

the presidential elections. Although the term of the current president expired without elections being conducted on time because of political fighting, at the end of December there seemed to be an agreement on the candidature of General Michel Suleiman. Disagreement between Lebanese factions remained,

though, on whether the formation of the Government should occur before or after the elections. The Under-Secretary-General called for an open and genuine dialogue among the parties.³¹⁷

³¹⁷ See S/PV.5746, S/PV.5767, S/PV.5788 and S/PV.5815.

35. Items relating to Iraq

A. The situation between Iraq and Kuwait

Decision of 24 March 2004 (4930th meeting): statement by the President

At its 4914th meeting,¹ on 24 February 2004, the Security Council heard briefings by the representatives of the United Kingdom and the United States² regarding the situation in Iraq, following which all Council members made statements.

The representative of the United States highlighted the ongoing work by the Governing Council of Iraq to put in place a transitional administrative law defining basic tenets for the future transitional Government of Iraq, as well as fundamental protections for civil, religious and political liberties for every Iraqi, applicable during the time of transition to full democracy and until a permanent constitution came into force. He noted the different and significant challenges, in particular the continued climate of insecurity throughout the country, and the need for humanitarian and economic assistance to Iraq. Echoing the statement of the President of the United States that the United Nations had a vital role to play in Iraq, both before and after the transition of authority to the Iraqis in July, he welcomed the active engagement of the United Nations there, noting that much remained to be done before 30 June. He informed the Council that Saddam Hussein was in custody, and was to undergo trial for crimes committed against the Iraqi people and humanity.

On security, he said that former regime loyalists, foreign fighters and terrorists continued to attack

police stations, religious gatherings, schools, infrastructure, Coalition partners, non-governmental organizations and the United Nations. Although information from Saddam Hussein after he was captured on 13 December 2003 in Tikrit had enabled the Coalition forces to disrupt insurgent activities, attacks against multinational force troops as well as Iraqi civilians had increased in the past two months. Nevertheless, the determination of the Iraqi people to assume primary responsibility for their own security remained undeterred. Thus, the number of Iraqis in the Civil Defence Corps, armed forces, border police and immigration and Customs services continued to grow significantly.

He noted that while Iraqis themselves were on the forefront in stabilizing Iraq, troops deployed from 35 countries participating in the multinational force were already supporting the Iraqi people, and other countries had taken political decisions as to deploying forces on the ground in Iraq.

The representative noted that the Coalition Provisional Authority continued to support a process of consultations and elections to enable Iraqis to elect representatives reflecting the make-up and character of their communities.

He welcomed the report of the United Nations fact-finding team, and noted that the mechanism for governing Iraq between the transfer of sovereignty, scheduled for 30 June 2004, and the national elections remained to be worked out. In its report, dated 23 February 2004,³ the United Nations fact-finding team had concluded that free and fair elections were not feasible prior to 30 June 2004, and that at least eight months were needed to prepare for elections after a legal and institutional framework had been established. The team had concluded that elections could be held by the end of 2004, or shortly thereafter.

³ S/2004/140.

¹ At its 4897th meeting, held in private on 19 January 2004, the Council members had a constructive exchange of views with the Chairman of the Governing Council of Iraq.

² On behalf of the Coalition Provisional Authority in accordance with resolution 1483 (2003).

The report further highlighted that there was consensus among Iraqis that the deadline of 30 June 2004 for the transfer of sovereignty to a provisional government should be maintained. The resolution of the timing of the election would provide opportunity and space for Iraqis — both those on the Governing Council and those outside the political process — and the Coalition Provisional Authority to engage in a more focused dialogue on the mechanism to which sovereignty would be transferred on 30 June 2004.

With respect to the “oil-for-food” programme, the representative noted that it had been terminated as from 21 November 2003,⁴ and that the World Food Programme (WFP) was currently assisting the Coalition Provisional Authority and the Iraqi Ministry of Trade in keeping the public distribution system supplied with food baskets. The Ministry of Trade was to take full control of all aspects of that programme from 1 July 2004.

On the issues of search for and elimination of possible weapons of mass destruction in Iraq, he noted that the Iraq Survey Group had been unable to confirm some pre-war intelligence assessments by the United States and other countries about Iraq’s possible stockpiles of such weapons, but additional work remained before the question could be completely addressed. He further noted that the former head of the Iraq Survey Group had reported the discovery of clear evidence that the former regime had been hiding ongoing activities relating to weapons of mass destruction from the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), and had thus concluded that Iraq was in violation of previous Security Council resolutions. He stated that it was clear that the former regime had been intent on deceiving, and had continued to deceive, the international community. Furthermore, some document analysis had been obstructed by the methodical destruction of documents and computers at some Iraqi facilities in the immediate post-conflict period. He further stated that the Iraq Survey Group would continue its important work in the country.⁵

The representative of the United Kingdom elaborated on the progress achieved by the Coalition Provisional Authority in the areas of development, delivery of basic social services, increase in healthcare

salaries, oil production, establishment or rehabilitation of financial institutions, and efforts to create more jobs for Iraqis. In coordination with the Authority, the Iraqi Ministry of Justice had developed strategies and activities to ensure the establishment or reconstruction of basic Iraqi criminal justice facilities. The Authority had continued to support efforts to strengthen civil society and human rights education throughout Iraq. The new Iraqi Ministry of Human Rights would play an important role in shaping human rights developments in the country. He further stated that the Judicial Review Committee had completed its review of every judge and prosecutor in Iraq; membership in the Baath party and their complicity in human rights violations or corruption had been checked, with a resulting overall dismissal rate of 25 per cent.⁶

All Council members welcomed the conclusions and recommendations made by the Secretary-General in the report issued following the United Nations fact-finding mission to Iraq.⁷ Speakers unanimously expressed the need of ensuring a central role for the United Nations as an independent and neutral institution in the ongoing political process, including in the preparations and facilitation of future elections in Iraq. Most speakers stressed that Iraqi buy-in to the political process was necessary, and stressed the importance of meeting the date of 30 June for transfer of sovereignty to the Iraqis. All Council members expressed concern over the severe security situation in the country.

The representative of Brazil noted that the fact-finding mission, which was originally intended as a technical assessment mission on the feasibility of holding elections before the end of June, had acquired a dominant political relevance, as indicated by the designation of Lakhdar Brahimi to lead it, by the consultations in the Group of Friends of Iraq, and by the report of the Secretary-General.⁸

The representative of Algeria highlighted the difficult economic and social situation for Iraqis, and drew attention to the responsibilities of the occupying Power under the Fourth Geneva Convention to better ensure the protection of the population. He reiterated an appeal to end the occupation, and pointed to

⁴ Pursuant to Security Council resolution 1484 (2003).

⁵ S/PV.4914, pp. 2-4.

⁶ *Ibid.*, pp. 5-6.

⁷ S/2004/140.

⁸ S/PV.4914, p. 10.

promoting human rights as key to ensuring the completion of the normalization process.⁹

While stressing that without United Nations involvement it would be difficult to see a lasting settlement or even an agreement on a political process, the representative of the Russian Federation stated that the United Nations should be ready to offer its assistance; the form and timing of that assistance however would be subject to security considerations determined by the Secretary-General given the deteriorating volatile situation in the country. He stated that it was the position of his Government that the mandates of UNMOVIC and the International Atomic Energy Agency (IAEA) in Iraq remained on the Council's agenda.¹⁰

With regard to establishing a secure environment, the representative of Germany stated that this would remain the responsibility of the Coalition Provisional Authority, in cooperation with Iraqi security structures.¹¹

The representative of France, while stressing that the 30 June deadline needed to lead to a genuine restoration of Iraqi sovereignty and a handover of authority and resources to the Iraqis, underlined that important decisions involving Iraq's future should be deferred to a future elected Iraqi government. Recalling that the Secretary-General had pointed out that the United Nations would require a clear and specific mandate that would guarantee its independence and take into account new circumstances, he questioned whether existing resolutions would provide an appropriate framework and suggested that a new Council resolution could prove necessary to support the restoration of Iraqi sovereignty and to support or define new arrangements.¹²

In response to a question, the representative of the United States noted that a role of the United Nations in the process of drafting the Transitional Administrative Law was not currently envisaged. Furthermore, given the time constraints and the scheduling issues, such a role was not likely.¹³

⁹ Ibid., pp. 7-8.

¹⁰ Ibid., p. 9.

¹¹ Ibid., pp. 11-12.

¹² Ibid., pp. 12-13.

¹³ Ibid., pp. 19-20.

At its 4930th meeting, on 24 March 2004, the Council included in its agenda a letter dated 18 March 2004 addressed to the President of the Security Council,¹⁴ by the Secretary-General, informing the Council that the Governing Council of Iraq had requested the United Nations to assist in the formation of an interim Government of Iraq, to which sovereignty would be transferred on 30 June 2004, as well as in the preparations for direct elections to be held in January 2005. The Coalition Provisional Authority was fully supportive of the request and would cooperate closely with the United Nations in Iraq and ensure the security of that mission. The President then issued a statement on behalf of the Council,¹⁵ by which the Council, *inter alia*:

Welcomed and strongly supported the decision of the Secretary-General to dispatch to Iraq his Special Adviser Mr. Lakhdar Brahimi and his team, as well as an electoral assistance team, as soon as possible, in order to lend assistance and advice to the Iraqi people in the formation of an interim Iraqi government to which sovereignty would be transferred on 30 June 2004, as well as in the preparations for direct elections to be held before the end of January 2005;

Called on all parties in Iraq to cooperate fully with those United Nations teams, and welcomed the security and other support provided to them by the Governing Council of Iraq and the Coalition Provisional Authority.

Deliberations of 16 April 2004 (4944th meeting)

At its 4944th meeting, on 16 April 2004, the Council heard a briefing by the representative of the United States on behalf of the Member States contributing to the multinational force, on the efforts and progress of the force authorized under resolution 1511 (2003).¹⁶

The representative of the United States expressed his country's commitment to providing security to Iraq, in cooperation with the multinational force and Iraqi security forces, in spite of the increase in violence and attacks from insurgents. He informed the Council of the efforts made by the force to implement resolution 1511 (2003) through activities ranging from the provision of humanitarian assistance, reconstruction, restoration of basic infrastructure, assistance to civil local government and the detention of those suspected

¹⁴ S/2004/225.

¹⁵ S/PRST/2004/6.

¹⁶ The briefing was provided pursuant to paragraph 25 of resolution 1511 (2003).

of posing a threat to security. He reported on significant progress in recruitment and training of the Iraqi security forces. He further reported that, with the support of the United Nations, the United States had initiated the soliciting of force contributions for the protection of a broad-based United Nations mission in Iraq. He urged Member States to contribute troops to carry out the function of security support for the United Nations. He noted that although the transfer of sovereignty to the Iraqi interim Government on 30 June 2004 would mark the beginning of a new era, the coalition forces would continue to provide needed support to Iraqi security forces until they could assume sole responsibility for security in Iraq.¹⁷

**Decision of 21 April 2004 (4946th meeting):
resolution 1538 (2004)**

At its 4946th meeting, on 21 April 2004,¹⁸ the Council had before it a draft resolution submitted by France, Germany, Spain, the United Kingdom and the United States in connection with the oil-for-food programme.¹⁹ The draft resolution was put to a vote and adopted unanimously as resolution 1538 (2004), by which the Council, *inter alia*:

Welcomed the appointment of the independent high-level inquiry to investigate the administration and management of the oil-for-food programme;

Called upon the Coalition Provisional Authority, Iraq, and all other Member States, including their national regulatory authorities, to cooperate fully by all appropriate means with the inquiry;

Looked forward to receiving the final report of the inquiry.

**Decision of 27 April 2004 (4953rd meeting):
statement by the President**

At its 4952nd meeting, on 27 April 2004, the Council heard a briefing by the Special Adviser to the Secretary-General, who had headed the United Nations mission to Iraq from 4 to 15 April in response to a request from the Governing Council of Iraq and the Coalition Provisional Authority for United Nations assistance and advice on the formation of an interim Government of Iraq, as well as the preparation of future elections. Underlining the necessity of the continuation of a credible political process in spite of

the severe security concerns in Iraq, including the fighting in Fallujah, the Special Adviser outlined the main findings and recommendations of the mission.

He emphasized that the sooner a credible Iraqi government was in place to lead the way, the better, especially because the absence of such a sovereign government was part of the problem. Virtually every Iraqi with whom he had met urged that there be no delay in bringing an end to the occupation by 30 June. He stated that the elections scheduled for January 2005 were an important milestone, and reported that a United Nations team in Baghdad was currently working to assist that process. He noted that the interim Government should be led by a Prime Minister, with a President as Head of State and two Vice-Presidents. To avoid creating any impression that the appointees would use their position to the advantage of a particular political party or group, the Prime Minister, President and Vice-Presidents should not stand as candidates in the coming elections. He stressed that the interim Government had to be careful not to use its position to influence any political party or group. To prevent this, the interim Government should not have the power to enter into long-term commitments that could await decision from an elected Government. To that end, the Special Adviser suggested the establishment of a consultative council, which should serve as an advisory body to the interim Government, be appointed by a National Conference. Delegates to that Conference, representing all Iraqi provinces and groups, would be appointed by a preparatory committee comprising a small number of reputable Iraqis, including judges, who were not seeking political office. The National Conference should in addition address issues of national reconciliation, aspects of the Transitional Administrative Law, the “de-baathification” process and concerns regarding due process rights for current detainees.²⁰

At the 4953rd meeting, on 27 April 2004, the President issued a statement on behalf of the Council,²¹ by which the Council, *inter alia*:

Strongly supported the efforts and the dedication of the Special Adviser and welcomed the provisional ideas he had submitted as a basis for the formation of an interim Iraqi government to which sovereignty would be transferred on 30 June 2004;

¹⁷ S/PV.4944, pp. 2-4.

¹⁸ The representative of Iraq was present at the meeting.

¹⁹ S/2004/311.

²⁰ S/PV.4952, pp. 2-7.

²¹ S/PRST/2004/11.

Encouraged the Secretary-General and his Special Adviser to continue diligently with the efforts that they were employing;

Called upon all Iraqi parties to cooperate fully with the Special Adviser, and also called upon Iraq's neighbours and the international community at large to lend all possible support to those efforts.

Deliberations of 19 May to 7 June 2004 (4971st, 4982nd and 4984th meetings)

At its 4971st meeting, on 19 May 2004, the Council heard a joint briefing by the representatives of the United States and the United Kingdom.²² While addressing the issue of abuse of Iraqi detainees in Abu Ghraib prison, the representative of the United States stated that seven United States military personnel had been charged with criminal offences, and that a number of investigations remained open. He affirmed that United States forces in Iraq were required to operate in accordance with the Geneva Conventions, and that immediate steps had been taken to reinforce military policies to ensure adherence to those standards. He added that his Government was committed to providing the International Committee of the Red Cross (ICRC) access to detainees held by the United States in Iraq, and had worked with ICRC since the beginning of the war.

The representative of the United States reiterated that the Coalition Provisional Authority and the framework for occupation recognized under resolution 1483 (2003) would come to an end on 30 June, when the Governing Council of Iraq was to be replaced by an interim Government of Iraq. Elections for a transitional National Assembly were to be held no later than January 2005. However, Coalition forces would still be needed in Iraq after 30 June, owing to continued violent attacks by insurgents and the relative inexperience of Iraqi security forces. Coordination and consultative arrangements would be established between the Coalition forces and the sovereign interim Government of Iraq. He also stated that, with a view to enabling international United Nations personnel to return to Iraq, the Coalition was working to establish a unit within the multinational force under unified command to provide dedicated security for United Nations personnel and facilities.

²² The briefing was the last of four quarterly briefings on the implementation of resolution 1483 (2003).

With regard to the political transition, he recalled the Governing Council's approval in February of the Transitional Administrative Law and the framework it set out for the interim Government and national elections. He highlighted the important work being done by the United Nations in that regard, particularly Ambassador Brahimi's assistance in identifying an interim government, and the work of the electoral assistance team on developing the three main pillars of Iraq's electoral system: an independent election commission, an agreement on electoral modalities and a political party law.

He further noted that the Iraqi Board of Supreme Audit had collected "oil-for-food" documents in preparation for its own investigation of the programme, and had signalled its readiness to assist the United Nations in its investigations into alleged abuses.

He reported that the Iraq Survey Group was continuing its search for weapons of mass destruction and related infrastructure. The Survey Group had identified Iraqi research programmes with "potential applications" in a variety of programmes relating to weapons of mass destruction, and had reported numerous violations of Security Council resolutions, including "illicit Iraqi procurement efforts aimed at obtaining dual-use material". The Survey Group was also working to determine Saddam Hussein's strategic intentions with respect to weapons of mass destruction and the United Nations inspection regime.²³

While commenting on the issue of Abu Ghraib detainee abuse, the representative of the United Kingdom underlined that British personnel in Iraq were operating in accordance with the Geneva Conventions, an obligation which they took very seriously. He stated that his Government would not hesitate to act where British troops failed to uphold obligations under international humanitarian law, and had investigated every case brought to its attention by ICRC, as well as incidents where civilians had died in detention.

