August 10, 2003

FOR:

THE GOVERNING COUNCIL

FROM:

THE ADMINISTRATOR, Ambassador Paul Bremer III

SUBJECT:

Alternative Proposal for Foreign Investment

At the request of the Governing Council, I have consulted with my economic experts and their ministry counterparts to develop an alternative proposal for foreign investment. As you will see from the summary below, this proposal is less ambitious and narrows the scope for the involvement of foreign investors considerably.

#### Summary of Alternative Investment Proposal

- Under this modified proposal, foreign investment (as described in my earlier proposal) is not allowed in Iraq's economy for two years, except where specified below.
- Foreign investors will be allowed to invest immediately under the terms and conditions of this modified proposal if they can demonstrate that their investment will have a prompt and substantial economic impact in Iraq.
- 3. The determination of prompt and substantial economic impact will be made by the screening committee (the Iraqi Investment Committee or IIC) established under my earlier proposal. The screening process for such investors would be the same as described earlier, except that the criteria for considering a proposed investment would be as set forth in paragraph 4 below.
- 4. The determination of prompt and substantial economic impact will be based upon:
  - a. The relationship of the money invested to the total direct and indirect economic impact of the proposed investment. Of particular, but not exclusive, interest is the creation of jobs in Iraq, direct or indirect.
  - A very substantial economic impact may in itself be the basis of a decision to allow an investment.
  - How soon the proposed investment and related economic impact will occur will also be considered.
- 5. Prospective investors who wish to file for early application and authorization to invest under the earlier proposal shall be entitled to do so. However, such investors shall not be entitled to begin that investment in Iraq until that proposal becomes effective (as stated in paragraph 1 above, in two years).

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#### INFO MEMO

April 17, 2004

FOR:

THE ADMINISTRATOR

FROM:

Office of General Counsel

SUBJECT:

Talking Points on Authority to Expel Journalists from Iraq

- Under Article 49 of Geneva Convention IV, the CPA is absolutely prohibited from expelling Iraqi nationals.
- Journalists, Iraqi or foreign, who violate the law can be prosecuted in Iraqi courts.
- Foreign journalists that incite to violence may be expelled by the Administrator.
  - o The Occupying Authority has a responsibility to maintain order. This can be used as a legal justification for the expulsion of foreign journalists who incite violence. Some due process must be provided.
  - o If the person has a permit to enter Iraq, as required by CPA Order Number 16, the permit can be revoked. NOTE: MOI has not instituted an effective program to issue permits.
    - If the person's presence in Iraq is or would be a risk to the safety or good order of the Iraqi Community, that is grounds for revocation.
    - There is a right to apply to the Ministry of Interior for review of the revocation.
  - o If the person does not have a permit to enter Iraq, then they are in Iraq illegally. In this case Iraqi law authorizes the expulsion of the person, but does not specify a procedure for the expulsion.
  - The Administrator can thus order the expulsion of foreign journalists. The action need only be reasonable, i.e., not arbitrary or capricious. We recommend instituting some form of minimal review such as permitting the person to submit a written statement regarding the order to leave and having a panel review the matter and make a recommendation to the Administrator.

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#### INFO MEMO

April 17, 2004

FOR:

THE ADMINISTRATOR

FROM:

Office of General Counsel

SUBJECT:

Authority to Expel Journalists from Iraq

This memorandum provides a legal analysis of the CPA's power to expel journalists from Iraq. Although an Occupation Authority's powers to expel individuals are extensive, they are constrained by the Geneva Conventions.

- Under Article 49 of the 4th Geneva Convention, the CPA is absolutely prohibited from
  expelling Iraqi nationals. It should be noted, however, if the conduct of the journalist,
  Iraqi or foreign, violates a criminal law, such as incitement to violence, the journalist
  would be subject to criminal prosecution by Iraqi criminal courts.
- Under CPA Order Number 16, Temporary Control of Iraqi Borders, foreign journalists
  entering Iraq would be classified as "persons who require permits granting entry into
  Iraq."
  - o Pursuant to Section 9(c), authorized officers (Coalition personnel and Iraqi officials) designated by the CPA to perform border services may revoke a person's permit to be in Iraq if "the presence of the person in Iraq is, or would be, a risk to the health, safety or good order of the Iraqi community."
  - Thus, if a journalist has a permit and an authorized officer determines the
    journalist's presence is or would be a risk to the safety or good order of the Iraqi
    community, the journalist's permit may be revoked.
  - O Under Section 17.1, a person who had his permit revoked would have the right to apply in writing to the Ministry of Interior for a review of the decision. Within seven days of receipt of the application, the Ministry of Interior is required to review the decision and notify the applicant of the determination.
  - However, it does not appear the Ministry of Interior has implemented an effective
    method for issuing permits. Thus, a large number of foreigners have been
    allowed to enter and remain in Iraq without permits. A journalist who has entered
    Iraq without a permit would have technically entered Iraq illegally.

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- Article 43 of the Hague Convention creates a positive obligation on the part of the
  occupying power to respect the local law unless absolutely prevented. Thus, if
  Iraqi law prohibits illegal entry and provides for the expulsion of those who
  violate that law, the Occupying Power is bound to respect those laws.
- O Under Article 14 of Law Number 118 of 1979, the Governors of governorates near the border and Directors General of the Nationality Offices for any other governorates can order a person who has illegally entered Iraq to leave. As set forth in CPA Regulation Number 1, the Administrator has the authority to exercise this power as the person exercising all executive, legislative, and judicial authority necessary to achieve the objectives of the CPA.
- o Iraqi law does not specify any procedure or give a person ordered to leave any right of review. Therefore, the Administrator's action in expelling a foreign journalist would be measured against a reasonableness standard. So long as his actions are not arbitrary or capricious, they would be permitted. While not required under Iraqi law, it would be advisable to permit the illegal entrant to submit a written statement regarding the matter much as Order 16 envisions for a person whose permit has been revoked. A panel might then review the individual's claims and make recommendations to the Administrator for his final decision.
- Journalists, both foreign and domestic, would be considered "protected persons" under the 4th Geneva Convention. Article 49 does not, in general, permit the transference or deportation of protected persons. This Article, however, must be interpreted in the historical context of its creation as well as in a manner consistent with the other provisions of the Convention.
  - o The ICRC Commentary and other sources make clear that Article 49 was intended to prohibit actions similar to the mass deportations practiced by Nazi Germany in World War II. "These mass transfers took place for the greatest possible variety of reasons, mainly as a consequence of the formation of a forced labour service." The provision was, in effect, a codification of an established customary international law principle which concerned the forcible deportation of whole populations or segments for demographic and political objectives. (Schwarzenberg pp. 227-232) There is no evidence that Article 49 was ever intended to constrain an Occupying Power's authority to expel those who enter the occupied territory and commit illegal acts such as incitement. In fact there would be a positive obligation on the Occupying Power to attempt to prevent unhindered illegal entry in accord with its obligations as custodian of the State and in relation to its responsibility for public order.
  - O Article 43 of the Hague Convention of 1907 creates an affirmative obligation on the part of the Occupying Power to restore and ensure public order. The Israeli Supreme Court found in the Abu Awad case that Article 49 of GCIV "does not reduce the obligation of the Occupying Power to tend to the preservation of public order in the administered territory as dictated by Article 43 of the Hague



Convention of 1907, nor does it [reduce] its right to employ measures necessary to preserve its own security."

 Thus, by expelling a foreign journalist who incites violence the CPA would be acting consistent with its responsibility under international law to enforce existing lraqi law and to ensure public order and security.

#### Summary:

- Iraqi national journalists may not be expelled, but are subject to criminal prosecution for incitement to violence.
- A foreign national journalist with a permit to enter lraq may have the permit revoked in accordance with CPA Order Number 16.
- A foreign national journalist without a permit to enter Iraq is in the country illegally, may
  be expelled in accordance with Iraqi law, and should be afforded minimal right of review.

ATTACHMENTS: None

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#### **ACTION MEMO**

June 14, 2004

POR:

THE ADMINISTRATOR

THROUGH:

THE DEPUTY ADMINISTRATOR

FROM:

Office of General Counse

SUBJECT:

Delegation to Sign the Joint Statement regarding the Ukrainian Prisoners

This memorandum seeks your approval of the enclosed delegation regarding the transfer of Ukrainian prisoners to serve the remainder of their sentences in Ukraine. The CPA and the Government of Ukrainian reached consensus on the text of the Joint Statement that provides for the transfer of the Ukrainian prisoners. The Joint Statement:

- Adopts the transfer procedures in the Convention on the Transfer of Sentenced Persons;
- Includes an assurance to the CPA from the Government of Ukraine that it has the legal authority to imprison Mr. Mazurenko and Mr. Soshehenko for the full length of their sentences in Ukraine;
- States that the Government of Ukraine "intends to keep Mr. Mazurenko and Mr. Soshchenko imprisoned for the full length of their remaining sentences"; and
- Notes that the Government of Ukraine gave "guarantees to observe legislation of the Republic of Iraq on detention of imprisoned persons" in a May 8th diplomatic note to the CPA.

While the Joint Statement is not binding, it offers the new Iraqi government a relatively clear political commitment that it will imprison these Ukrainians for the full length of their sentences. In addition, we intend to have a senior Iraqi official, the Director General of Prisons, witness the signing of the Joint Statement. His presence and signature may slow Ukrainian efforts to reduce the sentence. In addition, both Minister of Justice Malik Dohan al-Hassan and Court of Cassation Presiding Judge Medhatt have been briefed on the transfer.

The delegation authorizes Ambassador Jones to sign the Joint Statement on your behalf.

**RECOMMENDATION:** That the Administrator approve the Joint Statement and sign the delegation of authority to Ambassador Jones.

14.1.		•
Approvo: 46(15	Disapprove:	Approve with modification:

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ATTACHMENTS: Tab A - Delegation of Authority Tab B - Draft Joint Statement

Tab C - Consent Letters signed by the Ukrainian Citizens

COORDINATION: MoJ/R. Fitzgerald – (ok)
MFA/Amb, Glover – (has seen)
Prison Ops/C. Ryan – (info)



June 15, 2004

#### **DELEGATION OF AUTHORITY**

TO: Ambassador Richard H. Jones

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and under the laws and usages of war, and consistent with the relevant U.N. Security Council resolutions, including Resolutions 1483 and 1511 (2003), I hereby delegate to you my full authority and power to sign on behalf of the CPA the Joint Statement on the Transfer of Two Ukrainian Citizens Sentenced in Iraq to Serve Their Sentences in Ukraine with the Government of Ukraine. Once signed by you, the Joint Statement shall have the same force and effect under applicable law as if signed by myself.

This delegation shall take effect from the date of my signature.

L. Paul Bremer II Administrator

## JOINT STATEMENT ON THE TRANSFER OF TWO UKRAINIAN CITIZENS SENTENCED IN IRAQ TO SERVE THEIR SENTENCES IN UKRAINE

The Coalition Provisional Authority (the "CPA") and the Government of Ukraine (the "GOU"),

Recognizing that it is desirable in some cases for foreigners who are deprived of their liberty as a result of their commission of a criminal offense in Iraq to be given the opportunity to serve their sentences within their own society;

Recognizing also the decision of the Central Criminal Court of Iraq in the cases of Ukrainian citizens Mr. M. Mazurenko and Mr. I. Soshchenko who have been sentenced as set forth in Annex B:

Acknowledging the GOU has given "guarantees to observe legislation of the Republic of Iraq on detention of imprisoned persons" in its diplomatic note, NO. 6165/22-25, dated May 8, 2004:

Taking note of the humanitarian considerations in the cases of Mr. M. Mazurenko and Mr. I. Soshchenko, including the medical condition that afflicts Mr. M. Mazurenko; and

Taking note of Ukraine's important role in the Coalition that removed the previous regime and is now working with the Iraqi people to reconstruct and revitalize Iraq;

#### Declare as follows:

- 1. The CPA intends to transfer Ukrainian citizens Mr. Mazurenko and Mr. Soshchenko, both of whom are currently serving sentences at Abu Ghraib prison in Iraq, to the territory of Ukraine in order to serve the sentences imposed on them. The GOU confirms that the acts for which Mr. Mazurenko and Mr. Soshchenko were convicted constitute criminal offenses according to the law of Ukraine or would constitute criminal offenses if committed on Ukrainian territory. The Ukrainian Court intends to make a decision to confirm the sentence pronounced by the Central Criminal Court of Iraq in this case following the requirements of the effective Ukrainian legislation. The GOU intends to confine Mr. Mazurenko and Mr. Soshchenko in a penal institution set up by law for this purpose. The CPA intends to terminate enforcement of both sentences immediately upon transfer of the two men to Ukraine.
- Mr. Mazurenko and Mr. Soshchenko have both consented voluntarily and in writing to their transfer to Ukraine and such consents are attached hereto as Annex A.
- 3. The GOU assures the CPA that it has the legal authority to imprison Mr. Mazurenko and Mr. Soshchenko for the full length of their sentences in Ukraine. The GOU intends to keep Mr. Mazurenko and Mr. Soshchenko imprisoned for the full length of their remaining sentences, as set forth in Annex B.

4. For the purposes of this Joint Statement, the CPA and the GOU intend to use the provisions of the Convention on the Transfer of Sentenced Persons, signed on March 21, 1983, in particular, in the part on conditions and mechanism of transfer of sentenced persons - mutatis mutandis - except if a particular provision conflicts with this Joint Statement.

Made in Baghdad on June 15, 2004 in three copies.

FOR THE COALITION PROVISIONAL **AUTHORITY:** 

FOR THE GOVERNMENT OF UKRAINE:

Name: Ambassador Richard H. Jones

Title: Deputy Administrator and

Chief Policy Officer

Name: Ambassador Anatoliy Oliynyk

Title: Chargé d'Affaires

Witnessed by:

Name: Ra'ad Khalif

Title: Director General, Iraqi Corrections Service

#### ANNEX A

To Whom It May Concern:

I am a citizen of Ukraine. I understand that the Government of Ukraine has requested on my behalf that I be transferred to Ukraine for the purposes of serving the remainder of my sentence within the territory of Ukraine.

I have been given a draft Joint Statement between the Coalition Provisional Authority and the Government of the Ukrains that would facilitate this transfer. That draft and an unofficial translation thereof (provided by the Government of Ukraine) is attached to this latter. I have had an opportunity to read and review this Joint Statement.

I consent to this transfer to serve my sentence in Ukraino freely and voluntarily and with full knowledge of the legal consequences thereof.

Signed,

M. Mazurenko

Date: June _	, 2004
	-
Witnessed by	<b>r</b> :
	•
Name:	
Title:	

#### ANNEXA

To Whom It May Concern:

I am a citizen of Ukraine. I understand that the Government of Ukraine has requested on my behalf that I be transferred to Ukraine for the purposes of serving the remainder of my sentence within the territory of Ukraine.

I have been given a draft Joint Statement between the Coalition Provisional Authority and the Government of the Ukraine that would facilitate this transfer. That draft and an unofficial translation thereof (provided by the Government of Ukraine) is attached to this letter. I have had an opportunity to read and review this Joint Statement.

I consent to this transfer to serve my sentence in Ukraine freely and voluntarily and with full knowledge of the legal consequences thereof.

Signed,

1. Soshchenko

Date: June, 2004					
Witnessed	by:				
Name: Title:	•				

#### ANNEX B

(Consistant with the terms of the 1983 Convention on the Transfer of Sentenced Persons)

Mr. M. Mazuzenko and Mr. I. Soshchenko were convicted for crimes under Iraqi law and convicted in the Central Criminal Court of Iraq.

Mr. Mazurenko was sentenced to serve seven years in prison and was fined U.S. \$2,450,000. If he falls to pay the fine, he must serve an additional 3 years and six months in prison. He has been detained since August 16, 2003 – 10 months as of the end of June 15, 2004. If he does not pay the fine, he has, as of June 16, 2004, 9 years and 8 months of his prison sentence left to serve. If he does pay the fine, he has, as of June 16, 2004, 6 years 2 months of his prison sentence left to serve.

Mr. Souhchenko was sentenced to serve seven years in prison and was fined U.S. \$2,450,000. If he fails to pay the fine, he must serve an additional 3 years and six months in prison. He has been detained since August 16, 2003 ~ 10 months as of the end of June 15, 2004. If he does not pay the fine, he has, as of June 16, 2004, 9 years and 8 months of his prison sentence left to serve. If he does pay the fine, he has, as of June 16, 2004, 6 years 2 months of his prison sentence left to serve.

Signed,

Ra'ad Khalif Director General Iraqi Corrections Service

#### Додаток А

Всім, кого це стосусться:

Я, громадянии України, усвідомлюю, що Уряд України від мого імені попросив моєї передачі з піллю відбування решти строку мого покарання на території України.

Мені був наданий проект Спільної заяви між Коаліційною тимчасовою адміністрацією та Урядом України, яка сприятиме цій передачі. Цей проект, а також його пеофіційний переклад (наданий Урядом України), додається до цього листа. У мене була можливість прочитати та ознайомитись з цією Спільною заявою.

Я даю згоду на що передачу відбуваги покарання в Україні вільно та добровільно, повиїстю усвідомлюючи її юридичні наслідки.

TABC

М.Мазуренко 13 № 6 ».

Дата: Вчервня 2004 року

Засвідчено:

INTE MARK Spend Cos, ADVISO

Mocana: Au Exical with DEN

RUCLEY POISON COMPLEX

#### Подяток А

#### Всім, кого це стосується:

Я, громадянии України, усвідомлюю, що Уряд України від мого імені попросна моєї передачі з ціллю відбування решти строку мого покарання на території України.

Мені був наданий проєкт Спільної заяви між Ковліційною тимчасовою адміністрацією та Урядом України, яка сприятиме цій передачі. Цей проєкт, а також його неофіційний переклад (наданий Урядом України), додається до цього листа. У мене була можливість прочитати та ознайомитись з цією Спільною заявою.

Я двю эгоду на дю передачу відбувати покарання в Україні вільно та добровільно, повністю усвідомлюючи її юридичні наслідки.

Підпис

I. Соценко 13. D6, 2004;

Дата: \_\_\_ червия 2004 року

Засвідчено:

Посала:

PUSOTA PRISON COMPLET



# COALITION PROVISIONAL AUTHORITY 040516-22 BAGHDAD

LPB HAS SEEN

#### **ACTION MEMO**

May 16, 2004

FOR:

THE ADMINISTRATOR

FROM:

Jennifer Johnson, Senior Advisor

Ministry of Displacement and Migration

SUBJECT:

Expanded return of Iraqis from Iran

The United Nations High Commissioner for Refugees (UNHCR) proposes allowing the facilitated voluntary return of Iraqi refugees from Iran through the Haj Omeran border crossing in Erbil Governorate. The Ministry of Displacement and Migration and the Kurdistan Regional Government (KRG) authorities support this proposal. The Senior Advisor's Office seeks the approval of the Administrator for this proposal.

- To date 5,000 Iraqis have returned from Iran through UNHCR's facilitated voluntary return program. In this program 800 persons return from Iran per week, in two weekly convoys, only through the Shalemshah border crossing, near Basra.
- An estimated 65,000 Iraqis have returned from Iran spontaneously. For the vast majority their movement is not registered or documented.
- According to UNHCR, Iraqi refugees in Iran are increasingly interested in returning to Iraq
  through facilitated measures that provide transportation to Iraq, onward transportation once
  in Iraq, and UNHCR documentation that is recognized by authorities in Iraq, which allow for
  access to public services (such as health care and the public distribution system).

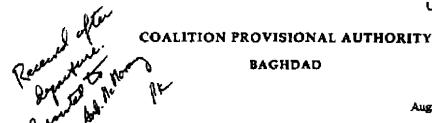
UNHCR Proposal: In cooperation with an international non-governmental organization (NGO), UNHCR will facilitate two weekly convoys through the Haj Omeran border crossing in Erbil. Convoys will go to a transit center in Iraq where returnees will be given food and cash for transport to their final destinations. This will be for people only returning to KRG-administered areas in Sulimaniyah, Erbil and Dohuk. An estimated maximum of 8,000 persons will be returned through this plan, to the end of 2004. This border point is open and Iraqis are already returning spontaneously through here - this will simply allow for facilitated voluntary returns through this location. CPA North, the Ministry of Displacement and Migration and the Kurdistan Regional Government have agreed to this plan. UNHCR has not requested security for the movements but the KRG MOI will likely require vetting the names before return.

RECOMMENDATION: That the Administrator approves the UNHCR proposal described above, to allow facilitated refugee returns from Iran through Haj Omeran in Erbil.

Disapprove: Approve with modification:

COORDINATION: MFA/Marc Sievers - OK

MOI/William Ring - OK CPA North/Stacy Gilbert - OK



August 25, 2003

MEMORANDUM FOR ALL DIRECTORS

ALL SENIOR ADVISORS TO THE MINISTRIES

FROM: The Administrator

SUBJECT: De-Ba'ath Policy Regarding Former POWs

In implementation of CPA Action Memorandum, subject as above, dated August 13, 2003, and pursuant to my authority as Administrator of the CPA, relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and the laws and usages of war, I hereby delegate to the Interim Ministers and Senior Advisors to Ministries the authority to grant an exception to CPA Order No. 1, De-Baathification of Iraqi Society (16 May 2003), section 1, paragraphs 2 and 3, as applicable, in order to permit the continued public employment or re-employment of certain Iraqi civil servants currently or recently employed within their respective ministries, who were promoted to the rank of 'Udw Firqah' in the Baath Party because of their status as former Prisoners of War (POW).

The authority delegated herein shall be exercised in accordance with the following terms and conditions:

- Exceptions to the cited provisions of CPA Order No. 1 may be granted only to a current or recently discharged Iraqi civil servant who was:
  - a) held as a POW by Iran during the period September 4, 1980 through June I, 2003;
  - b) released and repatriated to Iraq by Iran after being held in that status; and
  - c) granted 'Udw Firqah' status following his or her release and repatriation to Iraq and because of his or her status as a former POW.
- 2) An Iraqi civil servant's eligibility for an exception under this delegation of authority may be established through official documentation issued by the International Committee of the Red Cross, or other independent organization or government organization.

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- 3) If the Senior Ministry Advisordetermines that credible information establishes that an Iraqi civil servant who seeks or has been granted an exception under this delegation of authority was promoted to the rank of 'Udw Firqah for reasons other than his or her status as a former POW, or that his or her involvement in the Baath Party was incompatible with continued service as a civil servant, the Senior Ministry Advisor may deny or at any time rescind an exception for that individual In making this determination, the Senior Ministry Advisor may refer the information to the Iraqi De-Ba'athification Council (IDC) established under CPA Memorandum No. 1, Implementation of De-Baathification Order No. 1 (16 May 2003), for review and recommendation as to appropriate disposition.
- 4) Applications for exceptions under this delegation of authority, and the disposition of such applications, shall be maintained in writing by the ministries concerned. The Governance Director shall be advised, in writing, of all applications granted or subsequently rescinded under this delegation.
- The authority delegated herein shall be exercised by Senior Ministry Advisors in coordination with interim Iraqi Ministers.

This delegation shall become effective on the date of signature. It is an interim measure, pending the IDC's assumption of full responsibility for administering the CPA's De-Ba'athification policy, and shall remain in offect until rescinded in writing by me.



#### **ACTION MEMO**

February 25, 2004

FOR:

THE ADMINISTRATOR

FROM:

SUBJECT:

Delegation of Authority to Hire Counsel for Iraq in Tort Litigation

The attached Delegation Of Authority for the Administrator's signature (Tab 1) delegates authority to the interim Minister of Health to hire attorneys to represent Iraq in a tort suit involving tainted blood.

- · There is a long-standing claim by Iraq and individual traqi citizens arising from tainted blood that was allegedly sold in Iraq by French pharmaceuticals.
- The Ministry of Health (MOH) has been in contact with the Philadelphia law firm of Bochetto Lentz, P.C., with a view toward retaining that firm to file a tort suit in the United States on behalf of Iraq for funds disbursed in aid of the victims of the tainted blood and on behalf of individual victims.
- A contract for legal services has been proposed and we are working with MOH on finalizing this retention agreement.
- Because the matter has long been handled by the MOH, the Interim Minister of Health should be the signatory.

We will seek to insure that coordination is achieved in handling the case between the MOH and the Legal Department of the Ministry of Justice, which is responsible for management of international litigation under CPA Order Number 32.

RECOMMENDATION: Sign the attached delegation authorizing the interim Minister of Health to hire attorneys in the blood litigation case.

Disapprove:

Approve with modification:

ATTACHMENT: DELEGATION OF AUTHORITY

COORDINATION: Ministry of Health - Mr. Haveman, OK

Ministry of Justice - Mr. Schmultz (OK)

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#### **DELEGATION OF AUTHORITY**

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant UN Security Council resolutions, including Resolutions 1483 and 1511 (2003), I hereby authorize Dr. Khudair Abbas, Minister of Health, to sign, on behalf of the CPA and the Ministry of Health a contract for legal services between the CPA and the state of Iraq and the attorneys representing the Ministry of Health in the case of IRAQ MINISTRY OF HEALTH v. AVENTIS PASTEUR et al.

The authority delegated herein may not be further delegated. This delegation shall become effective on the date of signature, and shall apply only to the execution of the above-referenced contract for legal services in the case at issue.

L. Paul Bremer III Administrator

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#### COALITION PROVISIONAL AUTHORITY BAGHDAD, IRAQ

#### Action Memorandum

15 June 2003

TO:

Administrator, CPA

FROM:

Office of General Counsel

SUBJECT:

Delegations of Authority to Use Seized Iraqi Funds

Enclosed for your signature are three delegations of authority that will (1) permit division- and brigade-level commanders to use seized Iraqi funds for urgent humanitarian relief and reconstruction projects in their areas of operation; (2) extend that authority to Regional Directors, in amounts equivalent to those prescribed for division-level commanders; and (3) enable the CPA Program Review Board (PRB) and Regional Directors to carry out the CPA's \$100 million Construction Initiative for Iraq.

- In a memorandum dated April 30, 2003, the President confirmed the authority of the Secretary of Defense to seize, sell, administer, or use state- or regime-owned cash, funds, or realizable securities in Iraq. The President specified that the seized property may be used only to assist the Iraqi people and support the reconstruction of Iraq (enclosure 1).
- On May 29, 2003, the Deputy Secretary of Defense delegated to you the authority to use seized Iraqi property for the same purposes (enclosure 2).
- The three proposed memoranda at enclosures 3, 4 and 5 redelegate this authority as necessary to carry out the following CPA programs:
  - -- Commanders' Emergency Response Program. Enables brigade- and division-level commanders to spend seized funds for urgent humanitarian relief and reconstruction projects within their areas of responsibility, in respective amounts that may not exceed \$500,000 and \$200,000 at any one time, and subject to respective per-project limits of \$100,000 and \$50,000.
  - -- Regional Directors' Emergency Response Program. Provides the CPA's four Regional Directors with the same authority conferred under the Commanders' Emergency Response Program, in amounts equivalent to those assigned to division-level commanders.
  - -- Construction Initiative for Iraq. Authorizes CPA's North, South and South Central Regional Directors to spend up to \$15 million each in construction Projects, subject to per-project limit of \$100,000, and authorizing CPA's PRB to



approve construction projects in excess of \$100,000, and all other projects carried out under the Construction Initiative for Iraq.

ACTION REQUESTED: That the Administrator sign the attached delegations of authority.

COORDINATION: Chief of Staff ; Peter McPherson ; Ms. Sherri Kraham

15 June 2003

#### MEMORANDUM FOR COMMANDER OF COALITION FORCES

SUBJECT: Commanders' Emergency Response Program

I hereby redelegate to you certain authority vested in me pursuant to Deputy Secretary of Defense Memorandum, subject: Certain State- or Regime-Owned Property in Iraq, dated May 29, 2003. Specifically, you are hereby authorized to take all actions necessary to operate a Commanders' Emergency Response Program. This Program will enable commanders to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility, by carrying out programs that will immediately assist the Iraqi people and support the reconstruction of Iraq. Under the Program:

- (a) Individual division-level commanders may expend seized funds in a total amount not to exceed \$500,000 per commander, provided that the amount of individual transactions carried out by each division-level commander shall not exceed \$100,000 per transaction; and
- (b) Individual brigade-level commanders may expend seized funds in a total amount not to exceed \$200,000 per commander, provided that the amount of individual transactions carried out by each brigade-level commander shall not exceed \$50,000 per transaction.
- (c) As funds are expended by division- and brigade-level commanders in accordance with subparagraphs (a) and (b) above, the funds may be replenished in like amounts not to exceed the limits specified in those subparagraphs.
- (d) Division- and brigade-level commanders shall document programs on the Program Review Board's Funding Request Form (PRB 01), and submit completed forms to the CPA PRB Program Coordinator.

This authority may be exercised in a total aggregate amount not to exceed \$10,000,000; may not be redelegated, and shall be exercised in accordance with the terms and conditions set forth in the above-referenced Deputy Secretary of Defense Memorandum and such other instructions as the CPA may prescribe. The authority previously delegated to you under CPA Memorandum, subject: Certain State- or Regime-Owned Property in Iraq, dated 3 June 2003, is hereby rescinded.

L Paul Bremer, Administrator Coalition Provisional Authority

15 June 2003

#### MEMORANDUM FOR REGIONAL DIRECTORS

SUBJECT: Regional Directors' Emergency Response Program

I hereby redelegate to the Coalition Provisional Authority (CPA) Regional Directors of Iraq certain authority vested in me pursuant to Deputy Secretary of Defense Memorandum, subject: Certain State- or Regime-Owned Property in Iraq, dated May 29, 2003. Office of Reconstruction and Humanitarian Assistance (ORHA) Memorandum, subject: Region Level Quick Impact Projects, dated 19 May 2003, is hereby rescinded.

Specifically, each Regional Directors is hereby authorized to take all actions necessary to operate a Regional Directors' Emergency Response Program, in order to assist the Iraqi people and support the reconstruction of Iraq, provided that:

- (a) Each Regional Director may expend seized funds in an amount not to exceed \$500,000; and
- (b) The amount of individual projects carried out by a Regional Director shall not exceed \$100,000 per project; provided further, that per project authority in excess of \$100,000 may be granted upon advance request.
- (c) As funds are expended by a Regional Director in accordance with subparagraphs (a) and (b) above, like amounts may be replenished up to the monetary limits specified in those subparagraphs for each Regional Director.
- (d) Regional Directors shall document all expenditures on CPA Program Review Board's Funding Request Form (PRB) Form 01, and submit completed forms to the CPA PRB Program Coordinator.

The authority delegated herein is separate and distinct from the authority delegated to the Regional Directors under CPA Memorandum, subject: Construction Initiative for Iraq, dated 15 June 2003. The authority delegated herein may be exercised in a total aggregate amount not be exceed \$7,000,000; may not be redelegated; and shall be exercised in accordance with the terms and conditions set forth in the above-referenced Deputy Secretary of Defense Memorandum and other procedures the CPA may prescribe.

L. Paul Bremes, Administrator Coalition Provisional Authority

15 June 2003

#### MEMORANDUM FOR CHAIRMAN, PROGRAM REVIEW BOARD REGIONAL DIRECTORS

SUBJECT: Construction Initiative for Iraq

I hereby redelegate to the Coalition Provisional Authority (CPA) Program Review Board (PRB) and the Regional Directors for Iraq's North, South and South Central Regions certain authority vested in me by Deputy Secretary of Defense Memorandum, subject: Certain State- or Regime-Owned Property in Iraq, dated May 29, 2003.

The CPA PRB shall review and is hereby authorized to approve all projects carried out under the Local Projects Element of the Construction Initiative for Iraq that exceed \$100,000, and all other projects under the Construction Initiative for Iraq, in a total aggregate amount not to exceed \$100,000,000.

Each of the above-named Regional Directors is hereby authorized to take all actions necessary to operate the Local Projects Element of the Construction Initiative for Iraq, in a total amount not to exceed \$45,000,000, in order to assist the Iraqi people and support the reconstruction of Iraq, provided that each Regional Director:

- (a) may expend seized funds in an amount not to exceed \$15,000,000; and
- (b) may approve projects with a cost of \$100,000 or less, and shall submit project proposals with a cost over \$100,000 to the CPA PRB for approval;
- (c) shall carry out projects under this Initiative in coordination with CPA or Coulition Forces engineering elements available to provide technical advice and support in the Regional Director's area of operations; and
- (d) shall document programs on CPA PRB Funding Request Form (PRB 01), and submit completed forms to the CPA PRB Program Coordinator.

The authority delegated herein may not be redelegated, and shall be exercised in accordance with the above-referenced Deputy Secretary of Defense Memorandum and such other procedures as the CPA may prescribe.

L. Paul Bremer, Administrator Coalition Provisional Authority

1 6/16/03

#### 1010 DEFENSE PENTAGON WASHINGTON, DC 20301-1010



### MEMORANDUM FOR ADMINISTRATOR OF THE COALITION PROVISIONAL AUTHORITY

SUBJECT: Certain State- or Regime-Owned Property in Iraq

I hereby delegate to you the authority confirmed in the attached memorandum from the President, subject as above, dated April 30, 2003, regarding the seizure, sale, administration, or use of state or regime-owned property in Iraq.

Property taken under U.S. control under this delegation shall be held on behalf of and for the benefit of the Iraqi people, and shall be used only to assist the Iraqi people and support the reconstruction of Iraq. You may redelegate this authority in writing, and assign such duties and responsibilities in writing to other Department of Defense (DoD) officials as you deem necessary, and shall consider the feasibility of contracting out administrative functions related to your exercise of this authority, as appropriate and authorized by law.

The authority delegated herein shall be exercised in accordance with DoD procedures developed in consultation with the Department of the Treasury, the Department of State, and the Office of Management and Budget. These procedures shall ensure that all property subject to this delegation is appropriately accounted for, audited, and used only for the purposes specified herein. Under these procedures, DoD officials remain responsible for property under their control until the property is disbursed to recipients or to a non-DoD entity for distribution to recipients in accordance with safeguards that ensure the property will be (1) secured at all times; (2) used only for purposes authorized by law; (3) provided only to recipients who are entitled to such payments; and (4) subjected to appropriate accounting and auditing controls.

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This delegation of authority shall expire 1 year following the date of this memorandum.

Attachment:

cc: Chairman, Joint Chiefs of Staff

U07602 /03

#### THE WHITE HOUSE WASHINGTON

Acril 30, 2003

#### HANGELEGISCH POL TER BECKERNEY OF DEFENCE

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Contain State- or Regime-Duned Property in Trut

Proposest to my authority under the Constitution as Generally in third of the Arms Person, and consistent with the Arthorization for Use of Military Person Against Young Secolution of 1962 [Public Law 197-243], I hereby confirm your authority to extracte all powers, consistent with the laws and usages of war, related to the ecistre, sale, edizintration, or use of state—or regimeroused costs, funds, or realizable councities in Iroq. Property ecised, eald, or advisistanted under this memorandum shall be used only to assist the Iraqi people and support the reconstruction of Iraq, and such uses shall be consistent with the laws and usages of war.

You are directed, is consultation with the Secretary of the Treasury, the Secretary of State, and the Director of the Office of Research and Respect, to prescribe prescured to constrate that all property subject to this constraint is appropriately accounted for, sudited, and used only for the purposes specified herein.

Mething in any prior Emerative Order shall be conserved to limit the emphasizy hereix confirmed, and mething in this remorandom shall be construed to limit enthorities that U.S. Arend Porces may scherwise emerates under the laws and usages of the.

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### COALITION PROVISIONAL AUTHORITY BAGHDAD, IRAQ

#### Action Memorandum

15 June 2003

TO:

Administrator, CPA

FROM:

Office of General Counsel

SUBJECT:

Delegations of Authority to Use Seized Iraqi Funds

Enclosed for your signature are three delegations of authority that will (1) permit division- and brigade-level commanders to use seized Iraqi funds for urgent humanitarian relief and reconstruction projects in their areas of operation; (2) extend that authority to Regional Directors, in amounts equivalent to those prescribed for division-level commanders; and (3) enable the CPA Program Review Board (PRB) and Regional Directors to carry out the CPA's \$100 million Construction Initiative for Iraq.

- In a memorandum dated April 30, 2003, the President confirmed the authority of the Secretary of Defense to seize, sell, administer, or use state- or regime-owned cash, funds, or realizable securities in Iraq. The President specified that the seized property may be used only to assist the Iraqi people and support the reconstruction of Iraq (enclosure 1).
- On May 29, 2003, the Deputy Secretary of Defense delegated to you the authority to use seized Iragi property for the same purposes (enclosure 2).
- The three proposed memoranda at enclosures 3, 4 and 5 redelegate this authority as necessary to carry out the following CPA programs:
  - -- Commanders' Emergency Response Program. Enables brigade- and division-level commanders to spend seized funds for urgent humanitarian relief and reconstruction projects within their areas of responsibility, in respective amounts that may not exceed \$500,000 and \$200,000 at any one time, and subject to respective per-project limits of \$100,000 and \$50,000.
  - Regional Directors' Emergency Response Program. Provides the CPA's four Regional Directors with the same authority conferred under the Commanders' Emergency Response Program, in amounts equivalent to those assigned to division-level commanders.
  - Construction Initiative for Iraq. Authorizes CPA's North, South and South Central Regional Directors to spend up to \$15 million each in construction Projects, subject to per-project limit of \$100,000, and authorizing CPA's PRB to

approve construction projects in excess of \$100,000, and all other projects carried out under the Construction Initiative for Iraq.

