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**Head of the Civil Service**

Head of the Office of the First Minister & Deputy First Minister

Nigel Hamilton

Room F6, Stormont Castle, BELFAST BT4 3TT, NORTHERN IRELAND

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HCS/641/03

FROM: NIGEL HAMILTON**cc David Watkins
Linda Brown****28 APRIL 2003****TO: PERMANENT SECRETARIES****IRAQ****OFFICE FOR RECONSTRUCTION AND HUMANITARIAN ASSISTANCE (ORHA)**

1. I have just returned to the office today to find a copy of Andrew Turnbull's letter of 22 April to Michael Jay on how Departments might help with the rapid deployment of volunteers from across the public service in the post-war reconstruction of Iraq.
2. While a number of the Priority areas are in functions which are outside the control of the devolved administration (eg defence/security/justice/prisons) others such as infrastructure, health, education, housing etc are very much within our areas of responsibility.
3. I am sure it would be immensely helpful if we could consider individuals from across the public sector in Northern Ireland who might be involved in this work. I know, for example, that senior colleagues from the Housing Executive, the Water Service and the Health Service have been involved by way of short-term secondments on previous occasions, eg in Kosovo.

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4. Could I suggest that this might be the subject of discussion at PSG on Friday morning.

Nigel Hamilton

NIGEL HAMILTON

London
SW1A 2AS

22 April 2003

Dear Andrew,

IRAQI UK SUPPORT FOR THE OFFICE FOR RECONSTRUCTION
AND HUMANITARIAN ASSISTANCE (ORHA)

1. At our meeting last Wednesday, I briefed Permanent Secretary colleagues on the Ministerial decision that we should provide wide ranging support to ORHA in its efforts to take forward the post-war reconstruction of Iraq. I am writing now with more details of what will be needed, and the practical arrangements we are making to allow for rapid deployment of volunteers from across the public service.

Background

2. As background on ORHA and its importance to the UK, I enclose a copy of a minute sent by the Foreign Secretary to the Prime Minister on 15 April and the response from No. 10 of 17 April. In brief, the Prime Minister believes that our role in humanitarian aid and in the reconstruction of Iraq should be commensurate with our contribution to the military phase of the conflict. ORHA will play an essential role in ensuring that the military successes achieved by the Coalition are carried over into the post-war humanitarian and reconstruction effort, and the Prime Minister strongly agrees that we should increase significantly the level of political and practical support we provide.

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Sir Michael Jay KCMG

The Permanent Under Secretary of State

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www.fco.gov.uk

Sir Andrew Turnbull KCB CVO
Cabinet Secretary
Cabinet Office
70 Whitehall
London
SW1A 2AS



22 April 2003

Dear Andrew,

**IRAQ: UK SUPPORT FOR THE OFFICE FOR RECONSTRUCTION
AND HUMANITARIAN ASSISTANCE (ORHA)**

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Requirement

3. The immediate need now is for international advisers to support ORHA in its work with the existing Iraqi administration based in Baghdad. The goal is to support the rapid development of Iraqi capacity, and to enable ORHA to hand on responsibility to a newly created Iraqi Interim Authority as soon as possible. There may also be roles to be filled with ORHA's representation in the Iraqi regions.
4. As you will know from wide coverage in the media of the situation in Iraq, the humanitarian and reconstruction challenges are acute. So far, the only teams to be anywhere close to fully staffed are those which will be working with the Treasury and the Agriculture Ministry (the Australians have taken a lead on the latter). I am sure that the UK, with its internationally respected tradition of public service, is uniquely placed to play a leading role in the reconstruction of Iraq's ability to govern itself.
5. We are now in the process of defining the assistance we can provide. I attach a list of some initial priority areas, based on advice from UK secondees in ORHA – no more detailed assessment will be possible until ORHA is firmly established with the Iraqi ministries in Baghdad. The list is divided into three groups of priorities. But Ministers would like to see UK secondees coming forward from all three groups rather than treat them sequentially.
6. In all cases, those seconded will be entering a fast moving and uncertain environment. The situation in Iraq - and ORHA as an organisation - are evolving fast as events unfold. The key to a successful secondment will be enthusiasm, personal impact, resilience, flexibility and the ability to take a wide, top-down view of policy and priorities. The ability to deploy quickly is also essential: ideally, we want the first volunteers to reach Baghdad by around 5 May to allow them to help shape ORHA's work and approach from the start. We expect secondments to last between three and six months, depending on the requirements of ORHA and the Iraqi Ministry concerned.
7. I hope you will take a broad view in looking for volunteers. Besides offering to send officials from central Departments, you might consider suggesting secondment of officials on your books but not currently employed, or consultants with a successful record of working with your Department. I hope you will also consider drawing people from your wider pool of stakeholders – I would, for example, welcome volunteers from eg police authorities, quangos or NHS trusts.

