



The EU and the Challenge of Iraq

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Introduction

In early December, the new incumbent of the rotating presidency of Iraq's Transitional Governing Council, SCIRI leader Abdel 'Aziz Al-Hakim, presented the programme of his one-month tenure, featuring, among other goals, the need to improve relations with Europe.¹ This aim raises a number of important questions regarding the past and present relations of members of the European Union (EU) regarding the U.S.-led war that toppled the regime of Saddam Hussein and the unfolding transition and reconstruction process in Iraq. This paper aims to provide some background on the role of the European Union and its members countries in this process and will offer some recommendations for future EU engagement.

I. The EU and the Iraq War

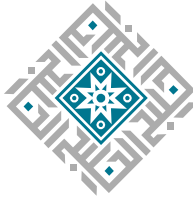
The Iraq issue has been excluded for a long time from the operations of EU foreign policy and the community, as such, never had any contractual relations with Iraq. The topic was not among the community's traditional areas of foreign policy for it was regarded as being too divisive for a common position and in addition, reserved for Britain and France with their privileged status as permanent members of the UN Security Council. The European Parliament attempted, unsuccessfully, to fill the vacuum regarding Iraq in a resolution passed by the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, based on a report prepared by Baroness Nicholson. The resolution acknowledged the grave human rights violations in Iraq as well as the prolonged suffering of the Iraqi population and called upon the European Council to formulate a common position as a first step towards a comprehensive strategy for the Gulf region.² The EU however, played a major role in bringing humanitarian assistance to Iraq's battered population. Between 1992 and 2003 it provided €157 million in humanitarian aid, thus becoming the largest single external donor of humanitarian aid. The lion's share of this aid was channelled through the European Commission's Humanitarian Aid Office (ECHO) whose task is to provide emergency assistance and relief to the victims of natural disasters or armed conflict outside the European Union. Additional funds were provided to several European NGO's active in Iraq to co-finance their activities.³

The approach to sidestep the political as opposed to the humanitarian dimension of the issue in order to avoid disagreement backfired when US pressure built up to solve the Iraq problem by enforcing regime change. The mounting tensions in the Security Council increasingly focused on the members of the European Union.

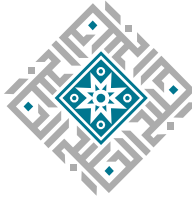
¹ *Al-Hayat* 04.12.03.

² European Parliament, Session document A5-0157/2002 final: 'Report on the situation in Iraq eleven years after the Gulf war' (2000/2329 (INI)), 26.4.2002.

³ See ECHO's homepage: http://europa.eu.int/comm/echo/field/iraq/index_en.htm.



- The United Kingdom, traditionally a close ally of US in military operations against Iraq, was bound to participate in US-led operations against Iraq from the outset. British Prime Minister Tony Blair faced, stiff domestic resistance however, especially in his own Labour party, and attempted in vain to receive a second UN resolution to enhance the legitimacy of the war. The British position was shared, in large measure, by Spain, whose conservative Prime Minister Aznar was one of the favoured European allies of US President Bush.
- Germany, out of a mixture of historical and pragmatic motivations, adopted a position that excluded active participation in any war scenario. The domestic discourse in Germany took place against the background of a federal election campaign in which the governing Social Democratic Party of Chancellor Schroeder was trailing the conservative opposition by a substantial margin. In this situation, Schroeder and his social democrats chose to adopt a principled anti-war position that dovetailed into a strong pacifist, non-interventionist tradition in German society.
- France attempted for some time to straddle the two extremes, insisting on the paramount role of the UN Security Council and the thorough implementation of Resolution 1441 to disarm Iraq while not excluding that, if all other options fail, the use of force might be necessary. In the run-up to the war the French position hardened and she made clear that, in accordance with Germany and Russia, she would use her veto in the Security Council to block any resolution to legitimize military action against Iraq.
- Italy, an important founding member of the Union, which was not represented in the Security Council, emerged initially as a strong supporter of the US but took a more low-key approach, in the wake of strong domestic resistance against Prime Minister Berlusconi and a very candid critique on the part of the Pope.
- Among the smaller countries of the EU, we find a number of countries that, possibly out of a tradition of transatlantic solidarity, tended to adopt a reasonably supportive position towards the US (such as Denmark, Portugal and the Netherlands) while others tilted to the emerging Franco-German consensus of opposition to the war (Belgium, Greece).
- The Eastern European countries that are on the verge of accession to the European Union emerged generally as staunch supporters of the US position. Poland, the Czech Republic and Hungary signed the pro-American statement published in *the Wall Street Journal* while all other Eastern and South-Eastern European countries hurried to sign the Declaration of Vilnius which expressed support for the US in even stronger terms.



Despite these differences on the governmental level, the populations in all 15 EU member countries united in their rejection of the war. Although many polls are not strictly comparable, it is clear that the overwhelming majority, some 70%-90% opposed a war without an explicit UN mandate. The pollsters recorded no substantial difference between the current 15 EU members and the accession countries in Eastern and South-Eastern Europe (including Turkey). These numbers led some observers to enthusiastic conclusions about the "Birth of a European Public"⁴ or the "Birth of a European Nation"⁵. The majorities shifted, however, if additional conditions, such as a second UN resolution or a possible Iraqi threat to neighbouring countries were factored in.⁶

