

Oil for Iraqi citizens

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In-depth Report: [IRAQ REPORT](#)

Precedent exists in international law that could explode the US occupation of Iraq, its genocidal strategy, and be a step towards healing the wounds of the Iraqi nation.

Some 4.7 million Iraqi citizens — one fifth of the population — have been forcibly displaced, within and outside their country, by the US occupation and the policies of the sectarian governments it installed since the illegal invasion of Iraq in 2003. It is a human catastrophe, a national tragedy, and a destabilising factor for the region. This exodus has been labelled “the fastest growing humanitarian crisis on the planet”, unprecedented in size since the 1948 Nakba that uprooted at least one million Palestinians from their land.



While propaganda boasts about some 25,000 returnees, the Office of the UN High Commissioner for Refugees (UNHCR), the primary international agency responsible for refugees, warned last month that conditions for the safe return of Iraqis were not met on the ground and that the few who returned in November 2007 did not do so — contrary to what the so-called government in Iraq pretends — because of security improvements in Iraq, but rather because their means of survival are deteriorating gravely elsewhere. Among the main reasons leading some to return are harsh new restrictions on residency permits in hosting countries, denials of access to schooling and higher education for their children, and the depletion of emergency savings. Many returnees found that others were occupying their homes in Iraq, forcing them to look yet again for shelter. The government in Iraq finally acknowledged that it could not sustain massive return were it to take place.

The 4.7 million Iraqi refugees who fled for their lives, uprooted from their homes by the disproportionate force used by the occupation and campaigns of ethnic cleansing carried out by militias affiliated to its sectarian governments, are living testimony to the inhuman — and anti- human rights — American invasion and occupation of Iraq. At least 1.5 million Iraqis have been brutally murdered, thousands disappeared or detained, hundreds of thousands widowed. The modern Iraqi educated middle class, vital now and in the future to run the state, the economy, and build Iraqi culture, has been decimated. Following systematic assassinations, imprisonment, military raids and sieges, threats and discrimination, most of what remained of that class left the country. The absence of this middle class has resulted in the breakdown of all public services for the entirety of Iraqi society. No propaganda can call the occupation a success while so many people are

suffering its consequences.

Of the 4.7 million displaced, four fifths are women and children. All have inadequate or non-existent access to security, food, shelter, education, sanitation, health, and basic necessities such as water and electricity. In addition to the brain drain that Iraq suffered since the start of the occupation, whether through systematic killings or displacement, refugee children are currently losing their universal right to education in being unable to attend schools. It is an individual tragedy for refugees and a disaster for the future of Iraq. UNHCR is dramatically under-financed to meet the needs of these millions displaced. It has made repeated pleas for enhanced international donations to support its basic functioning and the fulfilment of its humanitarian mission.

While Iraqi refugees cannot safely return home, they cannot wait until violence ends in Iraq for their needs to be met. The key hosting countries bearing the millions of displaced Iraqis are home already to large refugee populations and are developing economies. With their own citizens suffering unemployment, Iraqi refugees are denied work permits and permanent residency. In addition, these key hosting states are not signatories to the 1951 UN Refugee Convention, and therefore not bound by its principles — even in instances denying the customary international legal obligation of non-refoulement (prohibition on the expulsion of refugees to an area where they may face persecution). As a consequence, Iraqis are denied status, considered tourists with no recognised passport or residence, and left economically and socially vulnerable. All indicators of social desperation are present while reports of increasing resort to degrading means of survival keep arising.

According to international humanitarian and human rights law, the international community, the occupying powers, and the government in Iraq are legally bound to support and protect Iraqi refugees. Neither the occupation with the governments it has installed nor individual states and the international community have met their legal and moral obligations towards displaced Iraqis or the countries hosting them. Iraqi refugees are temporarily displaced Iraqi citizens who have a full right to live in dignity, the right to benefit from national resources, and the right to return to their homes. They are protected persons under The Hague Regulations and the Geneva Conventions, as well as several instruments of international law that relate to refugees.

IRAQI INTERNATIONAL INITIATIVE ON REFUGEES: On 25 November 2007, the Iraqi International Initiative on refugees (www.3iii.org) issued a proposal to support, protect and defend refugees and their rights as Iraqi citizens by changing the financing system of responsible agencies and hosting countries. The proposal asks the UN Security Council to pass a resolution requiring that the Iraqi state allocate part of the revenue from Iraqi oil — in proportion with the number of Iraqi citizens temporarily displaced — for Iraqi refugees in hosting countries.