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8. In all cases, enthusiasm and personal qualities are likely to be just as important as specific expertise. I would add that the challenges of working on the international effort in Iraq are likely to offer valuable developmental experience to people from any part of the public service.

Administrative arrangements

9. Departments should work on the basis that they will continue to bear salary costs for seconded officials. Discussions are continuing on how other costs (allowances, travel costs) should be met and how payment will be made.
10. Once inside Iraq, staff will become part of ORHA, and their accommodation, messing etc will be undertaken by the central ORHA structure provided by the US. Clearly, we will not deploy seconded staff until ORHA, including Major General Tim Cross, the deputy head provided by the UK, have confidence that it is safe to do so. Conditions in Iraq are likely to be austere, especially before the arrival of the logistic support to be provided by US contractors. These hardships will be compensated by an allowance package now being finalised by the FCO, based on provision being made for staff posted to the reopened British Embassy in Baghdad.
11. I would be grateful if colleagues could now set in hand urgent arrangements to identify possible volunteers for secondment. You have agreed that CVs should be sent in the first instance to John Barker in the Talent Directorate in the Cabinet Office, side copied to Dennis Leith in the Iraq Planning Unit in the FCO (dennis.leith@fco.gov.uk). They should be accompanied by a short note explaining why the applicant would like to be seconded to ORHA and what skills and experience he/she would bring. Those identified as suitable through a preliminary screening in London will be confirmed quickly with ORHA. In parallel, they will undertake the necessary vaccinations and other pre-deployment preparation. In view of the urgency, John Barker will be in touch with some Departments in the course of this week.
12. The Iraq Planning Unit, based in the FCO would be happy to answer any questions from potential secondees (please call Dennis Leith on 020 7008 4033 or Robert Chatterton Dickson on 020 7008 4216).
13. Copies go to Permanent Secretaries and Wednesday morning colleagues.

*Yours ever,
Michael Jay*

Michael Jay

PROVISIONAL ESTIMATE OF PRIORITY AREAS FOR UK ENGAGEMENT IN ORHA ASSISTANCE TO IRAQI MINISTRIES

Recommended Priorities

Priority One (must fill)

- **Defence and Security Sector Reform, and intelligence:** key Ministries in the development of post-Saddam Iraq. The US are providing the Senior Adviser and a team of c 85 officials. A Spanish General will serve as the Deputy Adviser.

MoD are already considering contributions to specific defence sector reform projects.

- **Interior / policing / justice / prisons:** ORHA estimate of

Funding has been agreed for provision of a UK prisons expert (William Irvine).

UK offered lead in 'cross-cutting group' on Internal Security.

Association of Chief Police Officers putting together scoping mission

MoD experts have visited Basra to advise on policing in the UK AOR

- **Oil ministry:** clear UK interest in involvement (commercial interest; major Iraqi oil installations in UK area of responsibility).

- **Infrastructure:** need for expertise in all the Ministries (Transport, Telecomms, Electricity, Water, Irrigation, Housing/Construction).

Important commercial dimension. Need focus on UK priority sectors

Recommendation from senior UK officers in ORHA that UK should focus on telecoms sector

Transport infrastructure also important: key Iraqi ports – Umm Qasr, Basra – are in the UK military Area of Responsibility

- **Baghdad Forum:** oversight and facilitation of international/NGO activity; shaping and influencing the international effort.

DfID have undertaken preliminary scoping visit

- **Central banking:** banking supervision and regulation; monetary policy (economists).

Priority two (should fill)

- **Finance Ministry:** Treasury "back office", accounting systems and auditing skills.

- **Ministry of Foreign Affairs:** Deputy Liaison / Adviser position probably open to us (Senior Adviser will be a US diplomat)

FCO (IPU) will submit separate advice to Ministers on this issue

- **Customs:** expertise needed in both systems and enforcement

- **Health systems:**

Long pre-1990 history of Iraqi co-operation with UK medical profession, including links with Royal Colleges.

