



Security Council

Fifty-eighth year

Provisional

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Tuesday, 16 December 2003, 10.15 a.m.
New York

<i>President:</i>	Mr. Tafrov	(Bulgaria)
<i>Members:</i>	Angola	Mr. Gaspar Martins
	Cameroon	Mr. Belinga-Eboutou
	Chile	Mr. Muñoz
	China	Mr. Wang Guangya
	France	Mr. De La Sablière
	Germany	Mr. Pleuger
	Guinea	Mr. Sow
	Mexico	Mr. Berruga Filoy
	Pakistan	Mr. Akram
	Russian Federation	Mr. Lavrov
	Spain	Mr. Arias
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United States of America	Mr. Negroponte

Agenda

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003) (S/2003/1149)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

Report of the Secretary-General pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003) (S/2003/1149)

The President (*spoke in French*): I should like to inform the Council that I have received a letter from the Chargé d'affaires ad interim of Iraq in which he requests that His Excellency Mr. Hoshyar Zebari, Minister for Foreign Affairs of Iraq, 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 and as agreed in its prior consultations, to invite His Excellency Mr. Hoshyar Zebari, Minister for Foreign Affairs of Iraq, 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.

On behalf of the Council, I extend a warm welcome to His Excellency Mr. Hoshyar Zebari, Minister for Foreign Affairs of Iraq.

At the invitation of the President, Mr. Zebari (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. Members of the Council have before them the report of the Secretary-General (S/2003/1149) pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003). I should also like to draw the attention of the members to the following documents: letter dated 2 December 2003 from the President of the Security Council addressed to the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations (S/2003/1169); and letter dated 11 December 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the President of the Security Council (S/2003/1170).

I welcome the presence of the Secretary-General, Mr. Kofi Annan, at this meeting, and I give him the floor.

The Secretary-General: We meet three days after the capture by Coalition forces of Saddam Hussein. His capture is not just a symbol of the downfall of the former regime in Iraq. It is also an opportunity for a new beginning in the vital task of helping Iraqis to take control of their destiny — of helping them to create a secure, stable and independent Iraq which can once again take its proper place in the region and in the international community.

The task of restoring the effective exercise of sovereignty to Iraqis, in the form of a provisional Government, is urgent. While there may not be time to organize free, fair and credible elections for that purpose, it is essential that the process leading to the formation of a provisional Government be fully inclusive and transparent. Every segment of Iraqi society should feel represented in the nascent institutions of their country. No one should feel excluded, pending the subsequent holding of free elections for a constituent assembly and a parliament. Iraqis must have real ownership of the process by which they are governed.

Let me also say that it is right that Hussein should be held to account for past deeds, through a procedure that meets the highest international standards of due process. Accounting for the past will be an important part of bringing about national reconciliation — a process that is vital to Iraq and to all Iraqis.

The United Nations is ready to play its full part in helping Iraqis resume control over their destiny and build a better future. The report before the Council (S/2003/1149) sets out my thinking on this in considerable detail.

The Security Council, in resolution 1511 (2003) of 16 October 2003, resolved that the United Nations should strengthen its vital role in Iraq. But the Council was also mindful of the fact that, owing to persistent security concerns, few international United Nations staff could continue to operate inside the country for the time being. Our challenge, therefore, has been to find creative ways of intensifying our engagement despite diminished capacity on the ground. The report before the Council explains how we have attempted to meet that challenge and how we propose to do so in the coming months.

As my report makes clear, despite the temporary relocation of international staff outside the country, the United Nations has not disengaged from Iraq — far from it. Nor does it mean that we will not return in full force when circumstances permit. Meanwhile, however, our on-the-ground engagement in important political and human rights work has suffered tremendously as a result of the 19 August bombing, which decimated the Office of the Special Representative, the core part of the United Nations Assistance Mission for Iraq (UNAMI).

The Office needs to be reconstituted. I have started that process with the appointment of Ross Mountain as my Acting Special Representative. He will head our efforts to establish a core of UNAMI based outside the country. He will also lead our planning for the Mission's eventual and incremental return to Iraq as soon as circumstances permit.

We cannot say with any certainty when circumstances will indeed permit the return of international staff to the country on a permanent basis. But there is much that we can do, and that we are already doing, from outside the country. I myself remain in close contact with heads of State or Government, Foreign Ministers and ambassadors, trying to help forge international consensus on the way forward. To that end, on 1 December I convened a meeting of members of the Security Council and States of the region. For its part, the core team of UNAMI based in the region will keep abreast of key developments on the political and human rights fronts and will explore avenues for United Nations assistance while preparing the ground for United Nations involvement in the longer term.

