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Iraq

European Parliament resolution of 17 January 2013 on the EU-Iraq Partnership and Cooperation Agreement (2012/2850(RSP))

The European Parliament,

- having regard to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part¹,
- having regard to the Fourth Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War, and to Additional Protocols I and II thereto,
- having regard to UN Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,
- having regard to the statute changes of the ICC, adopted at the ICC Review Conference in Kampala on 11 June 2010, which include a definition of the ‘crime of aggression’,
- having regard to the European Security Strategy of 12 December 2003 entitled ‘A secure Europe in a better world’,
- having regard to the European Consensus on Development of 22 November 2005,
- 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’, adopted under the European Security and Defence Policy (ESDP), and to the subsequent joint actions modifying and extending the mandate for the mission,
- having regard to the Commission communication of 7 June 2006 entitled ‘Recommendations for renewed European engagement with Iraq’ (COM(2006)0283),
- having regard to its resolution of 1 June 2006 on the situation of women in armed conflicts and their role in the reconstruction and democratic process in post-conflict countries²,
- having regard to the International Covenant for Iraq adopted in Sharm el-Sheikh (Egypt) on 3 May 2007,
- having regard to its recommendation to the Council of 13 March 2008 on the European Union’s role in Iraq³ and to its resolution of 25 November 2010 on ‘Iraq: the death penalty (notably the case of Tariq Aziz) and attacks against Christian communities’⁴,
- having regard to the Council conclusions of 22 November 2010,

¹ OJ L 204, 31.7.2012, p. 20.

² OJ C 298 E, 8.12.2006, p. 287.

³ OJ C 66 E, 20.3.2009, p. 75.

⁴ OJ C 99 E, 3.4.2012, p. 115.

- having regard to UN Security Council resolutions 1956 (2010), 1957 (2010) and 1958 (2010) of 15 December 2010,
 - having regard to its resolution of 20 January 2011 on the situation of Christians in the context of freedom of religion¹,
 - having regard to the Commission’s Joint Strategy Paper for Iraq (2011-2013),
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas since 2005 the Republic of Iraq has held three multi-party elections, adopted a constitution by referendum, created the basis for a federal state and invested effort in attempting to build democratic institutions and achieve reconstruction and normalisation;
 - B. whereas Europe and Iraq are linked by thousands of years of mutual cultural influences and a common history;
 - C. whereas on 21 December 2010 all the political forces in Iraq reached an agreement on the formation of a national unity government in keeping with the will of the Iraqi people as expressed in the elections held on 7 March 2010; whereas this agreement has not yet been implemented by the Iraqi Government; whereas the lack of implementation is contributing to the fragility and fragmentation of Iraq;
 - D. whereas Iraq has long been home to a variety of religious groups, including Sunni and Shiite Muslims, Christians, Jews, Mandaeans and Yazidis, as well as to a significant, non-sectarian secular middle class;
 - E. whereas 800 000 Christian Iraqi citizens (Chaldeans, Syriacs and members of other Christian minorities) were living in Iraq in 2003, and whereas they constitute an ancient, native population group which is now facing serious danger of persecution and exile; whereas hundreds of thousands of Christians have fled the violence of which they continue to be the target, either leaving their country completely or being displaced within its borders;
 - F. whereas local elections are scheduled to take place in 2013, and parliamentary elections in 2014;
 - G. whereas, contrary to the worldwide trend towards the abolition of the death penalty, the number of executions in Iraq is increasing; whereas serious concerns are being expressed by, among others, the UN High Commissioner for Human Rights, Navi Pillay, about the failure of trials leading to the death penalty to be consistent with international fair trial safeguards, including issues such as the lack of transparency in court proceedings and instances where ‘confessions’ were obtained under torture or other forms of ill-treatment of the defendants; whereas capital punishment is a cruel and inhumane form of punishment and absolute priority should be given to political dialogue with the Iraqi authorities on the abolition of the death penalty;
 - H. whereas the crisis in Syria has created new substantial flows towards Iraq of refugees and returnees, who are now faced with significant personal and economic uncertainty and