Such a resolution is urgently needed, legally justified and politically appropriate. It is the only efficient way for the country of origin and the international community to fulfil their legal and moral obligations towards both Iraqi refugees and hosting countries while preserving the rights of refugees and their dignity as Iraqi citizens. Further, such a resolution is not only justified but respecting of existing jurisprudence on state responsibility and refugee protection, while in accordance with the primary mission of the UN to preserve international peace and security, protect civilian populations and enhance human civilisation. No legal objection can be raised against this proposal. Moreover, an example of redistributing national resources equitably by means of a UN Security Council resolution

exists in the case of Iraq.

In 1991, Turkey shut its borders to the flow of refugees coming mainly from northern Iraq, refusing to apply the principle of non-refoulement. As a consequence, the UN Security Council, realising this principle wasn't sufficient to protect the refugee population, instituted new practices in refugee protection. Article 8b of UN Security Council Resolution 986 of 1995 obliged the Iraqi state to allocate part of Iraqi national resources to the population not under the authority of the Iraqi government (the three northern governorates). This resolution was passed on humanitarian grounds, in order "to ensure equitable distribution of humanitarian relief to all segments of Iraqi society", including to Iraqi citizens who were residing in the three northern governorates that were not administratively supervised by the central government. Current Iraqi refugees are in the same situation of being outside the supervision of the central government governing Iraq.

UN Security Council resolutions 1314 and 1325 further emphasised the tendency in international jurisprudence on the protection of refugee populations to insist on the responsibility of states to assist civilians, including refugees and the displaced. This tendency is further reflected in UNHCR appeals and the final declaration of the World Summit in 2005. Resolutions 986, 1314 and 1325 created a legal precedent that obliges and allows the UNSC to draft and pass a resolution now requiring the allocation of a proportionate part of Iraqi oil revenues to current Iraqi refugees, so as to protect their human rights and in the knowledge that Iraqi oil is the property of all Iraqis, inside or outside Iraq, as established by UNSC Resolution 986.

UNDERCUTTING THE LOGIC OF VIOLENCE: As well as establishing the duty to protect, international jurisprudence on refugees often places emphasis on helping the country of origin to eradicate the causes of violence that displaces the population. The proposal of the Iraqi International Initiative on refugees adheres to this logic too. US policy towards Iraq, since 1991, has been to destroy its political, military and economic capacities in an attempt to divide it into three or more entities in order to seize its natural resources. The ethnic cleansing currently taking place under the orchestration of the US occupation is intrinsically linked to the latter's attempt to control Iraq's resources by promoting and manipulating sectarian identities.

From the first day of the occupation the US supported sectarian forces, themselves sufficiently weak, illegitimate and conflicted that they are unable to create a functioning state, therefore requiring the never-ending help, presence, protection and direction of the US itself. The so-called political process in which these forces participate is only tolerated so long as it oversees and ensures the dismantlement of the unified and sovereign Iraqi state, its institutions and infrastructure; dismembers Iraqi society and its social fabric along sectarian and confessional lines; and helps the occupation in repressing the national popular resistance of the Iraqi people. This strategy was pursued throughout the occupation as a means to destroy Iraq both as a state and as a nation, to subjugate its people into surrendering their national resources to US corporations and interests.

Yet despite 15 years of continuous attempts to subjugate Iraq and its people, whether through economic sanctions, war of aggression or occupation, US policy failed. By 2006, the occupation opted to delegate to the various sectarian forces and militias it had promoted the task of forcibly uprooting the local resilient population, thereafter seizing their resources. The political process and the ethnic cleansing it perpetrates is but an

instrumentalised power struggle among various sectarian factions competing for the political and/or economic rewards granted by the occupation for depriving the Iraqi people of their sovereignty by displacing them and achieving local control over areas and attendant resources.

Whole areas have been purged of resident minorities by one militia or another, effectively changing the demographic make-up of entire regions and neighbourhoods, especially in Baghdad, while keeping one of the collaborating militia in control in any given locale, over the people and its resources. Though sectarianism starts with attacking minorities and the weak, it soon spreads to all components of society, as each can be, somewhere, a majority or a minority. The occupation itself changes its affiliations as it doesn't need to consider itself permanently bound to the respective agendas of each faction and defends only its own interest. This criminal strategy ensures a never-ending cycle of violence that can only be stopped by the end of its root cause: the US occupation. By now, all Iraqis have been affected — all sections of Iraqi society have been forced to flee.