ACTION REQUESTED: That the Administrator sign the attached delegations of authority.

COORDINATION: Chief of Staff 11: Peter McPherson 11: Ms. Sherri Kraham 111

15 June 2003

### MEMORANDUM FOR CHAIRMAN, PROGRAM REVIEW BOARD REGIONAL DIRECTORS

SUBJECT: Construction Initiative for Iraq

I hereby redelegate to the Coalition Provisional Authority (CPA) Program Review Board (PRB) and the Regional Directors for Iraq's North, South and South Central Regions certain authority vested in me by Deputy Secretary of Defense Memorandum, subject: Certain State- or Regime-Owned Property in Iraq, dated May 29, 2003.

The CPA PRB shall review and is hereby authorized to approve all projects carried out under the Local Projects Element of the Construction Initiative for Iraq that exceed \$100,000, and all other projects under the Construction Initiative for Iraq, in a total aggregate amount not to exceed \$100,000,000.

Each of the above-named Regional Directors is hereby authorized to take all actions necessary to operate the Local Projects Element of the Construction Initiative for Iraq, in a total amount not to exceed \$45,000,000, in order to assist the Iraqi people and support the reconstruction of Iraq, provided that each Regional Director:

- (a) may expend seized funds in an amount not to exceed \$15,000,000; and
- (b) may approve projects with a cost of \$100,000 or less, and shall submit project proposals with a cost over \$100,000 to the CPA PRB for approval;
- (e) shall carry out projects under this Initiative in coordination with CPA or Coalition Forces engineering elements available to provide technical advice and support in the Regional Director's area of operations; and
- (d) shall document programs on CPA PRB Funding Request Form (PRB 01), and submit completed forms to the CPA PRB Program Coordinator.

The authority delegated herein may not be redelegated, and shall be exercised in accordance with the above-referenced Deputy Secretary of Defense Memorandum and such other procedures as the CPA may prescribe.

L. Paul Bremer, Administrator Coalition Provisional Authority

6 6/16/03

15 June 2003

#### MEMORANDUM FOR REGIONAL DIRECTORS

SUBJECT: Regional Directors' Emergency Response Program

I hereby redelegate to the Coalition Provisional Authority (CPA) Regional Directors of Iraq certain authority vested in me pursuant to Deputy Secretary of Defense Memorandum, subject: Certain State- or Regime-Owned Property in Iraq, dated May 29, 2003. Office of Reconstruction and Humanitarian Assistance (ORHA) Memorandum, subject: Region Level Quick Impact Projects, dated 19 May 2003, is hereby rescinded.

Specifically, each Regional Directors is hereby authorized to take all actions necessary to operate a Regional Directors' Emergency Response Program, in order to assist the Iraqi people and support the reconstruction of Iraq, provided that:

- (a) Each Regional Director may expend seized finds in an amount not to exceed \$500,000; and
- (b) The amount of individual projects carried out by a Regional Director shall not exceed \$100,000 per project; provided further, that per project authority in excess of \$100,000 may be granted upon advance request.
- (c) As funds are expended by a Regional Director in accordance with subparagraphs (a) and (b) above, like amounts may be replenished up to the monetary limits specified in those subparagraphs for each Regional Director.
- (d) Regional Directors shall document all expenditures on CPA Program Review Board's Funding Request Form (PRB) Form 01, and submit completed forms to the CPA PRB Program Coordinator.

The authority delegated herein is separate and distinct from the authority delegated to the Regional Directors under CPA Memorandum, subject: Construction Initiative for Iraq, dated 15 June 2003. The authority delegated herein may be exercised in a total aggregate amount not be exceed \$7,000,000; may not be redelegated; and shall be exercised in accordance with the terms and conditions set forth in the above-referenced Deputy Secretary of Defense Memorandum and other procedures the CPA may prescribe.

L. Paul Bremes Administrator Coalition Provisional Authority

15 June 2003

#### MEMORANDUM FOR COMMANDER OF COALITION FORCES

SUBJECT: Commanders' Emergency Response Program

I hereby redelegate to you certain authority vested in me pursuant to Deputy Secretary of Defense Memorandum, subject: Certain State- or Regime-Owned Property in Iraq, dated May 29, 2003. Specifically, you are hereby authorized to take all actions necessary to operate a Commanders' Emergency Response Program. This Program will enable commanders to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility, by carrying out programs that will immediately assist the Iraqi people and support the reconstruction of Iraq. Under the Program:

- (a) Individual division-level commanders may expend seized funds in a total amount not to exceed \$500,000 per commander, provided that the amount of individual transactions carried out by each division-level commander shall not exceed \$100,000 per transaction; and
- (b) Individual brigade-level commanders may expend seized funds in a total amount not to exceed \$200,000 per commander, provided that the amount of individual transactions carried out by each brigade-level commander shall not exceed \$50,000 per transaction.
- (c) As funds are expended by division- and brigade-level commanders in accordance with subparagraphs (a) and (b) above, the funds may be replenished in like amounts not to exceed the limits specified in those subparagraphs.
- (d) Division- and brigade-level commanders shall document programs on the Program Review Board's Funding Request Form (PRB 01), and submit completed forms to the CPA PRB Program Coordinator.

This authority may be exercised in a total aggregate amount not to exceed \$10,000,000; may not be redelegated, and shall be exercised in accordance with the terms and conditions set forth in the above-referenced Deputy Secretary of Defense Memorandum and such other instructions as the CPA may prescribe. The authority previously delegated to you under CPA Memorandum, subject: Certain State-or Regime-Owned Property in Iraq, dated 3 June 2003, is hereby rescinded.

L/Paul Bremer, Administrator Coalition Provisional Authority

#### 1010 DEFENSE PENTAGON WASHINGTON, DC 20201-1010



### MEMORANDUM FOR ADMINISTRATOR OF THE COALITION PROVISIONAL AUTHORITY

SUBJECT: Certain State- or Regime-Owned Property in Iraq

I hereby delegate to you the authority confirmed in the attached memorandum from the President, subject as above, dated April 30, 2003, regarding the seizure, sale, administration, or use of state or regime-owned property in Iraq.

Property taken under U.S. control under this delegation shall be held on behalf of and for the benefit of the Iraqi people, and shall be used only to assist the Iraqi people and support the reconstruction of Iraq. You may redelegate this authority in writing, and assign such duties and responsibilities in writing to other Department of Defense (DoD) officials as you deem necessary, and shall consider the feasibility of contracting out administrative functions related to your exercise of this authority, as appropriate and authorized by law.

The authority delegated herein shall be exercised in accordance with DoD procedures developed in consultation with the Department of the Treasury, the Department of State, and the Office of Management and Budget. These procedures shall ensure that all property subject to this delegation is appropriately accounted for, audited, and used only for the purposes specified herein. Under these procedures, DoD officials remain responsible for property under their control until the property is disbursed to recipients or to a non-DoD entity for distribution to recipients in accordance with safeguards that ensure the property will be (1) secured at all times; (2) used only for purposes authorized by law; (3) provided only to recipients who are entitled to such payments; and (4) subjected to appropriate accounting and auditing controls.

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This delegation of authority shall expire 1 year following the date of this memorandum.

Attachment: As stated

cc: Chairman, Joint Chiefs of Staff

U07602 /03

#### THE WHITE HOUSE WASHINGTON

April 16, 2003

HUNORIGIES FOR THE ENCRYPTIAN OF CHYMNES

PUBLICT:

Certain State- or Regime-Sumed Property in Iraq

Pursuant to my authority under the Constitution as Commander in Chief of the Armed Porces, and commistent with the Authorization for Use of Military Porce Against Trag Resolution of 2002 (Public Lew 107-243), I haveby confirm your authority to emercise all powers, consistent with the laws and uneque of war, related to the seisure, sale, administration, or use of state- or regimeroused cash, funds, or realizable securities in Iraq. Property seised, sale, or administrated under this memorandom shell be used only to essist the Iraqi people and support the reconstruction of Iraq, and such uses shell be consistent with the laws and unages of war.

You are directed, in consultation with the Secretary of the Transury, the Secretary of State, and the Director of the Office of Management and Sudget, to prescribe procedures to ensure that all property subject to this memorahum is appropriately accounted for, sudited, and used only for the purposes specified Mareix.

Nothing in any prior Emerative Order shall be determed to limit the authority berein confirmed, and nothing in this memorandum shall be construed to limit authorities that V.S. Arend Forces may otherwise exercise under the laws and usages of war.

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#### UNCLASSIFIED

# COALITION PROVISIONAL AUTHORITY BAGHDAD

August 24, 2003

FOR: Ambassador McManaway

FROM: Administrator, April 21(63

SUBJECT: Delegation of Authority

In accordance with my authority as Administrator of the Coalition Provisional Authority (CPA) and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), I hereby delegate to you full power and authority to act on my behalf in signing instruments, contracts, grants, memoranda, correspondence and any other documents that require signature by the head of the CPA. Documents signed under this delegation of authority shall have the same force and effect under applicable law as is accorded by my signature as Administrator.

This delegation of authority shall take effect upon the date of signature, and shall expire on September 4, 2003.

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#### UNCLASSIFIED

# COALITION PROVISIONAL AUTHORITY BAGHDAD

August 24, 2003

FOR: Ambassador McManaway

FROM: Administrator, April 24(63

SUBJECT: Delegation of Authority

In accordance with my authority as Administrator of the Coalition Provisional Authority (CPA) and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), I hereby delegate to you full power and authority to act on my behalf in signing instruments, contracts, grants, memoranda, correspondence and any other documents that require signature by the head of the CPA. Documents signed under this delegation of authority shall have the same force and effect under applicable law as is accorded by my signature as Administrator.

This delegation of authority shall take effect upon the date of signature, and shall expire on September 4, 2003.



#### UNCLASSIFIED

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### COALITION PROVISIONAL AUTHORITY

#### BAGHDAD

#### **ACTION MEMO**

August 21, 2003

FOR: THE ADMINISTRATOR

FROM: Office of General Counsel

SUBJECT: Brigade Commanders' Iraqi Employment Initiative

The enclosed Memorandum responds to a request from British forces in Multi-National Division, South East (MND (SE)), who seek an expansion of authority under the Commanders' Emergency Response Program to carry out a program designed to address current unrest attributed to unemployed youth. The proposed Memorandum:

- Authorizes brigade commanders within Iraq's five southern governorates (Wasit, Dhi Qhar, Nasiryah, Maysan and Qadisiyah) to expend seized funds in a total amount not to exceed \$200,000, for the purpose of hiring day laborers to carry out relief and reconstruction projects.
- Contemplates that commanders will establish a precursor to the 300,000 jobs initiative sponsored by the Directorate of Operations and Infrastructure;
- Includes an expiration date of September 30, 2003, recognizing that this temporary authority eventually will be supplanted by the fully operational Operations and Infrastructure initiative, which can more effectively monitor and supervise a long-term jobs program;
- Limits daily payments to laborers to \$2 (or \$3 for supervisors); and
- Will not necessitate the allocation of additional seized funds, and instead realigns funds that previously approved for the CERP.

RECOMMENDATION: That the Administrator approve and sign the enclosed Memo.

ATTACHMENT: Action Memorandum delegating authority to Brigade Commanders.

COORDINATION: David Oliver; Sherri Kraham; CJTF-7; Program Review Board

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#### UNCLASSIFIED

# COALITION PROVISIONAL AUTHORITY BAGHDAD

August 21, 2003

FOR: COMMANDER OF COALITION FORCES

FROM: Administrator 8 22 63

SUBJECT: Brigade Commanders' Iraqi Employment Initiative

I hereby redelegate to you certain authority vested in me pursuant to Deputy Secretary of Defense Memorandum, subject: Certain State- or Regime-Owned Property in Iraq, dated May 29, 2003. Specifically, you are hereby authorized to take all actions necessary to carry out an Iraqi Employment Initiative, as part of the Commanders' Emergency Response Program. This Initiative will enable brigade-level commanders within Iraq's five southern governorates (Wasit, Dhi Qhar, Nasiryah, Maysan and Qadisiyah) to meet the urgent need to gainfully employ Iraqi citizens as day laborers in projects designed to further humanitarian relief and reconstruction objectives within their areas of responsibility. Under the Iraqi Employment Initiative:

- (a) Individual brigade-level commanders in the designated governorates may expend seized funds in a total amount not to exceed \$200,000 per commander.
- (b) Employment initiatives carried out under this delegation shall be documented on the Program Review Board's Funding Request Form (PRB 01), including the number of workers employed, types of services performed and payments disbursed; completed forms shall be submitted to the CPA PRB Program Coordinator.
- (c) The rate of daily pay provided to Iraqi citizens employed under this initiative shall not exceed \$2 (or \$3 for supervisors), unless specifically authorized otherwise by the CPA.

This authority is in addition to the authority delegated under my Memorandum, subject: Commanders' Emergency Response Program, dated 15 June 2003, and shall be exercised in accordance with the terms and conditions set forth in the above-referenced Deputy Secretary of Defense Memorandum and such other instructions as the CPA may prescribe.

The authority conferred herein shall expire on September 30, 2003.

#### COALITION PROVISIONAL AUTHORITY BAGIDAD, IRAQ

#### Action Memoradum

23 June 2003

To: Chairman, Program Review Board, Coalition Provisional Authority Chief Financial Officer, Coalition Provisional Authority Comptroller, Coalition Provisional Authority

SUBJECT: Seized Irsqi Funds

I hereby authorize release of seized tragi funds for the following purposes and amounts:

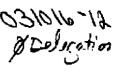
- For Commander's Emergency Response Program, I authorize a total aggregate amount of \$29,500,000 to fund the following components:
  - \$ 7,000,000 Funds previously approved and distributed for the Brigade / Governorate Level Commanders initial \$25,000 authority and subsequent \$100,000 suthority increase.
  - \$10,000,000 Funds released with delegation letter of 15 Jun 03 to provide each of the current fifty Brigade / Governorate Level Commanders \$200,000 total authority.
  - \$ 2,500,000 -- Funds to provide each of the five Division Commanders \$500,000 total authority.
  - \$10,000,000 Funds to provide replenishment of Division / Brigade / Governorate Level Commanders authority.
- 2) I authorize a total aggregate of \$20,000,000 for critical projects approved by the Program Review Board for seized funding separate from Construction Initiative projects.
- 3) I authorize \$90,000,000 to purchase and import benzene (gasoline) and Liquid Propane Gas (LPG) for the economic progression of Iraq and for the demestic and transportation benefit of the Iraqi people.
- 4) Total aggregate seized Iraqi funds authority to date is \$239,500,000.

L. Paul Bremer, Administrator

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## COALITION PROVISIONAL AUTHORITY BAGHDAD



October 16, 2003

#### ACTION MEMORANDUM

TO:

The Administrator

FROM:

Sherri G. Kraham

Program Review Board

SUBJECT: Rapid Regional Response Program

Attached please a proposed Delegation of Authority for the Rapid Regional Response Program, which you recently approved at a funding level of \$28.5M through the end of this year. If you approve, this document will delegate authority to:

- ✓ Regional Coordinators, per project authority of \$200,000 (a \$100,000 increase over) the \$100,000 previously granted)
- ✓ Governorate Coordinators, (new) per project authority of \$50,000.
- ✓ The Program Review Board, decision-making on projects over these funding levels; as with the Construction Initiative decisions, we will keep you informed as to Board's
- ✓ Regional and Governorate Coordinators, that all remaining un-obligated balances from the Construction Initiative be managed in accordance with the broader authorities granted under the current program.

Please indicate your approval by signing the attached memorandum.

Attachments: Memorandum of October 16, 2003

PRB Guidance on Rapid Regional Response Program



# COALITION PROVISIONAL AUTHORITY BAGHDAD

October 15, 2003

TO: Regional Coordinators
Governorate Coordinators
Director, Program Review Board (PRB)

FROM: THE ADMINISTRATOR 1416

SUBJECT: Rapid Regional Response Program

I hereby re-delegate to the Coalition Provisional Authority (CPA) Regional Coordinators and Governorate Coordinators of Iraq certain authority vested in me pursuant to Deputy Secretary of Defense Memorandum, subject: Certain State- or Regime-Owned Property in Iraq, dated May 29, 2003. This Memorandum supercedes CPA Memorandum, subject: Regional Directors' Emergency Response Program, dated 15 June 2003, and modifies the portion of the CPA Memorandum, subject: Construction Initiative for Iraq, dated 15 June 2003, which refers to the Local Projects Element.

Specifically, each Regional Coordinator and Governorate Coordinator is hereby authorized to take all actions necessary to execute projects under the Rapid Regional Response Program, in order to assist the Iraqi people and support the reconstruction of Iraq, provided that:

- (a) The amount of individual projects carried out by a Regional Coordinators shall not exceed \$200,000 per project; provided further, that per project authority in excess of \$200,000 may be granted upon advance request to the Program Review Board.
- (b) The amount of individual projects carried out by a Governorate Coordinator shall not exceed \$50,000 per project; provided further, that per project authority in excess of \$50,000 may be granted upon advance request to the Program Review Board.
- (c) Regional Coordinators and Governorate Coordinators shall document all expenditures on CPA Program Review Board's Reporting Form (PRB 02), and submit completed forms to the CPA's PRB Program Director.

The Rapid Regional Response Program incorporates and supercedes the Director's Emergency Response Program and the Local Projects portion of the Construction Initiative. To the extent that funds remain under those programs, I direct that those funds be managed in accordance with the terms of this memorandum and the procedures established under PRB Guidance 06 – Rapid Regional Response Program, attached as Annex A. I further delegate to the PRB the authority to approve projects in excess of \$200,000 under this program.

#### Rapid Regional Response Program (R3P)

#### Program Overview:

This program is designed to provide maximum flexibility to Regional and Governorate Coordinators in implementing projects responsive to the needs of Iraqis in their areas of responsibility. R3P incorporates and expands upon authorities of previously funded programs—the Directors' Emergency Response Program (DERP), which provided an emergency response capacity, and the Construction Initiative, which provided funding authority for construction activities. Under this new program, the discretionary authority under which Regional Coordinators can execute projects without PRB approval is increased to \$200,000 and projects up to \$50,000 can be executed at the Governorate Coordinators' discretion. A fixed monthly allotment has been made to each region based on past spending and current funding balances. These funding levels can be re-evaluated, if necessary, based on new spending patterns and requirements. Project plans will be developed primarily by Governorate Coordinators and their staffs, who will oversee project implementation, in conjunction with Iraqi counterparts, and with input from coalition troops. Administration responsibilities—submission of funding requests, contracting, financial management and reporting—will be maintained by the Regional Coordinators' staff, unless otherwise authorized.

#### Program Objectives:

- > Create local jobs, support local industries, stimulate the economy
- Devolve decision making to the regional and governorate level
- > Respond more quickly to regional, governorate and local and community needs
- Execute programs quickly and efficiently
- > Contribute to the reconstruction effort
- Coordinate to ensure no duplication with other program implementers and consistency with CPA/Iraqi ministry policies and applicable laws and regulations

<u>Permitted Projects:</u> Funds are broadly available to support the relief and reconstruction effort in Iraq. Projects should be strategically targeted to address CPA strategic policy and security objectives, as outlined in the CPA Strategic Plan. The program is intended to support a range of program sizes.

- ✓ Small, high-impact, emergency projects (ex. school renovation \$30,000)
- Medium sized reconstruction or other projects (ex. replace pumps in water treatment plant -\$500,000)
- ✓ Governorate or region-wide projects to address common problems/issues (ex. Region wide civic education program - \$1.5M)
- ✓ Funds cannot be used to support CPA operations or to hire local staff for CPA offices, to
  equip or support any U.S. or coalition military force, or to pay rewards for information or for
  weapons "buy-back" programs.

#### Program Execution:

- Governorate Coordinators, Regional Coordinators, and their project management staff will develop project plans and funding requirements.
- All project proposals must be justified based on the criteria in the PRB01 Funding Request Form.
- Administration responsibilities submission of funding requests, contracting, financial management and reporting - will be maintained by the Regional Coordinator's staff.
- Direct program administration may be transferred to Governorate Coordinators only after certification by the Program Review Committee based on the criteria outlined in "Program Management Assessment" (PRB Guidance 03, 7-9-03). (Note: the disbursing authority may not be involved in the approval process.)
- ➤ Each region must develop a process by which decisions are made and funds are allocated within regions. The CPA's Allocation Process is outlined in PRB Guidance 01.
- Funds have been allotted per region based on spending patterns and current funds balances as follows:
  - o North \$1.5M/month for October, November and December, 2003
  - o Baghdad \$1.5M/month for October, November and December, 2003
  - o South-Central \$5M/month for October, November and December, 2003
  - o South \$1.5M/month for October, November and December, 2003
- > Funds will be disbursed in these amounts by the Comptroller, if weekly reporting is current.
- > From these amounts:
  - Projects under \$50,000 may be funded at the Governorate Coordinator's discretion.
  - o Projects under \$200,000 may be funded at the Regional Coordinator's discretion.
  - o Projects over \$200,000 require Program Review Board approval.
- > Requests for advances against the next month's allotment can be made to the Director of the Program Review Board and the Comptroller.

#### Reporting and Other Requirements:

- 1. Within 15 days of the first disbursement, the region must provide the PRB with a strategic plan for the resources available including a notional allocation for each governorate and the strategic program priorities in each governorate, and the region's process for developing and approving projects and the disbursement of payments. Additionally, please identify key program personnel.
- 2. The Funds Manager must report all expenditures and disbursements weekly on Form PRB 02 (a spreadsheet) to the PRB and the Comptroller. For all projects over \$10,000, a PRB 03 reporting form must be completed and submitted to the PRB. Separate reporting on the Directors' Emergency Response Program and the Construction Initiative will continue until those funds are depleted. The balance of funds from these programs should be managed in accordance with this new program, including the increased program and spending authorities. The Funds Manager will ensure that all expenditures are properly accompanied by a contract, receiving report, invoice (if applicable), or receipts.

- 3. Completed project files must be maintained by the Program Manager in the Regional Coordinators Office, in accordance with the Maintaining Project Files (PRB Guidance 04).
- 4. Contract files are to be maintained by the Contracting Officers (from CPA Contracting Activities or as otherwise designated) in the Regional Offices, in accordance with CPA Memorandum Number 4, Contract and Grant Procedures Applicable to Vested and Seized Property and the Development Fund for Iraq (CPA/MEM/19 August 2003/04).
- Projects must be monitored in accordance with Project Monitoring and Evaluation (PRB Guidance 05).
- A Certificate of Completion must be completed and submitted to the PRB for each project (PRB Form 04).

#### Roles/Responsibilities:

Regional and Governorate Coordinators: Oversee the execution of programs and are accountable for the management, safeguarding and control of funds distributed to the region.

- Program Manager: (One for each region) Submits requests to the PRB on behalf of the region, tracks all requests and approvals, keeps the Project Officers informed as to the status.
- Regional Funds Manager: (One for each region) Requests, manages, and reports on funds in accordance with the requirements above and other applicable regulations.
- Regional Contracting Officers: (One for each region from CPA Contracting Activities, or as otherwise appointed by the Administrator per Contracting Memorandum 4): Performs contracting activities for the regions including advertising and awarding contracts to Iraqi vendors regionally and locally. (Contracting will be done in the most expeditious manner and in accordance with CPA Contracting procedures, which govern activities funded by Iraqi seized, vested, or funds available under the Development Fund of Iraq.)
- Project Officer: (One for each individual project): The Project Officer (in either the Regional or Governorate Coordinator's office, or in the military divisions) identifies project needs, develops project plans, monitors and evaluates the project, reports all financial transactions to the Funds Manager, maintains the project files and certifies project completion. Completed project files will be turned over to the (regional) Program Manager.

Drafted by: PRB SGKraham 9-27-03 Cleared by: CPA/CA TBell

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CPA/C8 PHough
CPA/CFO ARunnels
CPA/GC AHughes
CPA/GOV TKrajeski

CPA/DIROPS JAdamcyk, MKirsch



## COALITION PROVISIONAL AUTHORITY BAGHDAD

December 14, 2003

#### **ACTION MEMORANDUM**

TO:

The Administrator

FROM:

Jesse P. Pruett 🐠

Director of Regional Programs

THROUGH: Rodney Bent RES

Co-Director, Office of Management and Budget

SUBJECT: Regional Programs Funding and Implementation Changes

Attached please find a proposed Delegation of Authority for the Rapid Regional Response Program, which you recently directed to be replenished at a funding level of \$80,000,000 through 30 June 2004. If you approve, the attached document will delegate authority to:

- Regional Coordinators, per project authority of \$500,000 (a \$300,000 increase) over the (\$200,000 previously granted). This takes them to the ceiling of Small Purchases as defined in Memorandum #4.
- Governorate Coordinators, per project authority of \$100,000 (a \$50,000 increase over the (50,000 previously granted).
- > The Regional Program Office (RPO), decision-making on projects over the \$500,000 funding level; as with previous actions of the Program Review Board, we will keep you informed of RPO approvals.

Please indicate your approval by signing the attached memorandum.

Attachments: Memorandum of 14 December 2003

PRB Guidance on Rapid Regional Response Program (as amended)

### By: Jesse Pruett CPA DRP/PRB

Coordination:
CPA/OMB RBent 14 Dec 03
CPA/OPS Col Bevins 14 Dec 03
CPA/C8 Col Behring 14 Dec 03
CPA/CA Col Bell 14 Dec 03
CPA/Gov HDPittman 14 Dec 03



## COALITION PROVISIONAL AUTHORITY BAGHDAD

December 14, 2003

TO:

Regional Coordinators Governorate Coordinators

Director, Regional Programs

FROM:

THE ADMINISTRAT

SUBJECT: Delegations of Authority under Rapid Regional Response Program

I hereby re-delegate to the Coalition Provisional Authority (CPA) Regional Coordinators and Governorate Coordinators of Iraq certain authority vested in me pursuant to United Nations Security Council Resolution 1483. This Memorandum supercedes CPA Memorandum, subject: Rapid Regional Response Program, dated 15 October 2003.

Specifically, each Regional Coordinator and Governorate Coordinator is hereby authorized to take all actions necessary to execute projects under the Rapid Regional Response Program, in order to assist the Iraqi people and support the reconstruction of Iraq, provided that:

- The amount of individual projects carried out by a Regional Coordinator shall not exceed \$500,000 per project,
- The amount of individual projects carried out by a Governorate Coordinator shall not be in excess of \$100,000 per project,
- (c) Regional Coordinators and Governorate Coordinators shall document all expenditures on CPA Program Review Board Reporting Form (PRB 02) and when applicable CPA Project Reporting Form (PRB 03), and submit completed forms to CPA's Regional Programs Director.

The Rapid Regional Response Program incorporates and supercedes the Director's Emergency Response Program and the Local Projects portion of the Construction Initiative. To the extent that funds remain under those programs, I direct that those funds be managed in accordance with the terms of this memorandum, CPA Memorandum #4, and the procedures established under PRB Guidance 06- Rapid Regional Response Program, as amended, attached as Annex A. I further delegate to the Regional Program Office the authority to approve projects in excess of \$500,000 under this program.

#### Rapid Regional Response Program (R3P)

#### Program Overview:

This program is designed to provide maximum flexibility to Regional and Governorate Coordinators in implementing projects responsive to the needs of Iraqis in their areas of responsibility. R3P incorporates and expands upon authorities of previously funded programs – the Directors' Emergency Response Program (DERP), which provided an emergency response capacity, and the Construction Initiative, which provided funding authority for construction activities. Under this new program, the discretionary authority under which Regional Coordinators can execute projects without RPO approval is increased to \$500,000 and projects up to \$100,000 can be executed at the Governorate Coordinators' discretion. A fixed monthly allotment has been made to each region based on past spending and current funding balances. These funding levels can be re-evaluated, if necessary, based on new spending patterns and requirements. Project plans will be developed primarily by Governorate Coordinators and their staffs, who will oversee project implementation, in conjunction with Iraqi counterparts, and with input from coalition troops. Administration responsibilities – submission of funding requests, contracting, financial management and reporting – will be maintained by the Regional Coordinators' staff, unless otherwise required by the CPA Office of the Comptroller.

#### Program Objectives:

- Create local jobs, support local industries, stimulate the economy
- > Devolve decision making to the regional and governorate level
- > Respond more quickly to regional, governorate and local and community needs
- > Execute programs quickly and efficiently
- > Contribute to the reconstruction effort
- Coordinate to ensure no duplication with other program implementers and consistency with CPA/Iraqi ministry policies and applicable laws and regulations

<u>Permitted Projects:</u> Funds are broadly available to support the relief and reconstruction effort in Iraq. Projects should be strategically targeted to address CPA strategic policy and security objectives, as outlined in the CPA Strategic Plan. The program is intended to support a range of program sizes.

- ✓ Small, high-impact, emergency projects (ex. school renovation \$30,000)
- Medium sized reconstruction or other projects (ex. replace pumps in water treatment plant -\$500,000)
- ✓ Governorate or region-wide projects to address common problems/issues (ex. Region wide civic education program - \$1.5M)
- Funds cannot be used to support CPA operations or to hire local staff for CPA offices, to equip or support any U.S. or coalition military force, or to pay rewards for information or for weapons "buy-back" programs.

#### Program Execution:

- Governorate Coordinators, Regional Coordinators, and their project management staff will develop project plans and funding requirements.
- All project proposals must be justified based on the criteria in the PRB01 Funding Request Form.
- Administration responsibilities submission of funding requests, contracting, financial management and reporting will be maintained by the Regional Coordinator's staff.
- Direct program administration may be transferred to Governorate Coordinators only after certification by the Program Review Committee based on the criteria outlined in "Program Management Assessment" (PRB Guidance 03, 7-9-03). (Note: the disbursing authority may not be involved in the approval process.)
- Each region must develop a process by which decisions are made and funds are allocated within regions. The CPA's Allocation Process is outlined in PRB Guidance 01.
- Funds have been allotted per region based on spending patterns and current funds balances as follows:
  - o North \$20M through 30 June 2004
  - o Baghdad \$32M through 30 June 2004
  - o South-Central \$16M through 30 June 2004
  - o South \$12M through 30 June 2004
- > Funds will be disbursed in these amounts by the Comptroller, if weekly reporting is current.
- > From these amounts:
  - Projects under \$100,000 may be funded at the Governorate Coordinator's discretion.
  - o Projects under \$500,000 may be funded at the Regional Coordinator's discretion.
  - o Projects over \$500,000 require Regional Programs Office approval.
- Requests for advances against the next month's allotment can be made to the Director of the Program Review Board and the Comptroller.

#### Reporting and Other Requirements:

- 1. Within 15 days of the first disbursement, the region must provide the PRB with a strategic plan for the resources available including a notional allocation for each governorate and the strategic program priorities in each governorate, and the region's process for developing and approving projects and the disbursement of payments. Additionally, please identify key program personnel.
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Drafted by: PRB SGKraham 9-27-03 Amended by: DRP **JPPruett** 12-14-03

Cleared by: CPA/CA TBell

CPA/C8 **JBehring** CPA/OMB RBent CPA/GC AHughes
CPA/DIROPS JAdamcyk, MKirsch



## COALITION PROVISIONAL AUTHORITY BAGIIDAD

December 14, 2003

Scc 5

INFORMATION MEMORANDUM

TO:

FROM:

Director of Regional Programs

THROUGH: Rodney Bent KB

Co-Director, Office of Management and Budget

SUBJECT: Regional Programs Funding and Implementation Changes

Sir, Along with the change in timeline and funding stream for Regional Programs comes adjustments in execution as well. This memo highlights some of the changes that will be implemented with regard to these programs.

Key points are as follows:

-Allocations will be 'Front Loaded' to provide the optimal balance of security, agility and flexibility. The pace of funding is illustrated in Appendix B. With the bulk of funds distributed early the commencement of work and circulation of money into the economy should be stimulated. By retaining funds for later tranches, CPA retains the ability to redirect funds to other areas, without the cumbersome and time-consuming process of pulling in already disbursed funds

- Regions and Governorates will be directed to stagger their project focus, with an early emphasis on larger projects, tapering to smaller projects later in the cycle. As larger projects have a significantly longer life cycle, this allows for CPA to maximize its assets to produce greater expenditure and project focus before 30 Jun. Further this reduces potential logiams from the Front Load.
- There will be a review of progress on 01 Feb. The results of this review will determine the need, if any, for redirection of funds due to under-performance, or other imperatives.
- There will be a deadline of Apr 30 for any new allocations or commitments through the R3P. This is to ensure maximum number of projects completed by 30 Jun. Target ratio is no less than 85% of projects concluded, no more than 15% outstanding.

By: Jesse Pructt CPA DRP/PRB

Coordination: CPA/OMB RBent 14 Dec 03 CPA/OPS Col Bevins 14 Dec 03 CPA/C8 Col Behring 14 Dec 03 CPA/CA Col Bell 14 Dec 03 CPA/Gov HDPittman 14 Dec 03

# Appendix A

# Regional Programs Allocations

# **Current Levels:**

	Total Allocations	Sent	Spent and Obligated	Reported Available
North	\$19,500,000	\$18,000,000	\$7,629,651	\$11,870,349
South	\$19,500,000	\$7,968,200	\$6,259,453	\$13,240,547
South Central	\$30,000,000	\$28,000,000	\$23,707,773	\$6,292,227
Bagiidad	\$4,500,000	\$1,500,000	\$990,027	\$3,509,973
Total	\$73,500,000	\$55,468,200	\$38,586,904	\$34,913,096

### Plus \$80M (DFI) distributed by region

	Amount	Total Allocations	Spent and Obligated	Available
North (25%)	\$20,000,000	\$39,500,000	\$7,629,651	\$31,870,349
South (15%)	\$12,000,000	\$31,500,000	\$6,259,453	\$25,240,547
South Central (20%)	\$16,000,000	\$46,000,000	\$23,707,773	\$22,292,227
Baghdad (40%)	\$32,000,000	\$36,500,000	\$990,027	\$35,509,973
Total	\$80,000,000	\$153,500,000	\$38,586,904	\$114,913,096

# Appendix B

## Recommendations

### Funding Pace distribution by month and region

### \$80,000,000 Total

	Jan- 50%	Feb- 20%	Mar- 20%	Apr- 10%
Total	\$40,000,000	\$16,000,000	\$16,000,000	\$8,000,000
North (25%)	\$10,000,000	\$4,000,000	\$4,000,000	\$2,000,000
South (1 5%)	\$6,000,000	\$2,400,000	\$2,400,000	\$1,200,000
South Central (20%)	\$8,000,000	\$3,200,000	\$3,200,000	\$1,600,000
Baghdad (40%)	\$16,000,000	\$6,400,000	\$6,400,000	\$3,200,000

# COALITION PROVISIONAL AUTHORITY BAGHDAD

13 October 2003

TO:

. A 5

THE ADMINISTRATOR

FROM:

Meghan O'Sullivan

THROUGH:

Scott Carpenter

RE:

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Discussing Privatization with the Governing Council

Attached are two versions of the privatization memo to share with the whole Governing Council. As you will remember, we agreed to bring the issue to the attention of the council and inform them of our intention to engage the Economics and Finance Committee in greater detail.

Please choose the version you would like to send forward.

#### RECOMMENDATIONS FOR PRIVATIZATION IN IRAO

#### INTRODUCTION

In the 1960's, the government of Iraq began a process of nationalizing most important Iraqi businesses which continued during the regime of Saddam Hussein. Today most large Iraqi businesses are owned by the government. As in most state-controlled economies, these businesses have grown inefficient and uncompetitive resulting in production of mostly poorer quality and higher cost goods and services. Many of these husinesses have been able to survive in this condition only because they have been granted monopolies and/or are subsidized by the government. These monopolies and subsidies distort markets and work against development of private sector businesses and private sector jobs.

A CPA team has analyzed the 153 state-owned enterprises ('SOEa') in the Ministries of Industry and Minerals, Trade, Transportation, Communication, Irrigation, Agriculture, Health, Housing and Construction, and the Military Industrial Commission. SOEs in the Ministry of Oil, Electricity Commission, and the state-owned banks and insurance companies have not yet been analyzed. Drawing on team experience and the well-documented experiences of other countries, the CPA team has developed recommendations for privatizing 85 of the analyzed SOEs.

#### THE PRIVATIZATION PLAN

Privatization is a long and complex process. There are many countries that have gone through a privatization process in the last fifteen years which provide good lessons about what works and what doesn't work in the privatization process. The CPA team has developed a plan for privatization of the SOEs which draws from others' experience while taking into consideration a number of unique aspects of the situation in Iraq. The plan provides for:

- the formation of a privatization agency for implementing the privatization process:
- an employee transition plan for employees who do not remain with their current employer post-privatization;
- an education and communication plan to better inform all constituencies about the benefits and effects of privatization as well as the details and effects of the privatization plan, and;
- a privatization law for enabling the privatization process.

#### THE PRIVATIZATION AGENCY

The privatization agency would be empowered to execute the privatization plan which would include overseeing SOEs from the time they are identified for privatization until they are privatized. The privatization agency would have a high level of independence from the government, as well as a high level of transparency and a strong mandate to

transfer state assets to the private sector. The privatization agency would exist for as long as the privatization process takes which is estimated by the team at three to five years, possibly longer. The privatization agency would be staffed with up to one hundred Iraqi people to carry out its mandate and would have the authority to engage investment bankers, accountants, attorneys, and other service providers to assist in performing its role.

