



# Security Council

Sixtieth year

*Provisional***5204**<sup>th</sup> meeting

Thursday, 16 June 2005, 3 p.m.

New York

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<i>President:</i>	Mr. De La Sablière . . . . .	(France)
<i>Members:</i>	Algeria . . . . .	Mr. Djacta
	Argentina . . . . .	Mr. D'Alotto
	Benin . . . . .	Mr. Zinsou
	Brazil . . . . .	Mr. Tarrisse da Fontoura
	China . . . . .	Mr. Zhang Yishan
	Denmark . . . . .	Mr. Faaborg-Andersen
	Greece . . . . .	Mrs. Telalian
	Japan . . . . .	Mr. Oshima
	Philippines . . . . .	Mr. Mercado
	Romania . . . . .	Mr. Motoc
	Russian Federation . . . . .	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland . . . . .	Sir Emyr Jones Parry
	United Republic of Tanzania . . . . .	Mrs. Taj
	United States of America . . . . .	Mrs. Patterson

## Agenda

The situation concerning Iraq

Report of the Secretary-General pursuant to paragraph 30 of resolution  
1546 (2004) (S/2005/373)

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05-38861 (E)

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*The meeting was called to order at 3.15 p.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The situation concerning Iraq**

#### **Report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004) (S/2005/373)**

**The President** (*spoke in French*): I should like to inform the Council that I have received a letter from the representative of Iraq, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

*At the invitation of the President, Mr. al-Istrabadi (Iraq) took a seat at the Council table.*

**The President** (*spoke in French*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2005/373, which contains a report of the Secretary-General pursuant to paragraph 30 of resolution 1546 (2004).

At this meeting the Security Council will hear a briefing by Mr. Danilo Türk, Assistant Secretary-General for Political Affairs. I now give the floor to Mr. Türk.

**Mr. Türk:** I am pleased to present the fourth report of the Secretary-General pursuant to paragraph 30 of Security Council resolution 1546 (2004) (S/2005/373). The report provides an update on United Nations activities in Iraq since the Secretary-General's last report, of 7 March 2005 (S/2005/141 and Corr.1). I will therefore focus my remarks on the political process that has developed since the convening of the Transitional National Assembly and the formation of the Transitional Government and on the implications

for the work of the United Nations in the coming months.

One year after the adoption of resolution 1546 (2004), this report comes at what may be a critical moment for Iraq — internally, regionally and internationally. This is also a moment to take stock of what has been achieved so far and to take a hard look at the road before us.

Despite dire predictions about the evolution of the internal situation, Iraq has been able, with the support of the United Nations, to meet each benchmark of its political transition so far. Most important, Iraq has regained its sovereignty and has a newly elected Government now in place following last January's successful elections. We know from experience how difficult it is for any society with a history like Iraq's to go through such a fundamental transition. To be sure, there have been inevitable setbacks along the road, and today's problems cannot be addressed through quick fixes. That is why it is important for Iraq's new Transitional Government and Transitional National Assembly to preserve the initial achievements and address, most seriously, the challenges ahead as Iraq moves forward into the next steps of its transition.

Many inside and outside Iraq see the political transition process as having entered a decisive phase in the process of national reconciliation. Our experience around the world demonstrates that national reconciliation requires a constructive relationship between the majority in power and political minorities. Democratic processes are most successful when the majority allows minorities the full exercise of their political rights and the opportunity to contribute to the governance and reconstruction of their country. On the other hand, political minorities have an equal responsibility to contribute to the democratic process and to support the national reconstruction effort. Those goals are difficult to achieve. They are particularly difficult to achieve in countries such as Iraq, where ethnic and religious loyalties play an essential role in the shaping of political choices.

For that reason, the report emphasizes that the inclusion of all constituencies, public participation and transparency in the political process and its responsiveness to the key demands of all political constituencies constitute a *sine qua non* for the credibility and, therefore, the success of the transition process. A credible political process will be crucial to

maintain the necessary political momentum to carry Iraq through the remainder of the transition process. Only by ensuring the confidence of Iraqi constituencies in the process can their key concerns be addressed and accommodated. That obviously is not a new realization. The United Nations has worked consistently for an inclusive political process in Iraq ever since our political presence was established two years ago. It continues to be essential that all intensify their efforts to reach out to one another and to develop relations of trust through dialogue and consensus-building.

