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To: Delegations

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Subject: Council conclusions on Iraq
- Council conclusions (22 January 2018)

Delegations will find in the Annex the Council conclusions on Iraq, adopted by the Council at its 3591st meeting held on 22 January 2018.

COUNCIL CONCLUSIONS ON IRAQ

Foreign Affairs Council, 22 January 2018

1. The EU commends the Iraqi people, their Government and their security forces on the territorial defeat of Da'esh, with the support of the Global Coalition against Da'esh, of which the EU is a member.
2. The EU reaffirms its commitment to a strong EU-Iraq partnership, underpinned by the Partnership and Cooperation Agreement (PCA), and to supporting the Iraqi authorities in the reconstruction phase and in tackling the underlying political, social and economic drivers of instability. The EU calls upon all relevant stakeholders in Iraq to work together in a peaceful, cooperative and accountable manner, to address these issues, laying the ground for an inclusive state, allowing for political, economic and social opportunities for all, and consolidating the recent military gains against Da'esh.
3. The Council recalls its June 2017 Council Conclusions and welcomes the annexed Joint Communication of the High Representative of the EU for Foreign Affairs and Security Policy and the European Commission setting out elements for an EU Strategy for Iraq. It fully endorses the objectives and the proposed policy approach detailed in the communication and agrees that swift implementation is now crucial in order to maintain the momentum after the liberation from Da'esh towards building a better future for Iraq. Together with these conclusions, the communication forms the EU Strategy for Iraq. Given the multitude of challenges, the EU will work towards all its strategic objectives in Iraq concurrently. These objectives are focussed on the following key areas:

a) Preserving the unity, sovereignty and territorial integrity of Iraq, as well as its ethnic and religious diversity

4. The EU reiterates its continued, steadfast support for Iraq's unity, sovereignty and territorial integrity, and its firm and active commitment to the preservation of the multi-ethnic, multi-religious and multi-confessional nature of Iraqi society, including the protection of its minority groups, building on the bond of a common national identity and inclusive citizenship.
5. The EU calls on the Government of Iraq and the Kurdistan Regional Government to engage in a constructive and result-oriented dialogue on immediate issues, providing a foundation for a more detailed discussion on all open questions and towards a more stable and mutually beneficial long-term relationship based on the full application of the Iraqi constitution, including its provisions on Kurdish autonomy. The EU believes that this dialogue is a responsibility of both parties based on the respective provisions in the constitution, and that the general interest of all Iraqi people is best served and reflected through such a dialogue and cooperation. The EU welcomes efforts to swiftly engage in such a dialogue. The EU reaffirms its strong support to the United Nations facilitation efforts and stands ready to support dialogue if requested.

- b) Strengthening the Iraqi political system by supporting Iraqi efforts to establish a balanced, inclusive accountable and democratic system of government**
6. In the context of post-conflict recovery, the EU recognises the continued efforts of the Iraqi Government to stabilise liberated areas in cooperation with the UN and other actors on the ground. While Da'esh is militarily defeated, it remains a threat. The EU recognises that significant challenges remain. The focus now must be on winning the peace by stabilising conditions in the liberated provinces, also through the non-discriminatory return of IDPs to their areas of origin, providing a conducive environment for reconciliation, and implementing political and economic reforms. The EU stresses the urgency to prioritise national interests in a spirit of mutual understanding and compromise and to speed up progress on reforms and towards national reconciliation based on justice and accountability, the principles of a functioning democracy, inclusiveness, the rule of law, and respect for human rights. In order to achieve the objective of building a common vision on the future of the country, it is now essential for Iraqis to embark on an inclusive process of reconciliation at the national, regional and local level in a spirit of mutual understanding and compromise. In this context it also continues its strong support to the Special Representative of the Secretary General of the United Nations as well as of UNAMI's work.
7. The EU notes that the national elections will be an opportunity to build a more inclusive and democratic state which works in the interests of all Iraqis. The EU encourages the Iraqi Government to maintain their course towards national elections in May 2018, which must be legitimate and democratic. Full participation of all components of Iraqi society, including the Kurdistan region, will be crucial to ensure that the elections promote truly representative institutions and inclusive governance. To this end, the EU is ready to provide practical support and closely follow the electoral process in coordination with relevant national and international actors, notably UNAMI.
8. In all processes, the full participation of women, youth, civil society and of all components of Iraqi society, including ethnic and religious minorities, needs to be ensured at the national, regional and local level. The EU calls for the full implementation of the Iraqi National Action Plan on Women and Peace and Security.

