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25 March 2003



Foreign &
Commonwealth
Office

London SW1A 2AH

Dear Matthew,

Prime Minister's Visit to Washington: Iraq:
UN Security Council Resolution on Phase IV

I enclose a negotiating brief on the proposed United Nations Security Council Resolution on Phase IV.

On this as on other Phase IV issues US thinking is far from settled. Our Embassy in Washington describes the inter-agency debate as bitter. Rumsfeld and DoD/OSD are in the driving seat; they resent on principle any suggestion that the UN should play a substantial role in post-conflict arrangements. Current US thinking on what a Resolution might contain is simply un-negotiable within the Security Council.

We need a Security Council Resolution setting out the role of the UN, the Coalition, the international community more widely, and the Iraqis in the post-conflict administration of Iraq. Without one:

- We could not get substantial IFI or other international funding for post-conflict reconstruction;
- It would be difficult to persuade others to contribute troops for post-conflict stabilisation;
- The Iraqi interim authority would lack credibility and legitimacy.

In short, no Security Council Resolution means that it will be much harder – and much more expensive – to put together a viable exit strategy that delivers our vision for Iraq and for the Iraqi people. If we are to make progress towards a Resolution that stands a chance of commanding support within the Security Council, we need President Bush to give a clear lead on the importance of this for Coalition objectives.

I am copying this to Peter Watkins (MOD) and Desmond Bowen (Cabinet Office).

Kara Owen

(Kara Owen)
Private Secretary

Matthew Rycroft Esq
10 Downing Street

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MR
C: JB
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IRAQ: PHASE IV: AUTHORISING UNSCR

1. The UK and US have been working for some months on the post-conflict arrangements for a transitional administration in Iraq. Important conceptual points remain outstanding. Getting these right will be key to the overall success of the mission.

First few weeks

2. Immediately after the conflict, the Coalition will be in control of Iraq.
3. As soon as it is safe to do so, Jay Garner and his Office of Reconstruction and Humanitarian Assistance (ORHA) will arrive behind the military and become a transitional administration. Their aim will be to work with the existing Iraqi public administration, so far as possible. Garner will then take forward the reconstruction process. His people will be inserted into the top of the Iraqi ministries, with senior US officials being assigned to each ministry as 'shadow ministers'. A number of Iraqi exiles are also being earmarked to work alongside the US officials in the ministries.
4. ORHA is understaffed and began preparing for its task only a few weeks ago. There are now some ten or so UK secondees embedded in it. Garner would like to be out of Iraq within 90-120 days. Whether ORHA will be able to get any reform programme started in that time is moot. This period is likely to be dominated by humanitarian and security concerns. And, although this does not bother the US much, it is most unlikely that there will be a Security Council resolution authorising ORHA's role, so the legal basis for reform and reconstruction would be in doubt too.

Transition from military rule to an international civilian transitional administration

5. Garner's outfit, working alongside the Coalition, may enjoy a brief honeymoon. But that won't last long if US/UK seem set on occupying and administering Iraq for more than a short period. It is therefore necessary to make interim arrangements for the post-conflict administration of Iraq that will be accepted by the Iraqi people and the Arab/Islamic world. They must enjoy the support too of the wider international community whose engagement is needed to share the financial burdens of reconstruction.
6. These arrangements require authorisation by a UNSCR in order to provide a legal basis for reconstruction and reform work. Without a UNSCR, other countries, international organisations, the IFIs, UN agencies and NGOs will be comparatively limited in what they can do, i.e. humanitarian rather than long term reconstruction/reform. (The UK will be in the same boat.) That would leave US/UK with no viable exit strategy from Iraq and a huge bill.