The chances for consensus-building among the different actors were seriously damaged at an early stage when key member countries uttered fixed positions without even informing, let alone consulting their fellow partners. France and Germany announced the coordination of their efforts to prevent war at the fringe of the celebrations of the 40th anniversary of the Elysée Treaty at Versailles in January 2003.⁷ This was perceived by many, somewhat exaggeratedly, as an attempt of the famous "Franco-German engine" to set the path for the Union as a whole in a vital foreign policy question. The supporters of US policy responded by publishing the so-called "Letter of the Eight" in the *Wall Street Journal* in which eight European countries (five members, three accession countries) pledged support for the American approach. Faced with a public debate on the multiple dimension of the crisis, the Greek presidency as well as the CFSP apparatus headed by Javier Solana, proved to be too weak to channel diverging interests into a compulsive decision-making process and were to all intents and purposes paralyzed. The Commissioner responsible for external relations, British conservative Chris Patten, made little secret of his personal opposition to the war, as did the President of the European Commission, Romano Prodi.⁸

The "lowest common denominator" on which everybody agreed was provided by Resolution 1441 (2002) which was approved by the UN Security Council in a unanimous 15-0 vote. The institutions of the European Union expressed repeatedly their support of the disarmament of Iraq, its support for the inspections operations of UNMOVIC and IAEA and stressed the paramount role of

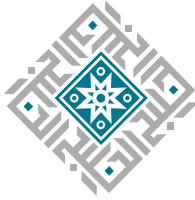
⁴ Former French minister Dominique Strauss-Kahn, Une nation est née. *Le Monde*, 26.02.03.

⁵ Philosophers Jacques Derrida and Jürgen Habermas in *Frankfurter Allgemeine Zeitung*, 31.5.03.

⁶ See International Crisis Survey issued by Gallup at www.eosgallupeurope.com. In fact, some data suggests that even the gap between European and US public opinion was not too large in many respects. Major differences, however, were the majority support for military intervention in the US (over 60%) and the desire for the participation of allies rather the international legitimacy; see, for example, the Pew Research Center's collection of various surveys at <http://people-press.org/commentary/print.php3?AnalysisID=60> (downloaded 18.02.03).

⁷ There was actually no common Franco-German declaration as some claimed later (the official document does not even mention Iraq), but rather a statement of French President Chirac at the press conference where he, in agreement with German Chancellor Schroeder, stressed the centrality of the UN security council and the need to avoid war.

⁸ See Patten's interview in the *Guardian*, 14.01.03 and his speeches to the European Parliament on 29.01.03 and 12.03.2003, all available on http://europa.eu.int/comm/commissioners/patten/index_en.htm, for Prodi, see his statement on 20.03.03 on http://europa.eu.int/comm/external_relations/iraq/intro/ip03_419.htm (all downloaded on 14.05.03).



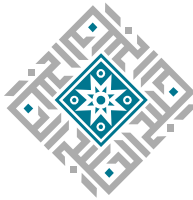
the Security Council for maintaining international peace and security.⁹ When the crisis intensified and differences of opinion sharpened, an extraordinary meeting of heads of government (European Council) was organised in February 2003 in Brussels to hammer out a common European position. This meeting managed to achieve agreement on four basic points:

- (1) the UN should remain at the centre of international order;
- (2) the threat of proliferation of WMD
- (3) the need for full and effective disarmament on Iraq and
- (4) the use of force as a last resort.¹⁰

This agreement without doubt constituted significant progress in formulating a common European position, but it came too late in the day, suffered from lack of common interpretation on the part of important protagonists and most importantly, played no role in US considerations.

⁹ See General Affairs & External Relations Council (GAERC): Conclusions 19.11.02 and European Council in Copenhagen 12-13.12.02, Presidency Conclusions, Annex IV: European Council Declaration on Iraq.

¹⁰ Conclusion, Extraordinary European Council, Brussels, 17 February 2003.



II. The Intra-European Debate on Iraq

The rationale for the war on Iraq has been a hotly debated issue laden with speculations about hidden motivations and full-blown conspiracy theories. It is beyond the scope of this paper to discuss this discourse in any detail, but I would rather like to analyse selectively the main questions around which the discussion in Europe circled. This analysis is based on public expressions of leading representatives of both camps (British, French, German and Spanish) who sought to explain their position to both supporters and opponents alike. I acknowledge that public statements may deliberately omit some considerations but I am reasonably convinced that these expressions do allow a much better grasp of the issue at hand than unproved allegations on hidden agendas.¹¹

The debate on the justification for military engagement against Iraq was never one-dimensional, but was characterised by the interaction of several lines of argument that made it complex and difficult to disentangle for the average citizen. At the risk of considerable over-simplification I would distinguish between four dimensions that can be separated analytically;

- (1) the interpretation of Res. 1441 and the nature of the inspection process;
- (2) the threat of weapons of mass destruction and the threat of terrorism;
- (3) the domestic repression and regional aggression of the Iraqi regime;
- (4) the future of transatlantic and international relations.¹²

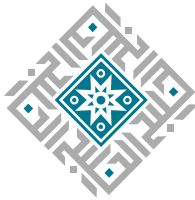
In the following pages, I shall discuss all of these dimensions in some detail.

First, the discourse between the countries of the war coalition and those who opposed it focused on the nature of the UN-led inspections process under UNSC Resolution 1441 (2002), especially the "burden of proof" aspect. The U.S. allies insisted that it is incumbent upon the Iraqis to account for all WMD components and carrier systems it ever possessed in one fell swoop. The inspectors' job, they argued, was merely to check the accurateness of the Iraqi documentation and to establish Iraq's compliance or non-compliance. The government of Iraq to all intents and purposes failed to produce this evidence and, accordingly, was accused of being in non-compliance with Res. 1441. The British Foreign Secretary Jack Straw explained:

"[...] The inspectors are not a detective agency charged with seeking out Saddam's weapons. That is not what UNSC Resolution 1441 was about. Indeed, the chance that 300, or even 3000, inspectors could criss-cross a country the size of France and successfully track down substances capable of being produced in an ordinary living room is absurd. The inspectors are there to verify the Iraqis' own surrender of this weaponry and its destruction and to fulfil their mandate they require full and active cooperation from Iraq, akin to that offered by South

¹¹ Take for example the often-cited assertion that the main motivation for the French opposition to war was her business interests in Iraq. If this were the case we should have expected France to shift her position to support war as it became clear that the US would go to war even without a second UN resolution. Obviously, this did not happen, contrary to what many, if not most experts predicted.

