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## IRAQ: UN ROLE IN 2006

### Summary

1. We need the UN to transform its role in Iraq in 2006. Roles it might take on/expand include: contributing significantly to the new "international partnership" paradigm we envisage; acting as an honest broker in overcoming distrust between the Iraqi communities, before and after government formation; support for provincial elections and constitutional review (and a further referendum); holding the ring on Kirkuk. On reconstruction and development issues, the UN's record has improved and they are now a key player. But they need to scale up their presence in country.
2. This will not be easy to achieve. We will need to find ways to change UN Headquarters scepticism about Iraq by offering a persuasive vision of how the UN might operate, with our full support. This will involve addressing UN concerns about security and lack of dedicated transport. Only the US can bring resources to bear sufficiently rapidly. But US enthusiasm for an increased role is not assured. Ways in which we and international partners can engage.

### Detail

#### Context

3. In 2006, the process of handing over responsibility for security to the Iraqi government will accelerate. Providing operational and training security support to the Iraqi authorities will remain essential. However, to lend credibility to this process, the Iraqi Government will need to redefine its relationship with the international community, shifting from a narrowly defined, security based "coalition" to a broader "partnership", (see IPU's separate paper). This requires the UN to transform the nature of its role, not least to afford legitimacy to increased engagement by the broader international community. Given this is Annan's last year as Secretary-General, we need to act now if we want him to take substantive decisions on deployments.
4. On the development side, the UN's record improved through 2005, but its visibility around the country remained low. The UN has played a solid role on donor co-ordination in Baghdad and Basra in particular. At the international donor conference planned for March (probably in Erbil), the UN will account for its activities and probably seek more funds from donors through the Trust Fund mechanism. We will need to encourage the US in particular to work through rather than around the UN in its coordination role. This paper does not address the World Bank's role, which is at least

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as important but conceptually different from that of the UN. A stronger UN presence would give the World Bank increased confidence to deploy staff.

5. On the political side, the UN's record is mixed. It played a useful role on the elections, helping the Iraqi Electoral Commission deliver. It played a solid role on drafting the constitution, but pulled its punches in delivering home truths to the main parties (for example, on federalism). It made little headway on the political process, partly because it was unable to gain traction with the Iraqis (and the US).
6. On the security side, UNSCR 1637 provides the legal framework for the Coalition presence in Iraq until 31 December 2006. To secure an extension to this, the Coalition will need to explain how its efforts contribute to wider political and developmental goals supported broadly by the international community and Iraqi Government. Tactically, this will require a move sooner rather than later to the concept of "partnership". Otherwise we risk losing current members of the Coalition who have agreed only to serve under a UN mandate and face consideration of Status of Forces Agreements (SOFAs) for individual Allies. These will be tricky and time consuming to negotiate.
7. UN willingness to engage revolves around three key factors:
  - **Level of enthusiasm for the Iraq "project"**. Now Brahimi, who had led the sceptics' charge in New York, has left the UN, this will hopefully weaken the voices against deployment (comment: though Brahimi may still provide ad hoc advice to the Secretary General). A dominant theme in UN discussion has been wariness at the prospect of being left holding the baby as UK and US militaries draw down.
  - **The security situation on the ground**. The UN's recovery of confidence since the 2003 Canal Hotel bombing has been slow and faltering and there remains extreme caution over security (an example: it takes a sizeable Korean and peshmerga detachment to move UN staff in Erbil from their compound five minutes away to visit the KRG). The UN fear that reconfiguration of MNF-I may imply increased UN reliance on Iraqi Security Forces whose capability and loyalty are questionable (the UN are right to be cautious – we would be sceptical of this as sufficient for our own staff security). They are also concerned about the possible shrinking of the International Zone, leaving them exposed/homeless.
  - **Availability of transport**. With most land movements likely to remain unsafe throughout 2006, moving around Iraq requires air assets. The UN is strapped for aircraft. We have none spare and nor do the US. So far, Denmark and Belgium have indicated they could help (with the Danes offering one aircraft for six weeks over the summer and the Belgians

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offering an aircraft – timeframe not known). While the UN are saying that one relatively small – 22 seater – aircraft would help them recommend unfreezing increased deployments in Basra and Erbil, more would be needed to ensure a step change in UN engagement on the ground. If the UN cannot reliably get to Najaf (for Sistani) or Erbil (for government negotiations), or move their personnel in and out of Iraq then they are not in the game. This will also prove an obstacle to engagement by other international partners (including the Arab League).

