

The Case for a New European Engagement in Iraq



Edward Burke

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Introduction

The strategic interests of the EU in Iraq are clear: Iraq lies at the heart of the troubled Middle Eastern region, bordering Saudi Arabia, Kuwait, Iran, Syria, Jordan and a prospective EU member state, Turkey. A regional conflict over Iraq would have disastrous consequences for European security. In recent years, Iraq has topped the list of countries of origin for asylum requests within the EU, straining the capacity of member states to manage such an influx.¹ The sectarian conflict in Iraq has also had a radicalising effect upon sections of Europe's Muslim communities, a reality driven home in 2008 when al-Qaeda's second-in-command in Iraq was discovered to be a Swedish citizen.² For a Europe short of reliable energy partners, Iraq presents a significant opportunity to ease the strain on supply, possessing the third largest oil reserves in the world and a largely unfulfilled potential as a major gas exporter.³ Stabilising Iraq is vital to Europe's interests, perhaps even more so than a successful resolution of the conflict in Afghanistan, where most European countries are now concentrating their resources. This paper chronicles the insufficiency of EU initiatives to date and suggests a number of ways in which Europe's contribution to Iraq's development should be enhanced.

Given the proximity of Iraq to Europe and the economic potential of a strong bi-lateral relationship, it is perhaps surprising that the EU has yet to consolidate strong ties with Baghdad. This is despite the considerable funds provided by the EU to the UN and World Bank's reconstruction efforts in the country - a commitment that is now approaching €1 billion from the European Commission alone. Although 2008 saw a significant reduction of violence in Iraq and the emergence of a more capable, democratically-elected

government under Prime Minister Nouri al-Maliki, the EU has not moved decisively to take advantage of the changed situation on the ground. There is a small European Commission (EC) delegation in Baghdad and a limited bi-lateral training programme aimed at improving Iraq's justice system but relations to date have been obstructed by a residual caution and lack of unified purpose among the EU's member states. According to one Iraqi diplomat, "Iraqis do not know what the EU does, they don't see the EU. I myself don't know what they do..."⁴ While EU officials stress that they have been engaged in Iraq since the introduction of an Iraq strategy paper in 2004,⁵ the perception prevails among member states that since 2003 the EU has largely absented itself from a meaningful role on the ground in Iraq. Indeed, in November 2008, the French Presidency of the EU circulated a paper on Iraq to EU Foreign Ministers recommending that the time was now finally right for the EU to "re-engage in the country without delay".⁶

This paper argues that the EU is well placed to respond favourably to requests from the Iraqi government for increased bi-lateral technical assistance and improve its bi-lateral relations with Iraq. Although levels of violence in Iraq have declined in recent months, this trend is easily reversible if a lack of government capacity persists. To prevent Iraq lapsing into an escalation of conflict, it is in the EU's interest to invest in the development of state capacity in Iraq. The Swedish UN Special Representative of the Secretary General (SRSG) to Iraq, Staffan de Mistura, has referred to the current downturn in violence as the "magic moment" to facilitate reconciliation and build institutions in Iraq, an opportunity that will either be seized or squandered.⁷ Following the signing of a

⁴ Interview with an Iraqi diplomat, October 2008.

⁵ In describing the limited nature of EU-Iraq bi-lateral relations, the obvious commitment of the team of European Commission officials responsible for Iraqi affairs should not be overlooked. The lack of an expanded mandate does not imply criticism of Commission officials whose dedication was widely praised during research interviews for this paper by MEPs, member state diplomats and their Iraqi counterparts.

⁶ *The Daily Star*, 'EU aims to re-engage in Iraq after Obama administration takes office', 7 November 2008.

⁷ European Parliament, 'Minutes of the meeting of the Ad hoc delegation for relations with Iraq', Brussels: 10 April 2008.

¹ UNHCR, 'Asylum levels and trends in industrialized countries: First half of 2008', Geneva: 17 October 2008.

² *The Times*, 'Abu Qaswarah, al-Qaeda No. 2 killed in Mosul, was Swedish national', 16 October 2008.

³ Energy Information Administration, US Department of Energy, www.eia.doe.gov

Status of Forces Agreement (SOFA) with the United States restricting the role of its military in Iraq and mandating its withdrawal, the Iraqi government has also removed an important obstacle to European engagement.

Peace in Iraq hinges upon the resolution of the following six potential drivers of conflict: 1) division of power between the federal and regional; 2) sharing of oil revenues; 3) redressing de-Baathification; 4) disarmament, demobilisation and reintegration (DDR) of militia; 5) minority rights and; 6) the status of Kirkuk and disputed areas. Although there has been a major downturn in violence in Iraq compared with 2007, it is still too premature to assert that Iraq has definitively “turned the corner”.⁸ Despite significant improvements, levels of unemployment, disease and hunger are still alarmingly high.⁹ In the summer of 2008, a report by the UK House of Commons Defence Committee astutely noted that economic progress would be the crucial difference between support either for the government or for opposition militia for whom “unemployment and poverty are among their greatest recruiting sergeants.”¹⁰

Obstructing Iraq’s economic recovery is the delicate system of co-option and patronage woven by the government which, combined with years of weak state capacity, has seen Iraq become one of the world’s most corrupt countries.¹¹ Although Iraq’s energy revenues, from which over 90 per cent of the national budget is

drawn, approached €50 billion for 2008, government capacity to invest this capital remains limited despite a generally accepted improvement in the performance of Iraq’s ministries.¹² The stand-off between the Kurdish Regional Government (KRG) over the sharing of oil revenues and the status of disputed territories such as Kirkuk could escalate into outright conflict and the dismemberment of the country. Meanwhile, the successes enjoyed by Prime Minister Nouri al-Maliki’s government in co-opting the predominantly Sunni *Majalis al-Sahwa* (Awakening Councils) and the 2008 victory of the Iraqi Security Forces (ISF) over elements of the *Jaish al-Mahdi* (JAM) are fragile. Al-Maliki himself will be fortunate to survive as Prime Minister beyond the parliamentary elections scheduled for the end of this year, the results of which will inevitably lead to another bout of precarious political wrangling. These outstanding obstacles to peace mean that Iraq’s future continues to hang in the balance in 2009 and should act as a warning against European complacency.

EU member states: Withdrawal and neglect

EU member states’ commitments to Iraq have ranged from the deployment of 46,000 troops by the UK in 2003 and expenditure of approximately €6.5 billion in military/civilian operations to the resolute non-engagement of France.¹³ In 2009, any significant military deployment by an EU member state as part of the Multi-National Force - Iraq (MNF-I) will effectively end when the UK’s 4100 troops withdraw from Iraq together with the 500-strong Romanian

⁸ Address by former UK Secretary for Defence, the Rt. Hon. Des Browne MP, Washington DC: Brookings Institution, 10 July 2008.

⁹ In August 2008 access to electricity in Baghdad was limited to approximately 11 hours per day. Exacerbating the problem faced by the Iraqi government and international donors is the severe brain-drain that has taken place in recent years. The ICRC estimate that of the 34,000 doctors registered in Iraq in 1990, at least 20,000 have left the country. ICRC, ‘Iraq: No let up in humanitarian crisis’, Geneva: 2008 and US Department of Defense, ‘Measuring Stability and Security in Iraq’, Washington DC: Report to Congress, September 2008, p. 17.

¹⁰ House of Commons Defence Committee, ‘UK Operations in the Iraq and the Gulf’, London: Fifteenth Report of Session 2007-2008, 15 July 2008.

¹¹ Iraq currently ranks 178th of 180 countries surveyed in the Transparency International Corruption index. This is below Haiti which ranks 177th and above only Myanmar and Somalia. Transparency International, ‘2008 Corruption Perception Index’ www.transparency.org/news_room/in_focus/2008/cpi2008/cpi_2008_table

¹² *Associated Press*, ‘Iraq 08 oil revenues about \$60 bn’, 8 January 2009. See also Y. Said, ‘Political dynamics in Iraq within the context of the surge’, Washington DC: Submission to the United States’ Senate Foreign Relations Committee, 2 April 2008.

