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Statement by Ambassador James B. Cunningham, Deputy U.S. Representative to the United Nations, on the Iraq UNSCR 1483 Report, in the Security Council, May 19, 2004

Thank you, Mr. President.

One year after the unanimous passage of Resolution 1483, this will be the last joint U.S.-UK Quarterly report on its implementation. On June 30, the Coalition Provisional Authority and the framework of occupation recognized and established under Resolution 1483 will come to an end. The Iraqi Governing Council will cease to exist by that date. An interim Government of Iraq will assume the responsibility and authority for governing a sovereign Iraq. Its responsibilities will include the critical task of preparing for elections for a Transitional National Assembly, to be held if possible by the end of 2004, and in any event, no later than January 31, 2005.

These are important steps in the path of the Iraqi people to democratic self-governance. Nonetheless, there remains a great deal of difficult work ahead.

To those who will challenge and test the new interim government, we must make clear that our commitment remains strong to see Iraq through a successful political transition to a democratic, constitutional government. The indiscriminate targeting of the Iraqi people and members of the international community by criminal elements, including foreign terrorists, will not erode our resolve.

Before I move on to the details of my report on the implementation of Resolution 1483, I think it is appropriate to address the abuse of Iraqi detainees at Abu Ghraib.

Mr. President, we have seen the pictures. They depict shameful acts that stain the honor and reputation of the United States. Our government and the people of the United States stand with the rest of the world in shock and disgust.

President Bush has strongly condemned and apologized for those abuses and has made clear that all those responsible will be held fully accountable. The United States is taking steps to ensure that actions like this are not repeated. Our military has instituted a comprehensive review of policies and procedures throughout the prisons in Iraq, and several investigations are underway.

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Our system of justice is moving swiftly to address these abuses. To date, the United States has charged seven military personnel with criminal offenses and has relieved two officers of command. The first criminal trial was held today. A number of investigations remain open and are proceeding. All allegations of mistreatment are being thoroughly investigated. Transparent and fair judicial processes will determine guilt. And those convicted will be punished.

U.S. forces in Iraq are required to operate in accordance with the Geneva Conventions, and this is an obligation we take very seriously. Immediate steps have been taken to reinforce existing military policies to ensure that U.S. forces understand, are fully trained in, and adhere to these standards. The United States is committed to providing the ICRC access to detainees held by the United States in Iraq, and we have worked with the ICRC since the beginning of the occupation. U.S. military authorities have investigated matters brought to their attention by the ICRC, and they will continue to work with the ICRC in the future.

As President Bush has said, "free countries confront such abuses openly and directly." The overwhelming majority of U.S. service members conduct themselves in strict accordance with the international law of armed conflict, and they represent the United States honorably. But democracy demands that those who abuse authority are brought to justice.

Security and Stability

Mr. President, on April 16, the United States provided a comprehensive report to the Security Council, pursuant to Resolution 1511 and on behalf of the Multinational Force (MNF), regarding efforts and progress in the provision of security and stability. The MNF, including the Iraqi Armed Forces and the Iraqi Civil Defense Corps under its command, remains dedicated to its tasks: stability operations, reconstruction efforts, civil affairs training, and the important job of training Iraqi security forces.

The security situation in the month since our report under Resolution 1511 has been particularly difficult. The MNF is on the offensive against former regime elements and foreign terrorists in Fallujah and Ramadi. MNF troops are capturing those who have perpetrated attacks and those who are plotting future acts of violence. The MNF has been involved in responding to the deplorable string of kidnappings and is also taking action to stop the lawlessness instigated by Muqtada Al-Sadr and his Mahdi militia in Baghdad and Southern Iraq. These groups cannot be allowed to deprive Iraqis of their hopes for the future. We expect that violent elements will make a concerted effort to disrupt the transition and destabilize Iraq as we approach June 30.

As I reported to the Council on security structures in some detail just one month ago, I will not describe each of the elements of the Iraqi security forces again today. More than 210,000 Iraqi citizens are serving in various components of the Iraqi security force now contributing to the security and stability of Iraq. While the number of Iraqi security forces has steadily increased, numbers alone do not tell the full story. The response of the various Iraqi security forces in April was uneven. And we are focused on improving the quality and leadership of those forces.

With our assistance, Iraqis have made important progress in building the national security institutions that will be essential for an Iraqi government to provide law and order. A Ministry of

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Defense, a Ministry of Interior, and a ministerial committee on national security have been established. Building an effective Iraqi civilian chain of command to lead Iraqi security forces will remain a key priority and an essential element of our multinational partnership. At the same time, there is equal need for effective judicial and correctional systems.

Faced with violent elements that I have just described, continued MNF operations after June 30 will be necessary to ensure Iraq's security and progress in its political transition. We recognize the need for a close partnership with the Iraqi people and Iraqi forces, as expressed in the Transitional Administrative Law, and we will build on such a relationship. Coordination and consultative arrangements will be established between the MNF and the sovereign interim Government of Iraq. The fight against terror and for Iraq's security and stability will be a shared fight.

Finally, we must expand international security forces to support the return of United Nations international personnel to Iraq. We are working to establish a unit within the MNF under unified command to provide dedicated security for United Nations personnel and facilities in Iraq. The ability of the United Nations to continue its vital role in assisting Iraqis to prepare for elections depends on its security. We urge the international community to participate in this important task.

