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NATIONAL SECURITY COUNCIL



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From: Paul T. Haenke

To: Mr. Wolfowitz

Agency:

Fax Number:

(b)(6)

Date/Time: 29 May 04

No. of pages to follow: 5

Message: This is DRAFT text

08-M-3149

07-M-0665

The Security Council,

Recalling its previous relevant resolutions on Iraq, in particular resolutions 1483 (2003) and 1511 (2003),

Reaffirming the sovereignty and territorial integrity of Iraq,

Recognizing the importance of international support, particularly that of countries in the region, Iraq's neighbors, and regional organizations, for the people of Iraq in their efforts to achieve security and prosperity,

Determined to mark a new phase in Iraq's transition to a democratically elected government, and looking forward, to this end, to the end of the occupation and the assumption of authority by a sovereign Interim Government of Iraq by 30 June 2004,

Welcoming the ongoing efforts of the Special Advisor to the Secretary-General to assist the people of Iraq in achieving the formation of a sovereign Interim Government of Iraq,

Welcoming the progress made in implementing the arrangements for Iraq's political transition referred to in resolution 1511 (2003),

Affirming the importance of the principles of rule of law, including respect for human rights and fundamental freedoms, and of democracy, including free and fair elections.

Recalling the establishment of the United Nations Assistance Mission for Iraq (UNAMI) on 15 August 2003, and determined that the United Nations should play a leading role in assisting the Iraqi people in the formation of institutions for representative government,

Recognizing that international support for restoration of stability and security is essential to the well-being of the people of Iraq as well as to the ability of all concerned to carry out their work on behalf of the people of Iraq, and welcoming Member State contributions in this regard under resolution 1483 (2003) of 22 May 2003 and resolution 1511 (2003) of 16 October 2003,

Recalling the report provided to the Security Council on 16 April 2004 under resolution 1511 (2003) on the efforts and progress made by the multinational force authorized under that resolution, welcoming the willingness of the multinational force to continue efforts to contribute to the maintenance of security and stability in Iraq in support of the political transition, especially for upcoming elections, and to provide security for the UN presence in Iraq, as further described in the letter to the President of the Security Council on XX XX 2004, and recognizing the importance of the consent of the sovereign government of Iraq for the presence of the multinational force and of close coordination between the multinational force and that government,

Noting that the multinational force will operate in accordance with generally accepted principles of international law and cooperate with relevant international organizations,

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Affirming the importance of international assistance in reconstruction and development of the Iraqi economy,

Recognizing the benefits to Iraq of the immunities and privileges enjoyed by Iraqi oil revenues and by the Development Fund for Iraq, and noting the importance of providing for continued disbursements of this fund by the Interim Government of Iraq and its successors upon dissolution of the Coalition Provisional Authority,

Determining that the situation in Iraq continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Endorses* the formation of a sovereign Interim Government of Iraq that will take office by 30 June 2004;
2. *Welcomes* the commitment of the occupying powers to end the occupation by 30 June 2004, at which time the Coalition Provisional Authority will cease to exist and the Interim Government of Iraq will assume the responsibility and authority for governing a sovereign Iraq;
3. *Endorses* the proposed timetable for Iraq's political transition to democratic government, including:
 - (a) formation of a sovereign Interim Government of Iraq that will assume governing authority by 30 June 2004;
 - (b) convening of a national conference; and
 - (c) holding of direct democratic elections by 31 December 2004 if possible, and in no case later than 31 January 2005, to a Transitional National Assembly which will, inter alia, have responsibility for drafting a permanent constitution for Iraq under which democratic elections to a national government will be held;
4. *Calls on* all Iraqis to implement these arrangements peaceably and in full, and on all States and relevant organizations to support such implementation;
5. *Decides* that, in implementing its mandate to assist the Iraqi people, the Special Representative of the Secretary General and the United Nations Assistance Mission for Iraq (UNAMI)
 - (a) shall in particular:
 - (i) assist in the convening, no later than XX XX 2004, of a national conference to select a Consultative Council;

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(ii) advise and support the Interim Government of Iraq and the Transitional National Assembly, as required, on the process for holding elections;

(iii) promote national dialogue and consensus-building on the drafting of a national constitution by the people of Iraq; and

(b) shall as circumstances permit:

(i) advise the Interim Government of Iraq in the development of effective civil and social services;

(ii) contribute to the coordination and delivery of reconstruction, development, and humanitarian assistance;

(iii) promote the protection of human rights, national reconciliation, and judicial and legal reform in order to strengthen the rule of law in Iraq; and

(iv) advise and assist the Interim Government of Iraq on initial planning for the eventual conduct of a comprehensive census;

6. *Reaffirms* the authorization for the multinational force under unified command established under resolution 1511 (2003), having regard to the letter referred to in preambular paragraph 10 above, *decides* that the multinational force shall have authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq including by preventing and deterring terrorism, so that inter alia the United Nations can fulfill its role in assisting the Iraqi people as outlined in paragraph five above and the Iraqi people can implement freely and without intimidation the timetable and program for the political process and benefit from reconstruction and rehabilitation activities, and *decides further* that the mandate for the multinational force shall be reviewed 12 months from the date of this resolution or at the request of the Transitional Government of Iraq;

7. *Notes* the creation by the multinational force of a distinct entity within the multinational force and under its unified command with a dedicated mission to provide security for the UN presence in Iraq, and requests Member States and relevant organizations to provide resources to support that entity;