### **Where the UN stand now**

8. On **aircraft**, we understand that as of 24 January the Department of Political Affairs submitted a paper for Annan which sets out three broad options for the way forward: (i) status quo, meaning lobbying for dedicated aircraft and continuing to delay deployment into new premises in Basra/Erbil; (ii) escalation, meaning mothballing the Basra/Erbil premises and formally approaching the Security Council for help; (iii) proceeding with deployments to Basra and Erbil while looking into commercial options. These options are not considered by the UN to be mutually exclusive. The UN view (and ours) is that option (i) is not sustainable indefinitely. Separately, the Secretary General has given staff clearance to explore private sector aviation options. USG for Political Affairs Gambari lobbied John Sawers on 1 February for one fixed-wing aircraft and two helicopters.
9. On **security**, Under Secretary General Veness has been tasked with carrying out a fundamental review of current arrangements and their adequacy in the evolving security environment. To this end, he will be visiting Baghdad, Basra and Erbil in early February. We intend to explore with him options and costs for funding increased security through the private sector (where the costs need not be prohibitive).

### **What we want the UN to do**

#### Increase its international deployment in Iraq

10. Without international staff, the UN will be unable to do much of what is set out below. Currently, there are 86 international staff in Baghdad, protected by 134 guards and 25 Personal Security Detail members. There are seven international staff in Basra and seven in Erbil. The composition of the Baghdad team is predominantly on the political side (electoral and constitutional), reflecting short-term priorities. With an increased overall headcount, UN agencies should be able to deploy more staff on these issues as well as on the reconstruction and governance.

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11. The UN's ambitions for deployment in Iraq tend to be limited to increased deployment in Baghdad's International Zone. This is not ideal, but not as bad as it looks. There is much that UN staff can do in the Zone by way of helping the Iraqi government develop its capacity.
12. We understand that there are several hundred local staff on the UN's books, probably once responsible for monitoring the Oil for Food scheme. By re-activating this network, the UN would have a body of local staff, able to work in areas deemed unsafe for international staff, to engage in capacity building.
13. Attachment A gives examples of what we would want the UN to be doing by the end of this year.

## Government formation and political process

14. Negotiations on government formation are underway. There is much Qazi can do in Baghdad. Two other locations are relevant: Najaf and Erbil. Lack of transport prevented Qazi travelling to Erbil for the first round of negotiations (despite Khalilzad's last minute pleading with the US military). Similarly, lack of transport – and UN security concerns – prevent Qazi from building a dialogue in Najaf with Sistani. The time for UN action on this is now. There is little we can do immediately to help Qazi expand his role. But in slower time, provided the assets are there, Qazi could establish a monthly meeting with Sistani, whose influence on the political process will remain strong long after the formation of government (we understand he plans meetings with both Sistani and al-Sadr in mid-February). A more modest achievement would be to have Annan work the 'phones (as we are doing) with Iraqi leaders.
15. In slower time, the UN could provide useful advice on the political process to the Iraqi Government and key leaders outside it, including on outreach efforts and on the potential (and actual) dangers of the existence of armed groups, many affiliated to political parties, outside the control of the Government.

## Constitutional review

16. In 2006 (as in 2005), we see a key role for the UN in the constitutional review (as set out in Article 142 – at B). We want a substantive review of the constitution, leading to greater buy-in from all Iraq's communities. This will be resisted by the Kurds and Shia UIA. But Fink Haysom (the UN constitutional expert) has argued that the UN should be more robust on the review than it was on the original drafting. The UN (supported by other international partners such as the EU) is well-placed to help by:

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- Advising on a robust method for selecting the constitutional review body and ensuring the process is credible (and an improvement on the 2005 drafting process) by harnessing UN secretariat experience in other negotiations (comment: time is short; the UN will need to move quickly);
- Offering expert advice on substance notably (i) how to ensure that the central government is viable and has the necessary powers e.g. for taxation (ii) to ensure that the final constitution is as internally consistent and practically workable as possible;
- Providing further advice and education on the issues associated with federalism - whether with a view to inclusion in the text of the constitution itself (the new parliament should draw up the procedures by which new regions are formed (Article 117 of the constitution – at B)), or simply to draw to Iraqi politicians' attention those issues which they will need to tackle in any move towards greater federalism/decentralisation to help ensure the process is managed more smoothly.