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US-UK work on transitional administration

7. There is US/UK **agreement** on a number of key principles, which is encouraging as far as it goes...

- (a) **For the first few weeks, the Coalition, through ORHA, will be responsible for the administration of Iraq.** ORHA will operate within a unified chain of command. This will be a period of military control, with the Coalition acting in accordance with International Humanitarian Law.
- (b) **The UN should not be asked to run Iraq.** Kofi Annan told Jeremy Greenstock that the UN does not have the capacity to administer Iraq. How far the UN could go on supporting the administration of Iraq would depend on how much assistance member states were prepared to give. The UN had considerable recent experience of building independent administrations.
- (c) The objective should be to get **UNSC authorisation or endorsement for an international presence that will include the UN**, not a UN operation as such. But the Security Council will not wear anything that approaches post-facto legitimisation of the coalition presence. That rules out the Security Council endorsing ORHA or any other aspect of the Coalition's administration.
- (d) For as long as they are needed, **Coalition, not UN, troops will provide security on the ground**, under Coalition, not UN, control. (Again, Kofi told Jeremy that this accorded with his views – the UN did not wish to take over the security sector.)
- (e) **As soon as possible, the Iraqis should begin to govern themselves again**, through the creation of an Iraqi interim authority, under appropriate supervision. (To that extent, arguments about whether the UN or the US should 'run' Iraq miss the point; it is the Iraqis who should run themselves with the international community in support.)

8. The task for Camp David is to build up from that level of agreement to a common approach on the next order of key issues on which there remain outstanding UK/US differences. These are...

- (a) The US want the UNSCR to endorse the transitional administration created by the Coalition military, ie ORHA. This would not get the Security Council's approval because the Russians, French and Germans won't give retrospective authorisation to the Coalition's military activity. The US have to accept that this is a fact of political life that flows from the circumstances in the UNSC in which the military action took place. In practice, this may not matter much, provided ORHA has a relatively short life and is confined to humanitarian/rehabilitation work.

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- (b) The early establishment of an Iraqi interim authority is, in principle, a good thing, which the Iraqis will want. But the Iraqis themselves must establish the IIA. Outside help for this should come from a neutral figure, ideally a UN Special Representative (or Co-ordinator). The US lean towards the opposite view. The DOD want to control the establishment of the IIA (so that Donald Rumsfeld can put his Iraqi exile friends into influential places). That is not a recipe for support from the Iraqi people.
 - (c) The IIA's role is also important. It needs to be independent of the Coalition/ORHA and have genuine executive authority if powers are to be transferred to it from them. The US text of an SCR envisages the IIA working under the supervision of the Coalition and limits its role to advising and assisting them. This is a real point of substance; the Coalition should not expect to have line management responsibility over the IIA. If anyone should perform that task (and there is a need for this), it should be the UN Special Co-ordinator.
 - (d) Some in the US are also tempted to arrogate to themselves charge of the direction of a trust fund for Iraqi oil and other revenues, which will be used for meeting the costs of their administration of Iraq as well as for reconstruction. Again, this will open them (and by association us) to criticism that they are reneging on their promise to devote the oil revenues exclusively to the Iraqis. Any such proposition has nil chance of passing the UNSC. Either the UN or the Iraqis themselves (perhaps with World Bank/IMF help) must be seen to be in control of Iraqi revenues - certainly not the Coalition.
 - (e) The US want the role of a UN Special Co-ordinator to be limited to 'co-ordination' with the international presence and the Iraqi interim authority. This is too minimalist. The UN Special Co-ordinator should be involved in the establishment and supervision of the IIA, as well as overseeing the UN's support to the Iraqi public administration.
9. Essentially, the US approach set out above (heavily influenced by the DOD/OSD who are in the driving seat in Washington) would amount to asking the UNSC to endorse Coalition military control over Iraq's transitional administration, its representative institutions and its revenues until such time as a fully-fledged Iraqi government is ready to take over. It would marginalise the role of a UN Special Co-ordinator. These ideas are a non-starter for the Security Council, would be denounced by most Iraqis and the wider Arab/Islamic world, and would not provide the stability needed to develop the new Iraq.

