United Nations Security Council Resolution 1441

The United Nations Security Council passed Resolution 1441 by a vote of 15 to 0 on November 8, 2002.* The text of the resolution follows. The resolution’s Annex is not included here.

The Security Council,


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

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

* Editor’s Note: The Associated Press reported on November 8 that after the vote on the resolution, UN Secretary-General Kofi Annan said, “Iraq has a new opportunity to comply with all these relevant resolutions of the Security Council. I urge the Iraqi leadership for the sake of its own people...to seize this opportunity and thereby begin to end the isolation and suffering of the Iraqi people.”

According to the White House transcript of his November 8 remarks following the vote on the UN Security Council resolution, President Bush said, “With the resolution just passed, the United Nations Security Council has met important responsibilities, upheld its principles and given clear and fair notice that Saddam Hussein must fully disclose and destroy his weapons of mass destruction....The outcome of the current crisis is already determined: the full disarmament of weapons of mass destruction will occur. The only question for the Iraqi regime is to decide how. The United States prefers that Iraq meet its obligations voluntarily, yet we are prepared for the alternative. In either case, the just demands of the world will be met.”

The New York Times of November 9, 2002, quoted France’s Ambassador to the United Nations Jean-David Levitte, who said upon the passage of UN Security Council Resolution 1441, “France considers that the resolution, which has just been adopted, is a good one for the following reasons: The resolution strengthens the role and the authority of the Security Council. That was the main and constant objective for France throughout the negotiations that have just been completed. We had reflected that objective in our request for a ‘two-stage approach’ to be established and adopted so as to ensure that the Security Council maintains control of the process at each stage.”

Arab governments expressed “collective support...for new weapons inspections inside Iraq...[in] a resolution at a meeting of Arab League foreign ministers in Cairo” on November 10, stated The New York Times of November 11. The Times also said that the Iraqi news agency reported that Mr. Naji Sabri, Iraq’s Foreign Minister “...had sought assurances from Arab governments that they would take specific steps in the event of an attack. The steps included not only barring American forces from using bases in their countries to attack Iraq, but also committing themselves to further measures like stopping oil shipments to countries that participate in any attack, breaking diplomatic relations and withdrawing financial assets.”
*Recalling* that its Resolution 678 (1990) authorized Member States to use all necessary means to uphold and implement its Resolution 660 (1990) of August 2, 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,

*Deploring* 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 programs to develop weapons of mass destruction and ballistic missiles with a range greater than 150 kilometers, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programs, including any which it claims are for purposes not related to nuclear-weapons-usable material,

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

*Deploring* 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,

*Deploring 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,

_Notig_ the letter dated September 16, 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,

_Notig further_ the letter dated October 8, 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 neighboring states,

_Commending_ the Secretary-General and the 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 eight to thirteen of Resolution 687 (1991);

2. _Decides_, while acknowledging paragraph one 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 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 programs, 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 paragraph eleven and twelve 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 October 8, 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;

*Editor’s Note: According to The Washington Post of November 8, 2002, Chief UN weapons inspector, Hans Blix, said that Iraq ‘might have difficulty making a declaration of its large petrochemical industry in that time [30 days]....’*

**Editor’s Note: According to The Washington Post of November 8, 2002, Hans Blix was ‘preparing to send an advance team to Iraq within two weeks [i.e. by November 18] after a nearly four-year absence.’
♦ 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);

♦ 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 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 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 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 programs 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 four or eleven 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.