Priority three (could fill)

- **Education**

Higher Education embraces Universities and scientific research (overlap with WMD programme). There is still no Senior Ministry Liaison / Adviser for this Ministry (possible opportunity for UK).

Primary education (DFID expertise widely respected)

British Council in direct contact with ORHA about possible contribution

- **Culture:** Museums, Archaeology, Heritage (British Museum, British School of Archaeology in Iraq etc?)

DCMS has provisionally identified team of five experts for early deployment.

- **Local government:** Currently under the Interior Ministry. Restructuring of central government administration of this area is likely to be necessary.

Possible UK support from Home Office, National Audit Office or local government associations?

- **Labour and Social Affairs**

Iraq Planning Unit
April 2003



PRIME MINISTER

Iraq: Office for Reconstruction and Humanitarian Assistance (ORHA) ^{md1-}

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1. The coalition needs to ensure ORHA is resourced to allow the military successes of Phase III to be carried into the humanitarian and reconstruction tasks of Phase IV.
2. Recommendation that we increase significantly the level of UK political and practical support to ORHA, including the secondment of significant numbers of staff in priority areas. In return, we want the US to sign up to transparency and joint decision-making. Our lawyers are working urgently with the Americans to concert positions on the legal basis for ORHA's activity, making clear that this is essential to our longer-term commitment.

DETAIL

ORHA

3. ORHA was established by the US Department of Defence to provide the transitional civilian authority for post-conflict Iraq, under coalition military control. It is currently poised in Kuwait, ready to deploy to Baghdad as the security situation permits, and began operating in southern Iraq on 8 April. The organisation is led by a retired US General, Jay Garner, who has previous humanitarian experience in northern Iraq and will assume the role of Interim Transitional Civilian Administrator. The current staff totals about 250, expected to rise to over 1000 after deployment into Iraq.

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4. The US intention is that ORHA will oversee the Phase IV humanitarian and reconstruction effort and restore normal functioning of Iraqi ministries and provinces, with the aim of a phased restoration of full control of government to the Iraqis themselves. In doing so, the US intend that it will work as far as possible with and through the existing Ministries in Baghdad. A team within ORHA will work on constitutional issues including setting up the Iraqi Interim Authority (IIA). The US also envisage the establishment of ORHA 'regional offices' in the provinces.

5. International support has so far been provided for ORHA from the UK (twelve officials seconded), Australia (six), Czech Republic (ten) and Japan (one). Other countries, including Spain and Romania, have agreed to send staff. More would be likely to follow if ORHA were to be brought under a UN mandate.

UK approach

6. Our own approach to ORHA has so far been cautious. We would have preferred a structure less closely tied to the Pentagon, and less subject to inter-agency politics in Washington. There are also significant legal questions. The Attorney General's minute to you of 26 March advised that in the absence of a further UN Security Council Resolution, ORHA will be bound by the restrictions on the authority of an occupying power provided by the Hague Regulations 1907 and Geneva Convention IV. The general principle is that an Occupying Power does not become the government of an occupied territory. While some changes to the legislative and administrative structures of Iraq may be permissible if they are necessary for security or public order reasons, or in order to further humanitarian objectives, more wide ranging reforms of governmental and administrative structures would not be lawful.

7. Against this background the support we have so far given to ORHA has been modest relative to our military contribution to the Coalition. Until 14 April, a UK Army officer, Major General Cross, had been serving as one of Garner's three

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deputies without formal appointment or public announcement. A total of twelve military and civilian officers have been seconded to ORHA in Kuwait and the Pentagon. Their role has been to influence and shape ORHA's thinking on the key Phase IV issues, and to ensure that information flows effectively from theatre to HMG, including on commercial opportunities.