The way forward

10. So there is still some distance to go if we are to agree a way forward to avoid an inchoate start to phase IV. Skilful drafting of a resolution can help, as would the appointment by the UNSG of a Special Co-ordinator who commands

US confidence. But the points of substance require a serious rethink by the DOD if international support for phase IV is to be achieved. There needs to be more realism about what the Security Council would be willing to approve and what the Iraqis' reaction is likely to be and less insistence on US control during the transition.

11. It would be excellent if the PM and President Bush could agree to the following propositions:

- (a) For tactical reasons, we should not attempt retrospective UNSC authorisation of our military action. We don't need it as we are confident of the lawfulness of our action. That means we should not die in a ditch to get UNSC endorsement of ORHA's role.
- (b) We should approach phase IV work under the concept of unity of effort, not unity of command. We can't expect the Security Council to accept overt US/UK control of the civilian administration. Civil structures will have to be separate from, not subordinate to, the Coalition military.
- (c) As quickly as possible, we should aim to set up an Iraqi interim authority with genuine executive powers, not subordinate to the Coalition, which acquires responsibilities over time from the Coalition when it is ready to cede them to the IIA.
- (d) How we establish the IIA (eg via a Bonn-style conference in Baghdad) will be crucial. Whatever the mechanism, our role should be behind the scenes with the UN visibly out in front. We can still exercise plenty of influence that way.
- (e) The UN or the Iraqis, not the Coalition should manage oil revenues.
- (f) We should encourage Kofi Annan to appoint a UN Special Co-ordinator who would play an important role in facilitating the emergence of the Iraqi interim authority and in supervising, with a light touch, its decisions.

12. Clearly, getting the right figure as UN Special Co-ordinator will be very important. But a person of substance is unlikely to be attracted unless he or she has a substantial job to do.

13. It will also be necessary to draw up a handling plan for introducing the resolution in the UN Security Council. The signs, from the current OFF resolution discussions, are that any proposal emerging from the US/UK will arouse great suspicion. We should leave it to our missions in New York, as the experts on the spot, to work out the best means of introducing our ideas into the UNSC bloodstream, although action at high level in capitals will also be needed. Getting the UN Secretary General and the middle ground of the Council on-side will be key steps.

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... 14. The texts of the UK and US draft resolutions are attached.

Iraq Planning Unit
25 March 2003

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1/16 draft

IRAQ: PHASE IV
ELEMENTS FOR A POSSIBLE RESOLUTION

Recalling its previous relevant resolutions on the situation in Iraq,

Reaffirming the commitment of all Member States to the independence, territorial integrity and national unity of Iraq,

Reaffirming the importance of full disarmament of Iraqi weapons of mass destruction and ballistic missiles in accordance with its previous relevant resolutions,

Emphasising the inalienable right of the Iraqi people freely to determine their own political future and to determine the use and control of their own natural resources,

Recognising that new transitional civil administration arrangements have been made in Iraq and the need to build on the progress already achieved,

Recognising also the need for early restoration of reformed national and local institutions to carry out the basic services of government,

Emphasising also the importance of arranging a transfer of authority to a representative Iraqi government as soon as possible consistent with maintaining stability,

Emphasising the importance of national reconciliation, the protection of human rights and the rights of minorities in Iraq,

Emphasising that the focus of any international activity in Iraq should be to bolster and improve Iraqi capacity, relying on as limited an international presence as possible,

Welcoming the letter of [the coalition] to the Secretary General of [date] expressing the willingness to establish an international security presence for Iraq,

Recognising the urgent need to improve the humanitarian situation of the Iraqi people,

Determining that the situation in Iraq continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations:

