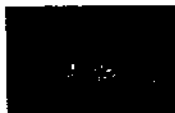




From: Anna Bewes
Private Secretary

Date: 6 March 2003

cc. PS/PUSS
PS/Suma Chakrabarti
Nicola Brewer
Carolyn Miller
Michael Mosselmans
Mark Lowcock



Special Advisers

Alistair Fernie

IRAQ UPDATE: 5 MARCH

The Secretary of State held a meeting on 5 March to discuss Iraq. The meeting was attended by Suma Chakrabarti, Nicola Brewer, Carolyn Miller,

and you. I

highlight below the key conclusions of the meeting.

Legality

2. The meeting agreed that legal advice appeared to be that without a covering UN mandate any work on reconstruction by external actors would be illegal. We had to underline this in our Whitehall discussions and discussions with No.10. This clearly indicated the need for more time, during which the UN role could be clarified.

3. On the basis of the above the Secretary of State concluded that without a clear UN mandate for reconstruction DFID could legally only fund or undertake humanitarian work. We would not undertake reconstruction work, nor fund others to do so. It was acknowledged that the Military would have a role following any conflict in fulfilling their humanitarian duty under the Geneva and Hague Conventions. The Secretary of State was clear that we could offer advice to the Military under these circumstances, but they would have to provide the funding themselves. You confirmed that the Whitehall understanding was that, if Military Commanders on the ground said such work was essential for their objectives, the MOD/Military should pay for the work out of their own budget.

4. It was agreed that the Department should seek clear legal advice on our duty and restrictions under UK and international law, including the question of whether international law superseded UK law or vice versa. This advice should also consider

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legal constraints on providing funding to NGOs whose work might go beyond the strictly humanitarian. Action: MENAD.

Resolutions

5. There was discussion about the possibilities of a 3rd Resolution, dealing with the Oil For Food Programme; and a 4th Resolution, dealing with UN authority and role post- conflict. The meeting agreed that we needed to raise the level of discussion on these issues now, in order to have a much clearer idea of any post conflict UN role before any action on the ground began.

Peter Troy's submission on funding for humanitarian agencies

6. The Secretary of State agreed the recommendations put forward in submission of 4 March, on the basis of the above understanding on DFID's role, and the legal framework for any DFID action. undertook to double-check our understanding of WHO's capabilities on the ground, and the decision to put funding through them. (Action: CHAD). The Secretary of State agreed the NGO funding on the understanding that as work progressed the funding would go through those NGOs and other organisations seen as most effective on the ground.

DFID preparation

7. The Secretary of State agreed that, even without any 2nd Resolution clearly authorising Military action, under which circumstances DFID would be working only through the UN and through NGOs, DFID would still need to have people on the ground to assess the situation and ensure that our funding was being allocated most effectively. She agreed that the necessary preparations could take place for this work, including training and vaccination of personnel. outlined the preparations to date. We aimed to have up to 30 people available for deployment on the ground, not necessarily all at the same time. Training was underway and the necessary protective clothing was under order.

Scope of DFID involvement

8. The Secretary of State agreed that we should move away from any expectation that DFID would undertake an "exemplary" role, or that we would focus exclusively on any one area. This decision was taken on the basis that there would be substantial need elsewhere in Iraq other than simply in the South East; that the extent of our involvement would not be clear for some time, as the different variables affecting it fell into place; and that we needed to avoid being so closely associated with one area that we were seen as the "donor of last resort", for all unfunded needs. However, we should make clear that, given the right UN mandate and authority, we would aim to work alongside the UK Military, as well as elsewhere, with others, as appropriate.

9. outlined possible areas in which DFID might become involved, under the right circumstances. Based on experience elsewhere, these might include water and sanitation; power to support water and sanitation and essential utilities, and quick impact projects by both the Military and by ourselves. The Department

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undertook to revert to the Secretary of State with an outline of proposed DFID involvement under different scenarios. Action: MENAD.

Funding needed

10. It was agreed that under circumstances where DFID would be involved in humanitarian work only, DFID's Contingency Reserve could be drawn upon. This might provide around £60-65 million. In the event that a wider DFID role was possible, should we be asked by No.10 or others how much funding DFID would need, we should mention an initial sum of £100 million.

6 March post-Cabinet meeting

11. The Secretary of State explained that she would use the post-Cabinet Iraq meeting to press the Prime Minister to carefully examine the legalities of different UK options; press the United States on the need for sufficient preparation before any conflict began; and consider what options were open for extending the period before any Resolution vote took place, or for putting forward a revised Resolution which would gain wider support.

12. The Secretary of State concluded the meeting by underlining her admiration and thanks for the substantial and excellent work that the Department had been doing to date.

PP

Anna Bewes
Private Secretary

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