Recommendation

8. With ORHA now likely to deploy quickly following the fall of Baghdad, the Ad Hoc Ministerial Group reviewed this position on 10 April. Our conclusion is that, whatever its shortcomings, ORHA will be the essential element in the ability of the Coalition to carry its military successes into the post conflict phase. The legal constraints are unlikely to be a problem in the first stage of ORHA's work, which will be focussed on immediate humanitarian and reconstruction needs, including the restoration of a functioning civil administration. Over time we can expect UN specialised agencies to take on more of the humanitarian work from ORHA.
9. I therefore recommend a step change increase in the resources and personnel we offer, combined with a clear public commitment to ORHA, linked to its role in delivering our Vision for the future of Iraq. The initial requirements are likely to include restoration of administrative capacity across the Iraqi government structure, including in security, central banking and finance, infrastructure, education, oil and health. We are working urgently to establish where we can best make a contribution and how this will be funded. We are in the process of providing extra media support to ORHA, who badly need a better presentational operation. As an initial step I made a public announcement of Major General Cross's position as a deputy in ORHA when I saw him and Garner in Kuwait on 14 April.
10. We now need an immediate effort across Government and with the private sector to get UK experts into the key Iraqi Ministries quickly. Patricia is

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particularly keen that we should appoint people to the economic ministries. I would be grateful for your support as we identify and deploy a wide range of people.

11. Peter is clear that we need an understanding with the US Administration that we would expect this level of support to be reflected in a formal commitment on their part to transparency and joint decision-making. This must include early work by US and UK lawyers to reach a shared understanding on the legal limitations on the scope of ORHA's work, and a process for resolving disputes in an MOU. This is in hand. State Department lawyers share our view, but there is an all too familiar inter-agency dispute going on within the Administration. Peter also believes it will be important for the UK to have a power of veto over ORHA's activities, particularly in areas of Iraq controlled by British forces.

12. We should be clear with the US at the outset that our continued participation in ORHA will depend on these limits being respected. We would need to reconsider our involvement if the US tried to use it to impose radical restructuring in the absence of UN authorisation.

13. I am copying this minute to the Chancellor of the Exchequer, the Secretaries of State for Defence, Trade and Industry and International Development, and the Attorney General. Copies also go to Sir David Manning (No 10), Sir Andrew Turnbull and Desmond Bowen (Cabinet Office).

Jonathan Sinclair

JS (JACK STRAW)

(Approved by the Foreign Secretary and
signed by the Private Secretary in his
absence overseas)

15 April 2003

Foreign and Commonwealth Office

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10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

Dear Simon,

IRAQ: ORHA

The Prime Minister was grateful for the Foreign Secretary's minute of 15 February.

The Prime Minister strongly agrees with the recommendation that we should increase significantly the level of UK political and practical support to ORHA, including the secondment of significant numbers of staff in priority areas. As a general rule, our role in humanitarian aid and in the reconstruction of Iraq should be commensurate with our contribution to the military phase of the conflict. We should seek to maximise our influence over ORHA. He is pleased that progress is being made on agreeing the legal basis of our involvement in ORHA. As he has said at Cabinet and at the Ad Hoc Ministerial meeting on Iraq on several occasions, he wants us to ensure that British officials are present and prominent at all levels of ORHA.

A number of conclusions flow from this policy:

- (a) **Identifying secondees.** We understand that the first UK secondees are likely to be needed in Iraq by the first weekend in May. The Prime Minister would therefore be grateful for a list from the FCO and DfID of which secondees they have identified from their departments, which slot each will fill, and when each will arrive in Iraq. He would also be grateful for a similar list from the Cabinet Office covering secondees from government departments other than FCO and DfID.
- (b) **Funding.** The Prime Minister believes that the funds made available to DfID from the reserve should be used to support activity within the ORHA structure, including the funding of officials from other government departments, subject to HMG retaining control over where the UK secondees

Donnick Chilcott, IPU

162897/05 cc: PS

PS/Mr O'Brien

D/PU

Peter Ricketts

Edward Chaplin

17 April 2003

William Elman

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work and the activities they carry out. The Prime Minister would be grateful for confirmation that the funding issues are resolved.

- (c) **ORHA regional office.** As discussed at this morning's Ad Hoc Ministerial Meeting on Iraq, the Prime Minister favours the UK leading one of ORHA's regional offices, unless the scoping study concludes that this is impossible. He would be grateful for an update.

All of the work commissioned above should reach me by noon on 25 April please, taking account of the 24 April meeting of the Ministerial Group on Iraq.

I am copying this letter to Anna Bewes (DfID), Peter Watkins (MOD), Mark Bowman (HMT), Erica Zimmer (DTI), David Brummell (Attorney General's Office), and Sir Andrew Turnbull and Desmond Bowen (Cabinet Office).

Yours,

A handwritten signature in dark ink, appearing to read 'Matthew Rycroft'.

MATTHEW RYCROFT

Simon McDonald
FCO

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