¹³ See UK Ministry of Defence, ‘Operations in Iraq: Facts and Figures’, www.mod.gov.uk

contingent.¹⁴ Of the 27 Provincial Reconstruction Teams (PRTs) in Iraq, Italy and the UK have responsibility for two – Dhi Qar and Basra. In both PRTs there is close cooperation and some overlap between civilian and military roles. Dhi Qar PRT is Italian-led but relies upon support from US, UK and Romanian military and civilian personnel while UK-led PRT Basra has drawn upon US and Danish assistance.¹⁵

The UK and Italian governments have increasingly outsourced much of their respective PRT activities to hired consultants – the UK Foreign and Commonwealth Office (FCO) has generally assigned only one diplomat to PRT Basra and three contracted consultants who work together with one permanent civil servant and seven consultants from the Department for International Development (DFID). The cross-departmental UK commitment to Basra PRT is therefore very small, in comparison with the 50 UK government officials assigned to PRT Lashkar Gah in Afghanistan.¹⁶ PRT Dhi Qar relies heavily upon the US State Department for local political analysis whereas Italian diplomats are noticeable by their absence.¹⁷ Italy, although heavily criticised by CPA officials in 2003 and 2004 for adopting a *laissez-faire* attitude in the face of rising violence, has maintained a commitment to Dhi Qar province since 2003 (the Italian troop contribution to MNF-I was withdrawn in 2006).¹⁸ The PRT in Dhi Qar focuses on local governance initiatives, with Italian and Romanian military, *carabinieri* and civilians providing security training to local police and prison officers.¹⁹

¹⁴ Reuters, 'Iraq and UK agree to let troops stay until July', 30 December 2008. There is also a small Estonian deployment of 36 soldiers in Iraq. These troops will also withdraw by mid-2009. See Ministry for Foreign Affairs of Estonia, 'Security and Defence Programmes', Tallinn: 2008, www.vm.ee/eng

¹⁵ K. Katzman, 'Iraq: Post-Saddam government and security', Washington DC: CRS Report for the US Congress, November 2008, p. 38.

¹⁶ House of Commons, 'Written Answers for 6th December 2007: 'Response by the Rt. Hon Kim Howells MP to a Parliamentary Question by the Hon. Liam Fox MP'', London: Hansard, Column 1431W, 2007.

¹⁷ Ministry of Foreign Affairs of Italy, 'Italy-Iraq information', Rome: Ministry of Foreign Affairs, 2008.

¹⁸ R. Stewart, 'The Prince of the Marshes', Orlando: Harcourt, 2006, pp. 354-362.

¹⁹ Ministry of Foreign Affairs of Italy, 'Italy-Iraq information', Rome: Ministry of Foreign Affairs, 2008.

The UK is by far the most conspicuous EU member state on the ground in Iraq, working at both the federal and provincial level. The UK's provincial commitment is largely confined to the UK-run PRT in Basra Province, with a focus on improving local governance, working with the Basra provincial authorities on revenue management and project delivery.²⁰ The UK continues to implement a series of local projects including working to improve basic services, the Basra Development Commission and providing technical assistance to local government institutions. However, as British troops withdraw from Iraq in 2009, the emphasis of the UK's assistance to Iraq is likely to move from Basra province to the federal level. Both the FCO and DFID provide a number of capacity building programmes for Iraqi ministries, including the previously dysfunctional Interior Ministry, and DFID has provided training for over 3700 health sector staff. The UK has also attempted to ease tensions between the KRG and the federal government, facilitating a visit of Kurdish political leaders to Belfast to discuss frameworks for regional autonomy with Northern Irish political leaders.²¹ Worryingly, given the widespread corruption in Iraq, the UK recently significantly reduced its judicial training initiative in Iraq due to a lack of results.²²

The UK has maintained a police training mission in Iraq since 2003, investing over €105m to train over 13000 Iraqi police officers, 1000 prison staff and 213 judges and lawyers. Indeed, the current Head of the EU's police and justice sector reform mission (EUJUST LEX), Stephen White, was formerly a Senior Police Adviser to the Coalition Provisional Authority (CPA) in Basra during 2003/2004. Today, UK police advisers not only provide training within MNF-I bases, but also mentor Iraqi trainees in the streets of Baghdad and Basra, where there are eight

²⁰ House of Commons Defence Committee, 'UK Operations in the Iraq and the Gulf', London: Fifteenth Report of Session 2007-2008, July 15 2008.

²¹ Iraq Updates, 'Speaker of Kurdistan's Parliament meets UK Minister Bill Rammell', 11 December 2008.

²² The UK has however made considerable progress in developing the use of forensic evidence by the IPS and the judiciary. UK FCO, 'Iraq: National Forensic Project', London: 17 November 2008 and Interview with a UK diplomat, London, 13 October 2008.

and seven advisers based respectively. The UK Police Mission has recently switched from a Basra focused initiative to working with the Iraqi Police Service (IPS) and the Ministry for the Interior on a new strategic framework for Iraqi policing. The mission has also expanded its operations to focus on providing mechanisms to deal with corruption in the IPS and designing training modules at the Shaibah Police College.²³

In 2008, the UK suffered the ignominy of being accused by the Iraqi government of negotiating the surrender of parts of Basra city to insurgent Shia militia linked to the *Jaish al-Mahdi*.²⁴ A former Defence Secretary, Michael Portillo, called the UK contingent's pending departure from Iraq "the most inglorious withdrawal since Suez."²⁵ These accusations have been hotly contested by the UK government, but there is no doubt that British military pride has been deeply wounded during the final stage of its Iraq deployment – unlike in the US case, there was no redeeming UK "surge", merely the creation of "some space" for Iraqis to solve their own problems.²⁶ The Iraqi parliament has also shown a particular relish in delaying the passage of a renewed mandate for the UK military presence in late 2008.²⁷ 60 years after the signing of the Treaty of Portsmouth, a deeply unpopular agreement which mandated a strong UK military role in post-second world war Iraq, Iraqi parliamentarians understood the public relations gain of obstructing a speedy conclusion of a Status of Forces Agreement (SOFA) and

mandating a withdrawal by the end of 2009.²⁸ The UK is now building a programme for economic cooperation with Iraq, moving towards what UK Defence Secretary, John Hutton, has termed a "normalised bi-lateral relationship."²⁹

If France has made a rhetorical commitment to engage in Iraq, it still has to take practical steps to deliver on these statements. In an article in the *International Herald Tribune* published in the summer of 2007, Foreign Minister Bernard Kouchner appeared to draw a line under the rancour and division caused by the invasion of 2003, admitting that France had "ignored the country politically" and could not now "turn a deaf ear to the Iraqis because they were – over our objections – liberated and then controlled by our American and British allies. Iraq's troubles lie at the heart of the world's problems – the hostility between communities, religious fanaticism and conflicts of civilization that are being played out against a backdrop of terrorism, nuclear proliferation and globalization."³⁰ Kouchner has also frequently emphasised the urgent self-interest of both France and the EU in stabilising Iraq.³¹ Yet, in addition to urging a positive shift in French and EU policy towards Iraq, Kouchner has also complicated relations by rashly suggesting in 2007 that Prime Minister Nouri al-Maliki be replaced.³²

It is obvious that the French government has not allocated sufficient resources to prioritise a new relationship with Iraq – there is currently only one

²³ Foreign and Commonwealth Office (FCO), 'UK Information Note to the Council Secretariat and the Commission – Current Activity in the Rule of Law and Justice Sectors, 2008-2009', London: FCO, 2008.

²⁴ As well as condemning the British withdrawal from Basra city as a "disaster", in an interview with *The Times* in late 2008, Prime Minister Nouri al-Maliki demonstrated a sharp recollection of his country's history and his own family's personal suffering under the British mandate of the 1920s, during which time his grandfather was imprisoned by the British authorities during a failed uprising. Colonial history may complicate British-Iraqi relations more than it is sometimes supposed. *The Times*, 'Transcript: Interview between Nouri al-Maliki and the Times', 13 October 2008.

²⁵ M. Portillo, 'Britain has lost the stomach for a fight', *The Sunday Times*, 21 December 2008.

²⁶ Chief of the General Staff, General Sir Richard Dannatt, quoted in *BBC News*, 'UK forces in Iraq "set for pause"', 22 December 2008.

²⁷ *The Times*, 'Britain faces humiliating withdrawal', 15 December 2008.

²⁸ Instead of a separate UK-Iraq bi-lateral agreement, a Status of Forces Agreement (SOFA) governing the UK military presence in Iraq was included together with more minor MNF-I troop contributors including Australia, Romania, Estonia, El Salvador and NATO. Iraqi MPs rejected a first reading of the draft on 20 December 2008. *The Independent*, 'Humiliation: Iraqi MPs reject UK troop exit deal', 21 December 2008 and C. Tripp, 'A History of Iraq', Cambridge: Cambridge University Press, 2007, pp. 114-117.

²⁹ House of Commons, 'Written Answers for 26 November 2008', London: Hansard, 2008.

³⁰ B. Kouchner, 'What France can do in Iraq', *The International Herald Tribune*, 26 August 2007.

³¹ Again in late 2008 Kouchner reassured United States policymakers that he "would continue...making the case in Europe, and in France" for a greatly enhanced European role in Iraq. Brookings Institution, 'US-Europe Relations: An Address by Bernard Kouchner, Foreign Minister of France', Washington DC: Brookings Institution, November 12th 2008.

