

## **“GOING HOME? PROSPECTS AND PITFALLS FOR LARGE-SCALE RETURN OF IRAQIS”**

**BY:**  
**ELIZABETH FERRIS<sup>1</sup>**  
**SENIOR FELLOW AND CO-DIRECTOR**  
**BROOKINGS-BERN PROJECT ON INTERNAL DISPLACEMENT**

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There is a lot of talk these days about the prospects for the large-scale return of refugees and internally displaced persons (IDPs) to Iraq. More than four million Iraqis have been displaced, either internally as IDPs or externally as refugees. Most fled their communities since the US invasion in 2003 and especially in the aftermath of the sectarian violence that erupted after the bombing of the al-Askari mosque in Samarra in February 2006. While the Iraqi and US governments, policymakers in the region, and humanitarian actors assume that most will return to Iraq in the near future, experience with other displacement crises indicates that return will be neither automatic nor straightforward.

Following a brief overview of displacement and current trends in returns to Iraq, this paper suggests a number of lessons learned from other large-scale return movements which may be helpful in thinking about returns to Iraq. The paper then looks at the relationship between the physical return of displaced populations (both refugees and IDPs) and the more difficult question of their reintegration into Iraqi society. The paper argues that the way in which return and reintegration are carried out will have major implications for Iraq's future political and social development.

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## Overview of recent displacement in Iraq

Displacement, as many authors have noted, has a long history in Iraq.<sup>2</sup> Over the course of the last six years, over 4 million Iraqis are estimated to have been displaced, including approximately 2.8 million IDPs in 2008 and with the number of refugees in neighboring countries estimated as follows:

Syria: 1.2 million<sup>3</sup>  
Jordan: 450-500,000<sup>4</sup>  
Lebanon: 50-100,000<sup>5</sup>  
Egypt: up to 70,000<sup>6</sup>  
Iran: 54,000<sup>7</sup>  
Turkey: 11,000<sup>8</sup>  
Gulf: 200,000<sup>9</sup>

The pace of displacement reflected the pattern of the war in Iraq. When violence escalated, more people fled their communities—either because they were directly targeted, were frightened by the generalized violence, or could no longer make a living. When there was an expectation that stability would be restored—in the initial months after the March 2003 US invasion, some 325,000 refugees returned to Iraq. Following the escalation of violence, and particularly after the bombing of the al-Askari mosque in Samarra in February 2006, the pace of displacement increased. At the height of the crisis, 60,000 Iraqis were internally displaced every month.<sup>10</sup>

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<sup>2</sup> See, for example, John Fawcett and Victor Tanner, *The Internally Displaced People of Iraq*, Brookings Institution–SAIS Project on Internal Displacement, October 2002.

<sup>3</sup> With valid visas, according to the Syrian Ministry of Foreign Affairs, according to: UNHCR, *Syria Update, November 2008*, p. 3, <http://www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?tbl=SUBSITES&id=492bd9e32>. Also cited as a UNHCR figure by Syria's Deputy Foreign Minister Faisal al-Miqdad, "Iraqi refugees in Syria," *Forced Migration Review, Special Issue: Iraq's displacement crisis: the search for solutions*, Oxford University, June 2007, p. 9. It should be noted however, that there is growing awareness about the estimates of the number of Iraqis living in surrounding countries, largely due to the significant discrepancies between UNCHR figures of the numbers registered and governmental estimates.

<sup>4</sup> Fafo, *Iraqis in Jordan 2007: Their Number and Characteristics*, as of May 2007.

<sup>5</sup> UNHCR, Meeting the health needs of Iraqis displaced in neighbouring countries—Joint Appeal by UNFPA, UNHCR, UNICEF, WFP and WHO, September 2007. Figure stated during the presentations delivered during the Ministerial Consultation in Damascus 29-30 July 2007.

<sup>6</sup> UNHCR (2007), op. cit. Figure stated during the presentations delivered during the Ministerial Consultation in Damascus 29-30 July 2007.

<sup>7</sup> UN, *Iraq and the Region—Consolidated Appeal 2009*, December 2008, p. 109.

<sup>8</sup> UN (December 2008), op.cit., p. 111.

<sup>9</sup> Andrew Harper, "Iraq's Refugees: Ignored and Unwanted," 90 *International Review of the Red Cross* 2008, no. 90, p. 170. It should also be noted that hundreds of thousands of Iraqis left Iraq before 2003

<sup>10</sup> IOM, "Five years on, more people displaced than ever before," 18 March 2008, <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SHIG-7CUEAB?OpenDocument>.

Governments in the region reacted with a mixture of hospitality and alarm at the arrival of large numbers of refugees. For example, perhaps because the movement of Iraqis to Jordan was traditionally fluid since Saddam's rule, the Jordanian government's hospitality to refugees seemed natural. However, this changed following the three hotel bombings in Amman on 9 November 2005, for which Al Qaeda in Iraq claimed responsibility. These attacks led to more stringent restrictions for Iraqis trying to enter Jordan—including closing the border to those between the ages of seventeen and thirty-five as of November 2006 and reportedly refouling Iraqis at Queen Alia International Airport.<sup>11</sup> For its part, Syria welcomed Iraqi refugees but began to introduce a visa requirement and related restrictions in 2007.<sup>12</sup> In April 2007, the Ministry of Foreign Affairs presented a paper at a Geneva donor conference which listed the impact of Iraqi refugees on Syria's infrastructure and services, and said the refugees were costing the country one billion dollars a year.<sup>13</sup> Syrian officials reportedly instituted the visa requirements in response to a request from Iraqi Prime Minister Nouri al-Maliki.<sup>14</sup> In Lebanon, visas reportedly expired after a few weeks and refugees risked detention and refoulement to Iraq until the government moved to regularize their status in early 2008.<sup>15</sup>

