

Probing the Private Actors' Practices and Its Impact on Iraqi Sovereignty from an International Law Lens after the US Invasion in 2003

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Abstract

This study investigates how private actors (in the guise of private military companies) could impact the economy and human rights in fragile states like Iraq. It argues that this conclusion can only be reached if the dynamics of the international law enact new resolutions are neglected. The basic claim is that the US invasion of Iraq paved the way for these private contractors as military and private companies have affected Iraq's sovereignty, economy and human rights. There are additional reasons to question the legitimacy of private actors, which can be seen by examining their practices after the U.S. invasion of Iraq. In particular, we will analyze the actions of multinational enterprises and their businesses. A descriptive and content analysis was adopted as an effective approach. The results showed a huge impact on the Iraqi economy and human rights. The results also indicated that Iraqi sovereignty still oscillates between its existence and absence. The Iraqi legal system also lacks legal frameworks that might distinguish international investment in opaqueness in dealing with Iraq as a specific case of sovereignty.

Keywords: Multinational Corporates; Private Actors; Iraq Sovereignty; International Law

1. INTRODUCTION

The In the realm of security, the participation of private actors is nothing new in the context of sovereignty. In contrast, throughout the modern age, states have depended on private actors when they lacked the necessary expertise or manpower or were tasked with "doing dirty work" that the state would instead not be associated with⁴. What is new is the general acceptance of private military service marketplaces that are not regulated by any one state⁵. Since the Cold War's conclusion, nations have actively promoted and considered markets a means of governing security. They have implemented "neo-liberal" governmental practices in the police force. Security policy is increasingly driven by ideas like decentralization, state retreats, quasi-markets, and the individualisation of responsibility. The establishment of new marketplaces fundamentally alters the traditional

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⁴ McLean, Natalie. "State Sovereignty and Private Military and Security Companies in Australia." *Australian Journal of Politics & History* (2023).

⁵ Stiernstedt, Peter, Mark Button, Tim Prenzler, and Rick Sarre. "The 'three-pillars model of regulation': a fusion of governance models for private security." *Security Journal* 34 (2021): 247-260.

understanding of sovereignty. Starting in the middle of the nineteenth century, the game of sovereignty assumed the state had a monopoly on the lawful use of force⁶.

It has been noted that "contract to contract, from company to company, and even from team to team" in Iraq, the regulations governing businesses contracted by U.S. government agencies may vary widely⁷. In other words, businesses do not only comply with the conditions set by their clients (who might be either public or private) but instead actively participate in the rule-making process. In other cases, even the process of developing the regulations is contracted out. Significant scrutiny has been directed at the common practice of security companies creating (and assessing) their own contracts⁸. In addition, private companies are occasionally entrusted with the responsibility of developing broad guidelines for the application of force in a certain domain. The corporations have a role in defining the parameters within which coercion may be justified.

On the other hand, critical perspectives focus on the United States' part in the worldwide spread of capitalist relations, given that American military invasion and conquest prepared the ground for the entrance of American corporations and capitalist relations across the world⁹. Beyond this oversimplified picture, however, private actors hold crucial roles in Iraq through their foreign actions, even during times of relative calm. The actions of private players working for multinational corporations and MNCs in Iraq can have far-reaching consequences for the country¹⁰. These repercussions might be financial, political, or societal in character. A thorough analysis of the actions of these players is required to grasp these results. The economy of Iraq is vulnerable to the actions of multinational corporations. While they can help boost the economy and create jobs, relying too much on a small number of corporations can be risky. When a multinational corporation (MNC) suddenly leaves a country, it can cause widespread unemployment and economic collapse. Multinational corporations (MNCs) may have sway in electoral processes if they are major financial players in the local economy. This might result in policy or regulatory shifts that benefit big firms at the expense of the Iraqi people. Multinational corporations and the private actors they employ may significantly impact local communities. If, for example, local populations are uprooted as a result of an MNC's activities, or if local customs and cultures are upended, this can have far-reaching consequences for the social fabric of the nation. Multinational corporations are able to influence and act in ways that serve their interests, regardless of the effects on the nations in which they operate since there are no rules in place to prevent them from doing so.

Although many studies have been conducted on the subject of the invasion of Iraq, it is nevertheless crucial that private players under the umbrella of multinational corporations be taken into account when depicting Iraqi sovereignty in the post-war age. This research's findings are thus necessary to bridge that gap. The research summarizes previous works that have looked at how private actors have affected human rights, the economy, and Iraq's sovereignty. In order to provide a balanced judgement, it is crucial to record the viewpoints of everyone involved. The remaining parts of the article are broken down into the following sections: private actors, multinational companies and Iraqi

⁶ Sørensen, Georg. *The transformation of the state: Beyond the myth of retreat*. Bloomsbury Publishing, 2017.

⁷ Elsea, Jennifer, and Nina M. Serafino. *Private security contractors in Iraq: Background, legal status, and other issues*. Washington: Congressional Research Service, 2007.

⁸ Tkach, Benjamin. "Private military and security companies, contract structure, market competition, and violence in Iraq." *Conflict Management and Peace Science* 36, no. 3 (2019): 291-311.

⁹ Walia, Harsha. *Border and rule: Global migration, capitalism, and the rise of racist nationalism*. Haymarket Books, 2021.

¹⁰ Katsos, John E., and Yass AlKafaji. "Business in war zones: How companies promote peace in Iraq." *Journal of Business Ethics* 155 (2019): 41-56.

sovereignty, multinational corporations and Iraqi human rights, multinational corporations and the Iraqi economy and conclusion.

2. PRIVATE ACTORS

The privatization of formerly public services has been an established feature of the American political system for some time now. Many formerly government-run functions, including corrections, welfare, and school administration, have been delegated to the private sector, with the motivations ranging from profit to social good¹¹. Although some academics have praised privatization for the potential savings it may bring¹², others have voiced serious concerns, stating that privatization poses a danger to legal and democratic responsibility (Raco, 2016). Some academics are concerned that privatization may result in a loss of public values despite its apparent efficiency advantages since private actors are often not subject to the constitutional and administrative law rules that apply to governments¹³. At long last, a compromise perspective is taking shape, one that accepts privatization while also looking for ways to expand public values through contract¹⁴, accountability through democratic participation and other means. While there has been extensive discussion about privatization at the national level, the privatization of what may be considered the government's international affairs activities has received far less attention. However, privatization is just as important abroad as it is on the national level. In recent years, the United States has increasingly come to rely on commercial, for-profit organizations as well as non-profits to carry out all of its foreign aid activities, from emergency humanitarian relief to development aid to post-conflict rebuilding and military operations that were long considered violent, such as peace discussions; and other forms of diplomacy¹⁵.

