GENERAL NOTE

1. INTRODUCTION

As reflected in the IAEA's Plan for Ongoing Monitoring and Verification (OMV) of Iraq's compliance with Paragraph 12 of Part C of Security Council Resolution 687 (1991) and with the requirements of Paragraphs 3 and 5 of Resolution 707 (1991), the objectives of Annex 3 to the OMV plan are the following:

i) To identify items prohibited to Iraq under Paragraph 12 of Resolution 687 (1991). The existence in Iraq of any items in this category must be declared by Iraq under the provision of the IAEA's OMV Plan. Pursuant to Paragraph 12 of resolution 687, the IAEA is authorized to dispose of these items through "destruction removal or rendering harmless as appropriate."

The transfer of any item in this category to Iraq, as well as the transfer of "technology" directly associated with, or required for, the "development," "production," or "use" of the item is also prohibited. It should be noted that the prohibited items, flagged with an asterisk in Annex 3, also include some of the "dual-use" commodities listed in the Annexes of the "Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology" (see IAEA documents INFIRC/254/Rev. l/Part I dated July 1992, INFCIRC/254/Rev.l/Part 2, dated July 1992, and INFCIRC/254/Rev. l/Part l/Mod 2, dated April 1994).

ii) To identify items that are directly relevant to research and development activities in the area of peaceful applications of nuclear energy and that are not prohibited under Paragraph 12 of Resolution 687 (1991). These items, which include certain nuclear material, dedicated-use nuclear equipment, research and power reactors and components thereof, nuclear fuel cycle related plants, and components thereof and related technology, must be declared by Iraq to the IAEA under the provisions of the OMV Plan.

While Resolution 687 (1991) does not prohibit the conduct of non-weapons-related nuclear activities by Iraq, Paragraph 3 (vi) of Resolution 707 (1991) currently limits nuclear activities in Iraq to the "use of isotopes for medical, agricultural, or industrial purposes." This proscription is to remain operative until such time as "the Security Council determines that Iraq is in full compliance with this Resolution [707 (1991)] and Paragraphs 12 and 13 of Resolution 687 (1991) and the IAEA determines that Iraq is in full compliance with its safeguards agreement with the Agency." Until these restrictions are lifted, items in this category that have been located in Iraq are controlled by the IAEA under its OMV Plan to verify Iraq's compliance with these restrictions.

When the restrictions imposed in Paragraph 3 (vi) of Resolution 707 (1991) are lifted, items falling in this category will be released for use by Iraq and their use will be monitored under the IAEA's OMV Plan.

Until such restrictions are lifted, the transfer to Iraq of items in this category is prohibited except for those items related to the nonproscribed nuclear applications in medicine, agriculture, and industry.

The transfer to Iraq of items for use in nonproscribed nuclear activities, i.e., the use of isotopes for medical, agricultural, or industrial purposes, continues to be circumscribed by the general sanctions imposed on Iraq by the Security Council in Resolutions 661 (1990) and 670 (1991).

iii) To identify "dual-use" materials, equipment and related technology that could be of significant value in pursuit of a nuclear weapons program or of nuclear fuel cycle activities prohibited under Resolution 687 (1991). These commodities are dual-use, in that they also have application in industry and scientific research outside the nuclear area. As referred to above under Item i, some of these items are prohibited to Iraq notwithstanding their dual-use nature.

Nonprohibited dual-use commodities present in Iraq at the end of the Gulf War are required to be declared to the IAEA under the OMV Plan, and their use is monitored by the IAEA. Until such time as the sanctions provided for in Resolutions 661 (1990) and 670 (1990) are lifted, the transfer to Iraq of dual-use items for essential civilian needs is regulated by the Sanctions Committee established in Resolution 661 (1990) and, thereafter, such transfers will be subject to the provisions of the mechanism for export/import monitoring called for in Paragraph 7 of Resolution 715 (1991).

