

Anhang

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COALITION PROVISIONAL AUTHORITY ORDER NUMBER 1

DE-BATHIFICATION OF IRAQI SOCIETY

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, and the laws and usages of war,

Recognizing that the Iraqi people have suffered large scale human rights abuses and deprivations over many years at the hands of the Ba'ath Party,

Noting the grave concern of Iraqi society regarding the threat posed by the continuation of Ba'ath Party networks and personnel in the administration of Iraq, and the intimidation of the people of Iraq by Ba'ath Party officials,

Concerned by the continuing threat to the security of the Coalition Forces posed by the Iraqi Ba'ath Party,

I hereby promulgate the following:

**Section 1
Disestablishment of the Ba'ath Party**

- 1) On April 16, 2003 the Coalition Provisional Authority disestablished the Ba'ath Party of Iraq. This order implements the declaration by eliminating the party's structures and removing its leadership from positions of authority and responsibility in Iraqi society. By this means, the Coalition Provisional Authority will ensure that representative government in Iraq is not threatened by Ba'athist elements returning to power and that those in positions of authority in the future are acceptable to the people of Iraq.
- 2) Full members of the Ba'ath Party holding the ranks of 'Udw Qutriyya (Regional Command Member), 'Udw Far' (Branch Member), 'Udw Shu'bah (Section Member), and 'Udw Firqah (Group Member) (together, "Senior Party Members") are hereby removed from their positions and banned from future employment in the public sector. These Senior Party Members shall be evaluated for criminal conduct or threat to the security of the Coalition. Those suspected of criminal conduct shall be investigated and, if deemed a threat to security or a flight risk, detained or placed under house arrest.
- 3) Individuals holding positions in the top three layers of management in every national government ministry, affiliated corporations and other government institutions (e.g., universities and hospitals) shall be interviewed for possible affiliation with the Ba'ath Party, and subject to investigation for criminal conduct and risk to security. Any such persons determined to be full members of the Ba'ath Party shall be removed from their employment. This includes those

CPA/ORD/16 May 2003/01

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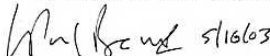
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and risk to security. Any such persons determined to be full members of the Baath Party shall be removed from their employment. This includes those holding the more junior ranks of 'Udw (Member) and 'Udw 'Amil (Active Member), as well as those determined to be Senior Party Members.

- 4) Displays in government buildings or public spaces of the image or likeness of Saddam Hussein or other readily identifiable members of the former regime or of symbols of the Baath Party or the former regime are hereby prohibited.
- 5) Rewards shall be made available for information leading to the capture of senior members of the Baath party and individuals complicit in the crimes of the former regime.
- 6) The Administrator of the Coalition Provisional Authority or his designees may grant exceptions to the above guidance on a case-by-case basis.

Section 2
Entry Into Force

This Order shall enter into force on the date of signature.

 5/16/03

L. Paul Bremer, Administrator
Coalition Provisional Authority

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 2

DISSOLUTION OF ENTITIES

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war,

Reconfirming all of the provisions of General Franks' Freedom Message to the Iraqi People of April 16, 2003,

Recognizing that the prior Iraqi regime used certain government entities to oppress the Iraqi people and as instruments of torture, repression and corruption,

Reaffirming the Instructions to the Citizens of Iraq regarding Ministry of Youth and Sport of May 8, 2003,

I hereby promulgate the following:

**Section 1
Dissolved Entities**

The entities (the "Dissolved Entities") listed in the attached Annex are hereby dissolved. Additional entities may be added to this list in the future.

**Section 2
Assets and Financial Obligations**

- 1) All assets, including records and data, in whatever form maintained and wherever located, of the Dissolved Entities shall be held by the Administrator of the CPA ("the Administrator") on behalf of and for the benefit of the Iraqi people and shall be used to assist the Iraqi people and to support the recovery of Iraq.
- 2) All financial obligations of the Dissolved Entities are suspended. The Administrator of the CPA will establish procedures whereby persons claiming to be the beneficiaries of such obligations may apply for payment.
- 3) Persons in possession of assets of the Dissolved Entities shall preserve those assets, promptly inform local Coalition authorities, and immediately turn them over, as directed by those authorities. Continued possession, transfer, sale, use, conversion, or concealment of such assets following the date of this Order is prohibited and may be punished.