Despite the enormity of these changes and the potentially far-reaching effects, international law academics have not yet concentrated adequately on privatization as a complete trend in the international arena, much alone examined the ramifications. Many academics over the past two decades have argued that international law research should not just concentrate on states, but also take into account the increasing influence of non-state entities¹⁶. Nonetheless, even these academics have not zeroed in on privatization per se, the increasing trend of countries outsourcing foreign affairs tasks previously performed by states to private entities¹⁷. Thus, research has been conducted into the possibility of extending or reinterpreting international law rules to apply to non-state entities including guerrilla organizations, terrorist groups, and businesses. Non-governmental organizations, international civil society, and networks of state and non-state players have all been the subject of much discussion. However, none of these issues is posed as an inquiry into private actors' activities in the Iraqi setting in particular.

Given the importance of accountability standards to the rule of law and democratic legitimacy, it is surprising that international law specialists have not provided a

¹¹ Dickinson, Laura A. "Government for hire: Privatizing foreign affairs and the problem of accountability under international law." *Wm. & Mary L. Rev.* 47 (2005): 135.

¹² Hodge, Graeme. "Privatization: An international review of performance." (2018).

¹³ Alter, Karen J. "The multiple roles of international courts and tribunals: enforcement, dispute settlement, constitutional and administrative review." *International Law and International Relations: Synthesizing Insights from Interdisciplinary Scholarship*, Jeffrey L. Dunoff and Mark A. Pollack, eds (2013): 12-10.

¹⁴ Hodge, Graeme. "Privatization: An international review of performance." (2018).

¹⁵ Del Castillo, Graciana. *Rebuilding war-torn states: The challenge of post-conflict economic reconstruction*. OUP Oxford, 2008.

¹⁶ Moeckli, Daniel, Sangeeta Shah, Sandesh Sivakumaran, and David Harris, eds. *International human rights law*. Oxford University Press, 2022.

¹⁷ Cordelli, Chiara. *The privatized state*. Princeton University Press, 2020.

comprehensive examination of the potential effects of privatization in the international and transnational realm. It would appear, however, that privatization has just as much impact abroad as it does at the national level. Indeed, we confront the prospect (as with domestic U.S. constitutional law) of private contractors sliding through the gaps of the international legal environment and escaping responsibility entirely because most formal international law tools apply primarily to state actors¹⁸.

In fact, the private sector is involved in a wide variety of military-related activities, from providing logistical support (like making weapons and erecting barracks) to more central functions (like training soldiers, collecting intelligence, providing security, and even engaging in combat¹⁹. This is not only a U.S. phenomenon; countries and international organizations like the United Nations have privatized certain portions of their operations. In point of fact, some states considered to be "failed" have relied almost entirely on private actors to perform both international and domestic roles of government. These "failed" states have used private military companies to fight their wars, foreign nongovernmental organizations (NGOs) to provide their essential social services, and foreign for-profit companies to build their roads, dams, and other types of infrastructure²⁰. The effects of these private actors as non-government organizations are discussed below.

3. PRIVATE ACTORS AND IRAQI SOVEREIGNTY

In recent decades, Iraq has become a test bed for several theories on statehood. The specific character of the unfolding events in Iraq makes that country a special example. There are a number of factors that have led to the loss of Iraqi sovereignty. The most important one is the long period of foreign occupation that this nation endured. The country's domestic system was altered. Occupying forces assisted in installing a new government. There were other noteworthy occurrences in the preceding decades. More than a decade has passed with various ethnic and sectarian factions ruling various sections of Iraq. The overlapping regional powers harken back to a mediaeval system.

Despite its individuality, Iraq is a classic example of a colonial invention. Many Western ideas and institutions were heavily introduced there. Three former Ottoman provinces came together to establish this colonial endeavor. These provinces were redrawn using Western criteria, including citizenship requirements and national borders. As a result, there is a wealth of data available on Iraq's past. It is a good example for thinking about this. Overall, the Iraqi instance contains all the issues and data pertinent to a study of sovereignty, and this is true even when ignoring the historical context.

In the regard of Iraq sovereignty, multinational corporations' effects on Iraq's sovereignty are nuanced and multifaceted. Some important considerations relating multinational corporations to Iraqi sovereignty are as follows: Multinational corporations' involvement in Iraq's economy, especially in the oil and gas industry, has the potential to increase the country's reliance on foreign firms. Iraq's sovereignty in the economic sphere and its capacity to manage and profit from its own natural resources may be hampered by its dependence on other powers. Iraq's sovereignty over its own riches and assets is threatened by multinational corporations (MNCs) active in the exploitation and administration of Iraq's natural resources. Iraq's interests and sovereignty need cautious

¹⁸ Kolb, Robert. *The international law of state responsibility: an introduction*. Edward Elgar Publishing, 2017.

¹⁹ Janaby, Mohamad Ghazi. *The legal regime applicable to private military and security company personnel in armed conflicts*. Springer, 2016.

²⁰ Sowers, Jeannie L., Erika Weinthal, and Neda Zawahri. "Targeting environmental infrastructures, international law, and civilians in the new Middle Eastern wars." *Security Dialogue* 48, no. 5 (2017): 410-430.

structuring of negotiations, contracts, and resource management practices²¹. The extent to which Iraq can create and implement its own legal and regulatory frameworks is an indicator of its degree of sovereignty. The Iraqi government should have the ability to guarantee that multinational corporations operating there comply with local rules and regulations and safeguard Iraqi interests. Multinational corporations (MNCs) are formidable bargaining partners because of their size, resources, and experience. This may have an effect on Iraqi sovereignty during contract negotiations and policymaking. Thus, the government must strike a balance between economic growth and the protection of the country's sovereign rights. Iraq has the right to impose laws that safeguard the environment and promote responsible use of the country's natural resources²². Multinational corporations with operations in Iraq should make training and hiring locals a top priority. This helps Iraq maintain its sovereignty by giving its residents more say in government and cutting back on its need for foreign labor²³.

Protecting Iraqi sovereignty requires ensuring MNCs adhere to high standards of openness and accountability in their activities. Protecting national interests and avoiding undue influence from MNCs requires full disclosure throughout contract negotiations, revenue management, and resource distribution. Iraq's sovereignty may be strengthened through the encouragement of multinational corporations' involvement in the production of local content, the transfer of technology, and the addition of value²⁴. Careful management, effective administration, and powerful legal and regulatory frameworks are needed to strike a balance between allowing MNC engagement to help Iraq's economy while maintaining the country's sovereignty. Protecting Iraq's national interests and making sure that MNC operations contribute to the country's long-term growth and prosperity require the government to set clear policies, participate in fair discussions, and firmly enforce its sovereignty²⁵.