8. *Recognizes* that the multinational force will also assist in building the capability of the Iraqi security forces and institutions, through a program of recruitment, training, equipping, mentoring and monitoring, to enable the Iraqi forces progressively to play a greater role in creating conditions of security and stability in Iraq, and *welcomes* in that regard the arrangements that are being put in place to establish a partnership between the multinational force and the sovereign Interim Government of Iraq and to ensure coordination between the two;

9. *Requests* Member States and international and regional security organizations to contribute assistance to the multinational force, including military forces, to help meet the needs of the Iraqi

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people for security and stability, humanitarian and reconstruction assistance, and to support the efforts of UNAMI;

10. *Emphasizes* the importance of developing effective Iraqi police, border enforcement, and Facilities Protection Service for the maintenance of law, order, and security, including combating terrorism, and *requests* Member States and international organizations to assist the Interim Government of Iraq in building the capability of these Iraqi institutions;

11. *Condemns* all acts of terrorism in Iraq, and *decides* that, in accordance with their obligations under resolutions 1373 (2001), 1267 (1999), 1333 (2000), 1390 (2002), 1455 (2003), and 1526 (2004) and with other relevant international obligations, all States shall take immediate and necessary steps, inter alia, to freeze funds and other financial assets or economic resources of relevant individuals and entities, to prevent the entry into or transit through their territories of relevant individuals, to prevent the direct or indirect supply, sale or transfer of arms and related materiel to relevant individuals and entities, to refrain from providing any form of support, active or passive, to relevant individuals or entities, to prevent individuals and entities from using their respective territories for the purpose of financing, planning, facilitating or committing terrorist acts against Iraq or its citizens, and to ensure that such individuals are brought to justice;

12. *Welcomes* efforts by Member States to support the Interim Government of Iraq through the provision of technical and expert assistance;

13. *Decides* that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions shall not apply to arms or related materiel required by the multinational force or the sovereign government of Iraq to serve the purposes of this resolution, *calls upon* the multinational force and the sovereign government of Iraq each to ensure appropriate implementation procedures are in place, and *stresses* the importance for all States, particularly Iraq's neighbors, to strictly abide by them;

14. *Reiterates* its request that Member States, international financial institutions and other organizations strengthen their efforts to assist the people of Iraq in the reconstruction and development of the Iraqi economy, including by providing international experts and necessary resources through a coordinated program of donor assistance;

15. *Notes* that upon dissolution of the Coalition Provisional Authority the funds in the Development Fund for Iraq shall be disbursed at the direction of the Interim Government of Iraq and its successors, and *decides* that the Development Fund for Iraq shall be utilized in a transparent manner and through the Iraqi budget including to satisfy outstanding obligations against the Development Fund for Iraq, that the arrangements for the depositing of proceeds from export sales of petroleum, petroleum products, and natural gas and its products established in paragraph 20 of resolution 1483 (2003) shall continue to apply, that the International Advisory and Monitoring Board referred to in resolution 1483 (2003) shall continue its activities in monitoring the Development Fund for Iraq and shall include as an additional member a duly qualified representative of the sovereign government of Iraq, that the provisions above shall be reviewed no later than 12 months from the date of this resolution or at the request of the

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Transitional Government of Iraq, and that appropriate arrangements shall be made for the continuation of deposits of the proceeds referred to in paragraph 21 of resolution 1483 (2003);

16. *Decides* that, in connection with the dissolution of the Coalition Provisional Authority, the Interim Government of Iraq and its successors shall assume the rights, responsibilities and obligations relating to the Oil for Food Programme that were transferred to the Authority pursuant to Resolution 1483 (2003), including all operational responsibility for the Programme and any obligations undertaken by the Authority in connection with such responsibility, and responsibility for ensuring independently authenticated confirmation that goods have been delivered, and *further decides* that, following a 120 day transition period, the Interim Government of Iraq and its successors shall assume responsibility for certifying delivery of goods under contracts prioritized in accordance with that resolution, and that such certification shall be deemed to constitute the independent authentication required for the release of funds associated with such contracts;

17. *Further decides* that the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply, except that the privileges and immunities provided in that paragraph shall not apply with respect to any claim arising out of an obligation entered into by Iraq after 30 June 2004;

18. *Welcomes* the commitments of creditors, including those of the Paris Club, to identify ways to reduce substantially Iraq's sovereign debt, *urges* the international financial institutions and bilateral donors to take immediate steps to provide their full range of loans and other financial assistance to Iraq, *recognizes* that the Interim Government of Iraq has the authority to conclude and implement such agreements as may be necessary in this regard, and *requests* creditors, institutions and donors to work as a priority on these matters with the Interim Government of Iraq;

19. *Recalls* the continuing obligations of Member States to freeze and transfer certain funds, assets and economic resources to the Development Fund for Iraq in accordance with paragraph 23 of resolution 1483 (2003);

20. *Calls upon* all Member States to take appropriate steps within their respective legal systems to stay for a period of 12 months from 30 June 2004 all legal and other similar proceedings before their courts or other tribunals involving claims by or against the State of Iraq, its Government, or any of its agencies or instrumentalities, including its State-owned enterprises or similar bodies;

21. *Requests* the Secretary-General to report to the Security Council within three months from the date of this resolution on UNAMI operations in Iraq, and on a quarterly basis thereafter on the progress made towards national elections and fulfillment of all UNAMI's responsibilities;

22. *Decides* to remain actively seized of the matter.