

Statement of the Special Adviser to the Secretary-General, Lakdhar Brahimi, to the Security Council on the political transition process in Iraq

27 April

Mr. President, Excellencies,

As you will recall, the Security Council, in its Presidential Statement of 24 March 2004, unanimously welcomed and strongly supported the Secretary-General's decision to dispatch a team, that I was privileged to lead, as well as an electoral assistance team, in order to lend assistance and advice to the Iraqi people in the formation of an interim Iraqi government to which sovereignty will be transferred on 30 June 2004, as well as in the preparations for direct elections to be held before the end of January 2005.

As you will also recall, the Secretary-General took that decision in response to explicit requests from the Iraqi Governing Council and the Coalition Provisional Authority, on 17 March 2004, for the United Nations' assistance in these two specific areas.

Accordingly, as instructed by the Secretary-General, I visited Iraq from 4 to 15 April 2004. Prior to reaching Iraq, I was privileged to represent the Secretary-General at the International Ministerial Conference on Afghanistan, held in Berlin on 31 March and 1 April. I had the opportunity to discuss the situation in Iraq, with Chancellor Schröder and his Foreign Minister, Joschka Fischer, as well as with the representatives of other Security Council members, including the Foreign Ministers of China and the Russian Federation, the Foreign Secretary and the State Secretary for International Development of the United Kingdom, and, the Secretary of State of the United States of America. In addition, in Berlin, I met with the Foreign Minister of Ireland, which now holds the Presidency of the European Union, the Deputy Foreign Minister of Iran, the Japanese Prime Minister's Special Representative, as well as the External Relations Commissioner of the European Union and His Highness, the Agha Khan. On route back from Iraq, in Kuwait City, I had a chance to meet with the Foreign Minister of Kuwait. On the way back to New York, I was able to have an audience in Rome with President Ciampi and Prime Minister Berlusconi, and in Paris with President Jacques Chirac, in addition to meeting separately with the respective Foreign Ministers in both countries. In Paris, I also met with the Foreign Minister of Iran, who was himself visiting a number of European capitals, and the Prime Minister of Lebanon.

While in Iraq, I was accompanied by my spokesperson and 3 political advisors, who had been in Iraq approximately one week in advance of my arrival, in order to help prepare the visit. Concurrent with our visit, Carina Perelli, the Director of the Electoral Assistance Division in the Department of Political Affairs, was leading an electoral mission comprised of a similarly sized team.

I very much appreciate this opportunity to brief the members of the Security Council on our visit, as well as to outline a few ideas on the potential way forward. I look forward to hearing your reactions and advice.

As you are aware, I previewed some of my tentative thoughts in public on the eve of my departure from Iraq, on 14 April, at a joint Press Conference in Baghdad with the Chairman of the Interim Governing Council for this month, Mr. Massoud Barzani. I had wanted to be as transparent as possible, and to give the Iraqi leaders and public at large as clear an idea as possible of these preliminary thoughts. Thus, much of what I will outline today should not

come as a surprise. You will note, however, that some ideas have been clarified, based on the reactions that we are hearing already from various quarters in Iraq. Furthermore, I have now had a chance to brief the Secretary-General more fully and to obtain his guidance and advice. But, our plans for the way forward remain very much a work in progress.

Context of the visit

Mr. President,

Before getting into the details on possible avenues for the way forward, I think it is important to describe for you the context within which this visit took place.

The security situation, above all else, was and remains extremely worrying. An atmosphere of great tension and anxiety persists in the face of the siege of Fallujah, the Mahdi Army's uprising in the South, and a general increase in violence up and down the country.

The hopes for a peaceful resolution to the stand-off in Fallujah, which the Secretary-General has repeatedly expressed in the past weeks, including to US Secretary of State Colin Powell, have not yet been materialized. On 22 April, staff of the United Nations Assistance Mission for Iraq (UNAMI), based in Amman, received a delegation from Fallujah. This delegation claimed that several hundred of Fallujah's inhabitants had died and that well over a thousand had been wounded, many of them women, children and the elderly. The UN is not in a position to verify these figures or the causes of death and injury. But, there is little doubt that many lives have been lost and much suffering has been endured by civilians. You have also seen on the television screens, yesterday, images of yet another mosque which had taken a direct hit. Reports today of attacks from and on a mosque are a source of shock and dismay. The United Nations has been active in trying to do whatever we can, appealing for restraint and working with Iraqi non-governmental organizations, the ICRC and others to provide some humanitarian relief to the civilian population. That is just a stop-gap measure, however. Talks between the Coalition Provisional Authority (CPA) and representatives from the city have been ongoing for some time now. They have secured an uneasy ceasefire. It is to be very much hoped that these talks will continue, despite the slow progress they have achieved thus far. The CPA is well aware that, unless this stand-off and now this fighting is brought to a resolution through peaceful means, there is great risk of a very bloody confrontation. They know as well as, indeed, better than everyone else, that the consequences of such bloodshed could be dramatic and long-lasting.

