



Iraq Institutional Capacity Assessment Report

**Ministry of Environment
Government of Iraq
Post-Conflict Branch
United Nations Environment Programme**

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Design and Layout: Rachel Dolores

United Nations Environment Programme

PO Box 30552

Nairobi

Kenya

Tel: +254 (0)20 762 1234

Fax: +254 (0)20 762 3927

E-mail: unepub@unep.org

Web: <http://www.unep.org>

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Executive Summary

The Iraqi Ministry of Environment (MoEn), which stemmed from and incorporated the Ministry of Health's former Environmental Protection and Improvement Directorate, was established in September 2003. Since its inception, the Ministry has operated under four different governments, with three different ministers. In spite of this political flux, security constraints and resource limitations, the Ministry has succeeded in establishing its presence, training its staff, improving infrastructure and carrying out a number of projects.

UNEP initiated this institutional assessment of the Ministry of Environment as part of its project for Strengthening Environmental Governance in Iraq, which is funded by the Government of Japan through the Iraq Trust Fund. Ministry officials undertook the fieldwork, and UNEP provided technical assistance.

The assessment found the Iraqi Ministry of Environment to be fully operational, with competent staff and functioning legislation. While its work covers all areas of environmental management, including law-making and law enforcement, the Ministry's core strength is in environmental monitoring, due to its historical background as the monitoring arm of the Ministry of Health. These three roles should in future be segregated, and the law-making and inspection capabilities reinforced. The Ministry is currently working on both these issues. In addition, a new framework law on the environment is being developed, which

should be followed by a new set of standards and regulations. The Ministry is also being reorganized to better carry out its current mandate. Once these activities are completed, the law-making and enforcement components can be strengthened.

The rapid changes occurring in Iraq – in terms of democratization, decentralization, privatization and globalization – should also be taken into account when considering the future of the organization. This document sets out to explain how each of these trends will impact upon the Ministry's mandate and how it can respond to these challenges.

As in all other areas, the environmental needs in Iraq are massive. Attention and precious resources should therefore be focused on a few key issues in the coming years. Setting up a process to agree on the main priorities, preparing a national environmental action plan and addressing the priority issues through specific projects would help the Ministry to target its resources to ensure that tangible changes are observed in the short to medium term.

Finally, while the Iraqi Ministry of Environment has substantial experience in managing environmental issues in normal conditions, there is little expertise and virtually no experience in handling the environmental consequences of emergencies. It is hence recommended that the Ministry study environmental weaknesses and make institutional preparations for emergencies, should they arise.

CHAPTER I: Background

Introduction

This document reports on the findings of an Institutional Capacity Assessment of the Iraqi Ministry of Environment that was carried out between September and December 2005. This assessment represents the second component of UNEP's "Strengthening of Environmental Governance in Iraq through Environmental Assessment and Capacity-building" project. Funded by the Government of Japan through the Iraq Trust Fund managed by the United Nations Development Group (UNDG), this project features three main elements:

- (a) the environmental assessment of contaminated sites;
- (b) an institutional capacity assessment and support for environmental policy development; and
- (c) capacity-building and the consolidation of the Ministry of Environment's environmental facilities.

The work was managed by the UNEP Post-Conflict Branch in Geneva, with supporting activities in Jordan and Switzerland. The Ministry of the Environment (MoEn) was the Iraqi Government partner. Due to access restrictions for international staff, an international team of experts was set up to provide national staff with the training and tools to perform the assessment. The data gathered by the national team was then analyzed during joint meetings.

This report describes both the process and the results of the assessment. It lists all the information collected during the exercise, offers an analysis, and puts forth specific recommendations to improve some essential aspects of governance capacity.

History of the Ministry of Environment

The Iraqi Ministry of Environment (MoEn) was only established in 2003. In contrast with other countries in the Middle East, however, Iraq had a well-developed system of environmental governance and monitoring prior to the formal constitution of the Ministry. A Human Environment Directorate was created under the Ministry of Health in 1972, after the United Nations Conference on the Human Environment. This was followed, in 1986, by the enactment of a law establishing an Environment Protection Centre (EPC) within the Health Ministry. With the introduction of the Environment Protection and Improvement Law in 1997, the EPC was transformed into the Environment Protection and Improvement Directorate (EPID). The law was then amended in September 2001, extending the mandate and responsibilities of the EPID to address broader environmental issues. At that time, the EPID was designated as an independent body and formally dissociated from the Ministry of Health.