He then briefed the Council on progress made in the development of basic social services, including water, sanitation and electricity. Efforts were also made to improve airports, health-care systems and financial institutions, creation of new jobs and development of justice and human rights institutions. With respect to human rights abuses committed by the former regime,

²³ S/PV.4971, pp. 2-5.

he said that a documentation and evidence centre and a database were being established.²⁴

At its 4982nd meeting, on 3 June 2004, the Council heard a briefing by the Minister for Foreign Affairs of Iraq. The representatives of Algeria, Chile, China, France, Germany, Pakistan, the Philippines, Romania, the Russian Federation, the United Kingdom and the United States delivered statements during the meeting.²⁵

The Minister for Foreign Affairs of Iraq encouraged the adoption of the draft resolution before the Council, but suggested some amendments which would bring it more fully into line with the wishes of the Iraqi people, and which unambiguously underlined the transfer of sovereignty to the people of Iraq and their representatives. He stressed that the resolution should endorse the establishment of the sovereign interim Government, reaffirm the need for Iraq to control its own natural resources, and recognize the need for a continued presence of the multinational force in partnership with Iraqi authorities, affording the interim Government control over security matters. He further reported plans to convene a National Conference by July 2004 to broaden participation in the political process, and stated that part of the mandate of the interim Government would be to work closely with the United Nations. He thanked the Coalition for its help to “liberate the Iraqi people” from the persecution of Saddam Hussein. He noted that owing to the collapse of the State and its institutions Iraq was not yet at a stage to maintain its own security, and stressed that any premature departure of international troops would lead to chaos and possibly civil war in Iraq.²⁶

Discussing a draft resolution submitted by the United States and the United Kingdom, most speakers expressed the view that it should clearly mark a genuine break from the occupation, and ensure that the interim Government of Iraq would assume sovereign authority in all areas, including security arrangements. Many speakers stated that the views of the interim Government of Iraq should be taken into consideration with respect to the text of the draft resolution, and

requested the view and suggestions of the Foreign Minister of Iraq on various aspects of the text, in particular on the provisions relevant to the degree of sovereignty afforded to the interim Government of Iraq.²⁷ Several representatives reiterated that the role of the United Nations in Iraq would be vital in fostering acceptance of the interim Government of Iraq and in its exercise of full sovereignty.²⁸

The representative of the United States said that the draft resolution saluted a new moment in the history of Iraq: the occupation of Iraq would end, and the Iraqi people would assume full responsibility and authority for governing a proud nation. The timely adoption of the draft resolution would bear witness to a fundamental change in the relationship between the Security Council and Iraq nearly 14 years after Saddam Hussein’s invasion of Kuwait. He stated that his Government and the multinational force partners would engage the incoming Government of Iraq in discussing the nature of the security partnership, among other issues. That partnership would be founded on shared goals and tangible cooperation on all levels.²⁹

The representatives of China and France opined that the draft resolution should ensure that prior consultation and consent should be sought from the interim Iraqi Government on major military operations.³⁰ The representatives of Chile, France and Germany further underlined that the draft resolution should clearly express which principles were to govern the cooperation between the interim Government of Iraq and the multinational force, and ensure that the interim Government of Iraq would be free to extend or terminate the mandate of the multinational force.³¹

The representative of the United Kingdom stressed that the partnership between the multinational force and the Government of Iraq should be based on the understanding that a national security council should tackle the big issues. The Security Council would work to get agreement on broad strategic directions and precisely how the various operations were to be carried out. Nothing in that process would

²⁴ Ibid., pp. 5-7.

²⁵ The Secretary-General was present at the meeting, but did not make a statement. The representatives of Angola, Benin, Brazil and Spain did not make statements.

²⁶ S/PV.4982, p. 3.

²⁷ Ibid., p. 4 (Algeria); p. 5 (China); p. 6 (Germany); p. 7 (France); p. 8 (Chile); p. 9 (Pakistan); pp. 10-11 (Russian Federation); and p. 11 (Philippines).

²⁸ Ibid., p. 9 (Pakistan); p. 10 (Russian Federation); p. 11 (Philippines); and p. 12 (United Kingdom).

²⁹ Ibid., pp. 4-5.

³⁰ Ibid., pp. 5-6 (China); and p. 8 (France).

³¹ Ibid., pp. 6-7 (Germany); and p. 8 (France, Chile).

be inconsistent with Iraq having full sovereignty. He stressed that, in the opinion of his Government, if consent for the multinational force was withdrawn, then the pillar on which the force was based would also fall.³²

In response to various questions regarding the text of the draft resolution, the representative of Iraq stated that the current wording of the draft resolution on the nature of sovereignty and the terms of reference of the Government was “quite adequate”. He said that his understanding of sovereignty meant that it should be enjoyed by the people of Iraq, and that the Government of Iraq should be free to make its own decisions and have control over Iraqi security affairs, including control over national resources and finances. Reiterating that the multinational force was strongly needed in Iraq, he underlined the importance of Iraqi forces being under Iraqi control. A continued presence of the multinational force should however depend upon Iraqi approval, as opposed to what was mandated by resolution 1483 (2003) or 1511 (2003), according to which the multinational force were there as an occupying Power. He stressed that Iraq had become a main front for international terrorism, and that a collapse of the Iraqi State would have a huge impact on security in the region. He further stated that the Government of Iraq wanted a clear reference to the status of the multinational force and to their operations and cooperation with the interim Government of Iraq in a spirit of partnership. He emphasized that a call for immediate withdrawal of the multinational force or a fixed deadline for withdrawal would be “very unhelpful”, and might play into the hands of enemies that wanted to derail the political process in Iraq. He further welcomed a leading role of the United Nations in the political, electoral and reconstruction process. He stressed that the Government of Iraq should have a say in the duration of the mandate of the multinational force.³³

At its 4984th meeting, on 7 June 2004, the Council heard a statement by the Secretary-General, and a briefing by his Special Adviser. None of the Council members made statements during the meeting.

The Secretary-General stated it was no secret that the events leading up to the war in Iraq, and developments since then, had been among the most

divisive that the Council had had to deal with since the end of the cold war. For many around the world, what was at stake was the way in which the international order and the system of collective security were being defined at the beginning of the new millennium.

He said that the interim Government would have the task of bringing the country together and of leading it effectively until the elections scheduled for January 2005. The Iraqi people would judge it by its actions and results, particularly regarding security. He appealed to the Council and to the international community at large, Iraq’s neighbours in particular, to respond favourably and generously to the interim Government’s request for assistance and support.

In connection with the draft resolution under discussion, the Secretary-General reaffirmed the United Nations readiness to do the utmost, as circumstances permitted, to contribute to the restoration of peace and stability in a unified, sovereign and democratic Iraq. To that end, he looked forward to a clear definition of the United Nations role and to the creation of all the conditions, including the provision of security for United Nations staff and adequate resources, which would allow the Organization to implement its mandate.³⁴

The Special Adviser briefed the Council on the United Nations engagement in the political process in Iraq, and in particular on recent facilitation efforts to select the interim Government of Iraq, following the conclusion that elections were not viable before the transfer of sovereignty on 30 June. During consultations with Iraqis representing various groups and factions, arguments were heard against involving any foreigners in the selection of the interim Government, as well as voices opposing the participation of the Coalition Provisional Authority or the Governing Council in that process. The Special Adviser, after having given a detailed account of the process of forming an interim Government, stated that the latter had a “great deal of talent” and was well positioned to bring the country together. While it deserved to be given a fair chance and full support, he observed that ultimately the Iraqi people would judge it on the basis of its actions.

The Special Adviser said he was encouraged to have heard that the Prime Minister had reached an

³² Ibid., p. 12.

³³ Ibid., pp. 12-15.

³⁴ S/PV.4984, pp. 2-4.

agreement with concerned parties for the dissolution of militias, and said that an equally important issue was that of the prisoners detained in Abu Ghraib and elsewhere. However, he stressed that, according to the majority of Iraqis that the United Nations had consulted with, the security problem could not be solved through military means alone. The National Conference would provide an opportunity to start efforts towards consensus on how to address the prevailing insecurity.

The Special Adviser stated that after a complicated and delicate process under less-than-optimal conditions, two essential institutions had been established in Iraq: an interim Government and a national Independent Electoral Commission. However, he pointed out that neither the interim Government nor the National Council expected to be chosen by the National Conference would be elected bodies, and only an elected Government and legislature could legitimately claim to represent Iraq. In concluding, he emphasized that the main focus of all work at that moment should be creating conditions for credible elections to be held by January 2005, a task in which Iraqis needed clear and united support from the international community, their neighbours and creditors and the United Nations.³⁵

**Decision of 8 June 2004 (4987th meeting):
resolution 1546 (2004)**

At the 4987th meeting, on 8 June 2004, the President (Philippines) drew the attention of the Council to a letter dated 7 June 2004 from the Secretary-General,³⁶ and a draft resolution submitted by Romania, United Kingdom and the United States.³⁷ The draft resolution was put to a vote and adopted unanimously as resolution 1546 (2004), by which the Council, acting under Chapter VII of the Charter of the United Nations, *inter alia*:

Endorsed the formation of a sovereign Interim Government of Iraq, as presented on 1 June 2004, which would assume full responsibility and authority by 30 June 2004 for governing Iraq while refraining from taking any actions

affecting Iraq's destiny beyond the limited interim period until an elected Transitional Government of Iraq had assumed office;

Decided that, in implementing, as circumstances permitted, their mandate to assist the Iraqi people and government, the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq, as requested by the Government of Iraq, *inter alia*, should play a leading role in advising and supporting the Independent Electoral Commission of Iraq, as well as the Interim Government of Iraq and the Transitional National Assembly, in the process for holding elections; promote national dialogue and consensus-building on the drafting of a national constitution by the people of Iraq; and contribute to the coordination and delivery of reconstruction, development and humanitarian assistance;

Decided that the multinational force should have the authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq, and welcomed the letters annexed to the resolution;³⁸

Decided that the mandate of the multinational force would be reviewed at the request of the Government of Iraq or 12 months from the date of adoption of the resolution, and that the mandate would expire upon the completion of the political process set out in paragraph 4 of the resolution, and declared that it would terminate that mandate earlier if requested by the Government of Iraq;

Decided that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions would not to apply to arms or related materiel required by the Government of Iraq or the multinational force to serve the purposes of the resolution;

Decided that the interim Government would assume the rights, responsibilities and obligations relating to the oil-for-food programme.

After the adoption of resolution 1546 (2004), all Council members made statements.³⁹ Many speakers emphasized that the resolution marked the end of occupation and total restoration of full sovereignty to Iraq, as well as mandating the United Nations with a clearly defined and leading role in the political process of the country. Most speakers expressed appreciation for the flexibility shown by the sponsors in agreeing to take into account many of their concerns during the drafting process, particularly with respect to the nature of Iraq's sovereignty and the relationship between the Interim Government and the multinational force.

³⁵ *Ibid.*, pp. 4-9.

³⁶ S/2004/461, addressed to the President of the Council, containing observations of the Secretary-General and the text of the briefing by his Special Adviser to the Council in its 4984th meeting, on 7 June 2004.

³⁷ S/2004/460.

³⁸ The two letters, from the Prime Minister of the Interim government of Iraq and the Secretary of State of the United States addressed to the President of the Security Council, outlined arrangements for coordination between the multinational force and Iraqi security forces.

³⁹ The Secretary-General attended the meeting, but did not make a statement.

The representative of the United States said that the letters annexed to the resolution described the security partnership that was being put into place between the sovereign Government of Iraq and the multinational force.⁴⁰ The representative of the United Kingdom stated that the issue of the relationship between the Interim Government of Iraq and the multinational force, in particular with respect to security arrangements, had undeniably been the most complex issue in the negotiations. However, the resulting arrangements, stemming from discussion with the incoming interim Government, made clear that the Iraqi security forces, including armed forces, would be responsible to Iraqi ministers, and that an Iraqi-led forum would set the broad Iraqi security policy framework. National, regional and local coordination mechanisms would ensure unified command for those operations to which the Iraqi Government committed its troops. The aim would be to reach an agreement on the full range of fundamental security and policy issues and sensitive operations.⁴¹

The representative of France stated that he would have preferred that the text had clarified that the interim Government of Iraq had the final say in the undertaking of sensitive military operations, instead of indicating that the interim Government and the multinational force would have to reach an agreement, without specifying what would happen in the case of disagreement. However, as the interim Government of Iraq had not explicitly requested a provision to that effect, his Government had been satisfied at the final adjustment, and moreover could not imagine that the multinational force would go against the opinion of the sovereign Government of Iraq.⁴² The representative of the Russian Federation stated that it was important that the coordination mechanism which was to be developed between the new Iraqi leadership and the command of the multinational force not infringe on the sovereignty of the interim Government of Iraq, and the work of the force should be done with the agreement of the sovereign Iraqi authorities. He further stated that the resolution confirmed the need for a final clarification of issues related to proscribed Iraqi military programmes, which had been the reason for starting the war against Iraq and thus could not be left unattended. Moreover, he expected the Council to

begin work on adapting the mandates of UNMOVIC and IAEA to the new conditions created by resolution 1546 (2004).⁴³ The representative of Spain noted that he would have wanted the United Nations to assume guidance over the political and military process in Iraq, and that the political transition could have been accelerated further to a normalized situation.⁴⁴

Several representatives highlighted the importance of a reference in the preambular part of the resolution to commitment of all armed parties in Iraq to adhere to international law, including international humanitarian law.⁴⁵ The representative of Spain stated that that provision should also have been included in the operative part of the resolution.⁴⁶

**Decision of 12 August 2004 (5020th meeting):
resolution 1557 (2004)**

At its 5020th meeting, on 12 August 2004, the Council included in its agenda the report of the Secretary-General of 5 August 2004.⁴⁷ None of the Council members made statements at the meeting.

In his report, the Secretary-General noted that owing to the security situation, international United Nations staff were not yet permanently based inside Iraq, operating instead from Amman and Kuwait, but nevertheless continued with a broad range of activities inside Iraq through the efforts of Iraqi national staff. The United Nations Assistance Mission for Iraq (UNAMI) was in the process of identifying electoral commissioners.

The President (Russian Federation) drew the Council's attention to a letter dated 23 July 2004 from Egypt addressed to the President.⁴⁸ The President

⁴⁰ S/PV.4987, p. 2.

⁴¹ Ibid., p. 3.

⁴² Ibid., p. 8.

⁴³ Ibid., p. 9.

⁴⁴ Ibid., p. 11.

⁴⁵ Ibid., p. 5 (Pakistan); p. 7 (France); p. 9 (Russian Federation); p. 10 (Chile); p. 12 (Spain); and p. 13 (Brazil).

⁴⁶ Ibid., p. 12.

⁴⁷ S/2004/625, submitted pursuant to paragraph 24 of resolution 1483 (2003) and paragraph 12 of resolution 1511 (2003).

⁴⁸ S/2004/590, transmitting the final statement of the sixth Conference of the Ministers for Foreign Affairs of States neighbouring Iraq, held in Cairo on 21 July 2004, in which the Ministers welcomed resolution 1546 (2004) and reaffirmed the right of the Iraqi people to freely determine their future and exercise full control over their natural and financial resources.

further drew attention to a draft resolution;⁴⁹ it was put to the vote and adopted unanimously as resolution 1557 (2004), by which the Council, *inter alia*, extended the mandate of UNAMI for a period of 12 months with a view to reviewing the mandate of UNAMI in 12 months or sooner if requested by the Government of Iraq.

**Deliberations of 14 September 2004
(5033rd meeting)**

At its 5033rd meeting, on 14 September 2004, the President (Spain) drew the attention of the Council to the report of the Secretary-General dated 3 September 2004.⁵⁰ The Council heard briefings by the Special Representative of the Secretary-General for Iraq and by the representative of the United States, speaking on behalf of the multinational force.⁵¹ The representative of Iraq made a statement after the briefings.

In his report, the Secretary-General noted that following the restoration of sovereignty to an interim government of Iraq on 28 June 2004, the convening of the National Conference marked another step in Iraq's political transition towards a constitutionally elected Government. The Conference was held in difficult circumstances and had many shortcomings. In particular, neither the Conference itself, nor the interim National Council which emerged from it, was as broad-based and as inclusive as most Iraqis would have wanted. The overall security environment had not seen any significant improvement. Coupled with a tragic pattern of hostage-takings and indiscriminate killings of innocent civilians, there had been renewed activity on the part of various insurgent groups throughout the country.

