring and Verification Centre (BMVC) would continue to play a pivotal role and may have to be further reinforced. The renovated UNSCOM should ensure a clear United Nations identity and be guided by the principles of full independence, rigour and transparency in order to ensure the effectiveness of its work and credibility of its results. It was felt that, at this stage, due to the amount of knowledge acquired by UNSCOM, as well as to the intrinsic interrelationship between the missile, biological and chemical weapons fields, these tasks should remain concentrated on this renovated United Nations body. Nevertheless it was noted that organizations such as OPCW might contribute, under appropriate arrangements, including through participation in the Commission. In the future, if Iraq becomes a party to the CWC, as urged in Security Council resolutions, cooperation arrangements similar to those currently associated with the work of IAEA in Iraq might be considered, provided they are consistent with mandates set forth in relevant Security Council resolutions, if the Security Council so decides.

Recruitment

52. A central component in ensuring an effective and credible system is the recruiting of staff who are technically competent, committed to the objectives of the Security Council resolutions, impartial, and, if possible, have some experience of inspections. A personnel management strategy should ensure the optimum mix of qualifications, background and of long-term and short-term staff. Without prejudice to these requirements, staff selection should also reflect the desirability of establishing broad national representation to the extent possible. Cost efficiency and technical effectiveness could be promoted by complementing permanent staff with temporary staff selected, to the extent possible, within a roster of specialists (see paragraph 49 above).

53. Appointments for one year or more should continue to be made in terms of Article 101.3 of the Charter of the United Nations. All appointees would be regarded as International civil servants subject to Article 100 of the Charter. Taking into account United Nations policy, recourse to cost-free personnel should be limited. Efforts should be made to increasing, wherever operationally possible, personnel employed directly by the United Nations. All employees should be subject to an enforceable Special Service Agreement. This will require full cooperation from Member States.

Training

54. Considerable weight should be given to training needs with the objective of developing and reinforcing core inspection skills and competences.

Training programmes should encompass both technical and cultural issues as well as relevant safety procedures. Particular emphasis should be placed on the importance of understanding national sensitivities in the course of inspections. Emphasis should be given to structural pre-inspection training. For short-term appointments, on-the-job training would be the regular practice. Inspection planning and staffing should reflect those training needs. Continuity in the field is essential.

Equipment/technology

55. Appropriate specifications should be established for all monitoring equipment, including power units, to be installed in Iraq and on arrangements for its maintenance by suitably qualified personnel. Systematic and rapid selection and independent procurement of adequate emerging monitoring technologies should be promoted, as appropriate.

Information

56. Information has been recognized as an essential component of a reinforced ongoing monitoring and verification regime, whether provided by Iraq, or generated by inspections, or from any other source, including Member States. Internal handling of information should reflect the absolute need to protect the confidentiality of operations planning and to give assurances to providers that the sources and methods are being properly protected. This requires clear procedures for receipt, handling, storage and access to sensitive information. Evaluation and assessment of information collected should be rigorous and impartial. This can be facilitated by adopting clear analysis concepts and methodologies, and by using a modern database and computer-based analysis tools. The greater the confidence in the security culture of the organization the more information Member States are likely to provide.

57. Any information should be assessed strictly on the basis of its credibility and relevance to the mandate. The substantive relationship with intelligence providers should be one-way only, even if it is recognized that dialogue with providers may be necessary for clarifications and refinement of assessments. The OMV mechanism should not be used for purposes other than the ones set forth in Security Council resolutions.

Other practices and procedures

58. In conducting inspections or monitoring operations, effectiveness should be the primary consideration. A rigorous and comprehensive approach should be adopted to planning and in-field activities and should take into account the difficulties encountered in the past in Iraq, including instances of obstruction and/or deception. At the same time unnecessary confrontation or disproportionate reactions should be avoided.

59. Cooperative arrangements among different disciplines should be promoted through the development of structures to improve linkages and information flows across disciplines and activities. The composition of inspection/monitoring teams should reflect mission requirements. Confidentiality should be maintained during all stages of the planning and execution phases. Within the limits dictated by that requirement, inspector's should be appropriately briefed on the broader objectives of the project in which their activities are inserted and should be given access to the reports of the missions to which they have contributed.

