

Thursday 13 March 2008

RECOMMENDATIONS

EUROPEAN PARLIAMENT

The European Union's role in Iraq

P6_TA(2008)0100

European Parliament recommendation to the Council of 13 March 2008 on the European Union's role in Iraq (2007/2181(INI))

(2009/C 66 E/15)

The European Parliament,

- having regard to the proposal for a recommendation to the Council by Ana Maria Gomes on behalf of the PSE Group on the European Union's role in Iraq (B6-0328/2007),
- having regard to its previous resolutions on Iraq, most recently that of 25 October 2007 ⁽¹⁾,
- having regard to its resolution of 12 July 2007 on the humanitarian situation of Iraqi refugees ⁽²⁾,
- having regard to the decisions of its Conference of Presidents of 15 November and 6 December 2007 on the composition and the remit of an 'ad hoc delegation for relations with Iraq',
- having regard to the General Affairs and External Relations Council conclusions on EU involvement in Iraq of 23-24 April, 15-16 October and 19-20 November 2007,
- having regard to the Commission's Communication of 7 June 2006 entitled 'Recommendations for renewed European Union engagement with Iraq' (COM(2006)0283),
- having regard to the International Compact with Iraq, launched in Sharm el-Sheik, Egypt, on 3 May 2007,
- having regard to Resolutions 1546 (2004) of 8 June 2004, 1770 (2007) of 10 August 2007 and 1790 (2007) of 18 December 2007, particularly Annexes I and II thereto, of the United Nations Security Council (UNSC),
- having regard to Council Joint Action 2005/190/CFSP of 7 March 2005 on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX ⁽³⁾, established under the European Security and Defence Policy (ESDP), and to subsequent Joint Actions amending it and extending the mandate for the mission,
- having regard to the European Security Strategy on 'A secure Europe in a better world' of 12 December 2003,
- having regard to the European Consensus on Development of 22 November 2005,
- having regard to its resolution of 1 June 2006 on women in armed conflicts and their role in post-conflict reconstruction ⁽⁴⁾,
- having regard to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, together with Additional Protocols I and II thereto, and particularly concerned at the violence suffered by humanitarian, medical and religious personnel in the performance of their duties,
- having regard to its resolution of 1 June 2006 on small and medium-sized enterprises in developing countries ⁽⁵⁾,

⁽¹⁾ Texts adopted, P6_TA(2007)0481.

⁽²⁾ Texts adopted, P6_TA(2007)0357.

⁽³⁾ OJ L 62, 9.3.2005, p. 37.

⁽⁴⁾ OJ C 298 E, 8.12.2006, p. 287.

⁽⁵⁾ OJ C 298 E, 8.12.2006, p. 171.