The new Government and Assembly have a mandate from the Iraqi people to continue to engage all citizens and political groups, particularly among those who continue to feel disenfranchised. In that regard, we are pleased that the Special Representative of the Secretary-General, Mr. Ashraf Qazi, and his team in the Office of Constitutional Support of the United Nations Assistance Mission for Iraq (UNAMI) were able to help in facilitating the agreement in principle reached today between the Constitutional Drafting Committee of the Transitional National Assembly and representatives of the Sunni Arab community to expand the Drafting Committee by 15 new members and 10 experts. We hope that that breakthrough will now enable the Iraqis to make progress in drafting their new constitution on time.

Flexibility and the capacity to compromise will be required on the part of all — obviously a tall order in Iraq. The process through which the constitution is to emerge is therefore as important as its content and its completion on time. If handled right, it can produce a broadly acceptable constitutional framework for durable peace and stability. At the request of the Iraqi Government, Special Representative Qazi and UNAMI will continue to work closely with Iraqi representatives to help facilitate dialogue and consensus-building among Iraqi parties and promote a constitutional process that is procedurally and substantively inclusive, participatory and transparent. UNAMI is also increasingly coordinating international assistance to the constitutional process.

At the same time, we are putting in place the necessary capacity for UNAMI to continue supporting the Independent Electoral Commission of Iraq and other relevant authorities with regard to planning, training and operational requirements for the upcoming referendum and elections. A new Chief Electoral

Officer has been appointed to direct UNAMI's electoral team. We are aware that the timing and the substance of the new constitution may have a profound impact on electoral preparations, especially as may pertain to new electoral legislation. As was the case for the January elections, substantial international assistance will be required for a successful referendum and successful elections.

In order for the transition to succeed, advances in the political process will need to be complemented by tangible improvements in the reconstruction, development and humanitarian areas. After so many years of deprivation, Iraqi citizens are now looking to their leaders to deliver the dividends of their vote in terms of basic services, employment and living conditions. Promises of better lives must translate into real improvement for Iraqis. The United Nations, through creative arrangements with Iraqi implementing partners and on the basis of Iraqi priorities, continues to deliver its reconstruction and development assistance inside Iraq, including in the key areas of governance, human development and poverty reduction, health, education and rural development. An increased focus on institutional capacity-building at the various levels of government is contributing to the improved management of public affairs. UNAMI is also stepping up its efforts to play an enhanced aid coordination role between international donors and designated Iraqi authorities. As in many other situations around the world, the coordinating role of the United Nations represents an example of added value in the context of international efforts to help.

All those efforts are taking place within a security environment that remains extremely challenging. Of particular concern is the increasingly sectarian logic that appears to be inspiring much of the violence. Our paramount concern is that innocent Iraqi civilians continue to bear the brunt of the violence and the use of force. No cause can ever justify terrorist acts that maim and kill innocent men, women and children. At the same time, it is incumbent upon all parties to fully respect their obligations under international humanitarian law and to ensure that the use of force is minimized in order to avoid civilian casualties.

Ultimately, in order for security initiatives to yield the enduring results intended, they need to form part of a broader credible political process that can address the underlying political problems. Two years after the demise of the former regime, it is also

imperative for the new Government, with the support of the international community, to deliver basic services effectively and to do more to promote the rule of law and respect for human rights so that all Iraqis can live free from fear and in dignity.

Having accompanied the Iraqi people and Government thus far in their efforts, the United Nations is determined to continue to implement its mandate under resolution 1546 (2004) to the fullest extent possible, as circumstances permit. The report makes clear that, although a great deal of progress has been made in cooperation with the multinational force in terms of security and support arrangements, UNAMI continues to face severe constraints that could potentially affect the planned expansion of our activities in Iraq.

UNAMI has already demonstrated that effectiveness can be achieved with limited capacity on the ground. Our willingness to deliver on expectations of the United Nations, both inside and outside Iraq, must necessarily be tempered by a realistic assessment of prevailing security and operational conditions. Consistent with our approach since the return of UNAMI to Iraq, we will continue to make every effort to determine how prevailing circumstances can enable, rather than limit, UNAMI in the implementation of its tasks. In doing so, Special Representative Qazi and his UNAMI staff deserve the full support of the Security Council and the General Assembly.