¹ OJ C 136 E, 11.5.2012, p. 53.

conditions of high vulnerability in Iraq;

- I. whereas it is important for the EU Delegation in Baghdad to have the necessary funds and resources to be fully operational and able to play a significant role in supporting the democratic process, promoting the rule of law and human rights and assisting the Iraqi authorities and people with the process of reconstruction, stabilisation and normalisation; and whereas a detached office in Erbil could significantly increase the operational effectiveness of the EU Delegation in Baghdad;
- J. whereas Iraq has been able to restore its oil productivity almost to full capacity; whereas, however, the Iraqi state continues to experience great difficulties in providing basic services, including regular electricity in the summer, clean water and decent health care; whereas, when it comes to the exploitation of Iraq's oil resources, technical assistance, the rule of law and the full implementation of international standards for contracts and procurement will be essential in order to promote a process of social inclusion and welfare;
- K. whereas unemployment among young men is close to 30 %, making them easy recruits for criminal gangs and militia factions; whereas the fight against corruption should remain a key objective of the Iraqi authorities; whereas the EU should do everything in its power to create strong incentives for European companies to support anti-corruption measures in Iraq; whereas the Iraqi authorities should use the country's oil revenues as a tool and an opportunity for sustainable social and economic reconstruction benefiting Iraqi society at large, and should promote a process of democratic reforms;
- L. whereas, following the withdrawal of US military forces from Iraq at the end of 2011, the Iraqi security forces have a crucial role to play for the stability and long-term sustainability of the country;
- M. whereas, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), to date 1 500 000 Iraqis have been displaced within the country, 500 000 of whom are homeless, and 230 000 have sought refuge in neighbouring countries, chiefly Syria and Jordan;
- N. whereas Iraqi Kurdistan is a relatively peaceful and stable part of Iraq, where levels of international development cooperation and private investment are increasing;
- O. whereas, despite a significant improvement in the security situation, the current rate of bombings and shootings is still high and violence occurs every day, leaving most Iraqis uncertain about their future and making it impossible to promote the economic and social integration of the Iraqi population at large;
- P. whereas, with a view to promoting stability in the region, the European Union should take on its share of the responsibility for building a new, democratic Iraq, and whereas EU policy towards Iraq should reflect the broader context of the Union's strategic partnership with its southern neighbourhood and the Middle East;
- Q. whereas the major challenges to reconstruction and normalisation are institutional and social, i.e. the task of building institutional and administrative capacity, consolidation of the rule of law and enforcement of the law and of respect for human rights;
- R. whereas the EU should tailor the use of its resources to the specific internal, regional and

humanitarian challenges facing Iraq, and whereas effectiveness, transparency and visibility are preconditions for an increased EU role in Iraq;