Meanwhile, as my report indicates, we need much greater clarity on what is expected of the United Nations, by Iraqis and by the Coalition, in terms of assistance to the political transition. That is not, as some have concluded, a formula for the United Nations to stand aloof from the process. The stakes are too high for the international community just to watch from the sidelines. Rather, I have called for clarity because, in taking the difficult decisions that lie ahead, I need to weigh the degree of risk that the United Nations is being asked to accept against the substance of the role we are being asked to fulfil. I therefore need to know how responsibilities will be allocated and who will be taking what decisions. Above all, I need to know what

the Iraqis expect of the United Nations, and whether we will be in a position to meet those expectations.

Iraq is likely to remain a difficult environment. We should not expect that the end of the occupation and formation of a provisional Government will automatically bring about an end to insecurity, even though we should expect some improvement. Events of the past three days should remind us that we must remain prudent in our assessments. There is no panacea.

But a credible and inclusive transition — one that broadens the base of support for the provisional Iraqi Government — offers the best hope of stability, and of political mobilization by Iraqis against the violence.

At every step along the road, there will be formidable challenges. But these challenges will not be insurmountable if a genuinely national Iraqi agenda is forged, and if it is supported by a united international community, including Iraq's neighbours and key States in the region, which have a crucial role to play.

Political, financial and military assistance will be required for some time to come. As emphasized in my report, the Iraqi people need to be reassured that the international community — current Coalition and non-Coalition members alike — will respond generously to their requests for help. And they need to be confident that this commitment will be maintained down the road, when a provisional Government has been formed and when the situation in Iraq may no longer dominate news headlines.

The 26 million people of Iraq have endured decades of war, sanctions, tyranny and misery. They are now living through a process that will define the future of their country, for their sake, and for the memory of those who have given their lives to help.

The President (*spoke in French*): I thank the Secretary-General for his statement.

I now give the floor to His Excellency Mr. Hoshiyar Zebari, Minister for Foreign Affairs of Iraq.

Mr. Zebari (Iraq): Saturday was a historic day for Iraq. We Iraqis have waited so long for our nightmare to be over, and now Saddam Hussein has finally gone, along with the fear, the genocide and the terror that he inflicted, and he is never coming back. Instead, he must now answer to the Iraqi people for his

crimes against humanity. At last Iraqis can begin the long-overdue healing process of seeking unity, peace and national reconciliation without the shadow of evil hanging over them.

On behalf of the Iraqi people, I would like to thank the Coalition for its part in delivering this mass murderer into the hands of the people he brutalized for so long so that justice can finally be done. But while the celebrations continue, we must persevere in efforts to empower our people to take charge of their own destiny as soon as possible and let Saddam's capture mark the beginning of a new era in Iraq's history.

In accordance with paragraph 7 of Security Council resolution 1511 (2003), which invited the Governing Council to set forth a timetable for drafting a new constitution and holding democratic elections, we would like to present to the Security Council the timetable set out in the Agreement on Political Process. This agreement was signed on 15 November by the Iraqi Governing Council and the Coalition Provisional Authority in Baghdad, and it lays down the following principal stages and conditions.

The Iraqi Governing Council, in consultation with the Coalition Provisional Authority, will draft a Fundamental Law which sets out the timetable leading to elections, the mandate of a sovereign Iraqi transitional administration and the principles to be followed prior to drawing up a permanent constitution. The key elements include provisions for human rights and guarantees of freedoms, a federal structure for Iraq, civilian control of Iraqi armed forces, judicial independence and a timetable for drafting and ratifying Iraq's new constitution and holding direct elections. Approval of the Fundamental Law is to be completed by 28 February 2004.

Bilateral agreements with the Coalition on security and on the status of Coalition forces in Iraq will be completed by the end of March 2004.

Election of members of a transitional national assembly will be conducted through a process of regional caucuses in Iraq's 18 provinces organized by a national committee of selected Iraqis. Nominations to the caucuses will be solicited from political parties, local councils, professional, academic and civic associations and tribal and religious groups. Each governorate selection caucus will elect representatives to the new transitional assembly by 31 May 2004.

The transitional assembly will then elect an executive and appoint ministers, who will form the transitional administration by 30 June 2004, when it will assume full sovereign powers; the Coalition Provisional Authority and the Governing Council will subsequently dissolve.

According to the timetable detailed in the Fundamental Law, a constitutional convention to draw up a permanent constitution for Iraq will be directly elected by the Iraqi people by 15 March 2005. A final draft will be presented and a popular referendum will be held to ratify the constitution.

Elections for a new Iraqi Government, based on the new constitution, will be held by 31 December 2005, at which point the Fundamental Law will expire.

This plan clearly spells out the steps we must take to rightfully restore full sovereignty to Iraq, in the interim through a transitional administration, and ultimately embodied in a new, historic constitution for our country. The Governing Council unanimously agreed upon this timetable at its inception. We consider it to be unambiguous, comprehensive and achievable, and we remain wholly committed to its implementation. However, we stress that progress will continue to depend on the security situation in Iraq; until we see significant improvements, the road ahead is not going to be easy. The capture of Saddam Hussein will deal a huge blow to his misguided former loyalists, but we need to empower Iraqis to take charge of their own security. This timetable gives a clear deadline for the transfer of this responsibility to Iraqis, but this must run in parallel with the political process towards a sovereign Iraqi Government.

