

## **COALITION PROVISIONAL AUTHORITY ORDER NUMBER 67**

### **MINISTRY OF DEFENCE**

*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),

*Recalling* that U.N. Security Council Resolution 1483 (2003) calls upon the CPA to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability,

*Noting* that CPA Order Number 2, Dissolution of Entities, May 23, 2003, as amended, dissolved the Ministry of Defence, the Ministry of State for Military Affairs, and other military organizations,

*Noting* that CPA Order Number 22, Creation of a New Iraqi Army, August 7, 2003, established a military force for the national self-defense of a future free Iraq,

*Noting* that CPA Order Number 23, Creation of a Code of Military Discipline for the New Iraqi Army, August 7, 2003, established a system of discipline to maintain order in the New Iraqi Army,

*Noting* that CPA Order Number 28, Establishment of the Iraqi Civil Defense Corps, September 3, 2003, established a temporary security and emergency service agency for Iraq to complement operations conducted by Coalition military forces in Iraq,

*Noting* that CPA Order Number 42, Creation of the Defense Support Agency, September 19, 2003, established a civilian agency charged with the administrative and logistical support of the New Iraqi Army,

*Further noting* the adoption of the Law of Administration for the State of Iraq for the Transitional Period on March 8, 2004,

*Acknowledging* the need to take measures to provide for the security of the Iraqi people and their inherent right to form a national self-defense capability for a free Iraq,

*Recognizing* the need to establish a new national ministry to provide proper civilian control of the Iraqi Armed Forces and supporting organizations,

I hereby promulgate the following:

## **Section 1 Establishment**

- 1) A new Ministry of Defence (MoD) is hereby established. The new MoD is a wholly distinct and separate entity from the organization with the same name that previously existed in Iraq and was dissolved by CPA Order Number 2.
- 2) The MoD will operate under the authority, direction, and control of the Administrator of the CPA pending transfer of full governance authority to the Iraqi Interim Government established in accordance with the Law of Administration for the State of Iraq for the Transitional Period. The Administrator, after consultation with the Governing Council, will appoint an interim Minister of Defence. The interim Minister shall report directly to the Administrator.
- 3) The MoD will consist of the Ministry proper (including organizations for policy oversight, financial management and administration and logistics of the Iraqi Armed Forces), the Iraqi Armed Forces (IAF), and those members of the Facilities Protection Service (FPS) employed by the MoD for the defense of its installations.

## **Section 2 Transfer of Responsibility**

- 1) The New Iraqi Army (including all associated personnel, facilities, and equipment) established pursuant to CPA Order Number 22 is hereby re-named the “Iraqi Armed Forces” and transferred to the MoD. All references to the “New Iraqi Army” in CPA Orders, Regulations, and Memoranda shall be deemed to refer to the “Iraqi Armed Forces.”
  - (a) The IAF will consist of the Army, Air Force, Coastal Defense Force, reserve components (when established), Iraqi Civil Defense Corps (ICDC) when transferred to the IAF, Iraqi Counter-Terrorism Force (ICTF), and associated headquarters.
  - (b) All references in CPA Order Number 22 to “a civilian member of the CPA reporting directly to the Administrator and to whom authority has been specifically delegated in writing” shall be deemed to refer to the interim Minister of Defence.

- 2) On June 1, 2004, unless sooner directed by the Administrator of the CPA, the ICDC (including all associated personnel, facilities, and equipment) established pursuant to CPA Order Number 28 shall be transferred to the MoD as a component of the IAF.
- 3) The Code of Military Discipline established by CPA Order Number 23 shall apply to all elements of the IAF, including reserve components and the ICDC (when transferred to the IAF).
- 4) The Defense Support Agency (DSA), established by CPA Order Number 42, is hereby subsumed into the new MoD. The staff of the DSA shall be transferred immediately to the MoD, and the interim Minister shall assume full authority, direction and control over this staff. CPA Order Number 42 is hereby cancelled.

### **Section 3 Existing Law**

Any laws or regulations inconsistent with the provisions of this Order are hereby suspended to the extent they are inconsistent with the provisions of this Order.