¹² All of these dimensions can be found, for instance, in the famous pro-US Statement of eight European leaders, see *Wall Street Journal* 30.01.03.



Africa when it abandoned its nuclear weapons programme at the end of apartheid.¹³

Closely linked to this interpretation of 1441 was the argument that only tough action against Iraq would uphold the authority of the United Nations and its security council after a long history of defiance on the part of Iraq. British Foreign Secretary Jack Straw went one step further in comparing the UN with the League of Nations of the 1930s whose inaction in face of violations of its regulations rendered it irrelevant and contributed to the rise of Nazi Germany.¹⁴ In contrast, the anti-war allies, France and Germany, in collaboration with Russia, insisted on perceiving the disarmament of Iraq as a *process* of evolving cooperation. They conceded that the Iraqi cooperation was not yet sufficient, but claimed that progress was being made in some areas; such as the destruction of the Al-Samud 2 missiles and the interviews with Iraqi scientists. Therefore, German Chancellor Schröder concluded:

*"The reports of the weapons inspectors prove that Iraq is cooperating better and more actively now under the pressure of the international community. The destruction of the Al-Samud missiles is a visible sign of real disarmament. This proves: the inspections and the inspectors are an effective instrument that must not be stopped now. With an enlarged inspections regime we can achieve a sustainable and verifiable disarmament."*¹⁵

First, France and Germany insisted that upholding the authority of the United Nations required respecting the principles of the UN charter and preserving the unity of the Security Council. France even offered a last-minute proposal to reinforce UN-led inspections that proposed the increase and diversification of staff and expertise of the UN teams, the establishment of mobile units to check trucks and a new system of aerial surveillance coupled with systematic data processing of.¹⁶

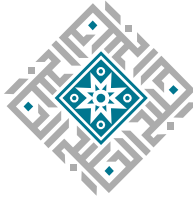
Second, the threat perception played a considerable role in the discussion. Both camps agreed that the proliferation of WMD poses a danger to international security and that Iraq was already subject to existing UN resolutions requiring it to destroy its remaining WMD potential. The supporters of the U.S. position went one step further in adopting the idea that the possibility of a future combination of weapons of mass destruction and terrorist groups justified a pre-emptive strike against Iraq. Spanish Prime Minister José Aznar claimed:

¹³ British Foreign Secretary Jack Straw, Removing the Threat of Force is a Greater Danger to the Region, *The Independent on Sunday*, 23.02.03.

¹⁴ Straw, A Moment of Choice for Iraq and the United Nations, Opening Speech in a Debate on Iraq, House of Commons, London, 26.02.03 at www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030226/debtext/30226-05.htm#30226-05_spmi0 (downloaded 16.05.03).

¹⁵ German Chancellor Gerhard Schröder, Courage for Peace and Courage for Change, *Deutsche Bundestag*, 15. Wahlperiode, 13. Sitzung, Berlin, 14.03.03, my translation at www.bundestag.de/plenargeschehen/plenarprotokolle/15032.html (downloaded on 16.06.03).

¹⁶ See French non-paper on Iraq at www.diplomatie.gouv.fr/actu/impression/gb/asp?art=32306 (downloaded 14.5.03).



"The contemporary world is characterized by three profound threats: terrorism that we know very well, weapons of mass destruction, that could fall into the hands of terrorists and beyond that, countries which do not fulfil the norms of legality and who have weapons of mass destruction and connections with terrorism which is presumably the case with Iraq."¹⁷

Elaborating on the nexus between the two threats British Prime Minister Tony Blair explained in a speech to parliament:

"Those two threats [i.e. WMD proliferating countries and terrorist groups] have, of course, different motives and origin, but they share one basic common view: they detest freedom, democracy and tolerance that are the hallmarks of our way of life. At the moment I accept fully that the association between the two is loose. But it is hardening. The possibility of the two coming together – of terrorist groups in possession of weapons of mass destruction or even of a so-called dirty radiological bomb – is now, in my judgement, a real and present danger to Britain and its national security."¹⁸

The opponents of military action agreed that Iraq should be stripped of its WMD and that indeed a possible combination of WMD and terrorism would be very dangerous. Yet, they maintained that the linkage constructed by the US and its allies between Iraq and the terrorist network Al-Qa'ida was weak at best and had not been substantiated by any hard evidence. Even worse, a war on Iraq would not only distract effort from the necessary fight against terrorism and weaken the global coalition against terrorist networks, but also strengthen radical elements throughout the region. French Prime Minister Raffarin claimed in a speech in the French national assembly:

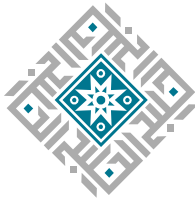
"La guerre, évidemment, affaiblirait la coalition contre le terrorisme. C'est un élément majeur de notre réflexion. Une communauté internationale s'est créée au lendemain du 11 septembre contre le terrorisme. Le guerre affaiblirait cette coalition. Elle provoquerait – que chacun y réfléchisse – la recrudescence de ce phénomène, alors qu'il s'agit justement de combattre ce fléau qui nous menace tous, là-bas comme ici."¹⁹

Third, the nature of the Iraqi regime in the domestic and regional context was the starting point for an additional dimension of the debate. Both camps basically agreed on the authoritarian and repressive character of the Iraqi political system, its enormous record of human rights' violations and its infamous history of two wars of aggression against neighbouring countries within barely a decade. The supporters of the US position employed these well-known

¹⁷ Interview with Tele 5, 10.3.2003 on www.la-moncloa.es/web/asp/muestraDocImp.asp?Codigo=p1003030, my translation.

