



SECURITY COUNCIL REPORT UPDATE REPORT



26 June 2008 No. 10

Iraq (UNMOVIC)

Expected Council Action

After more than 7 years of activities, the UN Monitoring, Verification and Inspection Commission (UNMOVIC) was officially closed down on 29 February 2008 following the Council decision in June 2007 to terminate its mandate.

On 9 June 2008, the Secretary-General presented a final account of the activities of UNMOVIC, in particular progress achieved regarding the future of UNMOVIC's archives and other property, and financial issues related to its closure.

The Council is expected to welcome and approve the report in a letter.

Key Facts

UNMOVIC was established by resolution 1284 of 17 December 1999 as a subsidiary body of the Council, replacing the UN Special Commission (UNSCOM) which was tasked to verify compliance by Iraq of its obligations relating to the destruction of its weapons of mass destruction and proscribed missiles and non acquisition of these material under resolution 687 of 1991 and subsequent resolutions. Resolution 687 also gave the International Atomic Energy Agency (IAEA) a similar mandate to UNSCOM but specifically in the nuclear field.

All UN inspectors were withdrawn from Iraq at the eve of the US military action in March 2003. The Council in resolution 1483 of May 2003 reaffirmed Iraq's disarmament obligations, encouraged the UK and the US to keep the Council informed of their activities in this regard and underlined its intention to revisit the mandates of UNMOVIC and the IAEA.

Subsequently the US and the UK submitted a letter to the Council (S/2003/538) saying that they would ensure the complete disarmament of Iraq's weapons of mass destruction and means of delivery in accordance with Council resolutions.

For several years the Council took no further action on the UNMOVIC mandate mainly because of divergence among Council members on how to terminate its activities. Some members originally were reluctant to remove multilateral oversight of Iraq's military installations and weapons programmes before a legitimate Iraqi government was in place and could provide guarantees with regard to international disarmament and non-proliferation standards. Another contentious issue was whether to refer to the Iraq Survey Group "Duelfer report" published in September 2004 on Iraq's WMD programmes. While the US and the UK supported mentioning those findings in a resolution closing down UNMOVIC, Russia expressed concern over the validity of the Duelfer report as UNMOVIC did not have access to background material used to draft the report and preferred that UNMOVIC produce a final report. Another issue was whether or not to retain the verification and inspection experience accumulated by UNMOVIC, for example by setting up a roster of experts.

As a result, UNMOVIC continued to exist and regularly address reports to the Council but without any substantial functions.

In 2007, the Council finally came to an agreement and adopted resolution 1762:

- terminating the mandates of UNMOVIC and the IAEA in Iraq;
- requesting the Secretary-General to appropriately dispose of the UNMOVIC archives and property, ensuring in particular that a strict control be exercised over sensitive proliferation information, and report to the Council within three months;
- requesting the transfer of all remaining unencumbered UNMOVIC funds to the Development Fund for Iraq (DFI); and
- inviting Iraq to report to the Council within one year on progress made in adhering to all applicable disarmament and non-proliferation treaties.

Annexed to the resolution was a letter from the US and the UK stating that steps had been taken to remove all Iraqi WMD. The letter also drew attention to the conclusions of the Duelfer Report. Another letter from the Iraqi government stated that there were no longer legal or political grounds for UNMOVIC to continue its mandate with respect to Iraq, and that the government was committed to respect its international obligations regarding non-proliferation. Russia abstained on this resolution because it did not provide for UNMOVIC information on the presence of WMD in Iraq in March 2003.

Several residual issues relating to the closure of UNMOVIC remained:

1. the organisation of archives;
2. the treatment of sensitive proliferation information (such as declarations by Iraq, procurement-related documents and inspection reports), information provided in confidence by member states (such as intelligence information, overhead imagery and export/import notifications) and other sensitive information (such as names of individuals, companies and countries that supplied Iraq with material used in WMD programmes);
3. public access to the archives;
4. human resources and financial implications; and

5. disposal of UNMOVIC's property.

In September 2007, the Secretary-General submitted a report to the Council (S/2007/568) outlining the steps taken to manage UNMOVIC's archives and property. He made recommendations and asked for guidance from the Council on the duration for which the bulk of the archive material be sealed; whether earlier privileged access should be permitted to the sealed documents in specific cases; and whether a unit within the Secretariat should be designated to advise the Secretary-General on such cases. He also said that under current staffing levels the archiving process should be expeditious. With regard to financial implications, he said after transferring funds from the UNMOVIC account to the DFI, a total of \$12 million remained to complete the liquidation process.