#### TRANSITION PLAN FOR DISPLACED EMPLOYEES

The privatization plan includes a plan for displaced employees. The transition plan anticipates that a number of the workers in many SOEs qualify for retirement or disability benefits. The plan provides for a one-time cash payment to these individuals equal to one year of salary at the workers salary level just prior to leaving employment at the SOE. These workers would immediately begin receiving whatever retirement or disability benefits for which they qualify. A similar plan would be offered to employees who are within five years of qualifying for retirement, i.e. they would receive a one-time payment of one year of salary and would immediately qualify to receive the same retirement benefit they would have been entitled to if they had had five more years of service and were five years older. Employees who are not within five years of qualifying for retirement could elect to leave employment at the SOE and receive a one time payment of one year of salary. Any employees who are terminated during privatization, or within one year following privatization, would receive a one-time lump sum payment of one year of salary at the higher of the salary they were receiving at the time of privatization or the salary at the time of termination. The transition plan will also provide for job and other training for displaced employees, as well as job placement services and other assistance to help unemployed workers obtain new jobs.

#### PRIVATIZATION COMMUNICATION PROGRAM

The privatization plan includes a communication program to educate key players in the privatization process, public opinion leaders, and the public about the reasons privatization is good for the Iraqi economy, how and when it will be effected, and how it will provide in an equitable way for those who lose their jobs in the process.

#### PRIVATIZATION LAW

The privatization process, including the formation of the privatization agency, would be enacted through a privatization law. The architecture of the agency, powers of the agency and its head, and the process of selecting and effecting privatizations would be set forth in the privatization law.

# COALITION PROVISIONAL AUTHORITY BAGHDAD

13 October 2003

FOR:

THE GOVERNING COUNCIL

FROM:

THE ADMINISTRATOR, Ambassador Paul Bremer III

SUBJECT:

Strategy for Addressing State-Owned Enterprises

Revitalizing the economy through generating economic activity and creating jobs is a central goal of the reconstruction process. Strengthening the private sector is vital to these efforts. Some steps have been taken in this regard, such as opening the market to Foreign Investment, but much more needs to be done.

One important step will be the restructuring of the State Owned Enterprises (SOEs). SOEs dominate Iraqi industry and most are inefficient and uncompetitive. They produce poor quality, expensive goods and often do so at a high cost to the State through the subsidies that they drain from the budget. They also stifle competition. Only through reforming these SOEs and transferring some of them to the private sector can healthy, competitive markets develop to deliver the goods, services and jobs Iraq needs.

The CPA has completed a full analysis of all of Iraq's SOEs and has produced a plan to manage their reform. We have concluded that some SOEs provide vital governmental services and should be retained in the public sector; some should be merged; some are not viable and should be closed; and some should be privatized.

A detailed plan is being prepared for the privatization process. This will be a lengthy and considered process. The key elements will involve:

- The creation of a Privatization Agency to implement the process.
- An employee transition plan to provide for employees who need help in managing the results of the process.
- An education and communication plan to inform the public about the details, benefits and effects of the plan.
- The approval of a Privatization Law to create the necessary legal framework.

The CPA will present the GC's Finance and Economic Committee with a detailed brief on the plan and looks forward to conducting in depth discussions in order to gain the GC's approval for this process.



### COALITION PROVISIONAL AUTHORITY

BAGHDAD

5 has 22:30 LPB still has

#### **ACTION MEMO**

March 1, 2004

THRU:

DEPUTY ADMINISTRATOR

FOR:

THE ADMINISTRATOR

FROM:

I

Office of the General Counsel

SUBJECT:

Approving the Transitional Administrative Law

This memorandum forwards a proposed letter to the Governing Council, documenting your approval of the Transitional Administrative Law (TAL), and a proposed signature page documenting the Governing Council's adoption of the TAL. Pursuant to the November 15th Agreement, both the Governing Council and the CPA must approve the TAL. These approvals should be documented in writing.

- During the German occupation, the American, British and French military governors sent
  a letter to Dr. Adenauer, President of the West German Parliamentary Council, approving
  the German Basic Law on May 12, 1949 (TAB A). The letter noted the "careful and
  interested attention" given to the law and approved it for submission to the German
  people for ratification. The letter also complimented the Parliamentary Council's
  "devotion to the democratic ideals toward the achievement of which we are all striving."
- We recommend that you send the Governing Council President the letter at TAB B. The
  letter, which is consistent with the historical precedent discussed above, notes your
  approval by concluding that the TAL "fulfills the first step of the process set forth in the
  November 15<sup>th</sup> Agreement." This approach deemphasizes CPA's role in creating the
  TAL and may further strengthen the Iraqi sense of ownership of the TAL.
- The draft signature page at TAB C documents the Governing Council's unqualified adoption of the TAL

RECOMMENDATION: That you approve the letter at TAB B, documenting CPA's approval of the Transitional Administrative Law.

Annrove:	Disapprove:	Approve with modification:

UNCLASSIFIED

Governing Council's adoption of the TAL.				
Арргоче:		Disapprove:	Approve with modification:	
ATTACHMENTS:	Tab A	Letter from the US/UK/French Military Governors to Dr. Adenguer, President of the West German Parliamentary Council		
	Tab B	Draft Letter to Governing (	Council President	
	Tab C	TAL signature page		
COORDINATION:	Governance/Scott Carpenter - (has seen)			

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12. This order will become effective on May 12, 1401 n.m.

The Chief of the Seesel Military Administration and Commentator of the Green of Service Occupations Trougs in Germany

W. I. CHRHROY

Greateral of the Army Cline of Mart of the Saviet Melatary Administration in Germany

G. S. LUSJANCHENKO Jentement Chuerd

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that they do not lead to exercise convent preserve in article to insur-i. At our meeting with you on 25 April we proposed to you a for-mula to interpret in English the intention of Article (2) 23, 3, 3 Pro-fermals, which you accepted as conveying your nextuning event as believed.

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We wish you to know that the High Commissioners will interpret this actuals in accordance with the real.

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\* Ander made a differ of Aprel 5, 1913.

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Malement at Principles Concerning the Nestectonship Sectures the Allied Nummondature and Greater Hertin, Signed by the Three Western Communications, Mes 11, 1949 I, an Greater Ibrdia shall have, subject only to the limitations set out in this statement, full legislative and occentive and publical patents in accordance with the Temporary Constitution of 1946 3 or with any subsequent Constitution adopted by the Gay Assembly mad approachly the Allicel Konamanianian in accordance with the provisions of this statement;

the Article 36 of the Temperate Constitution of Berlin will be bed in suspense and BK/08/1864 and BK/08/1865 which were issued in imperaration of that article, will be annulled.

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Designation, process to the following holes are specifically reserved to the Allied Kommandatura, including the right to remost and verify tolerancium and statistics receded by the Occupation Au-2 in order to construction incomplishment of the besit purpose of Dennister. (a) Distribution and deviditionisation, including related brids of sensitific presents, publishings and restricts as industry and civil ariation; the historieus, repurations, decortalization, deconcentration,

tion discrimination in trade matters, foreign interests in Bertin and claims against berlin or its inhabitants.

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assistance in Bering.

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of animoly, perchat, or release in relation to them, of Supervision of the Berlin Police, in view of the special cu-

remisteriors pregaliting in Berlin, in a matter to be defined in an additional document which will be issued by the Alliad Kommentulators on this subject; to 10.2 agosting on this subject; to 12.2 agosting on the forting to restrict the breaken of speech, the perse, assembly, or assembly into an incidental internation four basic rights are guaranteed by the Berlin Constitu-

(i) Such contrada in have layer or may be imposed by the Allised Kommandiation to ensure that consider-detectable means term, including necessary in conservation with the striffs and tac instructed of expans, shall crumin effective during the continuous of the blackade,

ting Control of lambing, currence, and credit policy so that it may be fully overfunded with the lambing and credit policies of larger mean of Germany under Allied supervision

Decipation Authorities will not have received to take action in fields other than there specifically reserved above. The Exempless Authorities, tensever, meetic the right to resume at whole of an part the exercise of full authority if they consider that to do so re-posential to security or for preserve democratic government, or as paradiance of the international adaptions of they forexaments. it is the hope and expectation of the Commandants that the

# COALITION PROVISIONAL AUTHORITY BAGHDAD

March 3, 2004

#### SIGNING OF TRANSITIONAL ADMINISTRATIVE LAW

Dr. Seyyid Muhammed Bahr ul-Uloom President Iraqi Governing Council Baghdad

Dear Mr. President:

The Coalition Provisional Authority congratulates you and the Governing Conneil on the signing today of the Transitional Administrative Law for the State of Iraq. The Law joins the best traditions of the Iraqi people with a commitment to democratic ideals under the rule of law, and fulfills the first step of the process set forth in the November 15<sup>th</sup> Agreement. Its adoption inspires all who share our common goal of forging a free, democratic and unified Iraq.

This day begins the formal process by which the Iraqi people will rectaim their sovereign authority after more than 30 years of tyranny and murderous oppression. As established in the Transitional Administrative Law, the Iraqi people acon will have their own representative government dedicated to the rule of law, built on a separation of powers, and committed to honoring and protecting the liberties of its people. The institutions of this new government are products of debate and compromise by individuals representing the rich diversity of political and religious thought in Iraq. The adoption of the Transitional Administrative Law therefore demonstrates a triumph of cooperation over division, and sets Iraq firmly on course for a future of peace, stability, and freedom.

As the State of Iraq enters the final stages of reclaiming its rightful place within the community of peaceful and law-abiding nations, we will continue to work with the Iraqi people to guarantee full, free, and fair elections and the final transition to self-rule under a permanent constitution.

L. Paul Bremer III
Administrator

#### ADOPTION OF TRANSITIONAL ADMINISTRATIVE LAW

We, the undersigned members of the Iraqi Governing Council, bound by shared commitments to the unity of Iraq and the achievement of lasting freedom for all Iraqis, hereby adopt this Transitional Administrative Law for the State of Iraq, without reservation.

fin Arabic, the names will be itseed alphabesseely in 2 polymax with the President of the Governing Conneil listed above the 2 culmusts

Dr Ebrahim Jafari Al Eshaiker

Dr Ahmad Chalabi

Ahmad Shya' a al-Barak

Dr Ayad Allawi

Dr Jalal Talabani

Hamid Majeed Mouse

Judge Dara Not al Din

Dr Raja Hubib Khuzai

Samir Shakir Mahmood Sumaidy

Sələhəddin Muhammad Bahaddın

Sungul Chapouk

Abdul Zahra Othman Mohammed

Abdul Aziz al-Hakim

Abdul Karim Al Muhammadawi

Dr Adnan Pachachi

Ghazi Ajif Alyawar

Dr. Mohsen Abdul Barneed

Dr Seyyid Muhammed Bahr ul-Ukom

Mahmoud Othman

Masood Barzani

Moweffak al-Rubaic

Noscir al-Chadirch!

Judge Wael Abdulatif

Yousedom Kanna

Sələmə el-Khuftji



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#### DRAFT EXCHANGE OF LETTERS

#### Excellencies,

- I have the honour to refer to resolution 1483 (2003) of 12 May 2003 by which the
  United Nations Security Council took note of your joint letter of 8 May 2003 to the
  President of the Council (\$\frac{5}{2003}\$/538) and recognized the specific authorities,
  responsibilities and obligations under applicable international law of the United States and
  the United Kingdom of Great Britain and Northern Ireland as occupying powers of Iraq
  under unified command (bereinafter referred to as the "Authority").
- 2. By this same mentation, the Scennity Council, inter sile, called on the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory. The Security Council also called upon all concerned to comply fully with their obligations under international law including, in particular, the Geneva Conventions of 1949 and the Hagus Regulations of 1907.
- 3. The Council by its resolution also requested the Scoretary-General to appoint a Special Representative for Iraq (hereinafter referred to as the ERSG) whose independent responsibilities include, twee alta, coordinating activities of the United Nations in portconflict processes in Iraq, coordinating among United Nations and international agencies engaged in immanitarian assistance and reconstruction activities in Iraq and, in coordination with the Authority to easiet the people of Iraq through the means mentioned in paragraph 3 of that resolution. These means include coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations who seek to be associated with this humanitarian effort.

His Extrellency
Mr. John D. Negroponte
Permanent Representative of the United States of America
to the United Nations
New York

His Excellency
Sir Jerseny Greenstock, GCMG
Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations
New York

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- 4. The Council further requested that the Secretary-General in coordination with the Anthority, continue the exercise of his responsibilities under Security Council resolutions 1472 (2003) of 24 March 2003 and 1476 (2003) of 24 April 2003 for a period of six months following the adoption of resolution 1483 and terminate within this time period the "Oil-for Food" Programme both at headquarters and in the field, transferring responsibility for the administration of any remaining scrivity under the Programme to the Authority by taking these measures mentioned in paragraph 16 of the resolution.
- 5. In order to facilitate the excivities of the United Nations in Iraq as set out in resolution 1483, I wish to confirm that the Authority, consistent with Article 105 of the Charter of the United Nations, shall, as applicable, extend to the United Nations and the Specialized and related Agencies histed in the attached Annex (hereinafter referred to as the Specialized and related Agencies), their property, finds and assets and officials and experts on mission listed in paragraphs 5 (a), (b) and (c) below, the privileges and instantifics provided for in the Convention on the Privileges and humanifies of the United Nations (hereinafter referred to as the Convention) and the Convention on the Privileges and immunities of the Specialized Agencies. I flather propose that the Authority extend to the International Atomic Energy Agency (hereinafter referred to as the IABA), its property, funds and assets and its efficials and experts on mission listed in paragraphs 6 (a), (b) and (c) below, the privileges and immunities provided for in the Agreement on the Privileges and Immunities of the IABA. Additional facilities as provided herein are also required for the contractors and their employees angaged to perform services and/or supply mechanisely to the United Nations or its Specialized and related Agencies and the IABA, equipment, provisions, supplies, materials and other goods (hereinafter referred to as United Nations contractors).
- 6. I propose, that the Anthority shall extend the following privileges and immunities and facilities necessary for the operational needs of the United Nations and its Specialized and related Agencies and the IASA in Iraq: ...
  - (a) High-ranking officials of the United Nations and the Specialized and related Agencies and the IABA whose names shall be communicated to the Authority shall be accorded the privilegas and immunities, examptions and facilities, which are sujpyed by diplomatic envoys in accordance with immunitional law.
  - (b) The officials of the United Nations shall enjoy the privileges and instantifies to which they are entitled under Articles V and VII of the Convention. Locally recruited officials of the United Nations shall enjoy the immunities concerning official acts and exemption from taxation and national service obligations provided for in sections 18 (a), (b) and (c) of the Convention. Officials of the Specialized and related Agencies including locally recruited officials shall enjoy the privileges and immunities to which they are entitled under Article VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies. Officials of the IABA shall sajoy the privileges and immunities provided for under Articles VI and IX of the Agreement on the Privileges and Immunities of, the IABA (officials of the United Nations and its Specialized and related Agencies and the IABA are bareinester referred to as "officials").

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(c) Other persons assigned by the Secretary-General to perform missions for the United Nations shall enjoy the privileges and immunities accorded to expects on mission for the United Nations under Article VI of the Convention. Expects assigned to perform missions for the Specialized and related Agencies shall enjoy the privileges and immunities that are provided for under the relevant America to the Convention on the Privileges and Immunities of the Specialized Agencies. Experts performing missions for the IAEA shall enjoy the privileges and immunities accord to them under Article VII of the Agreement on the Privileges and Immunities of the IAEA (experts performing missions for the United Nations and its Specialized and related Agencies and the IAEA are hereivalize referred to as "expents").

Without prejudies to the above, the above-mentioned officials and experts shall all enjoy immunity from logal process in respect of all acts done by them in discharging their duties (including words spoken or written).

- (d) United Nations contractors, other than local contractors, shall be accorded repairtation facilities in time of crisis and examption from tures in freq on the services provided, including corporate, income, social security and other similar taxes arising directly from the provision of such services.
- 7. The privileges and huminities mossessary for the fulfillment of the functions of the United Nations and its Specialized and related Agencies and the IAEA (huminafter referred to as the "United Nations") shall also include:
  - (i) unrestricted freedom of every and exit without delay or binduance, of officials, superts and United Nations contractors, their property, supplies, equipment, spare parts and means of transport, including examption from passport and visa regulations and prompt issuance, if necessary, by the Authority to United Nations contractors, free of charge and without any restrictions, of all necessary visas, licenses or permits. For the purpose of entry or exit, officials and experts shall only be required to have a personal identity card imaged by or under the authority of the United Nations, except in the case of first entry, when the United Nations laisece-passer and national possport shall be accepted in lieu of the said identity card;
  - (ii) unrestricted freedom of movement throughout the country of officials, experts and United Nations contractors and their property, supplies, equipment, spare parts and means of transport who may use roads, bridges, omails, and other waters and sirficide without the payment of dues, tolls, landing fees, parking fees, overflight fees, port fees and charges, including whatfage charges, However, exemption from charges, which are in fact charges for services sendered, will not be claimed;
  - (iii) the right to import, free of duty or other restrictions, property, supplies, equipment, space parts, means of transport and other goods which are for the exchange and official use of the United Nations or for resule in commissuries provided for baccinafter.

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- (iv) the right to establish, malettain and operate commissaries at UN handquarters in Iraq for the official use of officials and expects but not of locally rescuited personnel. The SRSG shall take all necessary measures to prevent stuss of such commissaries and the sale or resale of goods to persons other than officials or expects for the United Nations;
- (v) the right to re-expect or otherwise dispose of property, supplies, equipment, space parts, means of transport, and all unconsumed provisions, supplies and other goods so imported or cleared ex customs and excise wavehouse which are not transferred, or otherwise disposed of, on terms and conditions to be agreed upon, with the Authority or an entity norminated by the Authority;
- (vi) prompt issuance by the Authority of all necessary softenisations, permits and licenses required for the importation of purchase of equipment, provisions, supplies, materials and other goods used in support of the United Nations, including in respect of importation or purchase by United Nations contractors, free of any restrictions and without payment of duties, charges or taxes including value-added tax;
- (vii) acceptance by the Authority of permits or licenses itsued by the United Nations for the operation of vehicles used in support of the United Nations; acceptance by the Authority, or where necessary validation by the Authority, free of charge and without any restriction, of licenses and certificates already issued by appropriate authorities in other States in respect of sinurali used in support of the United Nations; prompt issuance by the Authority, free of charge and without any restrictions, of necessary authorizations, licenses and certificates, where required, for the acquisition, use, operation and maintenance of aircraft used in support of the United Nations;
- (vili) the right to fly the United Nations flag and place distinctive United Nations identification on premises, vehicles and shorest used in support of the United Nations;
- (ix) the right to unrestricted communication by radio, satellite or other forms of communication with United Nations Headquarters and between the various offices and to connect with the United Nations radio and satellite natwork, as well as by telephone, facsimile and other electronic data systems. The frequencies on which the communication by radio will operate shall be decided upon in cooperation with the Authority;
- (x) the right to access to radio and television production and broadcast facilities under the control of the Anthority to disseminate information relating to the United National mandate, at appropriate times in the programme grid. Programmas shall be entirely under the editorial control of the United Nations and shall be broadcast in their entirely. For the same purpose and in the event it is deemed necessary by the United Nations, the latter shall have the right to install, in consultation with the Authority, and operate United Nations radio stations and television charmels; and the
- (at) right to make arrangements through its own facilities for the processing and transport of private mail addressed to the United Nations, its officials or experts or

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emanating from them. The Authority shall be informed of the names of such arrangements, and shall not interfere with or apply conscrain to such mall.

- 2. The Authority shall provide without cost and in agreement with the SRSG such areas for headquarters or other premises as may be necessary for the conduct of the operational and administrative activities of the United Nations. All such premises shall be inviolable and subject to the explusive control and authority of the United Nations.
- 9. The Authority undertakes to assist the United Nations as far as possible in obtaining equipment, provisions, supplies, materials and other goods and services from local sources required for its subsistence and operations. In respect of equipment, provisions, supplies, materials and other goods purchased locally by the United Nations or by United Nations contractors for the official and exclusive use of the United Nations, the Authority shall make appropriate administrative arrangements for the remission or return of any excluse or tax psyable as part of the price. The Authority shall exempt the United Nations and United Nations contractors from general sales taxes in respect of all official local purchases. In making purchases on the local market, the United Nations shall, on the basis of observations made and Information provided by the Authority in that respect, avoid any adverse affect on the local economy.
- 10. The Anthority shall take all appropriate measures to ensure the safety and security of the United Nationa, its officials and expects. The Authority will provide the United Nations, where necessary and upon its request, with maps and other information, which may be useful in facilitating and protecting the sametry of the United Nations in the conduct of its tasks and provenents. Upon the request of the SRSG, annex escorts will be provided to protect officials and expects for the United Nations during the exercise of their functions.
- 11. The Anthonity shall ensure the prosecution of persons who are accused of acts in relation to the United Nations, or its officials or experts, which, if committed in relation to the forces of the Authority or against the local civilian population, would have rendered such acts liable to prosecution.
- 12. It is further tunderstood that operative paragraphs 5-11, inclusive of General Assembly resolution 52/247 of 26 June 1998 apply in respect of third party claims against the UN resulting from or stiributable to the United Nations or to the activities of its officials or experts.
- 13. Any dispute, controversy or claim arising out of, or relating to, this Agreement, which is not settled amicably by negotiation or other mutually agreed mode of settlement shall be submitted to arbitration at the request of either Perty. Each Perty shall appoint one arbitrator, and the two arbitrations as appointed shall appoint a third, who shall be the chairment. If within thirty days of the request for arbitration either Perty has not appointed an arbitrator or if within fifteen days of the appointment of two arbitrators the third arbitrator has not been appointed, either Perty may request the President of the International Court of Justice to appoint an arbitrator. The procedure of the arbitration shall be fixed by the arbitrators, and the expenses of the arbitration shall be bome by the Perties as assessed by the arbitrators. The arbitral

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award shall acquisin a sentement of the reasons on which it is bessed and shall be accepted by the Parties as the final adjustication of the dispute.

- 14. The above-mentioned arrangements concerning these Specialized and related Agencies listed in the attended Assum and their Officials and aspects who are providing assistance in Iraq as well as the above arrangements pertaining to the IABA and their Officials and expects shall continue to apply unless supersected by separate agreements concluded between them and the Authority.
- 15. If the above provisions meet with your approved, I would propose that this latter and your confirmation thereof constitute on Agraement between the United Nations and the Anthority with immediate effect.
- 16. I would file to take this opportunity to express gustineds to the Authority for the support provided to the United Nations in Solitating in take.

Accept, Excellency, the assurances of my highest consideration.

Kings Prendergust
Under-Secretary-Ownersh for Political Affilias

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#### PROVISIONAL ANNEX

#### LIST OF SPECIALIZED AND RELATED AGENCIES INCLUDED UNDER THE EXCHANGE OF LETTERS

- 1. Food and Agricultural Organization of the United Nations (PAO)
- The Informational Bank for Reconstruction and Development (BRD) and its affiliates, the Informational Development Association (IDA) and the International Pinance Corporation (IFC)\*
- 3. International Civil Aviating Organization (ICAO)
- 4. International Fund for Agricultural Development (IRAD)
- 5. International Labour Organization (ILO)
- International Maritime Organization (IMO)
- 7. International Mondary Pond (IMP)\*
- 8. International Organization for Migration (IOM)
- 9. Interesticinal Telecommunication Union (IIU)
- 10. United Nations Educational, Scientific and Cultural Organization (UNESCO)
- 11. United Nations Industrial Development Organization (UNIDO)
- 12. Universal Postal Union (UPU)
- 13. World Health Organization (WHO)
- 14. World Intellectual Property Organization (WIPO)
- 15. World Pood Programme (WFP)
- 16. World Meteorological Organization (WMO)

<sup>\*</sup> inchesion is without postudies to the obligations of its mandom under the applicable Articles of Agreement.

The agreement should be seen as a practical instrument, which will considerably assist us in implementing our responsibilities under resolution 1413. The druft, which we attach is based upon the United Nations Charter, the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialized Agencies both of which are widely recognized as well as customery principles and practices of practiceping as reflected in, inter-cite, the model Status of Percen Agreement (B/45/594) Which has been undersed by both the Security Council as: well as the General Assembly.

I would accordingly welcome the Authority's views or approved of the attached

Please accept, Exmellencias, the assurances of my highest consideration.

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Denilo Tork sistant Secretary-Gungral for Political Affairs

on The Deputy Secretary-General

Mr. Rim

Mr. Quilbonno

Mr. Corell

Mr. Oshbus

Mr. Sevan

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19 June 2008

#### Received to receive

I have the horner to refer to readstion 1483 (2003) of 22 biny 2003 by which the Security Council took note of year joint letter of 8 May 2003 to the President of the Security Council (S/2003/338) and recognized the specific authorities, responsibilities and obligations under applicable international hav of the United States and the United Kingdom of Great Britain and Northern Iraland as the Authority in Iraq.

The Council by its resolution also requested the Secretary-General to appoint a Special Representative for ireq (the SESC) whose independent responsibilities include, inter-alia, coordinating activities of the United Nations in past-conflict processes in Ireq, coordinating activities of the United National agencies suggest in humanitarian assistance and reconstruction activities in Ireq and, in coordination with the Authority in assist the people of Ireq through the means manifold in paragraph 8 of resolution 1483 (2003).

In order to facilitate the activities of the United Nations, its Specialized and related Agencies and the SREG pursuant to resolution 1483, I purpose that a draft agreement in the form of an exchange of latters be concluded between the United Nations and the Authority for our activities in Iraq.

His Excellency
Mr. John D. Negropents
Pennancy: Representative of the United States of America
to the United Nations
New York

His Broeilenry
Sir Jecemy Greenstock, OCMG
Premanent Representative of the United Kingdom of Green Britain and Herthern Imland
to the United Matiens
New York

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Office of the Special Representative of the Secretary-General for Iraquak

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21 June 2003

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Dan Jong,

With the adoption by the Security Council of resolution 1483 (2003) on 22 May 2003, the United Nations Secretary-General, in paragraph 16 of the referenced resolution, was charged with the termination of the "Oil for Food" Programme (the "Programme"). He was, inter alia, requested to "terminate within this time period (six months following the adoption of the resolution), in the most cost affective manner, the ongoing operations of the "Oil for Food" Programme, both at headquarters level and in the field, transferring responsibility for the administration of any remaining scivity under the Programme to the Authority".

Paragraph 16 continues by detailing a number of actions and activities that should be undertaken during the six-month time period.

As you are sware, the Programme was established by Security Council resolution 986 (1995), which was adopted on 14 April 1995 and was intended to be a temporary measure simed at providing for the humanitarian needs of the Iraci population until the provisions of relevant Security Council resolutions were met. In the center and south of Iraq, the United Nations' activities centered on observation to ensure that the distribution of items by the Government of Iraq to the population was equitable, that oil revenues were adequate to address the humanitarian needs of the population, and that the distribution system was efficient, as well as to provide the necessary assurances to the Security Council and its Committee established by resolution 661 (1990) that the supplies and equipment provided under the Programme were being utilized for authorized purposes. Subject to the requirements of resolution 986 (1995), the Memorandum of Understanding entered into between the UN Secretarist and the Government of Iraq (S/1996/356), and the procedures adopted by the Security Council Committee, the Government of Iraq was responsible for contracting for buntanitarian supplies for the center and south of the country and for the purchase of food and medicines under the bulk purchase agreement, for the whole of Iraq, including the three northern governorates.

Ambassador L. Paul Bremer

The role entrusted to the United Nations in the three northern governorates of Dahuk, Brbil, and Sulsymaniyah under Security Council resolution 986 (1995) was more extensive than that for the center and southern governorates, and, accordingly, the actions required to terminate the Programme will differ for this region. For the three northern governorates, United Nations agencies, funds, programmes and specialized agencies, in essence, assumed responsibility for virtually all aspects of Programme implementation. Over the life of the Programme, these activities have expanded from merely providing medicines, health supplies, foodstoffs, and supplies for essential civilian needs to projects for public utility repair, rehabilitation, and construction, agricultural industry repair and construction, community facilities, and other large capital works. This expansion has mirrored the broadening activities undertaken by the previous Government of Iraq in the center and southern governorates.

This was the situation that aristed on 18 March 2003, when the Secretary-General relocated all international United Nations personnel from Iraq because of the prospect of imminent hostilities and informed the Security Council of the temporary suspension of the Programme. After the outbreak of hostilities, the Security Council adopted resolution 1472 (2003) on 28 March 2003, which authorized the Secretary-General, for a period of 45 days, on an interior and exceptional basis, to undertake certain measures and assume certain functions associated with the coordination and delivery of humanitarian supplies already approved for export to Iraq. Certain additional authority, including the ability to contract for urganity required medical items and to procure commodities locally, were also entrusted to the Secretary-General. The term of the responsibilities accorded to the Secretary-General under resolution 1472 (2003) was extended until 3 June 2003 by resolution 1476 (2003) of 24 April 2003.

On 8 May 2003, in a lotter addressed to the President of the Security Council, the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland, on behalf of the Coalition partners, advised the President of the Security Council, inter alia, that they would strictly abide by their obligations under international law and that they had created the Coalition Provisional Authority ("CPA") "to exercise the powers of government temporarily, and as necessary". The Security Council noted this letter (\$/2003/538) in its resolution 1483 (2003).

Thus, the two primary documents that, at the present stage, govern the orderly termination of the Programme and the passage of responsibility in this regard from the United Nations are the Security Council resolutions 1472 (2003) and 1483 (2003). In addition, the letter dated 8 May 2003 addressed to the President of the Security Council from the Missions to the United Nations of the United States and the United Kingdom (the "Coalition Letter") is relevant to this process.

Under the terms of the Coalition Letter, the Authority has assumed, or has undertaken to assume, responsibility for, inter alia:

- Exercising powers of government temporarily, and, as necessary, especially to
  provide security, to allow the delivery of humanitarian aid, and to eliminate
  weapons of mass destruction and other weaponry;
- · Providing security in and for the provisional administration of Iraq;
- · Deterring hostilities;

- . Maintaining the territorial integrity of Iraq and securing Iraq's borders:
- Facilitating, in consultation with relevant organizations, the orderly and voluntary return of refugees and displaced persons;
- Progressively transferring administrative responsibilities to representative institutions of government as appropriate
- Maintaining civit law and order, tooluding through encouraging international
  efforts to rebuild the capacity of the Isaqi civilian police force;
- Supporting and coordinating de-mining and related activities;
- · Facilitating the establishment of representative institutions of government;
- Providing for the responsible administration of the line; financial sector, for humanization relief, for economic reconstruction, and for the transparent operation and repair of line's infrastructure and natural resources; and,
- Working closely with the United Nationa, including the specialized agencies and programmes.

Set forth below are my proposals for implementing the responsibilities of the Secretary-General under the provisions of Security Council resolution 1483 (2003) with regard to the "Oil-for-Food" Programme, and the termination of the on-going operations of the Programme within the six-month period specified in that resolution, by 21 November 2003.

By virtue of resolutions 1472 (2003) and 1483 (2003), the United Nations has assumed, or will assume, responsibility for, inter alia:

- Ratabilishing alternative locations for the delivery, inspection, and surhentication of humanitarian supplies and equipment provided under the Programme:
- Reviewing approved funded and unfunded contracts under the Programme to determine the relative priorities of the goods represented in those contracts and proceeding with those contracts in accordance with such orientities:
- . Requiring suppliers to delay, socelerate, or divert shipments;

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- Reviewing, in coordination with the Authority and, once established, the
  Iraqi interim administration, approved applications to determine their
  relative utility vis-h-vis the needs of the Iraqi population, and postponing
  action on contracts and their letters of credit deemed to be of questionable
  critics.
- Negotiating necessary adjustments in the terms or conditions of priority contracts and their letters of credit as set forth in Security Council resolution 1472 (2003), paragraph 4(d);
- Using funds in the ESB (59 percent) and ESC (13 percent) escrow accounts created under resolution 986 (1995) to compensate suppliers and shippers for agreed additional shipping, transportation and storage costs incurred as a result of divorting and delaying shipments;
- Contracting for the procurement of essential medical items not provided for under existing approved contracts;
- Procuring locally produced goods and to meet the local costs for essential civilian needs which have been funded under the Programme;

Consolidating the ESB and ESC accounts in a single account;

Transferring to the Development Fund for Iraq US \$1 billion from the ESB and ESC accounts and transferring remaining surplus funds in the escrow accounts as soon as possible — it may be recalled that on 28 May 2003, the UN Controller transferred \$1 billion to the Development Fund for Iraq, pursuant to paragraph 17 of resolution 1483 (2003);

Preparing an estimated budget for costs relating to the termination of the

Programme and other activities; and

 Developing, in coordination with the Authority and the Iraqi interim administration, a comprehensive strategy that will lead to the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme to the Authority.

To successfully implement Security Council resolutions 1472 (2003) and 1483 (2003), there needs to be a clear understanding of the roles of both the Authority and the United Nations. Towards this end, in the case of the center and south of Iraq, it is understood that the Authority would:

 Coordinate with the lead interim administration, as soon as it is established, and the United Nations in determining the priority and relative utility of contracts vis-à-via meeting the needs of the Iraqi population;

· Restore routine border formalities at the entry points to Imq; and

Facilitate the rehabilitation of the state entities which were previously
responsible for contracting, so that they can receive goods consigned to them
as soon as possible. In the meantime, however, arrange to take delivery of
goods consigned to the state entitles that were the purchasers under the
contracts.

In this regard, the United Nations, during the six-mouth period specified in resolution 1483 (2003), paragraph 16, will continue to:

 Confirm the compliance of applications with the requirements of Security Council resolutions;

 Identify an appropriate United Nations agency, fund or programme to 'adopt' each application and carry out negotiations with suppliers regarding changes to the terms and conditions of the contract and its letter of credit;

 Where necessary, verify the availability of funds and facilitate the insuance of letters of credit;

 Arrange for authentication of goods as they enter Iraq or another alternative location inside or outside Iraq; and

In the case of the three northern governorates, it is understood that the Authority

 Indicate the elements of a comprehensive strategy which it considers appropriate for delivering all relevant documentation and transferring all operational responsibility of the Programme to the Authority;  Indicate the appropriate recipient entity for the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme;

 Indicate the mechanism within the Authority for determining the future status of contracts undertaken by the United Nations which will not be

concluded prior to 21 November 2003:

• In consultation with the Iraqi interim administration, once established, and the United Nations, develop the modality for the transfer of the already completed projects and related assets to the Authority, following the approval of the comprehensive exit strategy submitted to the Security Council pursuant to paragraph 16 (f) of resolution 1483 (2003), 30 days prior to the termination of the Programme on 21 November 2003.

#### In this regard, the United Nations will:

- Determine those contracts the performance of which will not be completed by 21 November 2003;
- Provide details of any projects dafarred because of the termination of the programme;
- Determine those assets of the Programme which are to be transferred to the Authority;
- Determine the documentation which is to be transferred to the Authority;
- Calculate the recurrent, operational and technical assistance/capacity building costs associated with the assets to be transferred;
- Calculate the recurrent, operational and technical assistance/capacity building costs associated with any ongoing contracts;
- Provide details of ongoing humanitarian services essential to meet the needs of the population; and,
- Provide details of any locally generated funds to be transferred and the stillzation of these funds not transferred.

In carrying out the responsibilities set forth above, the United Nations intends to do so in close cooperation with the Authority and, as appropriate, with the Iraqi interior administration, once it is established. So that we are able to carry out these various responsibilities in a cooperative and efficient manner utilizing to the full extent the resources available to us, I should like to propose that, as an initial step, we institutionalize the sectoral working groups for each of the Ministries or sectors so that, at a professional level, the actions required to transfer the Programme can be determined. In the case of the three actions required to transfer the Programme can be determined. In the case of the three actions governorates, where there have been separate authorities from those in the rest of the country for several years and where the United Nations' involvement has been greater, I should also like to propose that a separate working group, based in Erbil, be established to address the different requirements for transferring the Programme to the Authority.

For purposes of overseeing this mechanism, I would see the need for the appointment of a high level group to offer leadership to the process and guide the working groups. I believe that the representation on this body should be at such a level so that

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I am looking flowerd to receiving your views on the above most ungently.

the sum present y

Yours should your.

Bergio Visira de Mello

Special Representative of the Secretary-General

OFF



AM 300622-17

## Office of the Special Representative of the Secretary-General for Iraq

#### Bagbdad

Telephone: +1 212 963 3010, Fax: +1 212 963 9775

21 June 2003

Dan Jenny,

With the adoption by the Security Council of resolution 1483 (2003) on 22 May 2003, the United Nations Secretary-General, in paragraph 16 of the referenced resolution, was charged with the termination of the "Oil for Food" Programme (the "Programme"). He was, inter alia, requested to "terminate within this time period [six months following the adoption of the resolution], in the most cost effective manner, the ongoing operations of the "Oil for Food" Programme, both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority".

Paragraph 16 continues by detailing a number of actions and activities that should be undertaken during the six-month time period.