17. We'll also need the UN to support the running of the referendum at the end of the constitutional review process (hopefully in tandem with provincial elections; see below).

18. In particular, the UN will need to stay close to Khalilzad on this if it is to be fully effective. (comment: Khalilzad is starting to develop his thinking on this now. The risk is that he will run away without the UN if they are too slow to engage).

## Provincial and Local Elections

19. We will need the UN's assistance with Provincial and Local Elections. This provides the UN with a way into playing an increasing role in the regions, in turn important to ensure effective links between Baghdad and the regions. Although currently scheduled for two months after the new Council of Representatives is constituted, in practice we expect these elections to be held later in the year along with any referendum on the constitution.

20. In preparation for the elections, there will be a need for a new Electoral Law/regulations. The question of the future make-up/status of the Independent Electoral Commission for Iraq will also need to be determined, on which UN help will be helpful.

## Kirkuk

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21. We want to see the UN increasingly engaged on Kirkuk to help reduce the risk of violent intercommunal conflict there. The UN's unique asset is its ability to provide impartial international supervision of the process by which it is determined who has the right of return to Kirkuk and, ultimately, who has the right to vote in the referendum due by end 2007 on Kirkuk's future status, i.e. whether the province will form part of the Kurdistan region or not. The UN can also do much to monitor the human rights situation in Kirkuk, in light of accusations from the different ethnic and religious communities there. Examples of what the UN could do:
- Adopt a higher profile in Kirkuk. The recent arrival of a UN representative to Kirkuk from Erbil is a positive step that demonstrates to the people of Kirkuk (notably minorities) that the UN takes the matter seriously.
  - Supervise a population census before the referendum is held, and a proper evaluation of the results
  - Draw on international experience in handling issues surrounding the return of displaced people e.g. in Bosnia, to provide assistance to the Iraqi Property Claims Commission.
  - Set up a separate and discreet forum for discussion of Kirkuk. The UN might host a "Geneva Process", which takes the key stakeholders (Iraqi Government; Kurds; minority populations in Kirkuk) outside Iraq.
  - Exploit its existing human rights remit to address allegations of human rights abuses in Ta'amim province, in which Kirkuk is situated (e.g. in the UN's quarterly human rights report) and engage more actively to ensure these are investigated and addressed as appropriate.

## Reconstruction and humanitarian assistance

22. The UN development agencies, of which there are 17 with UNDP being arguably the most important, would like to increase their presence in Iraq but cannot due to head count considerations. Specifically, within a ceiling of 95 for Baghdad, 15 for Basra and 15 for Erbil, priority is consistently given to UN officials working on constitutional and political issues. At best, in Baghdad UNAMI is able to squeeze in 3 development/humanitarian officials at any one time. This constraint on committing international staff means the agencies feel compelled to explore imaginative solutions involving more locally engaged Iraqi staff. While this is positive, and their national staff an under used asset, we need to increase the percentage of development staff in Baghdad and in the field if their effectiveness is to increase
23. The UN can play a key role in internationalizing the reconstruction effort by supporting the Iraqi government's lead in making the International Donor Conference succeed, supporting momentum on the Iraqi-led Baghdad donor

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coordination mechanism and providing technical assistance to the Ministry of Planning. We also understand that UNDP is considering the possibility of a programme on local governance capacity building in the South building on our experience.

24. The UN has engaged with the Iraqi government to improve its crisis response mechanisms, using their humanitarian experts in Baghdad and Amman. More space in the staff headcount would enable the UN to play this role with increased consistency and influence.