The same is true for the extremely precarious and complicated situation in Najaf and Karbala. These are among the holiest and most beloved of cities for millions of Shi'a in Iraq and around the world. They are places for worship and not for military confrontation. We join the voices of many respected religious leaders and others in Iraq, who have been appealing for respect for the rule of law and for an early, peaceful resolution of this crisis.

The nature of these dynamics, together with the general insecurity prevailing in the country, certainly had an impact on our visit. It prevented us from meeting a number of important religious, political and tribal figures, whose advice and views are of great importance. In addition, our movements even within Baghdad were severely restricted. If not for the CPA's dedication of a great deal of man-power, time and attention, our visit might well not have taken place at all. I take this opportunity to express our sincere appreciation to the CPA for all the support that they provided.

Even under these extreme circumstances, however, our team was able to meet with a large number of Iraqis drawn from across society - politicians, civic and religious leaders, women's groups, academics, intellectuals, artists, businessmen and merchants, among others, not only in Baghdad, but in Mosul and Basra as well. We were humbled by the many Iraqis who faced the perils of travel in today's Iraq and even inside Baghdad, in order to meet with us. And we are profoundly sorry that we failed, because of security constraints, to meet some of them.

Mr. President,

A key question is whether a credible political process is even viable under such circumstances. It is important to note, in this context, that the limited task we are presently engaged in - the formation of an administration to assume responsibility as of 30 June - is part of a much broader political process, and that this political process has to be seen against the background of the realities that made it necessary: namely, war and occupation and, before that, a very harsh and brutal regime, and severe, even crippling sanctions, not to mention two earlier devastating and costly wars.

The political process aims at restoring Iraqi sovereignty and independence, preserving the country's unity and territorial integrity, and making the Iraqi people truly the masters of their own destiny, with the political system of their choice and control over their own natural resources.

So: Is it possible for the process to proceed under such circumstances? Will it be viable? Will it be credible? I put it to you and the Council, Mr. President, that there is in fact no alternative but to find a way of making the process viable and credible. Between security on the one hand, and the end of occupation, the restoration of sovereignty and independence and the advent of a legitimate Iraqi government and political regime on the other, there is a dialectical link which is obvious. Security is essential for the process to be completed. A viable political process is no panacea. It is a powerful contributing factor to security; hence, the importance for a credible Iraqi Government to be in place and lead the way in the completion of the next phase of the political process. In the end, the solution to Iraq's problems will have to come from the Iraqis themselves. The sooner a credible Iraqi government is in place to lead the way, the better, especially because the absence of such a sovereign government is part of the problem in the first place.

The elements around which consensus could be forged

For this reason among others, virtually every Iraqi with whom we met urged that there be no delay in bringing an end to the occupation, by 30 June at the latest. They maintain that view, even though they understand that a democratically elected and therefore fully legitimate government will not be in place by that date.

The elections scheduled to take place by January 2005 are the most important milestone in this process. Until that time, any Iraqi governing body that exists will be less than fully representative, by definition. There is no substitute for the legitimacy that comes from free and fair elections. Therefore, Iraq will have a fully representative Government only after January 2005.

As I said earlier, a UN electoral team has already started to work in Baghdad and has made a number of field visits. The Secretariat will, in the near future, be in a position to brief the Security Council separately, and in detail, on the observations and findings of the electoral assis-

tance team's work to date with regard to the preparations for those elections.

Meanwhile, the question obviously arises as to whom the CPA will yield power by 30 June?

The 15 November 2003 Political Agreement, as well as the Transitional Administrative Law, call for the dissolution of the Iraqi Governing Council by 30 June 2004. Continuing with the Interim Governing Council either in its present form, or with some adjustment, is therefore by its own decision not an option.

The majority of Iraqis with whom we spoke told us that, under the circumstances, they favoured the establishment of a new Caretaker Government, comprised of honest and technically qualified persons.