As you are aware, the Programme was established by Security Council resolution 986 (1995), which was adopted on 14 April 1995 and was intended to be a temporary measure aimed at providing for the humanitarian needs of the Iraqi population until the provisions of relevant Security Council resolutions were met. In the center and south of Iraq, the United Nations' activities centered on observation to ensure that the distribution of items by the Government of Iraq to the population was equitable, that oil revenues were adequate to address the humanitarian needs of the population, and that the distribution system was efficient, as well as to provide the necessary assurances to the Security Council and its Committee established by resolution 661 (1990) that the supplies and equipment provided under the Programme were being utilized for authorized purposes. Subject to the requirements of resolution 986 (1995), the Memorandum of Understanding entered into between the UN Secretariat and the Government of Iraq (S/1996/356), and the procedures adopted by the Security Council Committee, the Government of Iraq was responsible for contracting for humanitarian supplies for the center and south of the country and for the purchase of food and medicines under the bulk purchase agreement, for the whole of Iraq, including the three northern governorates.

Ambassador L. Paul Bremer

The role entrusted to the United Nations in the three northern governorates of Dahuk, Erbil, and Sulaymaniyah under Security Council resolution 986 (1995) was more extensive than that for the center and southern governorates, and, accordingly, the actions required to terminate the Programme will differ for this region. For the three northern governorates, United Nations agencies, funds, programmes and specialized agencies, in assence, assumed responsibility for virtually all aspects of Programme implementation. Over the life of the Programme, these activities have expanded from merely providing medicines, health supplies, foodstuffs, and supplies for essential civilian needs to projects for public utility repair, rehabilitation, and construction, agricultural industry repair and construction, community facilities, and other large capital works. This expansion has mirrored the broadening activities undertaken by the previous Government of Iraq in the center and southern governorates.

This was the situation that existed on 18 March 2003, when the Secretary-General relocated all international United Nations personnel from Iraq because of the prospect of imminent hostilities and informed the Security Council of the temporary suspension of the Programme. After the outbreak of hostilities, the Security Council adopted resolution 1472 (2003) on 28 March 2003, which authorized the Secretary-General, for a period of 45 days, on an interim and exceptional basis, to undertake certain measures and assume certain functions associated with the coordination and delivery of humanitarian supplies already approved for export to Iraq. Certain additional authority, including the ability to contract for urgently required medical items and to procure commodities locally, were also entrusted to the Secretary-General. The term of the responsibilities accorded to the Secretary-General under resolution 1472 (2003) was extended until 3 June 2003 by resolution 1476 (2003) of 24 April 2003.

On 8 May 2003, in a letter addressed to the President of the Security Council, the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland, on behalf of the Coalition partners, advised the President of the Security Council, inter alia, that they would strictly abide by their obligations under international law and that they had created the Coalition Provisional Authority ("CPA") "to exercise the powers of government temporarily, and as necessary". The Security Council noted this letter (S/2003/538) in its resolution 1483 (2003).

Thus, the two primary documents that, at the present stage, govern the orderly termination of the Programme and the passage of responsibility in this regard from the United Nations are the Security Council resolutions 1472 (2003) and 1483 (2003). In addition, the letter dated 8 May 2003 addressed to the President of the Security Council from the Missions to the United Nations of the United States and the United Kingdom (the "Coalition Letter") is relevant to this process.

Under the terms of the Coalition Letter, the Authority has assumed, or has undertaken to assume, responsibility for, inter alia:

- Exercising powers of government temporarily, and, as necessary, especially to provide security, to allow the delivery of humanitarian aid, and to eliminate weapons of mass destruction and other weaponry;
- · Providing security in and for the provisional administration of Iraq;
- · Deterring hostilities;

- · Maintaining the territorial integrity of Iraq and securing Iraq's borders:
- Facilitating, in consultation with relevant organizations, the orderly and voluntary return of refugees and displaced persons;
- Progressively transferring administrative responsibilities to representative institutions of government as appropriate
- Maintaining civil law and order, including through encouraging international efforts to rebuild the capacity of the Iraqi civilian police force;
- Supporting and coordinating de-mining and related activities;
- · Facilitating the establishment of representative institutions of government;
- Providing for the responsible administration of the Iraqi financial sector, for humanitarian relief, for economic reconstruction, and for the transparent operation and repair of Iraq's infrastructure and natural resources; and,
- Working closely with the United Nations, including the specialized agencies and programmes.

Set forth below are my proposals for implementing the responsibilities of the Secretary-General under the provisions of Security Council resolution 1483 (2003) with regard to the "Oil-for-Food" Programme, and the termination of the on-going operations of the Programme within the six-month period specified in that resolution, by 21 November 2003.

By virtue of resolutions 1472 (2003) and 1483 (2003), the United Nations has assumed, or will assume, responsibility for, inter alia:

- Establishing alternative locations for the delivery, inspection, and authentication of humanitarian supplies and equipment provided under the Programme:
- Reviewing approved funded and unfunded contracts under the Programme to determine the relative priorities of the goods represented in those contracts and proceeding with those contracts in accordance with such priorities;
- Requiring suppliers to delay, accelerate, or divert shipments;
- Reviewing, in coordination with the Authority and, once established, the Iraqi interim administration, approved applications to determine their relative utility vis-à-vis the needs of the Iraqi population, and postponing action on contracts and their letters of credit deemed to be of questionable utility:
- Negotiating necessary adjustments in the terms or conditions of priority contracts and their letters of credit as set forth in Security Council resolution 1472 (2003), paragraph 4(d);
- Using funds in the ESB (59 percent) and ESC (13 percent) escrow accounts created under resolution 986 (1995) to compensate suppliers and shippers for agreed additional shipping, transportation and storage costs incurred as a result of diverting and delaying shipments;
- Contracting for the procurement of essential medical items not provided for under existing approved contracts;
- Procuring locally produced goods and to meet the local costs for essential civilian needs which have been funded under the Programme;

- Consolidating the ESB and BSC accounts in a single account;
- Transferring to the Development Fund for Iraq US \$1 billion from the ESB and BSC accounts and transferring remaining surplus funds in the escrow accounts as soon as possible it may be recalled that on 28 May 2003, the UN Controller transferred \$1 billion to the Development Fund for Iraq, pursuant to paragraph 17 of resolution 1483 (2003);
- Preparing an estimated budget for costs relating to the termination of the Programme and other activities; and,
- Developing, in coordination with the Authority and the Iraqi interim administration, a comprehensive strategy that will lead to the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme to the Authority.

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- Indicate the mechanism within the Authority for determining the future status of contracts undertaken by the United Nations which will not be concluded prior to 21 November 2003;
- In consultation with the Iraqi interim administration, once established, and the United Nations, develop the modality for the transfer of the already completed projects and related assets to the Authority, following the approval of the comprehensive exit strategy submitted to the Security Council pursuant to paragraph 16 (f) of resolution 1483 (2003), 30 days prior to the termination of the Programme on 21 November 2003.

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reference of issues to us when required is routine. With this in mind, subject of course to your endorsement of the proposal, I would nominate the Humanitarian Coordinator for Iraq to lead the United Nations team.

I am looking forward to receiving your views on the above most argently.

With rem pursonel Your singuityers.

Special Representative of the Secretary-General

### Troye, Olivia

From:

Nadia Younes-UNOHCI [younes-unchci@un.org]

Sent:

To: Cer

Subject:

Paging Touries-Checket (geomes-choricagent.org)
Saturday, June 21, 2003 4:30 PM
Trope, Olivia
Carole Ray-UNOHO!
Letter From Serglo Vising de Mailo to Amb. Brenner



(See attached file: ltr\_Breser.pdf)

Dear Ambassador Bremet,

As noted in the discussion paper that Sergio discussed with you yesterday and following on from that conversation, please find a self-explanatory letter from Sergio concerning the wind-up of the Oil for Food Programme (OFFP).

Best regards

Nadia Younes Chief of Staff SRSG 21 June 2003

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### Masten, Sharlfah

From: Sent

Sergio Vieira de Melio [de\_melio@un.org] Truraday, August 14, 2003 3:28 PM Troye, Olivia; Masten, Sharifah

To: Subject:

Document for Ambassador Bramer: Electoral Decisions:



Document.pgf (225 1081

Kindly Forward to Asbassador Braner

Dear Jerry.

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Please find attached a 3-page unofficial document containing the urgent questions that need to be answered or resolved on the electoral path, as well as a two flow charts, left behind by our electoral colleagues who departed this morning. A more formal and comprehensive document will follow, but will probably add very little to what is encapsulated in the annex to this message. I thought I would immediately share this with you, as promised. I am thinking of doing the same with the GC, siter the document has been translated. Your thoughts would be welcome, a ta convenance... Amities, Sergio.

(See attached file: Document.pdf)



#### 0.0 Background:

Two core questions will need to be urganity addressed in freq before any electoral process can be started:

- What are the criteria for an eligible voter?
- What will be the structure and authority of the institution responsible for conducting the election?

Addressing these two questions will precede may operation planning and will need to be resolved before an accurate timeline can be produced for elections. Also, the answer to these questions will have to consider a range of sub-issues and related decisions.

#### 1.0 Criteria for An Eligible Voter:

#### J.I Invect of Decision

The criteria for an eligible voter will determine the possible number of voters that may participate in an election and has a direct impact on:

- Riccional logislation;
- Timing of elections;
- The number and type of staff required so well as the training needs;
- · Writing procedures for the election;
- Determining what type of election can be held and when it can be held;
- · Where the electoral institution must create officas;
- How many polling stations will be required and where to put them (nationally and/or internationally);
- What agreements are required with other countries or institutions; and
- The cost of the election.

#### 1.2 Criteria

What is the minimum age for a person to be able to vote?

. This is normally 18 years of age.

Most a person be residing somewhere within the country?

- · For a referendum it does not matter where a person lives within the country.
- For General Elections where a person may be only able to vote for candidates from their area, where they live is important.
- What if they live outside the country?

Must a person be an Iraqi sitizen as defined under the 1924 or 1963 laws?

- If there have upon to suitable, what criteria will be used that allows an lengt to be distinguished from a citizen of another country living in head?
- What blood connection or marriage relations will apply?
  - o For example, can the non-limy wife or husband of an Iraqi vote?

How will a person be able to prove that they meet the criteria?

- Most people will have some form of identity document, but what about people that do not have these documents?
- . What is the risk of fraud?

How will the voter eligibility criteria be brought into force?

- · Will the criteria be outlined in a decree?
  - o How long will the criteria be valid for?

#### 2.0 Electoral Institution:

#### 2.1 Impact of Decision

No electoral work can be conducted without a clear definition of who is going to be in charge of the task, under what institutional arrangements and with what kind of powers and authority. This means that determining the institutional structure, composition and powers of the electoral institution in charge of managing and conducting an electoral consultation must precede any planning of actual activities. Therefore, no progress can be made without first defining the body that will manage the electoral process or processes. This body has to be seen as credible and neutral by the population so that the electoral process it will organize and conduct are also perceived as genuine and credible.

#### 2.2 Criteria

How is the Electoral Institution structured?

- Historically, in Iraq, the Electoral Authority comprised two bodies: the Ministry of the Interior, that organized all the practical steps of the process, and an Electoral Commission, headed by a Judge that supervised the process.
- An alternative model is to have a fully independent Electoral Commission that does not depend directly of any Ministry, and has great degrees of autonomy in its decision-making processes. This Commission both organizes the actual conduct of the polls and supervises the process. In many countries, it has judicial powers to adjudicate challenges and complaints directly related to the electoral process.

How are the members of the Commission selected?

• The board of the Electoral Authority can be chosen following one of two criteria: totally independent from political parties or following lines of partisan representation. If the latter model is selected, then a definition of what is the partisan basis of representation becomes necessary. In the absence of a political parties law that defines what a political party is, agreement will have to be reached on what are the criteria to assume such a partisan representation. The same applies to any other form of representation used in the composition of the body.

What is the scope of its authority?

The Electoral Body needs to have powers to regulate via internal procedures
the process, as well as to conduct it. in some countries, it also has the power to

- interpret existing legislation as it applies to an electoral process. It can also have the power to adjudicate complaints and challenges.
- What sate of activities and processes will the Electoral Authority be directly responsible to implement and what activities will be implemented by other parts of the government? In the case of those activities not directly implemented by the Electoral Authority, what is the acops of the authority of the Electoral Institution via-k-via Ministries and agencies responsible for the implementation of these tasks?
- Another set of decisions regarding the scope of its authority has to do with the
  unistance of regional electron bodies (as in the case of Kundistan). What sort
  of suthority/links/surangements must this Electronal Body have with the
  structures already in existence in Kurdistan?

What is the source of the budget of the Electoral Institution?

- What is the source of funds?
- Who suthorizes the budget of the Electoral Institution? Does the Electoral Institution depend on another State institution for the approval/management of its budget?

What are the operational requirements of the Electoral Institution? How are these requirements going to be addressed?

The Electoral Institution will need both core staff and temporary staff. Core
staff for the Electoral Institution is usually recruited as part of the State
bureauccacy and is in charge of core, basic functions at the executive and line
management levels. Temporary staff can be recruited to implement certain
tasks (poll workers, for instance) or it can be mobilized from other sectors of
the State bureauccacy.

#### 3.0 Conclusion:

The core questions posed and the factors that must be addressed in suswering them will give a strong definition to the rature, timeliness and success of any electoral process.

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Electoral Management Body Berthring Dunces Electronic Assistances Edvaton Linked Healtonic 6/\*\* Aug 2003 For example, yearthy about For here issue will it resed to be halfy furnation Total and an analysis of Vinterfor / Confiberation? Staff Ригрове William drafts E? What is the source of feede? Budget Vac seriorisms the budget? Infrastructure apply or another body? Legislation On what beater What is professi? Authority What is the EMD authorised to do? is it independent? b ft neddowd Over & here judicial authority? Structura

Basic Cause and Effect Diagram for an Tectoral Management Body

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4.1. TARES : --

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Basic Cause and Effect Diagram for VC r Eligibility Criteria

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## Office of the Special Representative of the Secretary-General for Iraq Baghdad

Telephone: +1 212 963 3010, Pag: +1 212 963 9775

13 August 2003

Dear Berson,

I am writing in response to your letter of 28 July for which many thanks.

As you know, I met with your colleague, Ian, when he visited Baghdad not so long ago and we discussed both the IOM's demobilization programmes and your involvement with property claims. The latter I have also discussed with Jerry Bremer on a number of occasions.

On the first, the United Nations has no problem with the IOM embarking on the creation of a database for demobilized soldiers. I think it is a much needed project. My only advice (born out of bitter experience in East Timor) is that you make sure this activity takes place with the explicit concurrence of the Governing Council. It may also be advisable to wait for the laterim Ministers to be appointed which the Governing Council is likely to do any day now. Within them, you would have an obvious, direct, executive counterpart which I am sure would greatly facilitate your work.

Not surprisingly, the second issue – dealing with property claims – is more complicated. Jerry is adament that this project proceed as quickly as possible. He even suggested in one of our conversations that the UN might be seeking to prevent the project from moving forward because we objected to it in substance. I was clear with

Mr. Brusson McKinley International Organization for Migration Geneva

Copy to: Ambassador Paul L. Bromer III Administrator CPA



## Office of the Special Representative of the Secretary-General for Iraq Baghdad

him that our concern lay not with the substance of the matter but with the form as well as the security of the IOM staff and, by extension, all who fall under the UN security umbrella. I very much hope that IOM fully understands the motivation for our stance on this, which you and I have discussed in recent weeks.

In short, my strong advice in this area is that the support of the Governing Council should also be obtained for this project as well. I understand from Jerry that the Council does indeed endorse the programme, which it reconfirmed a few days ago. I suggest that IOM would benefit from this approval being made more explicit and being much more effectively publicized. Secondly, I would urge you to spend as much time and resources as are feasible on a sensitization campaign in advance of the beginning of the project proper. This will be particularly important at the local level and must, in my opinion, be devised and implemented by people who understand and can address local concerns - including and perhaps especially those that seem far fetched and extravagant. I have explained to Jerry that we have every interest in ensuring that IOM is successful in this first phase of what is likely to be a complex but vital undertaking, in redressing injustices of the past, while not generating new ones in the process.

Finally, I have also explained to Jerry that I also feel strongly, having cooperated with IOM and its predecessor ICEM since the early days of my career in the UN, that IOM must not be exposed to unnecessary risk, both as an institution and in terms of its staff security. In other words, I care about IOM as much as I care about the UN. I am, therefore, taking the liberty of copying this letter to Jerry.

I hope you find the above suggestions to be of use. Needless to say, however you might wish, the United Nations in Iraq stands ready to assist you in your important work in this country.

Sergio Vieira de Mello Special Representative of the Secretary-General



### Office of the Special Representative of the Secretary-General for Iraq

#### Baghdad

Telaphane: +1 212 963 3010, Fax: +1 212 963 9775

2 July 2003

231119 2003 X

Dem Im,

I am writing to advise you that a number of fraqis have been approaching my office claiming to have information related to an approaching my office claiming to have information related to an accordance of the programmes of the former regime in Iraq. Attached is a note outlining the nature of their information and providing a list of additional items that they provided. I am passing these items over to you as Head of the Coalition Provisional Authority, in light of your responsibilities under UN Security Council Resolution 1483.

Should your staff require further assistance in these matters, I am happy to make my Military Adviser, Group Captain Poot, available to them.

A. ....

Sergio Vicira de Mello

Special Representative of the Secretary-General

Ambassador L. Paul Bremer

#### Note for File

#### Weapons of Mass Destruction

Summary: Individuals claiming to have knowledge about WMD activities are approaching the UN. The following note covers the three recent approaches made

- 1. Three groups of individuals have approached UN staff seeking to pass on information about supposed weapons of mass destruction. In the first incident, a former biologist working in a private medical hospital, provided a sketchy description of what he thought were Special Republican Guard soldiers burying a small container (approx 2x2x3m) with a back-hoe. The incident took place in a civilian neighborhood of Baghdad at 4:00am one morning three weeks before the return of UNMOVIC. My office now has additional details, a GPS position and map reference for the location. The individual asked for nothing, seemed very nervous and reluctant to talk about the details, but felt the need for the UN and the Coalition to know and do something about it (he has family living nearby).
- 2. In the second incident, two former lraqi military officers asked to see the SRSG's Military Adviser. One was a former Major from a Chemical Unit who claimed to have been imprisoned twice for failing to comply with orders that involved working in chemical weapons projects. The other was a Major from an engineer unit, who offered little information, but primarily seemed to be present for moral support and translation. The officer from the chemical unit provided documentation showing that he had been in touch with the Americans but he stated that they appeared not to have done anything with the information passed on. He provided an overview of the chemical weapons program and its components, the delivery systems used for the various systems, the concentrations that were required to "kill a horse" and provided details of two sites that he claimed UNMOVIC had visited (Tarik -15-16 km on the old road from Pallujah to Baghdad and a site between Balad and Samarra on the main highway north of Baghdad). He provided details of the layout of the sites, the country involved in their construction and what had happened to them during the conflict. In the case of Tarik, he believed that there is an underground storage facility that has not been discovered, the precise contents of which he seemed uncertain.
- 3. The Major provided explanations of the techniques used to defeat the detection equipment being used by UNMOVIC, and an explanation of why these deceptions were effective. Explanations covered both technical means and deception techniques so that sites of interest appeared less interesting to the inspectors. The Major also identified a number of people involved in the programs at least one of which he claimed could be identified by the extensive burns he had received from an accident with mustard agents.
- 4. The Major stated that chemical weapons had been issued to units, specifying at least one of the tank divisions concerned. However he stated that the reasons why they were not used during the conflict were because of individuals refusing to follow orders and the sheer speed of the American operation. The special storage requirements and the need to prepare weapons, which he stated takes some time, apparently also hampered their employment.
- The majority of the interview was recorded on tape, in Arabic. Following the interview, the Major finished his session by seeking a job with the UN; he was categoric about not wanting to have

future employment in the New Iraqi Army or the new police services. This may or may not have any bearing on his motivation in coming forward and hence on the accuracy of the information.

- 6. In the third instance, the engineer who had been present the provious day, returned with a staff member of the National Monitoring Directorate (NMD). The NMD staff member handed over photos of documents, computer disks and CDs and video tapes that he stated came from a lock box belonging to General Hussam Mohamed Amin of the NMD. The documents are supposed to contain information on the trials and checking of warbeads and the names of the officers involved in the programs. The CDs include, among other information, the people working for the Al Fedda military industrial company. The disks supposedly contain information on the checking of the Al Fatih and Al Aubuar missiles and more information on people in the Al Fedda. The VHS and Beta video tapes include footage of the UNMOVIC vehicle accident that happened three days prior to their evacuation, a copy of "the Moving Sands" (a documentary on attempts to hide the secret programs) and coverage of visits to sensitive sites.
- 7. A list of articles provided, including the tape of the interview, follows:
  - Audio tape of part of the interview (the tape recording only started part-way through the interview);
  - b. 2 Sony Beta Videotape;
  - c, 4 VHS Videotapes;
  - d. Quantity of "UNMOVIC Sample Data Sheets and Log Record[s]".
  - c. Aerial photo of an airfield;
  - f. 94 photographs of documents;
  - g. 2 CDs;
  - h. 5 computer floppy diskettes.

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40-030713-22

#### Statement by Sergio Vielra de Mello

On the occasion of the

(Baghdad, Sunday 13 July 2003)

Your Excellencies, Members of the Governing Council, Ambassadors Bremer and Sawers, Members of the media, Friends,

I am honoured, today, to have been invited by you – the members of the Governing Council of Iraq – to say a few words on behalf of the Secretary-General of the United Nations.

There are defining moments in history. For Iraq, today is one of those and one that promises much for the future. It is thus only fitting that you let it be known that Iraq is moving back to where it rightfully belongs; at peace with itself and as a full participant in the community of nations. As an official of the United Nations, an Organization of which Iraq was a founding member, I am particularly proud to be here today to witness this historic event.

I have been in touch with the Secretary-General, Kofi Annan, who is following events in your country extremely closely. He wishes you well today and in the weeks and months ahead as you begin to grapple with the many challenges that face your country. He is committed to the United Nations assisting you and all Iraqis in any way that we can. We are here, in whatever form you wish, for as long as you want us. That is his promise.

Iraq today finds itself in a unique and difficult situation. A great country beset by much recent tragedy. Your convening, therefore, marks the first major development towards the restoration of Iraq's rightful status as a fully sovereign state. Today, brings Iraq one step closer towards fulfilling the explicit wish of the Security Council which, in its resolution 1483, resolved that the day when Iraqis govern themselves must come quickly. Let me also recall that the Security Council supported the formation of an Iraqi interim administration as a transitional administration run by Iraqis until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority.

I thus commend the Authority, as I commend you, for together seizing the initiative to realize 1483, in its entirety, as soon as possible.

The capacity of Iraqi leaders to forge the consensus necessary to bring into being the Governing Council – and to forge this consensus in such complex circumstances – is an achievement to be recognized, applicated and nurtured. This, too, bodes well for the future for it is through this consensus – a single-minded unity of purpose and resolve to

get Iraq back to where this country deserves to be - that the many challenges facing you will be overcome.

But, as you will understand more acutely than I, today marks merely one moment in time.

Today, in Iraq we see the emergence of the Governing Council with a significant executive role to play. This is not the ultimate goal – for that can only come with the restoration of full sovereignty – but it is a necessary and welcome move in that direction. Equally, the formation of your Council does not mean that tomorrow you will find yourselves alone.

From today, we now have Iraqi counterparts with whom we can deal. You will designate Interim Ministers. With you and with them the real work will commence and we will - the United Nations and the international community - be there to support you. The task is daunting. All Iraqis in need must receive the assistance they require and deserve. Humanitarian operations continue. New life must be breathed into the economy. The reconstruction and recovery tasks facing this country are immense.

Basic services must be restored. The economy must be urgently revived. The jobless must be found jobs. New skills must be learnt. Law and order must be restablished; the police force must be rebuilt, as must the army; the justice system reformed. The full range of human rights must be promoted and, above all, protected. For too long these rights have been trampted on by those who have shown nothing but disdain for the dignity of the human being. This must not be allowed to happen again. Freedom, dignity and security must be taken for granted, not something to pray for in desperation.

Likewise, Iraqis living in exile must not be forgotten: those who wish to return home — and many have been denied that opportunity for too long ~ need also be accommodated in this great land.

Ultimately, you will give pride back to the Iraqis and you will help this country break out of its exclusion and isolation.

Elections will need to be held. The voices of all Iraqis, men and women, must be heard as you shape your country for the future. And a constitution will need to be written: a fundamental document of vital importance to all the many varied peoples and regions of this nation, rich and united in its diversity.

The United Nations, and its member states, stands ready to assist you and the Iraqi people in any and all of the complex issues that you will need to address in the coming months. It is my hope that you shall soon receive me to discuss how best the United Nations might lend its expertise to the people of Iraq.

When, next week, I travel to New York at the Secretary-General's request to brief the United Nations Security Council on the situation in Iraq. I are happy that I shall be able to report on the positive news that Iraq has taken a marked step towards fulfilling that which is called of it—and of the international community—by resolution 1483. The people of Iraq deserve representative governance, based on the rule of law and that affords equal rights and justice to them all. The formation of the Governing Council is a move in the right direction.

Each one of you carned the respect of the leadi people through your achievements. You were a source of hope and confidence in times of despair. Now you must earn again – daily – that respect of the people. I commend you for now accepting this new responsibility of striving to turn the dreams of your compatriots into reality.



## Office of the Special Representative of the Secretary-General for Frag

يكب السئل الفاس للبين العام للأهم الملحة الادر ال/يادك

Telephone: +1 212 963 1010, Phr: +1 212 963 9775

20 July 2003

Dear Branzen

I have been trying to reach you before leaving Raghdad to express my constolerant and deep sympathy following this morning's incident on the read to Hills. I will keep trying later from Amman, as I was told you are presently in the United States.

Many thanks for your letter of 12 July. Likewise, it was a pleasure meeting up with you in Baghdad. I very much hope that the rest of your visit proved worthwhile and of value in developing iOM's future plans in Iraq.

Thank you also for providing me with feedback on your meeting with Jerry.

On the return of refugues, I believe we have a clear understanding, which? reconfirmed with Rand Lubbers yesterday, both with regard to small-scale returns from Europe/Australia, and in terms of gradual and organized successes from neighboring coupling.

As we discussed on 10 July, the property issue is extramely sensitive, particularly in the Sumri majority area. As you know, this tends to be emong the most contentions of problems to handle in post-conflict transitions. I would thus — and as you yourself recognized at the end of your letter—strong args IOM to raise this matter before the Governing Council (which was catablished the day after you wrote to me).

Mr. Bruneon McKinley International Organisation for Migration Geneva



## Office of the Special Representative of the Sourebury-General for Iraq

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It will be imporative to the success of the project that it is both as fully conditated as possible within the international community, and also has the imprimator of the newly formed Imai executive. May I, therefore, recommend - and I am not suggesting here that this rearring's incident is related to this issue - that you suspend the initial four-month project phase, until such consultations have borne that and local leadership/communities have been adoptably involved and informed.

Likewise, IOM's involvement in DDR should be carefully considered. Here again, we have taken the position that there should be no substantive involvement in this sector until such time as a request is made by Iraqi suchothics on the basis of an agreed comprehensive plan proposed jointly with the CPA, with adequate funding assured.

From a socurity point of view, my concern, shared by the Designated Official for Security, Ramine Lopes de Silva, is that engagement in property and DDR activities at this time, may put IOM at increased risk. This risk would result from the very real sensitivities that both sectors eated and the likelihood that actors involved will be targeted by parties who feel - rightly or wrongly - threatened, neglected or victimized by the processes. Moreover, as IOM is clearly a member of the UN family (including the colour of its vehicles), this could also affect the general security of international staff in Iran.

I look forward to discussing this with you farther.

With removed regardly and solidarity as well as

Lay bearmost personal regards.

Sergio Visita de Mello

Special Representative of the Secretary-General



# Office of the Special Representative of the Secretary-General for Iraq Baghdad

Telephone: +1 212 963 3618, Fest +1 312 963 9775

With the compliments of

Sergio Vieira de Mello

Special Representative of the Secretary-General for Iraq

Den Img/John,

Further to our meeting earlier this afternoon, I am sending you electronically both the letter that was sent by Kieran Prendergast to John Negroporte and Jeremy Greenstock, in New York proposing an exchange of letters to cement the privileges and immunities of the United Nations System in Iraq. I would be very grateful if you could do all that you can to expedite finalizing this exchange as soon as possible.

Secondly, attached, please find our rough translation of the leaflet to which I referred that was distributed in an around the meaque in Mosul just prior to the attack on the IOM office. I have no information on its authorship.

With men personal regards,

Baghdad, 6 July 2003

#### **EXCHANGE OF LETTERS**

FINAL FROM
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IN JULY 03
The LAR ISM

L. Paul Bremer Administrator Coalition Provisional Authority

#### Excellency.

- 1. I have the hosour to refer to resolution 1483 (2003) of 22 May 2003 in which the United Nationa Security Council noted the lotter from the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America of 8 May 2003 to the President of the Council (\$\frac{3}{2003}\$/538) and recognized the specific authorities, responsibilities and obligations under applicable international law of these states as occupying powers of Iraq under unified command (hereinafter referred to as the Coalition Provisional Authority ("CPA").
- 2. By this same resolution, the Security Council, inter alla, called on the CPA, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory. The Security Council also called upon all concerned to comply fully with their obligations under unternational law including, in particular, the Goneva Couventions of 1949 and the Hague Regulations of 1907.
- 3. The Council by its resolution also requested the Socretary-General to appoint a Special Representative for Iraq (hereinafter referred to as the "SRSO") whose independent responsibilities include, inter alia, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and

reconstruction activities in Iraq, and, in coordination with the CPA, assisting the people of fraq through the activities stated in paragraph 5 of that resolution. These activities include coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies.

- 4. The Council further requested that the Scoretary-General, in coordination with the CPA, continue the exercise of his responsibilities under Security Council resolutions 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of resolution 1483, and terminate within this time period, the "Oil for Food" Programme, both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the CPA, including by taking those measures stated in paragraph 16 of the resolution.
- 5. In order to facilitate the activities of the United Nations in Iraq as set out in resolution 1483, I wish to confirm that the CPA, consistent with Article 105 of the Charter of the United Nations, shall, as applicable, extend to the United Nations and the Specialized and related Agencies listed in the attached Armex (hereinafter referred to as the Specialized and related Agencies), the privileges and immunities and other assistance addressed below.
- 6. Paragraphs 7 and 8 below shall apply only to those high-making officials, officials, expects, and contractors whose missions and functions fall within the scope of paragraphs 7, 8, 12, and 16 of resolution 1483. These provisions may be extended to apply to other high-ranking officials, officials, experts and contractors with the agreement of the CPA.
- 7. I propose, that the CPA shall extend the following privileges and immunities, and facilities necessary for the operational needs of the United Nations and its

Specialized and related Agencies and the IAEA in Iraq (collectively "UN Organizations"):

- (a) High-ranking officials of the UN Organizations whose names shall be communicated to the CPA shall be accorded the privileges and immunities, exemptions and facilities that are enjoyed by diplomatic envoys in accordance with international law. These high-ranking officials are the Secretary General of the United Nations, the United Nations, the Assistant Secretaries General of the United Nations, the Director General of the IAEA, the Deputy Directors General of the IAEA, the SRSG, the executive head of each Specialized and related Agency, and any official acting on behalf of any of the aforessid officials during their absence from duty.
- (b) Officials of the United Nations, other than locally recruited officials, shall enjoy the privileges and immunities to which they are entitled under Articles V and VII of the Convention of the Privileges and Immunities of the United Nations (hereins(ter referred to as the "Convention"). However, such officials will enjoy the privileges and immunities contained in Section 18(f) of the Convention to the extent security and operational concerns permit. Locally recruited officials of the United Nations shall enjoy the immunities concerning official acts provided for in section 18(a) of the Convention. Officials of the Specialized and related Agencies, other than locally recruited officials, shall enjoy, to the extent that security and operational circumstances permit, the privileges and immunities to which they are entitled under Article VI and VIII of the Convention on the Privileges and immunities of the Specialized Agencies. Locally recruited officials of the Specialized and related Agencies shall enjoy, to the extent that security and operational circumstances permit, the instantities concerning official sets provided for in section 19(a) of the Convention on the Privileges and Immunities of the Specialized Agencies. Officials of the IABA shall enjoy, to the extent that

security and operational circumstances permit, the privileges and immunities provided for under Articles VI and LX of the Agreement on the Privileges and Immunities of the IAEA. (Officials of the United Nations and its Specialized and related Agencies and the IAEA are hereinafter referred to as "officials.")

- (c) Other persons assigned by the Socretary-General to perform missions for the United Nations shall enjoy the privileges and immunities accorded to experts on mission for the United Nations under Article Vi of the Convention. Experts assigned to perform missions for the Specialized and related Agencies shall enjoy the privileges and immunities that are provided for under the relevant America to the Convention on the Privileges and Immunities of the Specialized Agencies. Experts performing missions for the IAEA shall enjoy the privileges and Immunities accorded to them under Article VII of the Agreement on the Privileges and Immunities of the IAEA. (Experts performing relations for the UN Organizations are hereinafter referred to as "experts.") Without prejudice to the above, the above-mentioned officials and experts shall enjoy immunity from legal process in respect of acts done by them in discharging their duties (including words spoken or written).
- (d) Those contractors and their employees not normally resident in fraq that are engaged to perform services and/or provide supplies exclusively to the UN Organizations, equipment, provisions, supplies, materials and other goods (hereinafter referred to as United Nations contractors) shall be exempt from laxes in Iraq on the services provided by them, including corporate, income, social security and other similar taxes arising directly from the provision of such services.
- 8. The privileges and transmittes necessary for the fulfillment of the functions of the UN Organizations shall also include:

- (a) subject to reasonable restrictions based on the security environment or other military necessities, freedom of entry and exit without delay or hindrance, of officials and experts of the UN Organizations, their property, supplies, equipment, spare parts and means of transport, including exemption from passport and visa regulations and timely (taking into account the scentity and operating environment) issuance, if necessary, by the CPA to UN Organization contractors free of charge of all necessary visas or permits. The CPA shall be informed in advance of such entry and exit. For the purpose of entry or exit, officials and experts shall only be required to have a personal identity card issued by or under the authority of the relevant UN Organization, except in the case of first entry when the relevant UN Organization is except and national passport shall be accepted in fice of the said identity card.
- (b) subject to reasonable restrictions based on the security environment or other military necessities, freedom of movement throughout the country of officials, experts and contractors of the United Nations and its Specialized and related Agencies (and their property, supplies, equipment, spare parts and means of transport) who may use roads, bridges, canals, and other waters and sirfields without the payment of dues, tolls, landing fees, parking fees, overflight fees, port fees and charges, including wharfage charges. However, exemption from charges, which are in fact charges for services retudered, will not be claimed.
- (c) the right to import free of duty or other restrictions, property, supplies, equipment, spars parts, means of transport and other goods that are for the exclusive and official use of the particular UN Organization or for resale in commissation provided for bereinafter;

- (d) the right to establish, maintain and operate commisseries at UN headquarters in Iraq for the official use of officials and experts but not of locally recruited personnel. The SRSG shall take all necessary measures to prevent abuse of such commissaries and the sale or resale of goods to persons other than officials or experts of the UN Organizations;
- (e) the right to re-export or otherwise dispose of property, supplies, equipment, spare parts, means of transport, and all unconsumed provisions, supplies and other goods so imported or cleared or customs and excise warshouse that are not transferred, or otherwise disposed of, on terms and conditions to be agreed upon with the CPA or an eatity designated by the CPA;
- (f) timely (taking into account the security and operating environment) issuance by the CPA of all necessary authorizations, permits and licenses required for the importation or purchase of equipment, provisions, supplies, materials and other goods used in support of the UN Organizations, including in respect of importation or purchase by UN Organization contractors, without payment of duties, charges or taxes including value-added tax;
- (g) acceptance by the CPA of permits or (iconses issued by a UN Organization for the operation of vehicles used in support of a UN Organization; acceptance by the CPA, or where necessary validation by the CPA, free of charge and without any restriction, of licenses and certificates already issued by appropriate authorities in other States in respect of aircraft used in support of UN Organizations; timely (taking into account the security and operating environment) issuance by the CPA, free of charge, of necessary authorizations, licenses and certificates, where required, for the acquisition, use, operation and maintenance of aircraft used in support of UN Organizations;

- (h) the right to fly the United Nations flag and place distinctive United Nations identification on premises, vehicles and aircraft used is support of UN Organizations;
- (i) subject to applicable CPA regulations, orders and memoranda, and to the extent operationally required, the right to communication by radio, satellite or other forms of communication with United Nations Headquarters and between the various offices and to connect with the United Nations radio and satellite network, as well as by telephone, facsimile end other electronic data systems. The frequencies on which the communication by radio will operate shall be decided upon in cooperation with the CPA;
- (j) subject to any applicable CPA regulations, orders and memoranda, the right of access to radio and television production and broadcast facilities under the control of the CPA to disseminate information relating to the role of UN Organizations in Iraq, at appropriate times in the programme grid; and
- (k) the right to make arrangements through its own facilities for the processing and transport of private mail addressed to UN Organizations, their officials or experts or emanating from them. The CPA shall be informed of the nature of such arrangements, and shall not interfere with or apply consorable to such mail.
- 9. The CPA undertakes to assist the SRSG, to the extent practicable and consistent with the security and operating environment, in locating such areas for headquarters or other premises as may be necessary for the conduct of the operational and administrative activities of the UN Organizations. Subject to the provisions in paragraphs 16, 18 and 19, all such premises shall be inviolable and subject to the exclusive control and authority of the relevant UN Organization. It is understood that, taking into account security and operational concerns, UN

Organizations may be required to locate their premises in such areas as the CPA may determine.