The report also comes on the eve of a major international conference on Iraq to be held on 22 June in Brussels. This is the latest in a series of regional and international initiatives, including the Sharm el-Sheikh ministerial gathering of November 2004, all of which helped to maintain attention on the need for the reconstruction process outlined in resolution 1546 (2004) to succeed. It provides a new opportunity for the international community to widen and deepen consensus in support of Iraq's transition and the role of the United Nations. Benchmarks for success will include a greater degree of international burden-sharing, a positive impact on the situation on the ground and an effective follow-up process.

Both inside and outside Iraq, there is no shortage of financial resources, advice, expertise and goodwill to support the Iraqi people in their historic endeavour. Both Iraq and the international community have no option but to succeed. It behoves all concerned — the

new Iraqi Government, the multinational force, this Council and the United Nations — to rise to our shared responsibility to ensure the full implementation of resolution 1546 (2004). Only through a broad-based, concerted approach by all relevant actors will we develop the necessary partnership with Iraq to help it regain its rightful place in the international community.

**The President** (*spoke in French*): I thank Mr. Türk for his briefing.

I give the floor to the representative of Iraq.

**Mr. al-Istrabadi** (Iraq): At the outset, I should like to take this opportunity to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month and to commend your predecessor, the Permanent Representative of Denmark, for her tenure last month.

In making this statement, I am mindful that, only two weeks ago, Mr. Hoshyar Zebari, the Foreign Minister of Iraq, made a comprehensive report about the situation in Iraq. I shall endeavour, therefore, not to revisit the issues he raised. I am also aware that since the last time I addressed the Council, in September 2004, it has become a matter of routine for Iraq's representatives to do so on occasions such as these.

Two significant events are now under way in Baghdad. The first relates to Iraq's domestic evolution and internal transition to democracy. I refer, of course, to the process of writing a permanent constitution. Let me assure the Council that my Government is keenly aware of the need to open the process of drafting to all segments of Iraqi society. We understand the need for wider acceptance of the process of drafting, as well as the substantive results. Several proposals are now under consideration for ways and means of accomplishing this all-important task.

In the meantime, the work of establishing the general mechanisms of drafting — such as the creation of committees to consider various individual issues — has begun. We are aware that the transitional administrative law requires the work of drafting to be completed by 15 August, and that resolution 1546 (2004) endorsed that schedule. The Government of Iraq remains committed to producing the draft text of a permanent constitution by 15 August 2005.

The second event now being planned is the international conference to be held in Brussels next week. It will be a major step towards the reintegration

of Iraq into its rightful place in the community of nations. The invitations to the conference were issued to 85 participants, based upon the request of the Government of Iraq, which has been playing a leading role in organizing the conference. The purposes of convening the conference, pursuant to resolution 1546 (2004), are to garner international support for Iraq generally; to extend practical assistance in implementing the political, economic and reconstruction processes; and to promote the rule of law. I am pleased to note that, in support of those aims, the European Troika visited Baghdad on 9 June 2005.

Allow me to discuss a few salient points made in the Secretary-General's report (S/2005/373) about Iraq's transition to democracy. The report states that there is ongoing concern about the state of human rights in Iraq. Let me assure the Council and the world community that the Government of Iraq is also concerned about, and committed to continually improving, the state of human rights. While we have a way to go, we have also covered much ground in the past two years.

We have created a Ministry of Human Rights to assist in implementing Iraq's commitments under international human rights law. Civil society organizations committed to promoting human rights, tolerance and women's rights have flourished in Iraq over that time. International human rights organizations, which had to work outside the country in the past, relying on anecdotal evidence gathered from expatriates, are now free to work within Iraq. They have offices in Baghdad and throughout the country, and have also had unprecedented access to governmental institutions, including our judicial and penal systems. Such access may well be unparalleled in our region.

We will continue to explore ways of improving the state of human rights in our country, and we look to the world community to assist us in this endeavour. After 35 years of utter brutality, it will take some effort for our State institutions again to be acculturated towards respect for basic human rights, but we are determined to accomplish that goal, so vital to our transition.