CPA/ORD/23 May 2003/02

Section 3
Employees and Service Members

- 1) Any military or other rank, title, or status granted to a former employee or functionary of a Dissolved Entity by the former Regime is hereby cancelled.
- 2) All conscripts are released from their service obligations. Conscription is suspended indefinitely, subject to decisions by future Iraq governments concerning whether a free Iraq should have conscription.
- 3) Any person employed by a Dissolved Entity in any form or capacity, is dismissed effective as of April 16, 2003. Any person employed by a Dissolved Entity, in any form or capacity, remains accountable for acts committed during such employment.
- 4) A termination payment in an amount to be determined by the Administrator will be paid to employees so dismissed, except those who are Senior Party Members as defined in the Administrator's May 16, 2003 Order of the Coalition Provisional Authority De-Baathification of Iraqi Society, CPA/ORD/2003/01 ("Senior Party Members") (See Section 3.6).
- 5) Pensions being paid by, or on account of service to, a Dissolved Entity before April 16, 2003 will continue to be paid, including to war widows and disabled veterans, provided that no pension payments will be made to any person who is a Senior Party Member (see Section 3.6) and that the power is reserved to the Administrator and to future Iraqi governments to revoke or reduce pensions as a penalty for past or future illegal conduct or to modify pension arrangements to eliminate improper privileges granted by the Baathist regime or for similar reasons.
- 6) Notwithstanding any provision of this Order, or any other Order, law, or regulation, and consistent with the Administrator's May 16, 2003 Order of the Coalition Provisional Authority De-Baathification of Iraqi Society, CPA/ORD/2003/01, no payment, including a termination or pension payment, will be made to any person who is or was a Senior Party Member. Any person holding the rank under the former regime of Colonel or above, or its equivalent, will be deemed a Senior Party Member, provided that such persons may seek, under procedures to be prescribed, to establish to the satisfaction of the Administrator, that they were not a Senior Party Member.

**Section 4
Information**

The Administrator shall prescribe procedures for offering rewards to person who provide information leading to the recovery of assets of Dissolved Entities.

**Section 5
New Iraqi Corps**

The CPA plans to create in the near future a New Iraqi Corps, as the first step in forming a national self-defense capability for a free Iraq. Under civilian control, that Corps will be professional, non-political, militarily effective, and representative of all Iraqis. The CPA will promulgate procedures for participation in the New Iraqi Corps.

**Section 6
Other Matters**

- 1) The Administrator may delegate his powers and responsibilities with respect to this Order as he determines appropriate. References to the Administrator herein include such delegates.
- 2) The Administrator may grant exceptions any limitations in this Order at his discretion.

**Section 7
Entry into Force**

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator
Coalition Provisional Authority

ANNEX

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 2

DISSOLUTION OF ENTITIES

Institutions dissolved by the Order referenced (the "Dissolved Entities") are:

- The Ministry of Defence
- The Ministry of Information
- The Ministry of State for Military Affairs
- The Iraqi Intelligence Service
- The National Security Bureau
- The Directorate of National Security (Amn al-'Am)
- The Special Security Organization

All entities affiliated with or comprising Saddam Hussein's bodyguards to include:

- Murafaqin (Companions)
- Himaya al Khasa (Special Guard)

The following military organizations:

- The Army, Air Force, Navy, the Air Defence Force, and other regular military services
- The Republican Guard
- The Special Republican Guard
- The Directorate of Military Intelligence
- The Al Quds Force
- Emergency Forces (Quwat al Tawari)

The following paramilitaries:

- Saddam Fedayeen
- Ba'ath Party Militia
- Friends of Saddam
- Saddam's Lion Cubs (Ashbal Saddam)

Other Organizations:

- The Presidential Diwan
- The Presidential Secretariat
- The Revolutionary Command Council
- The National Assembly
- The Youth Organization (al-Futuwah)
- National Olympic Committee
- Revolutionary, Special and National Security Courts

CPA/ORD/23 May 2003/02

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All organizations subordinate to the Dissolved Entities are also dissolved.
Additional organizations may be added to this list in the future.

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 37

TAX STRATEGY FOR 2003

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Determined to create conditions suited to the economic reconstruction of Iraq,

Noting that the Tax Commission has not been operational,

Determined to complete a broad review of taxes in Iraq, in order to improve the operation and efficiency of the tax system,

Recognizing that these collections are for the benefit of the Iraqi people, and, as far as possible, are in accordance with the rules of assessment and incidence in effect under existing law,

Recognizing that until such a review is completed an interim tax strategy for the remainder of the year 2003 is required,

I hereby promulgate the following:

**Section 1
Definition**

For the purposes of this Order "tax" means any tax or charge having the effect of a tax, including, without limitation, any income, value added, ad valorem, estate, occupational, professional, real property or municipal tax, and any levy, duty, withholding or fee.

**Section 2
Suspension of Taxes**

Subject to Section 6 of this Order, the following taxes are suspended from April 16, 2003 to the end of calendar year 2003:

- a) All income tax for assessed income resources detailed in Article 2 of Income Tax Law Number 113 of 1982;
- b) Real property rent tax in accordance with Law Number 162 of 1959, as amended;

- c) All other taxes not specifically identified in Section 3 below.