³² *Agence France Presse*, 'French FM apologise for Iraqi PM criticism', 27 August 2007.

permanent Iraq desk officer at the Ministry of Foreign Affairs in Paris. Some European diplomats also suspect that “there is an ingrained caution in the French system about Iraq.”³³ Such irresolution was evident in an interview given by a French diplomat to the Lebanese *Daily Star* newspaper shortly after France recommended that the EU “re-engage” in Iraq. “At the moment, the country is probably still too insecure. But we’re starting the discussion now. The better things get, the more we can do.”³⁴ However, although Iraq has not featured prominently in the planning for the French, Czech and Swedish EU Presidencies of 2008/2009, France was clearly overwhelmed during its EU Presidency of 2008, forced to respond to the global financial crisis and the outbreak of war in Georgia, in addition to launching the Union for the Mediterranean.

In 2007, Bernard Kouchner expressed his desire for France to move quickly to provide technical expertise on health.³⁵ To date, no major project has been launched to this effect and France lacks any signature bi-lateral capacity-building project with Iraq, preferring to provide limited assistance to Iraq through EU, UN and NATO programmes. While France was initially hesitant in agreeing to launch EUJUST LEX, the Foreign Ministry in Paris is now one of its most vocal supporters and has expressed an interest in further expanding EU capacity building initiatives on the ground in Iraq.³⁶ A positive step in reshaping transatlantic relations would be for Paris to move from a largely passive, opaque role on Iraq to that of a proactive advocate within the Council for the strengthening of bi-lateral EU technical assistance in Iraq. Indeed, given France’s opposition to the invasion of Iraq in 2003, its leadership in embarking upon a new phase of EU-Iraq relations is highly desirable.³⁷ In

doing so, France can draw upon a range of diplomats with profound experience of Iraq and the region, including leading negotiations in Damascus and Tehran.³⁸ The continued absence of a significant European role in Iraq does little to advance the French aim of “making the European Union a major player in crisis management and international security.”³⁹

Italy has provided more than €270m for reconstruction projects since 2003 and has dispatched 83 consultants to Iraq to conduct capacity building exercises in Iraqi institutions (including at the Ministry for Oil with the cooperation of the Italian energy firm ENI), training over 2200 Iraqi police and civilian officials. Uniquely among EU member states, Italy has also undertaken a project to build awareness of European institutions among Iraqi parliamentarians and established workshops on federal and local-level democratic institutions. In early 2007, Italy signed a Friendship, Partnership, and Cooperation Treaty with Iraq. The agreement established an annual meeting between the Heads of Government and another between the Ministers of Foreign Affairs of both countries. It further specified that the Italian government would undertake to respond positively to Iraqi requests for technical assistance, appointed a joint High Level Commission to implement the Treaty and made €400 million available in soft loans to the government of Iraq. In sum, the agreement placed Italy-Iraq relations at a distinctly more advanced level than most other EU member states.⁴⁰

Poland, which initially sent 2500 troops to Iraq in 2003, failed to combine its considerable military deployment to Iraq with a bi-lateral programme for development

Kouchner offered to host a round of “château diplomacy” in Paris to address the challenges of reconciliation in Iraq away from the political pressures of Baghdad - a proposal that may yet prove to be a useful means of diffusing tensions.

³³ One such diplomat is Jean Claude Cousseran, who led French efforts to engage Syria over its role in Lebanon during 2007 and 2008, which resulted in a tentative warming of EU-Syrian relations. See International Crisis Group, ‘Engaging Syria? Lessons from the French experience’, Brussels: Middle East Briefing, 15 January 2009.

³⁴ The Presidency of the Republic of France, ‘The French White Paper on Defence and National Security’, Paris: Odile Jacob, 2008, p. 7.

³⁵ Ministry of Foreign Affairs of Italy, ‘Treaty of Friendship, Partnership and Cooperation between the Italian Republic and the Republic of Iraq’, Rome: 2007.

³³ Interview with a European diplomat, Brussels, 9 October 2008

³⁴ *The Daily Star* ‘EU aims to re-engage in Iraq after Obama administration takes office’, 7 November 2008.

³⁵ Ministry of Foreign Affairs of France, ‘Statements made by M. Bernard Kouchner, Minister of Foreign and European Affairs, during his joint press briefing with Mr. Jalal Talabani, President of Iraq’, Paris: 17 October 2007.

³⁶ Interview with a French diplomat, Paris 10 October 2008

³⁷ Another interesting role for France to play could be that of a facilitator of talks between the Iraqi parties. In 2008 Bernard

assistance. In 2005, despite Iraq being designated a priority country for Polish aid, Warsaw allocated only €250,000 in development assistance to Iraq – a tiny proportion of its overall development budget. After the election of the government of Prime Minister Donald Tusk in 2007 and the withdrawal of its military in 2008, Poland's bi-lateral relations with Iraq diminished considerably. Iraq is no longer listed as a priority country for assistance and Poland's aid to Iraq is now channelled predominantly through its contribution to EU assistance, including hosting EUJUST LEX training.⁴¹

Following the departure of the Polish contingent in 2008, the timetable for the withdrawal of the last significant non-UK member state contingent in the MNF-I, that of **Romania**, remains uncertain. In November 2008, Romania's Defence Minister, Teodor Melescanu, pledged to withdraw its 500 troops from Iraq by the end of the year, only for that statement to be contradicted by President Traian Basescu, who claimed that Romania had been requested by the Iraqi government until the end of 2011.⁴² This is highly unlikely to transpire as the Iraqi government is determined that all non-US MNF-I troops are to leave Iraq during 2009.⁴³ Romania's non-military assistance to Iraq, like that of its neighbour **Bulgaria**, who withdrew its contingent of 155 troops in December 2008, has predominantly been channelled through the EU.

The Czech Republic has made it clear that it does not intend on making Iraq a priority during its EU Presidency in the first half of 2009. The Czechs have further reduced their already small presence in Iraq - withdrawing their force protection and police training teams at the beginning of 2009 - and have no new plans for Iraq during its Presidency aside from "taking forward what was done in the past" - concluding the TCA, signing an MoU on energy

and re-initiating the EU-Iraq political dialogue that has not been held since the Austrian Presidency in 2006. The bi-lateral assistance provided by Prague to Iraq, which amounted to almost €60m from 2003 to 2005, has dwindled considerably since and is now predominantly directed through the EU and NATO.⁴⁴

Sweden, which takes over the Presidency of the EU from the Czech Republic in the second half of 2009, provides the highest level of democracy support as a percentage of its assistance to Iraq, which amounted to approximately €50m from 2004-2007.⁴⁵ The majority of Sweden's democracy promotion activities take place under the direction of the Olof Palme International Centre and to date over 6000 Iraqi representatives from civil society have participated in workshops on democracy and human rights organised by the Centre. Sweden has also provided funding to UNIFEM to organise training workshops for women parliamentarians, initiated training programmes with the Iraqi Central Bank and, in cooperation with the Jordanian National Electricity Company, for Iraqi engineers from the Ministry of Electricity.⁴⁶

Due to its liberal asylum system, Sweden claims to host more refugees than the US and other EU member states combined and has recently begun repatriating asylum seekers since a controversial ruling by the Swedish courts in 2008 that defined Iraq as no longer being in a state of "armed conflict."⁴⁷ Yet, despite this clear vested interest in a stable Iraq, Swedish diplomats do not believe that Iraq will feature as an important area of their Presidency of the EU and have not devised any major new strategic objectives for the country.⁴⁸ In May 2008, Sweden hosted a meeting of the International Compact with Iraq (ICI) – an initiative that aimed to consolidate donor efforts to improve Iraq's economy and governance, but which, it

⁴¹ P. Baginski, 'Polish aid programme', Presentation at a UNDP Regional Workshop, Budapest, 5-6 March 2007, Warsaw: Development Cooperation Department, Ministry of Foreign Affairs, 2007.

⁴² *Xinhua*, 'President: Romanian troops to remain in Iraq until 2011', 1 December 2008 and *Associated Press*, 'Romanian Minister says 500 troops to leave Iraq', 6 November 2008.

⁴³ *Reuters*, 'Iraq lawmakers reject law on British troops', 20 December 2008.

⁴⁴ Interview with a Czech diplomat, Brussels, 9 October 2008.

⁴⁵ Ministry of Foreign Affairs of Sweden, 'What does Swedish development assistance to Iraq entail?', Stockholm: 2008.

⁴⁶ *Ibid*.

