

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 44

MINISTRY OF ENVIRONMENT

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 Resolution 1483 (2003),

Recognizing that responsible management of the environment is essential to foster sustainable development,

Furthering the purposes of the Governing Council to create a ministry responsible for environmental issues,

Recalling CPA Memorandum Number 6, publishing the appointment of the Interim Minister of Environment,

I hereby promulgate the following:

Section 1 Establishment

- 1) The Ministry of Environment (MOEN) is hereby established.
- 2) All acts and decisions of the interim Minister of Environment in connection with his office or the Ministry from his appointment by the Governing Council on 7 August 2003 to the formal establishment of the MOEN under this Order are hereby ratified. For the purposes of this ratification, the MOEN is deemed to have been established on 7 August 2003.
- 3) Subject to transitional provisions in this Order, the Environmental Protection and Improvement Directorate (EPID), established by paragraph 11 of Law Number 3 of 1997, Protection and Improvement of the Environment, is hereby transferred to the MOEN. From the date of transfer to the MOEN, the EPID shall cease to have its own separate legal personality, and Article 11(3) of Law Number 3 of 1997 is hereby suspended.

Section 2 Functions

- 1) The MOEN shall be responsible for the protection and conservation of Iraq's environment and for the protection of the residents of Iraq from environmental risks

CPA/ORD/11 Nov 2003/44

to human health and from environmental pollutants. The MOEN shall ensure that environmental protection is an integral factor in developing policies concerning natural resources, human health, economic growth, energy, transportation, agriculture, industry, and international trade.

- 2) The MOEN shall develop policies, run environmental programs and promulgate and enforce standards pursuant to Law Number 3 of 1997 and this Order.
- 3) The MOEN shall absorb the EPID into its structure, perform the EPID's functions under its authority, and exercise such powers accorded to the Minister of Health and the Council of Protection and Improvement of the Environment in Chapters III and IV of Law Number 3 of 1997. The MOEN may reorganize and reallocate the assets of the EPID.

Section 3 Structure

- 1) The interim Minister of the MOEN shall organize the MOEN into such divisions and departments as are necessary. The interim Minister shall ensure, as a minimum, that programs are organized to address environmental concerns in the following areas: radiation control; remediation; solid and hazardous waste management and control; control of toxic substances and hazardous chemicals; ground water; water quality and pollution; air quality and pollution; natural resource protection and land management; and biodiversity. The interim Minister shall ensure, as a minimum, that the following aspects of administration are addressed: media and press relations; security; facilities; personnel and finance; information and technology; legal; enforcement and compliance; international cooperation; a central analytical laboratory; and such regional and local programs as may be required.
- 2) The Council of Protection and Improvement of the Environment connected with the previous regime's Council of Ministers is hereby abolished. Paragraphs 3 to 6 inclusive of Law Number 3 of 1997 are hereby suspended. The interim Minister shall set up a consultative body composed of representatives of other Ministries to coordinate on policies and programs affecting the environment, and other Ministries shall co-operate with the MOEN.

Section 4 Personnel and Administration

- 1) The MOEN shall have power to hire and employ personnel in accordance with Iraqi law, as amended by CPA Orders and Memoranda. Such hiring shall be consistent with CPA Order Number 1 and any authorized implementation thereof.

- 2) Salaries of MOEN personnel shall conform to the salary structure applicable to Iraqi government employees.
- 3) The staff of the EPID shall be transferred immediately to the MOEN, and the Minister of Environment shall assume full authority, direction and control over this staff.

Section 5 Transitional Arrangements

- 1) The Ministry of Health (MOH) shall be responsible for the pay and personnel records of EPID staff until 1 January 2004, unless responsibility is transferred to the MOEN at an earlier date by mutual consent of the MOH and MOEN.
- 2) The MOH shall coordinate with the MOEN to transfer pay and personnel records as soon as practicable.
- 3) The MOEN and not the MOH shall administer the employees hired by the MOEN before 1 January 2004.
- 4) The National Centre for Occupational Health and Safety (NCOHS) shall not be transferred with the EPID to the MOEN, but shall be transferred to the Ministry of Labor and Social Affairs.

Section 6 Property

All the movable and immovable property currently under the control of the EPID shall be transferred to the MOEN, with the exception of the movable and immovable property of the NCOHS which shall be transferred to the Ministry of Labor and Social Affairs.

Section 7 Budget

The MOEN shall coordinate with the Ministry of Finance to transfer to the MOEN the budget allocation of the EPID for the financial year 2004. The MOEN shall further coordinate with the Ministry of Finance on its own 2004 budget.

Section 8
Administrative Instructions

The interim Minister, in consultation with the CPA Senior Advisor for Environment, may issue Administrative Instructions, not inconsistent with Iraqi law or any CPA Order, Regulation or Memorandum, prescribing all matters necessary for carrying out the duties described under this Order.

Section 9
Entry into Force

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

 11/24/03

L. Paul Bremer, Administrator
Coalition Provisional Authority