The security situation on the ground improved in 2007 and 2008 as a result of a variety of factors including Sunni Awakening movements, increased US troop presence and the Muqtada al-Sadr truce, and the pace of new displacement slowed. In addition, some suggest the decline in violence could be attributed to the homogenizing effects of sectarian violence in 2006.<sup>16</sup> There is a downward trend in the internal displacement of Iraqis in the second half of 2007 and throughout 2008, compared to 2006. During the first half of 2007, internal displacement was still at an alarming rate of 8,000 families per month—nearly half the rate in 2006.<sup>17</sup> By 2008, the figures had decreased to approximately 378 families reportedly displaced per month.<sup>18</sup>

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<sup>11</sup> ICG, *Failed Responsibility: Iraqi Refugees in Syria, Jordan and Lebanon*, Crisis Group Middle East Report N°77, 10 July 2008, p. 9-10.

<sup>12</sup> IRIN, "IRAQ: Plight of refugees worsens as Syria, Jordan impose restrictions," 17 June 2007, <http://www.alertnet.org/thenews/newsdesk/IRIN/3981375bf7b6a484e019c6eabbb366e7.htm>. IRIN, "IRAQ-SYRIA: Lack of money, visa problems prompting Iraqi refugees to return home," 22 November 2007, <http://www.alertnet.org/thenews/newsdesk/IRIN/b4dd5819562881bd776bcc36167cbd72.htm>. For a more detailed analysis, see: ICG, *Failed Responsibility: Iraqi Refugees in Syria, Jordan and Lebanon*, Crisis Group Middle East Report N°77, 10 July 2008.

<sup>13</sup> Patricia Weiss Fagan, *Iraqi Refugees: Seeking Stability in Syria and Jordan*, Institute for the Study of International Migration, Georgetown University and Center for International and Regional Studies, Georgetown University School of Foreign Service in Qatar, 2007, pp. 17-18.

<sup>14</sup> Thanassis Cambanis, "Syria Shuts Main Exit From War for Iraqis," *The New York Times*, 21 October 2007, <http://www.nytimes.com/2007/10/21/world/middleeast/21syria.html>.

<sup>15</sup> ICG (July 2008), op. cit., p. 27; Yara Bayoumy, "UNHCR hails Lebanon move to legalise Iraqi refugees," Reuters, 21 February 2008, <http://www.reuters.com/article/latestCrisis/idUSL21812333>.

<sup>16</sup> See, for example, John Lindsay, "Does the 'Surge' Explain Iraq's Improved Security?" MIT Center for International Studies, September 2008, p. 3. See also, IOM, *Iraq Displacement and Return, 2008 Mid-Year Review*, p.2.

<sup>17</sup> IOM, *February 22, 2009: Three Years of Post-Samarra Displacement in Iraq*, p. 2. Also: IOM *Iraq Displacement 2007 Mid-Year Review*, p. 2.

<sup>18</sup> IOM (February 2009), op. cit., p. 2.

Not only did the pace of displacement slow, but returns began to take place. There were limited returns in 2007 and in the second half of 2008, largely as a result of improving security. For example, the number of civilian casualties decreased from around 3,500 per month in January 2007 to less than 500 per month from the second half of 2008 through the first half of 2009.<sup>19</sup> But most of the returns were of people displaced internally—rather than refugees. And reports are that many of the refugees who did return felt that they made a mistake. Returnees still face security problems and lack of access to basic services. Reportedly, some are forced back into displacement.<sup>20</sup> With the escalation of security incidents in the past few months, the pace of returns may slow down again. There have been recent bombings in and around Baghdad, which is where the majority of returnees have returned according to the above-cited IOM May 2009 return assessment. Of the returnees in that report, 89% were IDPs and 11% were refugees from ‘abroad.’

In June 2009, IOM reported in its regular survey of IDPs that 58% of IDPs surveyed reported that they intended to return to their place of origin, 21% planned to integrate in their location of displacement and 19% planned to resettle in an alternative location. These figures obscure important regional variations. While only 5.5% of those displaced from Basra indicate that they intend to return, 94% of those from Najaf plan to go home.<sup>21</sup> As for refugees, only 4% of those surveyed in Syria last year were planning to return to Iraq; 90% were not planning to return—notably, 94% of those surveyed at the time had valid residency permits.<sup>22</sup>

Today discussion of Iraqi displacement focuses almost exclusively on returns. In fact, UN officials and political leaders in Iraq, the region, and the US have always expected that return will be the durable solution for all but a handful of Iraqi IDPs and refugees. Little serious consideration has been given to other options. Although resettlement of Iraqis outside the region has increased—to 17,000 a year from the US, this is about 3.4% of the 2.5 million Iraqis estimated to be living outside of Iraq—and less than 2% of the overall numbers of Iraqis displaced. Meanwhile, UNHCR estimates that some 60,000 Iraqi refugees are in need of resettlement.<sup>23</sup>

The political pressure for returns is substantial. For example, on 11 November 2008, at a conference in Jordan, the Jordanian Foreign Minister Salah Bashir said “We all, Iraq and neighboring countries as well as the international community, have a top priority to create suitable circumstances for the return of Iraqi refugees to their country.” The conference concluded that the solution to the Iraqi refugees issue lies in their return home. “Any other solution remains temporary and partial. Host countries and international

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<sup>19</sup> Brookings Institution, Iraq Index, 4 June 2009, p. 4.