⁴⁷ UNHCR, 'Asylum levels and trends in industrialised countries, first half of 2008', www.unhcr.org

⁴⁸ Interview with a Swedish diplomat, Brussels, 7 October 2008 and CNN, 'US admits more Iraqi asylum seekers', 5 June 2008.

is generally agreed, did not mark a new departure in European-Iraqi relations. The Swedish embassy will reopen in Baghdad in 2009, although there are no plans for a significant expansion of bi-lateral assistance.⁴⁹

Sweden's Nordic neighbour, **Finland**, has generally maintained a distant relationship from Iraq, declining to reopen its embassy in Baghdad and channelling its limited levels of assistance through UN agencies and EUJUST LEX. Politically the greatest Finnish contribution was through the person of former Finnish president and Nobel laureate, Martti Ahtisaari, who, working through his Helsinki-based Crisis Management Initiative (CMI), brokered an agreement in April 2008 between 33 leading Iraqi politicians in Helsinki that committed the parties to 17 principles of reconciliation.⁵⁰

Denmark has played a prominent role in Iraq since 2003, maintaining a battalion of troops in the country until 2007 and contributing a consistently large volume of funding to reconstruction and humanitarian efforts. From 2003-2010, Denmark will have allocated €128m in reconstruction and humanitarian assistance to Iraq, an amount which, relative to Denmark's size, rivals the commitment of the UK. Following the withdrawal of the Danish battalion from Basra in 2007, the Danish government directed €13m towards increasing their capacity-building initiatives in Baghdad, while reducing their local commitment to Basra province.⁵¹ In 2007, Denmark was the third highest humanitarian donor in absolute terms to Iraq, granting over €26m in assistance to Iraqi IDPs and refugees.⁵² In 2008, Denmark completed a €4m technical assistance project with the Basra local authorities on agricultural irrigation, complimenting a

broader UK initiative to improve water supply for the region.⁵³

Some traditional EU donor member states such as **Germany** and the Netherlands are notable for their low level of engagement in bi-lateral assistance projects in Iraq. Germany has supported German foundations/NGOs in providing training programmes on democracy and human rights, as well as promoting an awareness campaign with regard to the Iraqi constitution, allocating funds in 2005 and 2006 of just under €2m. Berlin has also funded the Friedrich Ebert Foundation's training programme for electoral observers in advance of the 2009 provincial elections and recently announced an initiative to twin the German Institute for Human Rights with the Ministry for Human Rights in Baghdad in 2009.⁵⁴ However, Germany's bi-lateral engagement in Iraq has generally not been proportional to its other international commitments and it is regrettable that following Federal Chancellor Angela Merkel's commitment to "open a new chapter" in relations, Europe's biggest economy has still to give a clear indication of its role in Iraq for 2009.⁵⁵

The Netherlands, a contributor to the MNF-I until 2005, is now remarkably unengaged in Iraq, maintaining a minimal diplomatic presence in Iraq while preferring to focus on providing assistance to refugees in Syria and Jordan and working through EU and NATO structures to provide capacity building opportunities to the ISF.⁵⁶ Within the EU however, the Netherlands has begun to play an important role on coordinating a European response to asylum requests by Iraqi refugees, convening a high level meeting in the Hague on 1 and 2 December 2008.

⁴⁹ Interview with a Swedish diplomat, 7 October 2008.

⁵⁰ *The New York Times*, 'Iraqi parties, after meetings in Finland agree on principles to guide further talks', 6 July 2008.

⁵¹ Ministry of Foreign Affairs of Denmark, 'Denmark's Involvement in Iraq', Copenhagen: MOFA, 2007.

⁵² Ministry of Foreign Affairs of Sweden, 'Address by Minister for Development of Denmark', Stockholm: Iraq Compact Annual Review Conference, Stockholm, 29 May 2008 and Ministry for Foreign Affairs of Denmark, 'Executive Summary: Denmark's Involvement in Iraq', Copenhagen: 2007.

⁵³ Danida, 'Danish Agricultural support for Iraq – Irrigation, Rehabilitation in the Basra Area finalised', Copenhagen: 25 June 2008.

⁵⁴ Ministry of Foreign Affairs of Germany, 'German assistance in stabilising and reconstructing Iraq', Berlin: 2008.

⁵⁵ *The International Herald Tribune*, 'Maliki appeals to Germany to increase investment in Iraq', 22 July 2008.

⁵⁶ Ministry of Foreign Affairs of Netherlands, www.minbuza.nl and Council of the European Union, 'Council Conclusions on the reception of Iraqi refugees', Brussels: 27-28 November 2008.

In Spain, the internal and external divisions wrought by Socialist Prime Minister José Luis Zapatero's decision to rapidly withdraw Spanish troops from Iraq in 2004 led to a rethinking of policy that honoured Spain's extensive commitment of €160m to reconstruction made at the Madrid donors' conference in late 2003 under the government of the former *Partido Popular* leader, José María Aznar, but did not extend to bi-lateral programmes of assistance. This reticence to engage bi-laterally appears to be changing, however; in 2007 the Spanish government convened a human rights training programme for 160 Iraqi civil servants in Madrid and is expected to review its bilateral engagement in 2009.⁵⁷ A Spanish diplomat has observed that Spain's own recent experience of democratisation may be of particular relevance to Iraq in 2009: "Spain can offer its expertise, its assistance in security sector reform and the distribution of power between regions. Spain has developed the capability to advise on how to divide regional autonomy within one constitutional framework."⁵⁸

Almost six years after the invasion of Iraq, bi-lateral assistance to the country from traditional donor member states can still generally be broken into two categories – those who supported the war and those who did not. While member states such as the UK and Italy backed up their EC contribution with significant bi-lateral support to Iraq, those member states opposed to the invasion in 2003 tended not to follow suit – in 2005, 94% of humanitarian assistance was provided by those donors who had been part of the invading coalition.⁵⁹ Those countries resolutely against the war in 2003 have still not demonstrated a bi-lateral commitment - beyond that of debt relief - to help consolidate the recent security gains made by the Iraqi government. An indication of this is the level of bi-lateral funding provided by France to humanitarian aid projects in Iraq during 2007 and 2008, which is far

⁵⁷ Ministry of Foreign Affairs of Spain, 'Monografía: Iraq', Madrid: 2008 and Ministry of Foreign Affairs of Sweden, 'Speech by Secretary of State, Ángel Lossada', Stockholm: Iraq Compact Annual Review Conference, Stockholm, 29 May 2008.

⁵⁸ Interview with a Spanish diplomat, Barcelona, 30 October 2008.

⁵⁹ See Oxfam International 'Rising to the humanitarian challenge in Iraq', Briefing Paper, London: 30 July 2007 p. 27.

less than the contributions of other several small member states including Ireland.⁶⁰

As the UK and other members of the 2003 coalition increasingly focus their resources on Afghanistan, an opportunity arises for the EU to re-engage in Iraq on more favourable terms, responding favourably to requests for bi-lateral technical assistance from the government in Baghdad and doing what the EU does best – institution building. To do so, the Commission requires an unambiguous mandate from the Council – the reticence on Iraq demonstrated by the Czech and Swedish governments in preparing for their respective Presidencies in 2009 is not encouraging. Leadership will have to come from elsewhere.

EU-Iraq relations: Sub-contracting engagement

The 2004 strategy paper which informs current EU policy in Iraq emphasises the importance of a stable Iraq for Europe, not least as continued violence risks embroiling an EU candidate country, Turkey, in a regional conflict. It also recognised the need to "prioritise EU assistance for elections, good governance, the development of Iraqi civil society and the protection and promotion of human rights."⁶¹ The paper was not intended to set an ambitious agenda for developing relations, but rather represented the practical sum of what could be achieved considering the recent disharmony at the Council level.

The funding of the UN in Iraq offered a means for the EU to sub-contract its engagement in Iraq due to

⁶⁰ The UN Office for the Coordination of Humanitarian Activities (OCHA), www.ochaonline.un.org and the European Commission Humanitarian Aid Office (ECHO), <https://webgate.ec.europa.eu/hac/>

⁶¹ Commission of the European Communities, 'Communication from the Commission to the Council and the European Parliament – The European Union and Iraq: A Framework for Engagement', Brussels: 2004, p. 5.

misgivings over security and disagreement over the international presence there. Those member states who opposed the war were able to pay for an enhanced role for the UN, confident that the most workable solution towards building a stable Iraq would come from a return to the multilateral institutions the US and its allies had rashly ignored. For countries such as France and Germany, channelling money through the EU would also be a means to show solidarity with the Iraqi people, rising above the conflict that marred Council deliberations on Iraq in early 2003 while at the same time distancing their respective countries from a significant bi-lateral relationship with Baghdad to avoid dealing with a transitional government whose legitimacy was regarded as questionable. In sum the 2004 Iraq strategy put the Commission on a path towards realising certain objectives in its attempt to consolidate democracy in Iraq through the UN and other multi-lateral agencies.⁶² From 2003 until 2008, EU humanitarian and reconstruction assistance to Iraq amounted to over €920 million, of which approximately €265 million was spent on governance and democracy programmes.⁶³ The EU has been a leading donor in funding the UN Assistance Mission for Iraq (UNAMI)⁶⁴ and to date has provided 42% of overall funding for the International Reconstruction Fund For Iraq (IRFFI), which finances the activities of UN agencies and the World Bank.⁶⁵

An obvious problem confronted by the European Commission in devising a strategy for Iraq was that Iraq did not form part of a region with which the EU traditionally had strong ties. The strategy suggested that Iraq be included in the EU's Strategic Partnership

⁶² R. Youngs, 'Europe and Iraq: From stand-off to engagement', Madrid: FRIDE policy paper, 2004, p. 3.

