

SECURITY COUNCIL 16 NOVEMBER 2009:
REPORT OF THE UNITED NATIONS ASSISTANCE MISSION FOR IRAQ

Introductory speech

by the Special Representative of the Secretary-General, Ad Melkert

Mr. President, Excellencies, Ladies and Gentlemen

I thank you for this opportunity to inform the Council of the significant developments which have taken place in Iraq over the past few months.

The forthcoming January elections will mark the end of the first full term of a freely elected parliament in the country's history. It has been a period of great challenges and achievements. Whilst still frequently the face of daily life shows the ugly sides of death and threat, the soul of the overwhelming majority of Iraqis vibrates in reaching towards the prospect of a safe and fair society. During this initial period of being a privileged guest in their country I have been impressed by the energy and optimism of countless Iraqis, inside and outside the government, to build a better future. Success is far from guaranteed as inside and outside forces continue their efforts to impose an agenda of division and destruction. Opposed to this stands the will of the people to participate in the design of the future and to democratically mandate its leaders. This is the true significance of the historic elections ahead, prepared under full Iraqi leadership and responsibility. And this must motivate the United Nations to mobilize all possible support for this process and progress for Iraqis are receptive and eager to incorporate the values of the UN Charter in the building of a new state and a new society.

By many the UN is seen and approached as trusted partner. It remains of utmost importance to continue to count on the Council to enable UNAMI living up to the expectations. This will have to be a commitment over a long period of time. There will be no shortcuts. Change needs rooting. Change is underway in many aspects. For the rooting however these are still early days. The elections will take place under threat of repetition of the atrocious attacks at the heart of government on August 19 and October 25. Your rejection of those horrendous acts and the expression of support for the government to stand firm were very welcome signals. Furthermore reconciliation within the country and return of refugees and internally displaced is still an uphill task ahead. Neighbourhood relations could and should still greatly improve. The framework of the federal state needs to be solidified, reducing existing tensions and disputes. And importantly the coming period should lay the foundation for Iraq's return into the league of middle income countries in conjunction with the jump in social development that is within reach if business initiative will thrive and oil revenues be spent wisely. Those are still big "ifs" and a big responsibility for a new government. The upcoming new period will also require UNAMI to shift gear and adjust direction along the lines of the

request by the Government of Iraq as well as the mandate by the Council (res. 1770 of 2007 as recently reconfirmed in res. 1883). The following five areas in particular will define our agenda of work in the period ahead.

1) Elections

The pivotal event for Iraq in the coming months is of course the January Council of Representatives elections. UNAMI has exercised its mandate in the support and assistance provided to the Independent High Electoral Commission in this pre-elections phase.

The Elections law was ratified by the Council of Representatives on Sunday 8 November. The Presidency Council has 10 days to accept or reject the law. If a statement is not issued by 19 November, the law will be adopted automatically. For now the Independent High Electoral Commission (IHEC), whilst awaiting adoption of the law, has based its planning on the election date of 18th January. While the passage of the electoral law through the Council of Representatives has been beset by complex negotiations, the debate has been a clear example of the capacity of the political leadership to embrace sovereignty and define the process of people's representation. The special reference in the law to the possible review of voter registration list in Kirkuk and other Governorates might entail a considerable task for UNAMI to contribute after election day.

In preparation for the elections the Voter Registration update exercise took place from 22 August to 30 September, accompanied by a national voter education campaign. As a result of these efforts over 1.5 million Iraqi's visited one of 1,082 voter registration centres to confirm their data or to enrol on the register. 18 Million voter information cards have been distributed nationwide to assist voters in identifying where they should cast their ballot on election day.

The UNAMI Electoral Assistance Team comprising of 20 international technical advisors continues to provide technical support within each department of the IHEC, enabling adherence to international standards and the delivery of a transparent electoral process.