<sup>20</sup> IOM, *Monitoring and Needs Assessments—Assessments of Iraqi Return*, May 2009, p. 7. Also, see IOM, *Emergency Needs Assessments, 1 June 2009, Monthly Report*.

<sup>21</sup> IOM (June 2009), op. cit., p. 2.

<sup>22</sup> According to an IPSOS survey conducted for UNHCR: *Assessment on Returns to Iraq Amongst the Iraqi Refugee Population in Syria*, April 2008, p. 3.

<sup>23</sup> UNHCR, “Resettlement to Germany of Iraqi refugees in Germany gets under way,” 19 March 2009, <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=49c273aa2>.

organizations should encourage Iraqi refugees to go home voluntarily.”<sup>24</sup> In late November, EU countries agreed to host “on a voluntary basis” up to 10,000 Iraqi refugees. In reporting this decision, French immigration minister, Brice Hortefeux noted that Iraqi officials had called upon the Europeans not to encourage emigration. “On the contrary, our objective is to get people to come back to Iraq.”<sup>25</sup> High Commissioner for Refugees Antonio Guterres said the returns thus far are an ‘encouraging sign’ and that it is ‘clear that the security situation has improved.’<sup>26</sup> UNHCR spokesman, Ron Redmond reported that the return of some Iraqis illustrates the “increasing confidence that it is possible to go home” and that “once you get that sort of momentum going, you will see more and more refugees going back.”<sup>27</sup> However, Redmond warned in June this year against refolement and said that, “While overall security conditions are improving, they are not yet sustainable enough to have encouraged massive returns of Iraqis.”<sup>28</sup> Another pressure on returns is likely to be funding for UNHCR operations in the region, particularly if donors perceive that the needs are diminishing and the demands from new emergencies (e.g. Pakistan) increase.

Pressure and expectations are thus growing that the displaced will soon return to their communities. There seems to be an expectation that security will continue to improve, elections will bring about political stability, that the vast majority of the refugees and internally displaced will return home in large numbers and that the displacement problem will be over.<sup>29</sup> While there is some concern about the impact of the withdrawal/draw-down of US troops on stability in the country—and on displaced populations in general—there has been little serious analysis of its potential effects.<sup>30</sup>

And yet the experience with other large-scale refugee/displaced movements, returns, and reintegration suggests that returns to Iraq will not be this simple.

### **What we know from other situations about returns:**

The humanitarian community has a long record of working with displaced people—both refugees and IDPs—and of facilitating durable solutions to their displacement. Over the

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<sup>24</sup> AFP in *Arab Times*, “Iraqi refugees in Jordan yearn to go home,” 24 November 2008,

<http://www.arabtimesonline.com/client/pagesdetails.asp?nid=25214&ccid=18#>

<sup>25</sup> Valentina Pop, “EU countries pledge to host 10,000 Iraqi refugees,” <http://euobserver.com/24/27193>.

<sup>26</sup> Joe Sterling, “UN gears up for return of displaced Iraqis,” 1 December 2008,

<http://www.cnn.com/2008/WORLD/meast/12/01/iraq.uprooted.people/>

<sup>27</sup> Sterling, “op. cit.

<sup>28</sup> Reuters, “Iraq still too fragile to take back refugees-U.N.,” 2 June 2009,

<http://www.alertnet.org/thenews/newsdesk/L2602950.htm>.

<sup>29</sup> See however, Kenneth Pollack, “Passing the Baton: An Obama Administration Takes on the Challenge of Iraq,” Right Side News, 12 December 2008,

<http://www.rightsidenews.com/200812122960/editorial/passing-the-baton-an-obama-administration-takes-on-the-challenge-of-iraq.html>

<sup>30</sup> One exception is a forthcoming publication by Olga Oliker, Audra Grant and Dalia Dassa Kaye, “The Impact of U.S. Military Drawdown in Iraq on Displaced and Other Vulnerable Populations: Implications and Recommendations, Rand Corporation.

years, we have learned that there are basic trends and patterns in returns—trends and patterns which are likely to apply to present discussions about Iraqi returns.