## Human Rights

25. The UN's engagement under its human rights mandate has largely been confined to issuing quarterly reports on the Iraqi rights situation. These have (justifiably) dwelt on negative aspects but have given little space to capacity building developments. The UN appears reluctant to engage robustly to help improve Iraqi observance of human rights (on which UK / US currently lead, attracting criticism from the Shia and Kurds). The human rights team in Baghdad is weak and disconnected from the rest of the UN mission, with most of the three staff remaining in Amman or on leave for large spells. Despite this, we would want to see the UN increasingly involved, for example on support for a new Minister and Ministry for Human Rights and for the National Centre for Missing Persons and Exhumations. The UN has remained at arm's length from the Iraqi Higher Criminal Court (the "Saddam Tribunal"). We judge it too late in the day to have them substantively engage.

## A leading role in creating "international partnership" – a Contact Group

26. Khalilzad shared his thinking on an in-country advisory group with the Prime Minister on 22 December. This group would include the UN, US, UK, Iraq and Iraq's neighbours (imprecise exactly whom). There are other models (IPU's separate paper covers this). Annan appears to be thinking along similar lines. We might present him with a more formed out plan and narrative which he could announce at the mid year review of UNSCR 1637.
27. The UN might also play a role in normalising Iraq's relations with her neighbours and within the region. Qazi played a useful role in supporting the Arab League's National Accord initiative. He attended the Cairo conference and is in touch with Amre Moussa. We should encourage continued UN engagement. Qazi is exploring the possibilities for an in country support group.

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## Risks

28. **That the UN refuses to engage.** We are asking it to expand its presence in Iraq against a backdrop of sustained insurgency, reduced Coalition military capabilities and in Annan's last year as UNSG. Unless we can persuade UN senior officials that assets will be made available and political support given to them, they are unlikely to bite. This will require sustained Ministerial and senior official engagement (the US-UN-UK Trilateral in New York will not be sufficient), funding and security/air assets.
29. Increased engagement brings with it the possibility that the **UN will develop its own policy** which diverges from our own. We need to tie the UN into the advisory group, making it jointly responsible for "partnership".
30. The **Iraqi Government might resist an increased UN role.** The UN's reputation in Iraq is at best mixed – many remember the Oil for Food corruption and UNSCOM's / UNMOVIC's inspections. To sell this to the Iraqis, we must package UN involvement within the "partnership" model. But we need the UN's development aims to be more visible to do this.
31. The **US Government might conclude that UN foot-dragging does not warrant increased Coalition commitment** to help the UN. To sell this to the Americans, we would argue that an increased UN role legitimates and increases international action, permitting reduced commitment from the US and UK.

## How we help secure increased UN engagement

32. This will not be an easy win and UN engagement is likely to be incremental. We will need regular Ministerial and senior official engagement.
33. In London:
  - The Foreign and Defence Secretaries to call Danish, Japanese and Belgian counterparts, talk them through our analysis and urge them to offer aircraft (of funding for aircraft) to the UN. We might consider offering to charter an aircraft through a private military company, as in interim measure to jump-start the process  
But this would need funding;
  - The Foreign Secretary to call Barroso to seek European Commission funding for chartering air assets.
  - The Prime Minister to take Annan through the arguments, in the margins of the Afghanistan Conference on 28 January (Comment: **done**)



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## 34. In Europe:

- Posts to urge hosts to lobby the UN on similar lines (lead candidates: Germany; Italy; Poland; Denmark; France; Slovakia; Belgium)

## 35. In Baghdad and Basra:

- Take the US through the arguments on what the UN could deliver for the Coalition, if adequately resourced: a means to transition out of Iraq. In particular, we need to persuade Casey (who has the assets at his disposal);
- Brief USG for Security David Veness (visiting 9 February), including on outcomes of US-UK consultation on future arrangements for the International Zone;
- Institute weekly meetings between Khalilzad, Patey and Qazi, pulling the UN team closer, sharing our analysis and coordinating our efforts. Where the issue at stake was the constitution, Haysom (UN lead on this) would join discussion;
- Get Qazi in regular contact with Sistani. Qazi has only been twice to Najaf and nearly did not go, given security concerns. Again, regular meetings will come down to available transport and security assets.

