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1 test US draft JCR, 4 November.

C - summary of possible options for one press.

Telco SBS: possible compromise (see para 7).

2 expect Michael Lord to be in touch.

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21

cc: me

Deputy Legal Adviser
With Compliments

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The Security Council,

PP1 Recalling all its previous relevant resolutions, in particular its resolutions 661 (1990) of 6 August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991 [Blix et al.], 715 (1991) of 11 October 1991 [Blix et al.], 986 (1995) of 14 April 1995, and 1284 (1999) of 17 December 1999, and all the relevant statements of its President,

PP1bis Recalling also its resolution 1382 (2001) of 29 November 2001 and its intention to implement it fully, [Russia PP2]

PP2 Recognizing the threat Iraq's noncompliance with Security Council resolutions and proliferation of weapons of mass destruction and long-range missiles poses to international peace and security, [UNSC style]

PP3 Recalling that its resolution 678 (1990) authorized member states to use all necessary means to uphold and implement its resolution 660 (1990) of 2 August 1990 and all relevant resolutions subsequent to Resolution 660 (1990) and to restore international peace and security in the area, X

PP4 Further recalling that its resolution 687 (1991) imposed obligations on Iraq as a necessary step for achievement of its stated objective of restoring international peace and security in the area,

PP5 Deploring the fact that Iraq has never not- provided an accurate, 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 one hundred and fifty kilometres, 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, [Bulgaria]

PP6 Deploring further that Iraq repeatedly created obstacles to immediate, unconditional, and unrestricted ~~refused to allow~~ access to sites designated by the United Nations Special Commission (UNSCOM), failed ~~refused 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 in 1998, X

and

PP6bis 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 Council's repeated demands that Iraq for the last three years has failed to provide immediate, unconditional, and unrestricted access to the United Nations

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Monitoring, Verification and Inspection Commission (UNMOVIC), established in resolution 1284 (1999) as the successor organization to UNSCOM, and the IAEA, ~~as it was first obliged to do pursuant to resolution 687 (1991), and as the Council has repeatedly demanded that it do, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people, [Russia and others~~ objected to U.S./UK PP6. PP6 and 6bis reflect France PPs 4 and 5]

PP7 Deploing also that the Government of Iraq has failed to comply with its commitments pursuant to resolution 687 (1991) with regard to terrorism, pursuant to resolution 688 (1991) to end repression of its civilian population and to provide access by International humanitarian organizations to all those in need of assistance in Iraq, and pursuant to resolutions 686 (1991), 687 (1991), and 1284 (1999) to return or cooperate in accounting for Kuwaiti and third country nationals wrongfully detained by Iraq, or to return Kuwaiti property wrongfully seized by Iraq,

PP8 Recalling that in its resolution 687 (1991) the Council declared that a ceasefire would be based on acceptance by Iraq of the provisions of that resolution, including the obligations on Iraq contained therein,

PP9 Determined to ensure full and immediate compliance by Iraq without conditions or restrictions with its obligations under resolution 687 (1991) and other relevant resolutions and recalling that the resolutions of the Council constitute the governing standard of Iraqi compliance,

PP10 Recalling that the effective operation of UNMOVIC, as the successor organization to the Special Commission, and the IAEA, is essential for the implementation of resolution 687 (1991) and other relevant resolutions,

PP11 Noting the letter dated 16 September 2002 from the Minister for Foreign Affairs of Iraq addressed to the Secretary General is a necessary first step toward rectifying Iraq's continued failure to comply with relevant Security Council resolutions,

PP12 Noting further the letter dated 8 October 2002 from the Executive Chairman of UNMOVIC and the Director General of the IAEA to General Al-Saadi of the Government of Iraq laying out the practical arrangements, as a follow-up to their meeting agreed in Vienna, that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA, and expressing the gravest concern at the continued failure by the Government of Iraq to provide confirmation of the arrangements as laid out in that letter, [Russia PP 12. The change makes the reference to the letter accurate]

PP12bis Reaffirming the commitment of all Member States to respect the sovereignty, territorial integrity, and political independence of Iraq and of all

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States in the region, [most of Council wants this addition; this language is from res. 688]

PP12ter Commending the Secretary General and members of the Arab League and its Secretary General for their efforts in this regard, [Russia and 5+ others]

PP13 Determined to secure full compliance with its decisions,

PP14 Acting under Chapter VII of the Charter of the United Nations,

OP1 Decides that Iraq is still, and has been for a number of years and remains, in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687 (1991);

*
to be added

OP1bis Decides, notwithstanding paragraph 1 above, to afford Iraq, by this resolution, a final opportunity to comply with its disarmament obligations under relevant resolutions of the Council; and accordingly decides to set up an enhanced inspection regime with the aim of bringing to full and verified completion the disarmament process established by resolution 687 (1991) and subsequent resolutions of the Council; [UK-U.S.]