- S. whereas since 2003 the EU and its Member States have channelled aid totalling more than EUR 1 billion to Iraq, in particular through the International Reconstruction Fund Facility for Iraq (IRFFI), and whereas the Union has played a direct role in improving the rule of law in the country since 2005, through its ESDP mission EUJUST LEX; whereas the mandate for the EUJUST LEX mission has been extended until 31 December 2013;
- T. whereas the conclusion of the partnership and cooperation agreement will provide the EU with a new contractual framework in which to develop long-term political and economic relations with Iraq and create strong foundations for the promotion and respect of human rights in the country;
- U. whereas Iraq is a potentially important partner in ensuring greater diversification of energy sources and thus contributing to Europe's energy security;
1. Welcomes the conclusion of the negotiations on the partnership and cooperation agreement between the EU and the Republic of Iraq, which establishes contractual relations between the two parties for the first time; welcomes the establishment by the partnership and cooperation agreement of a Cooperation Council, a Cooperation Committee and a Parliamentary Cooperation Committee and expects such fora to provide fresh impetus for the Union's political involvement in Iraq at the highest level, in the form of regular political talks and the development of economic relations with the Iraqi authorities at the most senior level;
 2. Takes the view that the political and commercial provisions of the partnership and cooperation agreement lay the foundations for regular, closer political dialogue on issues of bilateral, regional and global significance, while seeking to improve the arrangements governing trade between Iraq and the EU by lending support to Iraq's development and reform effort, with a view to facilitating that country's integration into the world economy;
 3. Supports the process of Iraq's accession to the World Trade Organisation and stresses that the implementation of the partnership and cooperation agreement should make an important contribution to this process;
 4. Stresses that the 'essential element' clause in the Partnership and Cooperation Agreement on countering the proliferation of weapons of mass destruction calls for the parties to play an active role in nuclear disarmament and to give their full support to the planned UN Conference on a Nuclear-Free Middle East;
 5. Welcomes the clause in the partnership and cooperation agreement concerning cooperation between the EU and Iraq in relation to the accession of Iraq to the Rome Statute of the International Criminal Court (ICC); stresses the importance of the EU providing maximum support for Iraq's ratification of and accession to the Rome Statute as soon as possible, and for the implementation of international human rights standards and instruments as a matter of priority; calls on the Member States and on Iraq to ratify the statute changes of the ICC, adopted on 11 June 2010; applauds the clause in the partnership and cooperation agreement on cooperation in the promotion and effective protection of human rights in Iraq, with the caveat that failure by Iraq to protect, enhance and respect human rights would negatively affect cooperation and economic development programmes; stresses the importance of

maintaining strict conditionality on the basis of the principle of ‘more for more’ and the need to put greater emphasis on the importance of substantial progress in relation to human rights in Iraq; welcomes the pledge by the Iraqi Government to promote effective dialogue with civil society and promote its effective participation;

6. Emphasises that the political dialogue between the EU and the Iraqi authorities must primarily focus on matters relating to respect for human rights and fundamental freedoms, whether civic or individual, with particular reference to the continuing allegations of human rights violations and the protection of the rights of all religious and ethnic minorities, and should further focus on the strengthening of democratic institutions, the rule of law, good governance, transparent decision-making, due process and national reconciliation; urges the Iraqi Government to work for the national reconciliation of an extremely fragmented society;
7. Stresses the need to give absolute priority to political dialogue with the Iraqi authorities on the abolition of the death penalty and support for the fundamental principles of the European Union; calls on the Iraqi Government to abolish the death penalty, as a first step, and to declare and implement immediately a moratorium on executions;
8. Welcomes the establishment by the partnership and cooperation agreement of the Parliamentary Cooperation Committee, which will be a forum for the Iraqi parliament and the European Parliament to meet and exchange views, will be informed of the recommendations of the Cooperation Council and will make recommendations to that Council; supports this important parliamentary dimension and takes the view that such a committee will provide a valuable opportunity for democratic dialogue and the provision of support for democracy in Iraq;
9. Reiterates its commitment to the development of parliamentary democracy and recalls its initiative, under the 2008 budget, of providing support for the establishment of democracy in cooperation with third-country parliaments; reiterates its willingness to support actively the Iraqi Council of Representatives by proposing initiatives aimed at enhancing the ability of elected Iraqi representatives to fulfil their constitutional role and fostering the transfer of experience in the areas of effective administration and staff training;
10. Stresses the importance of creating the necessary conditions for strong technical dialogue and cooperation with Iraq and the provision of continuous support to its administration, so that adequate international standards for contracts and procurement can be introduced and fully implemented, and investment opportunities enhanced;
11. Calls on Iraq to ratify the Comprehensive Nuclear-Test-Ban Treaty as soon as possible;
12. Applauds the opening of an EU Delegation to Iraq in Baghdad and the appointment of an EU Head of Delegation; recalls, however, the need to secure for the EU Delegation its own adequate premises and the necessary human and material resources commensurate with the EU’s stated ambition of playing a significant role in Iraq’s transition to democracy, and with a view to making the Delegation fully operational; stresses that it is essential to put the Head of Delegation in a position to travel in full security to all parts of the country to monitor the proper implementation of programmes financed by the European Union, the human rights situation and the reform process;
13. Stresses the importance for Iraq’s future of the political agreement reached by Iraqi leaders