International Security Presence

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1. Authorises Member States, acting under unified command to [provide] an international security presence in Iraq which shall have the following responsibilities:
 - a) Deterring renewed hostilities, and maintaining, and where necessary enforcing, a ceasefire with full respect for the need to protect civilians;
 - b) Establishing a secure environment in which refugees and displaced persons can return home in safety, and in which a civil administration can operate effectively and humanitarian aid can be delivered;
 - c) Ensuring public safety and order, with the assistance of the international police presence envisaged in paragraph 9 (g) below;
 - d) Supporting and co-ordinating de-mining and related activities;
 - e) Conducting border-monitoring duties as required;
 - f) Completing the task of disarming Iraq in a verifiable manner as required by resolution 687 (1991) and subsequent relevant resolutions in co-operation with UNMOVIC and the IAEA;
 - g) Ensuring, consistent with Iraq's legitimate defence requirements, the rapid disarmament and demobilisation of members of the Iraqi armed forces, and the reform of the internal and external security apparatus in Iraq so as to ensure proper transparency and accountability in all its functions;
 - h) Facilitating the operation of any other areas of the administration of Iraq necessary to fulfil the objectives in sub-paragraphs (a) to (g) above;
 - i) Facilitating the operation of any other areas of the administration of Iraq until such time as responsibility can be transferred to a functioning Iraqi Interim Council established in accordance with paragraph 3 below, and authorises the international security presence to use all necessary means to carry out its responsibilities;

UN Special Co-ordinator

2. Requests the Secretary-General to appoint, in consultation with the Member States mentioned in paragraph one above, a Special Co-ordinator for Iraq for an initial period of [12 months],

Iraqi Interim Council

3. Decides that the Special Co-ordinator, in consultation with the Member States mentioned above, shall [appoint] [supervise/facilitate a process leading to the appointment/emergence of] an Iraqi Interim Council comprising senior Iraqi officials, representatives of Iraqi regions and

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[relevant] minority groups, and other Iraqi nationals involved in leading efforts to re-build Iraq,

4. Decides that the Iraqi Interim Council shall have the following responsibilities;
 - a) carrying out executive functions transferred to it from the control of the international security presence, as soon as security conditions permit and to work with functioning Iraqi authorities to this end;
 - b) [convening] [appointing] a constituent assembly as soon as the necessary arrangements can be made, [including the holding of any relevant elections], to draw up a new constitution for Iraq;
 - c) appointing an independent Iraqi Judicial Council responsible for overseeing the administration of justice in Iraq;
 - d) issuing regulations necessary to amend existing Iraqi legislation or to implement decisions in areas under its control, provided that no objection is raised to those decisions by the UN Special Co-ordinator;

UN Assistance Mission for Iraq

5. Decides to establish a UN Assistance Mission for Iraq (UNAMI) under the supervision of the Special Co-ordinator [for an initial period of x months] which shall co-ordinate the work of United Nations agencies, non governmental organisations and other international organisations and work to the extent possible with functioning Iraqi authorities with the following aims:
 - a) support for and co-ordination of humanitarian and reconstruction assistance;
 - b) assuring the orderly and voluntary return of refugees and displaced persons;
 - c) supporting the reconstruction of key infrastructure, in co-operation with other international organisations;
 - d) supporting economic reconstruction and establishing the conditions for sustainable development, including through co-ordination with national and regional organisations, as appropriate, civil society, donors and the international financial institutions;
 - e) facilitating basic civilian administration functions where and as long as required and supporting international efforts on essential urgent reform of Iraqi administrative capacity;
 - f) protecting and promoting human rights.

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- g) supporting the restoration of an Iraqi civilian police force, including through capacity building where necessary and to this end assembling a [small] international police presence;
 - h) facilitating transitional justice and supporting international efforts to implement legal and judicial reform;
 - i) supporting the restoration of national and local institutions for representative governance, including any assistance necessary in connection with the provisions of paragraph 5 above;
 - j) co-operating with the international security presence and other international organisations in the de-mobilisation and re-integration of Iraqi military units;
6. Decides that UNAMI shall also provide advice to the Special Co-ordinator in exercising his responsibilities under paragraphs 3 & 5 above;
7. Decides that the Special Co-ordinator shall liaise closely with the international security presence over all aspects of his/her and UNAMI's functions in Iraq;