In a November 2007 letter (S/2007/680) the Council:

- approved the archiving procedure;
- requested that access to confidential information be restricted for 30 years and that access to strictly confidential information be restricted for 60 years, after which these documents would be reviewed every five years by the Secretary-General;
- allowed earlier access to information on a case-by-case basis to be recommended to the Council by a three-person ad hoc committee;
- recommended that all non-proliferation sensitive property be transferred to the Iraqi government;
- urged the transfer of all unspent unencumbered fund to the DFI; and
- requested monthly updates on the closing down of UNMOVIC as well as a briefing on steps the Secretariat is planning to provide for the enhanced physical security of the archives.

The Secretary-General did not provide monthly updates, but on 9 June 2008, he sent a final report to the Council (S/2008/372) outlining that:

- the disposition of archives has been completed;
- the security of the outside perimeter of the building where the archival facility is located has been upgraded and a secure UNMOVIC storage area is being created within that facility;
- sensitive proliferation information will remain sealed for the period recommended by the Council;
- a standing committee composed of one senior-level representative from the Office for Disarmament Affairs, the Office of Legal Affairs and the Department of Political Affairs will be established to consider exceptional requests for access to sensitive information;
- some of the non-sensitive property was returned to the Iraqi government;
- all staff contracts terminated on 29 February 2008 except for three support staff members who remained for three more months to deal with residual issues;
- residual funds will be transferred to the DFI; and

- the international community could benefit if practical ways were found to preserve the experience and expertise accumulated over the years by UNMOVIC.

UN Documents

Council Resolutions

- S/RES/1762 (29 June 2007) terminated the mandate of UNMOVIC.
- S/RES/1546 (8 June 2004) reiterated the Council's intention to revisit UNMOVIC's mandate.
- S/RES/1483 (22 May 2003) reaffirmed Iraq's disarmament obligations, encouraged the UK and the US to keep the Council informed of their activities in this regard, and underlined its intention to revisit the mandates of UNMOVIC and of the IAEA in Iraq.
- S/RES/1284 (17 December 1999) established UNMOVIC replacing UNSCOM and continued with the mandate to verify Iraq's compliance with its obligation to be rid of its WMD, and to operate a reinforced system of monitoring and verification to ascertain that Iraq did not reacquire the same weapons prohibited by the Council.
- S/RES/687 (3 April 1991) decided that Iraq shall accept the destruction of all chemical and biological weapons and ballistic missiles with a range of more than 150 km, undertake not to use, develop, construct or acquire any of those items as well as any nuclear weapons or nuclear-weapon usable material. It also established UNSCOM to inspect Iraq's biological, chemical and missile capabilities and implement the demands specified above. The IAEA was requested to undertake similar activities but specifically in the nuclear field.

Selected Secretary-General's Reports

- S/2008/372 (9 June 2008) provided a final account of the activities of UNMOVIC.
- S/2007/568 (27 September 2007) updated on the archiving process and asked the Council for further guidance.
- S/2006/420 (21 June 2006) was a summary of the compendium of Iraq's proscribed chemical, biological and missile weapons programmes.

Selected Letters

- S/2008/350 (29 May 2008) was a letter from Iraq on the fulfilment of its obligations under resolution 1762 to adhere to disarmament and non-proliferation regimes, including in particular by making arrangements to join the Organisation for the Prohibition of Chemical Weapons and to sign the Additional Protocol to the IAEA Safeguards Agreements, and by acceding to the Chemical Weapons Convention.
- S/2007/680 (21 November 2007) was a letter from the Council approving the Secretary-General's archiving procedure for UNMOVIC and requesting enhanced physical security for the archives.
- S/2003/538 (8 May 2003) was a letter from the US and the UK on the Coalition Provisional Authority's task to complete the disarmament of Iraq's WMD.

Selected Record of Council Meeting

- S/PV.5710 (29 June 2007) was the official record of the Council's meeting that terminated the UNMOVIC mandate

Useful Additional Sources

- Comprehensive Report of the Special Advisor to the Director of Central Intelligence on Iraq's Weapons of Mass Destruction ("Duelfer Report"), 30 September 2004
https://www.cia.gov/library/reports/general-reports-1/iraq_wmd_2004/index.html
- UNMOVIC website: <http://www.unmovic.org>