The Special Representative stated that he had arrived with his team in Baghdad on 13 August, and among his first tasks had been to address the National Conference, held from 15 to 18 August. Although the conference was attended by more than 1,000 delegates, he suggested it should be a matter of high priority for the Government of Iraq to include those groups which had felt excluded in the electoral process. He emphasized that the transfer of sovereignty to the

interim Government had not been followed by an improvement in the security situation. He reiterated that security challenges could be resolved through political solutions, not only the use of force. The extent of UNAMI activity would be determined by the prevailing circumstances, including the security environment. UNAMI continued to facilitate a sustained effort, from inside and outside Iraq, to support the coordination efforts of the Iraqi authorities in capacity-building, humanitarian assistance, reconstruction and development. UNAMI was also liaising with Iraqi authorities, civil society and others to promote human rights and the rule of law. The security environment was far from conducive to the deployment of UNAMI international staff to Iraq, except in minimal numbers, and the movements of United Nations staff were limited to inside the Green Zone. UNAMI was working to generate its own internal security capacity, and the Secretary-General intended to write to the Council regarding the need to identify a distinct entity of the multinational force to provide security for the United Nations presence in Iraq. The Special Representative urged the Council to consider that letter at its earliest convenience. He also said that the support of the Security Council would be of vital importance to maintain progress in Iraq's future transition.⁵²

The representative of the United States, speaking on behalf of the multinational force, briefed the Council on the security situation, the effort to strengthen Iraq security forces, rebuilding infrastructure and on the expectations of the force regarding the future involvement of the United Nations in Iraq. He stated that the security situation in Iraq remained fragile, as insurgents had again increased their attacks against Government officials, civilian contractors, foreign nationals and the Iraqi people. Attacks on the multinational force had also increased, largely due to resumption of attacks by the Mahdi Army associated with Moqtada al-Sadr. In spite of these challenges, the multinational force, working closely with the Iraqi security forces, continued its efforts to improve security throughout the country. It continued to train and deploy Iraqi forces at an accelerated pace to counter insurgent activity. He reported that personnel assigned to the multinational force, in addition to improving security, were working to restore basic infrastructure and the creation of

⁴⁹ S/2004/637.

⁵⁰ S/2004/710, the first quarterly report submitted pursuant to paragraph 30 of resolution 1546 (2004).

⁵¹ The briefing was provided pursuant to resolution 1546 (2004).

⁵² S/PV.5033, pp. 2-5.

economic opportunities for the Iraqi people. With respect to the role of the United Nations, he stated that the Organization was crucial to meeting the challenges that remained before a stable Iraq could be created, as the multinational force remained committed to the timetable for holding national elections no later than January 2005.⁵³

The representative of Iraq stated that, in spite of an unprecedented rise in terrorist violence, the interim Government of Iraq had taken office ahead of schedule. A principal function of the Government now was to provide for elections, as required by the Transitional Administrative Law and affirmed in resolution 1546 (2004). He said that terrorists were determined to frustrate that process, and were therefore now working to delay elections. Keeping the United Nations and the world out of Iraq was one of the tactical goals of the terrorists, a goal which they unfortunately had met with some success. He stressed that more United Nations personnel than the current number in Iraq were needed to carry out the task to which they had been assigned. He appealed to the international community to provide the necessary security for United Nations staff.

In response to the severe security situation, his Government had announced a two-track approach. On the one hand, it was determined that no one would be able to achieve political ascendancy or legitimacy through force of arms. On the other hand, it encouraged individuals and movements which were willing to lay down their arms and abide by the rule of law and by the terms set forth by the Prime Minister to enter the political process. The Prime Minister had been in dialogue with groups that had until now not been in the political process. He said that those who had predicted an inter-ethnic or inter-confessional strife in post-war Iraq had been proved wrong, and that whatever problems Iraq had been facing, a civil war was not one of them. He emphasized that Iraq needed the help of every Member State to help forge a unified, federal and democratic Iraq, and that failure to do so would be too great for the region and for the world.⁵⁴

⁵³ Ibid., pp. 5-7.

⁵⁴ Ibid., pp. 7-9.

**Decision of 1 October 2004 (5047th meeting):
letter from the President to the
Secretary-General**

At its 5047th meeting, on 1 October 2004,⁵⁵ the Council included in its agenda a letter dated 21 September 2004 from the Secretary-General addressed to the President of the Security Council.⁵⁶ In his letter, the Secretary-General outlined the planned integrated UNAMI security structure which would consist of four elements, namely, international security staff, protection coordination officers, personal security details and guard units. The United Nations security structure would be in addition to the protection provided by the multinational force. Three guards units, each consisting of 160 armed civilian police, paramilitary and military personnel, would be provided as contingents from Member States, and form part of UNAMI.

The President (United Kingdom) drew the attention of the Council to a draft reply to the letter, in which the President proposed to inform the Secretary-General that the Council welcomed the proposed arrangements. The Council decided to send the proposed letter.⁵⁷

**Decision of 30 November 2004 (5092nd
meeting): letter from the President to the
Secretary-General**

At its 5092nd meeting, on 30 November 2004, the Council included in its agenda a letter dated 26 November 2004 from the representative of the Netherlands transmitting a letter from the Minister for Foreign Affairs of the Netherlands to the President of the Security Council.⁵⁸ The President (United States) drew the attention of the Council to a draft reply, in which the President proposed to inform the Secretary-General that the Council endorsed the creation of a trust fund envisioned in his letter of 26 November 2004 to the Foreign Minister of the Netherlands, annexed to the aforementioned letter, and requesting him to establish such a fund without delay and no later than 3 December 2004. The Council decided to send the proposed letter.⁵⁹

⁵⁵ The Secretary-General was present at the meeting.

⁵⁶ S/2004/764.

⁵⁷ S/2004/765.

⁵⁸ S/2004/927.

⁵⁹ S/2004/929.

**Decision of 16 February 2005 (5123rd meeting):
statement by the President**

At its 5099th meeting, on 13 December 2004, the Council included in its agenda the report of the Secretary-General dated 8 December 2004.⁶⁰ The Council heard briefings by the Special Representative of the Secretary-General for Iraq, and by the representative of the United States, speaking on behalf of the multinational force.⁶¹ In his report, the Secretary-General noted that brutal violence prevailed in the central areas of Iraq, and that killings and abductions and hostage-taking were reported on a daily basis. In response, the interim Government of Iraq had declared a 60-day state of emergency in the country, except in the three northern governorates, with measures including revocation of weapons permits and disbandment of the local police in Fallujah and Ramadi, the imposition of curfew in those and other main cities, closures of the borders with the Syrian Arab Republic and Jordan, and temporary closure of Baghdad International Airport to civilian traffic. The state of emergency was to extend through a substantial period of the electoral process, including the certification process for political entities, the voter registration process, and the electoral campaign period. Furthermore, the interim Government of Iraq had authorized a joint military operation with Iraqi forces and the multinational force to regain control of Fallujah.

The Secretary-General reported that the United Nations continued to support the work of the Independent Electoral Commission of Iraq, and technical preparations remained on schedule, with elections announced for 30 January 2005. According to the Transitional Administrative Law, elections were to be held for the Transitional National Assembly, the governorate councils, and the Kurdistan National Assembly.

With respect to the security situation, the most recent review by the United Nations Security Coordinator assessed that the threat to United Nations personnel in Iraq remained in the critical category, necessitating continuation of the very extensive staff protection measures. Work to establish a distinct entity

within the multinational force for the protection of the United Nations personnel in Iraq was ongoing.

The Special Representative of the Secretary-General stressed that, although there was a widespread desire among Iraqis to participate in elections, some important segments of the population still felt alienated or excluded from the transition. During the past three months, the United Nations had continued to engage in dialogue with a wide spectrum of Iraqi opinion, including people outside the political mainstream, with the aim of encouraging participation in the political process. The interim Government had made efforts to reach out to alienated elements. He also commended recent regional and international engagement that had brought together key actors, including the Sharm el-Sheikh Conference in November, and the subsequent meeting of regional interior ministers in Tehran.⁶²

The representative of the United States, speaking on behalf of the multinational force, stated that increased presence of the United Nations remained critical for the holding of successful elections in January 2005 and beyond, as well as for economic development and reconstruction. He said that the multinational force, in cooperation with the interim Iraqi Government, continued to combat terrorism, destroy weapons that threatened the stability of the country and gather intelligence. Progress had been made in creating conditions that would allow for free and fair elections. In the months since the last report, attacks against the multinational force by means of small arms, rocket-propelled grenades, mortars and explosive devices had increased. Insurgents had also attacked Iraqis who worked for their Government, as well as foreign workers.⁶³

The representative of Iraq pointed out that while the report of the Secretary-General referred to those who had called for the boycott of elections, there was no reason to assume that these persons spoke for a sizable contingent of Iraqis. He stressed that “promoting consensus”, as urged in the report, if in the sense of “unanimity”, would be an impossible task, although the Government was fully aware of the need for national reconciliation. Failure of the elections and their credibility was more likely to result not so much from a boycott as from the campaign of violence and intimidation directed at the population. While the report

⁶⁰ S/2004/959, the second report submitted pursuant to paragraph 30 of resolution 1546 (2004).

⁶¹ The briefing was provided pursuant to resolution 1546 (2004).

⁶² S/PV.5099, pp. 2-4.

⁶³ *Ibid.*, pp. 4-5.

indirectly criticized the use of force to dislodge terrorists from Fallujah, it offered no alternative that had not already been tried for months to no avail. Despite the efforts to engage groups willing to talk, there was instead an increase of brutal killings of civilians. The interim Government of Iraq had thus concluded that those responsible for atrocities were not interested in negotiating and that those who were in dialogue were incapable of ending the violence. Hence, a responsible Government would have no other choice than depriving terrorists of their safe haven. While welcoming the decision of the Secretary-General to increase the number of United Nations election workers in Iraq, he noted that the shortfall of staff was still of concern, and might adversely affect Iraq's preparedness for elections. He was also critical of the United Nations preferred mode of interaction with Iraqi officials, which seemed to be videoconferencing, with most activities carried out in the confines of its premises or from outside Iraq. Although not forgetting the sacrifice of United Nations workers on 19 August 2003, it was critical for the United Nations to bolster its presence and intensify its activities in Iraq.⁶⁴

At its 5123rd meeting, on 16 February 2005,⁶⁵ the Council heard a briefing by the Under-Secretary-General for Political Affairs. The representative of Iraq made a statement after the briefing.

The Under-Secretary-General stated that the holding of three simultaneous elections in Iraq on 30 January — for the Transitional National Assembly, 18 Governorates and the Kurdish National Assembly — was a momentous event for Iraqis and for the international community.⁶⁶ The elections met recognized standards in terms of election organization, regulations and procedures. Assessments of international observers indicated overall satisfaction with the conduct of the polls, and a relatively small number of complaints of irregularities that had been conveyed to the Independent Electoral Commission were being investigated. The turnout for the Transitional National Assembly was more than 8 million voters.

⁶⁴ *Ibid.*, pp. 5-6.

⁶⁵ The Secretary-General attended the meeting.

⁶⁶ The electoral assistance team, in addition to United Nations personnel, included experts from the European Union, Chile, the United Kingdom and the International Foundation for Election Systems.

The Under-Secretary-General stated that it was clear from the overall participation in the elections that the people of Iraq were committed to the political transition process, but regional variations were significant, and this needed to be addressed if there was to be more complete participation in the constitution-making process. Although daily attacks against foreigners and Iraqis had resumed, the Under-Secretary-General hoped that the elections would mark a water-shed, and that success in making the political process more inclusive would have a positive effect on the security situation. Iraq's most immediate challenge was to form a transitional government that would be broadly representative of all Iraqi constituencies. The prospect of a referendum in eight months should serve as an important incentive for an inclusive, participatory and transparent constitutional process, given that a two-thirds vote for rejection in three governorates would block the adoption of the new constitution.

The Under-Secretary-General said that prominent leaders in Iraq had indicated the possibility of inviting representatives of groups which might otherwise have been underrepresented in the Transitional Assembly owing to the low turnout in some regions, particularly among Sunni Arabs. Conversely, some political elements that had urged a boycott of elections now appeared to be insisting that their views must be included in any dialogue and the drafting of the constitution. He reiterated that the political transition had to be Iraqi owned, and the United Nations could best contribute in helping to create enabling conditions for all Iraqis to share and succeed in the political and economic reconstruction of their country. He noted that some of the issues to be negotiated by Iraqis in the constitution-making process would touch upon the security interests of neighbouring countries, and every effort should be made to normalize Iraq's relations with the region. It was especially important that Iraq's sovereignty, political independence and territorial integrity be respected.⁶⁷

The representative of Iraq expressed his appreciation of the Independent Electoral Commission for the way the elections were organized, and commended the United Nations for its vital contribution, as well as the International Organization for Migration for facilitating elections for Iraqis abroad. He expressed regret that some parties chose not

⁶⁷ S/PV.5123, pp. 2-4.

to participate in the elections, despite great efforts by the interim Government to convince them otherwise, but stated that all communities that opted for peace would be included in both the electoral processes and the constitution-making process. He assured the Council that Iraq was living in a new era that stood for principles of democracy, freedom of expression, respect for human rights, adherence to international law and building sound relations with neighbouring countries. He hoped that the efforts of the Council would be consolidated through a programmed and rapid removal of the punitive measures and restrictions that were imposed on Iraq because of the reckless policies of the previous regime.⁶⁸

At the 5123rd meeting, on 16 February 2005, the President made a statement on behalf of the Council,⁶⁹ by which the Council, *inter alia*:

Affirmed its continuing support for the Iraqi people in their political transition and reaffirmed the independence, sovereignty, unity and territorial integrity of Iraq;

Stressed the need for sustained political efforts aimed at making the next steps of the transition, in particular the coming constitutional process, as inclusive, participatory and transparent as possible;

Strongly encouraged the Transitional Government of Iraq and the Transitional National Assembly to reach out broadly to all segments of Iraqi society, with a view to promoting genuine political dialogue and national reconciliation and to ensuring that all Iraqis were duly represented and had a voice in the political process and the drafting of the Iraqi Constitution;

Reaffirmed the leading role of the Special Representative of the Secretary-General and UNAMI set out in resolution 1546 (2004) in support of Iraq's own efforts and as requested by the Government of Iraq, to promote national dialogue and consensus-building on the drafting of a national constitution;

Urged the United Nations to prepare itself rapidly and encouraged the members of the international community to provide advisers and technical support to the United Nations to help it fulfil this role;

Condemned, in the strongest possible terms, acts of terrorism in Iraq, which should not be allowed to disrupt Iraq's political and economic transition;

Stressed the continued importance of Iraq's neighbouring countries and regional organizations in supporting the political process, cooperating with the Iraqi authorities to control transit across Iraq's borders and extending other support for the people of Iraq in their efforts to achieve security and prosperity.

⁶⁸ *Ibid.*, pp. 4-6.

⁶⁹ S/PRST/2005/5.

Deliberations of 11 April 2005 (5161st meeting)

At its 5161st meeting, on 11 April 2005, the Council included in its agenda the report of the Secretary-General dated 7 March 2005.⁷⁰ The Council heard briefings by the Special Representative of the Secretary-General for Iraq, and by the representative of the United States on behalf of the multinational force.⁷¹ The representative of Iraq made a statement during the meeting.

In his report, the Secretary-General noted that 8.8 million Iraqis, of a voter population of more than 14 million, had participated in the national elections held on 30 January 2005. Security remained a major concern in Iraq, with large number of casualties also among Iraqi security forces. The Government of Iraq had extended the special measures, including curfew in some parts of the country. He expressed concern over potential political and humanitarian consequences of an escalation of the situation in Al-Anbar, after the multinational force and the Iraqi security forces had launched a large-scale counterinsurgency operation there.

The Special Representative stated that the convening of the Transitional Assembly on 16 March and the election of a new President and two Vice-Presidents were further testimony of Iraq's progress towards a democratic future. In spite of low voter turnout in some areas, all the major parties, including those that did not participate in the elections, had engaged in intensive negotiations for the formation of the Government and the constitution-making process. He said that the drafting of a national constitution provided a historic opportunity for Iraqis to come together, and that failure to pursue further dialogue and reconciliation would involve a higher price for the parties concerned than would the necessary compromise for reaching national consensus through peaceful means. He welcomed the assurances of prominent leaders against pursuing a sectarian agenda or imposing majoritarian views on issues in which all Iraqis had a stake, including issues related to the nature and character of the Iraqi State.

The Special Representative reiterated that a credible political process offered the best prospect for

⁷⁰ S/2005/141 and Corr.1, the third report submitted pursuant to paragraph 30 of resolution 1546 (2004).

