

## ON THE RIGHT AGAINST DISPLACEMENT

Statement made to the UN Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, Working Group on Indigenous Populations  
by Sheik Salar Hasan Hafeed, Member of the Mosul Vilayet Council  
POB 2580, 1211 Geneva 2 (fax: 4122-3117970)

Thank you, Madame Chair, for the opportunity to speak. The problem of forced relocations has been a dreadful experience for my tribe and most of the other inhabitants of the Mosul Vilayet, i.e. notably the Arabs, the Armenians, the Assyrians, the Kurds and the Turkomans who, for centuries, have learned to live and work together peacefully in this Mideastern crossroad of history, religion and commerce. That is to say until the League of Nations - conditionally but anyway - placed us under the rule of Baghdad. But I am not here to accuse anybody. Rather, I wish to share with you our experience of forced relocations in Northern Iraq: as a possible source of inspiration in the present drafting of a UN declaration on indigenous populations.

As I am speaking for the first time to this distinguished audience, and with your permission, Madame Chair, I may briefly explain my related family background. One of my ancestors was Sheik Mahmood Al-Hafeed, who led the Kurdish revolution in the wake of the brake-up of the Ottoman Empire. As leader of the Sade Barzinji tribe, I am now responsible for the well-being of thousands of families who, for decades and as a matter of government policy, have been up-rooted, displaced and abused on body and soul. These conditions are most authoritatively described by the Special Rapporteur of the UN Human Rights Commission (the document detailing the genocide and other findings can be obtained in this building under the codes: E/CN.4/1992/31, or: S/23685, 18 February 1992). Recently re-discovered, forgotten but still valid League of Nations documents provide for international guarantees notably on the protection of ethnic, religious and cultural rights of minorities in the Mosul Vilayet. These guarantees complement Iraq's formal "obligations of international concern" of May 30, 1932, which are enshrined in texts that are seen to be binding also on the United Nations as the legal successor of the League of Nations. With the attachment of the Mosul Vilayet to the Kingdom of Iraq thus being conditional, and these conditions having manifestly been violated (just think of the some 180'000 forcefully displaced and presumably murdered inhabitants of the Mosul Vilayet), the United Nations now has an opportunity to strengthen the respect for the rule of law by taking corresponding, effectively protective measures, e.g. by setting up a UN Trust Territory there, and by extending the military protection down to the 34th parallel. The leaders of all 75 Kurdish tribes have recently adopted a corresponding "Declaration of Self-Determination". Based thereon, the Mosul Vilayet Council has been set up, representing all ethnic groups and religious communities; as such it now seeks to obtain first of all a prompt lifting of the UN embargo with regard to the liberated part of the Mosul Vilayet.

From this example, the following lessons may be drawn with regard to the actual draft UN declaration on indigenous populations:

1. Even the most comprehensive written rights are essentially useless and even dangerous, for self-deluding chimeres, unless they are associated with mechanisms providing for the beneficiaries, i.e. the people concerned, to keep them alive, to safely claim them and to effectively have them enforced. To these effects, consideration should be given to the establishment of a comprehensive, reliable and promptly accessible inventory of these rights, and provisions should be made for the appropriate national and international bodies to hear related claims.

2. The case of the indigenous populations of the Mosul Vilayet demonstrates the need that an effective channel to and through the UN Security Council should be made available for cases involving governmental disregard for related rights and obligations. This case also is a warning against language implying a right to displacement under certain conditions.

Geneva, July 24, 1992