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PRIME MINISTER

Iraq: ORHA

4. The Attorney's initial reaction is that if we make formal appointments, then the risk of the United Kingdom being jointly responsible for *all* ORHA's actions increases (including in the 75%-80% of Iraq which will be under US and not UK de facto control).

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5. To avoid this, we would need, in my view:

- i) a Memorandum of Understanding between the US and UK in which we specify full consultation and joint decision-making in advance of policy decisions about ORHA's activities.
- ii) clarity about the role of the UN (the greater this is, the more the other anxieties about ORHA could fall away).

6. I attach a draft MOU.

7. I should emphasise that the Attorney said that he could not advise definitively on this issue without a little more time and being able to see some paperwork. A copy of this minute goes to him.

JACK STRAW

Foreign and Commonwealth Office

7 April 2003

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Annex E

Draft Memorandum of Understanding between the UK and US on ORHA

In the immediate aftermath of the conflict, the Coalition will aim to provide a secure environment in which humanitarian relief and the rehabilitation of essential services will be taken forward. In order to do this, the Coalition has created the Office of Reconstruction and Humanitarian Assistance (ORHA). The British Government supports these aims, which are obligations under international humanitarian law, and has appointed a number of serving British officials and military officers to work in ORHA.

The US and British Governments reaffirm their commitment at all time to act fully within international law. To that end, they have agreed that there should be full consultation (and joint decision-making) in advance of policy decisions about ORHA's activities. The British Government has confirmed its readiness to appoint Major General Tim Cross as one of Mr Jay Garner's deputies within ORHA.