⁶³ D. Serwer and M. Chabalowski, 'Scenarios for the future of Iraq and the role of Europe: How will Europe engage' in C.P. Hanelt and A. Möller (eds.), 'Bound to Cooperate – Europe and the Middle East II', Gutersloh: Bertelsmann, 2008 p. 285 and Commission of the European Communities – Directorate General for External Relations, 'Information Note on EC assistance activities foreseen for Iraq in 2008', Brussels: 2008, p. 1.

⁶⁴ UNAMI's expanded mandate in Iraq is currently governed by Resolution 1770 and 1830 which expanded the mandate of UNAMI to provide assistance in addressing internal border issues, IDPs and national reconciliation as well as facilitating regional dialogue.

⁶⁵ Commission of the European Communities – Directorate General for External Relations, 'Information Note on EC assistance activities foreseen for Iraq in 2008', Brussels: 2008, p. 1.

for the Mediterranean and the Middle East as part of its 'east of Jordan' engagement but this initiative generally floundered and offered little in the way of specific benefits to Iraq. In June 2005, during the UK Presidency of the EU, the High Representative for Common Foreign and Security Policy (CFSP), Javier Solana, visited Baghdad together with the then UK Foreign Secretary Jack Straw and pledged to open an EC delegation in Iraq - a specific objective of the 2004 strategy. This was accomplished later that year and a Head of Delegation, Ilkka Uusitalo, the former head of the EC delegation in Islamabad, was appointed in July 2006 to lead the EC presence in Baghdad. To date the Council has not yet mandated a strong representation in Baghdad, with the bulk of the EC's Iraq team remaining in Jordan due to security concerns. In 2009, it is envisaged that the EC will permit more staff to move from Amman to a new delegation building in Baghdad, establishing a more visible presence for the EC delegation away from its current location within the UK Embassy.⁶⁶

Some MEPs during 2007 and 2008 began to register their concern that despite the expenditure of significant funds in Iraq, "there prevails in the Iraqi population the impression of a complete absence of the EU in the solution of the political, social and economic problems of their country."⁶⁷ On several occasions, the Foreign Affairs Committee of the European Parliament registered its unease that IRFFI was not providing a comprehensive and verifiable account of the spending of EC funds, most pertinently by the World Bank, whose capacity to implement projects in Iraq was questioned and the committee requested that an independent audit be undertaken.⁶⁸ This frustration with a perceived lack of transparency on the part of IRFFI led the European Parliament's Committee on Budgetary Control to recommend that the EC withhold 20% of that year's contribution to IRFFI pending the

⁶⁶ Interview with a European diplomat, 8 October 2008.

⁶⁷ European Parliament, 'Parliamentary question – P-4260/07: Financial assistance by the EU and its Member States to Iraq since 2003', Brussels: European Parliament, 31 August 2007.

⁶⁸ Andre Brie MEP, European Left, speech to the European Parliament, 'Opinion of the Committee on Foreign Affairs for the Committee of Budgets', Brussels: 14 September 2005.

receipt of “an exhaustive overview of the use of funds in Iraq in 2006, 2007 and planned for 2008.”⁶⁹ Portuguese Socialist MEP, Ana Gomes, in a report on Iraq submitted to the European Parliament on March 13th 2008, concluded that “Europe can do much more and much better, namely by engaging more intensively with Iraqi institutions and civil society actors by considerably expanding its presence on the ground...”⁷⁰ Such views are representative of a growing awareness among MEPs that Europe’s interests are being jeopardised by the absence of a strong EU presence in Iraq.

The major exception to the EU’s largely detached relationship as a donor rather than a bi-lateral partner in Iraq is unquestionably EUJUST LEX, an initiative that was established as a mission under the European Security and Defence Policy (ESDP) to provide training to senior Iraqi police/prison officers and magistrates, as well as to members of the judiciary. The mission has 30 full-time members of staff, mostly based in Brussels with a liaison team in the EC Delegation in Baghdad. It has been led since its inception in 2005 by a highly experienced former Assistant Chief Constable of the Policing Service of Northern Ireland (PSNI), Stephen White, and to date over 1800 Iraqi officials have successfully been trained by the programme on a budget of €30m.⁷¹ Training programmes have been hosted in 18 member states and in October 2008 EUJUST LEX received one of international policing’s most prestigious awards. While EUJUST LEX has been rightly praised for its achievements, some Iraqi officials have suggested that resources would be better spent in Iraq: “For every judge you train in Europe, you could train 5-10 in Iraq.”⁷² A significant breakthrough was made in November 2008 when the Council extended the

mandate of EUJUST LEX beyond June 2009 and permitted the Mission to conduct “progressive and experimental pilot activities, where security conditions permit, in the area of the rule of law on Iraqi territory.”⁷³

Five years after its introduction, it is evident that the EU has generally met its own modest commitments laid out in the 2004 strategy paper, including embarking on current negotiations to sign a Trade and Cooperation agreement (TCA) with Iraq, beginning an energy dialogue with Iraq and opening an EC delegation office in Baghdad. Through UNAMI, it has also delivered vital electoral assistance and capacity building initiatives in Iraq. However, these initial steps have not led to the development of a strong EU-Iraq bi-lateral relationship. The 2004 strategy is now sorely outdated, having been drafted prior to the ratification of Iraq’s constitution, democratic elections at the provincial and national level, a greatly expanded UN role and a substantial change in the security situation. One diplomat observed that while there is common agreement in the Council on current Iraq policies for the EU, there has not been the type of discussion required to frame a new strategy due to worries over old sensitivities: “The wounds are pretty much healed, but you can still see the scars.”⁷⁴ These “scars” may now fade permanently as the EU moves to forge a new transatlantic alliance with President Obama in 2009. In developing a new EU-Iraq strategy to advance and stabilise Iraq’s emerging democracy, the EU might consider adopting the following steps.

⁶⁹ European Parliament, ‘Opinion of the Committee on Budgetary Control for the Committee on Budgets on the draft general budget of the European Union for the financial year 2008’, Brussels: 4 October 2007, pp. 5-6.

⁷⁰ European Parliament, ‘Report by Ana Gomes MEP to the Foreign Affairs Committee with a proposal for a European Parliament recommendation to the Council on the European Union’s role in Iraq’, Brussels: 29 February 2008.

⁷¹ Council of the European Union, EUJUST LEX www.consilium.europa.eu/cms3_fo/showPage.asp?id=823&lang=EN

⁷² Interview with an Iraqi diplomat, October 2008.

⁷³ Council of the European Union, ‘Council Conclusions on Iraq’, Brussels: 10 November 2008.

⁷⁴ Interview with a European diplomat, Brussels, 8 October 2008.

Recommendations for a strengthened EU role

1) Appoint an EU Special Representative to Iraq and adopt a programme of bi-lateral technical assistance in Iraq:

In a meeting with Javier Solana in April 2008, Prime Minister Nouri al-Maliki was unambiguous in stating what he wanted from a strengthened bi-lateral relationship with the EU: "We are a rich country, we don't need funds; we need technical expertise."⁷⁵ The EU has already allocated considerable funding towards political development and election management (€138m), capacity building (€50m), assistance to Iraqi civil society organisations and human rights groups (€45m) and targeted symbolic reconstruction projects such as the rebuilding of the al-Askari mosque in Samarra, the bombing of which was blamed for an escalation in sectarian killings in 2006.⁷⁶ After a period of four years of funding programmes principally through the International Reconstruction Fund For Iraq (IRFFI), in 2009 EC funding to IRFFI is gradually being phased out. Iraq's own budget for 2008 far exceeded the €32 billion originally forecast.

Yet pointing to Iraq's increased revenues and simply reducing aid across the board ignores the reality that the government in Baghdad is unable to execute its national budget due to a lack of capacity. Any downscaling in EC funding for UN agencies to provide emergency relief to Iraq should be matched with an increase in programmes to help Iraqi officials constructively invest energy revenues in areas such as education, housing, hospitals, electricity generation and oil infrastructure. This is the type of critical investment Iraq needs and a large increase in funding for capacity

⁷⁵ European Parliament, 'Iraqi Prime Minister Nouri al-Maliki paints upbeat picture to MEPs', Brussels: 17 April 2008.

⁷⁶ Commission of the European Communities, "EU-Iraq: 'State of Play'", 31 July 2008.

building should become a priority area of EC bi-lateral assistance. In 2008, the EC allocated €10m out of €72m budget for Iraq towards technical assistance, including capacity building programmes within the Council of Representatives and various Iraqi Ministries (including Finance, Interior and Planning) to be implemented by IRFFI supported agencies - an insignificant amount to affect a major improvement in Iraqi governance.