- The longer that displacement lasts, the more difficult to find durable solutions.
- The further away people are from their communities, the less likely they are to return quickly. Thus, internally displaced persons generally return before refugees do and refugees in neighboring countries return before those in more distant lands.
- There is only so much that the international community can do to facilitate returns. Most refugees and especially IDPs return spontaneously—without international assistance—when they judge that the situation back home is secure enough or when conditions in exile become unbearable.
- Assurances from community leaders and from friends and relatives have more weight in decisions to return than promises from the governments of countries of origin.
- Return is often a process, implemented in stages. For example, men may go back first to make sure that things are safe before bringing their families. People may come back provisionally, keeping open the possibility—when they can—of going back into refugee.
- Push factors play an important role in decisions to return. When conditions worsen in exile or the place of displacement, it is perhaps natural that the displaced are more likely to return.
- Security is rarely uniform. The situation can indisputably improve on the national level, while pockets of instability and fear remain. Returns to areas where individuals will be in a minority are much slower than to areas where they will be living as part of a majority group.
- In addition to security, access to livelihoods and property are also important factors influencing decisions to return.
- Monitoring of returns and the security of returnees has been a key part of virtually all large-scale refugee repatriations in recent decades.
- People are more likely to return quickly when they are confident that they can resume their livelihoods—e.g. their land is intact, there are possibilities to resume their business, jobs are available. They are also more likely to return quickly when assistance in their community of displacement is inadequate.
- Land and property issues are among the thorniest issues complicating smooth repatriations.
- The experience of return is often different for men and for women and for young people and their elders.
- The international community generally does a good job in providing humanitarian assistance. It does a far worse job in transitioning to development or what is now called the “Early Recovery” phase.

## **Returns and international law**

There is often an assumption that returns are basically the same for refugees and for IDPs. And yet, there are some important differences. Repatriation of refugees usually refers to the physical movement of people from their place of displacement back to their

country of origin—though not necessarily to their home communities.<sup>31</sup> In other words, if an Iraqi refugee from Mosul leaves Syria to return to Baghdad, he or she is considered to have returned—even if, in fact, he or she is unable to return to Mosul because the conditions which caused the refugee flight are still present. Thus, for UNHCR, a refugee is said to have returned when he or she goes back to the country of origin—even if the returned refugee becomes an IDP—as long as the conditions of voluntary and informed consent are met. The right to return is generally understood as the right to return to one’s country—not necessarily to one’s city, community, or home. However, in legal terms, the right of a person to return to their original place of residence can be deduced from the right to liberty of movement and the right to choose one’s residence as embodied in Article 12 of the Covenant on Civil and Political Rights.<sup>32</sup> Similarly, the former Sub-Commission on Prevention of Discrimination and Protection of Minorities affirmed “the right of refugees and displaced persons to return, in safety and dignity, to their country of origin and/or within it, to their place of origin or choice.”<sup>33</sup>

There have been important efforts to mandate refugee return to one’s **community** of origin and not only to the country. For example, some peace agreements, notably Annex VII of the Dayton Peace agreement, specify that refugees from Bosnia-Herzegovina have the right to return to their “homes of origin.”<sup>34</sup> Security Council resolutions have recognized and affirmed the rights of such persons to return to their former homes, not only in Bosnia-Herzegovina, but also in Croatia, Georgia and Kosovo.<sup>35</sup>

In spite of these important legal precedents, it is generally understood that for refugees, return means return to one’s country of origin while for IDPs, return always means return to the community of origin. The draft *Framework for Durable Solutions for Internal Displacement* further spells out that finding a durable solution for IDPs is a process rather than a particular end-point.

A critical element of the process of durable solutions is reintegration.

## Reintegration

Sometimes there is an assumption that getting refugees and IDPs back to their communities is all it takes to ensure their smooth reintegration into society. But this is rarely the case. As UNHCR points out in its *Handbook for Repatriation and*

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<sup>31</sup> The right of an individual to return to his or her country is also recognized in international human rights, as in article 13 (2) of the Universal Declaration of Human Rights, Article 12 (4) of the Covenant on Civil and Political Rights and regional human rights instruments.

<sup>32</sup> Walter Kälin, *Guiding Principles on Internal Displacement: Annotations*, American Society of International Law, Studies in Transnational Legal Policy, no. 38. Washington, DC: ASIL, 2008, p. 126.

<sup>33</sup> Cited by Kalin, p.128

<sup>34</sup> [http://www.ohr.int/dpa/default.asp?content\\_id=375](http://www.ohr.int/dpa/default.asp?content_id=375)

<sup>35</sup> See Walter Kälin, p. 127

*Reintegration Activities*,<sup>36</sup> there are different understandings of what reintegration means. For example, reintegration has been defined as:

“the achievement of sustainable return, i.e. the ability of returnees to secure the political, economic and social conditions to maintain their life, livelihood and dignity”<sup>37</sup>

“a process which enables former refugees and displaced people to enjoy a progressively greater degree of physical, social, legal and material security.”<sup>38</sup>

“a process that displacement-affected persons undergo which is characterized by human security and individual perceptions of inclusion and belonging to a place.”<sup>39</sup>

It is interesting to see the emphasis in the latter definitions of reintegration as a ‘process’ rather than an end-state. This echoes the emphasis in the *Framework for Durable Solutions* that “the ending of displacement occurs not at one point in time but is a gradual process during which the need for specialized assistance and protection for IDPs begins to diminish.”<sup>40</sup> For UNHCR, reintegration was seen as an integral part of its ‘4R’ approach for dealing with refugees in post-conflict situations: repatriation, reintegration, rehabilitation, and reconstruction.<sup>41</sup> In other words, for both refugees and IDPs, reintegration is a process which “should result in the disappearance of differences in legal rights and duties between returnees and their compatriots and the equal access of returnees to services, productive assets and opportunities.”<sup>42</sup> While the preceding quotation is taken from UNHCR’s Handbook for Repatriation and Reintegration Activities, it parallels the conclusions of the *Framework for Durable Solutions* for internal displacement: “The end of displacement is achieved when the persons concerned no longer have specific protection and assistance needs related to their having been displaced, and thus can enjoy their human rights in a non-discriminatory manner vis-à-vis citizens who were never displaced.”<sup>43</sup>

In other words, reintegration is about restoring rights and security. The lack of reintegration has consequences for the individual returnee and for the society as a whole. As RSG Walter Kälin has said, “If IDPs are not able to recover their land or property or otherwise find solutions allowing them to live decent lives and when they feel that they

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<sup>36</sup> Geneva: UNHCR, May 2004.

