

JE HAS SEEN

EXECUTIVE SECRETARIAT	
COALITION PROVISIONAL AUTHORITY	
Jessica LeFroy	DATE: 31-Oct-03

FOR: THE ADMINISTRATOR

ORIGINATOR: ExecSec

RE: Draft Protecting Power Agreement between Iraq and Bahrain re Consular services to Iraqi citizens.

Susan Johnson is concerned that the Iraqis are proceeding without CPA input with a letter of their own to the Bahrainis on this issue. She spoke with Zebaris' COS, Hariri, last night to emphasize the need for coordination so it can be done correctly and easily. Steve Koutsis is tracking the issue until November 8 while Susan is away.

Draft is attached (b)(6) in OGC is our POC, and is aware of the issue.

From Susan Hanson - sent directly by email, attached *JR* 031031-09

DRAFT

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Agreement Governing the Operation of the Iraqi Mission to the United States  
under the Auspices of the Protecting Power Agreement between  
the Government of Bahrain and the Governing Council of the Republic of Iraq

**Role of the Protecting Power:** Whereas the United States of America and the Republic of Iraq do not currently have diplomatic relations, the Government of Bahrain has agreed to act as Iraq's Protecting Power to facilitate the provision of consular services to Iraqi citizens and official communication between the United States and Iraq.

**Entry in Force:** The provisions contained in this agreement will enter in force upon the exchange of diplomatic notes between the Department of State and the Embassy of Bahrain confirming both parties' mutual desire to enter into the arrangement described herein. Simultaneous delivery of a diplomatic note to the Embassy of the Republic of Algeria shall confirm the termination of the protecting power agreement that previously governed official relations between the United States and Iraq.

**Iraqi Mission to the United States:** The Iraqi entity operating under the Protecting Power agreement will be known as the "Iraqi Mission to the United States" (hereafter referred to as the "Iraqi Mission"). Consistent with standard practice governing such arrangements, the Iraqi Mission will operate as a part of the Embassy of Bahrain. It will be physically located in the former Iraqi chancery building at 1801 P St. NW.

The Iraqi mission will be entitled to fly the Iraqi flag; send and receive official correspondence to and from Baghdad or other Iraqi diplomatic missions via diplomatic pouch under its seal; and send encrypted communications to and from Baghdad.

**Activities of the Iraqi Mission:** The activities of the Iraqi Mission will be confined to:

- Providing consular services consistent with those enumerated in the Vienna Convention on Consular Relations to Iraqi nationals legally present in the United States.
- Providing travel information and, if necessary, travel documentation to citizens of the United States planning to travel to Iraq.
- Receiving and delivering official communications between the United States and Iraq.
- Publicly representing, under the authority of the Iraqi Ministry of Foreign Affairs, the official positions of the Governing Council of Iraq, or any successor entity that reflects the evolution of political institutions in Iraq toward a legitimate, internationally recognized government as contemplated by UN Security Council Resolution 1511.
- The Iraqi Mission shall undertake no activities beyond those cited above without written authorization of the Department of State. Any request for such authorization should be directed to the State Department's Office of Northern Gulf Affairs.

**Iraqi Official Staff:** The Iraqi Ministry of Foreign Affairs will be permitted to staff the Iraqi Mission with Iraqi officials who shall be notified to the Department of State as members of the Diplomatic Mission of Bahrain.

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There will be no numerical limitation on the number of Iraqi staff assigned to the Iraqi Mission.

Credentials for official staff, including ID cards, tax exemption cards, and vehicle license plates shall be provided by the State Department's Office of Protocol and Office of Foreign Missions through the Embassy of Bahrain.

New staff will be notified to the State Department by the Embassy of Bahrain. Individuals proposed for duty at the Iraqi Mission must be acceptable to the Government of the United States.

Official staff members will enjoy appropriate privileges and immunities, and be subject to obligations in accordance with applicable provisions of international law.

Officials on temporary, short-term assignment to the Iraqi Mission may be accorded diplomatic privileges and immunities at the discretion of the Department of State. Under the auspices of this agreement, the Department of State may also accord diplomatic privileges and immunities, including diplomatic visas, to visiting Iraqi officials of sufficient rank and stature.

**Principal Officer:** The official title of the principal officer of the Iraq Mission will be "Iraqi Representative to the United States". He or she may be referred to as "Ambassador" if the Iraqi Ministry of Foreign Affairs has conferred that rank on him or her. For protocol purposes, he or she will be equivalent to a Chargé d'Affairs.

**Support Staff:** The Iraqi Mission may employ as support staff (hereafter referred to as local employees) on United States Citizens or other individuals whose immigration status permits both extended residence and employment in the United States.

All local employees must be notified in writing to the State Department Office of Protocol in accordance with established procedure. Hiring or discharge of local staff must be notified to the Department of State within 48 hours of effective date.

There are no numerical limitations on the number of local employees that may be employed by the Iraqi Mission.

**Property:** The former chancery of Iraq, located at 1801 P St. NW, together with the property and archives located therein, will be under the custody of the Government of Bahrain.

Vehicles and other property under the custody of the former protecting power, the Government of Algeria, will pass into the custody of the Government of Bahrain. Any additional vehicles acquired for use by the Iraqi Mission will similarly pass into the custody of the Government of Bahrain. The disposition of such vehicles, including arrangements for the registration and operation thereof, will be the responsibility of the

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Embassy of Bahrain. The State Department Office of Foreign Missions will cooperate with the Embassy of Bahrain regarding such arrangements.

Any communication regarding Iraqi Mission property, including maintenance of building and grounds and all matters pertaining to vehicles, should be conducted between the Embassy of Bahrain and the State Department Office of Foreign Missions in consultation with appropriate administrative officials at the Iraqi Mission.

The former residence of the Iraqi Ambassador will pass from the custody of the State Department Office of Foreign Missions to the Embassy of Bahrain for use by the Iraqi Representative at such time that all parties agree that the Iraqi Mission has the intention and capability to bring the property into compliance with relevant District of Columbia housing codes.

**Financial Operations:** There shall be no restrictions or otherwise non-standard controls placed on the financial activities of the Iraqi Mission.

**Official Travel:** There shall be no restrictions placed on travel by official staff of the Iraqi Mission or their families.

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