Some of the most heated debates about the invasion of Iraq by the United States have come to an end. France's diplomatic efforts have helped rally international support for a restoration of sovereignty to Iraqi lawmakers in a way that is both swift and transparent²⁶. It appears that a new multilateral strategy has been facilitated by American diplomacy, which has compromised on the nature and duration of its force deployments in Iraq and aggressively encouraged 'a leadership position' for the UN²⁷. Following the March 2003 invasion and the bloodshed that characterized the subsequent yearlong occupation, sovereignty and multilateralism were hot topics in New York, Baghdad, and eventually Washington²⁸. Whether or not these diplomatic victories and the United Nations' involvement in Iraq will hold up over time remains to be seen.

It is worthy to evaluate the nature and development of sovereignty in Iraq since its roots in international law and local politics, the notion of sovereignty has many more

²¹ Moreton-Robinson, Aileen, ed. *Sovereign subjects: Indigenous sovereignty matters*. Routledge, 2020.

²² Murshed, Muntasir, Md Aminur Rahman, Md Shabbir Alam, Paiman Ahmad, and Vishal Dagar. "The nexus between environmental regulations, economic growth, and environmental sustainability: linking environmental patents to ecological footprint reduction in South Asia." *Environmental Science and Pollution Research* 28, no. 36 (2021): 49967-49988.

²³ Pursley, Sara. *Familiar Futures: Time, Selfhood, and Sovereignty in Iraq*. Stanford University Press, 2019.

²⁴ Pursley, Sara. *Familiar Futures: Time, Selfhood, and Sovereignty in Iraq*. Stanford University Press, 2019.

²⁵ Dodge, Toby. *Iraq—from war to a new authoritarianism*. Routledge, 2017.

²⁶ Ahram, Ariel I. *Break all the Borders: Separatism and the Reshaping of the Middle East*. Oxford University Press, 2019.

²⁷ Porter, Patrick. "Why America's grand strategy has not changed: Power, habit, and the US Foreign policy establishment." *International Security* 42, no. 4 (2018): 9-46.

²⁸ Dodge, Toby. *Iraq—from war to a new authoritarianism*. Routledge, 2017.

foundations. An effective and somewhat clear formulation was proposed by American political scientist Stephen Krasner. Krasner dissects the concept of sovereignty to reveal its component pieces. The concept of international legal sovereignty is the simplest, as it simply refers to the diplomatic acknowledgement of a state's status as a separate political and legal entity²⁹. Diplomats have been particularly worried about this facet of sovereignty ever since Baghdad fell in April 2003. Who were they supposed to communicate with in Iraq, and on what basis of international law did their counterparts there have the authority to speak on their behalf? By recognizing the Baghdad provisional government and passing Resolution 1546, the United Nations Security Council definitively resolved the issue³⁰. Krasner's additional criteria for a sustainable, stable, and legitimate state in Iraq are, however, higher and more difficult to attain.

Krasner's 'Westphalian sovereignty,' which is founded on the idea of territoriality and the state's power to preclude foreign actors from interfering with its capacity to govern over its population, is the second facet of sovereignty³¹. The second feature of Westphalian sovereignty poses a considerably greater challenge for the new Iraqi administration³². For at least the next decade, Iraq will need assistance from other countries, mostly in the form of military aid but also financial assistance. It will thereafter become a "quasi-state," dependent on the support of the United governments as regional hegemon or, failing that, a wider coalition of concerned governments³³.

The new administration will be economically and militarily dependent on the United States, but the degree to which it will be subservient politically will depend on the form and breadth of the connection between the US embassy in Baghdad and the Iraqi government. The most troublesome factor for Iraq, however, may not be the overt backing of other players but rather the hidden and possibly destabilizing acts of its neighbors. Iraq's boundaries are quite lengthy and open. Coalition soldiers, especially in the south, have lacked the manpower to efficiently patrol the borders, and the development of an indigenous border security force has been sluggish and ineffective. In light of this, influential Iraqis and coalition officials have voiced severe worries about the presence and motivations of Iranian government agents in the country³⁴.

Politically, it's hard to argue against the end of occupation when it is mandated by a Security Council Resolution³⁵. The actuality, rather than the name, is what matters, as Adam Roberts and others have argued. An official declaration of the occupation's conclusion would not have much of an impact. Regardless of how a region is described in the Security Council Resolution, whether or not it is "actually placed under the authority of the hostile army" as per Article 42 of the Hague Regulations remains the determining factor³⁶.

²⁹ Krasner, Stephen D., ed. *International regimes*. Cornell University Press, 1983.

³⁰ Dirri, Adriano. "The Iraqi Federation and the Kurdistan Regional Government. The conflict between communal and oil and gas policies." *Perspectives on Federalism* 11, no. 3/2019 (2019): 92-121.

³¹ Bauder, Harald, and Rebecca Mueller. "Westphalian vs. indigenous sovereignty: Challenging colonial territorial governance." *Geopolitics* 28, no. 1 (2023): 156-173.

³² Paris, Roland. "The right to dominate: How old ideas about sovereignty pose new challenges for world order." *International Organization* 74, no. 3 (2020): 453-489.

³³ Fawcett, Louise. "States and sovereignty in the Middle East: myths and realities." *International Affairs* 93, no. 4 (2017): 789-807.

³⁴ Felter, Joseph, and Brian Fishman. *Iranian Strategy in Iraq: Politics and Other Means*". Military Academy West Point, NY: Combating Terrorism Center, 2008.

³⁵ Doyle, Michael. "Sovereignty and humanitarian military intervention." *A Companion to Contemporary Political Philosophy* (2017): 781-792.

³⁶ Ferraro, Tristan. "Determining the beginning and end of an occupation under international humanitarian law." *International review of the Red Cross* 94, no. 885 (2012): 133-163.

A key consideration in this respect is the extent to which the current Iraqi Government has the capacity to overturn previous rules of the Coalition Provisional Authority and to exercise political control over the military activities of the multinational corporations. The former occupying countries are still very much present in the region, both militarily and economically. In contrast, the Coalition Provisional Authority's laws may be nullified if the Iraqi government had the authority to demand that the MNCs to stop their activities³⁷. Regardless of whether or not they choose to use this authority, the foreign army's continued presence in Iraq at the request of a fully sovereign government should not be perceived as hostile³⁸. Further, if Iraq's internal instability is not addressed, regional countries might be enticed into the country's politics and end up backing proxy militias to further their own regional and foreign policy objectives. This would not only exacerbate the instability currently present in the region, but will also further destabilize Iraq³⁹.