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- having regard to Rule 114(3) of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A6-0052/2008),
- A. whereas since 2005 the Republic of Iraq has held two multiparty elections, has adopted a constitution by referendum, has created the basis for a federal state and has embarked on a difficult process of building democratic institutions,
- B. whereas both Iraqi society and its political leadership are divided and whereas the security situation in some parts of the country remains extremely dangerous,
- C. whereas Iraq suffers from sectarian conflict and insurgency, and is also affected by a general absence of the rule of law,
- D. whereas there has been an improvement in the security situation in the Republic of Iraq, but whereas the Iraqi forces remain faced with the challenge of sustaining and consolidating this improvement, with international assistance, and whereas serious efforts to secure reconstruction and sustainable development, and the EU's ability to help the people of Iraq, depend on continuing improvement of the political and security situation,
- E. whereas during decades of dictatorial rule Iraq's public administration was directed towards control of the population rather than towards public service, and whereas the years of strictly centralised administration by the Ba'ath Party led to serious shortcomings in the capacity of Iraqis to manage the budget and handle financial resources in an appropriate way, with the result that the public sector today is fragile and weakened, and lacks a fully developed culture of prioritising the delivery of public services to the people of Iraq,
- F. whereas neighbouring countries must refrain from any interference in Iraq's internal affairs and respect its independence, sovereignty and territorial integrity and the desire of the Iraqi people to build the country's constitutional and political system by their own efforts,
- G. whereas the conflict has so far caused the displacement of 2,4 million persons within Iraq and 2,28 million refugees in neighbouring countries, mainly Syria and Jordan,
- H. whereas the Kurdish region is a region of Iraq where a degree of peace and stability is guaranteed and where international development cooperation and private investment are growing,
- I. whereas the EU as a global player should assume its responsibilities for building up a new democratic Iraq, and whereas the EU's policy towards Iraq should be seen in the broader context of the EU's strategic partnership with the Mediterranean and the Middle East,
- J. whereas the EU needs to be more strategic in supporting Iraq in its progress towards becoming a democratic federal state; whereas the EU recognises that, in order for it to be able to provide effective assistance, there must be a solid partnership with the people of Iraq, an ongoing commitment on the part of the Government of Iraq to ensure security, reconciliation, a willingness to cooperate, efforts to achieve capacity and democracy-building, and efforts to fight corruption and ensure transparency and effectiveness as fundamental preconditions for an increased role of the European Union in Iraq; whereas the key challenges of reconstruction lie on the institutional and social fronts, namely the capacity-building of institutions and administration, consolidation of the rule of law, law enforcement and respect for human rights,
- K. whereas the EU has identified the need for a multi-annual planning of operations that goes beyond the current yearly planning based on special measures, in order to improve the effectiveness of its assistance,

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- L. whereas the EU needs to adapt the use of its resources according to the specific internal, regional and humanitarian challenges that Iraq faces; whereas effectiveness, transparency and visibility are fundamental preconditions for an increased role of the EU in Iraq,
- M. whereas Iraq has regressed from being a middle-income country in the 1970s, and whereas the EU needs to adapt the use of its resources accordingly,
- N. whereas the Commission has had a small delegation in Baghdad since December 2005, with its operational section based in Amman, and finds it very difficult to operate in some areas, especially Baghdad, as a result of military arrangements and the security situation,
- O. whereas the Commission has since 2003 provided over 800 million *euro* to assist Iraq (mostly through the International Reconstruction Fund Facility for Iraq (IRFFI)), and whereas the EU has been directly involved in improving the rule of law in the country since 2005 through its ESDP EUJUST LEX mission; whereas the mandate of EUJUST LEX has been extended one last time,
- P. whereas the Government of Iraq, together with the World Bank and the United Nations, agreed the International Compact with Iraq on 3 May 2007 as the vision of the Iraqi government for the next 5 years and as the main reference for the involvement of the international community in the country, with the full endorsement of the European Union as one of the main donors,
- Q. whereas the above-mentioned UNSC Resolution 1770 (2007) has recently significantly expanded the mandate of the United Nations Mission in Iraq,
- R. whereas the years of the Ba'ath regime and decades of war have left behind a society traumatised by war, repression, ethnic cleansing (including by chemical attack, as in Halabja) and international indifference to these crimes; whereas the international community, and particularly those states that have supported the intervention, have a legal and moral duty, and also a security interest, to support the people of Iraq, and whereas the European Union, in coordination with other international donors, must rapidly and creatively mobilise all the relevant instruments at its disposal to do its part,
- S. whereas the European Parliament is determined to develop further its relationship with the Iraqi Council of Representatives, including through formal links,
1. Addresses the following recommendations to the Council:
- a) to adopt, together with the Commission, a new strategy that will step up, both in quantitative and — especially — in qualitative terms, EU support for UN efforts to help build a safe, stable, unified, prosperous, federal and democratic Iraq that upholds human rights, protects its minorities and promotes inter-ethnic tolerance so as to pave the way towards regional stability and security; and to respond to UNSC Resolution 1770 (2007), which significantly increases the role of the UN in Iraq;
- b) to channel the EU's support for democratic governance towards three goals in particular: enhancing coordination between the Government and the Council of Representatives of Iraq in order to minimise blockages in the legislative process; strengthening electoral procedures at the local level in order to ensure that provincial councils are fully representative of all local populations; and reinforcing local democracy with consultative mechanisms to draw the local people into the decision-making process on a regular and frequent basis;
- c) to focus EU aid in Iraq generally on relevant technical assistance and capacity-building in the fields of the rule of law, justice, human rights, good governance, financial and budget management, gender equality, health and education, and on the strengthening of federal, regional and local government institutions;