### **Section 4 Mission and Organization**

- 1) Subject to the authority of the Administrator of the CPA, the interim Minister shall be responsible for management and employment of the IAF, to include the ICDC when transferred to the IAF, and shall exercise direction and control (including commissioning and appointments) over the IAF, to include the ICDC when transferred to the IAF, and its organizational structure in accordance with CPA Orders Number 22 and 28, respectively.
- 2) In light of the current emergency situation within Iraq, and consistent with Iraq's stated desire to join other nations in helping to maintain peace and security and fight terrorism during the transitional period pursuant to the provisions of United Nations Security Council Resolution 1511, all trained elements of the IAF, to include the ICDC when transferred to the IAF, shall at all times be under the operational control of the Commander of Coalition Forces for the purpose of conducting combined operations and providing other support in accordance with CPA Orders Number 22 and 28, respectively, and any future relevant CPA Orders. The interim Minister shall exercise administrative control over elements of the IAF that are under the operational control of the Commander of Coalition Forces.

- 3) The mission of the MoD is to secure, protect, and guarantee the security of Iraq's borders and to defend Iraq. In fulfilling this mission, the MoD shall:
  - (a) serve all Iraqis regardless of religious, sectarian, tribal, ethnic or political affiliations; and
  - (b) be accountable for the efficiency and effectiveness with which it carries out its mission.
- 4) The interim Minister shall organize the MoD into such groups, divisions and branches as are necessary to accomplish its mission, consistent with the positions and structures specified herein and the principles upon which the Ministry is established.
- 5) The interim Minister shall ensure that the organization is structured to provide civilian oversight of the following MoD functions:
  - (a) all aspects of defense, including military policy;
  - (b) budget and financial matters;
  - (c) human resources (civilian and military), including recruitment and training;
  - (d) acquisition, sustainment and logistics;
  - (e) infrastructure (including overseeing construction and facility management); and
  - (f) defense intelligence analysis and requirements.
- 6) The interim Minister, with the Administrator's support and approval, shall appoint personnel to serve in the following positions for a set term of three years:
  - (a) A Secretary General to act in the capacity of the senior civil servant and to serve as acting interim Minister of Defence during any temporary disability of the interim Minister of Defence or any vacancy in that position, to include any period of vacancy prior to the appointment of the initial interim Minister of Defence. If an interim Minister of Defence has not been appointed upon the establishment of the Ministry of Defence, the Administrator (or a

civilian member of the CPA reporting to the Administrator and to whom authority has been specifically delegated in writing) shall appoint a Secretary General to perform the functions and exercise the authorities specified herein for the interim Minister of Defence, pending the appointment of an interim Minister of Defence.

- (b) A Senior Military Advisor to the interim Minister and other senior government officials, to provide them with independent advice on operational and other military issues;
  - (c) A Chief of Staff of the IAF responsible for operational command and control of all Iraqi military forces;
  - (d) Directors General, as needed, to oversee and manage groups within the MoD. Directors General may be either civil servants or, selectively, uniformed officers.
  - (e) A General Counsel to provide legal analysis and advice on matters affecting the MoD and employment of the IAF. The General Counsel shall report directly to the interim Minister.
- 7) The Administrator of the CPA shall appoint an Inspector General for the MoD, to serve for a term of five years, and to operate and perform functions in accordance with CPA Order Number 57.

## **Section 5 Principles**

The interim Minister shall ensure that the MoD adheres to the following key principles:

- (a) **Service:** The MoD serves the Iraqi people. The IAF and MoD staff perform their duty selflessly, in a spirit of service.
- (b) **Loyalty:** The IAF and MoD employees are loyal to their legally constituted superiors and to their subordinates.
- (c) **Civilian Control:** The IAF and all those who work in the MoD are responsible to lawfully elected civilian authority.
- (d) **Professionalism:** The culture and character of the MoD will reflect professionalism, technical competence, non-interference in domestic

affairs, merit, patriotism, respect for individual rights, and the rule of law. The MoD will understand and respect Iraqi society.