Advancing Iraqi Efforts to Restore and Establish National and Local Institutions for Representative Government

Let me speak now a bit about advancing Iraqi efforts to restore and establish national and local institutions for representative government. Just after my last report in February, the Governing Council approved the Transitional Administrative Law or TAL, which will serve as the legal basis for the Iraqi interim and transitional governments until a permanent constitution is ratified. Among its key provisions, the TAL provides for equal rights for all Iraqis without regard to gender, sect, opinion, belief, nationality, religion or origin. It confirms Iraq as a single state with federal structures, affirms civilian control of Iraq's security services, and affirms the independence of the judiciary.

The TAL also codifies that national elections for the Transitional National Assembly shall be held no later than January 31, 2005, but, if possible, by the end of December of this year; that the drafting of a permanent constitution shall be completed no later than August 15, 2005, with the transition to a constitutionally-elected Iraqi government taking place by December 31, 2005.

I note in this context that the elected Transitional Government will have the right and authority to modify provisions of the TAL, if it so chooses.

In March, the Iraqi Governing Council invited the United Nations to provide assistance and advice to the Iraqi people in the formation of the interim Iraqi government. The Coalition Provisional Authority fully supported the Governing Council's invitation. In response, the Secretary-General dispatched his Special Adviser, Ambassador Brahimi, to Iraq in early April. In Ambassador Brahimi's subsequent report to this Council on April 27, he outlined a proposal

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for the interim government, to include a president, two deputy presidents, a prime minister, a council of ministers who would report to the prime minister, and an advisory body. He also noted the linkage between security and the political process, and that security remains essential for the process to be completed, while the political process itself would make a "powerful contribution" to security.

Ambassador Brahimi returned to Iraq at the beginning of this month to continue wide-ranging consultations with the Iraqi people, with the objective of identifying an interim government for the period through elections that will have the respect and support of the Iraqi people. Those consultations are ongoing.

The interim government will be the governing authority of a sovereign Iraq on June 30. Many Iraqis have expressed their desire to have limits on the authorities of this interim government, reflecting their view that some issues are best left to an elected Iraqi government for decision. We note that it is for Iraqis to decide what those limits might be, in the context of the consultative process led by Ambassador Brahimi.

Of course, a key milestone in Iraq's political transition will be the establishment of a government chosen by democratic elections. There is substantial progress being made with regard to the electoral process. The UN electoral assistance team headed by Carina Perelli has a productive working relationship with Iraqi and CPA officials. They are working with the Iraqis on developing the three main pillars of the electoral system: an independent election commission, an agreement on electoral modalities and a political parties law. Ms. Perelli recently reported that preparations for the establishment of an Independent Election Commission are in good shape. A nationwide nomination process, endorsed by the Governing Council and open to all Iraqis, to select the commissioners is now underway in all 18 governorates. The plan is to select seven commissioners through a careful review process. As its name suggests, the Commission will be independent and nonpartisan.

Although progress is excellent, we continue to face a very tight timeline. The UN's leading involvement in helping Iraqis prepare for elections has been, and will remain, vital to Iraq's political transition.

Oil-for-Food Program

Let me, Mr. President, now turn to the Oil-for-Food Program. Iraq continues to receive goods purchased under the Program, and the Coordination Center established as the Coalition Provisional Authority took responsibility for remaining OFF contracts following the end of the Oil-for-Food Program, continues to oversee the shipment of food and other humanitarian supplies remaining in the Oil-for-Food pipeline.

In the three northern governorates of Duhuk, Aril, and Sulaimaniya, the Office of Project Coordination has provided technical expertise and disbursed funds to continue over 100 priority projects in power, agriculture, health, education, and construction.

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Capacity-building and technical support programs have been initiated over the past several months in relevant Iraqi ministries to improve Iraqi capabilities to procure essential items and monitor incoming Oil-for-Food shipments. This will help ensure that the Iraqis will be able to manage remaining Oil-for-Food contracts and projects when the Coordination Center and the Office of Project Coordination are phased out with the June 30 transfer of authority to a sovereign Iraq.

Last, I note that the Iraqi Board of Supreme Audit has collected, centralized, and safeguarded Oil-for-Food documents in preparation for its own investigation of the Program, and has signaled its readiness to assist UN and other investigations into alleged abuses.

Disarmament

On disarmament, the Iraq Survey Group (ISG) continues its work to search for and eliminate Iraqi weapons of mass destruction, prohibited missile delivery systems, and related infrastructure. It remains premature to draw final conclusions. The ISG still has much work to do, including following up on continuing and frequent reports of hidden weapons caches.

The ISG has already noted numerous violations of UN sanctions and activities that Saddam Hussein's regime should have reported to the UN under the requirements of Security Council resolutions, but did not. The ISG has uncovered illicit Iraqi procurement efforts aimed at obtaining dual-use material in contravention of UN sanctions and has noted extensive efforts, continuing into 2003, to deceive UN inspectors. The ISG has also identified Iraqi research programs with potential applications in a variety of WMD programs. Finally, the ISG is working to determine Saddam's strategic intentions with respect to weapons of mass destruction and the United Nations inspections regime.

In Conclusion, Mr. President, a last word. In due course over the next several weeks, this Council will consider and act on a resolution that reflects upcoming milestones in Iraq's political transition.

We are at a critical juncture in Iraq's history. June 30 will mark a vital step towards realizing the goal of an independent, democratic, stable Iraq at peace with itself and its neighbors. Now is the time for the Security Council and the international community to come together in support of Iraq and her people.

Thank you, Mr. President.

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