Domestic sovereignty, the third concept of Krasner's, will be the deciding factor in whether or not the new administration in Baghdad and the broader U.S. objective of regime transitions in Iraq is successful. According to Krasner, a nation's domestic sovereignty depends on how well political power is structured and implemented across the country⁴⁰. Coalition Provisional Authority (CPA) leaders realized they couldn't enforce their authority in Iraq, so they created an interim Iraqi government. The Iraqis at the helm of the government and security forces are expected to obtain not just the approval of the United Nations in New York, but also the respect and legitimacy of the Iraqi people.

4. MULTINATIONAL CORPORATIONS AND IRAQI HUMAN RIGHTS

As of their global reach, multinational companies (MNCs) are occasionally linked to human rights violations. This is especially true if the country in which the MNC is operating has lax regulations, no means of enforcing those regulations, or a government that is complicit in human rights violations⁴¹. Some multinational corporations (MNCs) may set up plants in nations with lax enforcement of labor rights in search of cheap labor and reduced manufacturing costs. As a result, it is possible that workers may have to endure unsafe working conditions, low pay, and long hours⁴². Multinational corporations (MNCs) may be complicit in the forced relocation of local people, particularly in the mining and agriculture industries, without providing enough compensation or alternative means of subsistence⁴³. This is an assault on their fundamental human rights to adequate housing, property, and food production. As a result of the pollution and environmental degradation caused by the activities of some MNCs, local populations may have negative

³⁷ Shearer, David. *Private armies and military intervention*. Routledge, 2020.

³⁸ Bannelier-Christakis, Karine. "Military interventions against ISIL in Iraq, Syria and Libya, and the legal basis of consent." *Leiden Journal of International Law* 29, no. 3 (2016): 743-775.

³⁹ Lisner, Matthew. "Failed states and the effects of instability." PhD diss., Rutgers University-Camden Graduate School, 2016.

⁴⁰ Krasner, Stephen D. *Power, the state, and sovereignty: essays on international relations*. Routledge, 2009.

⁴¹ Baumann-Pauly, Dorothée, and Justine Nolan. *Business and human rights: from principles to practice*. Routledge, 2016.

⁴² Anner, Mark. "Squeezing workers' rights in global supply chains: Purchasing practices in the Bangladesh garment export sector in comparative perspective." *Review of international political economy* 27, no. 2 (2020): 320-347.

⁴³ van der Ploeg, Lidewij, and Frank Vanclay. "Challenges in implementing the corporate responsibility to respect human rights in the context of project-induced displacement and resettlement." *Resources Policy* 55 (2018): 210-222.

consequences on their health and livelihoods. This is an infringement of the communities' rights to health, clean water, and a healthy environment.

More and more countries are passing "business and human rights" legislation that mandate "human rights due diligence" from multinational corporations in order to assess, prevent, and address human rights abuses. However, to the best of my understanding, effective enforcement of such legislation remains an issue as of the end of September 2021. Professor of development economics at Geneva's Graduate Institute Gilles Carbonnier corroborates this view⁴⁴:

"We were in the midst of the Cold War, when the UNCTAD group of countries was formed to discuss the issue of transnational corporations, but the discussion quickly turned into a deaf dialogue and therefore no progress was made on the issue of human rights related to the activities of transnational corporations."

With the fall of the Soviet Union and the rise of a market economy headed by powerful multinational businesses, the subject was brought back to the United Nations' agenda in the 1990s through a subsidiary body of the Commission on Human Rights (replaced by the Human Rights Council in 2006), whose goal it is to persuade businesses to use environmentally and socially sound practices. This legal declaration, produced by American attorney David Weissbrodt and born out of the World Trade Organization in 1995, just defined the requirements in the sphere of human rights that governments should apply to multinational enterprises. "However, this initiative changed the position of representatives of some large multinational companies, who declared their willingness to implement the recommendations of the Subsidiary Body, and put them to the test," in accordance Gilles Carbonnier.

For the business world, the answer was establishing the "Business Leaders Initiative for Human Rights", firms including ABB, Coca-Cola, Barclays, Areva, Ericsson, General Electric, and the Novartis Foundation for Sustainable Development were all part of this group, which was active from 2003 until 2009. In the following sentence, she summed up her findings: "In 2003, we worked hard to find practical means to implement the Universal Declaration of Human Rights in the context of business, which is now clear to companies, and our next challenge will be to apply it within all our institutions, trade and value chains, all over the world".

Simultaneously, John Ruggie, a professor at Harvard, was selected by UN Secretary-General Kofi Annan to serve as a special representative on business and human rights concerns. In order to gain an understanding of the obligations of private sector enterprises and the signatories to human rights conventions, it is represented in interaction with companies, non-governmental organizations, and governments⁴⁵. Since governments are liable for upholding human rights, businesses must do the same in all of their dealings with people all over the world.

A large number of human rights advocates, environmental specialists, and members of social development organizations regularly attend the annual working sessions held by the working group, which was established in 2014 by the United Nations Human Rights Council. In addition to China, many other countries, primarily from the south of the world, also send representatives. It is imperative that the United States, Canada, Australia, and Japan stop sending empty symbolism to these meetings and start sending representatives who can actually contribute anything to the negotiations.

⁴⁴ Benthall, Jonathan, William Caferro, Gilles Carbonnier, Christopher Cramer, Philippe Le Billon, Zachariah Mampilly, and Edward McCord. *Rebel economies: Warlords, insurgents, humanitarians*. Rowman & Littlefield, 2021.

⁴⁵ Carolei, Domenico, and Nadia Bernaz. "Accountability for human rights: applying business and human rights instruments to non-governmental organizations." *Journal of Human Rights Practice* 13, no. 3 (2021): 507-528.

In the context of Iraq, the significance of this trend is readily apparent in light of recent events. There are over 20,000 private military contractors in Iraq, for instance, " but the Abu Ghraib prison scandal revealed that even such sensitive tasks as military interrogations have been privatized⁴⁶. Furthermore, a military assessment found that more than a third of the private interrogators at Abu Ghraib had never received any kind of training in interrogation techniques⁴⁷. One of these questioners has let it go, "cooks and truck drivers" engaged on account of the fact that the private firm in charge of interrogation services "under so much pressure to fill slots quickly." Thus, it should come as no surprise that many of the alleged acts of torture at Abu Ghraib have been traced back to private contractors⁴⁸. Meanwhile, on the issue of foreign aid, the FBI is looking into whether or not the Pentagon inappropriately handed no-bid contracts for Iraqi reconstruction to the politically connected business Halliburton⁴⁹. It is possible to gauge the magnitude of privatization by looking at the size of Halliburton's contracts in Iraq, which are estimated to be close to \$15 billion, or more than double the cost to the United States of the entire 1991 Gulf War⁵⁰.

