

THE CASE FOR STRONGER EU ENGAGEMENT WITH POST-ELECTION IRAQ

Large numbers of Iraqis defied bombings and the threat of further attacks to vote in the general election on 7 March 2010, in what seemed to be a commitment to democratic change after years of sectarian and ethnic divisions.

© EU EAT Mission in Iraq



Voters searching for their names on the electoral roll, Basra, Iraq, 7 March 2010.

Rising to the occasion, the EU showed a strong presence on the ground, dispatching 126 EU monitors, including diplomats, members of the European Parliament, country-based EU officials and their Brussels counterparts.

At the same time, diplomatic negotiations and administrative planning for the EU External Action Service (EAS) is in full swing. With its ultimate goal of strengthening the EU's presence and influence on the ground, this process may contribute to an enhanced EU engagement with Iraq. It could boost the numbers within the EU Delegation, thereby increasing its political clout.

The momentum of these two parallel processes presents an opportunity for the EU to step up its engagement with Iraq by lending EU-Iraq relations more structure and coherence.

The EU has been a generous financial contributor in Iraq, with over 933 million Euros directed towards recon-

struction and humanitarian assistance from 2003 to 2009. Various instruments with human rights 'dimensions', including the European Instrument for Democracy and Human Rights (EIDHR), the Development and Cooperation Instrument (DCI) and the Instrument for Stability (IfS) have been applied in this context. Initiatives have ranged from technical and logistical support for national judicial institu-

tions and human rights NGOs, support to Iraqi refugees in collective centres in neighbouring countries, and to the establishment of free legal aid centres for victims of torture.

EU-Iraq political dialogue has generally focused on human rights issues. As there is no specific EU-Iraq human rights dialogue at present, the EU has had recourse to its traditional diplomatic repertoire including official statements, declarations and *démarches* to raise human rights concerns, specifically, the use of the death penalty, attacks on individual human rights defenders and violations of freedom of speech.

These diplomatic tools have been used with varied success in the past. While EU interventions have occasionally yielded positive outcomes for individual human rights defenders or independent journalists, greater ef-



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fort is required to promote deeper and sustainable institutional reform, which could in the long term reduce the frequency and severity of individual violations.

Nevertheless, the EU in-country presence has been extremely limited, with the EU Delegation staffed by only a handful of officials, and a small liaison office of the EUJUST LEX Integrated Rule of Law Mission comprising the bulk of the EU civilian presence on the ground. Because of security restrictions, EU high officials have rarely visited, ensuring the EU remains a largely invisible political actor in Iraq.

Meanwhile, the cumbersome process of vote counting and tabulation of results continues. Iraqi authorities have received congratulations from various quarters, including from UN Secretary-General Ban Ki-moon and EU foreign policy chief Catherine Ashton, who issued the following statement on election day:

'Iraq went to the polls ... to choose its leaders for the next four years. I would like to congratulate the Iraqi people, who went out in significant numbers to cast their votes. This turnout in defiance of the violent attacks during the electoral campaign and on Election Day reconfirms the commitment of the Iraqi people to a democratic Iraq. It deserves respect from all.'

It is already apparent however that the newly elected government will have to deal with the challenges of further democratisation and institutional reform. It must also overcome the politics of sectarianism that still held sway in the elections, and address several urgent issues including impunity for attacks against minority communities, refugee return, torture in detention facilities and corruption.

Enhanced, coordinated EU support could be instrumental in helping the government overcome these hurdles. EU political and technical assistance during the electoral process demonstrated how it can be a relevant and visible political actor when it commits to a strong, focused presence on the ground:

- In addition to a powerful display of political support on the election day, the EU contributed technical support to the electoral process by dispatching 16 electoral experts, who formed the EU Election Assessment Team to Iraq (EAT). Since the beginning of February, this team analysed and reported on the ongoing preparations and monitored the election day and its aftermath.
- On election day, the EU monitors were divided into 62 teams, covering 14 provinces. On 4 March, a smaller group of 17 EU representatives in 14 provinces monitored the 'special needs' voting for law enforcement

agents, including the military, the police, and prison and hospital staff.