¹⁸ British Prime Minister Tony Blair, This is not the Time to Falter, House of Commons, London, 18.03.03 at <http://www.number-10.gov.uk/output/Page3294.asp> (downloaded on 16.05.03).

¹⁹ Speech by French Prime Minister M. Jean-Pierre Raffarin to the National Assembly, 26.02.03 at www.diplomatie.gouv.fr/actu/impression.gb.asp?ART=32799 (downloaded on 26.5.03).



characteristic of the Iraqi regime as justification for military intervention. The British Foreign Minister, Jack Straw, singled out Iraq as a dangerous country which has to be faced down by the international community:

*"So for the United Nations, the answer to "Why Iraq" is very clear. Iraq is the only country in such serious and multiple breaches of mandatory UN obligations. It is the only country in the world to have fired missiles at five of his neighbours, the only country in history to have used chemical weapons against its own people and the only country in the region which has invaded two of its neighbours in recent years."*²⁰

The regional dimension was also employed in an attempt to link the Iraq question to the Israeli-Palestinian conflict, aimed at drumming up support from the Arab world. Foreign Secretary Straw admitted in parliament, at least implicitly, that the West is guilty of double standards in its handling of the Iraq case in relation to the Israeli-Palestinian dispute. He went on to claim that prospects for a peace settlement in the Middle East will be increased if U.N. resolutions against Iraq are "fully implemented".²¹ The British government attempted to substantiate its engagement on the Israeli-Palestinian front by organizing a much publicised conference in London on January 14, 2003 with representatives of the Palestinians, regional actors and the Quartet of international negotiators. In contrast, the anti-war countries claimed that if domestic repression and human rights violations were to be made standard justification for military intervention, the Westphalian International System based on sovereign countries will be turned upside down, given the fact that many countries featuring repressive political systems and human rights violations would be subject to military intervention.²² German Foreign Minister Fischer pointed to the possible consequences of a war that would have to weight against the advantages of getting rid of a brutal dictatorship:

*"Don't misunderstand me: If the brutal dictator Saddam were toppled tomorrow by his people, if he were to disappear or go into exile, the whole world, in the first place the Iraqis, would be very glad. Yet the question is: does this justify a war with all its risks, the humanitarian consequences, a regional destabilization and terror? This is what you have to consider. And there we arrive at a clear "No"."*²³

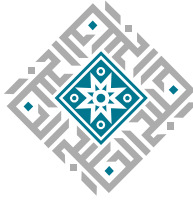
On a different occasion, he sought to differentiate by adding conditions that would have to be met to justify military action, most likely geared to NATO's intervention during the Kosovo crisis in 1999 that he supported:

²⁰ "A Moment of Choice for Iraq and the United Nations" opening speech by the Foreign Secretary, Jack Straw, in a debate on Iraq, House of Commons, London 26.02.03, at http://www.publications.parliament.uk/pa/cm200203/cmhansrd/cm030226/debtext/30226-05.htm#30226-05_spm0 (downloaded 16.05.03).

²¹ *ibid.*

²² See, for example, the interview with French President Jacques Chirac with Television Channels TF 1 and France 2, Paris, 10.03.03, at <http://special.diplomatie.fr/article87.html> (downloaded on 16.5.03).

²³ Interview with German Foreign Minister, in German weekly *Die Zeit*, 20.02.03, my translation.



In my view, the most severe violations of human rights cannot be a reason for military intervention. [...] All peaceful means have to be exhausted and there should certainly exist a serious threat to freedom and stability or the danger of genocide.²⁴

Regarding the regional impact of the crisis, the opposition countries took a pessimistic view. French President Chirac remarked that the region is fragile, traumatized for a long time and does not need a new war.²⁵ The Franco-German-Russian declaration suggested an alternative approach to the problems of the region which included progress in the peace process by publishing and implementing the “road map” and the establishment of a general framework on the basis of security, stability, renunciation of force, arms control and confidence building measures.²⁶

Fourth, the discussion touched on the very basic questions of the future make-up of the international system in general and transatlantic relations in particular. This naturally involved a discussion of the nature of the transatlantic partnership and a vision of the role of the US and NATO in European and international security alike. The core question in this field of course, is the need to deal with US hegemony in the framework of an international system based on parity (at least between the permanent members of the Security Council) and the equal applicability of international law. While both camps emphasized the special importance of transatlantic relations, their focus was quite different. Spanish Foreign Minister Palacio argued that the protection of values shared across the Atlantic required European cooperation with the US in the Iraq issue:

“Europe must work hand-in-hand with the US in this task [i.e. the disarmament of Iraq]. Let us not lose sight of the fact that Europe shares values and principles with the US that we would like to carry forward together. We need the Americans as much as they need us and together we have a vested interest in protecting the foundations of multilateralism embodied, not only by the UN but also by NATO. Indeed, NATO is an area in which we share the values of democracy, individual freedom, human rights and the rule of law and the resolve to protect these values from all forms of threat”.²⁷

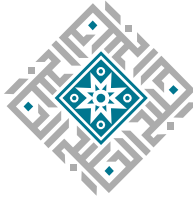
Palacio’s concern with the future nature of the transatlantic relationship was echoed by Tony Blair who added the importance of the crisis for shaping the future international system:

²⁴ Interview with German Foreign Minister, in German weekly *Die Zeit*, 08.05.03, my translation.

