

H.Res.259

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Sponsors:

Reps. Jeff Fortenberry & Anna Eshoo

Type of Legislation: Simple Resolution

Simple resolutions are legislative measures introduced in either the U.S. Senate or the House of Representatives. Simple resolutions are not presented to the President, and do not have the force of law. These types of resolution are used to function as statements of intent for one chamber of Congress. Simple resolutions can also set the stage for a bill—a law that is sent to the White House for presidential assent—if the legislators sponsoring the legislation can demonstrate broad support in Congress for the policy intentions in the resolution.

Country of Focus: Iraq

Summary of Resolution

The resolution expresses the House of Representatives' support for the repatriation of religious and ethnic minorities in Iraq to their ancestral homelands, and calls for the United States and its international partners to prioritize policy and coordinate efforts for the “safe return of displaced indigenous people of the Nineveh Plain and Sinjar to their ancestral homeland.” It also calls for the integration of religious minorities into Iraqi Security Forces and the Kurdistan Regional Government (KRG) Peshmerga.

Background

In 2014, ISIS invaded the Nineveh Plain and Sinjar in Iraq, the homelands of Assyrians, Yazidis, and other minoritized ethnic and religious groups. These territories are officially—though not entirely in practice—under administration of the central government in Baghdad. Prior to the emergence of ISIS, the Kurdistan Region’s Peshmerga controlled security in these territories.

The atrocities perpetrated by ISIS against these communities include genocide, crimes against humanity, war crimes, and the deliberate destruction of cultural heritage. Hundreds of thousands were forced into displacement, while thousands were killed or taken captive. While the Nineveh Plain and Sinjar were liberated from ISIS occupation in 2017, the devastation, absence of federal authority, and divided security situation has contributed to the lasting instability in the region and continues to force emigration. Approximately 50 percent of the pre-ISIS population has returned to the Nineveh Plain.

Security in the Nineveh Plain is currently divided among the KRG Peshmerga, Iraqi Police, Iranian-backed PMU forces such as the Babylon Brigades and Brigade 30, and the Assyrian-led Nineveh Plain Protection Units (NPU).

Positives

- H.Res.259 emphasizes the importance of repatriation to the survival and longevity of endangered communities such as the Assyrians and Yazidis.
- H.Res.259 recognizes the significance of the Nineveh Plain to the Christian Assyrian community in Iraq. The Nineveh Plain continues to represent the only hope for a sustainable future for Assyrians in Iraq.
- H.Res.259 acknowledges that the post-ISIS security situation in the Nineveh Plain and Sinjar is highly problematic and continues to hinder the return of local populations.
- H.Res.259 acknowledges that the Iran-backed militias operating in the Nineveh Plain pose major threats to the interests of Assyrians and other marginalized groups in the area. Armed groups such as the Babylon Brigades and Brigade 30 must be disarmed and demobilized or transitioned out of the Nineveh Plain in the interim.

Negatives

- H.Res.259 fails to highlight the ethnic dimension of the Assyrian people and largely reduces their identity to their predominant religious character as Christians. This policy exacerbates internal sectarianism among Assyrians and promotes religious leaders as political representatives. Responding to hyper-sectarianism across Iraq by further sectarianization of the ethnic, indigenous Assyrians is deeply problematic. Further, this designation contradicts the language of the Iraqi Constitution and puts forward a sectarian vision of this community based solely on religion, whereas Arabs and Kurds are identified as distinct *peoples* with their corresponding rights and entitlements.
- H.Res.259 fails to acknowledge the KRG Peshmerga's preemptive and coordinated withdrawal from the Nineveh Plain and Sinjar as ISIS advanced. Acting on official orders from the KRG, the Peshmerga disarmed inhabitants of the Nineveh Plain in July 2014 and retreated in August 2014 ahead of the ISIS assault without notifying local populations. The relevant consequences of the Peshmerga's calculated withdrawal included genocide and the forced displacement of hundreds of thousands of locals. Failure to acknowledge the actions of the KRG in 2014 prevents accountability and promotes a climate of impunity. The Peshmerga have since reasserted their security presence in multiple towns in the Nineveh Plain without the consent of local populations, despite the fact that Assyrians and Yazidis deeply mistrust the Peshmerga as a result of their actions in 2014. Their continued presence has deterred those Assyrians who remain displaced from returning.
- H.Res.259 fails to acknowledge and account for the widely-documented human rights abuses committed by the Peshmerga and other KRG-affiliated security forces against Assyrians, Yazidis, and other marginalized groups. KRG intelligence forces continue to harass, assault, and employ arbitrary detentions in areas under Peshmerga control in