<sup>37</sup> Joanna Macrae, *Aiding Peace...and War: UNHCR, Returnee Integration, and the Relief-Development Debate* (Geneva: UNHCR New Issues in Refugee Research Working Paper No. 14, December 1999.)

<sup>38</sup> UNHCR, *the State of the World’s Refugees* (Geneva, 1997)

<sup>39</sup> Alexandra Kaun, *When the Displaced Return: Challenges to ‘Reintegration’ in Angola* (Geneva: UNHCR New Issues in Refugee Research Working Paper No. 152, January 2008), p. 2.

<sup>40</sup> *When Displacement Ends: A Framework for Durable Solutions*, Brookings Institution-University of Bern Project on Internal Displacement and the Institute for the Study of International Migration, Georgetown University, June 2007, p. 6.

<sup>41</sup> UNHCR (2004), op. cit., Module One, p. 8.

<sup>42</sup> UNHCR (2004), op. cit., Module One, p. 5.

<sup>43</sup> *When Displacement Ends: A Framework for Durable Solutions*, Brookings Institution-University of Bern Project on Internal Displacement and the Institute for the Study of International Migration, Georgetown University, June 2007, p. 10

have suffered injustice, reconciliation becomes more difficult. If durable solutions are not found for IDPs, their potential for contributing to economic reconstruction and rehabilitation is limited and poverty reduction becomes more difficult.”<sup>44</sup>

A recent study by Riiskjaer and Nielsson<sup>45</sup> looked at interviews with 35 of the 73 Iraqi refugees who repatriated to Iraq from Denmark and chose to return to Denmark. It is interesting to note that of the 300 Iraqis who have chosen to return to Iraq from Denmark since 2000, about a quarter have returned to exile. While their report does not mention when the refugees returned, or the length of their exile, their research identifies the following ten reasons for failed repatriation:

1. The homeland has changed;
2. The refugee has changed during time in exile;
3. A feeling of not belonging in the homeland;
4. Insufficient information about the country of origin;
5. The desire to leave the exile country as motive for repatriation;
6. The household is divided on the decision to repatriate;
7. Country of origin is a post-conflict society;
8. Particularly vulnerable as a returnee;
9. Difficulties finding work or starting a business;
10. Lack of public services in the country of origin.<sup>46</sup>

Although these reasons were derived from the literature on reintegration and applied to refugees returning from relatively affluent Denmark (which may be quite different for those contemplating return from neighboring Middle Eastern countries or particularly internal displacement), they do point to some of the concrete factors which will determine whether reintegration is successful for the individual returnee.

When returning refugees or internally displaced persons are not reintegrated into society, the returns are often not sustainable. As evidenced in the research cited above, the returnees may simply return to the place to which they had been displaced. Or in the case of Bosnia-Herzegovina, where many of the displaced were able to receive compensation for their property, they simply used the money to begin new lives elsewhere.

A study by Tufts University found that “return itself is at least in part a continuation of the conflict, rather than solely a product of the conflict’s end.” Thus, some Serb returnees to the Bosnian town of Drvar saw themselves as “reclaiming territory” from the Croats whereas at least some Drvar Croats saw themselves as “protecting the Croat victory.” The study also found that “many people now remember pre-war relations as strained and ‘falsely’ harmonious. Minorities and those most affected by the war in particular will

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<sup>44</sup> Walter Kälin, “The Great Lakes Protocol on Internally Displaced Persons: Responses and Challenges, Brookings-Bern Project on Internal Displacement,” 27 September 2008, <[http://www.brookings.edu/speeches/2007/0927\\_africa\\_kalin.aspx?rssid=idp](http://www.brookings.edu/speeches/2007/0927_africa_kalin.aspx?rssid=idp)>.

<sup>45</sup> Maria Helene Bak Riiskjaer and Tilde Nielsson, “Circular Repatriation: the unsuccessful return and reintegration of Iraqis with refugee status in Denmark,” UNHCR New Issues in Refugee Research, Research paper no. 165, October 2008.

<sup>46</sup> *Ibid.*, pp. 3-4, 20

remember examples of slights by the majority ethnic group.” The authors argue that whether this is objectively true is not particularly important. “For these people, a frame of coexistence as ‘returning to pre-war relations’ will not be attractive or inviting: they are not anxious to pursue ‘normal’ relations with the ‘other.’”<sup>47</sup>

The literature on reintegration, while somewhat surprisingly scarce, indicates that reintegration is a complex process which depends on both the particular context and on individual circumstances. As Kaun argues, reintegration depends upon access to basic rights but also on individual factors which she characterizes as: relationships to place, relationships with people, and confidence in human security (or that things will improve.)<sup>48</sup> Just as individuals have different thresholds and personal considerations in deciding to leave their communities, they also have their own personal criteria in deciding when to return and whether to make the effort to reintegrate into society.