## 36. In New York:

- Encourage the UN to expand its remit under UNSCR 1637, rather than wait on an Iraqi invitation which is unlikely to be forthcoming. The International Development Secretary has seen key development interlocutors in New York, encouraging them to expand their development engagement rapidly. On the political side, active lobbying by UKMis New York could be reinforced by engagement from capitals (eg Burns-Sawers visit to New York). We understand that the US are planning to despatch Jeffrey to New York;
- Urge non-permanent Security Council missions to lobby the UN on similar lines, particularly Europeans, Argentina, Peru, Japan and Qatar.
- Encourage Annan to play a leading role. In his final months as Secretary General, Annan might be reluctant to take decisions that could have a negative impact on his legacy. He has said repeatedly that he regrets the divisions created by the Iraq war; therefore, greater UN engagement now might appeal to his desire to unify the international community. To ensure that decisions taken by Annan are followed through in the Secretariat, it

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would be important to involve Ibrahim Gambari (Under Secretary General for Political Affairs).

- Champion Qazi. What he lacks in Iraq experience, he makes up for in his constructive attitude.  
We should subtly talk up his analysis (see action in Baghdad, above) and provide him with an assurance that if he is challenged at Headquarters on something agreed with P3 Ambassadors in Baghdad, then P3 Missions in New York would back him up (this latter plan has already been agreed);
- Encourage the UN to take seriously its work on finding a commercial solution, including creating a trust fund for chartering an aircraft.

## 37. In Washington:

- Reinforce arguments made in Baghdad on what the UN can deliver for us, assets permitting (Rice could lend her weight in lobbying the Danes and the Japanese);
- Explore what system might be put in place which could guarantee the UN access to MNF-I helicopters and aircraft for a set number of hours each month;
- Make the arguments about putting the international partnership model into effect, with the UN in a leading role (separate IPU paper).
- Make clear that marginalization of the UN will undermine our efforts.

Iraq Policy Unit  
3 February 2006

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**ANNEX A**

**WHAT AN INCREASED UN PRESENCE IN IRAQ WOULD DO**

**Political**

- Secretariat team underpinning process of constitutional review. Standing team (supplemented as necessary by visiting experts) providing advice on the substance.
- A new International Commissioner (Jeness is coming to the end of his tenure) and international team supporting elections work
- Maintain UN representative in Kirkuk and add to his team (including by providing a human rights expert). This team to act as Kirkuk node to facilitate out-of-country "Geneva Process". Add a surge team when needed to supervise census and/or help the Iraqi Property Claims Commission
- Strengthen and move human rights team from Amman to Baghdad, with priority attached to building Human Rights Ministry capacity (see below).
- Small team to contribute to in-country implementation of International "Contact Group" or "Partnership Council", as well as supporting Arab League "national accord" initiatives

**Governance / Reconstruction**

- Advising the Ministry of Planning on implementation of the National Development Strategy and effective coordination of donors;
- Advising line ministries on technical issues and how to make best use of Sectoral Working Groups (examples: Health; Education; Human Rights; Water)
- Capacity building and governance across the piece (a UNDP lead)
- Building national government capacity and flexibility to respond to humanitarian emergencies.
- Building capacity of Provincial Reconstruction and Development Committees (increasingly replacing DFID's Governorate Capacity Building Programme effort) (a UNDP lead)
- Helping provincial governments implement their development plans, in particular advising on technical issues

## ANNEX B

### CONSTITUTIONAL ARTICLES ON REGION FORMATION AND CONSTITUTIONAL REVIEW

#### Article 117:

The Council of Representatives shall enact, in a period not to exceed six months from the date of its first session, a law that defines the executive procedures to form regions, by a simple majority.

#### Article 142:

First: The Council of Representatives shall form at the beginning of its work a committee from its members representing the principal components of Iraqi society with the mission of presenting a report to the Council of Representatives, within a period not to exceed four months, that contains recommendations of the necessary amendments which could be made to the constitution, and the committee shall be dissolved after a decision is made regarding its proposals.

Second: The proposed amendments shall be presented to the Council of Representatives all at once for voting, and shall be deemed approved with the agreement of the absolute majority of the members of the Council.

Third: The articles amended by the Council of Representatives pursuant to item (second) of this Article shall be presented to the people for voting on it in a referendum within a period not exceeding two months from the date of its approval by the Council of Representatives.

Fourth: The referendum on the amended Articles shall be successful by the approval of the majority of the voters, and if not rejected by two third of the voters in three governorates or more.

Fifth: Article (122) of the constitution (concerning amending the constitution) shall be suspended, and shall return into force after the amendment stipulated in this Article have been decided upon.