²⁵ Interview with Chirac, op.cit.

²⁶ French-Russian-German Declaration on Iraq, 05.03.03 at www.auswaertiges-amt.de/www/de/infoservice/download/pdf/vn/erklaerung-0305.pdf (downloaded on 16.05.03), my translation.

²⁷ Ana Palacio, EU divisions over Iraq can be mended, *Financial Times*, 17.02.03. See also the “Joint declaration of eight European states” published in the *Wall Street Journal*, 30.01.03: “The real bond between the United States and Europe is the values we share: democracy, individual freedom, human rights and the Rule of Law. These values crossed the Atlantic with those who sailed from Europe to help create the USA. Today they are under greater threat than ever.”



*"So why does it matter so much? Because the outcome of this issue will now determine more than the fate of the Iraqi regime and more than the future of the Iraqi people who have been brutalised by Saddam for so long, important though those issues are. It will determine the way in which Britain and the world confront the central security threat of the 21st century; the development of the United Nations; the relationship between Europe and the United States; the relations within the European Union and the way the United States engages with the rest of the world. So it could hardly be more important. It will determine the pattern of international relations for the next generation."*²⁸

France and Germany, in turn, emphasized the need for a multi-polar world, in which Europe would play its proper role. This order would be protected by international institutions and international law.²⁹ German Foreign Minister Fischer demanded that Europe should play a stronger role, which would not be at the expense of the transatlantic partnership, but rather a means to strengthen it:

*"Transatlantic relations are for us of central importance. Why? If we are convinced of multilateralism, that is, if we assume a world order that is based on the same rules, the same rights and the same international institutions which are able to settle conflicts – especially the United Nations – if we believe in that, then the transatlantic relationship is certainly a very important element. It would be absurd to question this. It must be strengthened in its ability for dialogue and cooperation. This requires in, our view, a strong Europe – not a Europe that can assert itself against the United States, but a Europe that can look at itself as the point of reference. France and Germany have the same strategic idea of Europe and its role without this being an obstacle to the transatlantic relations."*³⁰

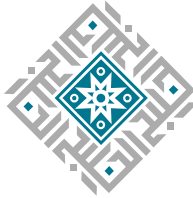
III- The EU and the Transition Process in Iraq

After the quick and successful removal of Saddam Hussein from power, the disagreement within the EU softened somewhat but the different approaches of the British-Spanish camp on the one hand and the Franco-German camp on the other, remained clearly discernible. Several EU members along with a number of new accession countries decided to deploy ground troops as part of the multinational force in addition to 12.000 British troops already engaged in Southern Iraq. Italy sent 3.000 troops to the province of Dhi Qar, Spain deployed 1.300 troops in the Najaf area and the Netherlands pledged 1.100 troops to the Muthanna' province. Among the accession countries, Poland sent 2.500 troops leading the Multinational Division in the Southern Central Sector, along with small contingents from Slovakia, Slovenia, Hungary, and other Central and Eastern European countries.

²⁸ „This is not the Time to Falter“, speech by the Prime Minister, Tony Blair, House of Commons 18.03.03 at <http://www.number-10.gov.uk/output/Page3294.asp> (downloaded on 16.05.03).

²⁹ See, for example, the interview with French President Jacques Chirac in French Television *TF1 and France 2*, 10.3.2003 at www.elysee.fr/cgi-bin/auracom/aurweb/search/file?aur_file=discours/2003/IO30 (downloaded on 16.5.03).

³⁰ Interview with German Foreign Minister Fischer in the French Daily *“Le Monde”* 04.04.2003, my translation.



In collaboration with the US, Britain and Spain sponsored two key resolutions in the UN Security Council which created the framework for the transition process in Iraq, UNSEC resolution 1483 (2003) and resolution 1511 (2003). The EU members opposed to the war, especially France and Germany as members of the UN Security Council, grudgingly accepted the changed reality on the ground. Both countries supported these resolutions. France and Germany, argued that these resolutions were far from perfect but formed a credible international framework to support the Iraqi people and preserve the unity of the Security Council. As the French ambassador to the UN, Mr. De La Sablière, put it:

"The resolution includes the possibility of "creating momentum into the right direction."

Both countries pointed out that these resolutions were improved in the negotiation process and that the basic goals (stabilization, reconstruction and restoration of sovereignty) are shared by all members of the Security Council. Nonetheless, in accordance with Russia, France and Germany complained that the their demands had not been fully met regarding;

- a. a clear signal that transfer of sovereignty to the Iraqis will be accelerated, including a timetable;
- b. a substantial strengthening of the role of the Security Council and its Secretary-General.

The three countries Therefore maintained that they could not offer any new military and financial commitments except for the contributions already announced.³¹

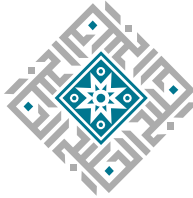
Both camps, however, took pains to emphasize that they agreed on the goal of creating a stable and democratic Iraq, that the transfer to democracy happens as swiftly as possible and that the UN should have a key role. As French President Chirac put it in a trilateral meeting with Chancellor Schroeder of Germany and Prime Minister Blair of Britain in September 2003 in Berlin:

*"As for substance, I don't think we disagree. As for practicalities and the timetable, we still have a slight disagreement."*³²

In the run-up to the negotiation process for the second resolution the French made a very far-reaching proposal of quickly transferring sovereignty to the Provisional Government Council based on the transition sequence in Afghanistan. In an article contributed to the daily "*Le Monde*" French Foreign Minister

³¹ See the statements of the French and the German UN ambassadors in the Security Council meeting on May 22 (S/PV.4761) and Oct 16 (S/PV.4844) and the brief "Joint Statement by France, Germany and the Russian Federation in Connection with the adoption of UN Security Council Resolution 1511, October 16, 2003"; available on website of the Russian Embassy to the US at www.russianembassy.org (downloaded on 12.11.03)

³² See the transcript of the press conference in Berlin where Blair, Schroeder and Chirac briefed journalists on their meeting (20.09.03), available at www.number-10.gov.uk/print/page4508.asp [downloaded on 13.11.03].



