



COALITION PROVISIONAL AUTHORITY  
BAGHDAD

ACTION MEMO

January 14, 2004

FOR: THE ADMINISTRATOR  
FROM: Scott Carpenter  
SUBJECT: Problems with Governing Council Decisions

Although the Governing Council Secretariat repeatedly assures us that GC decisions are not published or distributed unless they are first approved by CPA, this simply is not the case. GC members continue to instruct the ministers to implement decisions that we have not approved, and in some cases have not seen. The latest instance was with two GC decisions instructing the Ministry of Finance to pay back dues of \$19,461,000 to the UN and \$3,515,411 to the Arab League. You have not cleared on the policy of whether we should make these payments partially or in full, and there is no earmark in the budget to pay for them.

You will need to raise this issue with the GC again, and we will again work with the Secretariat to stop the issuance of these decisions. In the meantime, however, we feel an instruction to the ministers is the best approach. Attached is a memo from you to the ministers reminding them that GC decisions have no legal force and effect unless you specifically delegate to them the authority to promulgate the instrument in advance (as you did with respect to the GC's creation of the Iraqi Special Tribunal) or until you ratify the GC's decision after the fact, and instructing the ministers to check with their CPA Senior Advisors before implementing any GC decisions.

RECOMMENDATION: That you send the attached memo:

Approve

Disapprove

Approve with modifications

COORDINATION: General Counsel, Foreign Affairs, Finance

ATTACHMENT: Memo to the Iraqi Cabinet



COALITION PROVISIONAL AUTHORITY  
BAGHDAD

January 14, 2004

FOR: THE IRAQI CABINET  
FROM: L. Paul Bremer III, Administrator 1/14  
SUBJECT: Implementing Decisions of the Governing Council

It has come to my attention that the Governing Council has been advising you of the decisions that they issue and requesting that you implement them. This has created some confusion and some instances of ministers implementing actions that do not yet have the force of law.

As you are aware, no decision by the Governing Council has the effect of law unless it has been made pursuant to a specific delegation of authority from the CPA, or until it is ratified by a CPA Order which I sign. Particularly with respect to issues that concern changes in law or policy and any financial matters, please consult with your CPA Senior Advisor before implementing any decisions by the Governing Council.

We continue to work with the Governing Council in an effort to ensure close cooperation on policy formulation and implementation, and I would appreciate your assistance in this endeavor.

CC: The Governing Council  
CPA Senior Advisors