⁷¹ The briefing was provided pursuant to paragraph 25 of resolution 1511 (2003).

improving the security situation. He stressed that the human rights situation in Iraq continued to warrant close attention in some areas, including Fallujah, where the civilian population remained deprived of the protection afforded by international humanitarian law. Continuing reports of detentions and the absence of adequate arrangements for due process were issues that needed to be addressed. He stressed that the Security Council had a special responsibility to ensure that Iraq's relations with the region and the international community could be normalized expeditiously.⁷²

The representative of the United States reported that, on election day, some 130,000 Iraqi security personnel had been on duty, securing 5,200 polling stations. The United States Embassy and the leadership of the multinational force continued to attend, at the invitation of the Government of Iraq, Iraq's Ministerial Committee on National Security, which set a broad framework for Iraqi security policy, consistent with resolution 1546 (2004). She urged the United Nations to undertake preparations with a view to playing a leading role in promoting national dialogue and consensus-building on the drafting of the constitution.

She also reported that, consistent with resolution 1546 (2004), a distinct entity under the unified command of the multinational force had assumed the mission of providing security for the United Nations presence in Iraq. She also highlighted the importance of a broad-based participation in the drafting of the constitution of Iraq.⁷³

The representative of Iraq noted that the two-year anniversary of the fall of the previous regime had just been marked, marking the end of years of suffering caused by a regime which maintained power for 35 years against the will of the Iraqi people. The incoming transitional Government of Iraq would soon start the process of preparing to draft a permanent constitution, and complete the building of fully legitimate institutions of State. He noted that many countries that had expressed reservations about the decision to remove the previous regime by military force had risen to the challenge of assisting Iraq in their efforts to rebuild.

He highlighted two factors that would be vital for Iraq going forward. First, the resolute support of the international community and, secondly, that the

Council revisit its pre-April 2003 resolutions on Iraq to dismantle the relevant legal, bureaucratic and other structures that had outlived their relevance.⁷⁴

B. The situation concerning Iraq

Initial proceedings

Deliberations of 31 May and 16 June 2005 (5189th and 5204th meetings)

At its 5189th meeting, on 31 May 2005, the Security Council included in its agenda without objection the item entitled "The situation concerning Iraq". The President (China) drew the attention of the Council to a letter dated 24 May 2005 from the representative of Iraq, transmitting a letter from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council, requesting the extension of the mandate of the multinational force in Iraq.⁷⁵ At the meeting, the representative of the United States, on behalf of the multinational force, gave a briefing to the Council,⁷⁶ and the Minister for Foreign Affairs of Iraq made a statement.

The representative of the United States recalled that in resolution 1546 (2004), the Council had agreed to review the mandate of the multinational force either at the request of the Government of Iraq, or by 8 June 2005, and that the Foreign Minister of Iraq, in his letter of 24 May, had requested the Council to allow for the continuation of that mandate. A harsh security situation in Iraq confronted the new Government of Iraq. In spite of dramatic attacks against Iraqi citizens, Iraqis had been increasingly willing to help the multinational force, and also continued to volunteer to the Iraqi forces. She noted that Iraqis wanted to defend themselves, and the multinational force was making progress in its goal of helping Iraqi security forces move towards self-reliance. She also said that the United Nations had a leading and vital role to play in providing valuable assistance to the political transition in Iraq, and urged the United Nations to deploy the necessary experts as soon as possible to that end. She further stated that a specific timeline for the withdrawal of the multinational force could not be set,

⁷⁴ *Ibid.*, pp. 7-8.

⁷⁵ S/2005/337.

⁷⁶ The briefing was provided pursuant to paragraph 25 of resolution 1511 (2003).

⁷² S/PV.5161, pp. 2-5.

⁷³ *Ibid.*, pp. 5-7.

consistent with the Iraqi request. Any decision regarding force size would be driven by events on the ground. She also said that the degree to which the Iraqi people were satisfied with the way the Transitional National Assembly approached the constitutional process and worked to include all Iraqis would be of obvious relevance to the prospects of the future.⁷⁷

The Minister for Foreign Affairs of Iraq said that, in the formation of the transitional Government of Iraq, all communities had been reached out to in order to form a national unity Government that was inclusive and representative. Power had been shared also with those who boycotted or did not fare well in the January elections. However, political achievements had been made at a great cost to the Iraqi people, the Iraqi security forces and the multinational force. The Minister acknowledged that Iraq still faced a destructive campaign of terror and violence that aimed to derail the political process. Despite its efforts to build up its security forces, Iraq could not yet assume responsibility for maintaining law and order and the country needed the multinational force to continue providing its essential services. He reiterated the formal request of his Government for a continuation of the force's mandate.

The Minister stated that the Government of Iraq had repeatedly urged each of its neighbouring countries to abide by their obligations under resolution 1546 (2004) to prevent the transit of terrorists, and arms for terrorists to and from Iraq. To his regret, some had refused to translate their assurances into concrete action. He further stated that recently the Syrian Arab Republic had reported that it had stopped 1,000 foreign fighters from entering Iraq. He welcomed that action, but noted that it confirmed that the Syrian Arab Republic had been one of the main transit routes for foreign terrorists, as well as for the remnants of the previous regime. He urged the Syrian Arab Republic to do more to prevent the movement of extremist elements into Iraq. He emphasized that the mandate of the new transitional Government, outlined in resolution 1546 (2004), was to draft a new permanent constitution by 15 August. That constitution would be subject to a national referendum in October 2005. It would enshrine the ideas of any free people in its charter: pluralism, democratic rights, federalism, human rights and civil liberties, and it would embrace the diversity

⁷⁷ S/PV.5189, pp. 2-3.

within the unity, reaffirming the territorial integrity, sovereignty and independence of Iraq.

With respect to the role of the United Nations, the Minister said that the Organization had a history of experience that it could bring in advising the drafting committee, which had already begun its work. He urged the United Nations to appoint an electoral adviser to continue supporting the preparations for the general elections scheduled in December. On a separate note, he proposed that the mandate of the International Advisory and Monitoring Board, which was soon due for review, be extended until the end of the political process in Iraq.⁷⁸

At its 5204th meeting, on 16 June 2005, the Council included in its agenda the report of the Secretary-General dated 7 June 2005 on the United Nations Assistance Mission for Iraq (UNAMI).⁷⁹ The Council heard a briefing by the Assistant Secretary-General for Political Affairs. The representative of Iraq made a statement after the briefing.

In his report, the Secretary-General noted that the Transitional National Assembly had elected the transitional Government of Iraq, after prolonged negotiations between various political or ethnical factions. The transitional Government was expected to serve under a new permanent constitution leading to a constitutionally elected Government by 31 December 2005. He said that the Transitional National Assembly had also established a Constitution Drafting Committee, and that a draft constitution, finalized by 15 August, would be presented for a referendum by 15 October 2005.

These developments had occurred in a security environment that had shown no signs of improvement, with a significant increase in attacks against Iraqi civilians, as well as security forces and the multinational force. As the multinational force and Iraqi security forces had stepped up their counterinsurgency campaigns, there were reports of high casualty rates and alleged violations of civil liberties and human rights by all sides.

The Assistant Secretary-General in his briefing said that many inside and outside Iraq saw the political transition process as having entered a decisive phase in

⁷⁸ *Ibid.*, pp. 4-6.

⁷⁹ S/2005/373, the fourth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

the process of national reconciliation. The experience of the United Nations around the world had demonstrated that national reconciliation and democratic processes were most successful when the majority allowed minorities the full exercise of their political rights and the opportunity to participate in governance and reconstruction. The Assistant Secretary-General further emphasized that advances in the political process would need to be complemented by tangible improvements in the reconstruction, development and humanitarian areas. The United Nations, through creative arrangements with Iraqi implementing partners and on the basis of Iraqi priorities, continued to deliver assistance in those areas inside Iraq.

With respect to the security situation in Iraq, the Assistant Secretary-General highlighted as of particular concern the increasing sectarian logic that appeared to be inspiring much of the violence, with innocent Iraqi civilians bearing the brunt of the use of force. He stressed that it was incumbent upon all parties to fully respect their obligations under international humanitarian law and to ensure that the use of force was minimized in order to avoid civilian casualties.

He also said that UNAMI had already demonstrated that effectiveness could be achieved with limited capacity on the ground, but that the United Nations willingness to deliver on expectations had to be tempered by a realistic assessment of the prevailing security and operational conditions.⁸⁰

The representative of Iraq stated that his Government was keenly aware of the need to open the process of drafting the constitution to all segments of Iraqi society. He assured the Council that the Government of Iraq was also concerned about and committed to continually improving the state of human rights in Iraq. After 35 years of utter brutality, it would take some effort for State institutions to be acculturated towards respect for basic human rights, but the Government remained determined to reach that goal, which was so vital to the transition.

He recalled, as provided in resolution 1546 (2004), the Council's intention to revisit the mandates of the United Nations Monitoring Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). He stated

that the discussion of the respective mandates should be guided by the fundamental consideration that Iraq had no desire to acquire, manufacture or stockpile weapons of mass destruction. As Iraq continued to reintegrate itself into the world system, including by accepting international norms governing such weapon systems, it expected to be treated no differently than any other Member State.⁸¹

Decision of 24 June 2005 (5214th meeting): letter from the President to the Secretary-General

At the 5214th meeting, on 24 June 2005, the President (France) drew the attention of the Council to a letter dated 20 June 2005 from the Secretary-General to the President of the Council,⁸² concerning the escrow account established under resolution 1284 (1999) and related resolutions, in which it was proposed that \$220,256,697 would be transferred to the Development Fund for Iraq, and credited against assessments issued in respect of the obligations of the Government of Iraq for regular budget, peacekeeping and tribunal activities of the Organization. The President then presented a draft letter of response, in which the Council agreed to the proposal. The Council agreed on sending the letter.⁸³

Decision of 11 August 2005 (5247th meeting): resolution 1619 (2005)

At the 5247th meeting, on 11 August 2005, the President (Japan) drew the attention of the Council to a letter dated 3 August 2005,⁸⁴ in which the Secretary-General recommended the extension of the mandate of UNAMI, pursuant to resolution 1546 (2004), for another period of 12 months. The Secretary-General was present during the meeting. The President also drew attention to a draft resolution;⁸⁵ it was adopted unanimously as resolution 1619 (2005), by which the Council decided to extend the mandate of UNAMI for another period of 12 months and expressed its intention to review the mandate of UNAMI in 12 months or sooner, if requested by the Government of Iraq.

⁸¹ *Ibid.*, pp. 4-5.

⁸² S/2005/406.

⁸³ S/2005/407.

⁸⁴ S/2005/509.

⁸⁵ S/2005/515.

⁸⁰ S/PV.5204, pp. 2-4.

**Deliberations of 7 September 2005
(5256th meeting)**

At its 5256th meeting, on 7 September 2005, the Council heard a briefing by the Chairman of the Independent Inquiry Committee into the United Nations Oil-for-Food Programme.⁸⁶ The Secretary-General, all Council members and the representative of Iraq made statements during the meeting.

In his briefing, the Chairman presented some of the main findings of the inquiry. He recalled that the assignment of the Committee had been to look for misadministration or maladministration in the oil-for-food programme and for evidence of corruption within the United Nations and by contractors. The Committee had, unhappily, found both, documented in great detail in the extensive report it had produced. The responsibility for the failures had to be broadly shared, starting with Member States and the Security Council itself. He stated that the programme had left too much initiative with Iraq, which had the means for manipulating the programme to its own end. That basic difficulty was compounded by a failure to clearly define the complex administrative responsibilities shared between the Security Council Committee established by resolution 661 (1990) and the Secretariat, and by continuing political differences. Those weaknesses were aggravated by unethical and corrupt behaviour at key points at the top of the Office of the Iraq Programme and in the purchasing department. There had been a pervasive absence of effective auditing and administrative controls.

He underlined that weak planning, sorely inadequate funding, the absence of truly independent status for the auditing, and too few professional staff were all characteristics of the process. Close cooperation among various United Nations organs apparently went against the grain for agencies with their own funding, management and oversight. In a complex programme that had required common funding and invoked common purpose, absence of full cooperation should not have been tolerated.

The Chairman also emphasized that an expert study commissioned by the Committee had confirmed that the programme had averted the clear and present danger of malnutrition and further collapse of medical

services in Iraq, in addition to the support that the programme provided for maintaining the basic sanctions against Iraq. In its conclusions, the Committee suggested that a new chief operating officer be appointed with a clear mandate and authority for administration. The conclusions of the inquiry had underlined the need for strong and independent auditing control and investigatory functions. He said that the problems described in the report were symptomatic of deep-seated systemic issues, not something that could be smoothed over with patchwork changes. The problems had arisen in an organization designed over 60 years before for a simpler time, without the large and complex operational challenges alongside its political and diplomatic responsibilities. He emphasized that a United Nations programme carried with it — and should carry with it — a strong sense of international legitimacy, which no single nation or group would match. However, more than legitimacy was essential to success. He noted that support was in the end dependent on credibility and confidence that have been challenged by the travails of the oil-for-food programme. To some degree, the United Nations had been weakened. That is why reform was so urgent. In concluding, he urged the Council and the General Assembly to take action.⁸⁷

The Secretary-General recalled that it was on his initiative and with the support of the Council that the inquiry had been conducted. He said that few other organizations would have opened themselves to independent scrutiny as fully as the United Nations had done, and that indeed the truth as revealed in the successive reports of the inquiry was painful. He stated that he had no doubt that the United Nations would however benefit from the findings.

The Secretary-General said that he accepted full responsibility for his own failures and regretted his lack of diligence in pursuing investigations of alleged misdeeds. At the same time, he was gratified that the report had found that the oil-for-food programme had succeeded in restoring and maintaining minimal standards of nutrition and health in Iraq, while also helping to maintain the international effort to prevent Saddam Hussein from acquiring weapons of mass destruction. The most important conclusion of the report was the Committee's finding that the general management of the programme was characterized by

⁸⁶ The inquiry was conducted pursuant to resolution 1538 (2004), in which the Council welcomed the appointment of the inquiry at the Secretary-General's initiative.

⁸⁷ S/PV.5256, pp. 2-3.

weak administrative practices and inadequate control and auditing. Here too, he said, as chief administrative officer, he had to take responsibility for the failings revealed, both in the implementation of the programme and more generally in the functioning of the Secretariat. The Secretary-General further stated that many of the problems were rooted in an unclear demarcation of roles and responsibilities among the Council, the Committee established pursuant to resolution 661 (1990) and the Secretariat, and in particular in the Council's decision to retain substantial elements of operational control within the Committee, composed of national diplomats working under highly politicized instructions from their Governments.

He said that the findings underlined the vital importance of proposed management reforms, and that he had already embarked on new reforms in areas where he had the discretion to do so, with a view to strengthening management, oversight, accountability and transparency and ensuring the highest standards of ethics. He stressed however there were many key decisions that only the General Assembly could make. He also emphasized that the rules governing the budgetary and human resources must allow the United Nations to attract, develop and retain a cadre of professionals with appropriate skills to manage large-scale operations. Moreover, he should be allowed to carry out his functions effectively, taking day-to-day decisions on deployment of staff and resources without having to wait for prior approval from the General Assembly or the Council. In concluding, he stated that the findings of the report should be deeply embarrassing to all, and that reform was imperative if the United Nations was to regain and retain the measure of respect among the international community that its work required.⁸⁸

All Council members in their statements commended the efforts of the Independent Inquiry Committee. Most speakers said that in spite of its failings, the oil-for-food programme, guided by the humanitarian imperative, had nevertheless played a crucial role in alleviating sufferings and providing food and medicines to Iraqis.⁸⁹ Many speakers stressed that the responsibility for the failings must be shared by the

⁸⁸ Ibid., pp. 4-5.

⁸⁹ Ibid., p. 5 (United Kingdom); p. 6 (United States, Russian Federation); p. 7 (Algeria); p. 8 (Japan); p. 9 (France); p. 10 (Argentina); p. 11 (Denmark, Brazil); and p. 12 (Greece, Romania).

Council itself, Member States and the Secretariat. Some representatives said that the Saddam Hussein regime, having exploited the good will of the United Nations for personal benefit, was the main culprit.⁹⁰ The representative of Algeria said that the Council, having created the programme, had to accept a great share of the responsibility for the failings,⁹¹ and in the same vein, the representative of the United Republic of Tanzania noted that all the wrongs had happened under the oversight of the Council.⁹² Most Council members said that the findings of the reports and the failures of the oil-for-food programme had epitomized the urgent need for reforms of the United Nations administration, in order to ensure better management, transparency and accountability,⁹³ and some in particular expressed support for the Secretary-General's reform efforts.⁹⁴ The representative of the United States lamented the fact that efforts to reform were often met by resistance from other Member States.⁹⁵

The representative of Iraq stated that from the conclusions in the report it was very clear that the Iraqi people had not received full value for their money, but had for various reasons been robbed of a great deal of what was theirs by right; thus they were the ones who had paid the price for the failings of the programme. He called upon the Council to consider the formation of a group, funded by the United Nations, to help Iraq pursue its assets which had been dispersed through the programme.⁹⁶

**Decision of 8 November 2005 (5300th meeting):
resolution 1637 (2005)**

At its 5266th meeting, on 21 September 2005, the Council included in its agenda the report of the Secretary-General dated 7 September 2005 on

⁹⁰ Ibid., p. 5 (United Kingdom); p. 6 (United States); p. 9 (France); and p. 10 (Argentina).