There are serious concerns about the willingness of employees of private military companies performing logistics, advising, and direct combat to abide by international law standards that normally apply to governmental actors, as well as the difficulty of holding these employees accountable for any violations. Military intelligence agents from the corporation CACI, for instance, were sent to Abu Ghraib jail in Iraq, where they assaulted Iraqi captives alongside uniformed military officers⁵¹. 'Indeed, the uniformed personnel on the scene often took orders from the contract intelligence operatives⁵². Detainees at Abu Ghraib were abused by U.S. military personnel in charge of detention operations, who subjected them to sexual humiliation and forced them to strip naked; they also threatened them with dogs and electric shocks; they staged mock executions; they subjected them to extreme cold; they beat them; they nearly suffocated them; and in some cases, they killed them⁵³. Along with uniformed military personnel, it has been revealed that private contractors working under contract with the Department of the Interior as interrogators and translators engaged in and directed some of the abuse. Several principles of international and domestic law were obviously broken. And while the Geneva Conventions and the Convention Against Torture clearly prohibit the actions of the military personnel,' critics have noted that it is unclear whether or not the treaties apply to non-state actors, and even if they do, there are few venues for holding them accountable⁵⁴. Moreover, while many treaties openly forbid the use of some categories of

⁴⁶ Wheeler, McKinney Voss. "Private Military Contractors: The Armed Forces Absent from the War Powers Resolution." *Nat'l Sec. L. Brief* 12 (2021): 1.

⁴⁷ Cusumano, Eugenio. "Explaining Contractor Support to Missions Abroad: A Congruence Test." *In Mobilization Constraints and Military Privatization: The Political Cost-Effectiveness of Outsourcing Security*, pp. 177-198. Cham: Springer International Publishing, 2022.

⁴⁸ Fine, Gary Alan, and Ugo Corte. "Dark Fun: The Cruelties of Hedonic Communities 1." *In Sociological Forum*, vol. 37, no. 1, pp. 70-90. 2022.

⁴⁹ Iris, Cynthia. "Armed contractors on the battlefield: Coordination issues in Iraq between the US military and private security contractors." PhD diss., 2021.

⁵⁰ Nouri, Bamo. *Elite Theory and the 2003 Iraq Occupation by the United States: How US Corporate Elites Created Iraq's Political System*. Routledge, 2021.

⁵¹ Taguba, Antonio M. *US Army 15-6 report of abuse of prisoners in Iraq*. DigiCat, 2022.

⁵² Calcara, Antonio. "Contractors or robots? Future warfare between privatization and automation." *Small Wars & Insurgencies* 33, no. 1-2 (2022): 250-271.

⁵³ Scraton, Phil, and Jude McCulloch, eds. *The violence of incarceration*. Routledge, 2008.

⁵⁴ Welch, Anna, and SangYeob Kim. "Non-State Actors" under Color of Law": Closing a Gap in Protection under the Convention against Torture." *Harv. Hum. Rts. J.* 35 (2022): 117.

mercenaries, the definition of "mercenary" is so vague that most sorts of service by private military firms fall beyond the treaties' prohibitions⁵⁵.

Private company employees have not yet been used in direct combat roles by the United States, but they have been used in roles that are extremely close to combat, such as military intelligence gathering, troop training, and support functions⁵⁶.

However, despite the severity of these infractions, legal recourse is extremely limited, particularly against government actors. To begin, there are hardly no international, Iraqi, or transnational channels available to bring criminal or civil charges against the governmental players or entities involved⁵⁷. The International Criminal Court has no jurisdiction over Iraq, and, even if it did, under the complementarity principle any domestic investigation or prosecution would defeat jurisdiction⁵⁸. The jurisdiction of any other international criminal tribunal is also lacking. The International Covenant on Civil and Political Rights has a treaty monitoring body called the Human Rights Committee that Iraq might potentially file a complaint against⁵⁹. State-to-state complaints in such a venue are extraordinarily rare,²¹¹ however, and it seems unlikely that, given Iraq's continuing dependence on U.S. support and aid, the Iraqi government would risk souring that relationship by bringing such a complaint at any point in the near future⁶⁰. For the same reasons, a lawsuit in the International Court of Justice is possible but highly improbable. Although criminal or civil prosecutions might in principle be conducted in Iraqi courts, the United States Coalition Provisional Authority (CPA) gave immunity to the United States and other foreign actors in Iraq⁶¹. Whether or not such an immunity provision can actually protect individuals from claims of grave human rights breaches is, of course, an unsettled topic. In any event, the Iraqi legal system is not prepared to handle such matters⁶².

Finally, the likelihood of a transnational suit in a third country based on universal jurisdiction grounds is low. The German universal jurisdiction statute prevented a group of Abu Ghraib victims from suing for war crimes in Germany⁶³. According to the law, the senior German prosecutor's approval is needed to exercise jurisdiction, and the prosecutor

⁵⁵ Blüme, Hanna. "Private Military and Security Companies in Armed Conflict: Privatisation of Violence as a Challenge to Contemporary International Humanitarian Law." (2021).

⁵⁶ Bamigboye, Oluwaseyi Mike. "Does Outsourcing Security to Private Security Companies Impact International Security and Counterterrorism?." *African Journal of Terrorism and Insurgency Research* 3, no. 2 (2022): 5.

⁵⁷ Verdier, Pierre-Hugues, and Paul B. Stephan. "International Human Rights and Multinational Corporations: An FCPA Approach." *BUL Rev.* 101 (2021): 1359.

⁵⁸ Chiarini, Giovanni. "Human rights vs complementarity: The Iraq war, the UK, & the International Criminal Court." *UCC Legal Research Papers Centre for Criminal Justice and Human Rights* (2021).

⁵⁹ Harding, Scott, and Kathryn Libal. "War and the public health disaster in Iraq." *War and health: The medical consequences of the wars in Iraq and Afghanistan* 4 (2019): 111.

⁶⁰ Lindley-French, Julian. *The North Atlantic Treaty Organization: The Enduring Alliance*. Taylor & Francis, 2023.

⁶¹ Quadri, Zaynab. "War Is Still a Racket: Private Military Contracting, US Imperialism, and the Iraq War." *American Quarterly* 74, no. 3 (2022): 523-543.

⁶² McLean, Natalie. "State Sovereignty and Private Military and Security Companies in Australia." *Australian Journal of Politics & History* (2023).