Section 3
Specified Taxes

- 1) The following specified taxes shall continue in force, and shall be levied for the remainder of the calendar year 2003:
 - a) Excellent and first class hotel and restaurant tax in accordance with Resolution Number 36 of 1997;
 - b) Tax upon the transfer of real property in accordance with Resolution Number 120 of 2002;
 - c) Car sale fee in accordance with Resolution Number 80 of 1998 and previous relevant laws in force;
 - d) Petrol excise duties including, but not limited to, those provided for in Law Number 9 of 1939, Resolution Number 82 of 1996 and the Order Number 66 of 1999 issued by the Economic Affairs Committee.
- 2) The taxes specified in paragraph 1 above shall not apply to the following persons or entities:
 - a) Coalition Provisional Authority;
 - b) Coalition Forces;
 - c) Forces of countries, their contractors and sub-contractors, acting in coordination with Coalition Forces;
 - d) Coalition contractors and sub-contractors, as defined in CPA Order Number 17, who supply goods directly to or on behalf of the Coalition Provisional Authority and Coalition Forces;
 - e) Departments and agencies of Coalition Forces' governments, and their contractors and sub-contractors that are providing technical, material, financial and human resource assistance to Iraq;
 - f) Governments, international organizations, and not-for-profit organizations providing technical, material, financial and human resource assistance to Iraq;
 - g) Members of the above categories to whom goods are consigned or by whom goods are imported for their personal use.

Section 4
Income Tax Rates in Future Years

The highest individual and corporate income tax rates for 2004 and subsequent years shall not exceed 15 percent.

Section 5
Tax Procedures

Notwithstanding any other provision in this Order, the tax laws as set out in existing Iraqi law, including those detailed in Tax Law Number 113 of 1982, with regard to the tax procedures, including tax rates, the system of collection, enforcement procedures, appeals, and the imposition and rate of penalties and interest for non-payment or late payment of taxes, shall remain in force unless or until amended by the Administrator of the Coalition Provisional Authority or an internationally recognized, representative government of Iraq.

Section 6
Retention of Collected Taxes

Taxes that have already been paid to the government or otherwise held by the government shall remain government property and are not liable to be returned to the taxed party.

Section 7
Relation to Existing Law

In order to give effect to this Order, all existing Iraqi law which is inconsistent with this Order is hereby suspended.

Section 8
Administrative Instructions

The Administrator of the Coalition Provisional Authority or his delegee may issue Administrative Instructions to give effect to this Order.

**Section 9
Entry into Force**

This Order shall enter into force on the date of signature.

Handwritten signature of L. Paul Bremer in black ink, including the date 9/15/03.

L. Paul Bremer, Administrator
Coalition Provisional Authority

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 39

FOREIGN INVESTMENT

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Having worked closely with the Governing Council to ensure that economic change occurs in a manner acceptable to the people of Iraq,

Acknowledging the Governing Council's desire to bring about significant change to the Iraqi economic system,

Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect on public security,

Noting that facilitating foreign investment will help to develop infrastructure, foster the growth of Iraqi business, create jobs, raise capital, result in the introduction of new technology into Iraq and promote the transfer of knowledge and skills to Iraqis,

Recognizing the problems arising from Iraq's legal framework regulating commercial activity and the way in which it was implemented by the former regime,

Recognizing the CPA's obligation to provide for the effective administration of Iraq, to ensure the well being of the Iraqi people and to enable the social functions and normal transactions of every day life,

Acting in a manner consistent with the Report of the Secretary General to the Security Council of July 17, 2003, concerning the need for the development of Iraq and its transition from a non-transparent centrally planned economy to a market economy characterized by sustainable economic growth through the establishment of a dynamic private sector, and the need to enact institutional and legal reforms to give it effect,

Having coordinated with the international financial institutions, as referenced in paragraph 8(e) of the U.N. Security Council Resolution 1483,

In close consultation with and acting in coordination with the Governing Council, I hereby promulgate the following:

CPA/ORD/19 September 2003/39

Section 1
Definitions

- 1) "*Administrator*" means the Administrator of the Coalition Provisional Authority.
- 2) "*Business entity*" means any entity constituted or organized by law of any country, including, but not limited to, any corporation, partnership, joint venture, firm, enterprise, State-owned enterprise, organization, or other similar entity.
- 3) "*Foreign investment*" means investment by a foreign investor in any kind of asset in Iraq, including tangible and intangible property, and related property rights, shares and other forms of participation in a business entity, and intellectual property rights and technical expertise, except as limited by Section 8 of this Order.
- 4) "*Foreign investor*" means (a) a business entity constituted or organized under the law of a country other than Iraq; (b) a natural person who is (i) a national of a country other than Iraq, (ii) a stateless person not residing permanently in Iraq, or (iii) a national of Iraq residing permanently outside of Iraq; or (c) a business entity constituted or organized by any of the above under the law of Iraq; that is making or has made an investment in Iraq.
- 5) "*Iraqi investor*" means (a) a business entity constituted or organized under the law of Iraq other than by a foreign investor; or a natural person who is (i) a national of Iraq residing permanently in Iraq, or (ii) a stateless person residing permanently in Iraq; that is making or has made an investment in Iraq.