- 10. The CPA undertakes to assist the UN Organizations, to fite extent practicable and consistent with the accurity and operating environment, in the UN Organizations' efforts to obtain equipment, provisions, supplies, materials and other goods and services from local sources required for their subsistence and operations. The CPA shall exempt the UN Organizations and their contractors from general sales taxes in respect of all official local purchases. In making purchases on the local market, the UN Organizations shall, on the basis of observations made and information provided by the CPA in that respect, avoid any adverse effect on the local economy.
- 11. The CPA shall, to the extent practicable and consistent with the security and operating environment, take appropriate measures to facilitate the safety and security of the UN Organizations, their officials and experts. The CPA will provide the UN Organizations, where necessary and upon receipt of a reasonable request, with maps and other information, which may be useful in facilitating and protecting the security of the UN Organizations in the conduct of its tasks and movements.
- 12. The CPA shall, to the extent practicable and consistent with the security and operating environment, endeavor to prosecute or facilitate prosecution of persons who are necessed of acts in relation to the UN Organizations, or its officials or expens, which, if committed in relation to the forces of the CPA or against the local civilian population, would have rendered such acts liable to prosecution.
- 13. Third party claims for property loss or damage and for personal injury, illness or death arising from or directly starbutable to sets or omissions of UN

#### DRAPT

Organization officials and exports shall be submitted to the UN Organization to which they belong, and shall be dealt with in accordance with the procedures of the UN Organization or the United Nations for such claims.

- 14. Any dispute, controversy or claim arising out of, or relating to, this understanding, should be sottled amicably by negotiation or other mutually agreed mode of settlement.
- 15. The above-mentioned arrangements concerning those specialized and related agencies histed in the attached Annex and their officials and experts who are providing assistance in fraq as well as the above arrangements pertaining to the IAEA and their officials and experts shall continue to apply unless supersaded by separate agreements concluded between them and the CPA.
- 16. The CPA's undertakings reflected in the above provisions, including those incorporating provisions from other agreements, shall be effective during the period that the CPA is exercising unified command authority in Iraq, and shall be subject to reasonable limitations that may be imposed by the CPA due to the security environment or other military necessities.

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17. The privileges and immunities reflected in the above provisions are granted to officials in the interests of the United Nations and UN Organizations and not for the personal benefit of the individuals themsulves. The Secretary General of the United Nations, or the heads of the respective specialized and related agencies and the IAEA, as appropriate, shall have the right and the dary to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without projudice to the interests of the United Nations.

- 18. Without prejudice to the privileges and immunities they may enjoy as provided in this exchange of letters, all United Nations, specialized and related agencies and IAEA personnel shall respect the Iraqi laws applicable to those personnel, as well as the regulations, orders, memoranda and public notices issued by the Administrator of the CPA.
- 19. The United Nations, specialized and related agencies, and the IAEA shall cooperate at all times with the appropriate authorities of the CPA to facilitate the proper administration of justice, to secure the observance of police regulations, and to preverk the occurrence of any abuse in connection with the privileges, intraunities and facilities stated in this letter.
- 20. If the above provisions meet with your approval, I would propose that this letter constitute our understanding of arrangements for cooperation in the conduct of activities in Iraq in the interests of the Iraqi people, as contemplated by UN Security Council Resolution 1483.
- 21. I would like to take this opportunity to express gratitude to the CPA for the support provided to the United Nations in facilitating its tasks.

Accept, Excellency, the assurances of my highest consideration.

Kieran Prendergast
Under-Secretary-General for Political Affairs
United Nations

PROVISIONAL ANNEX

#### DRAFT

# LIST OF SPECIALIZED AND RELATED AGENCIES INCLUDED UNDER THE EXCHANGE OF LETTERS

- 1. Foud and Agricultural Organization of the United Nations (PAO)
- 2. The International Bank for Reconstruction and Development (IBRD) and its affiliates, the International Development Association (IDA) and the International Pinance Corporation (IPC)

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- 3. International Civil Aviation Organization (ICAO)
- 4. International Fund for Agricultural Development (IFAD)
- 5. International Labour Organization (ILO)
- 6. International Maritime Organization (IMO)
- 7. International Monetary Fund (IMF)\*
- 8. International Organization for Migration (IOM)
- 9. International Telecommunication Union (ITU)
- 10. United Nations Educational, Scientific and Cultural

Organization (UNESCO)

- (1), United Nations Industrial Development Organization (UNIDO)
- 12. Universal Postal Union (UPU)
- 13. World Health Organization (WHO)
- 14. Warld Intellectual Property Organization (WIPO)
- 15, World Food Programme (WFP)
- 15, World Meteorological Organization (WMO)

 Inclusion is without projectice to the obligations of its Members under the applicable Articles of Agreement.

UNITED NATIONS



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19 June 2003

#### Expellencies.

There the honour to telle to resolution 1483 (2003) of 22 bissy 2003 by which the Security Council took note of your joint letter of 8 May 2003 to the President of the Security Council (8/2003/538) and recognized the specific authorities, responsibilities and obligations under applicable interesticant law of the United States and the United Kingdom of Great Britain and Northern Iraland on the Anthority in imq.

The Council by its resolution also requested the Secretary-General to appoint a Special Representative for Ireq (the SRSG) whose independent responsibilities include, fater alia, coordinating activities of the United Nations in post-condition processes to Ireq, coordinating among United Nations, and international agraphs angaged in humanitarian assistance and reconstruction activities in Ireq and, in coordination with the Authority to make the people of Ireq through the masses mentioned in puregraph 2 of resolution 1483 (2003).

In order to facilitate the activities of the United Nations, its Specialized and related Agencies and the SRSO pursuent to resolution 1483, I propose that a draft agreement in the form of an acchange of latters to concluded between the United Nations and the Authority for our activities in Iraq.

His Bacelletery
Mr. John D. Negropouts
Permanent Representative of the United States of America
to the United Nations
New York

Fin Excellency
Sir Jecency Grammtock, GCMG
Pennancut Representative of the United Kingdom of Great Britain and Northern Instant
to the United Nations
New York

United Nations Nations Unies

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## DRAFT EXCHANGE OF LETTERS

#### Excellencies,

- I. I have the honour to refer to resolution 1483 (2003) of 22 May 2003 by which the United Nations Security Council took note of your joint letter of 8 May 2003 to the President of the Council (\$/2003/538) and recognized the specific authorities, responsibilities and obligations under applicable international law of the United States and the United Kingdom of Great Britain and Northern Iroland as occupying powers of Iraq under unified command (heroinafter referred to as the "Authority").
- 2. By this same mentions, the Security Council, tries allo, called on the Anthority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory. The Security Council also called upon all concerned to comply fully with their obligations under international law including, in particular, the Geneva Conventions of 1949 and the Hague Regulations of 1907.
- 3. The Council by its resolution also requested the Sourctary-General to appoint a Special Representative for Iraq (hereinsfier referred to as the SRSC) whose independent responsibilities include, inter alla, coordinating activities of the United Nations in pert-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanizarism assistance and reconstruction activities in Iraq end, in coordination with the Austrostiy to assist the people of Iraq through the meson mentioned in paragraph 8 of that resolution. These mesons include coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations who seek to be associated with this humanitarian effort.

His Expellency
Mt. John D. Negropents
Percuspent Representative of the United States of America
to the United Nations
New York

His Bunellenoy
Sir Jersony Greenstock, GCMG
Permanent Representative of the United Kingdom of Great Britain and Northern Ireland
to the United Nations
New York

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- 4. The Council further requested that the Secretary-General in coordination with the Authority, continue the exercise of his responsibilities under Security Council resolutions 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003 for a period of six months following the adoption of resolution 1483 and terminate within this time period the "Oil-for Food" Programme both at headquarters and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority by taking those measures mentioned in paragraph 15 of the resolution.
- 5. In order to facilitate the activities of the United Nations in Iraq as set out in resolution 1483, I wish to confirm that the Authority, consistent with Article 105 of the Charter of the United Nations, shall, as applicable, extend to the United Nations and the Specialized and related Agencies), their property, finds and assets and officials and expects on mission listed in paragraphs 6 (a), (b) and (c) below, the privileges and immunities provided for in the Convention on the Privileges and immunities of the United Nations (hereinafter referred to as the Convention) and the Convention on the Privileges and immunities of the Specialized Agencies. I further propose that the Authority extend to the international Atomic Brazey Agency (hereinafter referred to as the IABA), its property, funds and assets and its officials and expects on mission listed in puniquephs 6 (a), (b) and (c) below, the privileges and immunities provided for in the Agraement on the Privileges and Immunities of the IABA. Additional facilities as provided herein are also required for the contractors and their employees sugaged to perform services and/or supply exclusively to the United Nations or its Specialized and related Agencies and the IABA, equipment, providence, supplies, materials and other goods (hereinafter referred to as United Nations contractors).
- 6. I propose, that the Amhority shall extend the following privileges and innumities and facilities necessary for the operational needs of the United Nations and its Specialized and related Agencies and the IABA in Iraq: ...
  - (a) High-runking officials of the United Nations and the Specialized and related Agencies and the IABA whose names shall be communicated to the Authority shall be accorded the privileges and immunities, examptions and facilities, which are enjoyed by diplomatic envoys in accordance with international law.
  - (b) The officials of the United Nations shall enjoy the privileges and immunities to which they are entitled under Articles V and VII of the Convention. Lecally recruited officials of the United Nations shall enjoy the immunities concerning official acts and examption from taxation and national service obligations provided for in sections 18 (a), (b) and (c) of the Convention. Officials of the Specialized and related Agencies including locally recruited efficials shall enjoy the privileges and immunities to which they are entitled under Article VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies. Officials of the IABA shall sujoy the privileges and immunities provided for maket Articles VI and IX of the Agreement on the Privileges and Immunities provided for maket Articles VI and IX of the Agreement on the Privileges and Immunities of the IABA (officials of the United Nations and its Specialized and related Agencies and the IABA are hereinator referred to as "officials").

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(c) Other persons assigned by the Secretary-General to perform missions for the United Nations shall enjoy the privileges and immunities accorded to experts on mission for the United Nations under Axticle VI of the Convention. Experts assigned to perform missions for the Specialized and related Agencies shall enjoy the privileges and immunities that are provided for under the relevant America to the Convention on the Privileges and immunities of the Specialized Agencies. Experts performing missions for the IAEA shall enjoy the privileges and immunities accord to them under Axticle VII of the Agreement on the Privileges and immunities of the IAEA (experts performing missions for the United Nations and its Specialized and related Agencies and the IAEA are hereinafter referred to as "experts").

Without projudies to the above, the above-mentioned officials and expects shell all enjoy immunity from legal process to respect of all acts done by them in dischanging their duties (including words spoken or written).

- (d) United Nations contractors, other than local contractors, shall be accorded repatriation facilities in time of crims and examption from taxes in Iraq on the services provided, including corporate, income, social security and other similar taxes arising directly from the provision of such services.
- 7. The privileges and immunities necessary for the fulfillment of the functions of the United Nations and its Specialized and related Agencies and the IAEA (hereinafter referred to as the "United Nations") shall also include:
  - (i) unrestricted freedom of entry and exit without dalay or bindrance, of officials, experts and United Nations contractors, their property, supplies, equipment, space parts and means of transport, including examption from passport and vita regulations and prompt issuance, if accessary, by the Authority to United Nations contractors, free of charge and without any restrictions, of all accessary visas, licenses or permits. For the purpose of entry or exit, officials and experts shall only be required to have a personal identity eard issued by or under the authority of the United Nations, except in the case of first entry, when the United Nations islasses, passer and national passport shall be accepted in tisu of the said identity eard;
  - (ii) unrestricted freedom of provenent throughout the country of officials, experts and United Nations contractors and their property, supplies, equipment, spare parts and means of transport who may use roads, bridges, canals, and other waters and sirilely without the payment of dues, tolls, isoding free, patieng free, overflight frees, port fees and charges, including wherings charges. However, excention from charges, which are in fact charges for services randered, will not be elaimed;
  - (iii) the right to import, free of duty or other restrictions, property, supplies, equipment, space parts, means of transport and other goods which are for the muchaive and official use of the United Nations or for resale in commissaries provided for hereinsther:

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- (iv) the right to establish, maintain and operate commissaries at UN headquarters in freq for the official use of officials and copers but not of locally recruited performed. The SRSG shall take all necessary measures to provent stuse of such commissaries and the sale or resale of goods to persons other than officials or experts for the United Nations;
- (v) the right to re-expect or otherwise dispose of property, supplies, equipment, spare parts, means of transport, and all unconsumed provisions, supplies and other goods so imported or cleared at sustains and applies warshouse which are not transferred, or otherwise disposed of, on terms and conditions to be agreed upon, with the Authority or an entity nominated by the Authority;
- (vi) prompt issuance by the Authority of all necessary sufficients, permits and licenses required for the importation or purchase of equipment, provisions, supplies, resterlais and other gueds used in support of the United Nations, including in respect of importation or purchase by United Nations confractors, free of any restrictions and without payment of duties, charges or tous including value-added too;
- (vii) acceptance by the Authority of permits or licenses issued by the United Nations for the operation of vehicles used in support of the United Nations; acceptance by the Authority, or where necessary validation by the Authority, free of charge and without any restriction, of licenses and certificates already issued by appropriate authorities in other States in respect of already used in support of the United Nations; prompt issuence by the Authority, free of charge and without any restrictions, of accessary authorizations, licenses and certificates, where required, for the acquisition, use, operation and mathievance of aircraft used in support of the United Nations;
- (viii) the right to fly the United Nations flag and place distinctive United Nations identification on premises, vehicles and strengt used in support of the United Nations;
- (ix) the right to unrestricted communication by radio, astellite or other farms of communication with United Nations Headquarters and between the various offices and to connect with the United Nations radio and satellite network, as well as by telephone, facatenile and other electronic data systems. The frequencies on which the communication by radio will operate shall be decided upon in cooperation with the Authority;
- (x) the right to access to radio and television production and broadcast facilities under the control of the Authority to disseminate information relating to the United National mandate, at appropriate times in the programme grid. Programmes shall be entirely under the editorial control of the United National and shall be broadcast in their entirety. For the same purpose and in the event it is deemed necessary by the United National, the latter shall have the right to install, in consultation with the Authority, and operate United Nations radio attaines and television channels; and the
- (rd) right to make arrangements through its own facilities for the processing and transport of private mail addressed to the United Nations, its officials or experts or

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PAGE 5

ensuating from them. The Anthority shall be inframed of the nature of such consumers, and shall not interfere with or apply consuming to such mail.

- 2. The Authority shall provide without cost and in agreement with the SRSG such areas for headquarters or other premises as may be assumery for the conduct of the operational and administrative activities of the United Nations. All such premises shall be inviolable and subject to the exclusive control and authority of the United Nations.
- 9. The Authority undertakes to assist the United Nations as far as possible in obtaining equipment, provisions, supplies, materials and other goods and services from local sources required for its actual sources required for its actual sources and other goods purchased locally by the United Nations or by United Nations contractors for the official and exchangements for the United Nations, the Authority shall make appropriate administrative amagements for the numbered or return of any excise or text payable as part of the price. The Authority shall accompt the United Nations and United Nations contractors from general sales taxes in respect of all official local purchases. In making purchases on the local market, the United Nations shall, on the basis of observations made and information provided by the Authority in that respect, avoid any adverse effect on the local accommy.
- 10. The Authority shall take all appropriate measures to ensure the safety and security of the United Nations, its officials and separts. The Authority will provide the United Nations, where necessary and upon its request, with maps and other information, which may be useful in facilizating and protecting the security of the United Nations in the conduct of its testes and movements. Upon the request of the SRSG, armed escorts will be provided to protect officials and expects for the United Nations during the exercise of facili functions.
- 11. The Anthority shall ensure the prosecution of persons who are secured of acts in relation to the United Nations, or its officials or separts, which, if committed in relation to the forces of the Authority or against the local civilian population, would have rendered such acts liable to prosecution.
- 12. It is further understood that operative paragraphs 5-11, inclusive of General Assembly resolution 52/247 of 26 has 1998 apply in respect of third party claims against the UN resulting from or attributable to the United Nations or to the activities of its officials or expects.
  - 13. Any dispute, controversy or claim enting out of, or relating to, first Agreement, which is not settled amicably by negotiation or other mutually agreed mode of settlement shall be submitted to arbitration at the request of either Party. Each Party shall appoint one arbitrator, and the two arbitrators so appointed shall appoint a third, who shall be the chairman. If within thirty days of the request for arbitration either Party has not appointed an arbitrator or if within fifteen days of the appointment of two arbitrators for third arbitrators has not been appointed, either Party may request the President of the international Court of Justice to appoint an arbitrator. The proceedure of the arbitration shall be home by the Parties as assessed by the arbitrators. The arbitrators.

MLLED NYELONG (MALESCE ANITS)

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great shall compain a statement of the rescope on which it is bused and shall be accepted by the Parties as the final adjudication of the dispute.

- 14. The shows-mentioned arrangements concerning those Specialized and related Agencies Rated in the situated Amont and their Officials and supports who are providing assistance in freq or well as the above grangements perteining to the IABA and their Officials and support shall continue to apply unless amounted by expected agreements considered between them and the Amburity.
- 15. If the above provisions must with your approval, I would propose that this letter and your confirmation thereof countiers on Agreement between the United Nations and the Anthony with immediate effect.
- 16. I would like to take this opportunity to express goritode to the Authority for the support provided to the United Nations in Solitoting in take.

Accept, Excellency, the assumment of my highest consideration.

Kieren Proplement Under-Secretary-General for Political Affairs

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## PROVISIONAL ANNEX

### LIST OF SPECIALIZED AND RELATED ACENCIES INCLUDED UNDER THE EXCHANGE OF LETTERS

- 1. Food and Agricoltuna Organization of the United Nations (FAC)
- The International Bank for Reconstruction and Development (IBRD) and its efficient, the International Development Association (IDA) and the International Phonoco Corporation (IPC)<sup>b</sup>
- International Civil Aviation Organisation (ICAO)
- 4. International Pond for Agricultural Development (IRAD)
- 5. International Labour Organization (II.O)
- 5. International Maritime Organization (IMO)
- International Monatory Fund (IMF)\*
- E. International Organization for Migration (IOM)
- 9. International Telescommunication Union (ITU)
- 10. United Nations Educational, Scientific and Cultural Organization (UNBSCO)
- 11. United Nations Infratrial Development Organization (UNIDO)
- 12. Universal Postal Union (UPU):
- 13. World Health Organization (WHO)
- 14. World Intellectual Property Organization (WIPO)
- 15. World Food Programme (WFP)
- 16. World Mateorological Organization (WMO)

<sup>\*</sup> Enchance is without projection to the obligations of its members under the applicable Actions of Agriculture.

The agreement should be seen as a practical instrument, which will considerably assist us in implementing our responsibilities under resolution 1483. The deaft, which we aread is besen upon the United Nations Charter, the Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of the Specialised Agencies both of which are widely recognized as well as customery principles and practices of possesheeping as reflected in, their alia, the model Status of Porces Agreement (S/45/594) which has been undersed by both the Security Council as well as the General Assembly.

I would accordingly walcome the Authority's views or approval of the attached **Terror** 

Please scrapt, Excellencias, the assurances of my highest consideration.

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Denilo Tork Assistant Southery-Ocnomi for Political Affairs

to: The Deputy Secretary-General

Mr. Rim

Mr. Godbiono

Mr. Cocall

Mr. Oakhaa

Mr. Abmed

Mr. Soven



COPY\_OP\_COPIES
IQ, CJTY-7
CAMP VICTORY, IRAQ
241329DJUL03

- (U) FRAGO 494 [QRF SUPPORT TO UN FACILITIES] TO CITY-7 OPORU 03-036.
- (U) THIS FRAGO MAS BEEN REVIEWED AND APPROVED FOR RELEASE BY COL RADCLIPFE, CJTF-7 C3 CHOPS
- (U) SUBJ: CDR. CJTF7 IMPLEMENTS QUICK REACTION FORCE (QRF) PROCEDURES TO EMSURE THE SECURITY OF UNITED NATIONS (UN) FACILITIES IN IRAQ IS MAINTAINED.
- (U) REPERFNCES: [NO CHANGE]
- (U) MAPS: [NO CHANGE]
- (U) TIME ZONE USED THROUGHOUT THIS ORDER: DELTA
- (U) TASK ORGANIZATION: [NO CHANGE]
- 1. (U) SITUATION. [NO CHANGE]
- 2. (U) MISSION: [NO CHANGE]
- 3. (U) EXECUTION: [NO CHANGE]
- 3.A. [U] COMMANDER'S INTENT. [NO CHANGE]
- 3.8. (U) CONCEPT OF OPERATION. [CHARGE]
- 3.E.1. (U) THE UNITED NATIONS HAS NUMEROUS BUILDINGS AND FACILITIES IN AND AROUND THE GREATER BAGHDAD AREA. WHILE IT IS MEITHER CPA MOR CUTF-7 RESPONSIBILITY TO PROVIDE SECURITY FOR THEM (EXCEPT FOR PREVIOUSLY DESIGNATED WORLD FOOD PROGRAM SITES), IT IS OUR RESPONSIBILITY TO PROVIDE A SAFE AND SECURE ENVIRONMENT SO THAT THRY MAY LIVE AND OPERATE.

  EFFECTIVELY. THIS MEANS THAT OUR UNIT LEADERS MUST GET TO KNOW THE UN WORKERS AND GUARD FORCES IN THEIR AGS, AND ENSURE THAT A RESPONSE CAPABILITY IS ESTABLISHED IN CASE THERE IS A SECURITY-RELATED PROBLEM AT ANY OF THE UN SITES.
- J.S.2. (U) COORDINATE WITH UN DAY WORKERS AND HIGHT SECURITY FORCES IN ORDER TO BUILD A RESPONSE PLAN IN CASE OF DIFFICULTIES AT THESE FACILITIES.
- 3.8.3. (U) FORWARD RESPONSE PLANS FOR ALL SITES TO CUTF-7 HQ BY 30 JULY 2003.
- 3.8.4. (U) UNITS SHALL CALL THE POC; MR. BLHURR, TO SCHEDULE VISITS TO UM FACILITIES.
- 3.C. (U) TASKS TO SUBORDINATE UNITS AND STAFF (CHANGE)
- 3.C.1. (U) TASKS TO SUBORDINATE UNITS [CHANGE]
- 3.C.1,A. (U) 1AD

UNCLASSIFIED

#### UNCLASSIFIED

- 3.C.1.A.1. (U) VISIT EACH SITE LISTED ON THE ATTACHMENT TO MEET AND COORDINATE WITH THE DAY AND NIGHT SHIFT LEADERS, IN COORDINATION WITH THE UN POC (MR. ELMURR).
- 3.C.1.A.2. (U) PROVIDE RESPONSE PLANS TO HQ CJTF7 NLT 30JUL03 TO THE POCLISTED AT PARA 5.B.1.B.
- 3.C.2. (U) TASK TO STAFF. [NO CHANGE]
- 3.D. (U) COORDINATING INSTRUCTIONS [CHARGE]
- 3.0.1. (U) DIRLAUTH AT THE LOWEST POSSIBLE LEVEL DIRECTED.
- 3.D.2. (U) DIRECT COORDINATION BETWEEN THE TASKED UNIT(S) AND THE CPA REPRESENTATIVE LISTED BELOW IS REQUESTED.
- 4. (U) SERVICE SUPPORT. [NO CHANGE]
- 5. (U) COMMAND AND SIGNAL. (NO CHANGE)
- 5.A. (U) SIGNAL. [NO CHANGE]
- 5.B. (U) COMMAND. [CHANGE]
- 5.B.1. (U) POINTS OF CONTACT:
- 5.B.1.A. (U) FADDY ELMURR, UN FIELD SECURITY COORDINATION OFFICER FOR BAGHDAD (CANAL HOTEL), AT MCI 1-914-360-3157 OR 1-212-963-3010 EMT 6205, EMAIL ELMURRF@UN.ONG.

5.8.1.8. (U) CPA: (b)(6)		
5.B.1.C. (U) CJTF-7 C35 FUOPS: (b)(6) G3 (b)(6)		OR
ACKNOWLEDGE	(b)(6)	

SANCHEZ LTG

OFFICIAL:

WILLIAMS

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ATTACHMENT:

ORF SUPPORT TO UN FACILITIES

UNCLASSIFIED

# Enclosure (UN Facilities) to Tasking Letter 3201-01 QHF Support to UN Facilities

FACILITY	GRID COORDINATES	DESCRIPTION
Canal Hotel (UN HQ)	38 <b>SMB</b> 5 <b>04698</b> 8337	a plateen of US soldiers is already at this site. Site includes UN Office of Humanitarian Coordinator for Iraq)
UMHCR #/%:-	18SMB4770684101	(United Nations High Commission for Refugees)
UNDP	385MB4477686963 .	(United Nations Development Program - Site took fire from neighboring buildings at least twice this past week)
WHO	385MB4683386399	(Morld Mealth Organization)
FAO	385MB4392482974	(Food and Agriculture Organization)
UNICEF	385MB4608185911	(United Mations Children's Fund)
TOM	38SKB4785084250	(International Organization for Higration)
MPP Sub Office	385MB4720384894	(World Pood Program - Sub A Office (Annex Bldg!)
WFP Al Karkh Warehouse	38SMB3783289222	(World Food Program Werehouse at Al Karkh)
WFP Ragr Al Atash	38SMB4731997447	(World Pood Program Warehouse warehouse at Kast Al Atash)
WPP Al Hurriyah Warehouse	36\$M\$3690493488	(World Frod Program Worehouse At Al'Hurriyah)
WFP Schalchia Warehouse	369MB4906489319	(World Food Program Warehouse at Schalchia)
WFP Jameela Harehouse	38\$MB5052566218	(Norld Food Program Warehouse at Jammela)
WFP Al Reseafab Warehouse	385MB4514288904	(Morld Pood Program Warehouse at Al Rossafah

DRAFT

#### EXCHANGE OF LETTERS

L. Paul Bremer Administrator Coalition Provisional Authority

# FINAL BERDAN Whitehopher or I'M JULY 03 To be LOA ISM

#### Excellency,

- 1. I have the honour to refer to resolution 1483 (2003) of 22 May 2003 in which the United Nationa Security Council noted the letter from the Permanent Representatives of the United Kingdom of Great Britain and Northern Ireland and the United States of America of 8 May 2003 to the President of the Council (\$\( \)(\$\( \)(2003\)/538) and recognized the specific authorities, responsibilities and obligations under applicable international law of these states as occupying powers of Iraq under unified command (hereinafter referred to as the Coalition Provisional Authority ("CPA").
- 2. By this same resolution, the Security Council, inter alia, called on the CPA, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory. The Security Council also called upon all concerned to comply fully with their obligations under international law including, in particular, the Geneva Conventions of 1949 and the Hague Regulations of 1907.
- 3. The Council by its resolution also requested the Secretary-General to appoint a Special Representative for Iraq (hereinafter referred to as the "SRSO") whose independent responsibilities include, inter alia, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and

reconstruction activities in Iraq, and, in coordination with the CPA, assisting the people of Iraq through the activities stated in paragraph 8 of that resolution. These activities include coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies.

- 4. The Council further requested that the Secretary-General, in coordination with the CPA, continue the exercise of his responsibilities under Security Council: resolutions 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of resolution 1483, and terminate within this time period, the "Oil for Food" Programme, both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the CPA, including by taking those measures stated in paragraph 16 of the resolution.
- 5. In order to facilitate the activities of the United Nations in Iraq as set out in resolution 1483, I wish to confirm that the CPA, consistent with Article 105 of the Charter of the United Nations, abail, as applicable, extend to the United Nations and the Specialized and related Agencies listed in the attached Annex (hereinafter referred to as the Specialized and related Agencies), the privileges and immunities and other assistance addressed below.
- 6. Paragraphs 7 and 8 below shall apply only to those high-ranking officials, officials, experts, and contractors whose missions and functions fall within the scope of paragraphs 7, 8, 12, and 16 of resolution 1483. These provisions may be extended to apply to other high-ranking officials, officials, experts and contractors with the agreement of the CPA.
- I propose, that the CPA shall extend the following privileges and immunities and facilities necessary for the operational needs of the United Nations and its

Specialized and related Agencies and the IAEA in Imaq (collectively "UN Organizations"):

- (a) High-ranking officials of the UN Organizations whose names shall be communicated to the CPA shall be accorded the privileges and immunities, exemptions and facilities that are enjoyed by diplomatic envoys in accordance with international law. These high-ranking officials are the Secretary General of the United Nations, the Assistant Secretaries General of the United Nations, the Director General of the IABA, the Deputy Directors General of the IABA, the SRSG, the executive head of each Specialized and related Agency, and any official acting on behalf of any of the aforesaid officials during their absence from duty.
- (b) Officials of the United Nations, other than locally recruited officials, shall enjoy the privileges and immunities to which they are entitled under Articles V and VII of the Convention of the Privileges and Immunities of the United Nations (hereimafter referred to as the "Convention"). However, such officials will enjoy the privileges and immunities contained in Section 18(f) of the Convention to the extent security and operational concerns permit. Locally recruited officials of the United Nations shall enjoy the immunities concerning official acts provided for in section 18(s) of the Convention. Officials of the Specialized and related Agencies, other than locally recruited officials, shall enjoy, to the extent that security and operational circumstances permit, the privileges and immunities to which they are extitled under Article VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies. Locally recruited officials of the Specialized and related Agencies shall enjoy, to the extent that security and operational circumstances permit, the immunities concerning official acts provided for in section 19(a) of the Convention on the Privileges and Immunities of the Specialized Agencies, Officials of the IAEA shall enjoy, to the extent that

security and operational circumstances permit, the privileges and immunities provided for under Articles VI and IX of the Agreement on the Privileges and Immunities of the IAEA. (Officials of the United Nations and its Specialized and related Agencies and the IAEA are hereinafter referred to as "officials.")

- (c) Other persons assigned by the Secretary-General to perform missions for the United Nations shall enjoy the privileges and Immunities accorded to experts on mission for the United Nations under Article VI of the Convention. Experts assigned to perform missions for the Specialized and related Agencies shall enjoy the privileges and immunities that are provided for under the relevant Annexes to the Convention on the Privileges and Immunities of the Specialized Agencies. Experts performing missions for the IAEA shall enjoy the privileges and immunities accorded to them under Article VII of the Agreement on the Privileges and Immunities of the IAEA. (Experts performing missions for the UN Organizations are hereinafter referred to as "experts.") Without prejudice to the above, the above-mentioned officials and experts shall enjoy immunity from legal process in respect of acts done by them in discharging their duties (including words spoken or written).
- (d) Those contractors and their employees not normally resident in Iraq that are engaged to perform services and/or provide supplies exclusively to the UN Organizations, equipment, provisions, supplies, materials and other goods (hereigniter referred to as United Nations contractors) shall be exempt from taxes in Iraq on the services provided by them, including corporate, income, social security and other similar taxes arising directly from the provision of such services.
- The privileges and immunities necessary for the fulfillment of the functions of the UN Organizations shall also include:

- (a) subject to reasonable restrictions based on the security environment or other military necessities, freedom of entry and exit without delay or hindcance, of officials and experts of the UN Organizations, their property, supplies, equipment, spare parts and means of transport, including exemption from passport and visa regulations and timely (taking into account the security and operating environment) issuance, if necessary, by the CPA to UN Organization contractors free of charge of all necessary visas or permits. The CPA shall be informed in advance of such entry and exit. For the purpose of entry or exit, officials and experts shall only be required to have a personal identity card issued by or under the authority of the relevant UN Organization, except in the case of first entry when the relevant UN Organization laiseez-passer and national passport shall be accepted in lieu of the said identity card.
- (h) subject to reasonable restrictions based on the security environment or other military necessities, freedom of movement throughout the country of officials, experts and contractors of the United Nations and its Specialized and related Agencies (and their property, supplies, equipment, spare parts and means of transport) who may use roads, bridges, canals, and other waters and airfields without the payment of dues, toils, landing fees, parking fees, overflight fees, port fees and charges, including wharfage charges. However, exemption from charges, which are in fact charges for services rendered, will not be claimed.
- (c) the right to import free of duty or other restrictions, property, supplies, equipment, space parts, means of transport and other goods that are for the excharive and official use of the particular UN Organization or for resale in commistance provided for hereinafter;

- (d) the right to establish, maintain and operate commissaries at UN headquarters in Itaq for the official use of officials and experts but not of locally recruited personnel. The SRSG shall take all necessary measures to prevent abuse of such commissaries and the sale or result of goods to persons other than officials or experts of the UN Organizations;
- (e) the right to re-export or-otherwise dispose of property, supplies, equipment, spare parts, means of transport, and all unconsumed provisions, supplies and other goods so imported or cleared or customs and excise warchouse that are not transferred, or otherwise disposed of, on terms and conditions to be agreed upon with the CPA or an entity designated by the CPA;
- (f) timely (taking into account the security and operating environment) issuance by the CPA of all necessary authorizations, permits and ilicenses required for the importation or purchase of equipment, provisions, supplies, materials and other goods used in support of the UN Organizations, including in respect of importation or purchase by UN Organization contractors, without payment of duties, charges or taxes including value-added tax;
- (g) acceptance by the CPA of permits or licenses issued by a UN Organization for the operation of vehicles used in support of a UN Organization; acceptance by the CPA, or where necessary validation by the CPA, free of charge and without any restriction, of licenses and certificates already issued by appropriate authorities in other States in respect of aircraft used in support of UN Organizations; timely (taking into account the security and operating environment) issuance by the CPA, free of charge, of necessary authorizations, licenses and certificates, where required, for the acquisition, use, operation and maintenance of aircraft used in support of UN Organizations;

- (h) the right to fly the United Nations flag and place distinctive United Nations identification on premises, vehicles and aircraft used in support of UN Organizations;
- (i) subject to applicable CPA regulations, orders and memorands, and to the extent operationally required, the right to communication by radio, satellite or other forms of communication with United Nations Headquarters and between the various offices and to connect with the United Nations radio and satellite network, as well as by telephone, facsimile end other electronic data systems. The frequencies on which the communication by radio will operate shall be decided upon in cooperation with the CPA:
- (j) subject to any applicable CPA regulations, orders and memorands, the right of access to radio and television production and broadcast facilities under the control of the CPA to disseminate information relating to the role of UN Organizations in Iraq, at appropriate times in the programme grid; and
- (k) the right to make arrangements through its own facilities for the processing and transport of private mail addressed to UN Organizations, their officials or experts or emanating from them. The CPA shall be informed of the nature of such arrangements, and shall not interfere with or apply consorship to such mail.
- 9. The CPA undertakes to assist the SRSG, to the extent practicable and consistent with the security and operating environment, in locating such areas for headquarters or other premises as may be necessary for the conduct of the operational and administrative activities of the UN Organizations. Subject to the provisions in paragraphs 16, 18 and 19, all such premises shall be inviolable and subject to the exclusive control and authority of the relevant UN Organization. It is understood that, taking into account security and operational concerns, UN

Organizations may be required to locate their premises in such areas as the CPA may determine.

- 10. The CPA undertakes to assist the UN Organizations, to the extent practicable and consistent with the security and operating environment, in the UN Organizations' efforts to obtain equipment, provisions, supplies, materials and other goods and services from local sources required for their subsistence and operations. The CPA shall example the UN Organizations and their contractors from general sales taxes in respect of all official local purchases. In making purchases on the local market, the UN Organizations shall, on the basis of observations made and information provided by the CPA in that respect, avoid any adverse effect on the local economy.
- 11. The CPA shall, to the extent practicable and consistent with the accurity and operating environment, take appropriate measures to facilitate the safety and security of the UN Organizations, their officials and experts. The CPA will provide the UN Organizations, where necessary and upon receipt of a reasonable request, with maps and other information, which may be useful in facilitating and protecting the security of the UN Organizations in the conduct of its tasks and movements.
- 12. The CPA shall, to the extent practicable and consistent with the security and operating environment, endeavor to prosecute or facilitate prosecution of persons who are accused of acts in relation to the UN Organizations, or its officials or experts, which, if committed in relation to the forces of the CPA or against the local civilian population, would have rendered such acts liable to prosecution.
- 13. Third party claims for property loss or damage and for personal injury, illness or death srising from or directly attributable to acts or ornistions of UN

Organization officials and experts shall be submitted to the UN Organization to which they belong, and shall be dealt with in accordance with the procedures of the UN Organization or the United Nations for such claims.