⁶³ Allahverdiyev, Alovzat Vilayet. "Application of Universal Jurisdiction for War Crimes in National Legislations of States: Comparative Analysis." *Revista Institutului National Justitiei* (2021): 42.

recently decided against proceeding with case 215 because of the political sensitivity of the topic⁶⁴.

Another scene of human rights violation came from Blackwater private contractors. Nisour Square in Baghdad was the scene of a shooting on September 16, 2007, involving workers of the American security contractor Blackwater. The company claims that they were protecting a US State Department delegation when it was attacked. Witnesses said that Blackwater personnel opened fire without provocation, targeting everyone who moved or appeared to be doing so, including those who were fleeing or attempting to aid the injured. The incident resulted in the deaths of seventeen Iraqi civilians and the injuries of at least twice that number. At once, President Al-Maliki emerged to "revoke Blackwater's license" for doing business in Iraq, and the Iraqi government has begun the process of reducing contractor impunity. It quickly became apparent, however, that there was no license to cancel and that the Iraqi government might not have the ability to deny Blackwater the right to operate in Iraq. U.S. officials, for their part, apologized for the civilian deaths, pledged to launch their own investigation, and opened no contracts with Blackwater in Iraq or anywhere else⁶⁵.

The inquiry that followed the Nisour incident is a perfect example of this. The State Department had supported Blackwater in Iraq, despite opposition from other government agencies and, most notably, the Justice Department⁶⁶. Likewise, the Inspector General had hindered his office's progress and refused to assist the Department of Justice with investigations of security companies⁶⁷. In other words, the formation of security markets does not pit private market participants against public state actors in terms of conflicts and tensions. They redraw political boundaries within states⁶⁸. Various state and government agencies are at odds with one another. These are not struggles between the state and the market. This is significant for sovereignty because it shows that what is at risk is not a radical redistribution of power but rather the same old debate over the purpose of public policy and the best means of achieving it⁶⁹.

Furthermore, the lack of personnel in government agencies tasked with overseeing military contracts may also contribute to weak control of these contracts. More than half of the contracts in Iraq were not properly supervised, according to the DOD IG investigation⁷⁰. France passed the world's first law in 2017 mandating human rights due diligence for all global operations of multinational corporations doing business in France⁷¹. Germany passed a bill with comparable provisions earlier this year; it will take effect in 2023. In addition, the European Union's She's working on drafting a European

⁶⁴ Studzinsky, Silke, and Alexandra Lily Kather. "Will Universal Jurisdiction Advance Accountability for Sexualized and Gender-based Crimes? A View from Within on Progress and Challenges in Germany." *German Law Journal* 22, no. 5 (2021): 894-913.

⁶⁵ Foster, John Bellamy, Vijay Prashad, John Ross, and Deborah Venezia. *Washington's New Cold War: A Socialist Perspective*. NYU Press, 2022.

⁶⁶ McGregor, Ian. "US defense contractors." *In Harvard Model Congress*, vol. 19. 2021.

⁶⁷ Sopko, John F., and SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION ARLINGTON VA. "Counter Threat Finance: US Agencies Do Not Know the Full Cost and Impact of Their Efforts to Disrupt Illicit Narcotics Financing in Afghanistan." (2021).

⁶⁸ Avant, Deborah. "Private Military and Security Companies." *Security Studies: An Introduction* (2023).

⁶⁹ Avant, Deborah. "Private Military and Security Companies." *Security Studies: An Introduction* (2023).

⁷⁰ Heinz, Jon. "Reducing Defense Contract Waste: The Inadequacy of Defense Contract Audit Practices in Preventing and Recovering Systemic Defense Contractor Waste." *Admin. L. Rev.* 69 (2017): 175.

⁷¹ Quijano, Gabriela, and Carlos Lopez. "Rise of mandatory human rights due diligence: a beacon of hope or a double-edged sword?." *Business and human rights journal* 6, no. 2 (2021): 241-254.

Union-wide regulation on the topic at the moment⁷². If the treaty is ratified, it will set a higher standard for businesses around the world by mandating their compliance with a set of due diligence rules that now extend to include public monitoring and enforcement. According to the Guiding Principles, governments must look into corporate human rights abuses, punish those responsible, and compensate victims. Any treaty addressing corporate liability should adhere to the fundamental idea of an effective remedy, which is a cornerstone of international human rights law⁷³. The rights of employees and indigenous communities are often overlooked in the context of global economic operations with complicated value chains, making it difficult to secure legal justice⁷⁴.

In fact, the DOD's own IG has strongly criticized the agency for the overuse of such contracts, in part for this reason. " And there have been investigations into waste and fraud in numerous of these contracts. The Army's top contracting official has also lately gone public with accusations that KBR's contracts for military services in Iraq and the Balkans breach contract standards and endanger "the 'integrity of the federal contracting programme."⁷⁵" in part because KBR representatives were present at a meeting setting contract terms and the no-bid exception was used too broadly." However, this critic was recently demoted, purportedly as a result of levelling these criticisms, illustrating how tough it will be to improve the contracting process⁷⁶.

On the other hand, many Iraqis have found work in multinational corporations (MNCs) thanks to the employment opportunities they have created. However, protecting workers' rights and providing equal opportunities on the job is not always easy⁷⁷. Inadequate salaries, working hours, occupational health and safety, and workers' rights to form unions are only some of the complaints levelled against some multinational corporations. Multinational corporations having operations in Iraq have a duty to monitor their supply chains to ensure compliance with human rights laws and regulations⁷⁸. Some multinational corporations have launched CSR projects in Iraq with the goal of improving people's living conditions⁷⁹. Projects in these categories may involve things like community development, capacity building, education, healthcare, and even infrastructure. Human rights issues and community development are two areas that can benefit from such efforts. Multinational corporations' attempts to do business in Iraq have been hampered by the country's unstable security situation and the ongoing conflict⁸⁰.

Concerns can be identified and addressed, as well as accountability and responsible business practices, promoted through open communication, consultation, and collaboration. Multinational corporations should follow the UN Guiding Principles on

⁷² Domorenok, Ekaterina, and Paolo Graziano. "Understanding the European Green Deal: A narrative policy framework approach." *European Policy Analysis* 9, no. 1 (2023): 9-29.

⁷³ Hannum, Hurst. "Reinvigorating human rights for the twenty-first century." *Human Rights Law Review* 16, no. 3 (2016): 409-451.

⁷⁴ Bartley, Tim. *Rules without rights: Land, labor, and private authority in the global economy*. Oxford University Press, 2018. ISBN: 9780198794332

⁷⁵ Schumacher, Gerald. *A bloody business: America's war zone contractors and the occupation of Iraq*. Zenith Press, 2006.

⁷⁶ Tasioulas, John. "Saving human rights from human rights law." *Vand. J. Transnat'l L.* 52 (2019): 1167.