Dominique de Villepin suggested transferring sovereignty very quickly (possibly a month) to the Provisional Governing Council which would form a provisional government that would be invested gradually with executive powers. A constitution would be drawn up under the auspices of the United Nations until the end of 2003, to be followed by general elections in spring 2004. The article also included the proposal to transfer the responsibility for domestic security to the Iraqis themselves suggesting a revival of the demobilized Iraqi army.³³ In the same way, French President Chirac insisted on the principle of Iraqi sovereignty as key to a successful transformation process in Iraq:

*"Sovereignty is a question of principle. We must tell the Iraqis: You are a sovereign people. You are in charge of your own future."*³⁴

Regarding the international reconstruction effort, the European Commission has been a member, together with US, Japan, United Arab Emirates, EU Presidency, UNDP, World Bank and IMF, of a Core Group in charge of the preparation of a Reconstruction Conference in Madrid in October 2003. At the conference European Union member countries pledged the rather disappointing amount of €700 million, including €200 million from the EU Commission until end of 2004. Over the four year period until 2007 the EU commitment totals €1, 3 billion, excluding non-monetary forms of support such training and technical assistance. This is slightly more than the EU aid package committed for Afghanistan.³⁵ Generally, neither the nature of individual pledges nor the time period covered is strictly comparable.³⁶ For instance, the €200 million offered by the German representative consisted largely of the German share in the EU contribution coupled with bilateral as well as multilateral humanitarian aid.³⁷ Keeping this caveat in mind, the financial and technical commitments to the reconstruction of Iraq made seem to reflect to some extent the attitudes of individual countries towards the war. For example, while Belgium, a country of 10m that opposed the war, offered only €5 million for reconstruction, Denmark far smaller but a strong supporter of the US position pledged €275 million.³⁸

In terms of humanitarian assistance the European Union continued its 2003 approach that made it the single largest external donor in humanitarian aid in the last decade of Saddam Hussein's rule, contributing €7315 million, including €1005 million from the Community budget. So far €69.5 million have been committed for a range of relief activities and supplies and for the rehabilitation of vital infrastructures. The main sectors targeted are health, water and

³³ See Dominique de Villepin, Iraq: les Chemins de la reconstruction, in: *Le Monde* 13.09.03.

³⁴ See transcript of the interview with Jacques Chirac in *New York Times* 22.09.03 (internet).

³⁵ See Chris Patten, Iraq, Speech at the Madrid Donors Conference for Iraq, 24.10.03.

³⁶ See the statements made by the representatives of the various EU members at the donor's conference in Madrid, 23-24.10.03, available at http://www.comisionadoiraq.org/donors/index_esp.htm (downloaded on 19.11.03).

³⁷ See the statement of the German Government on October 24th 2003 at http://www.bundesregierung.de/servlet/init.cms.layout.LayoutServlet?global.naviknoten=413&link=bpa_notiz_druck&global.printview=2&link.docs=545844 (downloaded on 11.12.03).

³⁸ See the more or less comparable breakdown of individual pledges now available at <http://www.comisionadoiraq.org/noticias/iraqsummarytable-2.pdf> (downloaded on 11.12.03).



sanitation. €10 million have been allocated to support de-mining activities. In June 2003, ECHO opened an office in Iraq, staffed by with three experts, to monitor the programmes it is funding in the country.³⁹

In the wake of the shock the Iraq crisis meant for the development of a coherent European Foreign Policy, the European Commission undertook first, to take careful steps towards forging a common European position regarding the reconstruction of Iraq. In the words of Foreign Relations' Commissioner, Chris Patten, who, due to the political disagreements and the nature of the reconstruction effort, largely replaced Javier Solana as the chief representative of EU policy towards Iraq:

*"Whatever the depth of the division in the international community over the war, we all have a stake in a stable open, democratic Iraq [...] The more international legitimacy we can bring to this project the more likely it is to succeed."*⁴⁰

Following the guidelines of the European Council of Thessaloniki (June 2003) the Commission prepared a comprehensive report that discussed the implications of an EU engagement in Iraq.⁴¹ The Council of Ministers⁴² established the EU's determination to play an important role in the political and economic reconstruction of Iraq. It pointed to the following factors essential for the success of the reconstruction effort:

- An adequate security environment
- A strong and vital role of the UN in the transition process
- A "realistic schedule" for handing over political responsibility to the Iraqi people
- The setting up of a transparent multilateral donor fund to channel support from the international community, i.e. the Trust Fund for Iraq established by the UN and the World Bank.

These principles were in turn endorsed by the European Council of Brussels (heads of state or government)⁴³ in October 2003 which, in addition, stressed the necessity of involving Iraq's neighbours, notably Turkey, Jordan, Syria, the GCC and Iran to achieve success.

On the level of public opinion a major survey released in November 2003 by the European Commission revealed some important areas of agreement among the peoples of the EU members as well as some crucial areas of disagreement.⁴⁴ Generally some 42% believed that the EU's role in international relations has

³⁹ See ECHO's homepage: http://europa.eu.int/comm/echo/field/iraq/index_en.htm (downloaded on 13.11.03).

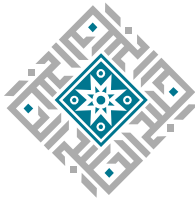
⁴⁰ As quoted in DN: IP/03/1325 Date: 01/10/2003.