Section 2
Purposes

This Order promotes and safeguards the general welfare and interests of the Iraqi people by promoting foreign investment through the protection of the rights and property of foreign investors in Iraq and the regulation through transparent processes of matters relating to foreign investment in Iraq. This Order specifies the terms and procedures for making foreign investments and is intended to attract new foreign investment to Iraq.

Section 3
Relation to Existing Iraqi Law

- 1) This Order replaces all existing foreign investment law.

- 2) This Order is subject to revision by the Administrator, or to adoption or replacement by an internationally recognized, representative government established by the people of Iraq.
- 3) Future Orders or other guidance will be issued concerning various sectors of the economy.

**Section 4
Treatment of Foreign Investors**

- 1) A foreign investor shall be entitled to make foreign investments in Iraq on terms no less favorable than those applicable to an Iraqi investor, unless otherwise provided herein.
- 2) The amount of foreign participation in newly formed or existing business entities in Iraq shall not be limited, unless otherwise expressly provided herein.

**Section 5
Trade Offices & Branches**

A foreign investor may open trade representation offices and branches in Iraq; such offices and branches shall be registered with the Iraqi Registrar of Companies.

**Section 6
Areas of Foreign Investment**

- 1) Foreign investment may take place with respect to all economic sectors in Iraq, except that foreign direct and indirect ownership of the natural resources sector involving primary extraction and initial processing remains prohibited. In addition, this Order does not apply to banks and insurance companies.
- 2) Foreign investment may take place in all parts of Iraq.
- 3) A foreign investor shall be prohibited from engaging in retail sales, unless at least 30 days prior to engaging in such retail sales such foreign investor deposits \$100,000 in a non-interest-bearing account in a properly licensed Iraqi bank located in Iraq pursuant to procedures to be promulgated by the Ministry of Trade. Once a deposit is made pursuant to its procedures, the Ministry of Trade shall issue documentation to the foreign investor reflecting the authorization to engage in such retail sales. Such deposit must be maintained during the entire time that the foreign investor is engaged in retail sales; provided however, it shall be returned upon the request of the foreign investor at the completion of the retail sales activity.

Section 7
Implementing Foreign Investment

- 1) A foreign investor may implement foreign investment using, among other things, freely convertible currencies or Iraqi legal tender, in the following forms:
 - a) establishing a wholly foreign-owned business entity in Iraq, including as a subsidiary of a foreign investor;
 - b) establishing a business entity jointly with an Iraqi investor;
 - c) establishing a branch office, as set forth in Section 5 herein; and
 - d) directly acquiring an investment.
- 2) A foreign investor shall be authorized to:
 - a) possess, use, and dispose of its investments;
 - b) manage or participate in managing a business entity;
 - c) transfer its rights and obligations to other persons in accordance with the law;
 - d) transfer abroad without delay all funds associated with its foreign investment, including:
 - i) shares or profits and dividends;
 - ii) proceeds from the sale or other disposition of its foreign investment or a portion thereof;
 - iii) interest, royalty payments, management fees, other fees and payments made under a contract; and
 - iv) other transfers approved by the Ministry of Trade;
 - e) exercise any other authority conferred upon it by law.
- 3) The Finance Minister and the Minister of Planning may jointly issue regulations to assist in the implementation of this Order.

Section 8
Use of Real Property

- 1) After the date of this Order, unless otherwise permitted by law, a foreign investor or a business entity with any level of foreign investor participation may not under any circumstances purchase the rights of disposal and usufruct of private real property.
- 2) The duration of any license to use property shall be determined by the duration of operations related to the foreign investment. The initial term of a license shall not exceed 40 years, but may be renewed for further such periods. Licenses may be reviewed by the internationally recognized, representative government established by the people of Iraq upon its assumption of the responsibilities of the CPA.
- 3) If a business entity that is owned or controlled by a foreign investor or foreign investors is dissolved before the expiration of the license or lease, then the license or lease shall be terminated at the time of such dissolution.

Section 9
Insurance

A foreign investor shall be permitted to obtain insurance coverage for all aspects of its operation from any foreign or Iraqi source deemed appropriate by the foreign investor.

Section 10
Dispute Settlement

Disputes between a foreign investor and an Iraqi investor pertaining to investment in Iraq, or between a foreign investor and an Iraqi legal or natural person, shall be resolved in accordance with the dispute resolution provisions contained in any applicable written agreement governing the relationship between the parties. The parties may elect in any agreement to utilize the arbitration mechanisms outlined in Iraqi law.