- (e) Unity: The MoD will play its full part in reinforcing national unity, and will not be used to foster or institutionalize disunity.
- (f) Representative: Though based on merit, the MoD broadly represents Iraqi society. No person will be selected for or denied advancement in the MoD on grounds of race, color, gender, religion, sect, tribal or regional origin.
- (g) Integrity: Corruption is unacceptable. Rules and regulations will be established to eliminate waste, fraud, and abuse, and avoid conflicts of interest.
- (h) Stewardship: The MoD will earn the respect and confidence of the Iraqi people by responsibly accounting for resources, acting in the country's interest, being effective in assigned missions, abiding by laws, and telling the truth.
- (i) Transparency: The Iraqi people and their elected representatives have the right to know about MoD policies, organizations, financial matters, and operations. The MoD will be transparent in its international affairs, including active participation in international security institutions and the development of cooperative security relations.
- (j) Security: The IAF and MoD employees will keep secret the national security information entrusted to them by lawful authority.
- (k) Affordability: The MoD will keep the scale, capabilities, and costs of defense efforts in line with the needs of the country and within the budget provided by elected authority.

## **Section 6**

### **Personnel Administration and Pay**

- 1) The MoD shall accept the current personnel of the IAF, the Defense Support Agency, and the ICDC (when transferred to the IAF) and provide them with salaries and benefits commensurate with their positions and experience in those organizations. Such civilian and military personnel shall become employees of the MoD.

- 2) Employees of the dissolved former Ministry of Defence have no right or entitlement to be employed by the new MoD. However, nothing herein precludes such former employees from being employed by the new MoD, nor does it affect such former employees' entitlements to pensions, if any.
- 3) The MoD shall have the power to hire and employ personnel in accordance with Iraqi law, as amended by CPA Orders, Regulations, and Memoranda. Such hiring and employment shall be consistent with CPA Order Number 1 and any authorized implementation thereof.
- 4) Salaries of MoD employees shall conform to the salary structure applicable to Iraqi government employees.
- 5) Death and disability benefits for Eligible Employees of the MoD shall be paid and administered in accordance with CPA Order Number 63.

### **Section 7 Property**

- 1) All movable and immovable property, including real estate, belonging to, used, possessed, or occupied by or under the control of the DSA, IAF, and ICDC (when transferred to the IAF) shall be transferred to the MoD.
- 2) All assets and facilities, including real estate, belonging to, used, possessed, or occupied by the dissolved former Ministry of Defence still held by the Administrator on behalf of and for the benefit of the Iraqi people shall be transferred as needed to the new MoD.

### **Section 8 Budget**

- 1) The MoD shall coordinate with the Ministry of Finance and the CPA Office of Management and Budget to effect the transfer of the budget allocation for the DSA and IAF for the financial year 2004 to the MoD. The MoD shall further coordinate with the Ministry of Finance on the development of its own budgets.
- 2) The new MoD shall not be liable for any financial obligations of the dissolved former Ministry of Defence.

## **Section 9 Political Activities**

- 1) Employees of the MoD shall not:
  - (a) publicly state or suggest any opinion of a political nature that constitutes an effort to indoctrinate members of the MoD, IAF (to include the ICDC when transferred to the IAF), or any other person with a political ideology,
  - (b) advocate racial, gender or ethnic hatred or intolerance; advocate, create, or engage in discrimination based on race, color, gender, religion, sect, tribal or regional origin; or use, or advocate the use of, force or violence or other unlawful means for political purposes, whether internal or international; or
  - (c) participate in any manner in organizations or activities that involve, promote, or practice the conduct described in (b) above.
- 2) Members of the IAF, to include the ICDC when transferred to the IAF, may not hold or stand for election to political office or campaign for candidates.
- 3) A former member of the IAF may not hold political office unless the individual has resigned his commission or rank or retired from duty at least eighteen months prior to serving.
- 4) Nothing in this Section shall limit the right of an employee of the MoD to vote in elections for political office organized on a local, regional or national level.

## **Section 10 Conflicts of Interest**

Employees of the MoD and their immediate family members shall not, directly or indirectly:

- 1) Hold financial interests that conflict with the employee's conscientious performance of duty.
- 2) Engage in private financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

- 3) Solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the MoD, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- 4) Use public office for private gain.
- 5) Conduct any private activity that might give rise to the appearance of a conflict with official status or responsibilities.

**Section 11**  
**Administrative Instructions**

The interim Minister may issue Administrative Instructions, not inconsistent with Iraqi law or any CPA Order, Regulation, or Memorandum, as the interim Minister deems necessary to carry out the duties described in this Order.

**Section 12**  
**Entry into Force**

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

 3/21/04

L. Paul Bremer, Administrator  
Coalition Provisional Authority