An Environment Protection and Improvement Council (EPIC) – consisting of various governmental and non-governmental representatives and experts – was set up within this new institutional framework. Its principal duties were to:

- create an overall environmental policy framework;
- review the EPID's work plan, at both national and governorate levels;
- approve environmental quality standards;
- serve as an intra-governmental coordination body;
- deliver decisions, including sanctions for environmental offences; and
- formulate Iraq's position in regional and international environmental negotiations and consider accession to international agreements.

The Council's decisions had to be endorsed by the Cabinet (Council of Ministers), which was the

ultimate political and legislative decision-maker on environmental matters. The new law also allowed for the constitution of environmental councils and EPID branches in the eighteen governorates under the control of the central government in Baghdad¹.

Finally, the Environment Protection and Improvement Law established the EPID's budgetary and technical independence. Despite these legislative and structural changes, however, the EPID continued to receive administrative support from the Ministry of Health, of which it was widely regarded to be an integral part. Accordingly, in the administrative vacuum created by the 2003 conflict and in the absence of a functional Environment Council, the EPID was initially re-integrated (for administrative and budgetary purposes) into the Ministry of Health.

In mid-August 2003, EPID staff relocated from the Ministry of Health to the Department of Environmental Laboratories building in Baghdad. The Directorate's operations, though, were seriously curtailed by the limited office space available. As a result, its immediate concern was to identify or construct a new building. Moreover, the EPID's capacity was critically degraded, as most laboratories in Baghdad were looted after the conflict. Throughout the country, the remaining equipment was old, and reagents were in short supply. The need to rebuild Iraq's environmental monitoring capacity by reconstructing and re-equipping laboratories was clearly urgent.

On 1 September 2003, the Iraqi Governing Council (IGC) announced its Cabinet, which included the appointment of a Minister of Environment, Mr. Abdul-Rahman Sidiq Kareem. In parallel, the Governing Council developed and submitted a proposal for an institutional structure for a new Environment Ministry. Under the proposal, the existing Environment Protection and Improvement Directorate formed the core of the Ministry, which integrated all EPID departments and centres except for the National Centre for Occupational Health and Safety, which was reassigned to the

Ministry of Labour and Social Affairs. Under the Minister, two under-secretaries were responsible for the technical and administrative portfolios, respectively. The Ministry of Finance opened a new account (in US dollars and Iraqi dinar), to which EPID assets held under the Ministry of Health were to be transferred.

The Ministry of Environment (MoEn) was officially created by a resolution passed by the Iraqi Governing Council and signed by Coalition Provisional Authority (CPA) Administrator, Ambassador L. Paul Bremer on 3 September 2003.

The resolution, known as CPA Order #44, gave the MoEn the mandate to protect and conserve Iraq's environment, as well as protect the residents of Iraq from environmental pollutants and environmental risks to human health. The Order further stated that the MoEn was responsible for integrating environmental concerns in other sectors, such as economic development, energy, transportation, agriculture, industry and trade. Other duties included the development of environmental policies and programmes, as well as the creation and enforcement of environmental standards.

Lastly, the CPA Order abolished the Environment Protection and Improvement Council (EPIC), connected with the previous regime's Council of Ministers, and set up a consultative body composed of representatives of other ministries to coordinate on policies and programmes affecting the environment.

After the United States' handover of sovereignty in June 2004, Ms. Mishkat Al Moumin was appointed as the new Minister of Environment. One year later, on 3 May 2005, when the IGC was replaced by the Iraqi Transitional Government, Mrs. Narmin Othman was sworn in as Minister of Environment. HE Othman was reconfirmed as Minister of Environment on 21 May 2006.

¹ This did not include the Kurdish region, autonomous since 1991. In the three northern provinces of the Kurdistan Regional Government, environmental matters were dealt with by the Ministry of Health and Social Affairs.