⁹¹ Ibid., p. 7.

⁹² Ibid., p. 9.

⁹³ Ibid., p. 6 (United States, Russian Federation); p. 7 (Algeria); p. 8 (Japan); p. 9 (United Republic of Tanzania); p. 10 (Argentina, Brazil, France); p. 11 (Denmark, Romania); p. 14 (Philippines); and p. 14 (Iraq).

⁹⁴ Ibid., p. 6 (United Kingdom); p. 7 (Russian Federation); and p. 8 (Algeria).

⁹⁵ Ibid., p. 6.

⁹⁶ Ibid., p. 14.

UNAMI.⁹⁷ The Council heard briefings by the Special Representative of the Secretary-General and the representative of the United States, speaking on behalf of the multinational force.⁹⁸ The Minister for Foreign Affairs of Iraq made a statement during the meeting.

In his report, the Secretary-General noted that delays in convening the Transitional National Assembly and forming the Transitional Government had reduced the time available for completing the draft constitution by the deadline of 15 August, as stipulated by the Transitional Administrative Law.

The Special Representative noted that the Transitional National Assembly had designated a draft national constitution, and that a national referendum was scheduled for 15 October, with general elections scheduled for 15 December. Among the major points of contention in the drafting process were the issues of federalism, modalities of the formation of regions in addition to the Kurdistan region, the identity of the State, the role of Islam as a source of law, and the distribution of powers with respect to national resources, including oil and water. He expressed concern over the high number of civilian casualties caused by the ongoing violence, as well as the deteriorating human rights situation in the country. He said that, in the experience of the United Nations, addressing both past and present abuses on basis of the rule of law and international norms could go a long way in promoting national reconciliation efforts.⁹⁹

The representative of the United States, in her briefing, stated that in spite of progress in Iraq's political transition insurgents remained capable of carrying out attacks against Iraqi civilians. Noting that the goal of the multinational force was to assist Iraqis to provide for their own security, she said the capacity of the Iraqi security forces was increasing, reducing the influence and effectiveness of insurgents and strengthening Iraq's rule of law capabilities. The multinational force, in close coordination with the Government of Iraq and the Coalition, was providing assistance to strengthen Iraq's law enforcement, justice and corrections systems. It was also working to complete critical infrastructure projects. Success would

be achieved, however, when Iraqis themselves could guarantee their own liberty, security and prosperity.

She reported that, as at 19 September, 193,000 Iraqi security personnel had been trained and equipped, and the multinational force had transferred some security responsibilities in a limited number of areas and bases to the Iraqi security forces. She also stressed that the international community, particularly Iraq's neighbouring countries, especially the Syrian Arab Republic, had to do more to stop foreign terrorists entering Iraq and retarding efforts to stabilize and secure the country.¹⁰⁰

The Minister for Foreign Affairs of Iraq said that the constitution drafting committee had been expanded to better represent Iraqi society by including communities that did not take part or did not fare well in the January elections. The Minister encouraged the neighbours of Iraq to root out elements of terror and to join Iraq in regional strategic cooperation, according to resolution 1546 (2004). He also stated that, regrettably, the bulk of foreign fighters were entering across the Iraqi-Syrian border, and the Government of the Syrian Arab Republic had yet to demonstrate serious cooperation in helping Iraq to stop the transit.¹⁰¹

At the 5300th meeting, on 8 November 2005,¹⁰² the President (Russian Federation) drew the attention of the Council to a letter dated 31 October 2005 from the representative of Iraq addressed to the President of the Security Council,¹⁰³ transmitting a request by the Government of Iraq to extend the mandate of the multinational force in Iraq, and to a draft resolution submitted by Denmark, Japan, Romania, the United Kingdom and the United States.¹⁰⁴

The draft resolution was adopted unanimously as resolution 1637 (2005), by which the Council, acting under Chapter VII of the Charter of United Nations, *inter alia*:

Decided to extend the mandate of the multinational force as set forth in resolution 1546 (2004) until 31 December 2006;

⁹⁷ S/2005/585, the fifth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

⁹⁸ The briefing was provided pursuant to resolution 1546 (2004).

⁹⁹ S/PV.5266, pp. 2-4.

¹⁰⁰ *Ibid.*, pp. 5-6.

¹⁰¹ *Ibid.*, pp. 6-8.

¹⁰² At its 5267th meeting, held in private on 21 September 2005, the Council extended invitations to the Minister for Foreign Affairs of Iraq and the Special Representative of the Secretary-General for Iraq, with whom Council members exchanged views.

¹⁰³ S/2005/687.

¹⁰⁴ S/2005/704.

Decided that the mandate of the multinational force would be reviewed at the request of the Government of Iraq or no later than 15 June 2006, and declared that it would terminate the mandate earlier if requested by the Government of Iraq;

Decided to extend until 31 December 2006 the arrangements established in paragraph 20 of resolution 1483 (2003) for the depositing into the Development Fund for Iraq of proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board;

Decided further that the above provisions would be reviewed at the request of the Government of Iraq or no later than 15 June 2006;

Requested that the Secretary-General continue to report to the Council on the operations in Iraq of UNAMI on a quarterly basis;

Requested that the United States, on behalf of the multinational force, continue to report to the Council on the efforts and progress of the force on a quarterly basis; and decided to remain actively seized of the matter.

Several Council members and the representative of Iraq made statements after the adoption of the resolution. All speakers emphasized that the resolution was adopted according to the request and wishes of the Government of Iraq.¹⁰⁵ The representative of the United States emphasized that the unanimous adoption of the resolution showed the broad international support for a federal, pluralist and unified Iraq.¹⁰⁶ The representative of the United Kingdom appealed to all Member States, in particular to Iraq's neighbours, to help prevent terrorists, their weapons and financing from entering Iraq.¹⁰⁷ The representative of Denmark urged the Government of Iraq to do its utmost to ensure full respect for human rights by all Iraqi authorities, including security and police forces.¹⁰⁸ The representative of France said that the future government, at any time, would be able to request that the mandate be renewed or that it end. Unless a contrary decision was made by the Council, that mandate would expire on 31 December 2006. Moreover, the Council had foreseen that the mandate would be reviewed no later than 15 June 2006. In that time, the multinational force and

the Iraqi forces would need to act in compliance with international law.¹⁰⁹ The representative of the Russian Federation said that UNAMI had its work cut out for it, and had to resolve the significant challenges of organizing the elections and promoting mutual understanding among various factions in Iraqi society.¹¹⁰ The representative of Iraq pledged the continued adherence of the Government of Iraq to the political process prescribed by the Council, and looked forward to country-wide elections on 15 December under a constitution that had been approved by the people of Iraq.¹¹¹

Decision of 9 November 2005 (5301st meeting): letter from the President to the Secretary-General

At the 5301st meeting, on 9 November 2005, the President (Russian Federation) drew the attention of the Council to a letter dated 2 November 2005 from the Secretary-General addressed to the President of the Council¹¹² concerning the status of funds in the escrow account established by resolution 1284 (1999). The President presented to the Council a draft response letter, approving the proposal contained in the Secretary-General's letter to transfer \$2.2 million and €226,493 from the escrow account to be credited against assessments issued in respect of the obligations of the Government of Iraq for the budget of IAEA. The Council decided to send the letter.¹¹³

Deliberations of 14th December 2005 (5325th meeting)

At its 5325th meeting, on 14 December 2005, the Council included in its agenda the report of the Secretary-General dated 7 December 2005 on UNAMI.¹¹⁴ The Under-Secretary-General for Political Affairs and the representative of the United States, speaking on behalf of the multinational force,¹¹⁵ delivered briefings to the Council. The representative of Iraq made a statement during the meeting.

¹⁰⁵ S/PV.5300, p. 2 (United Kingdom); p. 3 (United States, Romania); p. 4 (Japan, Denmark); and p. 5 (France, Russian Federation).

¹⁰⁶ *Ibid.*, p. 3.

¹⁰⁷ *Ibid.*, p. 2.

¹⁰⁸ *Ibid.*, p. 5.

¹⁰⁹ *Ibid.*, p. 5.

¹¹⁰ *Ibid.*, p. 6.

¹¹¹ *Ibid.*, p. 6.

¹¹² S/2005/702.

¹¹³ S/2005/703.

¹¹⁴ S/2005/766, the sixth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹¹⁵ The briefing was provided pursuant to resolution 1546 (2004).

In his report, the Secretary-General noted that observations conveyed by various election observer groups were relatively positive on the conduct of the referendum, and that nation-wide elections were scheduled for 15 December 2005.

The Under-Secretary-General stated that the elections would bring to a conclusion the political transition process outlined in resolution 1546 (2004). He noted, however, that although the framework laid out in the resolution had been intended to promote national dialogue and reconciliation, and thus have a positive impact on the security situation, the latter had not occurred. He said that one of the most important tasks facing the new Council of Representatives which would be formed after the elections, would be to establish a constitutional review commission and enable it to undertake its work in a credible and effective manner. The result of the referendum had shown that a significant proportion of Iraqis could not support the draft constitution.

He noted that the Secretary-General had repeatedly drawn attention to the situation of human rights in Iraq, condemning terrorists, insurgent and paramilitary attacks against innocent civilians, and calling on all sides to strictly observe their obligations under international humanitarian law. The situation required urgent action, particularly by the Iraqi authorities and the multinational force. He welcomed the commitment by the multinational force to take initial corrective steps, particularly with regard to detainees. UNAMI would continue to encourage all concerned to ensure that the basic human rights of all Iraqis were respected. Equally important would be the ability of the new Government of Iraq to deliver quickly on the real needs and expectations of the Iraqi people, including tangible improvements of their everyday lives, and to normalize Iraq's status as a full and respected member of the international community. He emphasized that the capacity of the United Nations in Iraq depended on the commitment of the Member States. He noted that the agreement between the United Nations and the United States concerning the establishment of security for UNAMI had been signed, thus formalizing the existing security arrangements for the United Nations in Iraq.¹¹⁶

The representative of the United States stated that there had been an increase in insurgent attacks in the

run-up to the referendum held in October. Attacks were concentrated in four of Iraq's 18 provinces: Baghdad, Ninewa, Al-Anbar and Salahaddin. He reported that about 80 per cent of attacks were directed against the multinational force, while 80 per cent of all casualties were suffered by the Iraqi population. He said that there had been a dramatic increase in intelligence tips provided by the Iraqi population in recent months, indicating increasing popular rejection of the insurgents. Despite persistent security challenges, the multinational force and Iraqi security forces had regained control in some areas previously held by the enemy.¹¹⁷

The representative of Iraq stated that the major challenge facing Iraq as it built its democracy and launched its reconstruction was standing up to terrorism. Defeating it could not be done without the support of the international community, particularly the countries neighbouring Iraq. Stressing that advances in the constitutional referendum and other areas would not have been achieved without great sacrifices by the Iraqi people and without the multinational force in support of political change, or without the United Nations, he said that those gains should not hide the fact that the United Nations presence in Iraq was inadequate. He further stated that it was high time to "close the disarmament file" on the previous regime and to close the UNMOVIC file.

With respect to the question of human rights violations in Iraq, he stated the incidents referred to in the Secretary-General's report had involved only a few individuals, and did not represent the systematic behaviour of the Iraqi forces. The Government of Iraq was addressing the issue, and had expressed desire for international support with a view to developing its institutions in accordance with internationally accepted regulations and norms in the area of human rights.¹¹⁸

**Decision of 14 February 2006 (5371st meeting):
statement by the President**

At the 5371st meeting, on 14 February 2006, the President (United States) made a statement on behalf of the Council,¹¹⁹ by which the Council, inter alia:

¹¹⁷ Ibid., p. 4.

¹¹⁸ Ibid., pp. 6-8.

¹¹⁹ S/PRST/2006/8.

¹¹⁶ S/PV.5325, pp. 2-4.

Welcomed the announcement by the Independent Electoral Commission of Iraq of 10 February of the certified election results for the Iraqi Council of Representatives;

Stressed the importance of inclusiveness, national dialogue and unity as Iraq's political development moved forward; condemned acts of terrorism in Iraq;

Gave special recognition to the Independent Electoral Commission of Iraq for its role in organizing and administering the elections; also commended the Secretary-General and the United Nations for successfully assisting election preparations, and noted in particular the role of UNAMI; also appreciated the assistance given by other international actors;

Underlined the need for continued and enhanced international support from all States and relevant international organizations to assist Iraq's wide-ranging political, economic and social development;

Also looked forward to the continued efforts of the League of Arab States in support of the political process endorsed in Council resolutions 1546 (2004) and 1637 (2005);

Reaffirmed its support for a federal, democratic, pluralist and unified Iraq, in which there was full respect for human rights.

**Decision of 24 May 2006 (5444th meeting):
statement by the President**

At its 5386th meeting, on 15 March 2006, the Council included in its agenda the report of the Secretary-General dated 3 March 2006 on UNAMI.¹²⁰ The Council heard briefings by the Special Representative of the Secretary-General for Iraq and the representative of the United States, on behalf of the multinational force.¹²¹ The representative of Iraq made a statement at the meeting.

In his report, the Secretary-General noted that the election held on 15 December 2005 had been the third major national electoral event in Iraq during the past year. A total of 307 political entities and 19 coalitions encompassing more than 7,500 candidates representing almost all Iraqi communities and political affiliations entered the contest for the 275 seats in the Council of Representatives. Despite security concerns, voter turnout was high throughout the country. A total of 12,191,133 valid votes were cast.¹²²

¹²⁰ S/2006/137, the seventh report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹²¹ The briefing was provided pursuant to resolution 1546 (2004).

¹²² Of the valid votes, 295,377 were cast abroad and 203,856 were cast in 255 special polling centres for

The Special Representative of the Secretary-General noted that Iraq continued to face enormous security, political and reconstruction challenges. In particular, the bombing of the Shia shrine in Samarra on 22 February 2006 and its violent aftermath¹²³ had demonstrated that the political transition in Iraq was increasingly threatened by inter-sectarian violence. Sectarian issues had come to dominate and almost define Iraqi politics and future prospects. He stated that overcoming the sectarian divide was, above all, the responsibility of the Government of Iraq, and warned that failure to take up that responsibility could severely undermine efforts to promote security. He urged all concerned to move swiftly to form a fully inclusive government in spite of recent developments that had made negotiations difficult. The Special Representative reiterated that more determined measures by the Government of Iraq were needed to address the deteriorating human rights situation, particularly with regard to de facto arbitrary detentions, torture and extrajudicial killings. The multinational force and Iraqi security forces had a particular responsibility in that regard. In the absence of such measures, efforts to strengthen national reconciliation and mutual trust might prove elusive.¹²⁴

The representative of the United States stated that insurgents and terrorists remained capable of carrying out attacks to destabilize the legitimately elected Government of Iraq. Although 80 per cent of attacks had been targeted against Coalition forces, the majority of victims were civilians. While December 2005 had seen an increase in attacks in the lead-up to the elections, the number of attacks had decreased from December to January, but risen again in February, owing to the destruction of houses of worship and religious sites. While the number of attacks had dropped, their severity had increased. He reported that 65 per cent of Baghdad was now under the control of

detainees, hospital patients and members of Iraq's security forces. These figures translated into a voter participation rate of over 75 per cent, a significant increase from the voter turnout in the election of January 2005, which amounted to approximately 58 per cent (see S/2006/137, paras. 3-5).

¹²³ The attack on the holy shrine of Imams Ali al-Hadi and Hasan Al-Askari drew condemnation from Iraqi leaders across political and religious communities, as well as from the United Nations, and provoked intercommunal violence and reprisal attacks in Baghdad (see S/2006/137, paras. 19-20).

¹²⁴ S/PV.5386, pp. 2-4.

Iraqi security forces, in addition to other areas. At the same time, the President of the United States had authorized a decrease in the number of United States combat units in Iraq from 17 to 15, a reduction of approximately 7,000 troops. Several coalition partners were taking or planning similar measures.¹²⁵

The representative of Iraq said that there was a sense among the political leadership of Iraq that formation of a national unity Government would help to improve the security climate, as it would allow all various groupings in Iraq to become enfranchised. On the human rights situation, he said his Government was committed to the respect for human rights and the rule of law, even as it acknowledged that there was still room for improvement. However, the Secretary-General's report did not take into account the extent to which the current security situation had contributed to the inability of the Government to implement its human rights agenda. It would have been appropriate for the report to note those steps taken by the Government to improve the human rights situation, such as the presence for the first time in 46 years of a vibrant and robust civil society sector with unfettered access to a variety of governmental agencies, including jails, prisons and courthouses.