The Secretary-General notes in his report that many of the funds expended in Iraq by the United Nations Development Group (UNDG) and the World Bank have been for capacity-building and the training

of trainers. My Government welcomes those disbursements and notes that enhancing capacity is an important part of our reconstruction. However, funds expended on the ground in Iraq — developing infrastructure, for example — should be the priority at this time. Capacity-building does not have the multiplier effect of dollars spent in direct economic development, an essential element for stability. Although we appreciate that UNDG and World Bank disbursement rates may be higher than those of some other donors, we believe it essential to increase rates of disbursement and to increase the amount of dollars spent inside Iraq.

We welcome the appointments to the United Nations Assistance Mission for Iraq noted in the Secretary-General's report. Nicholas Haysom, as the head of the Office of Constitutional Support, and Michael von der Schulenburg, Deputy Special Representative of the Secretary-General for Political Affairs in Iraq, will bring a wealth of technical expertise to bear as we begin drafting the permanent constitution and complete the political process. My Government notes with particular satisfaction that at least those two officials have taken up their responsibilities within Iraq, and once again urges all their United Nations colleagues in neighbouring States to join them — if not in Baghdad, then in Basrah or Erbil. We welcome the appointment of an elections adviser to assist in preparations for the constitutional referendum and end-of-year elections.

Over the past two years, whenever a representative of Iraq has sat in this Chamber, we have called for an ever-greater assumption of responsibilities and duties by the United Nations in Iraq. It is now appropriate for Iraq — with its first elected Government in 51 years — to raise the issue of its own obligations and the duty it owes to this Organization.

Aside from being a good world citizen, the first among these is the duty of all Member States to pay their dues to the United Nations in a timely fashion. While the previous regime allowed itself to accrue arrears for over 11 years, my Government regards the full payment of Iraq's dues as an essential step towards our continued reintegration into the community of nations and the assumption of our normal responsibilities like any other Member State. To accomplish this step, Minister Zebari addressed a letter to the Secretary-General asking him to transfer a

sufficient amount of funds from the escrow account established by resolution 986 (1995) to extinguish all of our outstanding contributions to the United Nations. We greatly appreciate the positive responses of the members of the Security Council and the Secretariat with respect to that issue.

Last month, the Security Council appropriately considered the mandates of the multinational force and the International Advisory and Monitoring Board. Resolution 1546 (2004) mandated that review. Yet we respectfully remind members of the Council that, in paragraph 22 of the resolution, the Security Council asserted its “intention to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency”.

We recognize that this is one of the more complex issues relating to our full reintegration into the world system. Yet we believe that it is appropriate to begin discussing this issue and ways of garnering consensus, we hope, in the relatively near term.

In this regard, I refer to the national report of Iraq submitted in accordance with resolution 1540 (2004), document S/AC.44/2004/(02)/116, in which Iraq stated that it is “strongly committed to the implementation of Security Council resolution 1540 (2004) and ready to cooperate with the Committee established under that resolution”.

There are thus certain fundamental considerations that should guide the discussion for which I have called. The first fundamental consideration is that Iraq has no desire to acquire, manufacture or stockpile weapons of mass destruction. The people of Iraq were among the first to suffer from the use of those weapons. I need only to mention Halabja to make the

point. The second fundamental consideration is that, as Iraq continues to reintegrate itself into the world system, including by accepting international norms governing those weapons systems, Iraq expects to be treated no differently than any other Member State.

I cannot help reflecting on the fact that next month it will be two years since the first Iraqi Governing Council delegation arrived from Baghdad to meet with the Security Council. It has been a long road for us, and, despite many difficulties, we have made remarkable progress. We have gone from occupation to reasserting our sovereignty, a year ago. Now, for the first time in my lifetime, we have freely elected a Government in elections whose outcome was uncertain and unknown until after the votes were counted. The Government’s term of office is fixed and known. By the end of the year, we expect to have a permanent constitution in place and another set of elections. It has been a remarkable journey, from a rogue and outlaw State whose Government retained power by terrorizing its citizens to an elected Government substantially on the way to reintegrating us, with the help of the international community, into the society of civilized nations. Our transformation is not yet complete, but I believe the process is by now irreversible. We have tasted freedom, and we will not turn back.

**The President** (*spoke in French*): The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

In accordance with the understanding reached in the Council’s prior consultations, I should now like to invite Council members to informal consultations to continue our discussion of the subject.

*The meeting rose at 3.45 p.m.*