⁷⁷ Cuervo-Cazurra, Alvaro, Marleen Dieleman, Paul Hirsch, Suzana B. Rodrigues, and Stelios Zyglidopoulos. "Multinationals' misbehavior." *Journal of World Business* 56, no. 5 (2021): 101244.

⁷⁸ Arnold, Denis G. "Corporations and human rights obligations." *Business and Human Rights Journal* 1, no. 2 (2016): 255-275.

⁷⁹ Ismael, Ferman, and Mehmet Yesiltas. "Sustainability of CSR on Organizational Citizenship Behavior, Work Engagement and Job Satisfaction: Evidence from Iraq." *Revista de Cercetare si Interventie Sociala* 71 (2020).

⁸⁰ Shearer, David. *Private armies and military intervention*. Routledge, 2020.

Business and Human Rights and other globally recognized rules and principles that protect and advance human rights. These guidelines stress the need for companies to do their part to ensure human rights are protected, due diligence is performed, and wrongdoing is remedied.

Given that it took a decade to prepare, the United Nations conclusion of a treaty relating commercial corporations and human rights will be the first of its type. Basic decency". Employers' associations supported the principles and committed themselves to adhere to them - in part because they had no legal obligation to do so, the principles were not binding, and it was impossible to monitor or enforce adherence to them. States are expected to prevent and punish human rights abuses by corporations as part of their existing obligations under international law.

5. IRAQ'S ECONOMY AND THE ROLE OF MULTINATIONAL ENTERPRISES

The dramatic decrease in oil income, which followed extensive social unrest and political instability, have greatly exacerbated Iraq's socio-economic fragilities⁸¹. The government is enacting a comprehensive policy package to restore financial stability and guarantee debt sustainability. Fiscal adjustments budget aim to reduce the wage bill, cut inefficient energy subsidies, and increase non-oil revenue; these are crucial short-term measures. In addition, the budget allocates more money for health care and other targeted cash transfers. To protect reserves and guarantee external sustainability, the Central Bank of Iraq has depreciated the exchange rate⁸².

It is difficult to determine how common violations of host country regulations are among multinational corporations, their affiliates, and their vendors⁸³. U.S. Foreign Corrupt Practises Act enforcement has recently been increased by the Securities and Exchange Commission. Bribery is prohibited everywhere, yet authorities often fail to execute the law due to a lack of strong governance⁸⁴. In recent years, the U.S. Securities and Exchange Commission has taken enforcement actions against a number of companies for corruption⁸⁵. These include General Electric (based in the United States) for corruption in Iraq; Eli Lilly (based in Switzerland) for corruption in Russia, Brazil, China, and Poland; Pfizer (based in Switzerland) for corruption in Bulgaria, China, Croatia, the Czech Republic, Kazakhstan, Russia, and Serbia; Johnson & Johnson (based in the United States) for corruption in Poland, Romania, and Iraq; IBM. Bribery and corruption are special in that breaking the law in the host country is also a crime in the U.S. (as well as the 2010 U.K. Bribery Act) giving businesses a reason to keep up their anti-corruption and compliance measures⁸⁶.

⁸¹ Rosner, Kevin. "Water and Electric Power in Iraq and Syria: Conflict and Fragility Implications for the Future." *Robert Strauss Centre* <https://www.strausscenter.org/wp-content/uploads/Water-and-Electric-Power-in-Iraq-and-Syria-2016.pdf> (2016).

⁸² Gunter, Frank R. "ISIS and oil: Iraq's perfect storm." *Foreign Policy Research Institute* (2015).

⁸³ Van Zanten, Jan Anton, and Rob Van Tulder. "Multinational enterprises and the Sustainable Development Goals: An institutional approach to corporate engagement." *Journal of International Business Policy* 1 (2018): 208-233.

⁸⁴ Fisman, Raymond, and Miriam A. Golden. *Corruption: What everyone needs to know*. Oxford University Press, 2017.

⁸⁵ Salbu, Steven R. "Mitigating the Harshness of FCPA Enforcement Through a Qualifying Good - Faith Compliance Defense." *American Business Law Journal* 55, no. 3 (2018): 475-535.

⁸⁶ Trautman, Lawrence J., and Joanna Kimbell. "Bribery and corruption: The COSO framework, FCPA, and UK bribery act." *Fla. J. Int'l L.* 30 (2018): 191.

In Iraq, private military firms have been blamed for violations of other norms, including those pertaining to the prevention of fraud and waste⁸⁷. Take KBR's over \$10 billion in government contracts with the United States in Iraq as an example "have been dogged by charges of preferential treatment, overbilling, cost overruns, and waste⁸⁸. According to the top contracting officer for the Army Corps of Engineers, the Army has been accused of breaking the law by giving KBR (via its parent firm, Halliburton) special treatment when awarding contracts in Iraq and Bosnia⁸⁹. Similarly, the FBI has opened up a number of investigations into whether or not some Defence Department contracts in Iraq are legitimate.

The field of post-conflict reconstruction is not immune to privatization. In recent years, USAID has formed a distinct Office of Transition Initiatives to manage such efforts, and has depended extensively on U.S. and local organizations and enterprises to join in reconstruction efforts in Bosnia, Haiti, and Angola, among others⁹⁰. In this setting, for-profit and non-profit organizations alike are working more closely together than ever before with governments and IGOs. USAID has given 15 contracts in Iraq worth a total of \$3.2 billion to for-profit corporations, but has only given 6 grants totaling \$40 million to non-profits⁹¹. Waste, inefficiency, and corruption have also been linked to private aid organizations. In this aspect, Iraqi reconstruction aid has gained a bad reputation⁹².

In addition, monitors are typically given insufficient resources despite the fact that monitoring is mandated by law and regulation. Although the United States Agency for International Development is responsible for roughly \$3.6 billion in reconstruction programs in Iraq⁹³, 414 In March of 2003, there were just four contract monitors working for the agency; by September of 2004, that number had only doubled to eight. In reality, USAID has outsourced the monitoring job altogether due to the challenges of doing so with a small crew⁹⁴.

Additionally, the Department of Defence and the Iraq Coalition Provisional Authority (CPA), both of which were responsible for contracting in Iraq but are no longer in existence, have likewise allocated scant resources towards contract oversight⁹⁵. According to a recent study, "CPA hadn't kept accounts for the hundreds of millions of dollars of cash in its vault, had awarded contracts worth billions of dollars to American firms without tender, and had no idea what was happening to the money from the Development Fund for Iraq which was being spent by the interim Iraqi government ministries⁹⁶".

