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DRAFT RECOMMENDATION

on the draft Council decision on the conclusion of a Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part (10209/2012 – C7-0189/2012 – 2010/0310(NLE))

Committee on Foreign Affairs

Rapporteur: Mario Mauro

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the draft Council decision on the conclusion of a Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part
(10209/2012 – C7-0189/2012 – 2010/0310(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (10209/2012),
 - having regard to the draft Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part (05784/2011),
 - having regard to the request for consent submitted by the Council in accordance with Articles 79(3), 91, 100, 192(1), 194, 207 and 209 and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C7-0189/2012),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Foreign Affairs and the opinion of the Committee on International Trade (A7-0000/2011),
1. Consents to conclusion of the agreement;
 2. Instructs its President to forward its position to the Council, the Commission, and the governments and parliaments of the Member States and of the Republic of Iraq.

EXPLANATORY STATEMENT

On 23 March 2006, the Council authorised the Commission to negotiate a Trade and Cooperation Agreement with Iraq. At the seventh round of EU-Iraq negotiations, the two parties agreed to enhance the status of the draft agreement to a “Partnership and Cooperation Agreement” through the creation of a Cooperation Council meeting regularly at ministerial level. This EU-Iraq Partnership and Cooperation Agreement marks the first ever contractual relation between the EU and Iraq. Concluded for a period of 10 years (renewable), its aim is to build a solid basis for strengthening ties between Iraq and the EU.

There are three aspects to the Agreement. The first is political and involves the introduction of an annual dialogue at ministerial and at senior official level on peace, foreign and security policy, national dialogue and reconciliation, democracy, the rule of law, human rights, good governance and regional stability and integration. Clauses on combating terrorism, countering proliferation of weapons of mass destruction, the fight against the illicit trade of small arms and light weapons are included in the Agreement. With specific regard to human rights, the agreement very importantly features a specific clause concerning cooperation on the accession of Iraq to the Rome Statute of the International Criminal Court (ICC) and a clause on cooperation in the promotion and effective protection of human rights in Iraq with the important caveat that failure by Iraq to protect, enhance and respect human rights will negatively affect cooperation and economic development programmes. This approach is certainly most welcome, although a stricter conditionality would have given greater emphasis on the importance of substantial progress in human rights. It is recommended that the bilateral discussions with Iraqi authorities highlight the particular importance the EU attaches to the observance of human rights and individual fundamental freedoms, including those of religious and ethnic minorities and vulnerable parts of Iraqi society, such as women, refugees and displaced persons. The EU should support Iraq as much as possible in acceding to the ICC.

With respect to trade and investments, the non-preferential agreement incorporates basic World Trade Organization (WTO) rules, although Iraq is not yet a member of the WTO. It provides for some substantial preferential elements, namely as regards public procurement and services and investments.

Finally, the EU’s cooperation activities programmed in the field of human and social development aim to combat poverty and respond to the core health, education and employment needs prioritised by the Government of Iraq. It will, however, be necessary to check that these activities are carried out within the framework of capacity and institution building, taking into account the principles of inclusiveness, transparency and good governance.

This is a historic agreement between the EU and Iraq. It comes at a key point in time to accompany Iraq’s transition to democracy over the coming years as it meets the challenges of reconstruction and development, the restoration of its sovereignty and the normalisation of its relations with the international community. The EU should be fully engaged alongside the Iraqi people and their authorities who will be faced with many challenges, with the security

and stability of the country being the primary concern. The Iraqi security forces are gaining in competence out in the field, but suffer from a lack of internal cohesion and the absence of a legal framework and democratic scrutiny. In addition, whilst there has been a marked decline in violence, it remains a menacing fact of life. There is still a risk of the situation getting out of control or a return to civil war, with religious minorities – particularly the Christian minority – facing the greatest threat. National reconciliation should thus be a priority for both Iraqi policy makers and the international community. Full support should be given to the consolidation of inclusive political and institutional governance within the framework of a democratic, federal and pluralist State based on respect for human rights and the rule of law. Finally, the coming years will also be marked by the challenge of developing one of the poorest countries on the planet, despite its large oil resources, in which the vast majority of the population does not have access to basic needs (drinking water, electricity, sanitary infrastructure, etc.). A democratic, stable, pluralist Iraq committed to the socio-economic development of its citizens and with strong democratic institutions will play a leading role in the stability of a critical region for international security. This requires a long-term strategic vision which should guide the Union's policy on Iraq for the years to come. Key to Iraq's stability will be not only strong support for sustainable fully democratic and pluralistic institutions, but continuous technical assistance to secure the sustainability and efficiency of the Iraqi economy with full, proper implementation of International contract law, effective procurement procedures, a functioning administration and an effective framework for the fight against corruption. This will generate a process of access to the economy and economic independence to progressively larger parts of Iraqi society. Emphasis on interreligious dialogue and reconciliation will also be essential for the future of Iraq.

Whilst the Partnership and Cooperation Agreement is testament to the EU's determination to play an important role in Iraq's transition, the commitments made by the Union should be reflected in the mobilisation of human and financial resources that live up to its political ambitions and the strategic stakes involved.