Section 11
Dissolution of Entities

- 1) Within 14 days from the date of adopting a resolution or other instrument terminating the operations of a business entity that is owned or controlled by a foreign investor or foreign investors, the business entity with foreign investment shall submit the resolution or other instrument to the Iraqi Registrar of Companies.

- 2) Upon termination of operations and dissolution of the business entity with any level of foreign investment, any such foreign investor shall, consistent with Section 7 of this Order, have the right to transfer profits from the sale or liquidation to any foreign location, or as provided in a written agreement between the foreign investor and an Iraqi investor, provided that all amounts owed by such business entity to the government of Iraq and all Iraqi creditors have been paid in advance of the transfer.

**Section 12
Tax Treatment**

The Administrator may issue further orders to address the tax treatment of income derived from a foreign investment that is reinvested in a business entity in Iraq.

**Section 13
Treatment of Investors**

No legal text that impedes the operation of this Order shall hold and all investors, foreign and Iraqi, shall be treated equally under the law, except as otherwise specifically provided in this Order.

**Section 14
International Agreements**

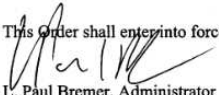
Where an international agreement to which Iraq is a party provides for more favorable terms with respect to foreign investors undertaking investment activities in Iraq, the more favorable terms under the international agreement shall apply.

**Section 15
Evasion**

Violations of Sections 6(3) and 8(1) of this Order may serve as a basis for suspension or cancellation of the rights of a foreign investor in Iraq that arise under this Order.

**Section 16
Entry into Force**

This Order shall enter into force on the date of signature.


L. Paul Bremer, Administrator
Coalition Provisional Authority

United Nations

S/2002/939



Security Council

Distr.: General
15 August 2002
English
Original: Arabic

Letter dated 15 August 2002 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of a letter dated 15 August 2002 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, together with the 19 questions raised by Iraq at the discussion meeting held on 7 March 2002, addressed to you in reply to your letter of 6 August 2002 concerning Iraq's proposal on the holding of a series of technical discussions between Iraqi experts and those of UNMOVIC.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Al-Douri
Permanent Representative

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**Questions presented by Iraq to the Security Council on
7 March 2002**

Baghdad, 25 July 2002

**Questions which Iraq's Foreign Minister presented to the United Nations
Secretary-General in the session of talks on 7 March 2002 and to which he
requested answers from the Security Council**

1. What is your vision and assessment of what we have achieved after seven years and seven months of Iraq's cooperation with the Special Committee and the International Atomic Energy Agency? How can this cooperation be built on?
2. If one or two of the Security Council's permanent members say that they are not assured of Iraq's disarmament, we want to know what they want to be assured of. What are they looking for? What is the necessary time frame to complete this? We also ought to be satisfied, not just the Security Council, in order to go on cooperating with it. If they have any doubts about a certain site or activity, we ought to know about it.
3. How do you explain the stance of a permanent member of the Security Council which officially calls for the invasion of Iraq and the imposition of an agent regime on its people by force, in clear violation of the Security Council resolutions themselves, which clearly state that Iraq's sovereignty, independence and territorial integrity and the rules of international law and the United Nations Charter must be respected? At the same time, it demands that Iraq implement the Security Council's resolutions.
4. Is the Security Council seriously adhering to its mandate and the resolutions which it adopted, in particular, resolution 687 (1991), and to the fair, legal reading of this resolution? Or is the Security Council subject to the United States explanation of the resolutions and to the unilateral decisions of the United States concerning Iraq?
5. How could normal relations between Iraq and the Security Council be achieved under the current declared United States policy of seeking to invade Iraq and change by force its patriotic political regime?
6. The United States continuously declares that the economic sanctions imposed on Iraq will remain as long as the patriotic political regime in Iraq stays. What is the Security Council's position on this policy, which violates the relevant Security Council resolutions?
7. What guarantees could the United Nations offer to prevent interference between Iraq's relations with the United Nations and the United States agenda?
8. The concept of synchronicity in implementing the reciprocal obligations set forth in the Security Council resolutions related to Iraq is necessary and essential to rebuild confidence between Iraq and the Security Council. What are your views on the obligations related to Iraq's rights, first and foremost the lifting of sanctions, respect for Iraq's sovereignty, independence and territorial integrity and making the Middle East region free of weapons of mass destruction. What are the obligations the Security Council ought to implement to open up a new page of cooperation

between Iraq and the United Nations? How could we set up a mechanism that secures the synchronized implementation of the two sides' obligations?

