

RESOLUTION XXXX

[Summary: "Democratic Iraq Resolution"]

- 1- End of dictatorship: deployment of Human Rights Monitors, with the support and protection of available international forces, to enforce human rights in all the territory of Iraq.
- 2- Government of Iraq to accept the Resolution and give way to international forces and human rights monitors within 48 hours in zones further defined geographically. (vide esp. paras 4, 5, 12 and 13)
- 3- Acceleration of WMD destruction and establishment of Commission of Enquiry.
- 4- Reconstruction.]

NOTE: this Draft resolution was prepared together with colleagues at the Human Rights Clinic of the Yale Law School, but the responsibility for its content can in no way be ascribed to any of them or to the Clinic. Particular thanks go to Paul Kahn, Deena Hurwitz, and Greg Khalil for its timely redaction. Through the DII network, it has circulated in major Western capitals, and at UN headquarters.

The Security Council,

Gravely concerned by the escalating tensions in Iraq and its environs, and the serious consequences war promises for international peace and security,

Mindful of its solemn mission under the United Nations Charter at once to prevent armed conflict wherever possible and to promote and protect all persons' fundamental human rights,

Reaffirming that protecting the fundamental human rights of all persons represents the only way to ensure international peace and security, and to prevent armed conflict,

Recalling all its previous relevant resolutions, in particular its resolutions 661 (1990) of 6 August 1990, 678 (1990) of 29 November 1990, 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 707 (1991) of 15 August 1991, 715 (1991) of 11 October 1991, 986 (1995) of 14 April 1995, 1284 (1999) of 17 December 1999, and 1382 (2001) of 29 November 2001 and its intention to fully implement all these resolutions,

Recalling in particular its resolution 1441 (2002) of 8 November 2002 and its intention to fully implement it,

Recognizing the grave and increasing threat that the present government of Iraq's non-compliance with Council resolutions, proliferation of weapons of mass destruction and long-range missiles, and gross violations of the fundamental human rights poses to international peace and security,

Noting the significant material breaches, over the course of two decades, of international law and order by the government of Iraq under its present leadership, principally but not exclusively through:

- the aggression against the Islamic Republic of Iran on 22 September 1980

- the repeated use of chemical weapons against its own people and against Iran, notably in the city of Halabja and other Kurdish cities
 - the occupation of Kuwait until its forceful eviction by international force,
 - “the worst record on human rights since the second World War” amongst the governments of the world, as underlined in the reports of the UN Special Rapporteur on Iraq, such record continuing to date without the government of Iraq ceasing or desisting as requested by this Council in its Resolution 688 of 5 April 1991,
 - the occupation of Kuwait until its forceful eviction by international force, the wanton destruction of life and property in Iran, Kuwait, and Iraq, notably in the draining of the Arab Marshes and the forceful displacement of its population,
 - the unprovoked attacks against civilian targets across the Middle East and Europe, including the missile attacks against Israeli civilians and the attempt to assassinate the former president of the USA,
- All the above amounting to severe breaches of international law and order,

Recalling the Security Council’s previous determinations that the government of Iraq has failed to disarm and protect fundamental human rights and has thus failed to adequately comply with Security Council resolutions, in particular resolution 1441 (2002) of 8 November 2002, which found Iraq in material breach of resolution 1382 (2001) of 29 November 2001,

Recalling Iraq’s obligations to disclose fully all weapons of mass destruction in its possession and to account for all such weapons previously disposed of or destroyed, and to provide immediate, unconditional and unfettered access to all locations, documentation and personnel in Iraq deemed relevant by United Nations inspection personnel, consistent with the privileges and immunities accorded those personnel under the Charter of the United Nations, as well as previous Security Council resolutions on the inspection regime in Iraq, including resolution 1441 (2002) of 8 November 2002,

Recalling in particular recent reports to the Security Council by UNMOVIC and IAEA revealing that the government of Iraq has not fully cooperated with United Nations weapons inspectors deployed pursuant to Security Council Resolution 1382 (2001) of 29 November 2001 and Resolution 1441 (2002) of 8 November 2002,

Deploring the government of Iraq’s refusal to provide immediate, unconditional and unrestricted access to UNMOVIC and IAEA weapons inspectors as mandated by Security Council Resolution 1441 (2002) of 8 November 2002, and its continued obstruction of efforts by the UNMOVIC and the IAEA to discharge their monitoring, inspection and verification duties pursuant to Security Council Resolution 1441 (2002) of 8 November 2002,

Deploring Iraq’s proliferation of weapons of mass destruction, at the direct and serious expense of both the humanitarian needs of its own people and regional stability and security,

Deploring further the government of Iraq’s failure to comply with its commitments pursuant to resolution 688 (1991) of 5 April 1991 to end repression of its civilian population and to provide access by international humanitarian organizations to all

those in need of assistance in Iraq as well as its commitments pursuant to resolution 687 (1991) of 3 April 1991 with regard to terrorism, and resolutions 686 (1991) of 2 March 1991, 687 (1991) of 3 April 1991, and 1284 (1999) of 17 December 1999 to return or cooperate in accounting for Kuwaiti and third country nationals wrongfully detained by Iraq,