The representative warmly welcomed the statement of the Secretary-General in which he had indicated that it was time to lift the barriers, including sanctions, to the full integration of Iraq into the community of nations.¹²⁶

At the 5444th meeting, on 24 May 2006, the President (Congo) made a statement on behalf of the Council,¹²⁷ by which the Council, *inter alia*:

Welcomed the inauguration on 20 May 2006 of Iraq's constitutionally elected Government and congratulated the people of Iraq on this milestone in their country's political transition;

Encouraged the new Government to work tirelessly to promote national reconciliation through dialogue and inclusion and to build an atmosphere in which sectarianism was rejected;

Condemned acts of terrorism in Iraq, including recent horrific attacks on civilians and religious sites aimed callously at provoking intercommunal tensions;

Reaffirmed the independence, sovereignty, unity and territorial integrity of Iraq.

¹²⁵ *Ibid.*, pp. 5-6.

¹²⁶ *Ibid.*, pp. 7-8.

¹²⁷ S/PRST/2006/24.

Deliberations of 15 June 2006 (5463rd meeting)

At its 5463rd meeting, on 15 June 2006, the Council included in its agenda the report of the Secretary-General dated 2 June 2006 on UNAMI.¹²⁸ The President (Denmark) drew the attention of the Council to a letter dated 12 June 2006 from the Secretary-General, concerning the International Advisory and Monitoring Board,¹²⁹ and to a letter dated 9 June 2006 from the representative of Iraq, transmitting a letter from the Minister for Foreign Affairs of Iraq addressed to the President, in which he requested the continued assistance of the international community in providing security and stability in Iraq.¹³⁰ The Council heard briefings by the Assistant Secretary-General and by the representative of the United States, speaking on behalf of the multinational force.¹³¹ The Minister for Foreign Affairs of Iraq made a statement during the meeting.

In his report, the Secretary-General noted that the formation of the first constitutionally elected Government of Iraq, on 20 May 2006, represented the culmination of Iraq's political transition process. However, the protracted nature of the negotiations and the serious deterioration of the security situation following the Samarra bombing in February 2006 indicated that the people of Iraq had arrived at an important turning point. He observed that, unless a strong positive dynamic towards national reconciliation was generated soon, there would be a grave danger of increased polarization, sectarian strife and, potentially, civil war.

The Assistant Secretary-General said that of particular concern was the mounting loss of civilian life as a result of high levels of violence and breakdown in law and order, with intercommunal violence and criminal activities compounding insurgent violence. She emphasized that the new Government must be empowered to heal the social and political divisions through dialogue and confidence-building, strengthen democratic institutions and the rule of law, and improve the living conditions for all Iraqis. She said that a promised review of anti-terror and de-

¹²⁸ S/2006/360, the eighth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹²⁹ S/2006/394.

¹³⁰ S/2006/377.

¹³¹ The briefing was provided pursuant to resolution 1546 (2004).

baathification legislation would help to shape a more conducive environment for national reconciliation. The Government's effectiveness would largely be defined by its ability to inspire the confidence of the Iraqi people, by taking immediate measures to improve security. That would require the new Government, first and foremost, to gradually take full ownership of its national affairs, including in the vital area of security, assisted, as necessary, by the international community.

The Assistant Secretary-General hoped that the new Government of Iraq would make it a priority to set a robust human rights agenda that addressed both past and current human rights violations, and reiterated that the United Nations remained particularly concerned about the large number of detainees held in detention centres without investigation or criminal charges. At the international level, she noted that there was now an opportunity to build a deeper consensus in support of Iraq's transition, including in the Security Council.¹³²

The representative of the United States stated that, on 7 June, the multinational force and Iraqi forces had killed the Al-Qaida terrorist leader Abu Musa al-Zarqawi and one of his key associates, Sheikh Abd al-Rahman. Although the original leader of Al-Qaida in Iraq was now dead, he had been replaced, and the terrorist organization still posed a threat, as its members would continue to attempt to intimidate the Iraqi people and threaten the country's Government as it moved towards greater stability and prosperity.¹³³

The Minister for Foreign Affairs of Iraq stated that the continued cooperation between Iraqi forces and the multinational force remained necessary to provide security in Iraq, and critical to attaining the goal of self-sufficiency in defending his country and securing peace. With the formation of a new, full-term government, and with the recent elimination of the most notorious terrorist, Abu Musab al-Zarqawi, who had been responsible for the bombing of the United

Nations headquarters in Baghdad in August 2003, there was now a sense of great momentum among Iraqis and a chance to turn the situation around. He said that, contrary to media portrayal, there was no civil war in Iraq, but there was an increase in incidents of sectarian violence.

He further stated that the mandates of the Development Fund for Iraq and the International Advisory and Monitoring Board were due for review, and his Government proposed to continue the present arrangements according to resolution 1637 (2005). With respect to building international support for regional security and in order to enhance reconstruction plans for Iraq, he stated that the formation of an international contact group, involving the five permanent members of the Council, Iraq's neighbours, the United Nations and the League of Arab States, would be a useful means.¹³⁴

**Decision of 10 August 2006 (5510th meeting):
resolution 1700 (2006)**

At its 5510th meeting, on 10 August 2006,¹³⁵ the Council included in its agenda a letter dated 1 August 2006 from the Secretary-General addressed to the President of the Council.¹³⁶ The President (Ghana) drew the attention of the Council to a letter dated 3 August from the representative of Iraq addressed to the Secretary-General,¹³⁷ and to a draft resolution submitted by the United Kingdom and the United States.¹³⁸ The draft resolution was adopted unanimously by the Council as resolution 1700 (2006), by which the Council, inter alia:

Decided to extend the mandate of UNAMI for another period of 12 months from the date of the resolution;

Requested the Secretary-General to update the Council on a regular basis on the latest developments of the International Compact with Iraq.

¹³² S/PV.5463, pp. 2-5. On 16 June 2006, the Secretary-General accepted the request of the Government of Iraq to provide support for the International Compact with Iraq, which was launched on 27 July 2006. The Compact was an initiative of the Government of Iraq for a new partnership with the international community, its purpose being to achieve a national vision of Iraq with the aim of consolidating peace and pursuing political, social and economical development. The Compact was chaired jointly by the Deputy Prime Minister of Iraq and the Deputy Secretary-General (see S/2006/706, para. 13).

¹³³ S/PV.5463, p. 6.

¹³⁴ Ibid., pp. 8-9.

¹³⁵ At its 5464th meeting, held in private on 15 June 2006, the Council extended invitations to the Minister for Foreign Affairs of Iraq and the Assistant Secretary-General for Political Affairs, with whom Council members had an exchange of views.

¹³⁶ S/2006/601, recommending the extension of the mandate of UNAMI.

¹³⁷ S/2006/609, requesting the extension of the mandate of UNAMI.

¹³⁸ S/2006/692.

**Deliberations of 14 September 2006
(5523rd meeting)**

At its 5523rd meeting, on 14 September 2006, the Council included in its agenda the report of the Secretary-General dated 1 September 2006 on UNAMI.¹³⁹ The Council heard briefings by the Special Representative of the Secretary-General for Iraq and the representative of the United States, speaking on behalf of the multinational force.¹⁴⁰ All Council members and the representative of Iraq made statements at the meeting.

Presenting the report, the Special Representative of the Secretary-General stated that Iraq had become one of the most violent conflict areas in the world. In June the number of Iraqis killed was 3,149; in July the number was 3,438. Numerous attacks and mass kidnappings of civilians revealed a pattern of targeting based on sectarian affiliation, with a clear intent to provoke fear and take vengeance.¹⁴¹

Turning to political developments, he highlighted the International Compact with Iraq as an important vehicle for the international community in helping Iraq become a peaceful and stable country. The key challenge for the Government of Iraq was to develop a truly national agenda that was responsive to the needs and aspirations of all Iraqis. He noted that the Prime Minister had launched the National Reconciliation Plan with a view to addressing the challenges facing his country, and that the Government was also seeking to establish a dialogue with those who had remained outside the political process. He said that the International Compact with Iraq could help the country to become a peaceful, stable and prosperous partner with its neighbours and the wider international community.¹⁴²

The representative of the United States reported that, despite the full formation of a national unity Government in Iraq, violence had increased. He said that the multinational force had continued training and equipping the Iraqi security forces and Iraq police service. Noting that the United Nations contributions in Iraq were “vital”, he urged the Organization to

continue to fulfil its mandate under resolution 1546 (2004). He stressed that the multinational force and its combined efforts with the Iraqi security forces continued to support an environment that would allow Iraq’s democratically elected Government to succeed, and for the Iraqi people to realize a brighter, secure and more prosperous future. He said that a joint committee to achieve Iraqi security self-reliance announced by the Prime Minister of Iraq and the President of the United States on 25 July would develop a conditions-based road map for a full transition of security responsibility to Iraqi forces.¹⁴³

Speakers unanimously expressed deep concern at the severe security situation and human rights violations prevailing in Iraq, and stressed the urgent need to address the situation. Most speakers commended the efforts undertaken by the Government of Iraq towards national reconciliation, and welcomed such actions as the National Reconciliation Plan, which was designed to ensure the unity of Iraq. At the same time, they encouraged the Government of Iraq to bolster its activities to ensure a participatory and inclusive political process, for example through the constitutional review process. Speakers also welcomed the launching of the International Compact with Iraq, expressing the hope that the high-level meeting to be held on 18 September would enable the Government of Iraq to present its plan for national reconstruction.¹⁴⁴

The representative of Iraq highlighted the national reconciliation efforts undertaken through the National Reconciliation Plan, aimed at addressing the most important issues that were preventing the achievement of internal peace in Iraq. In the security field, and parallel to the process of national reconciliation, he reported that the Government had adopted a security plan aimed at securing the capital, Baghdad. The Iraqi forces with the support of the multinational force were responsible for implementing the plan. He reported that the past 30 days had witnessed a decrease in violence and crime in comparison to the two months of June and July 2006. In concluding, he expressed the hope that UNAMI

¹³⁹ S/2006/706, the ninth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹⁴⁰ The briefing was provided pursuant to paragraph 25 of resolution 1511 (2003).

¹⁴¹ S/2006/706, para. 35.

¹⁴² S/PV.5523, pp. 2-4.

¹⁴³ *Ibid.*, pp. 5-7.

¹⁴⁴ *Ibid.*, p. 8 (Qatar); p. 9 (Ghana); pp. 10-11 (Congo, China); p. 12 (Denmark, France); p. 13 (United Kingdom); p. 14 (Argentina); pp. 15-16 (Slovakia, United Republic of Tanzania); p. 17 (Russian Federation); p. 18 (Peru); p. 19 (Japan); and p. 20 (Greece).

would continue to play a vital role in Iraq's constitutional review and national reconciliation process.¹⁴⁵

Decision of 28 November 2006 (5574th meeting): resolution 1723 (2006)

At the 5574th meeting, on 28 November 2006, the President (Peru) drew the attention of the Council to a draft resolution submitted by Denmark, Japan, Slovakia, the United Kingdom and the United States.¹⁴⁶ He further drew the attention of the Council to a letter dated 14 November from the representative of Iraq,¹⁴⁷ and a letter dated 17 November 2006 from the representative of the United States.¹⁴⁸ The Council unanimously adopted the draft resolution as resolution 1723 (2006), by which it, acting under Chapter VII of the Charter, *inter alia*:

Decided to extend the mandate of the multinational force as set forth in resolution 1546 (2004) until 31 December 2007;

Decided also to extend until 31 December 2007 the arrangements established in paragraph 20 of resolution 1483 (2003) for the deposit into the Development Fund for Iraq of proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) for the monitoring of the Development Fund for Iraq by the International Advisory and Monitoring Board;

Decided further that the provisions above for the deposit of proceeds into the Development Fund for Iraq and for the role of the International Advisory and Monitoring Board would be reviewed at the request of the Government of Iraq or no later than 15 June 2007;

Requested that the Secretary-General continue to report to the Council on the operations in Iraq of UNAMI on a quarterly basis;

Requested that the United States, on behalf of the multinational force, continue to report to the Council on the efforts and progress of the force on a quarterly basis.

The representatives of the United States, the United Kingdom, the Russian Federation and France made statements after the adoption of the resolution. The representative of the United States emphasized that the multinational force continued to play a vital role in the security and stability of Iraq.¹⁴⁹ The representative of the United Kingdom said that the resolution came with the important assurance that the Government of Iraq might, at any time, seek a review of the arrangements or the termination of the mandate of the multinational force.¹⁵⁰

The representative of the Russian Federation regretted that the resolution did not reflect his country's proposal on the importance of continuing the political process in Iraq, the foundation of which had been laid at conferences in Cairo and Sharm el-Sheikh.¹⁵¹

The representative of France stated that his delegation was pleased to note that the resolution integrated explicitly the prospect of withdrawal of the multinational force that would come under the sovereign decision of Iraq. He hoped that the progress in the national inter-Iraqi dialogue seen in the meetings in Sharm el-Sheikh in November 2004 and Cairo in November 2005 would continue.¹⁵²

Deliberations of 11 December 2006 and 15 March 2007 (5583rd and 5639th meetings)

At its 5583rd meeting, on 11 December 2006, the Council included in its agenda the report of the Secretary-General dated 3 December 2006 on UNAMI.¹⁵³ The Council heard briefings by the Special Representative of the Secretary-General for Iraq, and the representative of the United States, speaking on behalf of the Member States contributing to the multinational force.¹⁵⁴ All Council members and the representative of Iraq made statements during the meeting.

¹⁴⁹ S/PV.5574, p. 2.

¹⁵⁰ *Ibid.*, pp. 2-3.

¹⁵¹ *Ibid.*, p. 3.

¹⁵² *Ibid.*, p. 3.

¹⁵³ S/2006/945, the tenth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹⁵⁴ The briefing was provided pursuant to resolution 1546 (2004).

¹⁴⁵ *Ibid.*, p. 21.

¹⁴⁶ S/2006/919.

¹⁴⁷ S/2006/888, transmitting a letter from the Prime Minister of Iraq, requesting the extension of the mandate of the multinational force in accordance with resolutions 1546 (2004) and 1637 (2005), and the extensions of the mandates of the Development Fund for Iraq and the International Advisory and Monitoring Board.

¹⁴⁸ S/2006/899, transmitting a letter from the Secretary of State of the United States of America, confirming the commitment of the multinational force to continue to fulfil its mandate under resolutions 1546 (2004) and 1637 (2005), consistent with the request of the Government of Iraq.

In his report, the Secretary-General noted a dramatic increase in violence in Iraq, including militia activities, causing an estimated 5,000 deaths a month, and warned that the prospect of an all-out civil war in Iraq had become more real.

The Special Representative highlighted, among the observations made by the Secretary-General in the report, that a broader and more inclusive political approach was required, that involved all the main neighbours of Iraq and the permanent members of the Security Council. The report also drew attention to how a constitutional review process could provide a framework for national reconciliation, and the fact that, to date, that opportunity had not been seized as effectively as the United Nations had hoped and advised. Iraq now faced three main challenges. First, it needed to develop a fully inclusive political process and ensure equitable access to power, State institutions and natural resources for all, through a process guided by national interest rather than the interest of particular constituencies. There was a particular need to promote confidence-building measures between communities in potential flashpoint areas, such as Kirkuk. Increased efforts were also needed to review the de-baathification process and to adopt an amnesty law without prejudice to the victims' rights to truth and reparation. Secondly, the Government of Iraq needed to establish its monopoly on the use of force. Thirdly, the Government of Iraq needed to cultivate a regional environment that was supportive of Iraq's transition. The Secretary-General also called for a negotiated settlement to break the cycle of violence that currently threatened to abort any political process.

The Special Representative stated that in his previous briefings to the Council he had repeatedly drawn attention to the fact that the achievements of the political transition process in meeting the benchmarks endorsed by the Council in resolution 1546 (2004) had not translated into an improved security or human rights situation, and that efforts made by the Government of Iraq and the multinational force had not prevented a continuous deterioration of the security situation, nor had other national or regional or international attempts at dialogue. He stated that the violence seemed out of control, and this had provoked widespread concern for the future of Iraq.

The Special Representative stated that vigorous efforts were under way to build up the security forces of Iraq, but that even under the most propitious of

circumstances it would take years to complete that process. Moreover, excessive reliance on the use of force could indeed preclude national compromise. He emphasized that if Iraq were to stand any chance of avoiding a national catastrophe, a collective sense of urgency, resolve and compromise was necessary.¹⁵⁵

The representative of the United States cited some of the progress achieved, including the establishment of a constitutional review committee to explore options for amending the Iraqi constitution and the initiative to conclude the International Compact. She further stated that security remained a grave concern, as the number of attacks had increased by 22 per cent over the current reporting period. The rise in sectarian violence, 80 per cent of which occurred within a 35-mile radius of Baghdad, had become the greatest threat to stability. She emphasized that Iraq's stability and security was a regional issue, as well as an international one, in which Iraq's neighbours had an important role to play.¹⁵⁶

All members expressed alarm over the soaring number of casualties in Iraq, and emphasized the need to continue to work on a national, regional and international level to address the ongoing violence. Some representatives said that the approaches followed to resolve the situation in Iraq had not been efficient,¹⁵⁷ and endorsed the observations and recommendations in the report of the Secretary-General.¹⁵⁸

Speakers also emphasized the importance of the International Compact with Iraq, and expressed interest in the Secretary-General's proposal for an international conference that included all Iraqi protagonists and external actors concerned. Speakers also underlined the significance of enhancing regional dialogue.¹⁵⁹ The representative of the Russian Federation commended the Secretary-General's proposal to establish a regional group on Iraq that would include the five permanent members of the Security Council.¹⁶⁰

¹⁵⁵ S/PV.5583, pp. 2-4.