9. Is it fair to ask Iraq to implement Security Council resolutions and the same not be demanded of a permanent member of the Security Council which continues to violate those resolutions, especially those related to respecting Iraq's sovereignty, independence and territorial integrity, and officially vows that its policy aims to invade the Republic of Iraq and overthrow its regime?

10. After disclosure of the espionage activities of former UNSCOM inspectors and the International Atomic Energy Agency according to confessions made by some members of the Special Committee and statements issued by United States sources and some Security Council permanent members and to what was acknowledged by the Secretariat, is it fair that inspectors return to Iraq who could be used to spy against Iraq and its leadership and to update information about Iraq's vital economic installations so as to bomb them in a coming aggression?

11. Could the United Nations ensure that those coming to Iraq are not spies and will not commit espionage activities?

12. Could the United Nations guarantee the elimination of the two no-fly zones? Could the United Nations guarantee that the upcoming inspection would not be a prelude to an aggression against Iraq as in 1998? Could the United Nations guarantee that the United States would not attack Iraq during the inspection operations, as throughout the seven and a half years from May 1991 to December 1998?

13. What is the Secretary-General's view about the time required for the inspection teams to make sure that Iraq does not have weapons of mass destruction and to inform the Security Council of this fact? What methods is the United Nations thinking of using in this respect and how far are they in keeping with the related international accords?

14. How would inspectors from States which are declaring their intention to threaten Iraq's national security, invade it and change its regime, apply their international, unbiased mandate on Iraq or respect the Security Council's resolutions and their duties under the Charter? The presence of United States and British inspectors on the Special Committee and the International Atomic Energy Agency helped the United States and the United Kingdom collect intelligence data and specify locations that were targeted in their aggression. All locations which had been visited by the inspection teams were exposed in the 1998 aggression, including the presidential sites, despite the inspectors' statement that there were no weapons of mass destruction. The United States and the United Kingdom also bombed all the industrial sites according to inspection data while they were under continuous monitoring.

15. What is the Secretary-General's view of the structure of UNMOVIC? Is it plausible to approve individuals who violated their unbiased mandate and duties, in addition to the reputation of the Organization, when they spied on Iraq?

16. What is the mandate of UNMOVIC? The United Nations statements and documents released up to now are ambiguous. What is the authority of its Head? What is the authority of its College of Commissioners? What is the form of the Secretary-General's supervision of its functioning? What are the guarantees that the

Commission and its chief would not abuse their authority? What are the guarantees that the Commission would not violate Iraq's sovereign rights?

17. The dropping of 120,000 tons of bombs, including 800 tons of depleted uranium, on Iraq during the 1991 aggression and the aggressions that followed, in addition to the all-out, 12-year blockade, has led to the semi-demolition of the economic, health, education and services infrastructure. Iraq will need to utilize all its resources when sanctions are lifted to rebuild its basic installations. The question of compensation and its high rates poses a big obstacle to this. What does the Secretary-General envisage to correct this situation? Does he intend to send expert teams to Iraq to discuss the question of reconstruction and its costs and to prepare the requirements to urge the Security Council to reconsider the question of compensation?

18. The blockade and the military aggressions launched by the United States and Britain against Iraq since 1991 have caused huge material and human losses in Iraq. What are the possibilities of considering, within a comprehensive solution based on justice, compensating Iraq for the human, material and psychological damage and losses that its people have suffered on the same basis adopted by the Security Council for compensation?

19. Iraq has a firm right to self-defence under Article 15 of the Charter. The Security Council did not abide by its commitments concerning Iraq's sovereignty and territorial integrity, thus encouraging regional parties to violate Iraq's national security. How do you see the question of Iraq's right to self-defence and its right under international law and the Charter to possess defence weapons?



Resolution 1441 (2002)

**Adopted by the Security Council at its 4644th meeting, on
8 November 2002**

The Security Council,

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, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, and 1284 (1999) of 17 December 1999, and all the relevant statements of its President,

Recalling also its resolution 1382 (2001) of 29 November 2001 and its intention to implement it fully,

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

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,

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,

Deploing the fact that Iraq has 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,

Deploing further that Iraq repeatedly obstructed immediate, unconditional, and unrestricted access to sites designated by the United Nations Special Commission (UNSCOM) and the International Atomic Energy Agency (IAEA), failed to cooperate fully and unconditionally with UNSCOM and IAEA weapons

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inspectors, as required by resolution 687 (1991), and ultimately ceased all cooperation with UNSCOM and the IAEA in 1998.