- 14. Any dispute, controversy or claim arising out of, or relating to, this understanding, should be settled amicably by negotiation or other manually agreed mode of settlement.
- 15. The above-mentioned arrangements concerning those specialized and related agencies listed in the attached Annex and their officials and experts who are providing assistance in Iraq as well as the above arrangements pertaining to the IAEA and their officials and experts shall continue to apply unless superseded by apparate agreements concluded between them and the CPA.
- 16. The CPA's undertakings reflected in the above provisions, including those incorporating provisions from other agreements, shall be effective during the period that the CPA is exercising unified command authority in Iraq, and shall be subject to reasonable limitations that may be imposed by the CPA due to the security environment or other military necessities.
- 17. The privileges and immunities reflected in the above provisions are granted to officials in the interests of the United Nations and UN Organizations and not for the personal benefit of the individuals themselves. The Secretary General of the United Nations, or the heads of the respective specialized and related agencies and the IAEA, as appropriate, shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations.

#### DRAFT

- 18. Without prejudice to the privileges and immunities they may enjoy as provided in this exchange of letters, all United Nations, specialized and related agencies and IAEA personnel shall respect the Iraqi laws applicable to those personnel, as well as the regulations, orders, memorands and public notices issued by the Administrator of the CPA.
- 19. The United Nations, specialized and related agencies, and the IAEA shall cooperate at all times with the appropriate authorities of the CPA to facilitate the proper administration of justice, to secure the observance of police regulations, and to prevent the occurrence of any shase in connection with the privileges, immunities and facilities stated in this letter.
- 20. If the above provisions meet with your approval, I would propose that this letter constitute our understanding of arrangements for cooperation in the conduct of activities in Iraq in the interests of the Iraqi people, as contemplated by UN Security Council Resolution 1483.
- 21. I would like to take this opportunity to express gratitude to the CPA for the support provided to the United Nations in facilitating its tasks.

Accept, Excellency, the assurances of my highest consideration.

Kieran Prendergaat
Under-Secretary-General for Political Affairs
United Nations

PROVISIONAL ANNEX

#### DRAPT

# LIST OF SPECIALIZED AND RELATED AGENCIES INCLUDED UNDER THE EXCHANGE OF LETTERS

- 1. Food and Agricultural Organization of the United Nations (FAO)
- The International Bank for Reconstruction and Development (IBRD) and its affiliates, the International Development Association (IDA) and the International Finance Corporation (IFC)
- 3. International Civil Aviation Organization (ICAO)
- 4. International Fund for Agricultural Development (IFAD)
- 5. International Labour Organization (ILO)
- 6. International Maritime Organization (IMO)
- 7. International Monetary Fund (IMF)\*
- 8. International Organization for Migration (IOM)
- 9. Interastional Telecommunication Union (ITU)
- 10. United Nations Educational, Scientific and Cultural

Organization (UNESCO)

- 11. United Nations Industrial Development Organization (UNIDO)
- 12. Universal Postal Union (UPU)
- 13. World Health Organization (WHO)
- 14. World Intellectual Property Organization (WIPO)
- 15. World Food Programme (WFP)
- 16. World Meteorological Organization (WMO)

* Inclusion is without prejudice to the obligations of its
Members under the applicable Articles of Agreement.

Deleter ,



# Office of the Special Representative of the Secretary-General for Iraq

#### Beghdad

Telephane: +1 212 963 2019, Par: +1 212 963 9775

With the compliments of

Sergio Vieira de Mello

Special Representative of the Secretary-General for Iraq

An Ing/John,

Further to our meeting earlier this afternoon, I am sending you electronically both the letter that was sent by Kieran Prendergast to John Negroponte and Jaremy Greenstock, in New York proposing an exchange of letters to coment the privileges and immunities of the United Nations System in Iraq. I would be very grateful if you could do all that you can to expedite finalizing this exchange as soon as possible.

Secondly, attached, please find our rough translation of the leaflet to which I referred that was distributed in an around the mosque in Mosul just prior to the attack on the IOM office. I have no information on its authorship.

With some personal regards

Baghdad, 6 July 2003

# ADMINISTRATOR COALITION PROVISIONAL AUTHORITY BAGHDAD, IRAO

8 June 2003

## MEMORANDUM FOR COMMANDER OF COALITION FORCES

SUBJECT: Eviction of Persons Illegally Occupying Public Buildings

This memorandum provides guidance on implementing Coalition Provisional Authority (CPA) Order regarding Eviction of Persons Illegally Occupying Public Buildings. Some organizations in Iraq are attempting to build power bases by occupying public facilities out of which they are offering social services. This conduct involves illegal occupation of public real property, and therefore undermines the civil order that is necessary for the development of a free and democratic Iraq.

Accordingly, I request your assistance in developing a plan to actively reconnoiter and root out such activities. Commanders should assess any instances of this conduct in public buildings within their areas of responsibility and, if eviction is warranted, take appropriate eviction action pursuant to CPA Order Number 6. Before taking such eviction actions, commanders should coordinate with the CPA Director of Civil Affairs Policy, make use of all available intelligence resources, and seek the advice of their servicing Staff Judge Advocate. Commanders who are uncertain whether a particular building is public or private should coordinate with the CPA Facility Manager, who is responsible for maintaining a registry of all public property in Iraq:

To protect innocent Iraqi citizens from any adverse effects resulting from evictions of militant groups under this guidance, we must ensure that any social services that illegal occupants administered from public real property prior to their eviction are substituted, without interruption, by comparable services provided by the CPA. To facilitate the CPA's substitution of social services, commanders should advise the CPA Director of Civil Affairs Policy of any such requirement during the coordination process. Illegal occupants should not be evicted until the CPA has arranged to deliver any social services that the occupants were dispensing.

L. Paul Bremer, Administrator Coalition Provisional Authority

# EXPLANATORY NOTE CPA ORDER PROVIDING FOR FREEDOM OF ASSEMBLY

The CPA has promulgated an Order that will promote freedom of assembly in Iraq by removing the prohibitions in the Iraqi Penal Code that made demonstrations virtually impossible.

The Order introduces a regulated process for conducting demonstrations based on international standards as an interim measure until an internationally recognized, representative government established by the people of Iraq assumes the responsibility of the Authority.

The Order makes the Commander Coalition Forces, Divisional and Brigade Commanders "Approving Authorities" for demonstrations. Persons wishing to hold demonstrations must provide 24 hours notice in writing to the Approving Authorities.

Demonstrations using roadways may not take place during peak hour traffic from 0730 to 0900 and 1630 to 1800. Demonstrations will not be permitted to last longer than four hours or come within 500 meters of a CPA or Coalition Force facility. It will not be permitted to hold demonstrations in more than one location in a municipality on the same day nor to unreasonably obstruct pedestrian or vehicular traffic.

The Order prohibits certain items to be brought to a demonstration including firearms, sharpened objects, projectiles including rocks, poles, bats or sticks other than as part of a sign, helmets, masks, balaclavas or non-traditional facial covering.

The penalty for violating these provisions will be up to one year in prison or a fine of up to USD1,000.

- Eversi people, He

# COALITION PROVISIONAL AUTHORITY ORDER NUMBER 19

## FREEDOM OF ASSEMBLY

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war and relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Noting the obligation of the CPA to restore and maintain order and the right of the CPA to take measures for its security and public order,

Concerned by the exploitation of demonstrations by persons intent on inciting violence against the CPA and Coalition Forces,

Noting that the provisions of the Third Edition of the 1969 Iraqi Penal Code, Part Two, Chapter Two, at paragraphs 220 to 222 unreasonably restrict the right to freedom of expression and the right of peaceful assembly.

Determined to remove the unacceptable restrictions on human rights of the former Iraqi Ba'ath Party regime, and to promote the freedom of the Iraqi people to demonstrate in a peaceful and orderly manner,

I hereby promulgate the following:

# Section 1 Purpose

- The prohibition on freedom of assembly contained in the Iraqi Penal Code is inconsistent with Iraq's human rights obligations and was an instrument of repression under the former Iraqi Ba'ath Party regime. It is the intention of the CPA to remove such prohibitions and advance towards normalization and the establishment of civil society as public security improves.
- 2) This Order is necessary to protect public health, welfare and safety. The maintenance of good order and safety in Iraq is a paramount responsibility of the CPA. The CPA is determined to prevent the exploitation of demonstrations by elements intent on causing death or injury.
  - a) The public health, welfare and safety of the community require that the movement of vehicular traffic on roadways be lawfully conducted with a minimum of disruption.

b) The practice of unhindered or unrestrained picketing or demonstrating on such roadways may cause disruption of police, emergency and relief services, and injury to participants and bystanders.

c) The practice of multiple demonstrations on the same day in different locations in municipalities may unreasonably deprive the citizens of police,

emergency and relief services.

# Section 2 Suspension of Laws

The provisions of the Third Edition of the 1969 Iraqi Penal Code, Part Two, Chapter Two, at paragraphs 220 to 222 which unreasonably restrict the right to freedom of expression and the right of peaceful assembly are hereby suspended.

# Section 3 Unlawful Demonstration

- It is unlawful for any person, group or organization to conduct or participate in any march, assembly, meeting or gathering on roadways, public thoroughfares or public places in more than one specific area of or location in, any municipality on any given day, unless acting under authority of the Coalition Force Commander or a Divisional or Brigade Commander (hereinafter "Approving Authorities").
- 2) It is unlawful for any group or organization or any individual acting with such group or organization, to conduct or participate in any march, assembly, meeting or gathering on roadways unless limited to such numbers as, upon the determination of an Approving Authority, will not unreasonably obstruct pedestrian or vehicular traffic. The Approving Authority shall, within 12 hours of receiving a notice of assembly under this Order, inform the group or organization as to the maximum number of authorized participants.
- 3) It is unlawful for any march, assembly, meeting or gathering held on roadways, public thoroughfares or public places, to continue for longer than four hours, or to be held within 500 meters of any CPA or Coalition Force facility.

# Section 4 Notice of Assemblage in Writing.

It is unlawful for any group or organization to conduct or participate in any march, assembly, meeting or gathering on roadways, public thoroughfares or public places unless an Approving Authority has been given notice in writing of the location, the maximum number of persons participating, and the names and addresses of the organizers of any such march, assembly, meeting or gathering, its

route, and its time of inception and duration at least 24 hours before such inception.

# Section 5 Scheduling of Assembly

It is unlawful for any group, organization, or individual to conduct or participate in any march, assembly, meeting or gathering on roadways or public thoroughfares during peak traffic periods unless authorized by an Approving Authority for the area in which the march, assembly, meeting or gathering is to be held. Peak traffic periods, unless otherwise set by municipal or CPA authority, are for the purposes of this Order declared to be 0730 hours to 0900 hours, and from 1630 hours to 1800 hours in the afternoon, Saturday through Thursday except for national holidays.

# Section 6 Prohibited Items

- It is prohibited to bring to, or wear at, any march, assembly, meeting or gathering any:
  - a) firearm of any description;
  - b) sharpened object of any kind;
  - e) projectiles intended to cause injury, including rocks;
  - d) poles, bats, sticks or any object that may be used as a club except for materials forming part of a sign; and
  - e) helmets, masks, balaclavas or other non-traditional facial covering.
- 2) Any such prohibited items brought to any march, assembly, meeting or gathering are liable to be confiscated immediately.

# Section 7 Penalties

Any individual violating this Order may be detained, arrested, prosecuted and, if convicted, sentenced to up to one year in prison.

# Section 8 Entry Into Force

This Order shall enter into force on the date of signature.

col Holoz

L. Faul Bremer, Administrator Coalition Provisional Authority

# COALITION PROVISIONAL AUTHORITY BAGHDAD, IRAQ

INFO MEMO

June 21, 2003

THRU:

Chief of Staff

TO:

Administrator, CPA

FROM:

Office of General Counsel

SUBJECT:

Expulsion of Diplomats from Iraq

Wal22

This responds to your request for a legal opinion regarding the expulsion of persons acting as foreign diplomats in Iraq. Pursuant to the law of military occupation, the CPA reserves the right to expel any foreign government official, regardless of diplomatic privilege afforded by the former regime, should that person's presence in Iraq be considered detrimental to public order and safety.

- Individuals currently in Iraq carrying diplomatic passports or other identification have no privileges or immunities.
- Under current circumstances, no prescribed procedure applies to the manner in which such persons may be expelled from Iraq.
- There is no requirement to inform the diplomat, his or her host government, the
  United Nations, or any other agency or organization of the reasons for the
  expulsion.
- If the CPA's security interests permit, notifying the concerned foreign mission in Iraq, if any, or the foreign government of CPA's intention, and requesting that the diplomat be removed is advisable, in view of the political implications of expulsion.
- Alternatively, CPA may request that Commander, CJTF-7 direct military law enforcement personnel to escort the diplomat to the appropriate Iraqi border.
- The use of a diplomatic note declaring the diplomat a persona non grata is not recommended, because that action would suggest that the CPA is acting as a sovereign state rather than an occupying power.



# COALITION PROVISIONAL AUTHORITY BAGHDAD

August 10, 2003

FOR:

THE GOVERNING COUNCIL

FROM:

THE ADMINISTRATOR, Ambassador Paul Bremer III

SUBJECT:

Foreign Investment in Iraq

The key to Iraq's long-term economic prosperity is a vibrant private sector. As the experience of many countries undergoing economic and political transitions demonstrates, the private sector is a major engine for jobs creation and economic growth. The budget of 2004 – which is subject to GC approval – has been structured to put maximum resources into training and education, the foundations of a robust private sector.

Foreign investment is also critical to the growth of the private sector. Iraq's current law severely restricts foreign investment and thus deprives Iraq of an important source of economic power. I firmly believe that, without foreign investment, Iraq's economic prospects are far more limited than they can or should be. For this reason, I propose that the Governing Council consider the proposal to liberalize restrictions on foreign investment summarized below.

Please note that the proposal leaves unchanged current investment prohibitions in the oil and other natural resource sectors.

# Summary of Proposal on Foreign Investment

Below are the key elements of my proposal to allow foreign companies invest in Iraq:

- Foreign companies can invest in all sectors in Iraq except for those involving oil and other natural resources at this time.
- Parties agree on the percentage of ownership; there are not limits on the percentage of foreign ownership.
- Potential investors anticipating a capital investment greater than \$40 million must apply to a screening committee (the Iraqi Investment Committee or "IIC").
- The members of the IIC would be appointed by the Administrator in consultation with the Governing Council.

- 5. The IIC does not need to approve an application for it to move forward. But it does have the power to reject an application if it acts within 30 days of receipt of the application. The IIC can extend this window for action for an additional 30 days.
- 6. The IIC can reject an application on any of the following bases:

a. The application is fraudulent;

 The prospective investor is determined to be financially unable to carry out the proposed investment;

 The applicant has engaged in a pattern of illegal activities that provide a legitimate basis for concern about it doing business in Iraq;

- d. The IIC reasonably determines, in consultation with the Administrator, that the proposed investment poses a direct threat to national security; or
- e. The applicant refuses to address in its application how the proposed investment will affect certain listed goals or matters, such as: impact on the environment; job creation; introduction of new technology; reinvestment of profit in capital investment; and respect for the customs and traditions of the Iraqi people.
- 2. Foreign investors are given substantial flexibility to operate. For example, they can:
  - a. Possess, use, and dispose of their investment.
  - b. Transfer/repatriate contributions to capital, profits, and other money.
- 3. Use of real property:
  - Any business entity organized in Iraq (regardless of foreign investor participation) may purchase, own, sell and otherwise deal with private real property.

b. A foreign investor may lease State-owned land from the CPA. The initial term of such lease may not exceed 60 years but may be renewed.

- Foreign investors and Iraqi companies or persons are free to agree on the manner in which they will resolve any disputes concerning foreign investment.
- Foreign investors who fraudulently evade the application process may lose their right to conduct business in Iraq.
- Any provision of Iraqi law that is inconsistent with the Proposal is suspended to the extent of such inconsistency.

#### Kreul, John E. CIV

030724-12

From: Kennedy, Patrick AMB

Sent: Wednesday, July 23, 2003 5:07 PM

To: Kreul, John E. CIV

Subject: FW: Foreign Investment in Oil

plz treat as an INFO MEMO - log and file - he has seen

---Original Message---From: Norwood, Scott Sent: Tue 7/22/2003 4:14 PM. To: Bromer, Paul

Ce: Kennedy, Patrick AMB; McManaway, Clayton; Crocker, Ryan

Subject: FW: Foreign Investment in Oil

Response to your query on the oil report you reviewed yesterday—from Scott Castle vr-isn

----Original Message----

From: Castle, Edwin S. (SES-2 General Counsel)

Sent: Tuesday, July 22, 2003 4:11 PM

To: Norwood, Scott

Subject: FW: Foreign Investment in Oil

Sir: We have preliminarily reviewed the Office of Transnational issues report distributed at today's meeting regarding rehabilitation of trac's oil production capacity. We agree with the report's conclusion that establishing the legal and flacal framework for foreign investment—preferably before development contracts are swarded—is key to creating a new investment regime in Iraq's oil sector. Consistent with the report's "Outlook and implications" section, we should begin working with the Governing Council now to lay the groundwork for foreign investment in the oil sector, by drafting preliminary petroleum regulations and model long-term development agreements for the consideration of the future government of fraq. This may be an appropriate work plan for assignment to Bearing Point under the recently awarded "economic governance" contract that USAID will be administering.

The Interim foreign investment Order that we're now drafting will quarantine the oil sector until the expiration of the limitations imposed by UNSCR 1483. As you know, the Resolution requires that the Oil for Food (OFF) Program continue under UN administration until November 22, 2003, when the Program will be handed over to the CPA. This transition must be carried out under a comprehensive strategy developed in concert with the Governing Council. The Resolution also provides that all export sales of petroleum, petroleum products and natural gas from Iraq shall be made consistent with prevailing international market best practices. These sales are to be sudited by independent public accountants reporting to the international Advisory and Monitoring Board (IAMB), in order to ensure transparency. The proceeds from these sales are to be deposited into the Development Fund for Iraq, until an internationally recognized, representative government of Iraq is properly constituted. Note, too, that the Iraqi Constitution of 1970 vests ownership of natural resources in the State. We have been advised that this provision was almed most directly at the oil Industry and that the highly sensitive Issue is charged with nationalist sentiments. Thus, absent a revision of UNSCR 1483, the CPA's efforts in this area should focus on (1) rebuilding the oil distribution infrastructure; (2) intercepting and prosecuting oil smuggling, as we are doing now in perfecting cases for the Central Criminal Court of Iraq; and (3) sessiting the interim Iraqi edministration in drafting—for consideration by the future government of Iraq—the legal and regulatory framework within which foreign investment in Iraq's oil sector can flourish.

Hope this helps. Best, Scott

In The Name Of Allah, The Mast Compassionate, The Most Merciful

# Resolution (87)

The Governing Council in its session dated November 5<sup>th</sup> 2003, has decided the following:

- To cancel all laws, decisions, and instructions that led to the confiscation, closure, merger, and cancellation of the licenses for private schools, colleges and institutes.
- 2. To return all granted licenses and rights to these schools and colleges.

Jalal Talabani
President of the Governing Council
November 5<sup>th</sup>, 2003



# COALITION PROVISIONAL AUTHORITY BAGHDAD

LPD PUSCEEN

#### INFO MEMO

January 7, 2004

FOR:

THE ADMINISTRATOR

FROM:

Office of the General Counsel

SUBJECT:

Governing Council Resolution No. 137

On December 29, 2003, the Governing Council purported to enact Resolution No. 137, which apparently is intended to broaden the application of Sharia principles in resolving certain family law matters in Iraq. As you know, Resolution No. 137 has no legal force or effect, unless you ratify it. This memorandum explains the Resolution and the implications of ratification.

- When Iraqi citizens have a family law problem, they go to family court (referred to as Personal Statute Court in Iraq). This Court respects sect affiliation. If the citizen seeking judicial relief is a Muslim, the Court applies Personal Statute Law, Law No. 199 of 1959, as amended (hereinafter "PSL"), which is based on Sharia principles. If the citizen seeking relief is not a Muslim, he or she is referred to the Material Statute Court, which handles family court issues for all other faiths and applies law tailored to Christianity and Judaism. (The British established this distinction between Personal Statute Court and Material Statute Court in 1917, when the military commander gave all persons the right to have their religious affiliation respected in family court.)
- Under Resolution No. 137, Iraqi Muslims appear to bave the right to choose which laws should apply to them in Personal Statute Court, simply by declaring the "sect," or school of Sharia interpretation to which they subscribe. That sect's laws would then replace the PSL as the applicable body of law in resolving the matter. Since there is no legal requirement to register one's religious sect or doctrinal affiliation, Iraqi Muslims could abuse the process by shifting sects when convenience or self-interest dictates, thereby exploiting differences in the laws among sects.
- While the PSL is informed by principles drawn from various Islamic sects, it also
  protects state interests in family life, including the safety of children, as well as their
  property rights, and the rights of women. Resolution No. 137 would effectively
  eviscerate these protective aspects of the PSL and undermine the predictable and uniform
  application of fundamental legal principles in the family law area.
- If enacted, Resolution No. 137 would lessen government influence over questions of family law, and make Personal Statute Courts subject to any number of religious

interpretations of Sharia law, effectively removing most, if not all, legal uniformity from areas of marriage, divorce, and child custody. The resulting increase in the influence of clerics in Personal Statute Court could eventually lead to the resolution of family law matters by religious personnel rather than judges.

- Specific examples of potential negative effects include removal of the following protections accorded by the PSL:
  - Under Article 9, women cannot be forced to marry. However, under one interpretation of Sharia (the Al Hanafi sect), a father has the right to force daughters into a marriage contract.
  - Article 40 allows a woman to divorce for cause if forced into a marriage contract.
     Under most interpretations of Sharia law, the wife can divorce if she were forced into the marriage, but the divorce is without cause, and she refinquishes all lineacial rights.
  - Article 57 reserves child custody to the mother after a divorce unless there is evidence that she is unfit. Under certain interpretations of Sharia, all decisions regarding the household belong with the husband.
  - o Under article 7, a person must be 19 to marry, or must convince the judge that there is good cause to marry early. Under other interpretations of Sharia, the decision is left completely in the hands of the father.
- Additionally, it does not appear that the law of occupation provides sufficient authority to
  enact or ratify this resolution, since the change in existing Iraqi law does not appear to be
  necessitated by the occupying power's responsibility to maintain security and civil order
  in Iraq, and there would be serious questions about whether the changes in the law would
  comport with international human rights standards.
- Iraq's PSL already takes personal religious affiliation into account, and citizens are
  allowed to note their sect for documents created by the Personal Statute Court, Allowing
  religious interests to subsume the state's interest in ensuring uniform application of
  fundamental family law principles would remove long established protections for
  disadvantaged groups. These protections are important and should be maintained.

ATTACHMENTS: English translation of GC Resolution No. 137

COORDINATION: Governance Team/Candace Putnam (ok)

#### Resolution # (137)

The Governing Council in its session held on December 29th, 2003 has decreed the following:

- 1. The application of the rules of Shari's (Islamic Law) in the areas of marriage, engagement, marriage contract, qualification for marriage, proof of marriage, proscriptions, marriage to women of the Books (Christian and Jewish faiths), marital rights including dowry, spousal and child support, divorce, separation based on Shari's provisions, divorce at the wife's request, period of waiting, kinship, breastfeeding, custody, support of descendants, ascendants and relatives, will, bequest, endowment, inheritance, and all Shari's Courts (Family law), according to the doctrine of one's sect.
- 2. To repeal all laws, decisions, instructions, statements and provisions of articles contrary to paragraph (1) of this resolution.
- 3. This resolution enters into effect on the date of its promulgation.

Sayyid Ahdul Aziz Al-Hakim President of the Governing Council December 29th, 2003

age 1 of 3 Kennedy Parrick Amb Phee, Molly C (b)(6) From: Sent: Monday, September 08, 2003 8:45 PM To: Johnson, Susan R. (SES); Carpenter, Scott CIV Ministry of 5; Bossel, Kaye L; Lamotte, Russ K. (SBO); Cc: RE: where things stand on GC and UNGA Subject:

Importance: High

hi all, we just heard from USUN that Iraq has inscribed to speak in the general debate at the UNGA (this is how member states sign up to speak - the debate for the new 58th session runs from 9/23-10/3). This traci move is a big surprise to us, and raises fears that other states could challenge trac's right to speak in general debate (the argument would be that free has no government and thus no right to speak).

question for you: did anyone in Baghdad instruct the Iraqi mission in New York totake has step.

thanks. Molly - CPA or IGC?

----Original Message-

From: Johnson, Susan R. (SES) (D)(6) Sent: Sunday, September 07, 2003 2:19 AM

To: Carpenter, Scott CIV Ministry of Governance; Kennedy, Patrick Amb

Ccr(b)(6)

Subject: RE: where things stand on GC and UNGA

I will try to clarify today when I accompany Bremer to the meeting with Zibari. We need to see what happens at the Arab League. USUN should tell us who they thing will challenge the GC and who will support same. USUN should also address whether there is a difference in seeking to credential a new Perm Rep and in seeking to have the Iraqi GC delegation sealed behind Iraq's seat in the UNGA with their current Charge. Under this scenario the iracis tell us that the credentiels would be sent to the President of the GA who would be expected to refer them to the Credentials Committee, which in turn might not even get to them before the General Debate portion of the UNGA winds up around Oct 3. The Iraqis have asked for a speaking slot on Sept 29, Oct 1 or Oct 2 and are waiting for a reply.

The analysis here was that if the GC appoints interim Ministers, if the SYG supports seating the delegation in the UNGA, if there is no objection from the P5 (France, Russia, China), and if the new raql FM participates in the Sept 9 Arab League Ministerial, the likelihood of a successful challenge from the GA floor is diminhed.

Susan

-Original Message ----Prom: Carpenter, Scott CIV Ministry of Governance

Sent: Friday, September 05, 2003 8:57 AM

To: Kennedy, Patrick Amb Cc: Johnson, Susan R. (SES)

Subject: FW: where things stand on GC and UNGA

Please note highlighted portion. I'm confused. I thought we'd agreed to seat them since there would be no challenge - if at all - until late

9/8/2003

in the session. Can you provide any insight?

----Original Message----From: Putnam, Candace E. (FS-02)

Sent: Friday, September 05, 2003 5:51 PM

To: Carpenter, Scott CIV Ministry of Governance: Johnson, Susan R. (SES)

Subject: PW: Where things stand on GC and UNGA

Were either of you sware Bremer changed the plan??

----Original Nessage----

From: Phec, Holly C [mailto (b)(6)

Sent: Friday, September 05, 2003 5:05 AM

To: Putnam, Candace E. (PS-02)

Cc: Milton, Brook E

Subject: where things stand on GC and UNGA

Candace - sorry no one has gotten back to you on this. this is what I understand to have been happening.

-- we have been working all summer with usun to try and scheme how we Can

get the Iraqis into unga. negroponte gave us all orders to come up with

strategy to get maximum presence. we did several memos to the seventh floor, including one recommending we share our strategy with Bremer, so

all could give the iragin our best guess. Will try and send that now on class side.

-- it was clear to usun (and me who was there) based on the july visit pachachi/hashimi/chelabi that the iraqis wanted more than will be possible.

-- also we have working assumption that failurs/challenge would be worse then a limited role.

-- when your most, excellent cable arrived giving igc views, bremer was

town, the secretary talked to him and bremer said he did not agree with

igo proposal, chiefly he agreed with us that we needed to avoid a credentials challenge which will inevitably result from an effort to seat

the igc as iraq.

-- the assumption foolishly in washington was that bromer would go back and

tell you so you all could tell igc. i'm gathering from your messages Lhat

this has not happened, why do people forget that principals are busy?

-- i'm sure negroponte will tell hashimi what will work and what won't.

gist is keep current charge in place; new FM will come with IGC delegation

and lobby throughout UNGA but not expect to take seat; USUN thinks we

could probably get IGC to attend UNGA as "IGC" vice state of Iraq, but we are awaiting their latest assessment of that. remember many foreigners consider

IGC hand-picked lackeys of USG and not legitimate representatives.

hope this helps. let me know what else you need, usun is overwhelmed right

now with negotiations on res: i'll try tomorrow to get read out of any negroponte-hashimi westing.

Molly

p.s. Brook is colleague in UNF who will pick this up when I go.

9/8/2003

UI-03010648

## UNCLASSIFIED

# COALITION PROVISIONAL AUTHORITY

BAGHDAD

INFO MEMO



August 4, 2003

FOR: ADMINISTRATOR

FROM: Office of the General Counse

SUBJECT: Sale of State Owned Enterprises

This responds to your handwritten question on the final page of the attached Information Memorandum, in which you ask to whom State-owned enterprises may be sold.

- The former regime periodically authorized the sale of SOEs. These sales were made to investors who were either private companies (with Iraqi or Arab shareholders) or mixed companies (with a government entity and an investor as shareholders). These sales were managed by committees which included the Ministry of Finance and others with experience in the particular business.
- Under current Iraqi law, SOEs and their assets (excluding public land, but including improvements thereon) may be sold to Iraqi or Arab businesses or investors who have qualified to do business in Iraq.'
  - In the alternative, absent general legal reform permitting greater foreign investment,
    the former regime's practice establishes a basis under current Iraqi law to authorize
    sales of SOEs and their assets (excluding public land, but including improvements
    thereon) on as individual basis—to Arabs or non-Arabs.
  - Under occupation law, of course, the CPA may authorize the sale of SOEs and their assets (excluding public land, but including improvements thereon) to any individual, corporation or other organization.

#### COALITION PROVISIONAL AUTHORITY

#### BACHDAD

August 19, 2003

Vir. Sergio Vicira de Mello Special Representative of the Secretary General United Nations Canal Street, Baghdad

Dear Mr. Vicira de Mello:

As you know, on August 1-2, 2003, officials from CPA and the Office of the Secretary of Defense met with representatives from the United Nations, International Monetary Pand, Arab Fund for Social and Economic Development, and World Bank for the purpose of establishing Terms of Reference (TOR) that will define the responsibilities of the International Advisory and Monitoring Board (IAMB), whose members include representatives of the Secretary-General, the Managing Director, the Director-General, and the President of the latter organizations, respectively.

The attendees continued negotiations that formally began at the initial organizational meeting regarding the IAMB, held at the Department of the Treasury on June 25, 2003, with representatives from each of the four organizations comprising the IAMB, as well as officials from the Departments of State and Defense, the Federal Reserve Bank of New York, the United Kingdom Treasury and the CPA. Reviewing TOR that I had approved more than a month earlier, the IAMB representatives did not accept these provisions, and indicated that they would send collective comments on the TOR to the CPA by July 2, 2003.

The IAMB representatives finally presented their collective comments to the CPA on August 1, 2003, in the form of an alternative TOR. Notwithstanding the belated presentation of the IAMB's counterproposal, the participants reached agreement on numerous matters relating to the administration of the IAMB, the support that it will receive from the CPA in corrying out its functions, and the public release of IAMB ninutes and reports. The participants reached general agreement on the scope of 'external" audits of the Development Fund for iraq that will be conducted by the adependent public accountants who will report to the IAMB. Importantly, this scope loss not entail a role for the IAMB in approving expenditures from the DPI, as reviously urged by the UN and Arab Pund representatives. The participants also agreed but the voting membership of the IAMB shall be limited to the duly qualified appresentatives of the UN, Arab Pund, World Bank and IMF.

However, the IAMB representatives rejected the CPA's proposal that the IAMB include nonvoting observers, such as Iraqi officials, whose presence would enhance the transparency of IAMB operations and facilitate the transition of national budgeting responsibilities to the interim Iraqi Administration. The participants also were unable to agree on procedures for conducting any special audits that the IAMB may desire to direct. Finally, the IAMB representatives insisted that they retain authority to amend the TOR unilsteadly, without the Administrator's consent.

On the morning of August 2, 2003, the CPA representatives proposed compromises with respect to each of these issues. The IAMB representatives rejected each compromise, and the UN representatives agreed to circulate an amended text of the proposed TOR to all attendees, identifying accepted changes as well as unresolved clauses. On August 5, 2003, the CPA received this amended text, which accurately documents the status of negotiations but does not respond to the CPA's proposals regarding the three remaining issues, or proffer IAMB counterproposals.

On August 11, 2003, Mr. Scott Castle, General Counsel of the CPA, discussed with Ms. Nadia Yourcs the CPA's positions on these issues, and outlined the basic elements of potential approaches to each issue that would be acceptable to the CPA. Ms. Youncs indicated that she would convey the CPA's position to UN officials in New York, in preparation for a conference call among the IAMB representatives. On August 15, 2003, we learned that the IAMB representatives conducted two conference calls, on August 11 and 12, 2003, and reached a common position regarding the three remaining issues. We understand that the conferees agreed that the UN representatives were to convey a collective IAMB proposal to the CPA within 24 hours following the second conference call. We still have not received this proposal.

The CPA is committed to resolving this matter immediately, and will confer with or meet the IAMB representatives at any time, in order to establish untually agreeable. TOR. Toward that end, we would appreciate your assistance in obtaining a copy of the IAMB's proposed language regarding the three remaining issues related to the TOR. In the interim, we will continue to make disbursements from the Development Fund for Iraq (DFI) as necessary to benefit the Iraqi people, and we are expediting contracting actions to procure "internal" contified public accounting services to assist in transparently performing the CPA's financial management responsibilities with respect to the DFI.

. . . SIGN HERE 🙆

L. Paul Bremer III Administrator · br

# **INFORMATION MEMORANDUM**

4 03020S

June 7,2003

TO:

Presidential Envoy L. Paul Bremer

HAS SEEN

FROM:

MFA Advisor Allen Kepchar

SUBJECT:

Iraqi Passports

#### SUMMARY AND PURPOSE:

This memorandum is in response to a question concerning the attached memoranda. The request was made under Tracking Number V030205.

#### DISCUSSION:

CPA teams with the Ministries of Foreign Affairs and Interior have <u>not determined</u> the serial numbers of the missing passports. Efforts continue to locate appropriate records.

The Foreign Affairs team has discussed the Iraqi passports with the U.S. State
Department's Bureau of Consular Affairs which resulted in a decision that Iraqi passports
in the H series must be given additional scrutiny. Furthermore, it was announced that no
Iraqi passport issued after. March 19,7003 can be used for travel to the United States.

passports. The FCO has not published a decision in regards to Iraqi documents to date, but a possible ban on the use of all H series passports regardless of date of issue is being contemplated.

Other nations must determine if they will continue to accept Iraqi documents. The Department of State's decision has been broadcast among consular officers serving abroad through consular anti-fraud committees. These committees are established by each overseas consular office to coordinate anti-fraud matters among friendly missions. I know that Germany has decided not to accept Iraqi passports issued after April 9, 2003. I am not sure how other countries have reacted to the current situation.

#### ANTICIPATED FOLLOW-ON:

CPA Ministries of Interior and Foreign Affairs will continue to seek data to determine which Iraqi passports have been looted/stolen so that specific announcements can bepublished.

Drafted: CPA/CA/MFA AKepchar

well yes fout we could decide to say the downers decide to say the downers are no larger valit direct.

Free! becaused

We should investidate all this after march 19, shouldn't me? her?

## **EXECUTIVE SECRETARIAT**

# COALITION PROVISIONAL AUTHORITY

DOCUMENT TRACKING SHEET 7 JUNE 03

OPR':	ROBIN RAPHEL
OCR":	Dunford Kepchan
cc:	
RE:	IRACI PASSPORTS
TASK:	
PIM - Prepare Int PAM - Prepare A PRS - Prepare Re PRC - Prepare Re	RDS - Reply direct to sender, appropriate staff signature response for Chief of Staff signature response for Exec Sec signature restort to sender, Component head sign response for Chief of Staff signature response for Exec Sec signature response for Exec Sec signature restort to sender, Component head sign response for Exec Sec signature restort to sender, Component head sign response for Exec Sec signature response for Exec Sec signature restort to sender, Component head sign response for Exec Sec signature response for Exec Sec signature response for Exec Sec signature restort to sender, appropriate staff signature response for Chief of Staff signature response for Exec Sec signature restort to sender, appropriate staff signature response for Chief of Staff signature response for Exec Sec signature restort to sender, appropriate staff signature response for Chief of Staff signature response for Exec Sec signature restort to sender, appropriate staff signature response for Chief of Staff signature response for Exec Sec signature restort to sender, appropriate staff signature response for Chief of Staff signature response for Exec Sec signature restort to sender, appropriate staff signature response for Chief of Staff signature response for Exec Sec signature restort to sender, appropriate staff signature response for Chief of Staff signature response for Exec Sec signature restort to sender, appropriate staff signature response for Exec Sec signature response for Exec Sec signature restort to sender, appropriate response for Exec Sec signature response for Exec Sec signa
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PIM - Prepare Int PAM - Prepare A PRS - Prepare Re PRC - Prepare Re PRE - Prepare Re RDC - Reply dire	ction memorandum for Bremer  sponse for Amb. Bremer signature  sponse for Chief of Staff signature  Lagrange C&R - Provide Comments and Recommendation  TAA - Take appropriate action  L&R - forwarded for information and retention

<sup>\*</sup> Office of Primary Responsibility – retains copy and gets coordination from OCR \*\* Office of Coordinating Responsibility

### **ACTION MEMORANDUM**

June 6,2003

.30

TO:

Presidential Envoy L. Paul Bremer

FROM:

Ministry Coordinator Robin Raphel

SUBJECT:

Iraqi Passports

#### SUMMARY AND PURPOSE:

Best estimates indicate that nearly 200,000 blank Iraqi passports are on the black market. In addition, this problem is exacerbated by a decree issued by the Saddam regime limiting the validity of previously-issued passports. We now face the situation where a new series of passports cannot be printed presently inside Iraq. Yet, the need for new passports grows waity. This memorandum outlines initial steps to address these issues.

