

XO-File  
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**HEADQUARTERS**  
MULTI-NATIONAL FORCE - IRAQ  
BAGHDAD, IRAQ  
APO AE 09342-1400

REPLY TO  
ATTENTION OF

MNFI-Strategic Pol-Mil

6 June 2004

MEMORANDUM FOR THE COMMANDING GENERAL

SUBJECT: Review of Annex to the Transitional Administrative Law (TAL)

1. Purpose. Provide a summary of the newly issued Annex to the TAL.

2. Background.

a. The TAL contains very little detail about the composition and powers of the Iraqi Interim Government (IIG), the government slated to hold office from 1 July 2004 until elections NLT 31 Jan 2005. TAL Article 2(B)(1) contemplates that such detail would be added in the form of an Annex, and this document (attached as Enclosure 1) was issued this week.

b. The Iraqi Governing Council (IGC) established a working group chaired by Adnan Pachachi to draft the Annex, and this document was briefly debated in the last days of the IGC.

3. Summary. The TAL Annex consists of just three short sections addressing respectively:

- o The structure of the IIG
- o The powers of the IIG
- o The Interim National Council. This is the only significant addition to the original terms of the TAL.

a. Structure of the IIG. The Annex sets out a structure for the IIG that essentially follows the same form the TAL ascribes to the ITG, the government slated to take office after the UN-led elections in January 05. That government, the Iraqi Transitional Government, is still deemed "transitional" because the next and final step is to draft and adopt a constitution and conduct elections under that constitution. Accordingly, the IIG's structure is to consist of a Presidential Council consisting of a President and two Vice Presidents, and a Ministerial Council consisting of a Prime Minister and several Ministers. This is the makeup of the new government announced on 1 June 04.

b. Powers of the IIG. This section also mimics the provisions of the TAL. The new government's powers will be limited, as decisions with long-term implications are to remain the preserve of successor governments. The Council of Ministers may issue laws and regulations, so long as the unanimous approval of the Presidency Council is obtained. This section also introduces the concept of an Interim National Council, the form and function of which is described in the next section. It should be noted, however, that with the introduction of UNSCR 1546 on 8 June 04, and its lack of endorsement of the TAL, it is arguable that the TAL itself may fade in legal significance. If so, the IIG's powers may in fact end up almost

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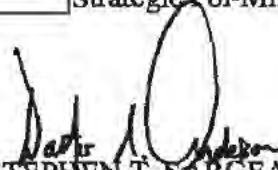
equal to those of its successor, the ITG. This would arguably be in line with the authority of a "fully sovereign" government, per the clearly stated intention of UNSCR 1546.

c. The Interim National Council. The section represents a substantial addition to the TAL. An Interim National Council (INC) is to be stood up, consisting of 100 members. A National Conference slated to meet in July 2004 will decide the makeup of the INC, which will have an advisory role to the Presidency and Ministerial Councils. Additional powers include the ability to fill vacancies in the event of death or resignation, monitor compliance with the TAL, and approve the budget. Most importantly, the INC will have the power to veto IIG orders by a two-thirds majority vote of its members.

4. Discussion. With the addition of the INC as a part of the IIG, the Annex essentially gives the interim government a form and structure very similar to that of its elected successor, the ITG. Even though the INC itself will not be a popularly elected body, its introduction now allows for fuller checks and balances, as envisioned in future governments. Moreover, this new body provides opportunities to many individuals for continued engagement at the national level, and assuages possible rancor from some individuals at being excluded from the newly appointed government. It is expected that many national figures without appointments in the IIG, including former members of the now dissolved IGC, will have extensive involvement in this new body.

5. POC for this memorandum is (b)(6) Strategic Pol-Mil, at DSN (b)(6)

Enclosure  
TAL Annex

  
for STEPHEN T. SARGEANT  
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