In May 2008, the Council expressed its desire to strengthen the EU presence in Iraq in response to the downturn of violence in Iraq. Consequently, a series of visits were undertaken by EU officials, including by Tomás Dupla del Moral, the Director for the Middle East and Southern Mediterranean at DG External Relations and Kees Klompenhouwer, EU Civilian Operations Commander, to evaluate whether bi-lateral ties could be strengthened further. It is still uncertain however as to what extent EU officials will work on the ground in Iraq rather than continue to sub-contract activities to other actors.⁷⁷ The sub-contracting of EU assistance denies Iraq the considerable governance and development expertise accumulated by the EU during its recent and on-going experience of expansion. In developing a new strategy, the EU should draw upon the experiences and lessons-learned from its member states who have provided bi-lateral support since 2003 and utilise the distinctive strengths of the 27 in offering technical assistance to Iraq. It is also desirable for the EC to move towards multi-annual planning for Iraq as is the case for Afghanistan.

The experience of EUJUST LEX is a clear indication of the added-value of the European Security and Defence Policy (ESDP) mechanism to Iraq. Such bi-lateral assistance should now be strengthened with the dispatch of an EU assistance mission. In addition to

⁷⁷ UN SRSG Staffan de Mistura has requested that the EU engage in bi-lateral programmes on the ground in Iraq. De Mistura has specifically suggested that the EU should lead a DDR programme in Iraq with regard to the *Majalis al-Sahwa*. This echoed a proposal made by the Commission to the Council in 2006. European Parliament, 'Minutes of the meeting of the Ad hoc delegation for relations with Iraq', Brussels: 10 April 2008 and Commission of the European Communities, 'Communication from the Commission to the Council and the European Parliament - Recommendations for renewed European Union engagement with Iraq', Brussels: 2006.

providing technical assistance to a range of Iraqi Ministries, the EU should not shy away from the challenge of trying to reform the Interior and Justice Ministries – the continued lack of capacity within Iraq’s judicial and prison systems, as well as alleged abuses perpetrated by the IPS, constitute a significant threat to reconciliation in the country.⁷⁸ The EC can also provide valuable assistance to anti-corruption efforts in Iraq, helping Iraq to comply with its commitments to the European-based and funded Extractive Industries Transparency Initiative (EITI). The EC should liaise with the office of the US Coordinator of Anti-Corruption Initiatives in Baghdad in order to gauge the potential of building local partnerships including with the Board of Supreme Audit, the Commission on Public Integrity and the inspectors general in government ministries.

As a first step towards engaging on the ground in Iraq, the Council should appoint an EU Special Representative to Iraq to coincide with the opening of an expanded EC delegation office in Baghdad. There are presently 11 EU Special Representatives in the world’s trouble-spots – appointing a representative to Iraq will send a clear message and enhance EU coherence in Iraq. This representative should preferably be French, underlining France’s recent commitment to engaging in Iraq and drawing upon the experience of previous French envoys to the region.

A new EU Special Representative to Iraq would do well to take on board advice offered to the EC by the UK government: “Given the scale and dominance of US activity in the rule of law and justice sector in Iraq, it is of vital importance to the success of any future EU activity in these fields that the Secretariat/Commission report on Iraq Needs develops a comprehensive understanding of US current and planned activity in this field.”⁷⁹ Currently, the UK FCO Stabilisation Adviser

assists the US Inter-agency Rule of Law Coordination Centre and the UK has advised that the EC develop a similar liaison capacity. Regardless of previous disagreements, such advice is realistic and there is an urgent need to address EU-US coherence in Iraq.

The old fears of legitimising Washington DC’s policy in Iraq should now be put aside in favour of cooperation with the administration of President Obama. In negotiating a combined approach, the EU should recommend that the MNF-I civilian police training programme and EUJUST-LEX be placed under a single UN police command. This would avoid duplication and overcome hesitations about working with the MNF-I, not least the UK and Danish police training missions but also that of the US. More importantly, a UN mandated mission would be perceived as having more legitimacy by the Iraqi populace, effectively distancing it from MNF-I military structures and placing it outside current withdrawal deadlines. Such a coordinating UN role could also be extended to facilitate EU-led PRTs, although the conditions of close cooperation with the US military under which these teams operate will likely prevent such a proposal from being realised.⁸⁰

2) Offer Iraq a special trade relationship:

Iraq has once again become a significant trading partner of the EU - even during the intensely disruptive violence of 2007, bi-lateral trade reached €8.2 billion. The EU is the second biggest importer of Iraq’s oil as well as being the third largest source of exports to Iraq.⁸¹ The EU is currently negotiating a Trade and Cooperation Agreement (TCA) that will regulate its economic relationship with Iraq with regard to public procurement, intellectual property rights, statistical cooperation and other areas designed to enhance

⁷⁸ Amnesty International, ‘Carnage and Despair: Iraq five years on’, London: January 14 2008 and BBC Newsnight, ‘Investigation into the Iraqi prison system’, Rusafah Prison, 25 November 2008.

⁷⁹ Foreign and Commonwealth Office (FCO), ‘UK Information Note to the Council Secretariat and the Commission – Current Activity in the Rule of Law and Justice Sectors, 2008-2009’, London: FCO, 2008.

⁸⁰ Ana Gomes MEP, in her report the European parliament in 2008, proposed that the EU should consider contributing to PRTs in Iraq. She specifically recommended that the EU engage in the provinces of Dhi Qar and Basra, where both Italy and the UK are reviewing their PRT commitments. Report by Ana Gomes MEP to the Foreign Affairs Committee with a proposal for a European Parliament recommendation to the Council on the European Union’s role in Iraq’, Brussels: 29 February 2008.

⁸¹ Commission of the European Communities, Directorate-General for Trade, ‘EU-Iraq trade – 2007’, Brussels: 2008.

confidence in the Iraqi market. As of the beginning of 2009, only a few technical details need to be resolved in further rounds of negotiations and an agreement is expected sometime later this year. The TCA will establish a formal dialogue once a year at Ministerial level and a further meeting between senior officials. An EC trade representative will also be posted to the EC Delegation in Baghdad.

The experience of the EU-Iraq TCA has prepared the Iraqi government well for further international trade negotiations, including for membership of the WTO, but it is generally acknowledged by European officials that the agreement does not offer significantly improved access to the European market.⁸² Some of the rhetoric surrounding the initial phases of the negotiation of the TCA has led Iraqis to believe that they might secure a favoured trading status with the EU in the near future. In fact, Iraq currently has no prospect of attaining a privileged trade relationship with the EU such as that enjoyed by its neighbour Jordan. This is bitterly disappointing for Iraqis that favour strong EU-Iraq relations and should be rethought. To date the EU has granted Iraq observer status at meetings related to the Barcelona Process and the Union for the Mediterranean, but this offers little in the way of securing privileged access or practical advantage. In order to accelerate Iraq's economic recovery, diversify its economy and foster mutually beneficial ties with one of the world's most important strategic energy exporters, the EU should consider granting Iraq enhanced access to European markets on a par with those countries in the Union for the Mediterranean.

In offering Iraq preferential access to the European market, the EU will gain more leverage to influence the development of a more stable and open Iraqi economy. Within Iraq there is an important debate taking place in policy circles as to whether Iraq should work towards a relatively open economy or whether short-term protectionism and a deepening of 'energy rentierism' is more in the country's interest. In the absence of strong engagement from liberal markets

such as the EU, this debate may well be won by those policymakers of a protectionist bent. Recently, the Director of the Iraqi Center for Market Research and Consumer Protection, while praising Iraq's new Investment Law, advocated the introduction of further legislation which would 'stipulate the limits of a foreign investor's involvement in order to prevent foreign investors from controlling and monopolizing the market.'⁸³ The EU should act where it is most powerful and demonstrate the advantages of an open trading partnership.

3) Expand the current EU-Iraq energy dialogue:

According to the Council, the signing of a TCA will open the way 'for the rapid conclusion of a Memorandum of Understanding on energy.'⁸⁴ There is significant potential for an expansion of energy trade between Iraq and Europe given geographical proximity and existing or planned regional pipelines. Iraq has the world's third largest reserves of oil and the lowest reserve to production ratio of all major oil-producing countries. Its proven gas reserves - at 112 trillion cubic feet (Tcf) - are among the world's greatest, but may actually be up to three times this figure due to chronic under-exploration.⁸⁵ Iraq's energy wealth has been noted by European officials as a pressing rationale for the EU to invest in providing the necessary technical and governance assistance to stabilise the country.⁸⁶

Concrete steps towards increasing export networks include providing the expertise and, if necessary, the funding to link Iraq to regional pipelines, not least the Arab Gas pipeline, but also the repair of the Iraq-Syria-Lebanon oil pipeline (ISLP). To date, however, the energy dialogue between the EU and Iraq has been infrequent and low-level. In January 2008,

⁸³ M. Turki Musa, 'Iraq: The Private Sector's take on the Investment Law', Washington DC: Carnegie Endowment for International Peace, Arab Reform Bulletin, July 2008

⁸⁴ Council of the European Union, 'Council Conclusions on Iraq', Brussels: 10 November 2008

⁸⁵ Energy Information Administration, 'Iraq Energy Data Statistics and Analysis - Oil, gas, Electricity and Coal', Washington DC: US Department of Energy, 2008.