OP2-Recalls that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations; [France - moved to OP12bis]

OP3 Decides that, in order to begin to comply with its disarmament obligations, in addition to submitting the required biannual declarations, the Government of Iraq shall provide to UNMOVIC, IAEA, and the Security Council, not later than 30 days from the date of this resolution, a currently accurate, full and complete declaration of all aspects of its programs to develop chemical, biological and nuclear weapons, ballistic missiles, and other delivery systems such as unmanned aerial vehicles and dispersal systems designed for use on aircraft, including any holdings and precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological and nuclear programmes, including any which it claims are for purposes not related to weapon production or material; and further decides that UNMOVIC may, at its discretion, grant Iraq an additional 20 days to provide the information pertaining to Iraq's chemical and biological programmes, which it claims are for purposes not related to weapon production or material; [Blix said more time was needed regarding Iraq's chemical and biological programs]

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OP4 Decides that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations, in which case the Council shall convene in accordance with paragraphs 11 and 12; [U.S.]

OP5 Decides that Iraq shall provide UNMOVIC and IAEA immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect, as well as immediate, unimpeded, unrestricted, and private access to all officials and other persons whom UNMOVIC or IAEA wish to interview in the mode or location of UNMOVIC's or IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and IAEA may at their discretion conduct interviews inside or outside of Iraq, may facilitate the travel of those interviewed and family members outside of Iraq, and that, at the sole discretion of UNMOVIC and IAEA, such interviews may occur without the presence of observers from the Iraqi government; and instructs UNMOVIC and requests the IAEA to resume inspections no later than 45 days following adoption of this resolution and to update the Council 60 days thereafter;

OP6 Endorses the 8 October 2002 letter from the Executive Chairman of UNMOVIC and the Director General of the IAEA to General Al-Saadi of the Government of Iraq, which is annexed hereto, and decides that the contents of the letter shall be binding upon Iraq;

OP7 Decides further that, in view of the prolonged interruption by Iraq of the presence of UNMOVIC and IAEA and in order for them to accomplish the disarmament tasks set forth in paragraph 3 above this resolution and all previous relevant resolutions and notwithstanding prior understandings, the Security Council hereby establishes the following revised or additional authorities, which shall be binding upon Iraq, to facilitate their work in Iraq: [This change is to make sense of language that was not accurate in the prior version - pointed out by OVP]

-- UNMOVIC and IAEA shall determine the composition of their inspection teams and in such a way as to ensure that these teams are composed of the most qualified and experienced experts available. ~~and~~ All UNMOVIC and IAEA personnel shall enjoy the privileges and immunities provided in the Convention on Privileges and Immunities of the United Nations and the Agreement on the Privileges and Immunities of the IAEA corresponding to those of experts on mission; [Blix and El Baradei language, modified to give the inspectors benefits beyond those enjoyed by experts on mission should that be appropriate.]

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-- 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 inspection sites, and the right to inspect any sites and buildings, including immediate, unimpeded, unconditional, and unrestricted access to Presidential ~~sites~~ ^{sites} equal to that at other sites, notwithstanding the provisions of resolution 1154 (1998);

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

-- Security of UNMOVIC and IAEA facilities shall be ensured by sufficient ^(UN) security guards,

-- 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, including transit corridors, ~~in which Iraq will suspend ground and aerial movement, so that nothing is changed in or taken out of a site being inspected and/or ground and air transit corridors;~~ [To address Russia's and others' objections to vagueness of our language. This formulation builds on the Russian text (OP 5, tick 7). Bliz likes this change.]

-- UNMOVIC and IAEA shall have the free and unrestricted use and landing of fixed and rotary winged aircraft, including **manned and unmanned** reconnaissance vehicles; [clarity—OVP]

-- 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; **and** [because of deletion of tick #9]

-- 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, without search of UNMOVIC or IAEA personnel or official or personal baggage; **and**

~~-- UNMOVIC and IAEA shall have access to any information that any member state is willing to provide;~~

OP8 Decides further that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations or of any Member State taking action to uphold any Security Council resolution;

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OP9 Requests the Secretary General immediately to notify Iraq of this resolution, **which is binding on Iraq, and demands that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA** ~~and decides that within seven days following such notification, Iraq shall state its acceptance;~~ [France OP7; to avoid pitfalls of demanding Iraq's acceptance]

OP10 Requests all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information on Iraqi attempts since 1998 to acquire prohibited items and by recommending sites to be inspected, and persons to be interviewed, ~~conditions of such interviews, and data to be collected,~~ the results of which shall be reported to the Council by UNMOVIC and the IAEA; [numerous objections, including from Blix]

OP11 Directs the Executive Chairman of UNMOVIC and the Director General of the IAEA to report immediately to the Council any interference by Iraq with inspection activities, as well as any failure by Iraq to comply with its disarmament obligations, including its obligations regarding inspections under this resolution;

OP12 Decides to convene immediately upon receipt of a report in accordance with paragraph 11 above, in order to consider the situation and the need for full compliance with all of the relevant Security Council resolutions in order to restore international peace and security;

OP12bis 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; [France OP13]

OP13 Decides to remain seized of the matter.