For both returning refugees and IDPs, national authorities are primarily responsible for supporting reintegration. Although UNHCR has become more active in the past decade in supporting returnees’ efforts at reintegration (in part through its emphasis on the 4Rs), ultimately it is national governments, supported by international development actors, who are responsible for ensuring that returnees are reintegrated into their societies of origin. Thus, successful reintegration calls for “a seamless and early connection between repatriation and reintegration and between long-term rehabilitation, reconstruction, and development.”<sup>49</sup> In particular it requires linkage with long-term development actors—now called the ‘Early Recovery’—as well as for consultation with affected populations.

For IDPs, the responsibility of national governments is clearly spelled out in Principle 28.1 of the *Guiding Principles on Internal Displacement* which states that:

“Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavor to facilitate the reintegration of returned or resettled internally displaced persons.”<sup>50</sup>

If we turn to some of the lessons learned from international efforts to support reintegration, there are different factors credited with successful programs. In Mozambique and Guatemala, rural refugee returnees’ access to agricultural land and ownership was essential to large-scale returns. Successful fund-raising and donor response was also central to the successful repatriation from Mozambique in which 1.7 million refugees returned and were reintegrated from six neighboring countries: Malawi, South

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<sup>47</sup> The Fletcher School of Law and Diplomacy, Tufts University, *Imagine Coexistence: Assessing Refugee Reintegration Efforts in Divided Communities*, 6 January 2004, pp. 20-21.

<http://fletcher.tufts.edu/chrcr/pdfs/imagine.pdf>

<sup>48</sup> Kaun, op. cit., p. 4.

<sup>49</sup> UNHCR, *Handbook for Repatriation and Reintegration Strategies*, p. Two-7.

<sup>50</sup> UN, *Guiding Principles on Internal Displacement*, 1998, principle 28.1

Africa, Swaziland, Tanzania, Zambia and Zimbabwe. The extensive planning which preceded the operation, as well as a process of keeping donors well-informed of budgetary changes were also factors in the success.<sup>51</sup> In the case of Tajikistan international monitors proved to be important. UNHCR staff accompanied returning IDPs and refugees and helped to improve their security by working with local officials to report abuses and contributing to the rebuilding and reclamation of their homes.<sup>52</sup> In Angola, reintegration monitoring at the provincial level involved government authorities, international organizations and NGOs.<sup>53</sup>

## Conclusions

What does all of this mean for the potential of large numbers of Iraqi refugees and IDPs not only to return, but to successfully reintegrate into their society?

### **Decisions about the timing of returns will be crucial.**

Return should not be rushed when there is inadequate absorptive capacity. A lesson UNHCR learned in the case of Mozambique, particularly repatriation from Malawi, is that “the country of origin, not the country of asylum, should dictate the pace of any repatriation which UNHCR has the power to regulate.” The evaluation of the Mozambican operation revealed that a longer, less rushed process from the host countries could have ensured the return of more refugees and avoided difficulties in the “assisted spontaneous” returns from Malawi.<sup>54</sup>

A similar concern about the too-rapid return of Afghan refugees following the military intervention of 2001 and the defeat of the Taliban has also been made.<sup>55</sup> In addition, recent evidence reveals unsustainable conditions of return for many Afghan returnees—including IDPs assisted by UNHCR and the Ministry of Refugees and Repatriation—which led IDPs into renewed displacement or, in some cases, forced them to side with insurgents just to remain in their village of origin.<sup>56</sup> If a power vacuum also develops in Iraq, returnees could find themselves in a similar situation.

Landmines are also a key concern as return should not be rushed if it is not safe. The UNHCR handbook for Repatriation and Reintegration Activities identifies the “absence of

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<sup>51</sup> UNHCR, “Evaluation of UNHCR’s Repatriation Operation to Mozambique,” February 1996.

<sup>52</sup> Roberta Cohen, “Reintegrating Refugees and Internally Displaced Women,” Conference on Intrastate Conflicts and Women, December 2000.

<sup>53</sup> Roberta Cohen, *op. cit.*

<sup>54</sup> UNHCR, “Evaluation of UNHCR’s Repatriation Operation to Mozambique,” February 1996.

<sup>55</sup> See Khalid Koser and Susanne Schmeidl, “Displacement, Human Development, and Security in Afghanistan,” U.S.-Islamic World Forum, Saban Center, Brookings Institution, February 2009, [http://www.brookings.edu/papers/2009/0216\\_afghanistan\\_koser.aspx](http://www.brookings.edu/papers/2009/0216_afghanistan_koser.aspx).

<sup>56</sup> See Alex Mundt, Suzanne Schmeidl and Shafiqullah Ziai, “Between a Rock and a Hard Place: The Return of Internally Displaced Persons to Northern Afghanistan,” Brookings Institution-Bern University Project on Internal Displacement, 1 June 2009, [http://www.brookings.edu/opinions/2009/0601\\_afghanistan\\_mundt.aspx#\\_ftnref20](http://www.brookings.edu/opinions/2009/0601_afghanistan_mundt.aspx#_ftnref20).

mines and unexploded ordinance” as one of the key components to repatriation and recommends collecting baseline data on mines, among other issues, to develop a strategy for durable return and reintegration.<sup>57</sup> In Mozambique, landmines reportedly killed 10,000 IDPs during return and resettlement. Three wars have rendered Iraq one of the most mined countries in the world, in rural and urban areas. While significant progress has been made since 2003, the head of an Iraqi de-mining and UXO removal organization recently appealed for international support as at the current rate, saying that it would take 70 years to de-mine the country.<sup>58</sup> Mines and UXOs are already jeopardizing people’s safety as many have been killed or injured—most recently, six children were killed and five injured playing football in the southern province of Missan.<sup>59</sup>