The aim of all efforts is to support an election with an outcome acceptable to the Iraqi people as a basis for policy and progress in the next four years. I should point out that the UN cannot guarantee such outcome. What we can and will do is to undertake a maximum support effort, together with the impressive team of often young Iraqi men and women providing the legal, technical and communication hands on services that modern election management requires. We have expressed serious concerns about the very late date of finalizing the law. It is truly a Herculean task to ensure that basic standards can be met. I considered these concerns to be outweighed by the importance of the primacy of the parliamentary process and of the adherence to constitutional demands – essential for strengthening overall authority and stability. On balance it still is possible and must be made possible to have credible elections on 18th January. However to arrive at that precious moment the call will be: all hands on deck.

2) Disputed Internal Boundaries

Soon after election day it will be time to engage in the serious task of engagement in relation to the internal boundaries of the federal state and its components in terms of competencies and responsibilities; revenue-sharing; service delivery; security arrangements; and territorial boundaries. Without resolving these key issues between the federal government in Baghdad and the regional government in Erbil the new Iraq will be permanently at risk of being pulled back or dragged into fundamentally destabilizing conflict. The protracted discussion in the framework of the election law on arrangements for the Kirkuk Governorate in particular was yet another reminder of an unfinished agenda.

In outlining our intentions for the months ahead I would like to share with you some developments that might point at an improving overall climate for progress.

First I would like to refer to the High-Level Task Force which addresses issues in connection with the disputed internal boundaries around the border of the Kurdish region and over the past few months has engaged in a number of confidence building measures aimed at bridging core issues. Senior advisors to the Iraq Prime Minister and the Kurdish Region President meet regularly under UNAMI's auspices. We might now be approaching agreement on measures to expedite property claims, improve transparent and legal detention procedures, and to guarantee the right of all Iraqi's to educate their children in their mother tongue. The importance of such practical steps forward cannot be underestimated as it would be a strong signal to ordinary citizens that at last something will change for the better for many of them.

A second point of considerable importance have been the joint efforts by the Iraqi Army and the Kurdish Pesh merga, advised and supported by the US Forces to agree on collective security arrangements in relevant conflict areas in the Ninewa, Kirkuk and Diyala Governorates. This is a markedly different evolution compared to this Summer's situation showing rapid increase of tension at different places, with particularly the area around Mosul an almost daily target of vicious attacks during many months. It is also potentially significant for underpinning future political arrangements addressing the outstanding disputed boundaries agenda. UNAMI is therefore closely following, on an information basis, these developments that hopefully soon will be officially ratified by all sides.

A third factor weighing in for the near future follows from the start of new mandate periods. When I met last week in Erbil with Prime Minister Barham Saleh no doubt was left as to the new regional government's determination to strengthen the basis for stability, economic growth and social progress. Meanwhile the current Iraqi government is preparing the transition to a new period in a systematic way, with support of bilateral and multilateral partners. This raises expectations that political leaders will become more ready to recognize the inextricable linkage between addressing complex political issues that cannot be left in a frozen state and promoting an improved investment climate as part of a solid economic strategy.

The fourth factor that should be mentioned is the need to clarify the legal basis and financial impact of oil extraction, now that important new contracts have been signed or are under

consideration. Transparency and predictability of contract arrangements and revenue-sharing mechanisms are part and parcel of a sustainable federal state framework. If the current lack of clarity will remain after the start of a new government it would have a detrimental effect on the authority of the state and its credibility vis-à-vis citizens that should benefit from sources of immense richness, not seldom located at the doorstep of inconceivable poverty.

These four developments provide a context for UNAMI to consider the next steps in assisting to clarify the principles and arrangements within a federal constitutional framework. As it is difficult to see how a new government program could be built and agreed upon without strong reference to the different demarcation issues, it may be wise to consider the period immediately after the elections as a window of opportunity to engage key leaders and stakeholders, to establish an agenda and embark on the road towards understanding and ultimate agreement, including on art. 140 of the Constitution.

