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COALITION PROVISIONAL AUTHORITY

BAGHDAD

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ACTION MEMO

May 11, 2004

FOR: THE ADMINISTRATOR

FROM: Simon Haselock, ^{Sam} Director, Media Development Team

SUBJECT: Ratification of Iraq Governing Council Resolution No. 8 (2004)

Attached is a Ratification of the Iraq Governing Council's ("IGC") Resolution No. 8, which governs the transfer of assets from the (dissolved) Ministry of Information throughout and outside Iraq to the IGC. Ratification of the Resolution is required in order to give it legal effect and to impose necessary and beneficial qualifications to improve its enforcement.

The Resolution provides a way for the IGC to find and to seize unaccounted for monies and other properties that belonged to the now-dissolved Ministry of Information. Giving the primary responsibility for this task to the IGC's Media Executive Committee rather than any organ of the Coalition Provisional Authority (CPA) is consistent with your principle of handing significant responsibilities to Iraqi institutions in advance of the June 30, 2004 transfer of sovereignty to the Iraqi Interim Government. However, the Resolution as drafted is problematic because it does not:

- Exempt from seizure assets that the Iraqi Media Network is now using and that will become property of the Public Service Broadcaster pursuant to CPA Order No. 66;
- Exempt from seizure assets that the Multi-National Force is using, occupying, or controlling as part of its duties in Iraq;
- Exempt from seizure assets that the CPA's Office of Facilities Management has permitted various CPA organs to use and occupy;
- Foster cooperation and coordination between the Ministry of Finance, the Ministry of Interior, the IGC's Media Executive Committee, and the Facilities Management Office in the search for missing assets and their subsequent allocation; and
- Grants the IGC's Media Executive Committee blanket authority to control all assets of the dissolved Ministry of Information, regardless of whether the asset in question is critical to its mission.

To that end, the attached Ratification:

I don't agree with letting the IGC (or any committee thereof) seize & control any assets

- Exempts from seizure those assets that are being used by the Iraqi Media Network or its successor, which pursuant to CPA Order No. 66 will soon become property of the Public Service Broadcaster;
- Exempts from seizure those assets that the Multi-National Force is using, occupying, or controlling as part of its duties in Iraq;
- Exempts from seizure those assets that the CPA's Office of Facilities Management has permitted various CPA organs to use and occupy;
- Creates a joint task force (consisting of at least one individual from each of the Ministry of Finance, the Ministry of Interior, the Media Executive Committee, and the Facilities Management Office) to coordinate the search for and identification of missing assets; and
- Authorizes the task force to determine whether the asset in question is critical to the needs of the Media Executive Committee and to transfer such assets to the Media Executive Committee.

RECOMMENDATION (1): That the Administrator sign the attached Ratification.

Approve: _____ Disapprove: US/11 Approve with modification: _____

COORDINATION: Office of General Counsel/Scott Castle
 CPA Ministry of Communications/Colin Alberts
 COO/Bailey Hand
 Facilities Management Office/Stephen Bartlett
 Governance/ Scott Carpenter
 Joint Task Force 7/Captain Earl Mitchell
 Media Development Team/Simon Haselock
 Ministry of Finance/Sarah Horrigan
 Ministry of Interior/Matthew Sherman

ATTACHMENTS: Attachment 1 - Ratification
 Attachment 2 - IGC Resolution No. 8

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

Resolution No. (8) For the year 2004

The Governing Council in its ordinary session (5) held on January 14th 2004, has decreed the following:

1. To seize the entire transferable or non transferable assets of the (dissolved) Ministry of Information throughout and outside Iraq. The Executive Media Committee at the Governing Council shall be charged with implementing this resolution and the administration of these assets and to report regularly to the Council on this matter.
2. The Ministry of Finance shall transfer to the Executive Media Committee any assets belonging to the (dissolved) Ministry of Information that has been seized before the issuance of this resolution.
3. The Ministry of Finance, the Financial Audit Board and the Ministry of Interior, shall be charged with providing all required specialized staff, equipment or other requirements, as necessary for helping the Executive Media Committee in the implementation of this resolution.
4. The possession any assets of the (dissolved) Ministry of Information shall be considered an illegal possession and all must hand over, such possessions to the Executive Media Committee immediately. Violators shall be subject to penalties stipulated by the law.
5. The Executive Media Committee shall be charged with coordination with the Coalition Provisional Authority to facilitate the implementation of this resolution.

