

IRAQ: WEAPONS INSPECTORS

1. This note summarises the history of our efforts to get the weapons inspectors back into Iraq under SCR 1284; examines the future prospects for doing so through clarification of SCR 1284; and describes the remit of UNMOVIC and the IAEA.

SCR 1284 history

2. SCR 1284 was passed in December 1999, a year after Iraq's refusal to cooperate with UNSCOM and the IAEA led to operation "Desert Fox" and big splits in the Security Council. Its main feature is that it offers Iraq a suspension of sanctions in return for cooperation with the weapons inspectors, including progress on key disarmament tasks (in contrast, SCR 687 offers lift of sanctions only when the inspectors say disarmament is complete, an unattainable goal according to Iraq and its friends). Iraq, which remains determined to escape sanctions without fulfilling its disarmament obligations, has never accepted SCR 1284, and continues to refuse to allow inspectors to return. It "justifies" its position by claiming that the resolution is so ambiguous that the US can easily deny that cooperation has been adequate to trigger suspension.

Prospects for inspectors/SCR 1284 clarification

3. There is no independent timetable as such for getting the inspectors back in. The key is persuading Iraq to accept SCR 1284. While it is possible that the threat of military action also might prompt a change in the Iraqi position, we have always assumed that the only real prospect lies in clarifying SCR 1284. We recognise that there are ambiguities in SCR 1284. They are there for a good reason: the P5 was unable to reach agreement. If positions remain as entrenched as they were during SCR 1284 negotiations, there is little prospect of this situation changing, which is why clarification has not been attempted sooner. But SCR 1382 now commits the Security Council to trying.

4. As we have previously advised the Prime Minister, the US are reluctant to go down the road of clarification, fearing that it represents a slippery slope towards a weaker inspection regime. They are taking the position that no discussions can start until after the Russians sign up to the Goods Review List. No Security Council member has yet challenged this, although pressure may increase following the Iraqis 7 March meeting with Kofi Annan, where it became clear that nearly all of Iraq's serious points related to clarification and that Kofi Annan expects the Security Council to provide answers before his next round of talks next month. But in any case, if the US expectation that they can secure Russian agreement to the GRL by the end of this month proves realistic, they will not be able to hold out against beginning clarification talks for much longer without appearing unreasonable.

5. We would be willing to see some clarification in the following areas, so long as this did not water down Iraq's obligations or cut across UNMOVIC's mandate or rights:

- Elaboration of post-suspension financial controls, i.e. how much, if any, control of

the Iraqi economy, including oil revenues, should revert to the Iraqi government once sanctions are suspended.

- Definition of the key remaining disarmament tasks;
- Clarification/shortening of the suspension timetable;
- Clarification of the trigger for suspension, i.e. what is meant by full cooperation with the inspectors.

6. If and when clarification talks begin, the US will resist strongly any attempt to lower the barrier for Iraqi compliance; they could even seek to raise it. Hence they will probably take an extreme position on the main areas for clarification, e.g. no change to financial controls. The Russians are likely to take the opposite extreme, and to do their best to water down Iraq's obligations and place constraints on UNMOVIC's operations. More encouragingly, unlike during SCR 1284 negotiations, we should be able to count on support from the French. Their reading of American intentions appears to have produced a change in their attitudes towards 1284 and the prospects of clarification: they now see Security Council agreement on a tough inspection regime with unconditional access as the only realistic alternative to US military action. If they can be persuaded to help bring the Russians along, this could offer the prospect of P5 agreement.

UNMOVIC/IAEA remit

7. The weapons inspectors' remit is set out in Security Council resolutions 687 and 1284. SCR 687 established UNSCOM and tasked it with accounting for, and supervising the destruction, removal or rendering harmless of, all Iraq's chemical and biological weapons and ballistic missiles with a range greater than 150 km, together with associated materials and facilities; and thereafter undertaking ongoing monitoring and verification to ensure that the prohibited programmes were not re-established. The IAEA was assigned parallel responsibilities for dismantling Iraq's nuclear weapons programme. SCR 707, passed a few months after SCR 687 following Iraqi obstruction of UNSCOM's and the IAEA's work, granted UNSCOM and the IAEA immediate, unconditional and unrestricted access.

8. SCR 1284 established UNMOVIC as the successor organisation to UNSCOM and transferred to it all UNSCOM's responsibilities, rights and resources. It additionally tasked UNMOVIC with establishing a reinforced system of ongoing monitoring and verification, under which outstanding disarmament issues would also be addressed. UNMOVIC and the IAEA are also requested to draw up a list of key disarmament tasks and to report on the level of cooperation they have received from Iraq, including on these tasks, so that the Security Council can judge whether the conditions for sanctions suspension have been met.

9. Neither SCR 687 nor subsequent resolutions contain any provision for ending ongoing monitoring and verification, even after sanctions lift. It is our interpretation that ending monitoring would require a separate decision by the Security Council, hence that Iraq could be subjected to special scrutiny indefinitely, until we were completely satisfied that it no longer posed a threat.