⁴¹ See Communication from the Commission to the Council and the European Parliament. The Madrid Conference on reconstruction in Iraq. COM (2003) 575.

⁴² See 2533rd Council Meeting. External Relations. Luxembourg, 13.10.03. 13099/1/03 REV 1 (en) (Presse 292).

⁴³ See European Council, Presidency Conclusions, Brussels, 16/17 October 2003.

⁴⁴ See *Eurobarometer*: Iraq and the Peace in the World. Full Report (Fieldwork 8-16 Oct. 2003, Publication November 2003).



been weakened by the recent Iraq crisis while another 42% held that it remained basically unchanged.

Regarding the justification of military intervention 68% believed that military intervention was not justified, only 29% that it was justified. With the remarkable exception of Denmark (57% justified) a majority in all countries believes that the intervention was not justified, the strongest opposition was recorded in Greece (96%) and Austria (86%). The distribution of support for military intervention among member countries reflects broadly the pre-war camps; the most interesting cases being Spain (only 15% justified) and Portugal (28%) where the government strongly supported US action but the population is vastly opposed. In terms of socio-demographic position, a higher education and metropolitan environment tends to raise level of opposition. In regard to the management of rebuilding and the democratic transformation of Iraq EU citizens prefer the UN over the provisional government and the US. The UN was favoured most in UK (72%), Germany (69%), Finland (69%) and Denmark (68%). The vast majority (86%) believes that EU should support the re-establishment of an Iraqi government as quick as possible.

Yet, when it comes to financing the rebuilding of Iraq 65% believe that the US should finance rebuilding of Iraq, 44% UN, 29% the provisional government of Iraq and 24% EU and its member states. 54% favor their country's financial participation in the rebuilding of Iraq, while 45% oppose it (highly in favor: Denmark, Netherlands and UK, highly opposed Portugal, Finland and Germany). A comparable picture emerges regarding the maintenance of security during the transition period. 43% believe that UN peacekeepers should guarantee the security in Iraq, only 5% the US alone and 6% the US and its allies. Only a minority of 44% is in favor of sending their own national troops into Iraq while 54% are opposed (Danes, Dutch, Irish and Italians highly in favor (over 60%); Germans, Austrians and French highly opposed (over 60%); British in favor, Spanish opposed.



Outlook and Recommendations

As the Iraq crisis has clearly demonstrated, the EU's instruments for crisis management (let alone military intervention) are still in their infancy. The CFSP adopted at the European Council of Maastricht (1991) has yet to fine tune its institutions and capabilities. There is no common European strategy for the Middle East (though there is one for the Mediterranean region) that could serve as a starting point for a common approach. In contrast, the impact of EU policies and institutions on long-term transformation and democratisation processes, especially in Southern and Eastern Europe, is well documented and generally acknowledged. The Union's approach to fostering structural change through trade liberalisation, transnational communication and regional integration based on the success its own model, is well established.

The regional and global importance of a successful transformation of Iraq as well as the currently deteriorating situation calls for a determined and coordinated involvement of the European Union and its member countries. Unfortunately, the Union's potential has not been fully realized presently, owing largely to;

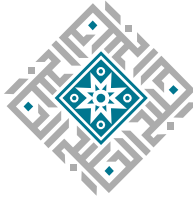
- (1) the continuation of political differences among member countries (regarding the role of the United Nations and the transfer of sovereignty to the Iraqis)
- (2) the deteriorating security situation in Iraq which makes any active engagement in reconstruction extremely dangerous.

The unsatisfactory situation calls for a dynamic approach which will ensure;

- (1) a quick transfer of power to the Iraqis and
- (2) an increased involvement of the United Nations in this transition period; both based on a fixed timetable.

A possible solution would be a speedy transfer of power to a provisional government elected by a representative national assembly, as recently envisaged by the US. To avoid the impression that the whole process is being manipulated by the occupation forces, the responsibility for the transition should be given to the United Nations. A possible division of labor between the CPA, the UN and the Interim Government has been suggested by the International Crisis Group.⁴⁵ In order to pre-empt the re-establishment in Iraq of a strongly centralized authoritarian government, there should be a dispersal of power and a system of checks and balances. A constitutionally guaranteed distribution of predetermined shares of the oil revenues to institutions other than the central government constitutes a powerful tool with which to guarantee and sustain several power centres. The northern Kurdish zone should be the nucleus for a federal system based on fiscal and legislative autonomy. A federal dispersal of

⁴⁵ See Governing Iraq. *ICG Middle East Report No. 17*. Executive Summary and Recommendations. 25.08.2003.



power should be combined with cultural autonomy for ethnic minorities and decentralized decision-making.⁴⁶

Interestingly enough, facing the deteriorating security situation in Iraq, Americans and British have taken up the French proposal to transfer power speedily in spite of the strong reservations expressed earlier. An agreement, concluded between the US civil administration and the Interim Governing Council in November, provided for the transfer of power by June 1st 2004 to an interim government.⁴⁷ The suggested caucus-style indirect election of the representatives of an interim parliamentary body, however, met with strong criticism on part of the leading Shi'i cleric, Ayatollah 'Ali Sistani.⁴⁸ This new development could prepare the ground for a bridging between the British-Spanish and the Franco-German positions in the near future and finally induce the latter two countries to shoulder a greater burden of the huge task. The recent visits by Colin Powell and Donald Rumsfeld in Europe have generally been perceived as aimed at bridging past divisions, although the decision to exclude the countries of the anti-war coalition from contracts for the reconstruction of Iraq has enraged the countries affected.⁴⁹