There is near unanimity that the Government should be led by a very qualified Prime Minister. We would suggest that a President should serve as Head of State, with two Vice-Presidents. Some Iraqis are asking whether at this stage, and for such a short period, it is really necessary to have two Vice-Presidents in addition to the Head of State. There are certainly people who feel uneasy with what they see as excessive and indeed negative concern with ethnic balance. On the other hand, many others strongly support this particular proposal and point out that useful lessons could be derived from it for the coming phases of the transition as well as for the drafting of the Constitution by the elected National Assembly.

In general, there are many permutations one could explore for the structure of the Caretaker Government. But, what we are suggesting here has the merit of enjoying the support of many of the Iraqis with whom we have met, and is reasonably simple and straightforward.

What should be the responsibilities of and constraints on this Caretaker Government?

This Caretaker Government, by definition, must be short-lived, as its sole purpose will be to tend to the day-to-day administration of the country -- in as effective and efficient a manner as possible -- and only until such time as a democratically elected government can be put in place. While they carry out these responsibilities, the members of the Caretaker Government must be careful not to use their positions to try and give advantage to any political party or group. In order to prevent even the perception that they might do so, it would be best if the members of the Caretaker Government - including the interim President, Vice Presidents and Prime Minister-- were to choose not to stand for elections.

The Caretaker Government also needs to be mindful, at all times, of the fact that it has not been democratically elected. It should therefore refrain, to the maximum extent possible, from entering into long-term commitments that can and should await decision by an elected government. In moments of doubt on this question, or when faced with potentially sensitive or divisive issues, it should err on the side of caution. It should also seek the advice of representatives of all parts of Iraqi society. To this end, we suggest the establishment of a Consultative Assembly or Council, which would be available to the Caretaker Government for this purpose throughout its short tenure.

Who should select the Caretaker Government?

Ideally, the Iraqi people themselves should select this Government. They know who is, and who is not, honest or qualified. Furthermore, there are honest and qualified people in every

single political party, and in every regional, ethnic and religious group. It should not be difficult to identify a list of extremely well qualified candidates - men and women - for every single position, who are representative of Iraq's diversity.

The United Nations can certainly help the Iraqi people in that process, as requested, by meeting with as many of them as possible, and identifying where points of consensus could be forged. Though it will certainly not be easy, we do believe that it shall be possible to identify, by the end of May, a group of people respected and acceptable to Iraqis across the country, to form this Caretaker Government. These individuals would then have approximately one month to prepare to assume responsibility for governing the country. These preparations should include reaching crystal clear understandings on what the nature of the relationship will be between the sovereign Caretaker Government, the former Occupying Powers and any foreign forces remaining in the country after 30 June, in addition to what assistance, if any, might be required from the UN.

How does the idea of convening a National Conference fit in?

Many Iraqis suggested that the UN convene a National Conference, consisting of at least 1,000 people, to engage in a genuine national dialogue on the country's challenges.

We could not agree more that there is no greater priority than forging genuine national consensus and, to that end, it would be extremely worthwhile to convene a National Conference. In our view, however, the Conference should be convened not by the UN or any other external body, but by an Iraqi Preparatory Committee, which should be established as soon as possible. This Committee should work towards identifying who should be in the Conference, when and where it should be convened, and how it should be managed. This Committee should be comprised of a small number of reputable and distinguished Iraqis - including prominent and respected judges - who are not seeking political office. The UN is ready to facilitate consensus among Iraqis on a suitable slate of names for this Committee.

In order to do a proper job, the Committee will need at least 1-2 months to consult widely around the country. Under the circumstances, it would seem that July would be the earliest time to convene the National Conference. From preliminary discussions of this idea, we see this Conference bringing together anywhere from 1,000 to 1,500 people representing every province in the country, all political parties, tribal chiefs and leaders, trade and professional unions, universities, women's groups, youth organizations, writers, poets and artists, as well as religious leaders, among many others. For the last three decades, Iraqis were not communicating with one another inside their country. "We were even afraid to talk in front of our children," many of them told us. This Conference would, to begin with, allow such a wide and representative sample of Iraqi society to talk to one another, to discuss their painful past as well as the future of their country.

They will no doubt discuss, first and foremost, the security situation and, perhaps, contribute ideas on how it should be addressed. They will also talk about the forthcoming elections and contribute ideas on how to ensure that they are organized in a timely and successful manner. They will further discuss those aspects of the Transitional Administrative Law that are still the subject of much debate and misunderstanding.