⁸⁷ Avant, Deborah D. "Pragmatic networks and transnational governance of private military and security services." *International Studies Quarterly* 60, no. 2 (2016): 330-342.

⁸⁸ Hutton, John, John Neumann, Daniel Chen, Kate France, Julia Kennon, John Krump, Art James et al. "Rebuilding Iraq: Status of Competition for Iraq Reconstruction Contracts." (2006): 31.

⁸⁹ Isenberg, David. *Shadow force: Private security contractors in Iraq*. Bloomsbury Publishing USA, 2008.

⁹⁰ Carey, Henry F. *Subcontracting Peace: The challenges of NGO peacebuilding*. Routledge, 2017.

⁹¹ Lewis, David. *Non-governmental organizations, management and development*. Routledge, 2014.

⁹² General, Special Inspector. "Special Inspector General for Iraq Reconstruction." *In Quarterly Report to the United States Congress*, October, vol. 30, p. 9. 2011.

⁹³ Harding, Scott, and Kathryn Libal. "War and the public health disaster in Iraq." *War and health: The medical consequences of the wars in Iraq and Afghanistan* 4 (2019): 111.

⁹⁴ Alford, John, and Janine O'flynn. *Rethinking public service delivery: Managing with external providers*. Macmillan International Higher Education, 2012.

⁹⁵ Ismael, Tareq Y., and Jacqueline S. Ismael. *Iraq in the twenty-first century: Regime change and the making of a failed state*. Routledge, 2015.

⁹⁶ Cooper, Christine, and Lesley Catchpole. "US imperialism in action: An audit-based appraisal of the Coalition Provisional Authority in Iraq." *Critical Perspectives on Accounting* 20, no. 6 (2009): 716-734.

In the same regard, former CPA official Alan Grayson claims that inadequate monitoring led to "contracts were made that were mistakes, and were poorly if at all, supervised" and that "money was spent that could have been saved, if we simply had the right numbers of people"⁹⁷ " He used USAID's hiring of Custer Battles, a company with almost little experience in security operations, to protect the Baghdad airport and distribute Iraqi dinars as an example⁹⁸. The two contracts were worth a total of \$16 million. Indeed, workers at Custer Battles booked a trip to Beirut with \$10 million in brand-new Iraqi dinars, which was promptly seized by Lebanese authorities⁹⁹. Even though there were red flags in the contracts due to their ambiguity, they were largely unmanaged due to a lack of manpower. ' Though it surely would have been expensive to devote a staff person to supervise this one contract exclusively, such a step would actually have saved at least \$4 million. A former employee claims that the company took advantage of the lack of oversight by creating fake Cayman Islands subsidiaries to submit invoices and by routinely overcharging for materials, including billing the US \$10 million for materials that cost only \$3.5 million to purchase¹⁰⁰.

Multinational enterprise investments have contributed to increased oil production, foreign exchange earnings, and job creation in Iraq. However, challenges such as concerns about exploitation, inadequate regulations, corruption, and security issues have affected the overall impact of MNEs. It is crucial for Iraq to address these challenges and create a more transparent, stable, and investor-friendly business environment to maximize the positive contributions of MNEs and promote sustainable economic development.

6. CONCLUSION

There has been a silent revolution in the foreign policies of the United States and other countries over the past two decades. Privatization, a mainstay of the American economy for decades, is now a global phenomenon. Privatization presents a unique set of challenges and opportunities for the study of international law, and experts in this field must rise to the task. Simply arguing that existing instruments of international law should be interpreted to include private contractors is insufficient. Despite its necessity, such an approach is unlikely to have much effect due to the ineffective enforcement mechanisms of international law. Therefore, this article has provided an alternative strategy. This article has aimed to explore a variety of accountability mechanisms that may give new ways for sustaining vital public values in an era of private contracting by drawing on the large domestic administrative law literature on privatization. First, in terms of legal responsibility, despite the state-centred focus of international law, private contractors may still be subject to domestic court prosecution for violations of ordinary criminal law statutes, as well as municipal contract or tort remedies.

The private actors under multinational corporations' (MNCs') involvement in areas rife with violence and human rights abuses is not always a neutral one. In some nations, for instance, the extractive industry is suspected of contributing to violence by giving armed organizations a source of funding. More and more attention is being paid to the idea of "corporate social responsibility" (CSR), which stresses the importance of multinational

⁹⁷ Bejesky, Robert. "How the US Occupation Imposed Economic Reforms on Iraq Irrespective of International Law as Foundation for the Present Oil Bonanza." *Syracuse J. Int'l L. & Com.* 43 (2015): 1.

⁹⁸ Renahan, Thomas Michael. *The Struggle for Iraq: A View from the Ground Up*. U of Nebraska Press, 2017.

⁹⁹ Hann, Geoff, Karen Dabrowska, and Tina Townsend-Greaves. *Iraq: The Ancient Sites and Iraqi Kurdistan*. Bradt Travel Guides, 2015.

¹⁰⁰ Samociuk, Mr Martin, and Mr Nigel Iyer. *Fraud and corruption: Prevention and detection*. Gower Publishing, Ltd., 2012.

corporations' awareness of their social and environmental responsibilities. Businesses can find additional guidance on how to uphold human rights in documents such as the United Nations Guiding Principles on Business and Human Rights. The operations of MNCs must not result in human rights abuses, notwithstanding the fact that they can contribute greatly to economic progress.

Our research, unlike many others that have gone before it, illuminates the situation facing MNCs in third-world countries specifically in Iraq. However, in the present research, we connected the topic of MNCs to key economic, humanitarian and sovereignty of Iraq. We used an analytical approach in which we analyzed the impact of the flow of these companies on all the chosen indicators. It is critical to recognize that the effect of MNCs on human rights in Iraq varies depending on the industry and the specific company. It all depends on government policies, local circumstances, and MNCs' dedication to ethical business. Iraq's sovereignty is still a valuable topic since there is a shortage in the legal framework that could support the Iraqi government to limit the MNCs' practices in Iraq. Here are some recommendations, first, it is essential for MNCs to priorities human rights considerations, engage with stakeholders, and incorporate human rights into core business practices and supply chains to ensure positive impacts on human rights. Furthermore, building strong legal and regulatory infrastructures to control multinational corporations' activities. Keeping the government's and corporations' dealings open and public. Adopting rigorous environmental regulations to reduce negative impacts on the environment. Observance of workers' rights and payment of living wages by multinational corporations. Conducting ongoing inspections and audits of multinational corporations, Governments need to keep businesses in check so they do not engage in monopolistic behavior, increase prices without justification, or shirk their social and environmental duties. To ensure that multinational corporations (MNCs) respect human rights, efforts must be made by governments, international organizations, and civil society.

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