### **The return of IDPs and refugees to formerly mixed areas will be key.**

So far, returnees have mostly returned to neighborhoods/districts/governorates under control of members of the sect they belong to while only a very few families have returned to areas where they would be in a minority.<sup>60</sup> There are some indications that sectarian divisions within Baghdad are decreasing, as evidenced by a recent report that security barriers between neighborhoods are being removed.<sup>61</sup> This is a positive development as the majority of IDPs are from the Baghdad governorate. IOM surveys show that 85% of the displaced from Baghdad governorate (where the majority of IDPs remain within the governorate) said they had returned due to improved security in their home communities as well as difficult conditions in displacement.<sup>62</sup> Country-wide, this number is slightly lower, at 72% citing either or both of these two reasons for return.<sup>63</sup> But do the returnees feel safe upon return? A reported 70% of returnees surveyed feel safe all of the time, while 40% say they feel safe only some of the time.<sup>64</sup>

Although a host of problems, including threats and tensions, still exist for returnees, in Baghdad there are reports of returnees relying upon local authorities to improve security—for example, reporting security incidents to security forces and to the Awakening councils—which mitigated the threats.<sup>65</sup> There are concerns that a power vacuum could emerge in Iraq in light of the US military withdrawal, impeding returns and resulting in fresh displacement.

Mechanisms must be strengthened to provide incentives to *all* displaced Iraqis to return, including minorities. For example, Decree 262 and Order 101, which only apply to Baghdad governorate, are not without problems in the assistance they provide to

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<sup>57</sup> UNHCR (2004), op. cit., Modules One and Five.

<sup>58</sup> IRIN, “Iraq: Appeal for help to clear landmines,” 8 June 2009, <http://www.irinnews.org/report.aspx?ReportId=84754>.

<sup>59</sup> IRIN (June 2009), op. cit.

<sup>60</sup> IDP Working Group, ‘Internally Displaced Persons in Iraq—Update,’ June 2008.

<sup>61</sup> Michael Howard, “Baghdad tears down security barriers,” *The Guardian*, 10 June 2009, <http://www.guardian.co.uk/world/2009/jun/10/baghdad-security-walls>.

<sup>62</sup> IOM, *Monitoring and Needs Assessments: Assessments of Iraqi Return*, May 2009, pp. 3 and 5.

<sup>63</sup> IOM (May 2009), op. cit., p. 7.

<sup>64</sup> IOM (May 2009), op. cit., p. 7.

<sup>65</sup> IOM (May 2009), op. cit., p. 7.

returnees and the heavy burden of proof on those attempting to register for assistance.<sup>66</sup> But significantly, these policies—by virtue of their temporal restrictions of providing assistance only to refugees that left Iraq between 1 January 2006 and 1 January 2008—exclude minorities who fled after January 2008 as well as the 1.2 million refugees displaced between March 2003 and January 2006, who are overwhelmingly Sunni and among whom are Arabs driven out by returning Kurds largely in the Kirkuk area.<sup>67</sup> Measures taken such as ensuring that effective assistance mechanisms are available to all of the displaced, without discrimination, would send a positive message of commitment to reconciliation.

### **The resolution of property issues is a core element of sustainable return—and could contribute to reconciliation**

These points touch on the issue of property, which is a linchpin in the process of sustainable return, especially in light of the magnitude of displacement, which dates back to the 1960s during the Ba’ath party’s rule. And given Iraq’s record of dealing with the tens of thousands of claims on property of those forcibly displaced during the Ba’ath regime, it seems likely that post-war property claims could be a complicated and lengthy process. If and when the pace of returns increases, pressures on the judicial system could well mount and the likelihood of conflict increase.

Reconciliation and property resolution are directly linked. The failure to resolve property disputes can delay reconciliation and prevent returns. Conversely, the effective resolution of property disputes can be a positive force for political reconciliation and socio-economic prosperity. Often, as we have already seen in Iraq, there are sound local mechanisms in place that have seemingly worked. For example, the case of the Saidiyah neighborhood in Baghdad, where a local council of Sunni and Shia representatives was created to mitigate the influence of sectarian militias and facilitate returns, points to the success of local reconciliation efforts in sustainable return.<sup>68</sup> However, as a USIP property study found, two factors contributed to Saidiyah’s success: “First, it enjoyed a high level of security, and second, it remained a mixed neighborhood, providing an incentive for cooperation between influential Sunni and Shia, who were able to come up with and oversee peaceful solutions within the community.”<sup>69</sup>

### **Access to basic services can act as a “pull factor” for returnees and contribute to sustainable reintegration**

Even in the ideal scenario where return is adequately timed, the displaced live in secure conditions and have access to their property, if there are no basic services and employment options, return will not be sustainable. The question of providing an

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<sup>66</sup> See Deborah Isser and Peter Van der Auweraert, *Land, Property, and the Challenge of Return for Iraq’s Displaced*, Special Report 221, USIP, April 2009.

<sup>67</sup> Isser and Van der Auweraert, *op. cit.*, pp. 11-12.

<sup>68</sup> Isser and Van der Auweraert, *op. cit.*, p. 10.