Oil

8. Reaffirms its decision in that the Oil for Food (OFF) programme should continue in accordance with its resolutions ... and requests the Special Co-ordinator to oversee its administration and, in consultation with [the World Bank] [the UN Secretary-General] to ensure the transparent and equitable use of Iraqi oil revenues;

Miscellaneous

9. Requests the Secretary-General to report to the Council every 6 months on UNAMI's operations;
10. Calls upon the Secretary-General to establish a trust fund for voluntary contributions to economic and social reconstruction of Iraq, and to the maintenance and operation of the security presence authorised in paragraph one above;
11. Decides to remain seized of the matter.

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RESOLUTION ON POST-CONFLICT INTERNATIONAL ADMINISTRATION
OF IRAQ

US draft

The Security Council,

Reaffirming the commitment of all Member States to the independence, territorial integrity, national unity and sovereignty of Iraq;

Reaffirming the importance of disarmament of Iraqi weapons of mass destruction and ballistic missiles in accordance with its previous relevant resolutions;

Emphasizing the need to assist the Iraqi people in building a new Iraq at peace with itself and its neighbors, including the need for transitional civil administration arrangements in order to further the development of representative institutions of government capable of meeting Iraq's international obligations and the aspirations of the Iraqi people for a secure, peaceful and normal life;

Welcoming the letter of the Coalition to the Secretary-General of [date] expressing its intention to establish an international presence in Iraq;

Determining that the situation in Iraq continues to constitute a threat to international peace and security;

Recognizing the urgent need to improve the humanitarian situation of the Iraqi people;

Acting under Chapter VII of the Charter of the United Nations;

To provide, on a temporary basis, for the security, humanitarian relief and basic civilian needs of the Iraqi people, to facilitate the development of representative Iraqi institutions, and to complete the task of bringing Iraq into compliance with its disarmament obligations;

1. *Appeals* to member states and interested organizations to assist the people of Iraq in their efforts to reform and rebuild their society and rejoin the international community;

UN SPECIAL COORDINATOR

2. *Requests* the Secretary-General to appoint, in consultation with Member States mentioned in paragraph 3 below, a Special Coordinator for Iraq whose responsibilities will include coordination among UN and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, coordination with the international presence and an Iraqi interim authority, and assisting the people of Iraq through;

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- (a) support for and coordination of humanitarian and reconstruction assistance;
- (b) support for the orderly and voluntary return of refugees and displaced persons;
- (c) supporting the reconstruction of key infrastructure, in cooperation with other international organizations;
- (d) supporting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors and the international financial institutions;
- (e) supporting international efforts to provide basic civilian administration functions;
- (f) promoting human rights;
- (g) supporting the capacity-building of the Iraqi civilian police force;
- (h) supporting international efforts to implement legal and judicial reform;
- (i) supporting the restoration and establishment of national and local institutions for representative governance;

INTERNATIONAL PRESENCE

3. *Endorses* the establishment by Member States of an international presence in Iraq, acting under the unified command arrangements specified in the letter of the Coalition to the Secretary-General of [date], with all necessary means to provide for security in and the transitional administration of Iraq, including by:

- (a) Deterring renewed hostilities;
- (b) Maintaining the territorial integrity of Iraq and securing Iraq's borders;
- (c) Securing, and removing, disabling, rendering harmless, eliminating or destroying, with appropriate support from UNMOVIC and the IAEA:
 - (i) all of Iraq's weapons of mass destruction, ballistic missiles, unmanned aerial vehicles and all other chemical, biological and nuclear delivery systems,
 - (ii) all elements of Iraq's programs to research, develop, design, manufacture, produce, support, assemble, and employ the weapons and delivery systems listed in paragraph (3)(c)(i), and subsystems and components thereof, including but not limited to stocks of chemical and biological agent, nuclear-weapon-usable material, other related materials, technology, equipment, facilities and intellectual property that have been used in these programs;