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- d) to urge the Commission to ensure the transparency and efficiency of EU assistance for Iraq, by:
- following up on the concerns already expressed in 2005 in the opinion on the General Budget 2006 submitted by Parliament's Committee on Foreign Affairs, by providing complete, regular and transparent information on the actual disbursement and implementation of EU assistance, especially the funds being channelled through the IRFFI;
 - operating directly on the ground if and where the security situation permits, namely in the Southern Marshlands, with its particularly neglected population, and the Kurdish region;
 - encouraging UN agencies and other international organisations to do the same;
 - ensuring the full support of local stakeholders — including civil society and government authorities — in the design, implementation and sustainability of projects and programmes;
 - ensuring that EU-funded projects do not overlap with, but complement, the work of other international donors;
 - increasing the proportion of EU funding for bilateral technical assistance and capacity building, and improving direct EC control of funding;
 - switching the main focus of EU support to bilateral projects focussed on technical assistance and capacity-building in the fields of the rule of law, financial management, democratic governance and human rights;
 - ensuring that substantive EU assistance is directed towards improving public finance management and budgetary control with the aim of ensuring that the Iraqi Government is better able to disburse the substantial and increasing public funds now available to it;
 - using its experience from assistance programmes to its ENP partners in order to find ways of ensuring a more effective involvement in Iraq;
- e) to consider the possibility of the adoption by the Commission of a multi-annual Country Strategy Paper for Iraq;
- f) to foster the renewal of bilateral political, diplomatic, cultural and economic relations and exchanges between Member States and Iraq;
- g) to include the following elements in a new strategy for proactive involvement on the part of the EU and its Member States in Iraq, to be implemented as circumstances — namely the security situation — permit, and in close consultation with the Iraqi authorities and other partners, such as the UN agencies and non-governmental organisations (NGOs):
- increase the size, responsibilities and resources of the Commission's delegation in Baghdad, acquire its own new premises and ensure that employees are able to live and work in safety; encourage EU Member States not represented in Baghdad to come back and share those premises and related security costs;
 - ensure EU/EC visibility in Erbil, Nasiriyah, Basra and other areas of Iraq where the security situation permits;
 - enhance support for the rule of law and justice by continuing to focus especially on judicial institutions and non-governmental bodies in the following areas: strengthening the Judicial Training Institute, supporting the establishment of major crime investigation offices, strengthening the High Judicial Council, supporting the establishment of a pilot court in Basra, strengthening the Iraqi Bar Association and supporting the establishment of Legal Aid Centres;
 - build on the positive experience of EUJUST LEX and prepare the follow-up to the mission, on the basis of lessons learned and on the basis of a thorough external evaluation, including inside Iraq, of the impact of the mission, with a view to further strengthening the Iraqi police and criminal justice system by making use of both ESDP and Community instruments;