Box I. Iraqi Ministry of Environment timeline

September 2003

Iraqi Ministry of Environment is established
Interim Iraqi Government sworn in
HE Abdul-Rahman Sadiq Kareem is Minister of Environment

June 2004

Iraqi Governing Council is dissolved
New government leaders are named
HE Mishkat Al Moumin is Minister of Environment

January 2005

Elections for a Transitional National Assembly

April 2005

New Iraqi Interim Government sworn in
HE Narmin Othman is Minister of Environment

August 2005

National Assembly drafts a permanent Constitution

October 2005

Referendum on the new Constitution

December 2005

Elections for a permanent government held

May 2006

HE Narmin Othman reappointed as Minister of Environment

environmental issues. The challenge facing the Iraqi administration and the international community is to enhance the capacity and skills of the environmental administration by training them on environmental best practices and providing them with sufficient equipment, operating budgets and guidelines to initiate environmental monitoring, clean up and conduct proactive environmental assessment and management”.

In July 2004, UNEP succeeded in securing US\$ 4.7 million to help meet the immediate capacity-building needs of the Iraqi Ministry of Environment. As mentioned earlier, this project, funded by the Iraq Trust Fund, had three components:

- upgrade the Ministry of Environment’s physical infrastructure (laboratory/information centre etc);
- strengthen its human capacity (through classroom training and field assessments); and
- carry out an institutional capacity assessment.

Ideally, the institutional capacity assessment (ICA) should have preceded the other two activities, as input from it could have been used as a basis for targeted action on both physical and human capacity-building. However, because the political timetable for transition in Iraq resulted in frequent changes at the ministerial level, the project was implemented differently: it was considered more appropriate to conduct a systematic assessment of the Ministry of Environment after it had been in existence for at least a year and had had the opportunity to develop experience and maturity. It was also felt that any recommendations for follow-up would be of better value once the ministry had been in place for a full four-year term. The institutional capacity assessment was therefore only initiated in August 2005, after the human capacity element of the project had to a large extent been completed. Given that the needs of the new Ministry were enormous – requiring several years and a substantial budget to be met – the fact that the ICA was not undertaken before did not actually affect the Ministry’s most important capacity-building needs.

In addition to the above project, UNEP initiated a series of other technical assistance activities to address environmental issues in Iraq. A comprehensive description of those activities is provided in Appendix I.

Institutional Capacity Assessment of the Ministry of Environment

The United Nations Environment Programme (UNEP) undertook a first needs assessment for the environment sector in Iraq between July and September 2003. A team of experts visited the Environment Protection and Improvement Directorate in July 2003 and reported the following:

“A new Ministry of Environment has been established with the existing EPID as the core of the new Ministry. Environmental units also exist in at least three other ministries (agriculture, industries, oil). During our interaction with the Iraqi environmental administration at the national and governorate level, it became obvious that there exists a relatively sophisticated administrative structure and staffing to monitor and manage

CHAPTER II: Implementation of the Institutional Capacity Assessment

Scope of work

The institutional capacity assessment was used as an opportunity to compile information on the political context, legal framework, physical infrastructure and human capacity of the Iraqi Ministry of Environment.

The scope of work was as follows:

1. Assess the context in which the MoEn operates, which is determined by the legislative framework that provides its mandate and by the country's general political situation. Iraq's commitments to regional and international treaties and organizations constitute additional constraints.
2. Inventory the organization's current resources by gathering information on the human, infrastructural and financial resources of the MoEn.
3. Assess procedures and priorities by acquiring information on the current operational practices of the Ministry, its institutional linkages and technical challenges.
4. Develop recommendations to assist the Ministry to successfully carry out its mandate.

Methodology

Background research and initial data gathering

The UNEP team researched the overall political context, institutional mandate and structure of the Ministry through available literature and through contact with MoEn officials during multiple training events (not related to the ICA).

Design of the ICA implementation plan

Based on the background research and consultations with the senior management of MoEn, an implementation plan was developed for the ICA. The MoEn nominated a dedicated internal team – hereafter referred to as the ICA Task Force – to carry out the ICA. The Task Force's terms of reference included:

- manage the ICA process within the Ministry of Environment;
- inform and involve other stakeholders (governorates, line ministries, research institutes, etc.); and
- collect information relevant to the ICA process.

The Ministerial Order nominating the ICA Task Force, as well as its detailed terms of reference, are presented in Appendix II.

Development of questionnaires

The Geneva-based international team developed four types of questionnaires for the ICA:

- Resources questionnaire: this form relating to the MoEn's available resources was completed by each of the Ministry's departments and

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