9. The EU underscores the importance of professional, representative and democratically controlled Iraqi security forces to deliver effective security, to uphold the rule of law, and to ensure full respect of human rights. It welcomes the progress of the Government of Iraq in this regard, and urges continued efforts to ensure all armed groups effectively come under the command and control of the Iraqi state. It is essential that security agencies improve their relations with the civilian population in order to consolidate the stabilisation gains. For this purpose, the EU and its Member States have been providing support to the Iraqi authorities' reform efforts in the civilian security sector with the deployment in November 2017 of an EU Advisory Mission (EUAM Iraq). The strategic objectives of the mission are inter alia: to provide advice and expertise to the Iraqi authorities at the strategic level in order to contribute to the implementation of the Iraqi National Security Strategy; and to analyse, assess and identify opportunities for potential further Union engagement in support of the needs of the Security Sector Reform in Iraq in the long term. The EU highlights the importance of police sector reform and the work being done by the Police Training Task Force of the Global Coalition. The EU and its MS underline the broader need to ensure cooperation and coherence among different actors, including the UN, the Global Coalition against Da'esh and NATO, engaged in supporting security sector reform, as set out in relevant Council conclusions, and stand ready to work to this end with due respect to the EU's institutional framework.

c) Supporting the Iraqi authorities in delivering humanitarian aid, support for early recovery, stabilisation, development and reconstruction

10. The EU expresses its highest concern about the still precarious humanitarian situation and recognises the significant efforts of all the Iraqi authorities, the United Nations and other international partners in providing humanitarian relief and assistance to those displaced and affected by the conflict. The EU expresses its concern at reports of forced and discriminatory returns. It reiterates the importance for the Iraqi Government and Kurdish Regional Government to protect civilians and ensure the safe, informed, voluntary and non-discriminatory, and unhindered return of Internally Displaced Persons (IDPs) and refugees who wish to return to liberated areas that are recognised as safe, in compliance with international law, including international humanitarian law and human rights law, and in line with international protection standards. In particular, issues pertaining to housing, land and property rights should be given central consideration in the return and reconstruction process. The EU calls on Iraq to uphold the long-standing Iraqi policy of protection and support of people residing and seeking protection in Iraq.
11. The EU stresses the urgent need for the whole international community to maintain its humanitarian support to those in need, in particular by supporting the 2018 Iraq United Nations humanitarian response plan, and taking into account the needs in the whole of the country. The EU and its Member States have been at the forefront of the international humanitarian response and will continue to show solidarity with the Iraqi people by providing humanitarian aid to those most in need and according to humanitarian principles.
12. The EU and its Member States underscore the need to deliver basic public services and respond to the concrete needs of all Iraqi citizens. It also recognizes the critical importance of developing joined-up approaches and implementing the nexus between humanitarian, early recovery, reconstruction and stabilization efforts. The EU and its Member States which have been among the largest donors in Iraq commit to supporting these efforts in the transition and reconstruction phase on the basis of a whole-of-Iraq approach and are ready to step up their support.

13. The upcoming Kuwait International Conference for Reconstruction of Iraq, to be held in Kuwait and co-chaired by the EU, represents an opportunity for the Government of Iraq to continue to manage the transition from stabilisation to reconstruction, focusing also on continued humanitarian needs, in a structured and coordinated manner with its international partners. The Conference will also be an important opportunity to demonstrate Iraq's commitment to economic and social reforms which are crucial to mobilise much needed international support for reconstruction and longer term recovery.
14. Stabilisation efforts must be Iraqi-led, but supported by, and coordinated with, the international community, including the United Nations and the Stabilisation Working Group of the Global Coalition against Da'esh. Accordingly, the EU calls on the Iraqi government through dialogue with all relevant actors at the national, regional and local level, and taking full account of the interests of affected communities, including minorities, to ensure effective security, inclusive governance, local ownership, and the provision of basic services in the liberated areas.
15. In this context the EU, which is co-chairing the Explosive Hazard Mitigation (EHM, "demining") efforts of the Global Coalition against Da'esh, together with its partners UNMAS, calls on the Iraqi government to remove any remaining bureaucratic and practical obstacles to the full deployment of the national and international resources available for EHM in Iraq. It also calls on its international partners to step up their financial support to EHM efforts as an essential precursor to further stabilisation and reconstruction work.