While the occupation uses forcible displacement as a means of blackmail to, alternately, terrorise the population, destabilise hosting countries and plunder Iraq's wealth, a UNSC resolution requiring the Iraqi state allocate the proportionate and legitimate share of Iraqi national wealth to Iraqi refugees would effectively deny the occupation its goals and deprive its sectarian forces of the benefits of displacing the population for economic or political gains. It would render the entire tactic of forcible displacement obsolete, as its victims would be guaranteed their share of national revenue by law as well as right.

THE OBLIGATION TO ACT: The UN Security Council, as the highest UN body, has the political, legal and moral duty and authority to act to protect the millions of displaced Iraqis. Following 13 years of disastrous UN-imposed sanctions that according to two former UN assistant secretary-generals satisfied the definition of genocide under international law, the UN Security Council failed to act to protect the state and people of Iraq, or condemn and censure those responsible for launching an illegal war of aggression against a member state of the United Nations. Its silence on the horrendous human and material cost paid by Iraqis since the illegal 2003 US invasion is not only shameful but also criminal.

A UNSC resolution on Iraqi refugees would end the complicity of the UN in this crime, expose the occupation's illegality and hypocrisy, as well as the barbaric and inhuman nature of the policies the US has been pursuing in Iraq since its illegal invasion in 2003. If we are to re-establish a peaceful international order, US imperialism must be constrained. It promotes sectarianism everywhere. It then uses the plight of those made refugees by sectarian violence as a political tool to blackmail and destabilise both countries of origin and hosting countries. Finally, it uses refugees as a justification for "humanitarian" intervention, regardless of state sovereignty, while obscuring the massive humanitarian crises it generates by its own sectarian policies.

As shown by UNHCR figures, most displaced Iraqis refuse to be treated as refugees. They consider being granted status and resettled a de facto victory for the occupation and its policies of pushing the population out of Iraq and depriving it of its national rights. All Iraqis know the occupation's plans have failed completely and cannot be recovered. As Iraqi citizens, they know they are sovereign over the resources of Iraq, now and in the future. Further, they are conscious collectively of the dramatic situation of their Palestinian sisters and brothers who, despite having been guaranteed the unalienable right of return by UN Resolution 194, have been denied return for nearly 60 years. While their right is being

bargained by some and used as political blackmail by others, they are forced to live in camps and from international charity. Iraqis refuse to lose their rights in Iraq, or accept the humiliation of having to beg while they are sovereign over one of the most resource-rich countries in the world. They hope Iraq will be liberated soon, allowing them to return home safely.

Finally, a UNSC resolution as described would protect and defend the Iraqi people's rights while defending universal human values. It would enhance the permanent sovereignty of the Iraqi people over their national resources, thereby derailing the primary goals of aggressive imperialist states of forcing smaller states' economies, their population and resources, into submission by military means. This would be a victory for humanity worldwide while upholding the endangered superiority of law and the duty to protect human life above private or exclusive state, corporate and individual interests.

While protecting the sovereign rights of Iraq and its people, now and in the future, a UNSC resolution as described would condemn the feudal plague of sectarianism, binding the future and destiny of Iraqi citizens together as members of the same state and nation, benefiting equally from the distribution of its national resources. Unfortunately for the occupation, while there are religious and cultural differences among Iraqi refugees, all are Iraqi citizens with protected rights, and all are bound to each other by the past, present and future of their nation as well as their common situation and destiny. By considering and treating all as equal citizens of a unified state free from all forms of discrimination, whether ethnic, confessional or of gender, a UNSC resolution as described would pave the way for a sane basis for healing Iraq's wounds as a nation, also upholding the concept of citizenship — the basis of any modern state — against the occupation's current tribal, sectarian and feudal concept of identity. It would be a preventive action against the politics of divide and rule and the use of ethnic cleansing as a political instrument to control the common riches of a people.

The UNSC should draft and pass a resolution as described if it wants to rehabilitate itself from its consistent failure to uphold its own legal charter, protect the people of Iraq and state of Iraq, as well as international peace and stability. Such a resolution defends the principle of equality before law, the permanent sovereignty of people over their national resources, and the unalienable right of refugees to return to their homes, thereby giving the UNSC opportunity to break away from its perpetual double standards in the implementation of international justice.

Iraqis have paid a price that leaves one wordless in defending human life and values. Humanity should feel responsible for protecting these people in their heroic struggle for national liberation and take immediate steps to defend their rights and their sovereignty.

The writer is coordinator of the Iraqi International Initiative on refugees (www.3iii.org).

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