order to intimidate the local populations as the KRG continues to seek annexation of the Nineveh Plain. Failure to acknowledge these well-established practices downplays the seriousness of these abuses and thwarts accountability. Any measures undertaken with regard to security in the Nineveh Plain that do not account for these abuses will not produce the intended outcome of repatriation and stabilization. These harmful practices are largely preventing the return of Assyrians to areas that remain under Peshmerga control. KRG forces must be excluded from future security in the Nineveh Plain and Sinjar.

- H.Res.259 fails to mention the Nineveh Plain Protection Units (NPU) and the vital role they have served in the post-conflict phase in the Nineveh Plain. Post-conflict return rates in areas secured by the NPU are greater than those areas secured by the Peshmerga or nonlocal PMU forces such as the Babylon Brigades. Insofar as the soldiers within the NPU are drawn from the populations of various towns in the Nineveh Plain and operate independently of the Peshmerga, they represent a crucial element in the repopulation of these towns and the building of trust in security and political frameworks. The various ethnic communities that comprise the Nineveh Plain have for years sought to establish a local security force to protect themselves; the NPU is a distinguished actualization of this strategy and merits support in both material and logistical terms.
- H.Res.259 calls for the formal integration of minoritized groups such as Assyrians into Iraqi Security Forces and the KRG Peshmerga, despite the fact that this exact arrangement led to the collapse of the security in the Nineveh Plain in 2014. Thousands of Assyrian soldiers were formally registered under Peshmerga command prior to 2014, yet when faced with the threat of ISIS, they were disarmed and forced to comply with KRG orders to withdraw. In this sense, the resolution fails to account for the recent history which created the conditions for the events of 2014 when these communities were left unprotected.
- H.Res.259 does not address the underlying problem: the so-called “disputed territories” which include the Nineveh Plain and Sinjar. KRG authorities and affiliated political organizations have repeatedly advocated for a referendum seeking annexation of the Nineveh Plain to the Kurdistan Region. This policy agenda is enabled by the occupation of whole districts of the Nineveh Plain by the KRG’s Peshmerga forces. Federal authority must be fully restored in the Nineveh Plain and Sinjar in order to stabilize these areas and enable the return of displaced peoples. All suggestions pertaining to holding any kind of referendum to determine the status of territories inhabited by Assyrians, Yazidis, and other marginalized groups must be undertaken after a period of time during which security in these areas is resolved with the KDP and PMU militarily excluded; populations are resettled; access to livelihoods are reestablished; rights to property, free assembly, and free speech are restored; devastated areas are rehabilitated; infrastructure is rebuilt; local governance is restored; influence of external powers is diminished; and patronage networks are disallowed. Any such actions taken prior to these developments would be unrelated to the local population’s wellbeing.
- H.Res.259 fails to acknowledge the Iraqi Council of Ministers resolution issued in January 2014 which authorized the creation of a Nineveh Plain Governorate for Assyrians, Yazidis, and other marginalized groups. By excluding mention of the January 2014 decision, H.Res.259 undermines long-term efforts by Assyrians in Iraq aimed at

establishing a governorate which would enable them to govern themselves and safeguard their culture and distinct ethnic identity.