on the establishment of a national unity government which properly represents the political, religious and ethnic diversity of Iraqi society and reflects the will of the Iraqi people as expressed in the general election held on 7 March 2010; calls for the full implementation, without further delay, of that agreement and asks the political forces in Iraq to remain committed, in a spirit of unity of intent, to the process of building strong and sustainable democratic institutions, and to establish the necessary conditions for free and fair elections at both local and international level, which are essential for the process of democratic transition; notes that the implementation of that agreement may be the only viable solution with a view to starting an effective process of national reconciliation; reiterates the importance of appointing permanent ministers to the defence and interior ministries in order to prevent the concentration of power and promote democratic dialogue, oversight, political responsibility and accountability in respect of security-related policy choices;

14. Expresses concern at the growing sectarian tensions and deep lack of trust between the Iraqi Government and the opposition, which, if not remedied, may lead to the resumption of violent conflict; expresses great concern at the potential negative spill-over from the Syrian conflict into Iraq, which could exacerbate sectarian tensions in Iraq, and calls on all players in Iraq to behave responsibly and with restraint in order to avoid such a scenario;
15. Calls on the Iraqi Government to ensure that the country's resources are used in a transparent and responsible way, to the benefit of the whole of the Iraqi people;
16. Calls on the Commission to draft a binding corporate social responsibility (CSR) clause for consideration at one of the first meetings of the Cooperation Council, based on CSR principles as defined at international level, including in the 2010 update of the OECD Guidelines and in the standards defined by the UN, the ILO and the EU; suggests that this clause should harmonise existing standards and concepts, in order to ensure comparability and fairness, and that it should set out measures to implement these principles at EU level, such as requirements to monitor the activities of companies, their subsidiaries and supply chains, and to apply due diligence;
17. Remains deeply concerned, however, at the continuing acts of violence perpetrated against the civilian population, vulnerable groups and all religious communities, including Christian minorities, which instil in the population a deep sense of fear and uncertainty about their future and that of their country; notes that some progress has been made in this area and calls on the Iraqi authorities to continue to improve security and public order and combat terrorism and sectarian violence throughout the country; takes the view that priority should equally be given to establishing a new legal framework which clearly defines the responsibilities and remit of the security forces and facilitates the adequate oversight of security forces, as called for in the Constitution; considers that the Council of Representatives must play an appropriate role in drafting new legislation and exercising democratic scrutiny; calls on the Iraqi authorities to step up their efforts to protect Christian minorities and all vulnerable minorities, to guarantee all Iraqi citizens the right to practise their faith or affirm their identity in freedom and safety, to take more determined measures to combat inter-ethnic and inter-religious violence, to protect the secular population and to do everything in their power to bring the perpetrators to justice, in keeping with the rule of law and international standards; believes that the partnership and cooperation agreement affords an opportunity further to promote reconciliation programmes and inter-religious dialogue aimed at restoring a sense of cohesion and partnership in Iraqi society;