The EAT will draft and officially present its final report to the Iraqi authorities and the EU institutions towards the end of April. This report will recommend improvements to the electoral framework and the conduct of future elections. It will also serve as a useful reference document for future EU electoral support initiatives.

Even without a final assessment from EAT, it is already clear that there have been a few serious blows to the credibility of the electoral process, the most significant being the disqualification of over 500 candidates over their alleged links to the Ba'ath party which was brought to power in 1968 by Saddam Hussein's regime and banned in 2003 by the Coalition Provisional Authority. This decision excluded many well-respected Sunni public figures and secular Shi'a politicians who enjoyed much popular support and were expected to do well in the elections.

Overcoming such serious challenges to the country's ongoing democratisation is an immense task that demands targeted international support. The EU should seize this opportunity to bolster its relations with Iraq. What is needed at present is not additional EU funding; rather, deeper and direct contacts and qualitative technical assistance to build capacity, maintain leverage and address urgent problems.

The acrimonious divide within the EU over the war in Iraq is now a thing of the past. Member States have expressed their support for closer engagement, but this has yet to materialise. This is attributable to the reluctance to boost the EU's presence on security and logistical grounds, and for want of a coherent vision on how to coordinate and capitalise on the various political, financial and technical assistance instruments that the EU has at its disposal.

One of the ways in which the EU could boost its direct engagement with Iraq to support its efforts towards institutional reform is by increasing the EUJUST LEX in-country presence and operations. This small 47-member mission has been providing out-of-country training since 2005 to over 3,000 Iraqi senior officials representing the judiciary, the police and the penitentiary services. The training, which has been taking place in 25 EU Member States, focuses on various aspects of community policing, fair trial issues and best practices in penitentiary management.

A few training sessions have also been organised in neighbouring countries such as Egypt and Jordan. However only eight training sessions have been organ-

ised in Iraq thus far, mainly in those areas considered safer and more logistically feasible: Baghdad, Erbil and Basra.

EUJUST LEX is undergoing a pilot phase during which it is organising training sessions for senior officials in Iraq to assess the feasibility - in terms of logistics and security - of increasing in-country training activities. At the moment, it appears likely that the out-of-country training dimension will be retained, regardless of what decision is made at the end of the pilot phase. It has been reported that Iraqi officials and the participating EU Member States would prefer the out-of-country dimension preserved to some extent.

At the same time, Iraqi officials have expressed a desire to have more emphasis on in-country training, to make it better connected to the realities on the ground, and provide the opportunity for better follow-up and evaluation. It could also significantly strengthen the sustainability and local ownership of the process.

The EU could also benefit from a continued expansion of its delegation and capacity in Baghdad by recruiting more staff to follow up on the EU-supported projects. Such actions would also benefit the overall monitoring and outreach capacity with the Iraqi institutions, local civil society and the key international partners on the ground, most notably the United Nations Assistance Mission in Iraq (UNAMI).

The security situation in Iraq remains fragile; nonetheless, it has been improving, allowing for other international organisations to continue reinforcing their presence on the ground. The EU ought to follow suit in order to be in a position to monitor developments on the ground more closely and to forge closer ties to national and international partners in Iraq.

Furthermore, a stronger EU presence is needed to better control the spending of multilateral funding to which it contributes. The recent allegations of serious fraud in the US-funded reconstruction assistance schemes demonstrate this need for closer monitoring of the implementation dimension of international assistance to Iraq. It is alleged that various individuals working on the \$150 billion US-funded reconstruction scheme - including private contractors, military officers and civilian officials - embezzled large sums of money, taking advantage of weak financial oversight, a scant control mechanism on the ground and the general chaos resulting from having a relatively small group of people handling financial transactions of such magnitude.

The EU has provided significant financial assistance to Iraq and fragmented political support and technical assistance in the interests of democratisation and human rights protection by outsourcing its implementation. The post-election period presents the EU with a renewed historic opportunity to rise above this role and become a more visible, proactive political actor in Iraq.