Adnan Al-Pachachi
President of the Governing Council
January, 2004



COALITION PROVISIONAL AUTHORITY
BAGHDAD

RATIFICATION OF IRAQ GOVERNING COUNCIL RESOLUTION

Pursuant to 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 Resolutions 1483 and 1511 (2003), I hereby ratify Governing Council Resolution No. 8 (2004), with regard to the transfer of use of assets of the (dissolved) Ministry of Information that are located inside or outside of Iraq, subject to the conditions specified herein.

Nothing in this ratification or Governing Council Resolution No. 8 shall transfer legal title or right to any assets belonging to the (dissolved) Ministry of Information. The Ministry of Finance shall have the power to transfer only the use of (dissolved) Ministry of Information assets to the Governing Council's Media Executive Committee so long as the assets in question are critical to the mission of the Governing Council's Media Executive Committee ("Critical Seizeable Assets"). Nothing in this ratification shall prejudice or preclude the Iraqi Property Claims Commission from adjudicating or resolving claims pertaining to real property belonging to the (dissolved) Ministry of Information.

The authority conferred to the Ministry of Finance to transfer the use of any Critical Seizeable Assets to the Governing Council's Media Executive Committee shall not extend to any (dissolved) Ministry of Information equipment and property, including transmitter sites, allocated (pursuant to the procedure directed in CPA Order No. 66 (March 20, 2004)) to the inventory of the Iraqi Media Network ("IMN") or to any successor entities of the IMN.

The authority conferred to the Ministry of Finance to transfer the use of any Critical Seizeable Assets to the Governing Council's Media Executive Committee shall not extend to any (dissolved) Ministry of Information equipment and property, including transmitter sites, which the Multinational Force is currently using, occupying, or controlling.

The authority conferred to the Ministry of Finance to transfer the use of any Critical Seizeable Assets to the Governing Council's Media Executive Committee shall not extend to any (dissolved) Ministry of Information equipment and property, including transmitter sites, that the Office of Facilities Management of the CPA has allocated to any existing CPA or Iraqi Governing Council office or entity.

Identification, location, and allocation of the Critical Seizeable Assets, the use of which will be transferred to the Governing Council's Media Executive Committee, shall be the

responsibility of a joint task force (the "Asset Task Force") consisting of at least one member from the Ministry of Finance, one member from the Ministry of Interior, one member from the Governing Council's Media Executive Committee, and one Member of the Facilities Management Office to be appointed, respectively, by the affected Ministers, the Chairman of the Media Executive Committee, and the Facilities Management Office.

The Asset Task Force shall identify and inventory all assets, movable and immovable, of the (dissolved) Ministry of Information and determine (by a majority vote) whether the asset in question is critical to the mission of the Governing Council's Executive Media Committee. In the event that the Asset Task Force cannot agree (by a majority vote) whether an asset is critical to the mission of the Governing Council's Executive Media Committee, the right to use it shall not be transferred. Any assets of the (dissolved) Ministry of Information that are not transferred to the Governing Council's Executive Media Committee ("Non-Critical Assets") shall be held in trust for the Iraqi people by the CPA.

The Asset Task Force shall convene no later than May 14, 2004, and shall meet at least once per week. The Asset Task Force shall identify, locate and categorize (as a Critical Asset or Non-Critical Asset) all Seizeable Assets by June 25, 2004. The Asset Task Force shall transfer to the Governing Council's Executive Media Committee the right to use all Critical Assets by June 26, 2004.

Any cash funds identified and located as Seizeable Assets shall not be transferred to the Governing Council's Media Executive Committee, but shall revert to the Ministry of Finance.

The Governing Council's Media Executive Committee and the Asset Task Force shall consult with the relevant technical departments in the CPA on matters relating to the implementation of the terms of this ratification.

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

L. Paul Bremer III, Administrator
Coalition Provisional Authority