18. Draws attention to the urgent need to resolve the humanitarian problems facing the Iraqi people; emphasises the need to ensure that action coordinated between the Iraqi authorities and the international aid organisations working on the ground is taken with a view to assisting vulnerable groups, including refugees and displaced persons, protecting those groups and creating adequate conditions to ensure their security and dignity;
19. Notes with concern that, according to the UNHCR, 34 000 Syrian refugees have sought refuge in Iraqi Kurdistan since the start of the war, and calls for assistance for the Iraqi authorities in managing the refugee flow into Iraq, in particular by ensuring that the refugees are accepted into the territory on humanitarian grounds and are directed to refugee camps; also urges the EU to pledge and contribute to assistance for the Government of Iraq in securing humane living conditions in such refugee camps;
20. Calls on the Iraqi authorities, while acknowledging their commitment, to secure the safety of, and humane living conditions for the residents of Camp Ashraf and Camp Hurriya; asks the Member States to honour Article 105(3)(b) and (4) of the partnership and cooperation agreement between the EU and Iraq and to do everything possible to facilitate the resettlement or repatriation of the residents of Camp Hurriya on an individual basis, and according to their own free will, so that the issue of their presence on Iraqi territory can finally be settled;
21. Calls for the revision of the Constitution, the Penal Code and the Penal Procedural Code in order to ensure full respect for equality between men and women and for women's rights; reaffirms the key role women can play in re-establishing the fabric of society and stresses the need for their full political participation, including in the development of national strategies, in order to take into account their perspectives;
22. Encourages NGOs to contribute to the strengthening of democracy and human rights in Iraq by providing targeted assistance to women who are victims of violence, forced marriages, honour crimes, human trafficking and genital mutilation;
23. Urges the Iraqi Parliament and Government to put in place legislation against child labour, prostitution of children and trafficking, and to guarantee compliance with the UN Convention on the Rights of the Child;
24. Calls for particular attention to be paid to women's participation in the post-conflict reconstruction process and at the highest levels of political and economic life, especially for women from minority communities, who often face double discrimination on the basis of both gender and ethnic or religious identity; urges the Iraqi authorities to take the requisite measures to develop an inclusive civil society which can play a full part in the political process and to encourage an independent, pluralist and professional media sector;
25. Expresses great concern at the many cases of suicide by women and honour killings in connection with forced marriages, and other common instances of violence against women, such as female genital mutilation and domestic abuse; stresses the importance of introducing an adequate and effective body of laws upholding and protecting women's and girls' rights and social, cultural and physical integrity, of promoting full access to socio-economic integration and of eliminating discrimination against women under the law in line with the Iraqi Constitution and Iraq's international human rights treaty obligations;
26. Welcomes the Commission's Joint Strategy Paper (2011-2013), which marks the transition

to multiannual programming of EU development cooperation on the basis of consultation with the Iraqi authorities and coordination with the other international players (World Bank, UN) active in Iraq; notes that this new approach is consistent with the main guidelines set out in its recommendation to the Council of 13 March 2008;

27. Applauds the successes achieved by the EUJUST LEX mission and the implementation in Iraq, for the first time, of pilot projects coordinated with the Commission project; urges that on completion of that mission the EU should make use of all the experience gained by drawing on both the ESDP and Union instruments in order to continue to provide assistance on the ground so as to strengthen the Iraqi police and penal system;
28. Reiterates its call for evidence to be provided of the transparency and effectiveness of Union aid to Iraq, in the form of comprehensive, regular and transparent information concerning the actual disbursement of Union aid and the uses to which it is put, in particular as regards the appropriations channelled through the IRFFI, to which the EU is the main donor;
29. Notes that the EU cooperation activities programmed in the area of social and human development seek to combat poverty, to meet basic health, education and employment needs and to promote fundamental freedoms for everyone, including the most vulnerable groups, i.e. refugees, displaced persons and all religious minorities; insists that all these activities must be implemented in such a way as to strengthen capacity and institutions, in keeping with the principles of inclusion, transparency and good governance;
30. Highlights the sensitive geopolitical position of Iraq, which neighbours Syria, Iran, Turkey, Saudi Arabia and Jordan; expects Iraq to play a stabilising role in the region, in particular in view of the ongoing civil war in Syria; expects Iraq to support a democratic and inclusive transition in Syria;
31. Applauds the recent establishment of Iraq's High Commission for Human Rights as an independent institution that can give meaning to the rights guaranteed in Iraq's Constitution and play a central role in the protection of these rights; emphasises the importance of maintaining this institution's independence from political influence and of providing adequate, secure and independent financial support for its operations; stresses the need for regular, transparent and ongoing cooperation by government organs with the Commission's investigations; calls on the Member States to support its development through technical assistance, ongoing dialogue and the sharing of experience in relation to human rights protection efforts;
32. Instructs its President to forward this resolution to the President of the European Council, the President of the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the presidents of the parliaments of the Member States and the Government and the Council of Representatives of the Republic of Iraq.