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- (d) In coordination with relevant international organizations, providing for the safe and unimpeded return of refugees and displaced persons to their homes in Iraq;
- (e) Maintaining civil law and order, including through the deployment of international police personnel to serve in Iraq and through a reconstituted Iraqi police;
- (f) Eliminating all terrorist infrastructure and resources within Iraq and ensuring that terrorists and terrorist groups are denied safe haven;
- (g) Supporting and coordinating de-mining and related activities;
- (h) Promoting accountability for crimes and atrocities committed by the previous Iraqi regime;
- (i) Assuming immediate control of those Iraqi institutions of government responsible for military and security matters in order to provide for the demilitarization, demobilization, control, command, reformation and reorganization of those institutions and of the Iraqi armed and security forces so as to create new Iraqi armed and security forces that no longer pose a threat to international peace and security but that will be capable of ensuring Iraq's sovereignty and territorial integrity;
- (j) Performing other functions necessary for the administration of Iraq, including by establishing and overseeing the development of representative institutions of government, including the establishment of an Iraqi interim authority, providing for the responsible administration of the Iraqi financial sector, and providing for the economic reconstruction, operation and repair of Iraq's infrastructure, and transferring administrative responsibilities to an interim Iraqi authority or other reformed or newly-established institutions of government, as it deems appropriate.

IRAQI INTERIM AUTHORITY

4. *Endorses* the establishment by Member States, acting through the international presence and in consultation with the United Nations Special Coordinator, of an Iraqi interim authority to advise and assist the international presence during the period of interim administration, and to assist in the development of representative institutions of government capable of meeting Iraq's international obligations and the aspirations of the Iraqi people for a secure, peaceful and normal life and full integration into the life of the international community.

COOPERATION BY MEMBER STATES AND OTHERS

5. *Calls upon* Member States, UNMOVIC, the IAEA, UNIKOM and other international and regional organizations to cooperate fully with, and *requests* that they contribute to, the international presence in the implementation of this resolution including

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the verification of Iraq's full disarmament and requests periodic reports to the Council in this regard.

REMOVAL OF SANCTIONS

6. *Decides* that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778, shall no longer apply;

7. *Decides* further that the prohibitions related to the sale and supply to Iraq of arms and related materiel established by resolutions 661 and subsequent relevant resolutions shall not apply to the international presence;

ESTABLISHMENT OF IRAQI RECONSTRUCTION TRUST

Option 1: UN Escrow Account

8. *Requests* the Secretary-General to establish an Iraqi Reconstruction Trust in order to provide for the humanitarian relief and other needs of the Iraqi people, and to appoint independent and public accountants to audit it, and to keep the Security Council fully informed of its operations;

9. *Decides* that the funds in the Iraqi Reconstruction Trust shall be used at the direction of the international presence to meet the humanitarian needs of the Iraqi population, the economic reconstruction and repair of Iraq's infrastructure, the continued disarmament of Iraq, the costs of civilian administration, for the continued funding of the compensation fund established by resolution 687 (1991), to meet the costs to the United Nations of its activities associated with implementation of this resolution, and such other purposes as may be necessary for the implementation of this resolution;

Option 2: IP Account in Central Bank in Baghdad:

8bis. *Decides* that there will be established an Iraqi Reconstruction Trust to be held by the Central Bank of Iraq, in order to provide for the humanitarian relief and other needs of the Iraqi people, to be audited by independent and public accountants, and whose operations would be monitored by the Special Coordinator, who would report on its activities regularly to the Security Council;

9bis. *Decides* further that the funds in the Iraqi Reconstruction Trust shall be used at the direction of the international presence to meet the humanitarian needs of the Iraqi people, the economic reconstruction and repair of Iraq's infrastructure, the continued disarmament of Iraq, the costs of civilian administration, for the continued funding of the compensation fund established by resolution 687 (1991), to meet the costs to the United Nations of its activities associated with implementation of this resolution, [and such other purposes as may be necessary for the implementation of this resolution, until the Security

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Council decides, in consultations with Iraqi authorities, that these arrangements should be modified or ended.