<sup>69</sup> Isser and Van der Auweraert, *op. cit.*, p. 10.

adequate standard of living for returnees goes far beyond the provision of transitional assistance to returnees. As UNHCR notes, the restoration of basic services acts as a “pull factor” and should begin ahead of repatriation. Conversely, poor or non-existent reintegration services can deter return.<sup>70</sup> Returnees will face the same living standards as Iraqis who remained behind, although in most cases, they will have fewer resources than those who were not displaced. Unlike those who were not displaced, they are also more likely to need housing.

Data indicate that conditions inside Iraq are slowly improving. According to the World Food Programme’s Comprehensive Food Security and Vulnerability Assessment in Iraq, many social indicators have slowly but measurably risen from their lowest levels. In particular, education and infrastructure-related indicators have improved.<sup>71</sup> Electricity is now being generated at about the same rate as before the US invasion (although demand has dramatically increased. And the number of cell phones has jumped dramatically.<sup>72</sup> But humanitarian needs remain extensive. Unemployment remains estimated at 25-40%;<sup>73</sup> and as one UN official commented, “If you were to take away the swollen public sector jobs, the unemployment rate would skyrocket.” OCHA reported that “Iraqi families confront significant erosion of livelihoods and destruction of public assets, resulting in dismal levels of basic social services. The full scale of the damage is only now becoming visible. With the conflict grudgingly receding, pockets of severe deprivation are emerging.”<sup>74</sup>

The principal needs of IDPs are very basic: access to income/employment as well as to food and shelter. OCHA surveys of returnees show that access to work is the number one issue in the north and south of the country, while food and shelter are the most important issues for returnees in the center of the country.<sup>75</sup> While IOM reports that 86% of returnees are going back to their own homes, about half of those who do so report that their homes are in bad conditions.<sup>76</sup> Most IDPs consider the Public Distribution System as their main source of food although there are delays due to transfer of ration cards or because they are not eligible to register in their area of displacement. Fifty-six percent of those surveyed by IOM report irregular access to PDS rations. IOM also reports that while the pace of displacement is slowing, the humanitarian situation of those already displaced is worsening.<sup>77</sup>

If large numbers of Iraqis return to their communities, there will obviously be pressures on the economic system and on both provincial and national governments to provide needed services. However, need based on sound assessments—not military and political

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<sup>70</sup> UNHCR, “Evaluation of UNHCR’s Repatriation Operation to Mozambique,” February 1996.

<sup>71</sup> OCHA, Iraq Humanitarian Update, no. 2, October 2008, p. 1.

<sup>72</sup> Kenneth M. Pollack, “Passing the Baton: An Obama Administration Takes on the Challenge of Iraq,” Right Side News, 12 December 2008. <http://www.rightsidenews.com/200812122960/editorial/passing-the-baton-an-obama-administration-takes-on-the-challenge-of-iraq.html>

<sup>73</sup> Brookings Institution, Iraq Index, 11 December 2008, p. 42.

<sup>74</sup> OCHA (October 2008), op. cit., p. 3.

<sup>75</sup> OCHA (October 2008), op. cit., p. 7.

<sup>76</sup> From MODM/IOM survey, p. 32.

<sup>77</sup> IOM, “Post February 2006 Displacement in Iraq,” 1 November 2008.

objectives as in the case of northern Afghanistan—should determine where development assistance is targeted.<sup>78</sup> Such aid should be primarily directed through non-military means, using the expertise of competent Iraqi NGOs, authorities and professionals to the largest extent possible.

### **Monitors are needed.**

In other situations where refugees and IDPs are returning to communities where a potential for violence remains, the role of monitoring institutions has been crucial. Both national and international human rights and humanitarian organizations have provided critical oversight/monitoring of returnees. But the security situation in Iraq is such that we are unlikely to see a large-scale deployment of human rights monitors to the areas in which returnees are living. The International Committee of the Red Cross and UNHCR have traditionally also played this role, but at the present time it is unclear whether they will have sufficient staff on the ground to carry out this responsibility, particularly if the pace of returns picks up significantly and security problems continue. This will largely leave the monitoring to the Iraqi government and possibly to multinational forces—both of whom have a vested interest in encouraging returns and downplaying problems that might emerge. Iraqi national NGOs and the brand-new Independent High Commission for Human Rights could play a particularly important role here, but they need support.

There is a fundamental contradiction in asserting that a) the security situation has improved sufficiently for refugees and IDPs to return to communities from which they fled in fear, but b) that it isn't safe enough for international monitors to verify that they are safe.

The way in which Iraqi refugees and IDPs return and are reintegrated into their communities will largely influence the shape of post-conflict Iraq. If they are able to reintegrate into their communities, particularly communities which were formerly mixed, this will be an enormous step forward toward reversing sectarian cleansing and to genuine reconciliation as well as to rebuilding the country. Both the Iraqi government and the international community should be doing everything possible to ensure that the displaced are able to find durable solutions to their displacement. Those who return should be supported to exercise their basic human rights and to live in security, dignity and peace with their neighbors.

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<sup>78</sup> According to “Falling Short: Aid Effectiveness in Afghanistan,” Acbar, March 2008, the violence-plagued provinces of Uruzgan and Kandahar receive approximately \$150 per capita in development assistance, while many northern provinces receive less than \$30. Cited in: Mundt, Schmeidl and Ziai (June 2009), *op. cit.*