¹⁵⁶ *Ibid.*, p. 4.

¹⁵⁷ *Ibid.*, p. 8 (Argentina); p. 11 (Russian Federation); and p. 16 (Denmark).

¹⁵⁸ *Ibid.*, p. 6 (France); p. 8 (Argentina); and p. 11 (Russian Federation).

¹⁵⁹ *Ibid.*, p. 7 (France); p. 9 (Greece); p. 10 (United Kingdom); p. 13 (China); p. 15 (Ghana); pp. 16-17 (Denmark); p. 18 (Slovakia); and p. 19 (Congo, Qatar).

¹⁶⁰ *Ibid.*, p. 12.

The representative of Iraq stated that his Government was fully aware of who was carrying out the increased acts of violence, namely the Saddam loyalists, the Takfir extremists and criminal gangs. The Government of Iraq would deal very forcefully and decisively with that challenge. He reiterated that the Government intended to broaden the political process, and recalled that the Prime Minister had recently announced a national conference in order to strengthen national reconciliation. However, he cautioned that such an idea would be unacceptable if its purpose was to circumvent the democratic gains achieved by the Iraqis and take the political process back to square one.

With respect to the human rights situation, he reiterated that the Government of Iraq was serious about addressing human rights, but collateral human rights violations resulting from confrontations with terrorists and criminal gangs could not be put on the same level as the deliberate violations perpetrated by terrorists.

Noting the call for a more active role by UNAMI, the representative of Iraq stressed the need to take into account the deteriorating security situation. He stated that the Mission had to put the security of its personnel above all other considerations. While the Mission would be there to assist the Government, because of the current security situation, the desired numbers were not yet possible.¹⁶¹

At its 5639th meeting, on 15 March 2007, the Council included in its agenda the report of the Secretary-General dated 7 March 2007 on UNAMI.¹⁶² The Special Representative of the Secretary-General for Iraq and the representative of the United States, speaking on behalf of the multinational force, delivered briefings to the Council.¹⁶³ All Council members and the representative of Iraq¹⁶⁴ made statements during the meeting.

In his report, the Secretary-General noted that high levels of violence in Iraq continued to overshadow the political process and reconstruction efforts, and had had an adverse effect on the humanitarian and human rights situation in the country,

¹⁶¹ *Ibid.*, pp. 20-22.

¹⁶² S/2007/126, the eleventh report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹⁶³ The briefing was provided pursuant to resolution 1546 (2004).

¹⁶⁴ Iraq was represented by the Vice-President of Iraq.

as well as resulting in the numbers of internally displaced persons and refugees reaching new heights. As a result of insecurity and curfews, access to health service continued to be difficult, and school attendance was reported to have fallen dramatically, to 50 per cent. The Secretary-General warned that Iraq was experiencing a protection and human rights crisis that had the potential of turning into a full-scale humanitarian emergency if the prevailing climate of fear, impunity and disorder was not addressed in conjunction with efforts to meet basic material needs.

The Special Representative stated that the “ever-present menace” of political, sectarian and criminal violence, deepening the humanitarian and human rights crises, was a major feature of the report. He said that Iraq’s neighbours needed to agree on a shared strategy of support for the reform programme and reconciliation efforts of the Government of Iraq, and that a mechanism to achieve such a regional coordination needed to be considered.¹⁶⁵

The representative of the United States stated that in announcing a new way forward, the President of the United States on 10 January had declared the commitment of an additional 21,500 troops as a contribution to the Iraqi-led effort. He also said that the Government of Iraq had allocated about \$150 million of its 2007 budget for the demobilization, disarmament and reintegration process for militias, which together with continued political progress on national reconciliation and the passage of a de-baathification law were important components in ensuring long-term stability.¹⁶⁶

All Council members expressed grave concern over the persisting violence, high number of casualties, increasing numbers of displaced and the deteriorating humanitarian situation, and urged enhanced national reconciliation efforts, and regional and international cooperation with a view to reducing the levels of violence in Iraq.

The representative of Indonesia reiterated a suggestion made by the President of Indonesia to deploy United Nations peacekeeping forces after a withdrawal of the multinational force.¹⁶⁷ That representative, as well as the representatives of China, the Russian Federation and France, urged that the

¹⁶⁵ S/PV.5639, pp. 2-4.

¹⁶⁶ *Ibid.*, p. 5.

¹⁶⁷ *Ibid.*, p. 14.

multinational force establish a definite timetable to withdraw from Iraq.¹⁶⁸ The representative of South Africa emphasized that, notwithstanding the events that had led to the current situation in Iraq, the Security Council had a responsibility to ensure that the powers granted to the multinational force were exercised in a manner consistent with the decisions of the Council, and that international law and human rights were upheld and respected by all parties.¹⁶⁹

The Vice-President of Iraq noted that re-establishing security and rebuilding the political structure and economy were his country's two goals in 2007. To that end, the Iraqi authorities had adopted a security plan for Baghdad called "Operation imposing law", launched a national reconciliation process, and adopted a budget that would allocate \$10 billion to investment. He further noted that while his Government did not want to be overly optimistic, "Operation imposing law" had shown some positive results in the marked reduction in the number of terrorist actions and casualties.¹⁷⁰

Decision of 23 May 2007 (5681st meeting): letter from the President to the Secretary-General

At the 5681st meeting, on 23 May 2007, the President (United States) drew the attention of the Council to a letter dated 7 May 2007 from the Secretary-General addressed to the President of the Security Council concerning the escrow account established under resolution 1284 (1999) and related resolutions.¹⁷¹ The President presented the draft of a letter to be sent to the Secretary-General in response, approving his proposal that €1,856,754 and \$694,771 be transferred from the aforementioned escrow account to settle the arrears of the Government of Iraq to the United Nations Industrial Development Organization and to meet its current obligation with respect to contributions to other United Nations activities. The Council decided to send the proposed letter.¹⁷²

Deliberations of 13 June 2007 (5693rd meeting)

At its 5693rd meeting, on 13 June 2007, the Council included in its agenda the report of the

Secretary-General dated 5 June 2007 on UNAMI.¹⁷³ The Council heard briefings by the Special Representative of the Secretary-General for Iraq, and the representative of the United States speaking on behalf of the multinational force.¹⁷⁴ All members and the representative of Iraq made statements during the meeting.

The Secretary-General in his report noted that despite the initial success of stepped-up security measures in recent months, the situation in Iraq remained precarious. Insurgent attacks persisted and civilian casualties continued to mount as it appeared that militia forces were resuming their activities, including targeted killings and kidnappings. The threat that the violence posed to the political process was illustrated by the bombing in the Iraqi Parliament on 12 April that resulted in the death of one lawmaker and injured several others. Political tensions increased over the implementation of article 140 of the Constitution, which detailed the process leading to the determination of the final status of Kirkuk and other disputed territories, as well as over the draft hydrocarbon law, the constitutional review process and a new de-baathification law. The Secretary-General also reported that on 3 May the International Compact with Iraq was launched in Sharm el-Sheikh, Egypt. The conference was co-chaired by the Prime Minister of Iraq and himself, and was attended by 75 delegations.

The Special Representative stated that Iraq was faced with an exceptional complex series of overlapping sectarian, political and ethnic conflicts that were beyond the capacity of any one actor or policy to resolve. While contentious issues had been discussed in several forums, the impact of bitter memories, fresh grievances, perceived discrimination, entrenched identity politics and, above all, the horrific and unending killings, had made constructive discussion leading to lasting reconciliation difficult.¹⁷⁵

The representative of the United States noted that there had been signs of a significant shift in the distribution of the violence. While high-profile terrorist attacks and attacks against coalition forces were still frequent, sectarian murders and attacks against

¹⁶⁸ Ibid., p. 13 (Russian Federation); p. 17 (France); and p. 19 (China).

¹⁶⁹ Ibid., p. 20.

¹⁷⁰ Ibid., p. 7.

¹⁷¹ S/2007/300.

¹⁷² S/2007/301.

¹⁷³ S/2007/330, the twelfth report submitted pursuant to paragraph 30 of resolution 1546 (2004).

¹⁷⁴ The briefing was provided pursuant to resolution 1546 (2004).

¹⁷⁵ S/PV.5693, p. 3.

civilians in Baghdad had decreased from levels seen previously. He noted that Iraqi security forces were recruiting in greater numbers in the Governorate of Al-Anbar, demonstrating the determination of the people there to participate in the fight against insurgents and Al-Qaida. He looked forward to the upcoming discussion on how to revise the mandate of UNAMI so as to encourage a robust presence to assist Iraq.¹⁷⁶

The Minister for Foreign Affairs of Iraq stated that while Iraqis would always be grateful for their liberation from an “absolute despot”, no Iraqi Government official — or citizen — wanted the presence of foreign troops on Iraqi soil one day longer than was vitally necessary. However today, and for the foreseeable future, the presence of multinational force troops was vitally necessary to safeguard Iraqi and regional security and stability. He noted that tribal chiefs and ordinary citizens in the Al-Anbar and Diyala provinces, provinces which for too long had been a haven for Al-Qaida terrorists, had shown signs of taking up arms and standing up against Al-Qaida. He also said that, as a cornerstone of the reconciliation process, work was being done to reverse “overly aggressive” de-baathification, as past practices, commencing in 2003, had failed to differentiate between criminals and non-criminals, and failed to distinguish between those who were ideological members of the party and those who had joined it simply to be able to support their families.¹⁷⁷

All Council members expressed deep concern over the ongoing violence in Iraq, and in particular condemned the bombing targeting the holy shrine in Samarra, which had happened the same day. Many welcomed the International Compact with Iraq as an international framework for building stability and enhancing development and reconstruction in Iraq. Furthermore, they encouraged continued work towards a national reconciliation process in Iraq, including constitutional review, revision of the de-baathification legislation, promotion of human rights and reintegration of militias into the regular armed forces. Council members also welcomed the possibility of expanding the role of the United Nations in Iraq.

¹⁷⁶ Ibid., pp. 5-6.

¹⁷⁷ Ibid., pp. 7-9.

**Decision of 29 June 2007 (5710th meeting):
resolution 1762 (2007)**

At the 5710th meeting, on 29 June 2007, the President (Belgium) drew the attention of the Council to a draft resolution submitted by the United Kingdom and the United States.¹⁷⁸ The Council heard briefings by the Acting Executive Chairman of UNMOVIC and the representative of the Director General of the IAEA office at United Nations Headquarters in New York. The representatives of China, France, Indonesia, Qatar, South Africa, the United Kingdom, the United States and the Russian Federation, and the representative of Iraq made statements during the meeting.

The Acting Executive Chairman of UNMOVIC cautioned that in the light of the present security environment of Iraq the possibility should not be discounted that non-State actors might seek to acquire and utilize toxic agents or chemical precursors in small quantities, and the possibility of non-State actors getting their hands on other, more toxic, agents was real. He recalled that, after extensive inspections early in 2003, UNMOVIC had not found evidence of the continuation or resumption of programmes of weapons of mass destruction or significant quantities of proscribed items from before the adoption of resolution 687 (1991), but it had identified capabilities that might still remain in Iraq, including scientists, technicians and dual-use equipment. He stressed that under the present circumstances the remaining outstanding issues could not be resolved and therefore contributed to a “residue of uncertainty”. Had Iraq already acceded to the Chemical Weapons Convention, the uncertainty with regard to its chemical weapons programme would have been reduced. It was, of course, up to the Council, exercising its judgement, to determine whether it would accept that “residue of uncertainty” when taking the decision to close the file on Iraq disarmament.¹⁷⁹

The representative of IAEA recalled his report of 7 March 2003, in which he had informed the Council that IAEA had found no evidence or plausible indication of the revival of a nuclear weapons programme in Iraq. Since 17 March 2003, however, the Agency had not been able to carry out most of its activities in the country.¹⁸⁰

¹⁷⁸ S/2007/390.

¹⁷⁹ S/PV.5710, pp. 2-5.

¹⁸⁰ Ibid., p. 7.

The representative of the United States noted that the Iraq Survey Group had taken all possible steps to investigate all credible reports of weapons of mass destruction in Iraq and had demonstrated that the current Government of Iraq did not possess any such weapons or delivery systems. He also noted that, since 2003, the Survey Group associated with the multinational force had demonstrated that no significant stockpile of weapons of mass destruction existed in Iraq. The multinational force, however, continued to find residual materials, which it disposed of in cooperation with the Government. It had also found evidence of the capacity of the Saddam Hussein regime to produce long-range missiles and biological weapons. He stated that in summary, with the findings of the Iraq Survey Group and the “aggressive corrective actions” taken by the current Government of Iraq, there was no longer any reason to believe that significant quantities of Saddam-era weapons of mass destruction remained undiscovered in Iraq and, perhaps most importantly, Iraq was no longer a country that had any political intent or military plan to utilize such weapons.¹⁸¹

The representative of the United Kingdom welcomed the commitment made by the Government of Iraq to respect and apply existing international commitments and obligations to the non-proliferation of nuclear, chemical and biological weapons. He also welcomed the Government of Iraq’s full constitutional commitment to taking disarmament forward, and the establishment of a National Monitoring Directorate to oversee and control the movement of dual-use items.¹⁸²

The representative of France noted that while not all issues had been resolved there was only a low level of uncertainty. He stressed the need to ensure that the new Government of Iraq was prepared to take over the relevant mandate of the United Nations inspections monitoring bodies, with a view to ensuring that non-proliferation efforts moved forward. He underlined the need to strengthen regional security and ensure compliance with international non-proliferation obligations.¹⁸³

The representative of Iraq said that the termination of the UNMOVIC and IAEA mandates marked the end of an “appalling chapter” in the history of Iraq. The Iraqi people had paid a very heavy price

during that period of time due to the regime’s possession of weapons of mass destruction and its refusal to cooperate with the relevant international bodies responsible for their elimination. He said that, in addition to reiterating its commitment to non-proliferation obligations mentioned in the letter dated 8 April from the Minister for Foreign Affairs of Iraq, annexed to the draft resolution before the Council, a draft law on Iraq’s accession to the Chemical Weapons Convention was currently before the Parliament. He stated that Iraq considered the Council’s adoption of the draft resolution as a reaffirmation that all prohibitions related to trade with Iraq and provisions of financial or economic resources to Iraq established by the relevant resolutions — in particular resolutions 661 (1990) and 687 (1999) — were no longer to apply.¹⁸⁴

The representative of South Africa, echoed by the representative of China, recalled that the efforts of the Security Council to disarm Iraq had a regional dimension, and that the Council was bound by its resolutions to create a Middle East free of weapons of mass destruction.¹⁸⁵

The draft resolution was then put to a vote, and was adopted by 14 votes, with 1 abstention (Russian Federation), as resolution 1762 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Decided to terminate immediately the mandates of UNMOVIC and IAEA under the relevant resolutions;

Reaffirmed Iraq’s disarmament obligations under relevant resolutions, acknowledged Iraq’s constitutional commitment to the non-proliferation, non-development, non-production and non-use of nuclear, chemical and biological weapons and associated equipment, material and technologies;

Invited the Government of Iraq to report to the Security Council within one year on progress made in adhering to all applicable disarmament and non-proliferation treaties and related international agreements;

Took note of the summary briefings provided by UNMOVIC/the United Nations Special Commission and IAEA on their respective activities in Iraq since 1991;

Requested the Secretary-General to take all necessary measures to provide for the appropriate disposition of the archives and other property of UNMOVIC;

¹⁸¹ Ibid., pp. 7-9.

¹⁸² Ibid., p. 9.

¹⁸³ Ibid., pp. 10-11.

¹⁸⁴ Ibid., pp. 11-12.

¹⁸⁵ Ibid., pp. 12-13 (South Africa); and p. 15 (China).

Also requested the Secretary-General to transfer to the Government of Iraq through the Development Fund for Iraq all remaining unencumbered funds in the account established pursuant to paragraph 8 (e) of resolution 986 (1995), after returning to Member States, at their request, contributions made by them pursuant to paragraph 4 of resolution 699 (1991).