Deploing the absence, since December 1998, in Iraq of international monitoring, inspection, and verification, as required by relevant resolutions, of weapons of mass destruction and ballistic missiles, in spite of the 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, and regretting the consequent prolonging of the crisis in the region and the suffering of the Iraqi people,

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,

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,

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,

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,

Noting that 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 Council resolutions,

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 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,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq, Kuwait, and the neighbouring States,

Commending the Secretary-General and members of the League of Arab States and its Secretary-General for their efforts in this regard,

Determined to secure full compliance with its decisions,

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

1. *Decides* that Iraq has been 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);

2. *Decides*, while acknowledging 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;

3. *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, the IAEA, and the Council, not later than 30 days from the date of this resolution, a currently accurate, full, and complete declaration of all aspects of its programmes 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;

4. *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 and will be reported to the Council for assessment in accordance with paragraphs 11 and 12 below;

5. *Decides* that Iraq shall provide UNMOVIC and the 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 the IAEA wish to interview in the mode or location of UNMOVIC's or the IAEA's choice pursuant to any aspect of their mandates; further decides that UNMOVIC and the 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 the 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;

6. *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;

7. *Decides* further that, in view of the prolonged interruption by Iraq of the presence of UNMOVIC and the IAEA and in order for them to accomplish the tasks

set forth in this resolution and all previous relevant resolutions and notwithstanding prior understandings, the Council hereby establishes the following revised or additional authorities, which shall be binding upon Iraq, to facilitate their work in Iraq:

- UNMOVIC and the IAEA shall determine the composition of their inspection teams and ensure that these teams are composed of the most qualified and experienced experts available;
 - All UNMOVIC and IAEA personnel shall enjoy the privileges and immunities, corresponding to those of experts on mission, provided in the Convention on Privileges and Immunities of the United Nations and the Agreement on the Privileges and Immunities of the IAEA;
 - UNMOVIC and the 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 equal to that at other sites, notwithstanding the provisions of resolution 1154 (1998) of 2 March 1998;
 - UNMOVIC and the IAEA shall have the right to be provided by Iraq the names of all personnel currently and formerly associated with Iraq's chemical, biological, nuclear, and ballistic missile programmes and the associated research, development, and production facilities;
 - Security of UNMOVIC and IAEA facilities shall be ensured by sufficient United Nations security guards;
 - UNMOVIC and the IAEA shall have the right to declare, for the purposes of freezing a site to be inspected, exclusion zones, including surrounding areas and 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;
 - UNMOVIC and the IAEA shall have the free and unrestricted use and landing of fixed- and rotary-winged aircraft, including manned and unmanned reconnaissance vehicles;
 - UNMOVIC and the 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
 - UNMOVIC and the 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;
8. *Decides* further that Iraq shall not take or threaten hostile acts directed against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council resolution;
9. *Requests* the Secretary-General immediately to notify Iraq of this resolution, which is binding on Iraq; demands that Iraq confirm within seven days of that notification its intention to comply fully with this resolution; and demands

further that Iraq cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA;

10. *Requests* all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraqi attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, 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;

11. *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;

12. *Decides* to convene immediately upon receipt of a report in accordance with paragraphs 4 or 11 above, in order to consider the situation and the need for full compliance with all of the relevant Council resolutions in order to secure international peace and security;

13. *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;

14. *Decides* to remain seized of the matter.

Annex

Text of Blix/El-Baradei letter

**United Nations Monitoring, Verification
and Inspection Commission**

International Atomic Energy Agency

The Executive Chairman

The Director General

8 October 2002

Dear General Al-Saadi,

During our recent meeting in Vienna, we discussed practical arrangements that are prerequisites for the resumption of inspections in Iraq by UNMOVIC and the IAEA. As you recall, at the end of our meeting in Vienna we agreed on a statement which listed some of the principal results achieved, particularly Iraq's acceptance of all the rights of inspection provided for in all of the relevant Security Council resolutions. This acceptance was stated to be without any conditions attached.

During our 3 October 2002 briefing to the Security Council, members of the Council suggested that we prepare a written document on all of the conclusions we reached in Vienna. This letter lists those conclusions and seeks your confirmation thereof. We shall report accordingly to the Security Council.

In the statement at the end of the meeting, it was clarified that UNMOVIC and the IAEA will be granted immediate, unconditional and unrestricted access to sites, including what was termed "sensitive sites" in the past. As we noted, however, eight presidential sites have been the subject of special procedures under a Memorandum of Understanding of 1998. Should these sites be subject, as all other sites, to immediate, unconditional and unrestricted access, UNMOVIC and the IAEA would conduct inspections there with the same professionalism.

H.E. General Amir H. Al-Saadi
Advisor
Presidential Office
Baghdad
Iraq

We confirm our understanding that UNMOVIC and the IAEA have the right to determine the number of inspectors required for access to any particular site. This determination will be made on the basis of the size and complexity of the site being inspected. We also confirm that Iraq will be informed of the designation of additional sites, i.e. sites not declared by Iraq or previously inspected by either UNSCOM or the IAEA, through a Notification of Inspection (NIS) provided upon arrival of the inspectors at such sites.

