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FM HQ COALITION PROVISIONAL AUTH BAGHDAD
TO RUEKJCS/SECDEF WASHINGTON DC
RUEHC/SECSTATE WASHINGTON DC
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
INFO RUCNDT/USMISSION US UN NEW YORK NY
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SECTION 1 OF 2

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SUBJ: THE FUNDAMENTAL LAW, SECURITY AGREEMENTS AND THE TRANSFER OF GOVERNANCE AUTHORITY

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MSGID/GENADMIN/CPA HQ/0353//
SUBJ/THE FUNDAMENTAL LAW//
GENTEXT/REMARKS/

~~CONFIDENTIAL/REL TO UK, AUS~~
PROG: 10 DECEMBER 2003

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DRAFTED: (b)(6)

AUTHORIZED: PPREMER

CLEARED: ESCASTLE, SCARPENTER, (b)(6) RJONES

FROM: HEADQUARTERS COALITION PROVISIONAL AUTHORITY
TO: SECDEF WASHDC
SECSTATE WASHDC
NSC WASHDC
INFO: USUN NEW YORK

~~CONFIDENTIAL/REL TO UK, AUS HQ CPA 0353~~

E.O.: 12958: 12/09/13

TAGS: PREL, FGOV, IZ

SUBJECT: THE FUNDAMENTAL LAW, SECURITY AGREEMENTS AND THE TRANSFER OF GOVERNANCE AUTHORITY

CLASSIFIED BY AMBASSADOR JONES FOR REASONS 1.5 (B AND D)

1. (C/REL TO UK, AUS) SUMMARY. BASED ON THE SCHEDULE SET FORTH IN THE NOVEMBER 15 AGREEMENT BETWEEN THE CPA AND THE IRAQI GOVERNING

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COUNCIL (GC), THE FUNDAMENTAL LAW, THE SECURITY AGREEMENT(S) AND AN INSTRUMENT FINALLY TRANSFERRING GOVERNANCE AUTHORITY TO AND

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RECOGNIZING THE FULL SOVEREIGNTY OF THE TRANSITIONAL IRAQI ADMINISTRATION WILL BE NEGOTIATED IN THE COMING MONTHS. THIS CABLE SETS FORTH CONSIDERATIONS THAT SHOULD BE TAKEN INTO ACCOUNT DURING THIS PROCESS. (b)(5)

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END SUMMARY.

--FUNDAMENTAL LAW AND SECURITY AGREEMENT(S)

2. (C/REL TO UK, AUS) BASED ON THE NOVEMBER 15 AGREEMENT, THE FUNDAMENTAL LAW AND SECURITY AGREEMENT(S) ARE TO BE PREPARED AND EXECUTED AT THE OUTSET OF THE TRANSITION PROCESS. DRAFTING OF THE FUNDAMENTAL LAW AND APPROVAL BY THE CPA AND THE GC IS TO BE COMPLETE BY FEBRUARY 28. THE SECURITY AGREEMENT(S) ARE SCHEDULED TO BE FINALLY APPROVED BY MARCH 31, 2004. THE FUNDAMENTAL LAW WILL, INTER

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ALIA: (1) ENSHRINE THE BASIC PRINCIPLES OF FUNDAMENTAL LIBERTIES AND DEMOCRACY; (2) SET THE STRUCTURE AND PROCESS FOR ELECTING AND APPOINTING BOTH THE TRANSITIONAL NATIONAL ASSEMBLY AND THE TRANSITIONAL NATIONAL ADMINISTRATION (TNA); (3) OUTLINE HOW THE TRANSITIONAL NATIONAL ASSEMBLY AND TRANSITIONAL NATIONAL ADMINISTRATION WILL GOVERN IRAQ; AND (4) ADOPT BASIC PRINCIPLES OF FEDERALISM IN DEFINING THE RELATIONSHIP AMONG THE NATIONAL GOVERNMENT AND THE GOVERNORATE AND LOCAL LEVELS OF GOVERNMENT. (b)(5)

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(b)(5) (3) ACQUISITION AND CROSS-SERVICING AGREEMENTS; (4) PROTECTION OF U.S. FORCES FROM THE INTERNATIONAL CRIMINAL COURT; AND (5) NON-PROLIFERATION COMMITMENTS. (b)(5)

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(b)(5)

5. ~~(C/UK TO UK, AUS)~~ FOLLOWING EXECUTION OF THE FUNDAMENTAL LAW AND SECURITY AGREEMENT(S), A TRANSITIONAL NATIONAL ASSEMBLY WILL BE SELECTED ON MAY 31, 2004, AND THE ASSEMBLY WILL ELECT A TNA SOMETIME IN JUNE 2004. ONCE A TNA IS ELECTED AND OPERATIONAL, THE CPA WILL TRANSFER ALL REMAINING GOVERNMENTAL AUTHORITY TO IT, THEREBY ENDING THE OCCUPATION (ON OR ABOUT JUNE 30, 2004).

--JUNE 30 DOCUMENTS

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--A NEW UNSCR

9. ~~(C/NEL TO UK, ADD)~~ A UNITED NATIONS SECURITY RESOLUTION, INVOKING

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CHAPTER VII OF THE U.N. CHARTER, COULD CLARIFY THE LEGAL EFFECT OF
THE FUNDAMENTAL LAW AND THE SECURITY AGREEMENT(S). (b)(5)

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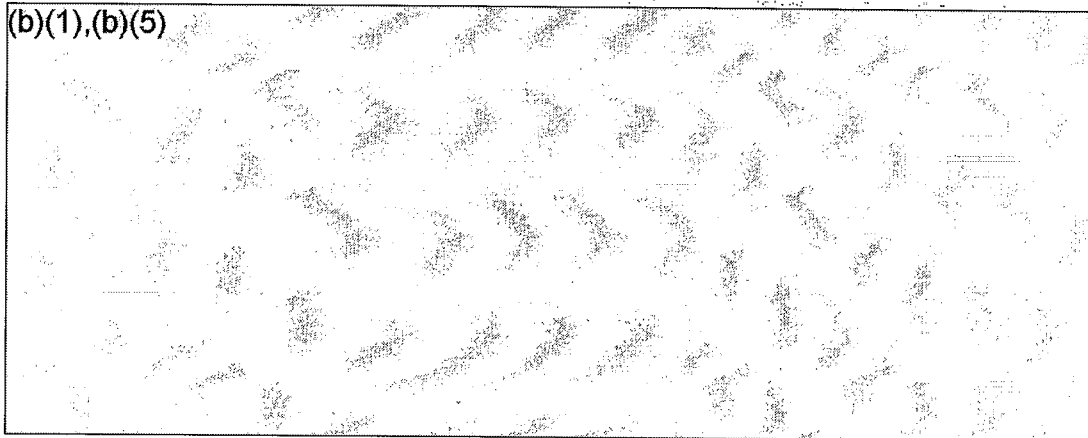
--COMMENT

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