#### DISCUSSION:

Stocks of blank Iraqi passports were looted from the Ministries of Interior and Foreign Affairs buildings and from the local printer. The former passport printing facility is destroyed and cannot be made operational in less than six months. There is no other printing company within Iraq able to print an acceptable passport. In the meantime, Iraqi citizens need passport services both domestically and internationally. This is a particularly critical humanitarian issue.

Domestic passport processing was the responsibility of the Ministry of Interior until the former egime transferred it to a branch of the Presidency. Overseas passport processing was done by Ministry of Foreign Affairs consular personnel.

Iraq law allows passports to be issued for a maximum of eight years. However, the Seddam regime announced that all "N" series passports (issued from 1996 to 2002) would expire in 2003 and all Iraqis had to obtain a new "H" series passport which includes a hologram of Saddam Hussein. This early expiration announcement affects over 400,000 passports. CPA Ministries of Interior and Foreign Affairs believe that a new directive allowing the continued use of these older passports should be made, thereby reinstating the original eight-year period of validity. Extensions would require a stamp in each passport by a passport official or consular officer. Otherwise, airlines and other governments will not accept the new validity.

A UK firm, De la Rue, held the contract to print Iraqi passports until 1990 and is eager to again resume this activity. A representative is due to travel to Baghdad on June 10. Modernizing the passport process would require a major retooling of issuance procedures and equipment. A new series of a passport similar to the previous series is preferable. If

the older passport were extendable, 300-400,000 new passports would be needed in the coming year. If the older passports are not extended then 750,000 passports may be needed.

To move this matter forward, a lead ministry must be designated. The Ministry of Interior is the logical choice to be so again since most passports are issued domestically. At least one domestic passport issuing facility and some consular offices outside Iraq need to be opened with Iraqi personnel. #CPA expatriate personnel should not be used to determine Iraqi citizenship or to adjudicate passport applications.

Designate the Ministry of Interior as the lead ministry for passport matters.
APPROVE APPROVE WITH MODIFICATION
Issue a directive reinstating the original period of validity for the "N" series passports.
APPROVE WITH MODIFICATION
APPROVE W DISAPPROVE APPROVE WITH MODIFICATION Here we true we have whereas their the Shilon for our what we worked.
Authorize the Ministry of Interior team to negotiate a new contract for the design and production of a modified, but similar, Iraqi passport.
APPROVE APPROVE WITH MODIFICATION
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meedlas to and

Coordinated:

Ministry of Foreign Affairs: DDunford

Ministry of Interior: CAims

RECOMMENDED ACTION:

### COALITION PROVISIONAL AUTHORITY EXECUTIVE SECRETARIAT BAGHDAD

June 5,2003

#### **ACTION MEMORANDUM**

TO:

MINISTRY OF FOREIGN AFFAIRS (ALLEN KEPCHAR)

FROM:

AMB PAT KENNEDY

SUBJ:

**IRAQ**PASSPORTS

I understand that you are responsible for Iraqi passports. If not, please pass this memo to the appropriate authority and notify me of the change.

Amb Bremer would like an update on the processing of Iraqi passports. Specifically, he wants to know the following:

What is the current plan to issue Iraqi passports?

What are the obstacles?

What is the timeline for when we possess the capability to issue passports?

Please respond by June 6.

HIEF OF STAFF

DIRECTOR, EXECUTIVE SECRETARIAT

AMBASSADOR PAT KENNEDY

## EXECUTIVE SECRETARIAT

## COALITION PROVISIONAL AUTHORITY

DOCUMENT TRACKING SHEET

06 MAR 90

TRACKING#: ACTION / CONC	CURRENCE/ COMMENT	DUE BY: _ 06 JUNE 03 1500 L
OPR': OCR'":		(Allen Kepchan)
cc:	Iragii Passoo	· · · · · · · · · · · · · · · · · · ·
TASK:		
PAM - Prepare Action PRS - Prepare Respon PRC - Prepare Respon PRE - Prepare Respon	emorandum for Amb. Bremer in memorandum for Bremer use for Amb. Bremer signature use for Chief of Staff signature use for ExecSec signature is sender, Component head sign	RDS - Reply direct to sender, appropriate staff si C&R - Provide Comments and Recommendation TAA - Take appropriate action [&R - forwarded for information and retention RBN - Respond to Amb. Bremer's note SBN - See Bremer note, FYI
NOTE:		

PLEASE RETURN THIS DOCUMENT WITH YOUR RESPONSE TO:

EXECUTIVE SECRETARIAT (0)(6)

\* Office of Primary Responsibility
\*\* Office of Coordinating Responsibility

OK

1 .

#### INFORMATION MEMORANDUM

June 6,2003

TO:

Presidential Envoy L. Paul Bremer

FROM:

MFA Advisor Allen Kepchar

SUBJECT:

Iraqi Passports

#### SUMMARY AND PURPOSE:

The OCPA immediately must address the issue of providing passport services so that Iraqis can travel abroad and also return to their country. Hundreds of thousands of people are affected by the lack of passports. There are jurisdictional and legal issues that must be decided before travel documents can again be issued. This memorandum outlines the current status of the effort to resume passport issuances.

#### RELEVANCE:

Iraqi nationals abroad cannot obtain passport services to renew residence permits or return to Iraq. Iraqis within the country cannot leave the country unless a passport was obtained from the previous regime. The humanitarian issues are obvious, especially in regards to family reunification and medical treatment. Furthermore, OCPA programs will be frustrated if Iraqis cannot travel for official meetings or training,

#### DISCUSSION:

OCPA teams with the Ministries of Foreign Affairs and Interior have been looking at the issue of Iraqi passports for over a month. There will soon be institutional capabilities within the Ministries of Foreign Affairs and Interior to initiate new passport processing. Several roadblocks remain before new travel documents can be issued including procuring a stock of blanks since previous stocks were looted, We are prepared (pending legal approval) an Action Memorandum for your approval requesting agreement on three issues: establishing the Ministry of Interior as the lead agency for passport matters, rescinding a Saddam regime regulation limiting the validity of previously issued passports, and allowing OCPA advisors to arrange for a new series of passport blanks.

We have been in contact with the UK firm (De la Rue) that previously printed documents for Iraq and know that it will take approximately 30 days from initiation of a contract to delivery of passport documents. Ministry of Foreign Affairs officials will visit two embassies, each with resident Iraqi communities estimated at 200-300,000 persons within the month, in the hope of reopening consular services. The Ministry of Interior official who could initiate a passport issuing office in Baghdad has been tasked to present a budget this coming week for the rehabilitation of a former passport directorate.

## ANTICIPATED FOLLOW-ON:

OCPA Ministry of Interior and Foreign Affairs personnel will meet with the responsible Ministry of Interior official on June 7 to discuss the rehabilitation of the former passport directorate building.

OCPA Ministry of Interior personnel will meet with the De la Rue representative upon his arrival in Iraq on/about June 11.

CPA Legal Department will provide comments on the draft Action Memorandum directly.

Drafted: CPA/CA/MFA AKepchar

Coordinated:

Ministry of Foreign Affairs: DDunford Ministry of Interior: CAims

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YES / NO.

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XXXXX

PROG: 1 SEPTEMBER 2003 APPROVER: AMB BREMER DRAFTER: SJOHNSON

CLEAR: MCMANAWAY; KENNEDY; KRAJESKI

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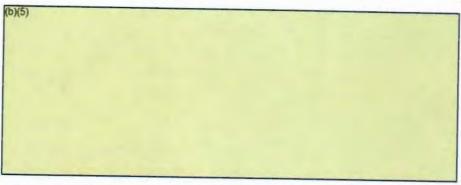
E.O.: 12958: DECLAS: 9/01/13 TAGS: PREL, PGOV, PTER, IZ

SUBJECT: IRAQ: PROGRESS ON FOREIGN RELATIONS

CLASSIFIED BY AMB KENNEDY FOR REASONS 1.5 (B AND D)

1. Summary. Foreign outreach efforts by the Iraqi Governing Council (GC) are beginning to pay dividends. During its August regional tour, the GC made a positive impression on Arab governments, refuted misleading Arab media propaganda about the GC's relationship with the Coalition Provisional Authority, appealed for support to seat an official GC delegation at the Arab League Ministerial and UNGA, and promoted investment and financial aid. Appointment of an Interim Foreign Minister and establishing offices in key overseas capitals should further bolster its work. End Summary.





- 4. Ja'afari told us that these direct contacts enabled the GC to clear up a number of misperceptions and to clarify the relationship between the GC and the Coalition Provisional Authority (CPA). He said that their Arab interlocutors were most interested in the nature of this relationship and the respective roles of the GC and the CPA. There was particular interest in how heavy handed or intrusive the CPA was, including with regard to "sensitive foreign policy" issues. Ja'afari said that Egypt, for example, had expressed concern about the GC betraying the confidentiality of Arab discussions to the United States.
- Ghassan Hussein noted that some of the main points that the GC made included:
- -- Explaining the circumstances under which the GC was founded and its responsibility to regain complete sovereignty and independence.
- -- Explaining the situation that Iraq faced and the effect of the war on the internal, regional and international levels.
- -- Appealing to Arab countries to stand by Iraq and back the GC by inviting Iraq to participate in the Sept 9 Arab League Ministerial; to support Iraq's effort to be represented in the UN, the OIC and international organizations; to participate in Iraq's reconstruction and the Madrid Donor Conference; to encourage investment and to assist with recovery from the poor condition of Iraqi infrastructure as a result of the previous regime.
- -- Clarifying the nature of the Saddam regime and the "collective genocide operations" which the GC said

#### UNCLASSIFIED

surprised their interlocutors even though they were generally aware of "Saddam's crimes".

- -- Refuting the misleading propaganda about the existence of an Iraqi resistance and clarifying their sabotage activity and the harm that it is causing to Iraq. its neighbors, and the UN.
- 6. COMMENT: The GC is demonstrating a solid appreciation of the need to shore up international support to boost the GC's legitimacy and solicit reconstruction assistance. We also are encouraged by the positive impression the GC delegation made on its recent tour of the region and believe additional delegations could make similar progress with other governments. The GC's appointment of an Interim Minister for Foreign Affairs and the opening of offices in foreign capitals should facilitate its efforts. The UGC should seek out opportunities to assist the GC to achieve these goals.

BREMER



# COALITION PROVISIONAL AUTHORITY BAGHDAD

sila

#### INFO MEMO

November 17, 2003

FOR:

THE ADMINISTRATOR

FROM:

Susan Hamison Senior Advisor for Trade

SUBJECT:

Iraq's Application for Observer Status to the WTO

As you know, Iraq is interested in applying for observer status to the World Trade Organization (WTO). I would like to update you on activities to date.

WTO Procedures and Benefits: USTR's Director for WTO Accessions Cecilia Klein explained that under WTO rules, the request for observer status is sent by letter from the appropriate Minister (i.e. Iraq's Minister of Trade) to the WTO Director General who then forwards it to all WTO Members (General Council) for review. The request should indicate an interest in using observer status to help prepare for membership at some future time and a short description of Iraq's trade and economic regime. Observer status does not require Iraq to enter a formal agreement though an observing entity is expected to apply for WTO accession within five years of obtaining observer status. As a WTO observer Iraq would receive many benefits including a means of focusing ongoing economy building, and access to effective WTO technical assistance programs. Observer status would also send a positive message to trading partners and investors and demonstrate Iraq's increasing involvement in international organizations.

Governing Council: Minister Allawi presented the notion of applying for WTO observer status to the GC's Economic Council's Ahmad Chalabi and Mowaffaq al-Rubaii, and the concept was well received.

<u>Plans</u>: The Minister has signed a letter requesting observer status and I am working with the Ministry on an attachment about Iraq's economy, trade and customs policies. Ministry of Trade Deputy Minister and other foreign relations staff plan to visit Geneva the week of December 1<sup>st</sup> to present the subject letter. I plan to join the Iraqi delegation and participate in meetings with WTO, USG and perhaps UK officials to discuss the benefits of being a WTO observer and Iraq's interest in using WTO capacity building programs. We plan to consult with other ministries involved with trade, including Agriculture, Transportation and Communications and Standards to assess their interest in technical assistance programs prior to our trip.

Washington: On Tuesday, Gary Edson is scheduled to meet with USTR's Peter Allgeier on the issue. In response to press reports suggesting that Iraq was interested in pursuing WTO accession (far more involved than observer status) USTR prepared a paper for the NSC. USTR's chief concern was that Iraq not be pressed to move to accession prematurely. USTR has indicated that it supports Iraq's interest in applying for observer status.



# COALITION PROVISIONAL AUTHORITY BAGHDAD

#### Action

November 7, 2003

TO:

THE ADMINISTRATOR

FROM:

George Wolfe

SUBJECT:

Iraq's Status with the LMF and World Bank

I am attaching a memorandum that provides an update on the status of Iraq's relations with the IMF and World Bank (IFIs) and which also recommends that steps be taken to begin normalizing IFI relations – in particular, the identification of approximately \$415 million that will be needed to clear arrears with both institutions.

Although this figure represents a significant one-time expenditure, the clearance of IFI arrears is necessary (though not necessarily sufficient) for the IFIs to resume lending. A majority of the Executive Boards at both institutions would need to be persuaded, in addition, that the Governing Council can enter binding agreements on behalf of Iraq and that "reasonable assurances of repayment" exist. I am extremely doubtful that the CPA/Iraq could persuade the Boards, on the technical merits, that the Governing Council can enter into binding contracts on behalf of Iraq; however, if the Boards decide that they want to be persuaded, this should be possible.

Normalizing relations with the IFIs would result in substantial new net lending to Iraq and would help to establish a clear policy framework that will help to anchor expectations and reinforce Iraq's need for future policy discipline. Normalizing relations would also send a positive, concrete signal to the private sector that Iraq is prepared to reintegrate itself into the international financial community and may help to stimulate new private investment.

In all likelihood, arrears clearance could occur at the same time the first disbursement is made – thus not requiring Iraq to make an actual payment to the IFIs, but only reducing the net amount that Iraq receives at the time of this disbursement. However, to ensure maximum fiscal transparency, an expenditure should be reflected in Iraq's 2004 budget.

In the aftermath of the Madrid conference, where IMF Managing Director Koehler and World Bank President Wolfensohn expressed strong support for Iraqi reconstruction, I advise that we move quickly to capitalize on the positive international sentiment for Iraq that currently exists.

Recommendation: That the CPA identify \$415 million in 2004 budgetary funding to be used to clear arrears with the IMF and World Bank.

Agree	Disagree	Approve with	Modification	

Attachments: Memo - Iraq and the IFIs

Coordination: CPA OMB, U.S. Treasury, USED's IMF Office, USED's World Bank Office

### Iraq and the IFIs

Normalizing Iraq's relations with the International Financial Institutions (IFIs) – principally, the IMF and the World Bank – should be an important priority in order to obtain access to new IFI lending and to also send a positive signal to private investors.

The amount of lending both institutions are prepared to commit to Iraq is significant in light of unstable security conditions and political uncertainties that exist here. At the Madrid conference, IMF Managing Director Koehler announced that the IMF is prepared to provide \$2.5 billion-\$4.25 billion in lending to Iraq over the next three years - 150%-250% of Iraq's quota - while World Bank President Wolfensohn stated that the Bank would commit \$3-\$4 billion over the next five years.

The IMF's willingness to provide \$850 million in "post-conflict" lending compares very favorably to amounts it has committed to other countries in the past.

Past Lending from the IMF's "Post-Conflict" Lending Facility

Country	Date	Amount (Smn)	% of Quota
Bosnia and Herzegovina	Dec. 1995	45.0	25.0
Rwanda	April 1997	12.0	15.0
Albania	Nov. 1997	12.2	25.0
Rwanda	Dec. 1997	8.1	10.0
Tajikistan	Dec. 1997	10.1	12.5
Tajikistan	Арг. 1998	10.0	12.5
Republic of Congo	July 1998	9.6	12.5
Sicrra Leone	Nov. 1998	16.0	15.0
Guinea-Bissau	Sept. 1999	2.9	15.0
Sierra Leone	Dec. 1999	21.4	15.0
Guinea-Bissau	Jan. 2000	1.9	10.0
Sierra Leone	Sept. 2000	13.3	10.0
Republic of Congo	Nov. 2000	13.6	12.5
FR of Yugoslavia	Dec. 2000	151.0	25.0
Burundi	Oct. 2002	12.7	12.5

Under a "best case scenario," disbursements would not realistically begin until Q2 2004. In the interim, staff from both institutions would need to consult closely with Iraqi authorities, agreeing on an IMF Letter of Intent and terms for World Bank lending (note, however, that post-conflict IMF lending carries little conditionality; such a program might be negotiable outside of Baghdad or, perhaps, by videoconference).

To regain eligibility for new IFI lending, Iraq will need, among other steps, to clear its arrears (principal and past due interest) with both institutions – approximately \$415

<sup>&</sup>lt;sup>1</sup> Under most circumstances, the IFIs will not lend into unstable conditions and where "reasonable assurances of repayment" do not exist. Although a precise definition of this standard does not exist, Iraq might be unlikely to qualify under most circumstances.

<sup>&</sup>lt;sup>2</sup> IMF lending would be provided through two facilities – post-conflict assistance (\$850mn) and a Stand By Arrangement (\$850mn-\$1.70bn annually over the next three years). World Bank assistance would come through emergency lending (\$500 million) and the remainder through project and adjustment lending. The World Bank Board has already agreed to commit to this amount.

million in total.<sup>3</sup> Standing policies at the IMF and World Bank require the clearance of these arrears before new lending can proceed. Unlike debts to private creditors, debts owed to the IFIs cannot be rescheduled, restructured, or deferred.<sup>4</sup> At the IMF, Iraq's arrears could be cleared at the same time that its initial loan disbursement is made—thereby relieving Iraq of any need to make an actual expenditure, but also reducing the net amount it receives from this disbursement.

Also unlike debts owed to the private sector, arrears to the IFIs cannot be cleared sequentially (i.e., repaid over time). These constraints reflect longstanding policies at the IFIs (which the U.S. has supported) and also result from the IFIs' unique status as international "lenders of last resort" that provide emergency funding at below market interest rates when private sector investment is unavailable – thereby entitling the IFIs to unofficial status as "privileged creditors" and allowing it to demand full repayment before lending resumes.<sup>5</sup>

Clearance of IFI arrears would involve the following elements:

#1: IMF

Pay principal owed, past due interest, and fees Pay the reserve portion of Iraq's unpaid IMF quota 54mn SDR = \$78mn 171mn SDR = \$246mn<sup>6</sup> 225 million SDR = \$324mn<sup>7</sup>

#2 World Bank

\$90.5mn

Total

\$415 million

In addition, the World Bank, like the IMF, also requires that some degree of stability and security exist within a country (subject, however, to differing interpretations) and that the government maintain some degree of international recognition, which can enter into binding commitments on behalf of Iraq. UN Resolution 1511 and the Arab League's recent recognition of the Governing Council have been helpful in furthering international recognition of the Governing Council and Iraqi ministries. It remains unclear, however, whether a majority of shareholders consider this to be fully sufficient.

Although economic and political hurdles to normalization exist, normalizing relations will result in key benefits – in particular, new net IFI lending, a clear policy framework that can help to anchor expectations and reinforce the need for policy discipline, and increased international credibility that would be viewed favorably by private investors.

While a formal cross-default clause does not exist at the Bank or Fund, neither institution is likely to lend

unless arrears are fully cleared at both institutions.

In some cases, a repayment to the IMF can be changed from an "expectation" to an "obligation" basis, usually providing one additional year in which to repay. Such conditions do not apply in Iraq's case.

The current Special Drawing Rights (SDR) interest rate is 1.58%. Although this rate fluctuates with market conditions, it always remains well below rates that Iraq would be required to pay in private capital markets.

Reserve quotas are equal to one-fourth of the entire quota: (684rm SDRs)(0.25) = 171rm SDRs. Iraq's previous quota was 504rm SDRs. Its new quota is 1188rm SDRs, leaving a difference of 684rm SDRs. The exchange rate is 1.437USD/SDR as of October 29, 2003.



# COALITION PROVISIONAL AUTHORITY BAGHDAD

#### INFO MEMO

28 Oct 03

FOR:

Ambassador Clay McManaway

FROM:

Jaremy Greenstock, UK Special Representative for Iraq

SUBJECT: IRAQI RETURNS

- 1. I have been instructed by London to mise with you the question of the return of Iraqi refugees to the United Kingdom. This is a matter of high domestic priority for the UK.
- 2. It would perhaps be essiest if I passed you my speaking notes. They are attached. When you have considered them, together with anyone cise concerned in the CPA, perhaps we could discuss.

Juny Prenskl

ATTACHMENT: Speaking Notes on Iraqi Romms

Viobal Regnert . When gartes are saised, HK will be given operat consdiction.

#### INCLASSIFIED

#### TRAOL RETURNS

#### **TEXT FOR SPEAKING NOTES BEGINS:**

We would like to develop the UK's voluntary returns programme, and move to enforced return of those who have no legal right to remain in the UK. We would only proceed with the agreement of the CPA.

The UK takes account of the security, political and economic situation in Iraq and the reception capacity of the relevant organizations.

The UK accepts that it is too soon to consider encouraged voluntary returns and enforced returns to much of Iraq. However, the former Kurdish Autonomous Zone in Northern Iraq is generally stable for the average Iraqi. The UK would propose for the time being to limit this next stage of returns to this area only, although we would be happy to discuss further with the CPA those areas of northern Iraq felt appropriate for return.

We recognize that return of large numbers would raise problems over reception capacity and integration. We therefore propose to adopt a phased approach as follows:

- (i) first two months: voluntary returnees only, maximum of 50 per month:
- (ii) following four months: voluntary and enforced returnees, maximum of 70 per month (no more than 50 of which would be enforced);
- (iii) after six months: review of programme with a view to increasing numbers if reception capacity allows.

We recognize the other burdens on the CPA and would not want to add to them. We therefore suggest a <u>separate organisation</u> (which we would approach and appoint in consultation with the CPA) to supervise reception of the returnees, working in co-operation with the UNHCR. The sacurity situation would clearly need to be appropriate for that organization to operate.

Our voluntary returnees already have access to a reintegration package worth 500 pounds in kind. This could include training, start-up support in small business, or support for university education. We do not provide equivalent support for enforced returnees. But we would be happy to consider suggestions from the CPA or Kurdish authorities for broader support the UK could provide in the relevant governorates either to create employment opportunities or to deal with the accommodation problems caused by internal displacement:

- If it helped in terms of accommodation capacity we would limit our enforced returns to single young males in the first instance;
- The preferred option would be to fly returness to Northern Iraq, either Mosal or Arbil, by charter. This would clearly depend on the security assessment for those airports. Transport from the airport to final destination would be arranged by the organization responsible for reception;

#### UNCLASSIFIED

- If this was not practical, we would propose to continue using our current route for voluntary returness is overland from Amman;
- We propose that the returnoes travel to ling on EU litters issued by the UK Government.
   These are the documents used by our current voluntary returnoes;
- We will carry out thorough checks on returnoes to ensure they pose no security threat. We would be happy to provide names in advance to the CPA;
- The UK would aim to start these returns at the beginning of next year. This would of course depend on having an organization in place to receive the returnees and on the situation in the relevant parts of Northern Iraq remaining stable.

**TEXT ENDS** 

#### FOR OFFICIAL USE ONLY

## MEMORANDUM FOR ADMINISTRATOR, COALITION PROVISIONAL AUTHORITY

FROM: Douglas J. Feith, Under Secretary of Defense for Policy

SUBJ: Will the Governing Council Claim Iraq's UN Seat Next Week?

- It seems quite possible to me that the delegation the Governing Council (GC) is sending to New York next week will claim Iraq's seat in the UN General Assembly (UNGA).
- Other countries may support this claim, either to show support for the Iraqi
  people or because they wish to make trouble for us.
- My initial view is that, while full fraqi representation in the UNGA is not in our interest, we should avoid at all costs being put in the position of thwarting the GC in its first major venture, especially if other countries support it.
  - It would be better to support the GC claim than to be the cause of its
    failure; on the other hand, if the GC claim/does not attract sufficient
    aupport, we need not be vigorous in pushing it.

You may wish to consider how you would like USUN to respond in this
eventuality.

guelaine worgh!

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FOR OFFICIAL USE ONLY

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FIZOM FETTA

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From:	Norwood, Scott		
Sent:	Wednesday, July 18, 2003, \$1:07 PM	(b)(6)	
To:	(b)(6)	KOKOL	
Cc:	(b)(6)		
		ennedy, Patrick AMB	
Subject:	RE: memo from Feith to Bremer re GC clair	m to UN seet	
Leuren - Amb B	remer passes the following:		
Doug, Your poi	nts are well taken. My view is that a	way should be lou	nd to sillow the
meregation to	address the council without raising the my "represent" frag. De Mello told me	be understands and	d will work for
an improvised	wolution .	He apparaceude su	d ATTY MOLK TOT. BE
m. vahrnifeed	THE COURT OF THE C		
Bremer			
Ple pare to Mr	. Peith.		
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From: (b)(6) Sent: Wednesde To: Norwood. S	Negracia ry. July 16, 2003 3:14 PM		
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Rodriguez, Carlos R.

From: LeCroy, Jessica (FS01)

Tuesday, October 28, 2003 7:24 AM

To:

**Executive Secretary** 

Subject: FW: Iraqi Ambassador to the U.S.

Jugar

Jessica LeCroy Executive Assistant, CPA Administrator Head of CPA Executive Secretarial ----Original Message-From: McManaway, Clayton Sent: Tuesday, October 28, 2003 7:00 AM To: LeCroy, Jessica (FS01) Subject: FW: Iraq! Ambassadar to the U.S.

Please task and follow.

cem

-----Original Message-

(b)(6)

From: Bremer, Paul, CIV, OSD-POLICY

Sent: Tuesday, October 28, 2003 12:58 AM

To: McManaway, Clayton; Bremer, Paul, CIV, OSD-POLICY; (b)(6)

Subject: RE: Iraqi Ambassador to the U.S.

We should push for an early decision, and announcement. LPB

-----Original Message---

From: McManaway, Clayton [mailto:(b)(6)

Sent: Monday, October 27, 2003 2:55 PM

To: Bremer, Paul, CIV, OSD-POLICY; (b)(6)

Subject: FW: Iraq Ambassador to the U.S.

Importance: High

Iraqi Ambassador to Washington.

cem

--- Original Message----From: LeCroy, Jessica (FS01)

Sent: Monday, October 27, 2003 10:45 PM

To: McManaway, Clayton

Subject: Iraqi Ambassador to the U.S.

Importance: High

Susan Johnson reports that Zeebari has several names he wants to discuss with CPA when he returns on Wed. He did not want to discuss over the phone. After a decision is made, he wants to inform the GC as a courtesy before the announcement. Susan thinks if she pushes an announcement could be made by Friday.

10/28/2003

#### Rodriguez, Carlos R.

Co:

Front: O'Suffiven, Maghan L. GS-15 MCO

Sent: Tuesday, October 28, 2003 10:04 AM

To: Johnson, Susen R. (SES); LeCroy, Jessica (FS01)

Executive Secretary; Kennedy, Patrick Amb; Putnam, Candace E. (FS-02)

Bublect: RE: "When is Susan Johnson.....

We should at least be propered for the possibility that the GC will think that it needs to approve the nomination, At least some in the GC have it aquarely in their minds that this is one of their prerogatives. There is nothing official, however, saying that this is the case (or not the case).

-----Original Message-----

From: Johnson, Susan R. (SES)

Sent: Tuesday, October 28, 2003 9:18 AM

To: LeCroy, Jessica (FS01)

Oc: Executive Secretary; Kennedy, Patrick Amb; O'Sullivan, Maghan L. GS-15 MCO

Subject: RE: "When it Susan Johnson....

Jessica — I spoke with Zebari about this yesterday. He said that he had several names in mind and wanted to disquas them with me immediately upon his arrival on Wednesday. He wants to "inform" the GC but understands that we do not think he should or needs to get their concurrence for this interim appointment. The goal is to be able to arribunce the name by the end of this week and have people there by mid November.

Pieese pass on to LPB. Susan

----Original Message----

From: LeCroy, Jessica (FS01)

Sent: Tuesday, October 28, 2003 9:08 AM

To: Johnson, Susan R. (SES) Cc: Executive Secretary

Subject: PW: "When is Susan Johnson.....

Importance: High

We should push for an early decision, and announcement,

LPB

Susan, just the messenger.

Jessica LeCroy
Executive Assistant, CPA Administrator
Head of CPA Executive Secretarist
——Original Nessage——
Fromi LeCroy, Jessica (P501)
Sent: Monday, October 27, 2003 4:19 PM
To: Johnson, Susan R. (SES)
Cc: Executive Secretary
Subtect: "When is Susan Johnson.....

...going to tell us who the Iraqi ambassador to Washington lafgeing to be there?"

I think this is a tasker, and I think he wants it by COB today .....

10/28/2003

Jestica LeCroy
Executive Assistant, CPA Administrator
Head of CPA Executive Secretarist



# COALITION PROVISIONAL AUTHORITY BAGHDAD



February 24, 2004

FOR:

SENIOR ADVISORS

FROM:

Office of General Counsel

SUBJECT:

Negotiation and Execution of Long-Term Contracts

This memorandum addresses the legal implications of entering into contracts that extend beyond the transfer of full governance authority to the new government of Iraq and the dissolution of the CPA.

- Under the laws and usages of war, contracts entered into by the CPA or interim Ministries
  acting on behalf of Iraq, cannot bind the future government of Iraq unless the future
  government adopts or ratifies the contract.
- The CPA and interim Ministries are not, however, precluded from entering into contracts that
  are intended to extend beyond the projected transfer of full governance authority to the new
  lraqi government.
  - Contracts that comply with CPA Memorandum No. 4 and its appendices are legal even if the term extends beyond the dissolution of the CPA. Such contracts contain a mandatory termination for convenience clause, which reserves to the Contracting Officer the right to terminate the contract for the convenience of the government.
  - Ministries using contracting procedures other than those described in CPA
    Memorandum No. 4 should ensure that sufficient funds are available and committed
    (administratively set aside) before contract award. Executing insufficiently funded
    contracts could create an inappropriate outstanding debt for the new government and
    could spawn legal disputes over the failure to pay.
  - Ministries that contemplate long-term agreements but lack sufficient funds to cover the proposed duration of the contract should put the other party on notice that the future Iraqi government cannot legally be bound by the CPA or the Interim Ministry. Additionally, it is recommended that such contracts be structured to include a base period with option years or include a provision requiring adoption or ratification by the future Iraqi government. Such a structure could provide the necessary flexibility to the Transitional Iraqi Government.
- An appropriate method of hundling over on going surmacts to the Transitional length Government may be included to the Unsupplicated Administrative Law, a United Notices Secondly Council Resolution, if one is proposited and in a internal and agreement with the new least government.

- Contracting officers should be wary of potential problems that may arise as a result of the
  uncertainty of future government actions. Contractors may seek to protect themselves by
  asking high prices or seeking large liquidated damage provisions. Such provisions might
  outwelgh the potential benefits of these procurements.
- Contracting Officers seeking to leverage the capital of private investors (i.e., having a
  contractor build power lines in Iraq in return for an agreement to purchase power over a term
  of years) should be alert to the prohibitions on the private purchase of real estate found in
  CPA Order No. 39, Section 8. Additionally, they should be aware of the difficulty of
  determining land ownership due to actions of the former regime. The adjudication of land
  ownership is expected to be performed by the recently established lang Property Claims
  Commission.
- Because decisions to enter into contracts that extend beyond the period of occupation raise
  policy and resource management issues, such decisions should be coordinated fully with the
  concerned Ministries and the Program Management Office, as appropriate.

ATTACHMENTS: NONE

COORDINATION: Program Management Office/D, Nash

Head of Contracting Activity/T. Bell Office of Management and Budget/R. Bent

Governance Team/S. Carpenter



### COALITION PROVISIONAL AUTHORITY

**1** 

BAGHDAD

him by per info MEMO

سننك

October 27, 2003

FOR:

THE ADMINISTRATOR

FROM:

Tom Foley Difector of Private Sector Development

SUBJECT:

Privatization Action Plan

Per your request here is the action plan for implementing the Privatization Plan:

	<u>IASK</u>	TIMING
1.	Obtain Governing Council Approval of proposed (aw a. Schedule meeting with Chalabi b. Complete familiarization meetings with key	November 30 ASAP
	players including Gailani, Shabibi, Ali Allawi, etc.	November 15
2.	Implement Privatization Order	
	a. Develop draft rules and procedures for Agency	November 30
	b. Hire Agency Head	November 30
	c. Complete initial staffing plan	Second Quarter '0
	d. Develop Agency advisory resources	First Quarter '04
	e. Transfer identified SOEs to Agency	First Quarter '04
3.	Develop and Implement an Employee Transition Plan	
	a. Submit Draft plan to the Administrator for review	October 31
	b. Submit Plan to Chelebi committee	November 7
	c. Commence transition of SOE employees	January 1, '04
4.	Complete 5-8 small, low-risk privatizations	First Quarter '04
	a. Identify probable early privatizations	Complete
	<ul> <li>b. Begin negotiating terms of privatizations</li> </ul>	Underway
	c. Engage advisers to assist with privatizations	Underway

#### UNCLASSIFIED

4. Implement Privatization Communication plan

a. One on one's with minister's and opinion leaders

b. Provide detailed information to the press

c. Begin implementing media plan

ASAP November I December I

5. Complete transfer of Privatization process to Agency

December '04

6. Completion of Privatization Process

3-5 Years

I believe this covers all the important action items and timeframes in implementing the privatization plan. Compared to the original plan, we have lost several weeks getting underway with the Governing Council, but all other aspects of implementing the plan are proceeding on schedule. I had originally troped several of the quick-win small privatizations could be completed by year end, but a more realistic projection is by the first quarter as accounting and legal resources for effecting those transactions are taking longer to line-up than I thought. Once lined-up, however, they will be immediately available for follow-on privatizations.

V FILE
V YELD FOR YOM

COORDINATION: NONE

ATTACHMENTS: NONE

-- ble

EXEC SEC HAS SEEN - UD3614-15

#### **ACTION MEMORANDUM**

June 11, 2003

TO: Presidential Envoy L. Paul Bremer

FROM: MFA: David Dunford pur

SUBJ: Proposal for Closing Iraqi Missions Abroad

#### Summary and Purpose

Working with the Ministry of Foreign Affairs on an interim 2003 budget, we have come to a consensus with our Iraqi counterparts on closing around 30 of the Iraqi overseas missions. This memorandum requests your concurrence with this recommendation.

#### Discussion

Iraq has by our count 69 diplomatic posts abroad, mostly embassies but also including representation missions to international organizations in New York and Geneva. Many existed mostly to implement objectives of the previous regime that are no longer appropriate. As part of the current interim 2003 budget process, The Iraqi Steering Committee of the Ministry of Foreign Affairs (MFA) took the initiative to propose a list of posts to be closed as soon as practicable. The OCPA Advisory Team to the MFA made some modifications that were agreeable to the Steering Committee. The most important criteria for these recommendations are:

- · Number of Iraqi citizens residing in host country
- · Potential importance of country to Iraq politically and economically
- Geographic distribution
- · Coalition involvement

Attachment A is an annotated list of current Iraqi missions abroad that shows which posts we propose to close. Closure now in no way precludes the next Iraqi government from reopening them. We would also expect the next government to open posts in Saudi Arabia, Kuwait and some other capitals where Iraq does not now maintain missions.

#### Recommended Action

Attachment A.			
Approve Time/Date 6[12[2]	Disapprove	-	Discuss
Coordinated: Ryan Crock	er and Robin Raphel		

### Attachment A

Brasilia* Brussels Buch Budapest* Cairo Canbo Caracas* Colombo* Dama Dibouti* Doha Dubai Geneva Hanoi Havana* Heisinki*	•
Jakaria Kuala Lumpur	
Kiev* Lisbon	
London Madrid Manarr Manila* Mexico Circa	18
Minsk	
New Delhi Nairob	
Paris D. 1	
Reheit Pretori	a*
Sofiat Sanara	
The Hamie ichran	
Tunio	
Tuns Vatican Vienna Warsaw Washington Yerevar	ı <b>+</b>

Proposed for closure

# A proposal by the American Center for International Labor Solidarity for the development of free, democratic trade unions in Iran

#### Summery

The Solidarity Center proposes to send a fact-finding mission to Iraq to conduct a rapid assessment of the trade union situation with a view to identifying trade union counterparts and assess the needs of emerging unions. The Solidarity Center will also conduct an assessment of economic and political developments that may affect the emerging system of industrial relations.