The representative of the Russian Federation explained that he had abstained from voting because there was no provision for certification by UNMOVIC regarding the closing of the Iraq disarmament file and questions remained about the fate of existing weapons in Iraq, including missiles that had not been destroyed. There had also been no clear answers regarding the presence of weapons of mass destruction. Those concerns had not been fully reflected in the text of the resolution.¹⁸⁶

**Decision of 10 August 2007 (5729th meeting):
resolution 1770 (2007)**

At the 5729th meeting, on 10 August 2007, the President (Congo) drew the attention of the Council to a draft resolution submitted by Italy, Panama, Slovakia, the United Kingdom and the United States.¹⁸⁷ The Secretary-General was present at the meeting. The draft resolution was put to a vote, and adopted unanimously as resolution 1770 (2007), by which the Council, *inter alia*:

Decided to extend the mandate of UNAMI for another period of 12 months from the date of the resolution;

Decided also that the Special Representative of the Secretary-General and UNAMI, at the request of the Government of Iraq, should advise, support and assist the Government and people of Iraq on advancing their political dialogue and national reconciliation; and promote, support and facilitate the coordination of humanitarian assistance, donor coordination, and capacity-building; and promote the protection of human rights and judicial and legal reform in order to strengthen the rule of law in Iraq;

Requested the Secretary-General to report to the Council within three months and on a quarterly basis thereafter on the progress made towards the fulfilment of all the responsibilities of UNAMI.

After the adoption of the draft resolution, statements were made by the Secretary-General, the representatives of China, France, Indonesia, Italy, Qatar, the Russian Federation, the United Kingdom and the United States, as well as by the representative of Iraq.

¹⁸⁶ *Ibid.*, p. 14.

The Secretary-General welcomed the Council's decision to renew and strengthen the mandate of UNAMI, and stated that the United Nations would be increasing its role and looked forward to working in "close partnership" with the Government and people of Iraq to enhance assistance in crucial areas such as national reconciliation, regional dialogue, humanitarian assistance and human rights.¹⁸⁸

Most speakers expressed concern over the security situation in Iraq and welcomed the broadened mandate of UNAMI provided by resolution 1770 (2007).

The representative of the United States noted that the resolution marked an important new phase in the role of UNAMI in Iraq, and expanded United Nations involvement in Iraq by providing assistance and expertise to the Iraqi people and Government on domestic reconciliation, by promoting regional understanding in support of reconciliation, and by marshalling resources to help Iraqis affected by the humanitarian crisis. He said that the resolution underlined a widespread belief that what happened in Iraq had strategic implications not only for the region but for the entire world.¹⁸⁹

The representative of the United Kingdom underlined that the Council, having the specific task of maintenance of international peace and security, could not shirk its responsibilities, even though its tasks were difficult. Moreover, adopting resolutions and statements was not enough, it was also necessary to work for implementation on the ground and for real impact on people's lives through delivering security and peace. He also stressed that that required parallel progress on the political and economic tracks.¹⁹⁰

The representative of France highlighted the responsibility of the Government of Iraq to protect affected populations, as well as the United Nations and associated personnel.¹⁹¹ The representative of Qatar stressed the need to implement resolution 1770 (2007) in close cooperation with Iraq and without undermining the mandate of the Coalition forces in Iraq, which had the responsibility to ensure peace and

¹⁸⁷ S/2007/487.

¹⁸⁸ S/PV.5729, pp. 2-3.

¹⁸⁹ *Ibid.*, p. 3.

¹⁹⁰ *Ibid.*, pp. 4-5.

¹⁹¹ *Ibid.*, p. 7.

stability, in accordance with international law, including the Fourth Geneva Convention.¹⁹²

While welcoming resolution 1770 (2007), the representative of Iraq stated that his country was trying to overcome the many obstacles it faced. With regard to regional stability, he believed that its neighbours and the international community had obligations in terms of assisting Iraq to combat terrorism, establish security and stability, carry out reconstruction and cope with humanitarian challenges. While Iraq acknowledged that those were national responsibilities, he emphasized that his Government required the assistance of the international community, as represented by UNAMI. Iraq therefore encouraged UNAMI to play an active role in helping to build a prosperous and stable State living at peace with itself and the world.¹⁹³

Deliberations of 19 October 2007 (5763rd meeting)

At its 5763rd meeting, on 19 October 2007, the Council included in its agenda the report of the Secretary-General dated 15 October on UNAMI.¹⁹⁴ The Council heard briefings by the Under-Secretary-General for Political Affairs and the representative of the United States, speaking on behalf of the multinational force.¹⁹⁵ All Council members, as well as the representative of Iraq, made statements during the meeting.

In his report the Secretary-General noted that against a backdrop of daily attacks, continued high levels of displacement and political gridlock, there had been some positive signs during the month of September, as the level of Iraqi casualties had decreased significantly. The Prime Minister had consolidated a four-way alliance with the major Shiite and Kurdish parties in Parliament and discussions continued on legislation that was central to the process of national reconciliation. The Secretary-General further noted that the status-of-mission agreement between the United Nations and the Government of Iraq had been signed in June 2005. Article XII of that agreement stipulated that it would enter into force on the date of exchange of

notes between the parties confirming the approval of the agreement by their respective competent authorities. Although the United Nations had submitted its note in 2005, the Government of Iraq had not yet completed the ratification process and had not delivered the note.

The Under-Secretary-General stated that September had witnessed the lowest number of Iraqi casualties that year. A ceasefire declared by one militia, the pact reached by two other groups, and the efforts of the multinational force and the Iraqi security forces all appeared to have contributed to that effect. Those events, he said, represented a political opportunity to transform military-political developments into a basis for achieving broad national reconciliation.

The Under-Secretary-General noted that resolution 1770 (2007) envisaged a strengthened United Nations role in assisting the Government of Iraq in promoting the constructive engagement of regional countries. The high-level meeting co-hosted by the Secretary-General and the Prime Minister of Iraq on 22 September, as well as the regional dialogue initiated at Sharm el-Sheikh, were encouraging developments.

He stressed the importance, first, of affording the United Nations the necessary political and humanitarian space to implement the new mandate, and second, of protecting and respecting the ability of the Organization to talk with all sides. Noting the new mandate, he urged Member States to provide additional financial and logistical resources for the Mission. Of immediate concern was the status of the trust fund established to support the distinct entity that provided protection for the United Nations in accordance with resolution 1546 (2004) and was required at least until 2008. However, the trust fund would be exhausted the following month, and without immediate financial assistance the ability of the United Nations to operate in Iraq could be severely compromised.¹⁹⁶

The representative of the United States reported that security gains in the provinces of Al-Anbar and Diyala had enabled provincial councils to hold regular meetings, which had in turn led to progress in restoring services, developing the economy and executing provincial budgets. He emphasized that after Iraqis had started mobilizing to evict Al-Qaida and extremist forces from their communities, Al-Anbar and parts of

¹⁹² *Ibid.*, p. 7.

¹⁹³ *Ibid.*, pp. 8-9.

¹⁹⁴ S/2007/608, the first report submitted pursuant to paragraph 6 of resolution 1770 (2007).

¹⁹⁵ Pursuant to resolutions 1546 (2004), 1637 (2005) and 1723 (2006).

¹⁹⁶ S/PV.5763, pp. 2-4.

Ninewa and Diyala had seen extraordinary security progress in the past seven months. He said that the Government of Iraq had placed some 21,000 Anbaris on police rolls. He emphasized that international and regional engagement for Iraq was improving and, with the adoption of resolution 1770 (2007), the International Compact with Iraq was also moving forward. He stated that, unfortunately, while claiming to support Iraq, the Islamic Republic of Iran had provided lethal aid to both radical Shia and Sunni militants inside Iraq. The Syrian Arab Republic continued to provide a safe haven for elements of the former regime, who now served as key financiers and leaders of the insurgency.

With respect to the security situation, he stated that the 2007 surge had given besieged communities the confidence to work with the multinational force to defeat Al-Qaida and violent extremists. The overall number of security incidents and civilian deaths had declined in 2007, although they were still at unacceptable levels. Iraqi security forces continued to grow, amid continuing concerns about the sectarian tendencies of some elements in their ranks. The multinational force had employed counterinsurgency practices that underlined importance of units living among the people they were securing, and accordingly dozens of security stations manned by the multinational force and Iraqi forces had been established in Baghdad and across Iraq.¹⁹⁷

Most speakers expressed grave concern over the humanitarian, human rights and displacement situations in the country. Many speakers strongly supported an expanded role for the United Nations in Iraq and welcomed recent initiatives for the constructive engagement of neighbouring countries and other States in the region. Some representatives highlighted the urgent need for accountability for personnel of private security companies, in view of recent incidents of civilian casualties during armed operations including such actors.¹⁹⁸ The representative of the Russian Federation emphasized the need to resolve sensitive political issues pertaining to the future of Kirkuk and tensions on the Iraq-Turkey border, and reiterated that there needed to be a time schedule for the withdrawal of the multinational force from Iraq; he also underlined the right of the United Nations to freely interact with all relevant actors in Iraq.¹⁹⁹ The representative of Italy

emphasized that the United Nations was uniquely suited to identify gray areas that could accommodate all the legitimate concerns of the participants in the political process, and that it was up to “all of us to empower it to do so”.²⁰⁰

The representative of Iraq outlined some of the positive developments with respect to main challenges facing the Government of Iraq; levels of terrorist activities had been reduced, and plans for reconstruction and investment had been reinforced. A newly completed accountability and justice bill had been presented to the Council of Representatives as a substitute for the de-baathification laws. Tens of thousands of officials of the former Government had returned to their former positions regardless of their political affiliation. The Government of Iraq had also worked hard to create suitable conditions for the return of refugees and internally displaced persons. With respect to human rights, the representative was pleased to see positive signals in the report of the Secretary-General on the cooperation with Iraqi authorities, and hoped that the upcoming visit of the Special Rapporteur of the Human Rights Council on torture and other inhuman and degrading treatment or punishment would achieve positive results in reinforcing the protection of human rights in Iraq. He reiterated that Iraq was still suffering from the heavy burden of compensating for the invasion of Kuwait by the Saddam regime, and drew attention to previous requests made by the Government of Iraq to suspend or reduce payments that Iraq could maintain in its current situation.²⁰¹

**Decision of 18 December 2007 (5808th meeting):
resolution 1790 (2007)**

At the 5808th meeting, on 18 December 2007, the President (Italy) drew the attention of the Council to a draft resolution submitted by Slovakia, the United Kingdom and the United States.²⁰² The representatives of Iraq, the Russian Federation, the United Kingdom and the United States made statements during the meeting. The Council heard a briefing by the Assistant Secretary-General, Controller, as the representative of the Secretary-General on the International Advisory and Monitoring Board.

²⁰⁰ Ibid., p. 12.

²⁰¹ Ibid., pp. 20-21.

²⁰² S/2007/738.

¹⁹⁷ Ibid., pp. 4-5.

¹⁹⁸ Ibid., p. 6 (Qatar); p. 8 (Peru); and p. 25 (South Africa).

¹⁹⁹ Ibid., p. 7.

The Assistant Secretary-General recalled that the International Advisory and Monitoring Board, as the audit oversight body of the Development Fund for Iraq, had been established to fulfil the mandate set out in resolution 1483 (2003), and subsequently extended under resolutions 1546 (2004), 1637 (2005) and 1723 (2006). The Development Fund had also been established pursuant to resolution 1483 (2003) and held the proceeds of petroleum export sales from Iraq, as well as the transferred balances from the United Nations oil-for-food programme and other frozen Iraqi assets. The Board helped to ensure that the Fund was used in a transparent manner for the benefit of the people in Iraq, and that export sales of petroleum, petroleum products and natural gas from Iraq were made consistent with prevailing international market best practices.

The Assistant Secretary-General highlighted major findings in terms of control weaknesses related to oil revenues. They included the absence of a metering system for oil at oil fields, storage facilities and refineries, the use of barter transactions, inadequate controls over expenditures, unaccounted oil resources in the Fund which were smuggled, as well as contractual practices including exceptions from normal procurement practices. He also stated that the Council of Ministers of Iraq had established a Committee of Financial Experts to prepare for the time when the functions of the Board would need to be undertaken by the Government of Iraq. The Committee had worked alongside the Board to oversee the interim audit in 2007.²⁰³

Recalling that while the Fund and the Board had not been established by the Council, but worked, *inter alia*, to facilitate the implementation of Council resolutions, the representative of the Russian Federation expressed regret that the Council had not received reports on this matter since June 2006. He expressed his delegation's strong support for a briefing by the Fund in Washington, and urged the Assistant Secretary-General to take the necessary steps to organize such a briefing.²⁰⁴

The Council then proceeded to vote on the draft resolution; it was adopted unanimously as resolution 1790 (2007), by which the Council, acting under Chapter VII of the Charter, *inter alia*:

Noted that the presence of the multinational force in Iraq was at the request of the Government of Iraq, and reaffirmed the authorization for the multinational force and decided to extend its mandate;

Decided that the mandate of the multinational force should be reviewed at the request of the Government of Iraq or no later than 15 June 2008, and declared that it would terminate the mandate earlier if requested by the Government of Iraq;

Decided that the provisions of the resolution for the deposit of proceeds into the Development Fund for Iraq and for the role of the International Advisory and Monitoring Board and the provisions of paragraph 22 of resolution 1483 (2003) should be reviewed at the request of the Government of Iraq or no later than 15 June 2008;

Requested that the United States, on behalf of the multinational force, continue to report to the Council on the efforts and progress of the force on a quarterly basis.

Annexed to the resolution were a letter dated 7 December 2007 from the Prime Minister of Iraq and a letter dated 10 December 2007 from the Secretary of State of the United States, both addressed to the President of the Security Council.

The representative of the United States welcomed the Council's decision to unanimously support the Government of Iraq's request to sustain the current momentum and renew the mandate of the multinational force. He held that the vote reflected the recognition by the international community of the importance of support for Iraqi efforts to establish a stable and peaceful democracy. Calling on the Iraqi leaders to make progress on national reconciliation, he reiterated the United States commitment to assisting the Government of Iraq in achieving the objectives that it had set out for itself.²⁰⁵

The representative of the United Kingdom stressed that resolution 1790 (2007) came with the assurance that the Government of Iraq could at any time seek a review or termination of the mandate. He informed the Council that the security responsibility for Basrah, the last of provinces previously controlled by the United Kingdom, had been transferred to Iraqi control. He noted that his Government's forces would continue to operate in an overwatch capacity, providing training, mentoring and advice into the future, retaining the capability to intervene in support of the Iraqi security forces, if required.²⁰⁶

²⁰³ S/PV.5808, pp. 2-3.

²⁰⁴ *Ibid.*, p. 4.

²⁰⁵ *Ibid.*, p. 4.

²⁰⁶ *Ibid.*, p. 5.

The representative of Iraq emphasized the positive developments that his country had undergone in the past few months, including the establishment of a permanent, democratic constitution, legal institutions and a national unity government comprising all political parties. He reported that his Government continued its efforts to achieve national reconciliation, expanded political participation, respect for human rights and sustainable economic growth, including through implementation of the International Compact with Iraq. While reaffirming the importance of the role of the multinational force, alongside Iraqi national forces, in contributing to the efforts to establish security and the rule of law, he requested that the Security Council should consider extending the mandate of the multinational force in the light of Iraq's achievements over the past few years, namely the strengthened capacity of its army and security forces and significant successes in the security, political and economic spheres. That progress called for a review of the role and authority of the multinational force in order to strike a balance between the need to extend the mandate of the force one last time and the progress made by Iraq in the area of security.

He also said that it was essential for the Government of Iraq to be treated as that of an

independent and fully sovereign State. He stated that his Government welcomed resolution 1790 (2007) on the understanding that the functions of recruiting, training and equipping the Iraqi army and security forces were the responsibility of the Government of Iraq.

He further stated that the Government of Iraq welcomed resolution 1790 (2007) on the understanding that this was the final extension of the mandate of the multinational force, and it expected that, in future, the Council would be able to deal with the situation in Iraq without the need to act under Chapter VII of the Charter of the United Nations.

Stressing the importance of development programmes and reconstruction, the representative of Iraq held that his country should release itself from the legacy of the former regime and be liberated from the financial burdens associated therewith. In that regard, he urged the Council to review its resolutions²⁰⁷ on the Compensation Fund for Kuwait with a view to reducing the current rate of 5 per cent of the Iraqi proceeds from oil to be deposited into the Fund.²⁰⁸

²⁰⁷ See also the letter dated 7 December 2007 from the Prime Minister of Iraq (resolution 1790 (2007), annex I).
²⁰⁸ S/PV.5808, pp. 5-7.

Thematic issues

36. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991¹

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994¹

¹ For the technical and procedural decisions taken under the items relating to the International Tribunals for the Former Yugoslavia and Rwanda, including the appointment of the Prosecutors, the election of judges and the extension of the terms of office of permanent and ad litem judges, see chap. V, part I, sect. D.