3) Economic Growth and Social Progress

The aim of all political development is to create an environment in which the citizenry can grow; schools, hospitals, civil administration and private enterprise are all essential components for this development. It is encouraging to note that the Government has put considerable effort in the formulation of a National Development Plan. The process has been supported extensively by different parts of the UN family, particularly through providing in-depth advice on twelve sectoral analysis papers. In alignment with the NDP the UN Country Team has agreed on the first Common Country Assessment (CCA) for Iraq, focusing at three key areas, governance, inclusive economic growth and ensuring quality essential services. In turn both the NDP and CCA will inform a United Nations Development Assistance Framework (UNDAF) 2010-2014 providing a harmonised approach to sustainable development in the coming years. As we speak this process, which is standard practice in many parts of the world but new for Iraq, has been kicked off.

Last week two important meetings took place, both marking the end of an era of first recovery and reconstruction and the start of an era of investment in economic growth and social progress.

Co-chaired by Minister of Finance Al-Jabr and the Special Advisor to the SG Gambari on 7 November partners of Iraq took stock of achievements under the Compact that over the past three years provided an essential instrument for intensifying and solidifying relations between Iraq and the world after decades of devastation and isolation. At the same time the strong call by Prime Minister Al-Maliki was acknowledged that now is the time for Iraq to take the lead and for the international community to provide support on the basis of the strategic directions defined by the government. This also changes the role of the UN, from co-chairing to providing secretariat and liaison functions in support of stronger coordination at the sides of both the government and the international partners.

On 8 November the International Reconstruction Fund Facility for Iraq (IRFFI) Donor Committee meeting took place, nearing the end of a period in which humanitarian assistance and development projects have been approved to a total amount of US\$1.25 billion. As there

is still a limited amount (around \$ 135 mln) to be disbursed and programmed it was agreed to extend the Facility into next year only for that purpose. An independent lessons learned exercise between the UN and the World Bank will take place between January and June 2010 and will provide a full assessment of the IRFFI initiative. The alignment of the UNDAF with other bilateral strategies was also discussed and it was agreed that discussions should continue with all stakeholders. Options were also presented and discussed for a post IRFFI funding and coordination mechanism including the establishment of a new UN Multi-Donor Trust Fund that would build on the achievements of the IRFFI. This may be an important way to respond to the invitation to develop an international assistance vision, particularly in support of the National Development Plan.

Addressing the crucial development of the private sector within Iraq Prime Minister Al-Maliki has also called for an extensive programme for foreign direct investment. It is interesting to note growing global interest of potential investors to weigh their opportunities in Iraq. Apart from what is an obvious need with regard to the regulation of oil production it will be important for the next government to provide a solid legal framework for doing business.

Only with investment and development will the ills of unemployment and poverty be addressed. 23% of the population or nearly 7 million people live below the poverty line with scores of young people unemployed, fuelling discontent and instability. Food insecurity, exacerbated by rising food prices and drought, remains a reality for large sections of the population.

Further, the United Nations has embarked on a number of activities aimed at strengthening governance and the rule of law within Iraq. Of particular significance is the current preparation of the first Iraqi National Anti-Corruption Strategy including through the participation of an Iraqi delegation in the Conference of State Parties to the United Nations Convention Against Corruption. The strategy has identified several key areas of engagement, including political party and elections financing and a civil service code of conduct.

4) Constructive Neighbourhood Cooperation

Promoting Iraq's cooperation with and integration in the wider region is part of UNAMI's mandate.

Of particular priority is the normalization of regional relations, not least with Kuwait, and the related exit from chapter VII provisions that naturally is strongly desired by Iraq as demarcation of a new era after decades of wars and sanctions. As the report of the Secretary-General on res. 1859 is still pending before the Council I see it as a key priority for UNAMI to facilitate rapprochement and agreement on all outstanding issues. We will seek consent of both parties to define a mutually agreed agenda, the completion of which should resolve any remaining issues and should normalize Iraq's position within the UN.

Meanwhile UNAMI has continued to provide support to the Government of Iraq in relation to mass graves excavation and the identification of missing persons, in close connection to the

valuable work by Ambassador Tarasov as reported recently to the Council. It is the intention to continue ongoing capacity building support for a longer period of time.