Option 3: Coalition-controlled Foundation:

8tre. *Welcomes* the establishment of International Foundation for the Reconstruction of Iraq by interested Member States, under the arrangements noted in their letter to the Secretary-General of [date], to address the needs of the people of Iraq.

9tre. *Decides* that the funds in the International Foundation for the Reconstruction of Iraq shall be used at the direction of the international presence to meet the humanitarian needs of the Iraqi population, the economic reconstruction and repair of Iraq's infrastructure, the continued disarmament of Iraq, the costs of civilian administration, for the continued funding of the compensation fund established by resolution 687 (1991) in accordance with a new allocation percentage of [], to meet the costs to the United Nations of its activities associated with implementation of this resolution, and such other purposes as may be necessary for the implementation of this resolution;

[For all options:]

10. *Decides* that the [Iraqi Reconstruction Trust/International Foundation for the Reconstruction of Iraq] shall enjoy the privileges and immunities of the United Nations;

11. *Urges* all States to contribute funds to the [Iraqi Reconstruction Trust/International Foundation for the Reconstruction of Iraq] in order to meet the urgent needs of the Iraqi population;

TERMINATION/UNWINDING OFF PROGRAM

12. *Requests* the Secretary-General to continue the exercise of his authorities under resolution XXXX [humanitarian resolution] as necessary to ensure the delivery of civilian goods under contracts approved by the 661 Committee pursuant to paragraphs 8(a) and (b) of resolution 986 (1995) or as necessary to fulfill other commitments made pursuant to that resolution;

13. *Decides* that all funds remaining in the escrow account established pursuant to resolution 986 (1995) that have not been allocated to finance the export of goods to Iraq under paragraph 8(a) or (b) of that resolution, and that have not been committed by the Secretary-General pursuant to his authorities under resolution XXXX [humanitarian resolution] as of the date of the adoption of this resolution, shall be transferred promptly to the [Iraqi Reconstruction Trust/International Foundation for the Reconstruction of Iraq] in order to provide for the urgent needs of the Iraqi people;

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NEW OIL REVENUES

14. *Decides* that all sales of Iraqi petroleum, petroleum products and natural gas following the date of the adoption of this resolution shall be made consistent with prevailing international market practices, and all proceeds from such sales shall be deposited into the [Iraqi Reconstruction Trust/International Foundation for the Reconstruction of Iraq];

15. *Further decides* that petroleum and petroleum products subject to this resolution shall, while under Iraqi title, be immune from legal proceedings and not be subject to any form of attachment, garnishment, or execution, and that all states shall take any steps that may be necessary under their respective domestic legal systems to assure this protection and to assure that the proceeds of the sale are not diverted from the purposes laid down in this resolution;

OTHER PROVISIONS

Transfer of Iraqi Assets

16. *Decides* that all States in which there are funds and other financial assets or economic resources of the Government of Iraq or its state bodies, corporations, or agencies, including funds and other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein and senior other officials of the former Iraqi regime, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, shall, to the extent authorized under national law, freeze without delay and immediately cause the transfer of those funds and other financial assets or economic resources to the [Iraqi Reconstruction Trust/International Foundation for the Reconstruction of Iraq];

Contribution to economic/social reconstruction:

17. *Urges* all Member States and international organizations to contribute to the economic and social reconstruction of Iraq as well as to the safe return of refugees and displaced persons;

Trigger for termination/modification:

18. *Decides* that the international presence will exercise the responsibilities stated in this resolution for an initial period of 12 months from the date of the adoption of this resolution, and will as necessary continue thereafter unless the Security Council decides otherwise;

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Reporting Requirements:

19. *Requests* the Special Coordinator to report to the Council at regular intervals on his work with respect to the implementation of this resolution, the first report to be submitted within [] days of the adoption of this resolution;

20. *Decides* to remain seized of this matter.

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