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D/Sec(O)/2/37

17 January 2003

**APS/Secretary of State**

**Copies:**

PS/Minister(AF)  
DPSO/CDS  
PS/PUS  
MA/DCDS(C)

DG Op Pol  
DMO  
Head Sec(I)  
Sec(O)4

**IRAQ: PHASE 4**

**Issue**

1. Official visit to Washington to discuss "day after" issues with the US.

**Recommendation**

2. Secretary of State will wish to note:
  - a. the intended scope of the meeting, and
  - b. that FCO officials are seeking the Foreign and Commonwealth Secretary's approval of the general line they propose to take in discussion.

**Timing**

3. Routine; but the team leaves on Tuesday.

**Detail**

4. SofS will recall that as part of the briefing provided to the Prime Minister earlier this week, reference was made to the importance of planning for the stabilisation and reconstruction tasks that will be necessary immediately following any military action. In this connection, it was pointed out that a team of UK officials, led by the FCO but with Cabinet Office and MOD representatives, would visit the US for talks next Wednesday with representatives of State, Pentagon and NSC on these issues. The Prime Minister indicated that he supported the need for detailed planning to take place, and asked for a report following the team's visit. The MOD representatives will be DG Op Pol and DMO. We understand that the Australians will also be invited.

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5. One key aim of the discussions will be to influence emerging US thinking on this issue. As is often the case, much of the running is being made by CENTCOM, which has set up a large military team to work up plans for Phase 4 of the campaign. The MOD are well plugged into this team through our PJHQ representatives at Tampa. But other issues will need resolution at higher level, not least the legal authority for what will amount to an army of occupation following any hostilities, and the extent to which the UN will be involved, both in mandating any stabilisation and reconstruction activities and in overseeing them.

6. The team will approach the talks on the basis of an annotated agenda which sets out the key themes that we believe need to be addressed. Officials, led by the FCO, have been working this agenda up over recent days. Unexpectedly, the FCO have just decided that they wish to seek the Foreign Secretary's approval for the general line they wish to take in discussion, and have submitted accordingly. A copy of this submission (which we have in hard copy only) will be circulated separately, but in brief it argues that we should be pressing the US to follow a UN, rather than a unilateral US-led route, in dealing with day-after issues. The FCO take the line that any unilateral US plan would lack international legitimacy, and that without an agreed coalition approach the legal basis on which our own forces might operate would be at best unclear and possibly unsafe.

7. There is some force in the argument that any administration for Iraq following conflict would need international legitimacy and UN approval. It is also in our interests to be clear about the legal basis of UK forces' involvement in post-conflict activities, and about their practicalities. DG Op Pol is therefore content to take part in the discussions on the basis of the FCO's submission to Mr Straw. It is likely that Mr Straw will be briefed to follow up the talks in his own discussions with Colin Powell, which will take place shortly afterwards, and the FCO will also seek to place the issue on the agenda for the Prime Minister's meeting with the President on 31 January. But the MOD team will be closely associated with the drafting of that advice. DG Op Pol will advise on his return from Washington whether Mr Hoon should raise the issue in his weekly telephone call to Mr Rumsfeld.

#### Presentation

8. The FCO have no intention of surfacing this work. If it leaked they would emphasise that it was simply prudent contingency planning

*[signed on CHOTS]*

**Stephen Pollard**  
Head, Sec(O)

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