Further, the Iraq-Kuwait Boundary Maintenance Project has completed planning for field maintenance. The Secretariat awaits confirmation from the Government of Iraq that work can proceed and that access will be granted to all boundary pillars. Without such indication no additional activities can be undertaken. As such, I would urge the Government to indicate their consent, or should any outstanding issues exist, to move towards resolution soon.

In other areas and with different neighbouring countries UNAMI continues to work on promoting and supporting opportunities. It has been a welcome development to note the flow of water into Iraq increase, following a series of meetings between Iraq and the Governments of Turkey, Syria and Iran. Yet the challenge remains to have more predictable and longer term understanding and arrangements in place. With the Government of Iran it has been agreed to have a small UNAMI sub office operating from Teheran in order to facilitate particular areas of bilateral cooperation with Iraq.

All in all the picture of regional cooperation shows different colours. On the one hand we see important bilateral initiatives and agreements that no doubt will benefit Iraq's regional and global integration in economic and other areas. On the other hand some bilateral diplomatic relations are under severe constraints. Their resumption would be of benefit to the region as a whole.

5) Promotion of Human Rights

With determination and hope growing that the completion of the first full term of the elected Council of Representative will mark the transition to a new phase with more attention devoted to the rebuilding and revitalisation of society, the emphasis on promotion and observance of human rights will further increase. Over the past period there has been a somewhat decreasing trend of attacks by militias, insurgents and criminal groups – notwithstanding the August and October explosions in Baghdad. This makes it the more important that the improvement in the security situation will be accompanied by a consistent across the board enforcement of the rule of law and elimination of impunity. Efforts to ensure that perpetrators of human rights abuses are brought to justice must be increased as security and the rule of law are inextricably linked; stability requires both elements.

Of particular concern remains the position of women. The number of suicides that are being reported is symptomatic of fundamental issues of equal rights and opportunities as a key challenge to a country that recognizes the value and responsibility of every citizen.

Another feature of concern in the past period, soon to be reported in the semi-annual Human Rights report, was the ongoing relentless attack on men and women subscribing to state service as police officer or in related official functions. This trend is severely undercutting the capacity of the state to impose law and order and should be reversed.

Also reference should be made to continued issues with regard to detainees and the situation of prisoners, both in terms of process and of the physical conditions under which they are

held. Upholding fundamental principles by the state should also apply in the case of criminals and suspects.

Mission Profile

With Iraq entering a new stage UNAMI should adjust as well. More than at any point in time after 2003 our political advice and facilitation will be guided and assessed by the Government autonomously and legitimately and that is how it should be. Our predominant humanitarian and reconstruction oriented pattern of activities will be subsumed under a more strategically development focused direction. This is therefore the time to reorganize the collective effort under the one blue flag. The mission and the country team are now working together under integrated management and strategic alignment, following government leadership. I was pleased to welcome Christine McNab as Deputy SRSG for Development and Humanitarian Affairs as well as Resident Coordinator who will be part of the integrated mission/team management lead together with the soon to be appointed Political DSRSG.

We ask your continued attention and support for the big transition that the mission is anticipating, particularly in terms of logistical and security support requirements. I appreciate the close contacts with the Government as well the US armed forces on their planning for redeployment and withdrawal including the consequences for our scope of action. Taking into account expectations and ambitions to increase UN representation in different parts of Iraq, if circumstances permit, this will come at a price that needs to be factored in the budgets for the years ahead. We look forward to further interaction with the General Assembly in order to plan for the future.

Concluding Remarks

In the foreseeable future Iraq will continue to face big challenges and contradictions. More than before it will depend on the determination of constructive forces from the inside and outside to seize new and real opportunities. We should not lose sight of, over the recent period yet again, thousands of victims of blind or targeted violence. Over the same period however important decisions have been taken strengthening key institutions and processes and underpinning a next cycle of legitimized government. The coming elections will mark a crucial next stage for the future of the state and of society generally. They will set the stage for the way that other important developments will be dealt with: oil production increasing; a National Development Plan under preparation; security forces and arrangements making progress despite setbacks. From many Iraqis the determination to advance is there. For neighbouring and partner countries and for the Security Council to back this up unambiguously is the signal those Iraqis need and deserve.