60. The Issue of relations with the media was raised. The panel found that, ideally, there should be a single point of contact with the press, which could benefit from the expertise of the existing UN and/or IAEA public relations machinery. Public comment by the verification entity and its personnel should be limited and restricted to the factual. Political evaluations or comments

that carry obvious political implications should be left to the Security Council.

VII) CONCLUSIONS/RECOMMENDATIONS

61. The panel carried out its work bearing in mind the objective of presenting a meaningful contribution to the Security Council on how to re-establish a UN presence in Iraq in the area of disarmament/ongoing monitoring and verification. The panel considered that refocusing or 'releasing' the approach towards disarmament/ongoing monitoring and verification, without departing from the existing framework of rights and obligations laid down in Security Council resolutions adopted under Chapter VII of the Charter, might offer the opportunity to enlarge the scope of policy options for the Security Council. To this end, the panel concentrated a great part of its work on discussing the technical feasibility of a reinforced OMV system capable of addressing, through integration, remaining unresolved disarmament issues. The panel concluded that such a reinforced OMV system, which should include intrusive Inspections and investigation of relevant elements of past activities, is viable.

62. The framework for this system is well-known, encompassing Security Council resolutions 687, 707, 715 and 1051. In fact, what is being called a reinforced OMV is the OMV system itself as conceived in the plans approved by resolution 715 developed to its full potentiality. The panel points out that there is no need to change resolution 715 to that effect.

63. Several suggestions were made in relation to questions pertaining to organization and methods of work, including institutional arrangements, bearing in mind the reinforced OMV system. They are outlined in chapter VI of this report. The panel recommends that the Security Council devotes appropriate attention to these ideas.

64. The panel notes that the longer inspection and monitoring activities remain suspended, the more difficult the comprehensive implementation of Security Council resolutions becomes, increasing the risk that Iraq might reconstitute its proscribed weapons programmes or retain proscribed items. A materialization of such a risk that is attributable to the absence of inspections would have extremely negative consequences for the credibility of international non-proliferation efforts in general, and for the credibility of the United Nations and IAEA in particular.

65. It has been repeatedly pointed out that UNSCOM's and IAEA's current inability to implement their mandates in Iraq renders them unable to provide any assurance that Iraq is in compliance with its obligations under Security Council resolutions and that it is essential that inspection teams return to Iraq as soon as possible. The current absence of inspectors has exponentially increased the risk of compromising the level of assurance already achieved, since it is widely recognized that the re-establishment of the baseline will be a difficult task. The loss of technical confidence in the system could become irretrievable. The panel considers that the status quo is not a practical alternative and recommends that efforts be made with a view to restoring an international inspection regime in Iraq that is effective, rigorous and credible.

66. The effectiveness of the monitoring and verification system depends on its being comprehensive and intrusive. Rigorous implementation is critically dependent upon the full exercise of the rights of full and free access set forth in relevant Security Council resolutions. The monitoring and verification system is an integral whole that can be meaningfully implemented only in its entirety. At the same time, mandates should be carried out objectively in a technically competent and thorough manner with due regard to Iraqi sovereignty, dignity and sensitivities, including religious and cultural ones, as well as those related to commercial confidentiality.

67. Given the difficulties experienced in the past, this will require firm and active support by the Security Council for the implementation of the reinforced OMV system. Implementation of the OMV system is predicated on Iraqi cooperation. Ensuring appropriate cooperation by Iraq means that, in one way or another, Iraq will have to be engaged by the Security Council, sooner rather than later. Of course the OMV system cannot be conceived as an enticement for Iraq to invite it into its territory. Indeed the reinforced OMV would be, if anything, more intrusive than the one so far practiced. It is in the hands of the Security Council to devise ways of ensuring that Iraq accepts such monitoring and verification.

68. In summary, the panel agreed on the possibility of an integrated system that is a reinforced OMV within the existing legal framework of resolutions 687, 707, 715 and 1051 as well as the Memorandum of Understanding of 23 February 1998, which would be capable of addressing the outstanding disarmament issues. Some of the parameters necessary for the implementation of such a system were outlined in relevant chapters of this report. They will surely need further elaboration, once the suggested approach is accepted by the Security Council. However, even the best system would be useless if it were to remain a blueprint on paper only. To be effective, any system has to be deployed on the ground, which is impossible without Iraqi acceptance. How this acceptance will be obtained is the fundamental question before the Security Council.