⁸⁶ Commission of the European Communities - Directorate General for External Relations, 'Summary: Speech by European Commissioner Ferrero-Waldner: 'The EU, the Mediterranean and the Middle East: A Partnership for Reform'', Brussels: 2 June 2006.

⁸² Interview with a European diplomat, Brussels, 9 October 2008.

Commissioners Benita Ferrero-Waldner (External Relations) and Andris Piebalgs (Energy) spoke of a new “EU-Iraq energy partnership”, noting that the EU was “keen to see Iraq play a full role in the Arab gas pipeline which will supply the EU including through the Nabucco.” These encouraging statements from the EC have not been followed up by maintaining a regular high-level political and energy dialogue with Iraq. During 2005 the EC began a formal dialogue under the EU-Iraq Joint Political Declaration agreed under the UK Presidency but this has not been continued at a consistently senior level. Commissioner Ferrero-Waldner has also tellingly never been to Baghdad despite stating in 2005 that she wanted “Iraq to be in the centre of US-European policy.”⁸⁷ The intrinsic self-interest of the EU in securing a strong energy partnership with Iraq has not yet translated into a coherent bi-lateral dialogue to realise this aim.

As a “first entry” into the Iraqi energy sector, in 2007 the EC undertook a feasibility study into exporting Iraq gas through Syria.⁸⁸ In addition to signing a MoU on energy with Iraq in 2009, the EU should also explore ways of upgrading Iraq’s creaking energy infrastructure and ensuring access to Iraq’s vast hydrocarbon reserves.⁸⁹ The EC has proposed undertaking projects in 2009 to address the inability of the government to supply domestic demand, although these projects would be limited in scale.⁹⁰ Such a commitment could be expanded to a programme of bi-lateral capacity building to increase regulation in the energy sector, advise on revenue management and ease the harmful rivalry that exists between the Ministries of Electricity and Oil.⁹¹ The EU should also examine

measures to prevent European energy companies from signing energy contracts with the KRG against the wishes of the federal government until a consensus on revenue management emerges.⁹²

4) Improve bi-lateral relations with Iraqi institutions on democracy and human rights:

The EC has contributed substantially to democracy projects carried out by UN agencies through IRFFI - during 2005-2006, all UN activities undertaken in relation to the constitutional process were enabled by EC funding.⁹³ In 2007, the EC allocated €20m towards preparations for the holding of provincial elections on January 31st 2009, which again was mostly channelled through UN agencies. The European Parliament’s budget for 2008 contained a far-sighted initiative to support democracy-promotion in third countries and a twinning capacity-building exercise is now underway between the European parliament and the Iraqi Council of Representatives. Few legislative bodies in the world are better placed to provide neutral advice on strengthening existing parliamentary structures and this initiative was greatly welcomed by members of the Iraq Council of Representatives (CoR).⁹⁴ In expanding their relations with the CoR the EU should prioritise dialogue on legislation to protect freedom of association/expression and *habeas corpus*.

Within the field of human rights, the EC, through the European Instrument for Democracy and Human Rights (EIDHR), has provided €2.6m during 2006-2007 towards a project run by the United Nations Office for

⁸⁷ Ministry of Foreign Affairs of Luxembourg, ‘Transcript of EU-US Ministerial Meeting press conference in Washington on 2 June 2005’, Luxembourg: 2005.

⁸⁸ Commission of the European Communities – Directorate General for External Relations, ‘Information Note on EC assistance activities foreseen for Iraq in 2007’, Brussels: 2007 p. 2.

⁸⁹ One such precedent for upgrading energy infrastructure is the assistance provided by the European Investment Bank (EIB) to Algeria to improve pipelines to Spain.

⁹⁰ Commission of the European Communities – Directorate General for External Relations, ‘Information Note on EC assistance activities foreseen for Iraq in 2008’, Brussels: 2008.

⁹¹ Y. Said, ‘Political dynamics in Iraq within the context of the surge’, Washington DC: Submission to the United States’ Senate Foreign Relations Committee, 2 April 2008 p. 20.

⁹² These European companies include OMV (Austria), Perenco (France), Gulf Keystone Petroleum (UK) and Kalegran/MOL (Hungary). See International Crisis Group, ‘Oil for soil: Towards a grand bargain on Iraq and the Kurds’, Crisis Group Middle East Report No. 80, 28 October 2008 p. 25.

⁹³ Commission of the European Communities, ‘EC support for HR and Democratisation’, Brussels: 2007.

⁹⁴ In 2008 the Iraqi Foreign Affairs Committee Council of Representatives announced that they would establish an Iraqi committee on European relations to mirror the work of the European Parliament’s ‘Permanent ad hoc delegation for relations with Iraq’. The advanced relations between the Iraqi Council of Representatives and the European parliament are largely the result of the personal endeavour of individual parliamentarians including Baroness Emma Nicholson MEP, Ana Maria Gomes MEP, Cem Özdemir MEP and Nikolay Mladenov MEP. European Parliament, ‘Minutes of a meeting of the Permanent ad hoc delegation for relations with Iraq’ Brussels: 3 April 2008.

Project Services (UNOPS) that trained up to 70 Iraqi human rights organisations and helped establish rehabilitation centres for the victims of torture.⁹⁵ As the absorption capacity of Iraqi non-governmental organisations (NGOs) grows, the EU should increase EIDHR funding allocation, including the resumption of country-specific calls for proposals that were discontinued in 2005. There is also a clear case for strengthening educational ties as a means of spreading cultural awareness and building capacity within Iraq. The twinning of educational institutes and increased funding for the Erasmus Mondus programme from the current budget of €3m divided among Iraq, Iran and Yemen, would also be positive steps towards meeting this goal.

In seeking to develop a dialogue of human rights with Iraq, the EU should be mindful of its own treatment of Iraqi citizens. Iraqis remain the largest group of asylum seekers lodging new claims for asylum in Europe. However, the processing of these applications varies considerably according to each member state; positive decision rates registered in 2007 were as low as 0 per cent in Greece and as high as 82 per cent in Sweden. Greece has been severely reprimanded by the United Nations High Commissioner for Refugees (UNHCR) for its treatment of Iraqi asylum applicants, lacking “the most basic entitlements, such as interpreters and legal aid, to ensure that their claims receive adequate scrutiny from the asylum authorities.”⁹⁶ As of 2008, Norway has suspended the transfer of asylum seekers under the Dublin Conventions to Greece as a result of these concerns.⁹⁷ Such wanton dereliction of basic international safeguards for asylum seekers is an embarrassment to the EU in its relations with Iraq and goes against basic EC directives on processing asylum applications. The scale of asylum requests and illegal immigration from Iraq to the EU also adds a further impetus for the EU to make Iraq more of a priority in its external relations.

⁹⁵ Commission of the European Communities, ‘EC support for HR and Democratisation’, Brussels: 2007.

⁹⁶ UNHCR, ‘UNHCR position on the return of asylum-seekers to Greece under the ‘Dublin regulation’’, Geneva: April 2008.

⁹⁷ Human Rights Watch, ‘Stuck in a revolving door: Iraqis and other asylum seekers and migrants at the Greece/Turkey entrance to the European Union’, New York: November 2008, pp. 5-6.

5) Increase dialogue with regional actors on Iraq

Turkey is undoubtedly the European state with the most profound knowledge of Iraq and its politics. The appointment of a skilful Turkish Special Envoy to Iraq, Murat Ozelik, together with Turkey’s long-standing ties with the leaders of the KDP and PUK,⁹⁸ has eased tensions over Turkey’s previous military incursions in Iraq against the PKK. Mediation from Turkey facilitated the key breakthrough that permitted provincial elections going ahead in January 2009. Turkey has also refused to allow significant amounts of KRG-controlled oil exports to pass through its territory prior to a new hydrocarbons law being agreed with the federal government, despite pressure from Kurdish leaders to do so. Given Turkey’s recent diplomatic initiatives in Erbil and Baghdad, aimed at reducing tensions over the status of Kirkuk and the disputed territories,⁹⁹ the EU should strengthen its consultations with Turkey on Iraq, working with the Iraqi government and the KRG to address Turkish concerns relating to the PKK while urging the Turkish government to maintain a constructive role in Iraq.¹⁰⁰ The EU could also use the recent thaw in EU-Syrian relations to provide more aid to Iraqi refugees there,¹⁰¹ assist the UN in organising repatriation to Iraq, and offer incentives for Syria to increase its efforts to deny Iraqi insurgents sanctuary in its territory.

The EU should be under no illusion as to the immense importance of the normalisation of relations between

⁹⁸ The KDP/PUK/KIU have all maintained strong contacts in Ankara and Istanbul going back to a period when both current Iraqi President Jalal Talabani and KRG President Masoud Barzani held Turkish diplomatic passports. See International Crisis Group, ‘Turkey and Iraqi Kurds: Conflict or Cooperation’, Crisis Group Middle East Report No. 81, 13 November 2008, p. 1.