In that connection, I welcome the clarification made recently by Ambassador Bremer who, among other things, stressed that "the Interim Government will not have the power to do anything which cannot be undone by the elected government which takes power early next year."

The fact is that the TAL is exactly what it says it is, i.e. a transitional administrative law for the transition period. It is not a permanent Constitution. Indeed, it is not a constitution at all. The Transitional Law (or any other law adopted in the present circumstances) cannot tie the hands of the National Assembly which will be elected in January 2005 and which will have the sovereign responsibility of freely drafting Iraq's permanent constitution. But, again as Ambassador Bremer said, "Iraqi unity requires a constitution that all of Iraq's communities can support. It is a fundamental principle of democracy that the constitution should provide for majority rule but also protect minority rights."

Finally, the Conference will appoint a Consultative Council, which will be available to provide advice to the Government. The Council would conduct plenary debates to convey the preoccupations of the people to the Government, and it would form Committees, which would receive reports from Ministers.

As you can see, the convening of the National Conference may ultimately constitute an important step towards many things, not least national reconciliation. Questions were raised by some of our Iraqi interlocutors about what that term - national reconciliation - actually entails and requires. Of course, the Preparatory Committee will have to address this issue in due course. But what can be said at this stage is that no one, inside or outside Iraq, is thinking of bringing back the old regime or any of its leaders. Nor should anyone contemplate condoning, directly or indirectly the gross abuses of the painful past, or abandoning the principle of accountability for past crimes. National reconciliation is not a euphemism for impunity.

Confidence-Building Measures

The issues I have mentioned, including how Iraqis will come to terms with the past, ultimately need to be addressed by the Iraqi people themselves. But, the actions which the Coalition Provisional Authority takes in the meantime will impact on those discussions and, could help to reduce existing tensions significantly. I have in mind, in particular, as I mentioned in Baghdad, the manner in which the new Army is formed, how the issue of "de-baathification" is handled, and how concerns about due process, for present detainees, are addressed.

In this regard, I would draw your attention to public remarks made recently by Ambassador Paul Bremer, the Administrator of the Coalition Provisional Authority. In those remarks, among many other things, he indicated that more officers with honorable records, including from the former army, would be brought back into the new Army. He announced that the CPA, beginning 10 May, would regularly post lists of detainees at police stations and court-houses throughout the country. And, he indicated that action would be taken to address legitimate grievances about the way in which the "de-baathification" policy had been implemented, and mentioned measures to immediately address this with respect to desperately needed teachers and university professors. If, as a result, thousands of teachers will indeed be able to go back to work, and if thousands more will indeed begin to receive their pensions, then this would be an important step towards the kind of reconciliation people are presently discussing in Iraq and such steps may well have a positive effect even on the security situation. Another important step the CPA has been considering is the dissolution of existing militias, including the Mahdi Army.

In general, I draw attention to these remarks as an illustration of the types of actions that we believe would begin to address very serious grievances raised by Iraqis around the country. In turn, this will help improve, at least a little bit, the general atmosphere in which the political process needs to take place.

Next Steps

Looking to the days, weeks and months ahead, our intention is to resume our consultations in Iraq as soon as possible. We earnestly hope that the next phase of consultations will help consolidate consensus around the ideas that I have just outlined. Adjustments may be required, in order to build as broad a base of support as possible. Once broad support for the framework is evident, we will then proceed to helping facilitate an Iraqi consensus on the actual composition of the Caretaker Government, as well as of the Preparatory Committee for the National Conference. As I have indicated, I hope that all of this can be completed before the end of May 2004.

We will, of course, be consulting constantly with Iraqis inside and outside the Governing Council, as well as with the Coalition Provisional Authority, throughout this period. We plan also to intensify dialogue with interested Member States, Iraq's neighbours in particular, in order to seek their advice on and support for this political transition process.

Concluding remarks

Mr. President,

There is much to do and time is short. The tasks that this Security Council has welcomed and strongly supported us to do, at this juncture - namely, to assist with the establishment of an interim government by 30 June 2004 and with the preparation of elections to be held by January 2005 -- will not be easy. To the contrary, there will be potentially dangerous pitfalls and massive obstacles at every step of the way.

But, the job is doable, as long as we set principled but realistic targets, moving towards them with deliberate steps, and if we are not alone as we take them. We will need, in particular, the Security Council to be united behind us and with us.

Thank you.