Lamenting the government of Iraq's use of weapons of mass destruction against civilian populations within its own sphere of control, in gross violation of both the United Nations Universal Declaration of Human Rights and international conventions concerning weapons of mass destruction, including the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, ratified by Iraq on 8 September 1931,

Further recalling paragraph 13 of resolution 1441 (2002) of 8 November 2002, also decided under Chapter VII of its Charter powers, which authorizes "serious consequences" in the event that Iraq materially breaches the terms the Council set forth in that resolution,

Reaffirming its strong commitment to the territorial integrity of Iraq, Kuwait, and neighboring nations,

Emphasizing that, for the maintenance of international peace and security and for the good of humanity, particularly the civilian population of Iraq, armed conflict must be avoided if at all possible,

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

1. *Decides* that Iraq is in further material breach of resolution 1441 (2002) of 8 November 2002, and of resolution 688 (1991) of 5 April 1991, in addition to all previously cited resolutions, and that the Council must therefore ensure compliance with its previous resolutions mandating the eradication of all Iraqi weapons of mass destruction and protection of the fundamental human rights of all persons within Iraq,
2. *Expands* the mandates and budgets of UNMOVIC and IAEA to support a number of inspectors adequate to accelerate and complete the disarmament process through intensified weapons inspections, and to establish national and regional support offices in Iraq for use by inspection teams for that purpose, such activities to also provide a model for the preparation and organisation of a Weapons of Mass Destruction Free-Zone across the Middle East as mandated by resolution 687 (3 April 1991)
3. *Declares* the territory of Iraq a "Human Rights Zone" (HRZ), to be administered by United Nations personnel under the authority of the Security Council with the support and assistance of specialised Non-Governmental Organisations,
4. *Directs* the Secretary-General to designate, with the assistance and support of the available forces of permanent members of the Security Council, such sub-Human Rights Zones (HRZs) as necessary for the immediate withdrawal of all

Iraqi military and security personnel within the terms specified in paragraphs 12 and 13, and the deployment of human rights monitors under the protection of international forces in accordance with paragraph 5, of the present Resolution.

5. *Directs* the Office of the UN High Commissioner for Human Rights (OHCHR) to establish a national office in Iraq, with regional offices in established HRZs, to monitor and report on all human rights abuses, civil and political, within Iraq, such that all persons working for or affiliated with or protected by the new OHCHR-administered Iraqi human rights office be accorded the privileges and immunities described for United Nations personnel in the Charter of the United Nations and all other relevant international conventions,
6. *Prohibits* any interference with the establishment of HRZs or with the work or privileges and immunities of personnel, or with Iraqi citizens' travel to and from HRZs,
7. *Authorizes* the delivery of food and other humanitarian aid to individuals in established HRZs, to be distributed by OHCHR and UNDP personnel to persons under the authority of the Security Council and under the protection of United Nations security forces,
8. *Commands* the government of Iraq to withdraw immediately all military forces, from duly designated HRZs, and to disband all security forces in all HRZs without exception.
9. *Authorizes* the deployment of armed forces to secure designated HRZs in order to facilitate the administration of UN human rights initiatives, and to protect all UN personnel and Iraqi civilians in such areas,
10. *Emphasizes* that the government of Iraq shall not take or threaten hostile acts against any representative or personnel of the United Nations or the IAEA or of any Member State taking action to uphold any Council Resolution, or any persons or family members or coworkers of persons aiding any United Nations or Member State personnel in the execution of this or other Security Council resolutions,
11. *Directs* the Secretary-General to establish a Commission of Enquiry into the severe breaches of international law and international humanitarian law carried out by the government of Iraq,
12. *Requests* that the Secretary-General immediately notify Iraq of this resolution, which is binding on Iraq; demands that the government of Iraq signal full and unconditional acceptance of all terms of this resolution within 24 hours of its passage by way of certified letter to the United Nations; demands immediate, unconditional and active cooperation with all UN-affiliated personnel,
13. *Authorizes* the use of any means necessary to enforce this resolution, should the government of Iraq fail to disband all of its security apparatus and

personnel in all the territory of Iraq and to withdraw all military and security forces completely from the required HRZs within 24 hours of its acceptance of this resolution,

14. *Requests* all Member States to give full support to UN personnel in the discharge of their mandates under this resolution,
15. *Determines* that failure by the government Iraq to accept fully all of the terms of this resolution, any obstruction, interference or opposition by Iraq to the weapons inspection or humanitarian initiatives outlined here, or any further material breach of previous Security Council resolutions, all of which remain in force, will result in Iraq's disarmament by any means necessary, including the use of force,
16. *Resolves further* that, notwithstanding any initial acceptance by the government of Iraq of this resolution and its terms, any subsequent obstruction, interference or opposition by Iraq to the weapons inspection or humanitarian initiatives outlined here shall constitute further material breach of the government of Iraq's obligations under this and other relevant resolutions.
17. *Resolves* that the Council remain seized of this matter,