Iraq will ensure that no proscribed material, equipment, records or other relevant items will be destroyed except in the presence of UNMOVIC and/or IAEA inspectors, as appropriate, and at their request.

UNMOVIC and the IAEA may conduct interviews with any person in Iraq whom they believe may have information relevant to their mandate. Iraq will facilitate such interviews. It is for UNMOVIC and the IAEA to choose the mode and location for interviews.

The National Monitoring Directorate (NMD) will, as in the past, serve as the Iraqi counterpart for the inspectors. The Baghdad Ongoing Monitoring and Verification Centre (BOMVIC) will be maintained on the same premises and under the same conditions as was the former Baghdad Monitoring and Verification Centre. The NMD will make available services as before, cost free, for the refurbishment of the premises.

The NMD will provide free of cost: (a) escorts to facilitate access to sites to be inspected and communication with personnel to be interviewed; (b) a hotline for BOMVIC which will be staffed by an English speaking person on a 24 hour a day/seven days a week basis; (c) support in terms of personnel and ground transportation within the country, as requested; and (d) assistance in the movement of materials and equipment at inspectors' request (construction, excavation equipment, etc.). NMD will also ensure that escorts are available in the event of inspections outside normal working hours, including at night and on holidays.

Regional UNMOVIC/IAEA offices may be established, for example, in Basra and Mosul, for the use of their inspectors. For this purpose, Iraq will provide, without cost, adequate office buildings, staff accommodation, and appropriate escort personnel.

UNMOVIC and the IAEA may use any type of voice or data transmission, including satellite and/or inland networks, with or without encryption capability. UNMOVIC and the IAEA may also install equipment in the field with the capability for transmission of data directly to the BOMVIC, New York and Vienna (e.g. sensors, surveillance cameras). This will be facilitated by Iraq and there will be no interference by Iraq with UNMOVIC or IAEA communications.

Iraq will provide, without cost, physical protection of all surveillance equipment, and construct antennae for remote transmission of data, at the request of UNMOVIC and the IAEA. Upon request by UNMOVIC through the NMD, Iraq will allocate frequencies for communications equipment.

Iraq will provide security for all UNMOVIC and IAEA personnel. Secure and suitable accommodations will be designated at normal rates by Iraq for these personnel. For their part, UNMOVIC and the IAEA will require that their staff not stay at any accommodation other than those identified in consultation with Iraq.

On the use of fixed-wing aircraft for transport of personnel and equipment and for inspection purposes, it was clarified that aircraft used by UNMOVIC and IAEA staff arriving in Baghdad may land at Saddam International Airport. The points of departure of incoming aircraft will be decided by UNMOVIC. The Rasheed airbase will continue to be used for UNMOVIC and IAEA helicopter operations. UNMOVIC and Iraq will establish air liaison offices at the airbase. At both Saddam International Airport and Rasheed airbase, Iraq will provide the necessary support premises and facilities. Aircraft fuel will be provided by Iraq, as before, free of charge.

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On the wider issue of air operations in Iraq, both fixed-wing and rotary, Iraq will guarantee the safety of air operations in its air space outside the no-fly zones. With regard to air operations in the no-fly zones, Iraq will take all steps within its control to ensure the safety of such operations.

Helicopter flights may be used, as needed, during inspections and for technical activities, such as gamma detection, without limitation in all parts of Iraq and without any area excluded. Helicopters may also be used for medical evacuation.

On the question of aerial imagery, UNMOVIC may wish to resume the use of U-2 or Mirage overflights. The relevant practical arrangements would be similar to those implemented in the past.

As before, visas for all arriving staff will be issued at the point of entry on the basis of the UN Laissez- Passer or UN Certificate; no other entry or exit formalities will be required. The aircraft passenger manifest will be provided one hour in advance of the arrival of the aircraft in Baghdad. There will be no searching of UNMOVIC or IAEA personnel or of official or personal baggage. UNMOVIC and the IAEA will ensure that their personnel respect the laws of Iraq restricting the export of certain items, for example, those related to Iraq's national cultural heritage. UNMOVIC and the IAEA may bring into, and remove from, Iraq all of the items and materials they require, including satellite phones and other equipment. With respect to samples, UNMOVIC and IAEA will, where feasible, split samples so that Iraq may receive a portion while another portion is kept for reference purposes. Where appropriate, the organizations will send the samples to more than one laboratory for analysis.

We would appreciate your confirmation of the above as a correct reflection of our talks in Vienna.

Naturally, we may need other practical arrangements when proceeding with inspections. We would expect in such matters, as with the above, Iraq's co-operation in all respect.

Yours sincerely,

(Signed)
Hans **Blix**
Executive Chairman
United Nations Monitoring,
Verification and Inspection Commission

(Signed)
Mohamed **ElBaradei**
Director General
International Atomic Energy Agency

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