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- provide support for public finance management reform and accountability;
- continue to provide technical assistance for the organisation of free and fair elections;
- support the reconciliation process, namely on Kirkuk and other internally disputed territories, including the Assyrian areas known as the Nineveh Plains with their Christian minorities; support UN initiatives to facilitate regional dialogue, namely by finding ways and means to improve operational capacity, including air transport;
- take advantage of the specific nature of the Stability Instrument ⁽¹⁾ to provide substantial assistance, crucial for development in a situation of crisis or emerging crisis such as that prevailing in Iraq: support the development of democratic, non-sectarian, pluralistic, federal, regional and local institutions, with particular emphasis being placed on the Council of Representatives and its ability to manage the legislative process, to control the executive branch and to ensure a stronger role for women in Iraqi society; promote respect for human rights and fundamental freedoms, democracy and the rule of law, with particular emphasis being placed on the rights of women, minorities and children; support measures to strengthen the development and organisation of civil society and its participation in the political process, and to promote independent, pluralist and professional media; support de-mining activities; provide advice and support to the Kurdish region and its government in the efforts to fight drug trafficking;
- continue to concentrate the resources of the Instrument for Development Cooperation ⁽²⁾ (DCI) going to Iraq on the Millennium Development Goals, so as to guarantee as a matter of the highest priority universal access to vital public health care where institution and capacity-building are urgently needed to correct the acute structural deficit, take priority action to avoid further deterioration of the education system, including implementation of practical measures to ensure that girls are fully able to participate in education at all levels, and support the revitalisation of the ecological and social system of the Marshlands and protection of the unique heritage of the Marsh Arabs; use the DCI to provide technical expertise and capacity-building in support of Iraqi initiatives to identify and reverse ecological damage and the effects of climate change;
- encourage European NGOs to engage with their Iraqi counterparts — which are already particularly active in the Kurdish Region — and make extensive use of the European Instrument for Democracy and Human Rights ⁽³⁾ in providing technical and financial assistance to civil society organisations, in order to address the following issues: the equal participation of women and men in political, economic and social life; violence directed against women, namely forced marriages, 'honour' crimes, trafficking and genital mutilation; the rights of indigenous peoples and of persons belonging to minorities and ethnic groups, including the Assyrians (Chaldeans, Syriacs and other Christian communities), the Yazidi and the Turkmen; the rights of the child, especially in the context of the fight against child labour, child prostitution and child trafficking; fighting arbitrary detention and torture; and the abolition of the death penalty;
- encourage and assist the Government of Iraq as a matter of exceptional urgency to put emergency legislation in place to provide financial support for over one million destitute female heads of households and their dependants;
- enlarge the financial envelope of the Erasmus Mundus programme for Iraq; support ongoing and new activities aimed at the creation of networks between Iraqi and foreign academic institutions, individual academics, intellectuals and student organisations in order to revive the academic environment;

⁽¹⁾ See Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability (OJ L 327, 24.11.2006, p. 1).

⁽²⁾ See Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378, 27.12.2006, p. 41).

⁽³⁾ See Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (OJ L 386, 29.12.2006, p. 1).

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- strengthen the capacity of the Iraqi authorities to exercise effective border controls, which should *inter alia* reduce the inflow of weapons and arms into the country; help to put an end to the illegal flow of small arms and light weapons to Iraq, including by making the EU Code of Conduct on Arms Exports legally binding, by improving European Union Force (EUFOR) Althea's oversight of stockpiles in Bosnia-Herzegovina, by accelerating the destruction of stockpiles in the Balkans, and by helping the Iraqi authorities to 'mop up' surplus small arms and light weapons through large-scale disarmament, demobilisation and reintegration, making use of both ESDP and Community instruments;
 - continue the welcome and productive negotiations concerning the new Trade and Cooperation Agreement between the EU and Iraq, while emphasising the importance of respect for human rights as an element affecting the EU's contractual relations with any third country, including in the fight against terrorism;
 - provide administrative and technical support, and promote local capacity-building, in order to help the Iraqi Government to implement its recent micro-loan programme and share best practices on the positive role that micro-credit can play in empowering women in their communities, especially the over one million destitute widows;
 - urge the Commission to alleviate the plight of Iraqi refugees in Jordan and Syria and in other countries in the region affected by the Iraqi refugee crisis, and to significantly increase the transparency and efficiency of EU assistance to Iraqi refugees in those countries;
 - increase EU support — namely through the Commission's Directorate General for Humanitarian Aid (DG ECHO) — for NGOs and international organisations in their efforts to alleviate the plight of Iraqi refugees in neighbouring countries, as well as internally displaced persons (IDPs), including the 4 000 Assyrian families who have principally sought refuge in the Nineveh Plains; urge the Iraqi authorities to live up to their responsibility to provide financial and other support for the reintegration of refugees and IDPs;
 - improve the possibilities for Iraqi refugees to find refuge in EU Member States through resettlement programmes agreed with the UNHCR (25 000 cases) or through individual asylum requests, end the current arbitrary criteria for the granting of protection and prevent any forced return to any part of Iraq; urgently address the plight of Palestinian refugees stranded in the border region between Iraq and Syria;
 - call on the Iraqi government and international authorities to recover antiquities taken from the Iraqi National Museum in Baghdad and locations in other parts of Iraq following the 2003 intervention, in order to preserve Iraqi history and culture for future generations;
- h) to build on the valuable experience which the EU and its Member States have gained from successful Provincial Reconstruction Team (PRT) operations in Afghanistan, and to consider taking part in the PRT efforts in Iraq, primarily in the provision of essential services and infrastructure;
- i) to encourage European firms to invest in the reconstruction of Iraq in the context of tenders financed both by the governments of the Member States and the Iraqi government and/or on the basis of close cooperation between them;
- j) to encourage and help European firms to bid for contracts to rebuild Iraq, to be present on the ground, and to draw upon previous experience gained in Iraq, both in the pre-war period and in the reconstruction period;
- k) to welcome Iraq's observer status in the World Trade Organization (WTO) as a key step towards the reintegration of Iraq into the international economy which helps to complement positively the negotiations between the EU and Iraq on a Trade and Cooperation Agreement; to look forward to its full accession to the WTO at an appropriate time in the future;