⁹⁹ Relations between the KRG and Turkey are relatively good despite recent Turkish military incursions along the border. For an account of Turkish-Kurdish relations see International Crisis Group, ‘Oil for soil: Towards a grand bargain on Iraq and the Kurds’, Crisis Group Middle East Report No. 80, 28 October 2008.

¹⁰⁰ Some Iraqi parliamentarians also view securing water from Turkey as an essential means of alleviating drought in Iraq and have asked the EU to use its influence with Ankara to secure supplies. European Parliament, ‘Minutes of a meeting of the Permanent ad hoc delegation for relations with Iraq’ Brussels: 5 November 2008.

¹⁰¹ Although Syria hosts approximately 1.5m refugees, in 2007 Syria received €18m in EU humanitarian assistance for Iraqi refugees while Jordan received considerably more funds (€32m) for a lesser number – 500,000. Commission of the European Communities – Directorate General for External Relations, ‘Information Note on EC assistance activities foreseen for Iraq in 2008’, Brussels: 2008 p. 5.

Iraq and Saudi Arabia,¹⁰² which has delayed opening an Embassy in Baghdad and is insisting that Iraq repay \$40 billion in debt mostly accumulated during the regime of Saddam Hussein.¹⁰³ Continuing reservations within the GCC countries over Iraq are evidenced by the omission of Iraq from a decision in 2008 to include Jordan, Egypt and Turkey in key ministerial regional dialogues of the GCC. Iraq's membership of the Federation of GCC Chambers of Commerce, suspended in 1990 upon the invasion of Kuwait, has also pointedly not been renewed.¹⁰⁴ There are positive signs however that the Gulf monarchies may abandon their cautious approach to Iraq – the UAE recently cancelled over €5 bn of Iraqi debt and most GCC countries have now named Ambassadors to Baghdad.¹⁰⁵

In exploring ways to reach out to the GCC countries, the EU would do well to heed a proposal from influential figures within Saudi Arabia to convene an EU-GCC meeting on Iraq.¹⁰⁶ The GCC and its member states clearly have the capacity and the resources, but not yet enough political will, to assist Iraq's economic recovery through development initiatives, forgiving Iraq's debt and expanding access for Iraqi goods to the lucrative GCC market. It is also in Iraq's interest to receive the support of neighbouring Arab countries to expand its links with regional institutions including the Arab Monetary Fund, the Arab Fund for Economic and Social Development,

and the Islamic Development Bank. Crucially, a swift resolution of the nuclear proliferation crisis with Iran will alleviate Iraq of the burden of being a piece in the present game of regional brinkmanship.

Conclusion

The end of the military contribution of EU member states to the MNF-I presence in Iraq has helped reduce tensions that precipitated a cautious approach to EU engagement by those member states opposed to the 2003 invasion, lest EU policy in Iraq be manipulated by those member states who were.¹⁰⁷ This divergence has resulted in a lack of harmonisation between the European institutions, individual member states and NATO in relation to capacity building and democratisation in Iraq, contrary to the EU's stated aim of enhanced "coordination among donors and integration of their actions within an Iraqi owned strategy."¹⁰⁸ To realise this objective, EU member states should now structure their future bi-lateral assistance within an overall EU strategy to avoid duplication.¹⁰⁹ In mapping a new engagement in 2009, the EU should hold intensive consultations at a senior level with the Iraqi government, UNAMI and the US government on building a common strategy. The EU should also urge the US to coordinate its bi-lateral capacity building programme through the office of the UNSRSG.

In 2004, the influential US conservative think-tank, the American Enterprise Institute (AEI), accused the French government of "wanting the democratic

¹⁰² There is acute concern in Saudi Arabia that the government of Nouri al-Maliki aims to place Iraq outside the family of Arab countries. Some scholars believe that the government is pursuing an 'Iraq First' policy similar to that of the 1930s which emphasised the country's links with Iran and Turkey. One high-level conference in Riyadh demonstrated the threat of an escalated Saudi Arabian intervention in Iraq: "The image of politically dispossessed Sunni Muslims governed by Iranian satellite theocratic regimes challenges the core of the Saudi identity of Custodian of the Two Holy Mosques..." Oxford Research Group, King Faisal Center, Saudi Diplomatic Institute, 'From the Swamp to Tierra Firma: The regional role in the stabilization of Iraq', June 2008.

¹⁰³ *The Guardian*, 'Iraq fears budget crisis, urges oil export boost', 4 December 2008.

¹⁰⁴ *The Iraq Directory*, 'Iraq asking to restore its membership in the federation of GCC Chambers', 23 October 2008.

¹⁰⁵ *Reuters*, 'UAE cancels nearly \$7 bln in Iraq debt', 6 July 2008.

¹⁰⁶ Oxford Research Group, King Faisal Center, Saudi Diplomatic Institute, 'From the Swamp to Tierra Firma: The regional role in the stabilization of Iraq', June 2008.

¹⁰⁷ R.Youngs 'Europe and Iraq: From stand-off to engagement', Madrid: FRIDE policy paper, 2004, p.3.

¹⁰⁸ In developing the ESDP commitment to Iraq the EU would also do well to pay attention to coordinating its activities with NATO who has provided €110m of military equipment to the ISF and been instrumental in the establishment of the National Defence University in Baghdad. Commission of the European Communities – Directorate General for External Relations, 'Information Note on EC assistance activities foreseen for Iraq in 2008', Brussels: 2008, p. 4 and the North Atlantic Treaty Organisation (NATO), 'NATO's assistance to Iraq: What does this mean in practice', Brussels: 2008.

¹⁰⁹ An example of such duplication is the tendency of several member states to proposed technical assistance programmes within the same Iraqi Ministry where the EC has also suggested working.

experiment in Iraq to fail".¹¹⁰ While undoubtedly a far-fetched accusation, the notion of an "experiment" in Iraq hints at the severe lack of preparation, misguided policy and ideology that led the US so astray in its post-invasion administration of Iraq's affairs. Iraqis have now seized their own destiny: "In 2003 we didn't have a right to decide, but now we have a chance to deal with reality and with the occupation forces."¹¹¹ This statement by an Iraqi MP from the ruling coalition recalls a period when Iraqis had no right to choose their rulers or how long their 'liberators' would stay in their country. The rancour over the invasion in 2003 within Europe is immaterial to Iraq; its emerging democracy will either flourish or fail during the next few crucial years.

In 2009 the waning commitment of those EU member states that were part of the original invading coalition in 2003 is obvious. Such a reduction in individual member state assistance leaves a vacuum of European influence in Iraq that challenges the EU to overcome the divisions of the past by framing a common programme of technical assistance. The EU does not have the luxury to continue to "wait and see" with regard to Iraq. Its interests – regional stability, energy security, migration, combating terrorism – are too pressing. The EU's institutional capacity to assist reform in Iraq is precisely what is required to win a viable peace for Iraq following the tentative "truce" that emerged between the main factions in 2008. The improved security situation in Iraq should now permit the deployment of an EU mission to Iraq without delay.

¹¹⁰ R.M. Gerecht, 'Holy war in Europe', Washington DC: American Enterprise Institute, 7 April 2004.

¹¹¹ Statement by Dhi'aa al-Deen MP, *The International Herald Tribune*, 'Parliament in Baghdad ratifies deal on security', 28 November 2008.

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In 2009, six years after the US-led invasion, the last European troops are set to withdraw from Iraq. As EU member states focus their attention on the war in Afghanistan, there is a danger of neglecting Europe's interests in Iraq. These are clear: Iraq lies at the heart of the troubled Middle Eastern region, bordering Saudi Arabia, Kuwait, Iran, Syria, Jordan and a prospective EU member state, Turkey. A regional conflict over Iraq would have disastrous consequences for European security. In recent years Iraq has topped the list of countries of origin for asylum requests within the EU, straining the capacity of member states to manage such an influx. For a Europe short of reliable energy partners, Iraq presents a significant opportunity to ease the strain on supply, possessing the third largest oil reserves in the world and a largely unfulfilled potential as a major gas exporter. The acrimonious dispute in 2003 over the invasion of Iraq brought the prospect of a coherent EU foreign policy into question. The time has now come to move on. A strengthened EU role in Iraq would send a clear signal of European capabilities and resolve.

The EU's current strategy on Iraq dates from 2004 and urgently needs to be replaced to reflect changed circumstances. This paper argues that the EU should respond favourably to requests from the government in Baghdad for a technical assistance mission to be dispatched to Iraq and lists a series of recommendations on how the EU can improve its bi-lateral relations. The author concludes that the EU's institutional capacity to assist reform in Iraq is precisely what is required to win a viable peace for Iraq following the tentative "truce" that emerged between the main factions in 2008.

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