Iraq is a country traumatized by a legacy of decades of unimaginable human suffering, gross violations of human rights and the effects of systematic policies designed to rip our country apart along ethnic or religious lines. What you see today is an unprecedented effort among leaders and political, religious, ethnic and sectarian groups to unite against the tyranny of the past and work together to build a democratic future for our people. This momentum demands international encouragement and recognition so that the Iraqi people can move forward with confidence and hope. Iraq must not live any longer in the past but look forward to the future, and the United Nations is the key forum for collective international

action to help us achieve our goals of restructuring and democratizing our country.

The Iraqi people have always welcomed the vital role of the United Nations in Iraq and appreciated its humanitarian services and commitment to programmes, which have been a lifeline to so many Iraqis throughout the prolonged Iraq crisis. I would like to pay tribute to the late Sergio Vieira de Mello, who was an exemplary role model of how effective the United Nations can be in Iraq. Those of us who had the honour to work with him can tell you of his efforts in furthering the political process, particularly in establishing the Governing Council, and we feel a deep sense of loss at his tragic and untimely death.

His contribution underscores the need to see an expanded United Nations role in Iraq on many levels: humanitarian relief, capacity and nation building, promoting sustainable development and advancing the electoral and political process. We thus urge the appointment of a special representative in Iraq. Your help and expertise cannot be effectively delivered from Cyprus or Amman. We understand the devastating losses the United Nations suffered on 19 August, but as the United Nations has offered reassurance by its presence in so many dangerous and difficult situations, we are ready and willing to help provide whatever security is required to see it return to Iraq.

We welcome the appointment by the Secretary-General of the acting Special Representative, Mr. Ross Mountain, and we look forward to meeting him in Baghdad to discuss the United Nations role and operations in Iraq.

We call upon the Members of the United Nations to look beyond their differences over the decision to go to war in Iraq and come together to forge an international consensus. Settling scores with the United States-led coalition should not be at the cost of helping to bring stability to the Iraqi people. This squabbling over political differences takes a backseat to their daily struggle for security, jobs, basic freedoms and all the rights the United Nations is chartered to uphold.

For our part, we in the new Iraq are reaching out to our neighbours and engaging the international community, but we insist on playing a full part in any initiatives that concern the future of our country. Without Iraqi participation in discussions that have Iraqi interests at stake, such as the recently formed United Nations contact group, decisions taken cannot

be held as valid. Iraq is our country and our opinion must not be excluded. As Iraqis, we strongly disagree with those views that question the legitimacy of the present Iraqi authorities and I would like to remind you that the Governing Council is the most representative and democratic governing body in the region. For this reason, members of the United Nations Security Council should be reaching out and engaging us to encourage this nascent democracy in a region well known for its authoritarian rule.

With the greatest respect, the situation in Iraq is much more complicated than that of Afghanistan or Somalia. Its geographic and strategic position means that developments in Iraq impact security and stability across the region of the Middle East. Members of the United Nations have an international responsibility to increase cooperation and overcome their differences to help us in the fight against terrorism. Iraq increasingly provides a magnet to terrorists and all those who want to bring their war against the United States to our country.

However, this is not just a problem for the coalition. Just as the scourge of terrorism is a global phenomenon, the security situation in Iraq cannot be viewed in isolation. The consequences of allowing the terrorists to win in Iraq will spill over our borders and no country will be safe. The timetable presented to you today represents the calendar for a future democratic and stable Iraq in the heart of the Middle East, and we all have Iraq's national interests at heart and share the responsibility to make it work.

One year ago, this Security Council was divided between those who wanted to appease Saddam Hussein and those who wanted to hold him accountable. The United Nations as an organization failed to help rescue the Iraqi people from a murderous tyranny that lasted over 35 years and today we are unearthing thousands of victims in horrifying testament to that failure. The United Nations must not fail the Iraqi people again.

After eight months of liberation, Iraqis are slowly beginning to get back on their feet with the help of their allied friends, and they are eagerly awaiting the help of the international community, led by the United Nations. And so we ask you today: please put aside your differences, pull together and work with us and all those who have contributed and sacrificed so much, to realize our shared objectives of a sovereign, united and democratic Iraq.

The President (*spoke in French*): I thank the Minister for Foreign Affairs of Iraq for his statement.

In accordance with the understanding reached in the Council's prior consultations, I would now like to

invite the Secretary-General, the Minister for Foreign Affairs of Iraq and Council members to a private meeting to continue our discussion of the subject.

The meeting was adjourned at 10.50 a.m.