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- l) to conduct negotiations on the Trade and Cooperation Agreement between the EU and Iraq in a manner that facilitates and encourages internal reforms in Iraq and that brings the Iraqi trade regime closer to rules and disciplines of multilateral systems; to regularly inform Parliament of the stage reached in the negotiations between the EU and Iraq on the Trade and Cooperation Agreement;
 - m) to encourage the Iraqi government to use the revenue from the sale of petroleum in such a way as to ensure that it is reinvested in Iraq and that it is managed by public procurement bodies under the final authority of the Iraqi government; to recommend that this approach be an essential precondition of EU support for the reconstruction and development of the Iraqi economy;
 - n) to call on the Multi-National Force — Iraq (MNF-I) to engage with the Government of Iraq and account for the situation of the over 24 000 detainees held in MNF-I custody, so as to ensure respect for due process and their basic human rights;
 - o) to engage in a dialogue with the USA and seek enhanced multilateralisation of the role played by the international community in the country, by using the UN framework; to support the efforts of Iraq to increase the frequency and depth of discussions with its neighbours, namely Iran, Syria, Saudi Arabia and Turkey, about the future of Iraq, without prejudice to any other issue of concern; to urge Turkey to respect the territorial integrity of Iraq and not to react to terrorist actions through military actions on Iraqi territory; to urge the Iraqi authorities not to allow Iraqi territory to be used as a base for terrorist actions against Turkey;
 - p) to disclose information on which private military companies (PMCs) and private security companies (PSCs) are providing security to EU staff in Iraq; to adopt a concept for the employment of PMCs/PSCs during ESDP operations, and establish clear guidelines for the use of private military and security companies by EU institutions;
2. Stresses Parliament's commitment to the principles and the practice of parliamentary democracy; recalls, therefore, its initiative in the 2008 Budget to support democracy-building with parliaments in third countries, its commitment to support actively the Iraqi Council of Representatives by offering assistance for capacity-building, and its work through the ad hoc delegation for Iraq in order to promote bilateral relations; resolves, therefore, to assist the further development of the Iraqi Council of Representatives by:
- (a) developing initiatives that strengthen the capacity of elected Iraqi representatives to fulfil their constitutional role in society through good parliamentary practice, effective relations with the executive and constituency outreach;
 - (b) increasing the transfer of experience in effective administration, the training of professional staff, the development of a fully functional committee structure and comprehensive rules of procedures, and institutional transparency and accountability;
 - (c) providing the expertise in drafting legislation that is essential for the effective implementation of the federal state structure;
3. Instructs its President to forward this recommendation to the Council and, for information, to the Commission and the governments and parliaments of the Member States and the Government and the Council of Representatives of the Republic of Iraq.
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