#### Background

The road to stability in Iraq lies in facilitating Iraqi participation in the reconstruction of the politics and economy of their country. Many Iraqis are demanding the de-Ba'thification of the political system and want to take a lead in developing public politics, including job creation and the regulations governing labor rights and standards. Numerous challenges face Iraqis as they return to work. The prior state-dominated economy was antiquated and is now incapable of absorbing Iraqi workers back into redundant jobs. Hundreds of thousands of Iraqis have also been unemployed or underemployed since the imposition of sanctions on the country in 1991.

All across the country, in health, oil, construction and other professions, traqi workers are beginning to join together to try to represent their collective interests, but have virtually no resources or assistance available to them for support. The previous General Federation of Iraqi Trade Unions (GFtTU) is a discredited organization that was run by Saddam Hussein's younger son Qusay. While the current Coalition Provisional Authority (CPA) tries to fill the economic voids left in the war's aftermath, the Communist Party of Iraq (CPI) has begun to form new unions including a union of unemployed workers which it claims now has 15,000 members. At the same time, engineers in Baghdad removed Ba'thist leaders from their union only to turn to Shiite cleries for advice on how to elect a new leadership.

In June 2003, worker delegates attending this year's International Labor Conference declared their solidarity with Iraqi workers. In a special session, they called upon the International Labor Organization (ILO) to quickly dispatch an assessment team to Iraq. The team which visited Iraq in early Angust, 2003, is considering ideas for technical support and assistance to ensure that basic ILO conventions are observed in the country as a new industrial relations system is put into place.

The ILO, the International Confederation of Free Trade Unions (ICFTU) and other international democratic labor institutions believe they can contribute to the creation of a free Iraqi labor movement operating in an open, democratic labor relations environment.

Through this proposal, the Center will continue to build its knowledge base and develop strategies to support fragi workers and democratic union development through bilateral and multilateral approaches, seeking international labor consensus to neutralize potential political

fragmentation of emerging Iraqi unions, and in order to bring the full weight of the international democratic labor movement to support the free trade unions of the new Iraq.

#### Iraqi Trade Unions

The Iraqi trade union movement has origins in the late 1920s. It developed in the context of the nationalist and anti-British movement, which was also a time of growing resentment among workers at the increasing disparities of wealth. 1929 Muhammad Saith al-Qazzaz, a mechanic, became Iraq's first major labor leader. Al Qazzaz headed the Artisan's Association (Jam'iyyat Ashab As-Sina'a, a precursor to the first unions) established by Iraq's first major nationalist political party, the "National Party." Working-class and nationalist polities combined early on in the trade union movement. The Artisan's Association organized strikes and boycotts against British economic interests in Iraq. Their most famous action, and the first real show of force of trade union movement, was a major strike against British-owned Baghdad Electric Light and Power in 1934.

Al-Qazzaz founded the first official Iraqi trade union in 1932, called the "Worker's Federation of Iraq." The Worker's Federation continued to organize strikes and boycotts against British economic interests in Iraq until it and all unions were officially banned by British in mid-30s. Many trade union leaders were arrested, and the movement was squashed for a decade, not to be revived again until the entry of the Communist Party of Iraq in the '40s.

In the 1940s, the Communist Party of Iraq, founded in 1934 and led by Yusuf Salam Yusuf, recruited initially among students and the urban middle class. During the next decade the CPI expanded greatly and emerged as the only truly national party (non-sectarian, non-ethnic) opposing the British. Among political actors trying to gain influence within trade unions, the CPI was the best organized during that decade.

16 trade unions were officially legalized in mid-40s, and 12 of them ended up being led by the CPI. The largest unions were the Railway Workers, Basra port union, and trade unions made up of white and blue collar workers in the oil industry. These unions led several strikes for increased wages during the '40s. The British regularly responded by jailing the trade union leadership, outlawing or banning specific unions or unions in specific sectors (like oil). Often violent police attacks on strikers or demonstrators radicalized the movement.

In 1948 the British attempted to extend their military presence in Iraq, in effect refusing to grant Iraq full independence. The large scale protests/uprising (known as the Wathba, the Leap) that followed saw participation by activist students and (mostly poor) workers in coalition, and the CPI featured prominently among the leadership of the uprising. The Portsmouth Agreement was soon rescinded, under pressure from protests. Oil workers struck that same year for wage increases, and the CPI joined union activists in leading a procession known as the Great March (Al Masirah) toward Baghdad from Kirkuk (where the Iraqi Petroleum Company was based). The slogan of the marchers was "We The Oil Workers Have Come To Claim Our Violated Rights." The demonstration ended with no great victory for the protestors but was hugely successful on the level of gaining public support for their cause and promoting the anti-imperialist message. Both the CPI and the trade union movement were repressed constantly

through the '50s with some success, but remained important enough in the nationalist movement to be part of the coalition that brought Abdel Karim Qasem to power in 1958.

In general, during the years of the British installed Monarchy, the trade union movement was influenced by the overall political context of increasing class divisions and consciousness, anti-imperialism, and limited political freedoms for any group potentially in the "opposition." This included trade unions. Only for brief periods in the mid-30s, mid-40s, and again in the early 50s was advocating in an organized manner for improvement in work conditions and pay treated as anything but disloyalty and a threat by the various regimes. The trade union movement was radicalized under these conditions, as was the Communist Party, which found a lot of sympathy under this type of poor economic and politically repressive environment.

Immediately after the 1958 revolution that overthrew the Monarchy and brought Abdel Karim Qasim to power, trade unions were legalized. Observers credit the Communist Party's influence in the new regime (which was important, but not huge) with the legalization. Communists continued to win many union and professional association elections for a few years, but then Qasim started trying to dismantle the popular influence of CPI by attacking it through the trade unions (using tactics such as arrests of trade unionists affiliated with the CPI, threatening workers not to vote for CPI candidates in union elections, etc.). This was the beginning of the end of independent trade unions in Iraq.

In late '60s under the Ba'th, worker protections such as minimum wage, maximum working hours, child labor and arbitrary dismissal were instituted, and this early period also saw the introduction of the social safety net (health care, social security, etc. From that point on the regime officially began trying to incorporate the labor force into the political system and ruling party.

By the first half of the 1970s, and after a series of coups that brought more hard line Ba'thists into power, the Ba'th were gaining strength and extending influence into all aspects of society. The CPI tried to keep its influence in unions, but the regime changed law regulating unions to make it impossible for a non-party member to be in union leadership. Many of those leaders were Ba'th party appointees, not elected from among the union rank and file and often not even from the sector in which they were leading. Increasingly the secret police infiltrated the unions. Trade unions were no longer officially allowed to take any independent initiative. The CPI tried to continue union activities secretly during the 1970s—but by the 1980s even this became too difficult, given the oppressive nature of the regime.

The 1970s also saw the massive influx of immigrants to the capital and other major cities from the countryside, who had no experience with trade unions or consciousness of such issues as unions promote, which also served to weaken union movement. The Ba'th thought of unions specifically as a threat (historically they were radical and also had ties to CPI), and redefined "worker" to mean labor explicitly in the service of the development of the country.

In the late 1980s, trade unions again became a focus for the regime. The government initiated an attempt at economic restructuring in the late 1980s as a response to devastated post-war local economy, and the hard-currency shortage the country faced at the time. In 1987, the Iraqi

government effectively outlawed labor unions through the Trade Union Organization Law. The minimum wage was abolished, as were the right to collectively bargain and the right to strike. All public sector workers (the majority of those employed in the formal sector in Iraq at the time) were reclassified as "civil service" and not allowed to unionize. Unions could be formed in the private sector, but only in outfits employing more than 50 workers, which represented only about 8% of the workforce in Iraq at the time.

The General Federation of Trade Unions in fraq was created by the government in 1987 as the sole legal trade union federation, and because of the new law only represented private sector unions. There were other umbrella labor associations in the country, including Iraqi Journalist Union, Union of Teachers, Union of Palestinian Workers in Iraq, General Federation of Peasant Societies, and the Iraqi Federation of Industries (which represented employers).

In the late 1980s, the Iraqi government privatized about 70 large state-owned factories in nonstrategic industries (ie not oil sector), but even then the government never owned less than 76% of industry in the country. The Iraqi government could accomplish this with relative ease in part because it had already neutralized potential opposition from labor (which makes the Iraqi government's experiment with privatization wholly different from that in Algeria or Egypt). The government also consciously enacted these measures in an effort to make the business climate in Iraq "more attractive" to foreign investment—the Iraqi private sector was allowed to import less expensive Arab labor (mostly from Egypt, Yemen, Sudan, Jordan) as a result of these reforms, which also served to undermine the local trade union movement.

Despite the repression unions faced under the Ba'th, the Iraqi trade union legacy promotes equality and the rule of law. Historically, unions represented a broad cross-section of the Iraqi working population and counted activists and leaders from diverse ethnic, geographic and religious affiliations within their ranks.

The current vacuum in union leadership leaves Iraqi workers susceptible to manipulation and exploitation, and any organizations representing them vulnerable to non-democratic elements moving quickly in the absence of any viable, democratic alternative. Faced with general and massive unemployment, the labor movement in Iraq will move forward with few advantages

#### **Objectives**

- Through consultation and cooperation with the ILO, the ICFTU, the European Trade
  Union Confederation (ETUC) and the British Trade Unions Council (TUC), the Center
  will formulate strategies to promote free, independent, democratic trade unions in Iraq.
- The Center, working with other democratic international labor groups, will identify local partners who represent Iraqi workers and assist them to participate in a tripartite process aimed at creating a democratic industrial relations system and an independent, democratic labor movement in Iraq

#### Activities

The Solidarity Center proposes to send a fact-finding mission to Iraq to conduct a rapid assessment of the trade union situation with a view to identifying trade union counterparts and assess the needs of emerging unions. During the visit the Solidarity Center will also conduct an assessment of economic and political developments that may affect workers and their organizations and the emerging system of industrial relations.

The fact-finding mission will assess basic developments in trade union formation and activism; identify independent trade union leaders, organizations, and unions with which the Solidarity Center could partner; investigate the status of labor law and the basic economic restructuring under way or planned for the Iraqi economy, and how it is likely to affect the workforce, and seek ways to support and promote democratic trade unions in Iraq. 3-5 staff from the Solidarity Center and will conduct the fact-finding mission of approximately 10 days. Representatives from other democratic international labor organizations may be included on the mission, as needed. Travel and a series of consultations by Center staff with partners and allied organizations concerned with building representative, democratic trade unions in Iraq will inform the planning process.

In Baghdad, the Solidarity Center mission will hold meetings with a wide range of actors and decision-making bodies overseeing the economic transition and shaping the legal framework for a new industrial relations system in independent Iraq. The Coalition Provisional Authority (CPA) and the interim Iraqi government have begun reconstructing the Ministry Of Labor and Social Affairs, providing a timely opportunity for the Solidarity Center to discuss these plans.

In preparation for the fact-finding mission, the Solidarity Center will continue its consultations with the ICFTU, ILO, ETUC, and TUC, and Global Union Federations (GUF) on developments effecting worker organizations in Iraq. The fact-finding mission in Iraq will engage identified lead worker organizations and union leaders in face-to-face discussions where feasible.

The information gathered during the mission will form the foundation for additional activities to assist Iraqi workers form self-governing, politically independent, democratic institutions to represent their workplace interests. To this end, the Solidarity Center will begin to construct with Iraqi partners a curriculum of democratic trade union educational programs to assist workers to gain the knowledge and skills necessary to build a modern, independent, democratic labor movement. Ultimately, the goal will be to help Iraqi workers to engage effectively in a tripartite process with government and employers to develop a democratic labor code and a modern industrial relations system based on free-market principles.

Total Cost of Project: \$75,000

Timeline: October through December 2003

Submission date: August 18, 2003

310 991 45 LI HUAS SEEN

ベンド しっていろ・シナ

September 11, 2003

TO:

 $\infty$ :

Paul Wolfdwitz Doug Peith Rouben Jeffery

FROM:

Donald Rumafald

SUBJECT: Recognition of Governing Council.

Since we are looking for the Arab League to recognize the Governing Council, why don't we recognize the Governing Council by having them send someone approximating an Ambassador to the United States and have him stationed here in Washington.

It seems to me it could help our cause if there were a talented, articulate leagiavailable for the media every day explaining the views of the Iraqia who favor freedom and saif-government.

Thinks,

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Please respond by \_

U15230 /03



## COALITION PROVISIONAL AUTHORITY BAGHDAD

#### **ACTION MEMO**

March 11, 2004

FOR:

THE ADMINISTRATOR

FROM:

Office of General Counsel

SUBJECT:

Response to Questions Regarding Temporary Closure of Al-Hawzah Newspaper

This memorandum responds to the following questions you have raised regarding the Action Memo, subject: Temporary Closure of *Al-Hawzah* Newspaper, dated March 6, 2004, (TAB 1) and seeks your signature on the letter at TAB 2 that will close the newspaper for 60 days:

#### "Who is owner?"

- The newspaper is published by an organization, Maktab as-Sayeed as-Shaheed.
   This refers to Muqtada al-Sadr's father, "the martyr," who was assassinated.
- The paper al-Hawza is part of Muqtada al-Sadr's organization, in that it is a
  mouthpiece for al-Hawza al-Natiqa, one of the names of al-Sadr's organization.
- Almost every edition includes prominent, large photos of Muqtada al-Sadr on the cover page. In addition, his Friday sermons tend to be published on the front page.
- "Why wouldn't I just close it down?"
  - You could. As Administrator of the CPA, you have broad authority to close the newspaper under the law of occupation. CPA Order Number 14 also provides authority for closing the newspaper where the Order has been violated.
  - o The relevant CPA policy advisors, however, recommend a graduated response to Al-Hawzah's articles, consistent with the manner in which CPA has dealt with other media organizations that have published or broadcast materials tending to incite violence, so as not to appear heavy-handed with the press.
  - A 60-day suspension of Al-Hawzah would be consistent with CPA's past practice.
- Although prior closures of media organizations have been accomplished in coordination with the Governing Council and through closure letters executed by the Minister of the Interior, in

this case the nature of the false communications warrant direct action by CPA. Accordingly, the proposed letter at TAB 2 has been prepared for the Administrator's signature.

RECOMMENDATION: That the Administrator close Al-Hawzah for 60 days, by signing the letter at TAB 2.				
Approve:	Disapprove:	Approve with modification:		
ATTACHMENTS:	Action Memo, subject: Tempo dated March 6, 2004     Letter Closing Al-Hawzah New	orary Closure of Al-Hawzah Newspaper, wspaper		
COORDINATION:	Deputy Administrator/D Jones (or Governance Team/S. Carpenter ( Strategic Communications/D. Se	ok)		

GC (MALLIN)
ELDW (MALLIN)

ITION PROVISIONAL AUTHORITY

BAGHDAD

INFO MEMO

FOR ADMINISTRATOR

FROM: Office of Director of Economic Development and Office of General Counsel

SUBJECT: Revising Existing Iraqi Bankruptcy and Competition Laws, and Company Law

This responds to your request for a summarized assessment of Iraq's current bankruptcy and antitrust laws and Company Law, and a proposed "roadmap" for revising these commercial laws as necessary to facilitate the CPA's foreign investment initiatives.

#### Bankruptcy

- · Current Iraqi law does not provide for reorganization bankruptcies.
- The Law of Commerce No. 149 of 1970 prescribes rules for declaring individual
  bankruptcy. Generally, creditors apply to the court to have an individual declared
  insolvent. As a result of such a declaration, the individual's assets are attached and he
  looses many important civil rights, including the right to vote or contract until the debts
  are repaid. There is limited debt forgiveness. The individual bankruptcy procedures are
  rarely used. Instead, debts are often renegotiated through a process of conciliation
  between tribal parties or the debtor and creditor.
- The Company Law No. 21 of 1997, Article 158 describes the process for dissolving companies. Companies may be dissolved if, for example, the assets of the Company fall below 75% of the authorized capital of the company. Courts may order the dissolution of a company upon the application of creditors. The former regime's centralized control of the economy supported private companies by controlling competition; as a result, few
   companies required bankruptcy protection.

#### Competition

• Western-style anti-trust laws do not exist in Iraq, because of the former regime's centralized control the economy. The regime managed competition in part through the Law of Commerce No. 30 of 1984, which requires both public and private sectors to work in conformity with the National Plan. This management process is accomplished through annual filing requirements and supervision. In the past, non-conformity with the National Plan resulted in orders to modify business practices or the withdrawal of permission to conduct business.

#### UNCLASSIFIED

The Consumer Protection Law No. 236 of 2002 regulates unfair competition. This
law precludes "industrial cheating," false advertising claims, and trade name
infringement. Baghdad University prepared a more comprehensive draft of consumer
protections for submission to the Revolutionary Command Council (RCC) prior to
the war.

#### Company Law

- Company Law No. 21 of 1997 provides a sound basis for establishing most business forms within Iraq. However, it is not as progressive as most current U.S. formation laws, in that it does not authorize desired forms such as limited liability companies (as the term is understood in the US) or non-profit companies; requires paid in capital as a prerequisite of formation; limits ownership share percentages in public companies; and restricts the purposes or lawful business of the entity after formation.
- The Company Law is implemented through numerous procedural rules and
  regulations that will need to be revised in order to streamline the process and remove
  sector approvals intended to manage the development of new businesses. Other
  procedural rules carry significant policy implications, such as requirements to submit
  certifications regarding the boycott of Israel.

#### THE WAY AHEAD:

- In coordination with Governing Council, UN's Special Representative for Iraq, and
  international financial institutions, promulgate CPA Order authorizing direct foreign
  investment in Iraq. Milestone dates: Draft CPA Order completed on August 1, 2003;
  coordination continues. Governing Council received initial briefing on August 13,
  2003. Provide revised CPA Order incorporating all comments received during
  coordination process, by September 1, 2003.
- 2) Develop a comprehensive scheme of <u>bankruptcy laws</u> for both personal and corporate bankruptcies and <u>antitrust</u> that will wholly replace the existing systems, which offer an inadequate framework for improving the law through piecemeal revision.
  - a) Create a special team dedicated to drive commercial law reform initiatives. Chaired by General Counsel, CPA, the team should consist of representatives from Office of General Counsel, the Economic Development Directorate, and the Ministry of Trade, and the Private Sector Development Directorate. Milestone dates: Team established August 1, 2003. Complete report surveying status of current Iraqi commercial law by August 21, 2003. Prepare instructions for creating new businesses in Iraq by August 28, 2003.

- b) Simultaneously, under USAID's contract with BearingPoint, task contractor to develop statement of work that will provide for a preliminary assessment of current bankruptcy and antitrust law, followed by recommendations of specific changes necessary to enhance business activity in Iraq. Mulestone dates: Met with BearingPoint officials on August 14, 2003 and requested preparation of statement of work as soon as possible. Milestone dates for completing preliminary assessment and recommended revisions to be provided within 7 days following receipt of BearingPoint statement of work. Receipt of statement of work anticipated by August 20, 2003.
- 3) Simultaneously, identify regulatory provisions implementing Iraq's Commany Law that must be revised to support economic growth. Milestone date: General Counsel's special team is currently assessing Company Law regulations in connection with the promulgation of a foreign investment order and will submit report by August 28, 2003.

Message

117-030919-24 Page 1 of

From:	Carpenter, Scott CIV Ministry of Governance			
Sent:	Thursday, August 67, 2003 11:03 PM		7	
To:	(b)(6) DoD GIV, Exec Sec)		affect to	14-
Ce:	Campbell, Donald CIV Ministry of Justice (b)(6) (FSO1); Norwood, Scott; Kennedy, Patrick AME 15 MCO; Bubinstein, Daniel H, (CIV)	)-2 Min ; McManaway, Cla	istry of Justice): LeCrew	lessic
Rubler	t: RE. UA 030806-37 Bremer action memo re Med	hat Mahmood as	Sup Ct Chief Justice Au	oust F

My view is that we need to formally consult the GC on such appointments. They have a legal committee now and Judge Dara is its head. We could sit down with the group, put forward the nomination, have them approve it — or not — and then forward to the full GC for approval. I know it sounds laborious and risks them saying no but we met with the legal committee today on the authorities issue and they brought the issue of appointments up directly. They also expressed concern over not being "consulted" on major issues in the way that the CPA would like the GC to consult with it on policy and personnel related issues.

In the past we've been able to move ahead on such issues because the GC had no established bodies to address them. If we do so now, I'm fairly sure they'll cry foul. Let me know how you want to proceed.

Scatt

om: (b)(6)	(b)(6)		
ent: Thursday, August 07, 2003	3:49 PM		
: Carpenter, Scott CIV Ministry			
: Campbell, Donald CIV Ministr	y of Justice: (b)(6)		LeCroy Jessica
SO1); Norwood, Scott; Kennedy	, Patrick AMB: McManaway, (	Clayton	
bject; REF: UA 030806-37 Bre			Chief Justice, Au
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cott - LPB would like your views	en the attached action memo	o. WR Jeb REF:	UA 030806-37
Original Message	48		
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ent: Wednesday, August 06, 20	03 6:05 PM	, .	
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e: Executive Secretary		The state of	

Attached is an action memo being submitted in hard copy tonight to Amb Bremer by Judge Campbell.

The memo asks Amb Bremer to approve the Judicial Review Committee's appointment of Judge Medhat Mahmod as Deputy Chief Judge of the Supreme Court, with an eye towards appointing him Chief Judge in about 30 days.



#### COALITION PROVISIONAL AUTHORITY

LPB HAS SEEN

BAGHDAD

INFO MEMO

Dich we see to he

16 February 2004

FOR:

THE ADMINISTRATOR

FROM:

Ambassador Ronald Neumann Director for Foreign Affairs

THRU:

Ambassador Richard H. Jones, Deputy Administrator

SUBJECT:

Status of Negotiations on Diplomatic Relations, Property

Differentiating between property issues which require rapid resolution and those which do not is key to organizing the negotiation on property. This was the conclusion of a meeting I had with the General Counsel and a representative from the Chief-of Staff's office. I spoke separately with OBO, which agrees with our consensus opinion.

Issues requiring rapid resolution are those where we pay/a price for delay; e.g. until we have a site we won't get the funding for a permanent chancery/ This kind of issue must be included in the diplomatic relations negotiations.

Issues that do not require rapid resolution include disputes arising from properties currently occupied by Coalition forces and the CPA. We will need to ensure that our use of Iraqi property after the end of the occupation is regularized. Nonetheless, as we are heavily invested in certain properties, the Iraqis may be more likely to allow us to stay.

In addition, interim property matters, such as the interim chancery, need to be dealt with separately from the larger diplomatic relations negotiations. Although some of these issues do require rapid resolution, their interim nature requires us resolve them with the IGC whereas all other matters need to be signed with the sovereign government. OBO will lead interim property discussions with Iraqi officials, and I will support them as necessary.

Getting land for a new chancery is our highest priority and I will lead that negotiation, in coordination with OBO, as part of the diplomatic recognition negotiations. We intend to treat the issue as a settlement of our claim for the confiscation of our previous facilities, thus justifying the same "fee simple" title we had before. OBO has agreed to prepare detailed negotiation positions on this basis. Several options exist in preparing a negotiating position on other property acquisition matters. As of now we will keep all other property matters out of the diplomatic recognition negotiations; there are too many issues and properties and if they are combined we will handicap the effort to nail down the new embassy land.

Participants at the meeting agreed to discuss with the State Department Legal Advisor's Office (L) the importance of differentiating between the types of property. OBO is currently drafting negotiating instructions that should be ready by mid-March, after General Williams' visit finalizes the choice of permanent embassy location.

COORDINATION: Office of the General Counsel, Eric Pelofsky - ok
Office of the Chief-of-Staff, Brian McIntosh - ok

OBO, Alexander Kurien - ok



## COALITION PROVISIONAL AUTHORITY BAGHDAD

DU PEN SOFT

#### INFO MEMO

December 18, 2003

FOR:

THE ADMINISTRATOR

FROM:

Steve Casteel, Scnior Advisor, Ministry of the Interior

SUBJECT:

Status of New Iraqi Passport/Travel Document Issuance System (TDIS)

Freedom for the Iraqi people to travel internationally is an enormously visible sign of democracy and change in the nation. As a result, Ministry of the Interior has pressed hard for reform and change of the Iraqi travel documents. Muhabarat (Iraqi Secret Police) controlled issuance and records of passports in the old regime, and during the conflict those records were destroyed and passport offices looted, resulting in broad trafficking in stolen blank passports.

The Interim Travel Document (ITD) was created to provide a short-term method for Iraqis to travel abroad until such time that passport services can be restored, and over 200,000 ITDs have been issued to date. However, the only way to gain true international acceptability – ant thus, true freedom to fravel – is by implementation of the new Iraqi passport book and Travel Document Issuance System (TDIS).

The new Iraqi passport will cost an estimated \$4.5 million to implement, and due to its cost, the project was programmed using Supplemental funds so that the small 2003 Border Enforcement budget (\$15.6 million) could concentrate on security needs. The Statement of Work (SOW) for this project and a list of qualified international bidders (with solid track records) were submitted to CPA Contracting on November 6. However, given the delay in availability of Supplemental funds and the greater restrictions on those funds (including full and open procurement), the Ministry of the Interior will be shifting this project to 2003 Iraqi money with its greater flexibility for contracting. The shift of fully one-third of the 2003 Border Enforcement budget will delay some long-term construction contracts, but will ensure that passports are available within 6-8 months from now instead of 12-14 months.

The Request for Proposal (RFP) for the new Iraqi Passport/TDIS system requires the following from the winning contractor:

- Operational passport system in Baghdad within 4 months of contract signature.
- Passport services in Basrah, Mosul, Sulimaniyah, and Erbil within 6 months of contract signature.
- Passport services in each of the other 12 Governorates within 12 months of contract signature.
- The SOW is being re-submitted this week using 2003 funds to ensure speedy implementation of the new passport system.

cc: CPA/MOI/BE - (b)(6) [Drafter)
CPA/MOI - Rachael Reynolds

Slow!



### LPB HAS SEEN

# COALITION PROVISIONAL AUTHORITY BAGHDAD

#### INFO MEMO

April 20, 2004

FOR:

THE ADMINISTRATOR

FROM:

Office of General Counsel

SUBJECT:

Update on Authority to Expel Journalists from Iraq

The Office of General Counsel provided the Info Memo on Authority to Expel Journalists from Iraq (Tab) with State Department and received preliminary comments.

- State/L agrees that CPA cannot expel Iraqi national journalists and that CPA has authority to expel foreign journalists who have entered Iraq since the occupation began and who incite to violence.
- However, with respect to foreign journalists who were present in Iraq at the time the
  occupation began, and who have continuously remained in the country, State and Justice
  are studying the issue of our authority as an Occupying Power to expel such individuals
  and are unwilling to opine on this specific scenario at this time. The DoJ Office of Legal
  Counsel is actively studying the issue and their opinion is expected shortly.
- The Info Memo has been updated to reflect the uncertainty with respect to foreign
  journalists who were present in Iraq at the time the occupation began. The addition
  appears in the Summary section in italicized letters.

ATTACHMENTS: Tab OGC Info Memo (revised version), April 20, 2004



# COALITION PROVISIONAL AUTHORITY BAGHDAD

#### INFO MEMO

April 20, 2004

FOR:

THE ADMINISTRATOR

FROM:

Office of General Counsel

SUBJECT:

Authority to Expel Journalists from Iraq

This memorandum provides a legal analysis of the CPA's power to expel journalists from Iraq. Although an Occupation Authority's powers to expel individuals are extensive, they are constrained by the Geneva Conventions.

- Under Article 49 of the 4<sup>th</sup> Geneva Convention, the CPA is absolutely prohibited from
  expelling Iraqi nationals. It should be noted, however, if the conduct of the journalist,
  Iraqi or foreign, violates a criminal law, such as incitement to violence, the journalist
  would be subject to criminal prosecution by Iraqi criminal courts.
- Under CPA Order Number 16, Temporary Control of Iraqi Borders, foreign journalists entering Iraq would be classified as "persons who require permits granting entry into Iraq."
  - Pursuant to Section 9(c), authorized officers (Coalition personnel and Iraqi
    officials) designated by the CPA to perform border services may revoke a
    person's permit to be in Iraq if "the presence of the person in Iraq is, or would be,
    a risk to the health, safety or good order of the Iraqi community."
  - Thus, if a journalist has a permit and an authorized officer determines the
    journalist's presence is or would be a risk to the safety or good order of the Iraqi
    community, the journalist's permit may be revoked.
  - O Under Section 17.1, a person who had his permit revoked would have the right to apply in writing to the Ministry of Interior for a review of the decision. Within seven days of receipt of the application, the Ministry of Interior is required to review the decision and notify the applicant of the determination.
  - o However, it does not appear the Ministry of Interior has implemented an effective method for issuing permits. Thus, a large number of foreigners have been allowed to enter and remain in Iraq without permits. A journalist who has entered Iraq without a permit would have technically entered Iraq illegally.

- o Article 43 of the Hague Convention creates a positive obligation on the part of the occupying power to respect the local law unless absolutely prevented. Thus, if Iraqi law prohibits illegal entry and provides for the expulsion of those who violate that law, the Occupying Power is bound to respect those laws.
- O Under Article 14 of Law Number 118 of 1979, the Governors of governorates near the border and Directors General of the Nationality Offices for any other governorates can order a person who has illegally entered Iraq to leave. As set forth in CPA Regulation Number 1, the Administrator has the authority to exercise this power as the person exercising all executive, legislative, and judicial authority necessary to achieve the objectives of the CPA.
- o Iraqi law does not specify any procedure or give a person ordered to leave any right of review. Therefore, the Administrator's action in expelling a foreign journalist would be measured against a reasonableness standard. So long as his actions are not arbitrary or capricious, they would be permitted. While not required under Iraqi law, it would be advisable to permit the illegal entrant to submit a written statement regarding the matter much as Order 16 envisions for a person whose permit has been revoked. A panel might then review the individual's claims and make recommendations to the Administrator for his final decision.
- Journalists, both foreign and domestic, would be considered "protected persons" under the 4th Geneva Convention. Article 49 does not, in general, permit the transference or deportation of protected persons. This Article, however, must be interpreted in the historical context of its creation as well as in a manner consistent with the other provisions of the Convention.
  - The ICRC Commentary and other sources make clear that Article 49 was intended to prohibit actions similar to the mass deportations practiced by Nazi Germany in World War II. "These mass transfers took place for the greatest possible variety of reasons, mainly as a consequence of the formation of a forced labour service." The provision was, in effect, a codification of an established customary international law principle which concerned the forcible deportation of whole populations or segments for demographic and political objectives. (Schwarzenberg pp. 227-232) There is no evidence that Article 49 was ever intended to constrain an Occupying Power's authority to expel those who enter the occupied territory and commit illegal acts such as incitement. In fact there would be a positive obligation on the Occupying Power to attempt to prevent unhindered illegal entry in accord with its obligations as custodian of the State and in relation to its responsibility for public order.
  - O Article 43 of the Hague Convention of 1907 creates an affirmative obligation on the part of the Occupying Power to restore and ensure public order. The Israeli Supreme Court found in the Abu Awad case that Article 49 of GCIV "does not reduce the obligation of the Occupying Power to tend to the preservation of public order in the administered territory as dictated by Article 43 of the Hague



## COALITION PROVISIONAL AUTHORITY BAGHDAD

INFO MEMO

COMES.

January 9, 2004

FOR:

THE ADMINISTRATOR

FROM:

Office of the General Counse

SUBJECT:

Update on Foreign Investment Law and Company Registration Procedures

This memorandum provides an update regarding CPA Order No. 39, Foreign Direct Investment. There has been progress on a number of fronts.

#### Publication and Outreach

- Order No. 39 has been publicly available on the internet, in both Arabic and English, since shortly after its promulgation, and has been widely cited and quoted by the media and professional organizations. The Order is also included, in English and Arabic, in a volume of CPA orders, memoranda and public notices that the CPA broadly distributed in November. Due to problems with printers, the Official Gazette version should be published by the end of January. (Order No. 39 became effective upon signature, and the legal force of the Order is not affected by the delayed printing of the Official Gazette.)
- In mid-December, the General Counsel, with several former CPA officials (including Judge Donaid Campbell and George Wolfe) participated in an American Corporate Counsel Association conference held for several hundred corporate CBOs and lawyers on "Doing Business in Iraq." Earlier that month, the General Counsel participated in a nationwide teleconference briefing for lawyers hosted by the Practising Law Institute, and focusing on Order No. 39 and the CPA's commercial law reform initiatives.

#### Registration Regulations, Company Law Revisions, and Tax Implementation

- This office and Private Sector Development (PSD) have completed drafting a new
  regulation that provides instructions for registering branches and representative offices of
  foreign entities in Iraq, and we are completing a regulation that provides instructions for
  registering new Iraqi business entities, formed by foreign or Iraqi investors (individuals
  or legal entities).
- The Minister of Trade has reviewed drafts of the regulation regarding branches and
  representative offices. We expect that he will endorse the final version, which we will
  send to him on January 10<sup>th</sup>, and authorize its issuance after coordination with the
  Ministers of Finance and Planning. Nonetheless, we will need to work with the Minister
  of Trade and his deputies to remove additional rules that were unexpectedly issued by

Ministry of Trade officials and that unnecessarily complicate the registration process. A similar offort will be required with respect to the Central Bank of Iraq, which promulgated a regulation that limits the repatriation of funds and requires the use of state-owned banks (e.g., Rasheed and Rafidain).

- The second regulation (providing for the registration of new Iraqi business entities formed by foreign or Iraqi investors) incorporates CPA's initial changes to the Company Law (No. 21 of 1997). These changes, which significantly streamline the registration process and conform this process to the provisions in Order No. 39, are under review by the Governing Council's Finance and Planning Committee. We will provide the second regulation to the Ministry of Trade for issuance after CPA completes its coordination of the changes to the Company Law with the Governing Council and you sign the order revising the Company Law. The next meeting to discuss the changes to the Company Law with the Finance and Planning Committee is scheduled for January 11th.
- The 2004 Tax Strategy will equalize the tax rates of foreign and domestic corporate
  taxpayers; the flat 15% rate will be among the lowest in the world. The 2004 Tax
  Strategy has been completed, and is pending your signature upon Mr. Gailani's
  coordination of the final version with the Governing Council upon his return from Jordan
  on January 15<sup>th</sup>.

COORDINATION: MOT/Line Collins - (info)
PSD/Nate Faust - (info)



# COALITION PROVISIONAL AUTHORITY BAGHDAD

#### INFO MEMO

October 29, 2003

FOR:

Ambassador Bremer

From:

Susan R. Johnson, Senior Advisor to the Ministry of Foreign Affairs

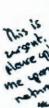
Subject:

Welcome Home Update

1. Hajj Preparations Update Memo: We have a separate memo summarizing where things stand in terms of preparations for the Hajj. Outstanding issues are (1) establishing an appropriate mechanism for approving the licensing of private travel agencies that reconciles the mutual suspicions of Awqaf and the Ministry of Culture's Board of Tourism; (2) determining whether to allow special Haji charter flights to operate out of BIAP, Mosul and Basra on an exceptional basis, CFTP-7 security concerns notwithstanding; (3) agreeing that Iraq (Awqaf lead, with MFA follow-up) will inform its neighbors and other countries that this year it will not be able to allow other nationals to transit through Iraq for the Hajj.

2. Iraql "ambassador" in Washington: Zebari has just returned from London. We are meeting October 30 to go over a number of issues, but first among them is to go over the names he has in mind. We have asked the Department to move apace to put in place a new and more flexible protecting power agreement with Bahrain that would allow an Iraqi mission to take a higher profile and operate independently. Diplomatic contacts have been made, our Embassy in Manama is supporting, the Iraqi mission in Manama is in touch with the Bahrainis about this. We hope to have a new agreement in place shortly. (I have recommended that the Iraqis tell the UK that for the moment they want to just go ahead with the Jordanian protecting power relationship, get a team in place and then think about any changes. Zebari has a recommendation for London.)

3. Syrian initiative to organize a Regional Meeting of Foreign Ministers to discuss the situation in Iraq: The Syrians are proposing to hold the meeting on November 1-2. They have not informed or invited Iraq. The Kuwaitis asked the Iraqi MFA yesterday whether they had been invited and were told no. The MFA sent a note to the GC informing them of this development and recommending that Iraq not participate even if invited as this initiative is an unwelcome interference in Iraqi affairs. The Kuwaitis discussed this with Zebari in Kuwait today and have told Saudi Arabia, Egypt and Jordan that if Iraq is not invited, they will not attend. Zebari told me that he needs to consult with GC members on a strategy and on whether Iraq should participate if invited, and if not, what they should say/do. I think that Zebari will be inclined to go if invited and try to use the meeting as an opportunity.





#### UNCLASSIFIED

4. CPA Security Brief for Heads of Foreign Missions: We have invited heads of foreign missions to attend an executive security threat brief by General Figgures and Ambassador Kennedy on October 30. The recent spate of attacks, VBIEDs, the rocket attack on the Al Rasheed, and the consistent threat information aimed at foreign missions has them hungry for information and dialogue from us, at a high level. Bulgaria and the Netherlands have pulled out their staff temporarily while they send in security teams to assess the situation. The Polest Spanish and Ukrainians intend to bring in soldiers to help guard their missions. CJTF-7 has proposed to transfer 900 PPS guards to the MOI as a dedicated Embassy Protection Service. MFA welcomes this and MOI agrees, in principle.

Attachments: NONE

Coordination: Ministry of Interior