2. CLARIFICATION ON ITEMS OF ANNEX 3 ELIGIBLE FOR TRANSFER TO IRAQ

i) The items in Annex 3 include any item fitting the relevant description, whether in new or used condition.

ii) Where the description of any item in Annex 3 contains no qualifications or specifications, it is regarded as including all varieties of that item. Category captions are only for convenience in reference and do not affect the interpretation of item definitions.

iii) The objectives of Security Council resolutions should not, to the extent permitted by national legislation, be defeated by the transfer of any noncontrolled item (including plants) containing one or more controlled component or components when the controlled component or components are the principal elements of the item and can be easily removed for other purposes. In judging whether the controlled component or components are to be considered principal elements, licensing authorities should weigh the factors of quantities, value, and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the item being procured.

iv) The objectives of Security Council resolutions should not, to the extent permitted by national legislation, be defeated by the transfer of component parts.

3. CONTROL ON TECHNOLOGY TRANSFER

i) The transfer of "technology" directly associated with any item in the Annex 3 list will be subject to as great a degree of scrutiny and control as will the items themselves, to the extent permitted by national legislation.

NOTE 1:
Any technology transfer for prohibited items is also prohibited.

NOTE 2:
Controls on "technology" transfer do not apply to information "in the public domain" or to "basic scientific research."

ii) It is understood that the licensing for transfer to Iraq of any item in Annex 3 identified as nonproscribed to Iraq may entail the transfer to the same end user of the minimum "technology" required for the installation, operation, maintenance and repair of the item.

4. DEFINITIONS

For the objectives of Annex 3 the following definitions will apply:

"technology" - means specific information required for the "development," "production," or "use" of any item contained in Annex 3. This information may take the form of "technical data" or "technical assistance."

"development" - is related to all phases before "production" such as:

- design
- design research
- design analysis
- design concepts
- assembly and testing of prototypes
- pilot production schemes
- design data
- process of transforming design data into a product
- configuration design
- integration design
- layouts

“production” - means all production phases such as:

- construction
- production engineering
- manufacture
- integration
- assembly (mounting)
- inspection
- testing
- quality assurance

“specially designed software” - refers to the minimum operating systems, diagnostic systems, maintenance systems, and application software necessary to be executed on particular equipment to perform the function for which it was designed. To make other incompatible equipment perform the same function requires:

i) modification of this software or

ii) addition of programs

“technical assistance” - “technical assistance” may take forms such as: instruction, skills, training, working knowledge, and consulting services. “Technical assistance” may involve transfer of “technical data.”

“technical data” - “technical data” may take forms such as blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals, and instructions written or recorded on other media or devices such as disk, tape, or read-only memories.

“use” - operation, installation (including on-site installation), maintenance (checking), repair, overhaul, and refurbishing.

“basic scientific research” - experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena and observable facts, not primarily directed toward a specific practical aim or objective.

“in the public domain” - “in the public domain” as it applies herein means technology that has been made available without restrictions upon its further dissemination. (Copyright restrictions do not remove technology from being in the public domain.)

5. ABBREVIATIONS AND UNITS

The International System of Units (SI) is used in Annex 3. In many places, the approximate equivalent physical quantity in English units is given in parentheses ( ) after the SI quantity. In all cases the physical quantity defined in SI units should be considered the official recommended control value. However, some machine tool parameters are given in their customary units, which are not SI.

Commonly used abbreviations (and their prefixes denoting size) used in Annex 3 are as follows:

A	ampere(s)	kW	kilowatt(s)
°C	degree(s) Celsius	m	meter(s)
Ci	curie(s)	MeV	million electron volt(s)
cm^3	cubic centimeter(s)	MHz	megahertz
dB	decibel(s)	MPa	megapascal(s)
dBm	decibel referred to 1 milliwatt	MW	megawatt(s)
g	gram(s); also, acceleration of gravity (9.81 m/$second^2$)	m	meter(s)
GBq	gigabecquerel(s)	µF	microfarad(s)
GHz	gigahertz	µm	micrometer(s)
Hz	hertz	µs	microsecond(s)
J	joule(s)	mm	millimeter(s)
K	Kelvin	N	newton(s)
KeV	thousand electron volt(s)	nm	nanometer(s)
kg	kilogram(s)	nH	nanohenry(ies)
kHz	kilohertz	ps	picosecond(s)
kN	kilonewton(s)	W	watt(s)
kPa	kilopascal(s)		

The notation (SCII) or (SCIV) indicates that items of the same type/category are also listed in one of the Annexes (2 or 4, respectively) of the UN Special Commission Plan.

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