In this context, the EU should aim at supporting a transition process along the lines outlined above. Although it is understood that the capacity to act in a coherent and efficient manner is limited, there are nonetheless various areas in which the EU could and should contribute. Specifically, EU institutions, member states and new accession countries should;

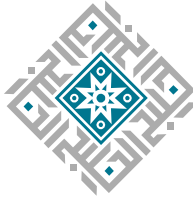
- Increase their commitments regarding financial and technical support to the reconstruction of Iraq as well as advocate and offer assistance in negotiations on the rescheduling or cancellation of Iraqi debt and reparations.
- Offer to share the European experience on how to design new political institutions and make them work. There is a great deal of institutional diversity within the EU, which can also provide advice on decentralized policy-making and institutional reform.
- Offer to support the reform of the Iraqi legal and law-enforcement systems. The EU could provide legal education and encourage penal reform, which would include courses for lawyers and instruction in international law and human rights. The EU should support educational programmes for military and police personnel on human rights issues and civilian-military and community-police relations.

⁴⁶ Building blocks for a comprehensive European approach have been outlined in Giacomo Luciani/Felix Neugart, *Toward a European Strategy for Iraq. Strategy Paper*, Bertelsmann Foundation 2003.

⁴⁷ Brian Knowlton, Bremer outlines plans for self-governed Iraq, *IHT* 17.11.03.

⁴⁸ *Al-Hayat* 27.11.03.

⁴⁹ Thomas Fuller and Brian Knowlton, Iraq contract ban angers U.S. allies, *IHT* 11.12.03.

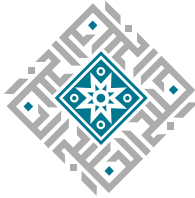


- Foster the re-construction of Iraqi civil society by supporting non-governmental organizations and providing fieldwork in democratization, human rights, civil conflict management etc. and support the reform of the educational system as the linchpin for the dissemination of civil and democratic values.
- Foster the international integration of Iraqi society by establishing study and exchange programmes for students, teachers, journalists, officers and other professionals in order to overcome the impact of a decade of isolation and support the teaching of English in order to encourage international communication.
- Enlist the co-operation of the new Iraqi government on transnational issues such as migration, terrorism, drug trafficking and organized crime.
- Advocate a speedy opening of the Iraqi oil sector to international investment and participation in order to upgrade and expand the Iraqi oil production capacities. The EU should adhere to its strategic approach of avoiding market conditions that will result in prices which are either too high or too low.
- Offer advice, especially from the former Communist countries that are on the verge of EU membership, on how to manage transitional justice and submit relevant material to the Iraqi and international authorities.
- Co-ordinate with other external international actors to prevent weapons of mass destruction (WMD) or other military hardware from being sold and smuggled to other countries or organizations and in particular, to terrorist groups.

Any successful long-term transformation of Iraq has to be embedded in a sustainable regional structure that addresses the legitimate security concerns of all protagonists and provides for co-operation in various fields. Iraq is dependent on its neighbors in many ways, most importantly because of its narrow access to the sea, the vulnerability of its overland oil pipelines and its dependence on the uninterrupted flow of the Tigris and the Euphrates. It has a legacy of unsettled disputes with its larger neighbor Iran against whom it fought a bitter and bloody war during most of the 1980s. The development of WMD by Iraq is therefore not only attributable to Saddam Hussein's bid for regional hegemony but also to a genuine feeling of being threatened by a powerful neighboring state.

Iraq should therefore be integrated progressively into a Gulf regional security framework that encompasses Iran, Yemen and the GCC countries.⁵⁰ This will alleviate Iraq's perception that Iran poses a threat as well as check any new attempts at regional dominance. As a first step, Iraq must recognise the territorial integrity of its adjoining neighbours. To make this principle operative, the idea of a Gulf Conference for Security and Co-operation (GCSC) should be considered. This organisation should include all the Gulf States and be devolved into subject-specific working groups on such issues as; arms control, resolution

⁵⁰ The importance of addressing the regional dimension in this context is also discussed by Kenneth M. Pollack, Securing the Gulf. *Foreign Affairs* July/August 2003.



of territorial disputes, economic co-operation, energy and water. As the groups would cover different themes and combinations of countries, their membership would be flexible. With the various issues being addressed in parallel, it could be easier to arrive at compromises and imaginative solutions for problems such as Iraq's access to the sea or the dispute over Abu Musa and the Tunbs. Yemen, Syria, Egypt, Jordan and Turkey should be given associate status in the conference and full participant status in the relevant working groups. Given the importance of the regional dimension, the EU should;

- Establish an intensive dialogue on the future of Iraq with Iran, Turkey, Syria, Jordan and the GCC member countries. The EU is uniquely well positioned to engage all these regional actors: with Iran, the EU has recently started negotiations on a free trade and co-operation agreement; Turkey is a candidate for EU membership; Syria and Jordan are partner countries in the Barcelona process; and a new, more ambitious cooperation agreement has been proposed with the GCC.
- Function along with the US and Russia as a facilitator for the establishment of a multilateral security framework in the Gulf region and as an observer of its proceedings. The EU should require member countries to condition future sales of weapons systems to the region on the development of an EU-wide approach to Gulf security.
- Support schemes for regional economic co-operation and offer its broad expertise in this domain. The EU should rethink the approach of the Euro-Mediterranean Partnership (Barcelona Process), which will need to be redefined in the light of Cyprus, Malta and possibly Turkey becoming members of the EU, and aim at making sub-regional co-operation (Maghreb, Mashreq, Gulf) operative by using the building blocks of the Barcelona process.
- Press for a broad regional conference convened by the "Quartet", modelled on the Madrid conference in 1991, to address regional issues and implement a final settlement to the Arab-Israeli conflict.