d) Promoting sustainable, knowledge-based and inclusive economic growth and job creation

16. The EU welcomes the initial efforts of the Government of Iraq to meet the requirements of its Stand-By Arrangement with the IMF, but is concerned about the lack of recent progress and underlines that failure to achieve progress on benchmark reforms under the Arrangement will jeopardise Iraq's financial stability. It underlines that continued financial and economic reforms, and adequate provision of budgetary funds to sub-national governments are urgently needed to enable Iraq to embark on a path of economic recovery, reconstruction, sustained economic and social development, as essential elements of a reinforced social contract between the state and its people. The EU welcomes efforts by the EIB and Iraq to finalise their negotiations on a framework agreement to facilitate long term loan support of Iraq.
17. The EU is ready to contribute to Iraq's implementation of the process of reforms needed to strengthen and diversify the economy, which will result in better opportunities for job creation, including for young people. A strengthened education system is crucial for the long-term stabilization of Iraq and is an important catalyst for the development of the country. In this regard, the EU's support for inclusive, equitable and quality education is essential to avoid the emergence of a "lost generation". The EU actively supports the Iraqi authorities in their work to fight corruption, enhance public services, reinforce inclusive governance at all levels, and make sure that the Iraqi citizens are placed at the centre of all reform efforts regardless of their ethnicity, gender, religion or belief.

e) Promoting an effective and independent justice system and ensuring accountability

18. The EU believes it is essential for the long-term stability of Iraq that the government and political leaders propose and support a credible process of transitional justice. Accountability for crimes committed by all the parties, ensuring due process, is an important element for national reconciliation. The grievances of all victims need to be addressed equally.

19. In this vein, the EU stands ready to support Iraqi and international efforts to hold members of Da'esh to account and ensure accountability for human rights violations and abuses, including war crimes and crimes against humanity as well as acts against persons belonging to minority groups based on due process, in conformity with the UN efforts that are underway under UN Security Council Resolution 2379. In this respect, the issue of Foreign Terrorist Fighters, in particular returnees, continues to be of special interest. Cooperation and information sharing with relevant actors involved, in a legally compliant manner and through the appropriate channels, remain crucial. The EU reiterates its call on Iraq to accede to the Rome Statute.
20. The EU emphasises its principled objection to the use of the death penalty. The EU firmly believes that the use of death penalty is not only morally reprehensible but also counter-productive, both as a crime deterrent and as a punishment. Punishment, even for the worst crimes, can be delivered by other equally strong but non-irreversible means, even when the state finds itself in the most challenging circumstances. These considerations gain additional substance in the challenging stabilisation and reconciliation context in which Iraq finds itself in today, following several cycles of terrorist violence since 2003. The EU reiterates its call for the Federal Government of Iraq to introduce a moratorium on executions and for the Kurdistan Regional Government to re-instate a moratorium, with a view to ultimately abolishing the death penalty.

f) Establishing a migration dialogue with Iraq

21. The Council welcomes the initiation of a formal exchange on migration with Iraq which allowed the identification of areas of mutual interest where cooperation could be deepened. The Council looks forward to the continuation of this dialogue. This dialogue should cover all aspects of migration in a mutually beneficial, joint endeavour. The EU calls on the Government of Iraq to cooperate further in establishing procedures to facilitate dignified, safe and orderly return of Iraqi nationals to their home country in line with international law, including human rights law and the obligation to readmit own nationals, and Iraq's commitments as expressed in the Partnership and Cooperation Agreement.

g) Supporting Iraq's good relations with all its neighbours

22. The EU is committed to fostering regional dialogue and welcomes Iraq's continued diplomatic engagement with neighbouring countries. It encourages all the countries of the region to play a constructive role, to sustain and increase their support to Iraq, and to continue supporting Iraq's unity, sovereignty and territorial integrity. The EU underlines the importance for the prosperity of Iraq and its neighbours of improved regional cooperation.
 23. The Council calls on the High Representative and the Commission to implement this strategy with immediate effect and to foresee a review at the latest after two years as appropriate. The EU institutions and the EU Member States will pursue fast and effective donor coordination in the delivery of the EU Strategy for Iraq seeking an integrated approach.
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