- H.Res.259 fails to recognize that local institutions of governance in the Nineveh Plain and Sinjar cannot be considered impartial bodies. It is well-documented that the KDP used its leverage in Mosul to install party loyalists in local administration, and thereby uses these institutions to advance policies that are often harmful to Assyrians, Yazidis, and other marginalized groups. Therefore, the resolution's language suggesting that local administrative bodies can serve as constructive partners is deeply misguided.
- H.Res.259 normalizes the KRG's presence in the Nineveh Plain and advocates for their role in security despite the fact that it is officially federal territory and that the prolonged presence of KRG forces contributes to the lasting instability. The Peshmerga's security presence in the Nineveh Plain undermines central authority in the area, prevents the emergence of functioning state institutions, and has largely hindered the return of displaced Assyrians, Yazidis, and other marginalized groups. A return to pre-ISIS security arrangements in the Nineveh Plain would pose serious risks to these endangered communities, as the Peshmerga proved unable or unwilling to defend Iraq's most vulnerable communities in their time of need.
- H.Res.259 calls for the US, Iraq, and other government authorities to work in partnership with "faith leaders" to promote the safety and security of religious and ethnic minorities. This practice violates democratic ideals by legitimizing religious leadership as political representation. The practice exacerbates intracommunity divisions and promotes sectarianism among members of a single ethnic group. This flawed policy fails to consider that most Assyrians reject the endorsement of religious leaders as political leaders, as they are not elected to serve in such a capacity and therefore not accountable to the community. In addition, policies that profile the political role and relevance of Christian leaders are used by Islamic extremists as justification for targeting those religious leaders. Further, the policy fails to account for the reality that Christian religious leaders in Iraq are often part of patronage networks and therefore beholden to the interests of dominant parties like the KDP. Legitimizing religious leaders as political representatives encourages the KRG to continue its strategy of co-opting religious leaders. Only by adopting a policy to work exclusively with legitimate secular Assyrian organizations can the U.S. begin to protect the Christian Assyrian community.

Conclusion

The Assyrian Policy Institute *opposes* H.Res.259 due to its highly-flawed policy direction. This resolution simply reasserts the failed policies that have led to the present situation and ultimately only benefits those actors who have an interest in maintaining the status quo with regard to the Nineveh Plain. This policy direction underpinned a state of limbo during which nothing was effectively provided for the indigenous communities of the Nineveh Plain while enabling the KRG to exploit the instability at the expense of Assyrians and Yazidis. Recreating pre-2014 conditions in the Nineveh Plain is detrimental to the interest and survivability of these vulnerable communities.

Recommendations

- H.Res.259 should support measures to formally restore federal authority in the Nineveh Plain in accordance with constitutional borders, ending both KRG and foreign interference in the region;
- H.Res.259 should call for KRG-affiliated forces and Iran-backed PMU forces to be transitioned out of the Nineveh Plain;
- H.Res.259 should support measures that enable Assyrians, Yazidis, and other marginalized communities to defend their own territories;
- H.Res.259 should recognize the importance of the Nineveh Plain Protection Units and call for its formal integration into Iraqi Security Forces and expansion in size and responsibility;
- H.Res.259 should support the implementation of Resolution No. 16 issued in January 2014 by the Iraqi Council of Ministers which gave preliminary approval for the creation of a Nineveh Plain Governorate administered by the central government;
- H.Res.259 should support measures to assist the Assyrian people in developing sustainable, functional, and democratic forms of local administration and security within the framework of the united, federal, Iraqi state. The KDP must be militarily excluded from the area in order for these developments to take place;
- H.Res.259 should support measures to ensure returnees have recourse for property restitution or compensation upon return and receive strong integration and support to rebuild their livelihoods and contribute to long-term economic and political development;
- H.Res.259 should reject any proposed referendum with regard to the status of the Nineveh Plain. The population must first be resettled and have their rights to property, free assembly and speech restored. Devastated areas must be rejuvenated and residents must have access to the full spectrum of state-provided services. All suggestions pertaining to holding any kind of referendum before all of this work is undertaken is premature and unrelated to the interests of Assyrians and Yazidis.

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