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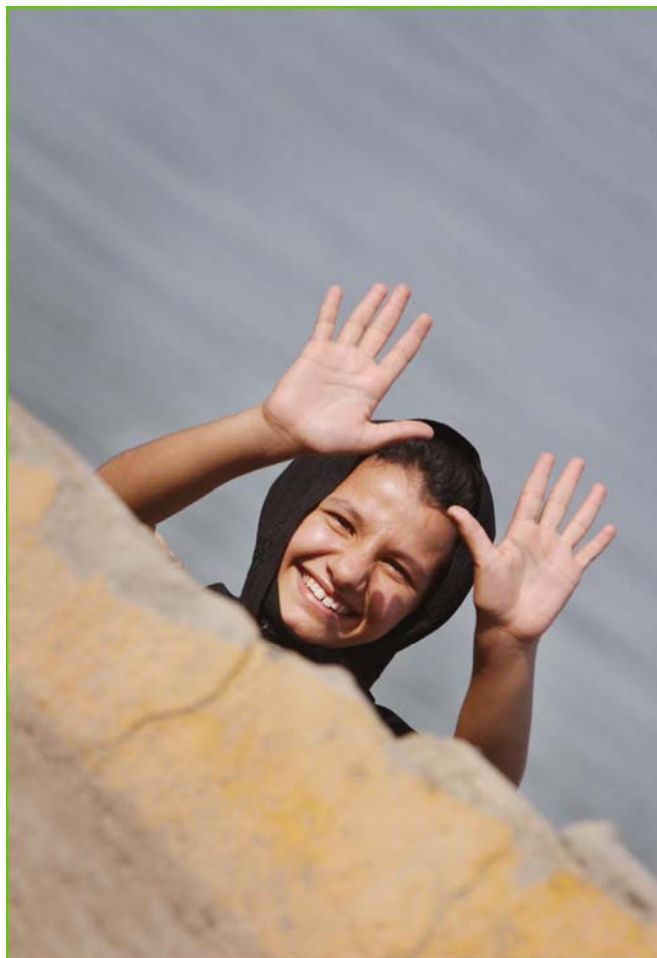
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**Rebuilding lives**

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**THE AMAR INTERNATIONAL CHARITABLE FOUNDATION LONDON  
CONFERENCE, MARCH 2006**

**INTERNALLY DISPLACED PERSONS – AN ONGOING DIALOGUE**



**AN IDP CASE STUDY... THE MARSH ARABS OF SOUTHERN IRAQ**



*'Forced displacement is one of the more insidious assaults on human rights. It generally breaks up the immediate family, cuts off important social and cultural community ties, terminates stable employment opportunities, deprives children, expectant mothers and the sick of access to food, adequate shelter or vital health services and makes the displaced population especially vulnerable to acts of violence and to impoverishment. Not only does the displacement itself often entail multiple violations of human rights but the aftermath of displacement can also have the effect of undermining the rights of the displaced, their ethnic identity and their dignity.'*

**Dr. Walter Kalin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons**

# AMAR MISSION STATEMENT

To recover and to sustain professional services in medicine, public health, education and basic need provision within refugee and other communities living under stress in war zones or in areas of civil disorder and disruption.

## MODUS OPERANDI:

- To build professional local capacity.
- To test standards against relevant UN agencies, notably WHO, UNESCO and UNHCR.
- To act as UN partners.
- To teach and disseminate best practice through in-service training, external courses and conferences.
- To develop models of work and replicate these through our own or other agencies.
- To spread knowledge of local needs outside the regions affected.
- To tailor costs to local economies.
- To purchase locally in order to improve the local economy.
- To use local staff and skills from our areas of operation to expand the work into other countries or regions.
- To work closely with host governments.
- To help create a peaceful environment.
- To promote relevant dialogue and to be involved in dialogue implementation.

## KEY ACTIVITIES:

To achieve the mission statement and modus operandi through carrying out any or all of the following activities working closely with the host government(s):

- Primary health care provision through fixed or mobile clinics
- Laboratory facilities
- Secondary health care and tertiary referrals
- Public health programmes
- Water treatment, including clean water supplies and waste water
- Garbage disposal
- Primary and secondary schooling, including books, timetables and exams
- Tertiary scholarships
- Finding, repairing or building and equipping suitable structures for the programmes (e.g. schools, clinics, sewage and clean water plants)
- Creating, training and resourcing appropriate local professional teams to carry out these tasks
- Developing other job creation programmes such as fish farming, agriculture, sewing and tailoring, building and roadwork, information technology
- Establishing and running training courses, conferences and lectures
- Setting up in Oxford University a Medical Research Unit, and publishing its findings.

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## **SPECIAL GUESTS**

### United Nations

Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, Mr. Walter Kalin

Regional Director for the Eastern Mediterranean, WHO, Dr. Hussein Al Gezairy

Former Assistant Director General, WHO, Dr. Kazem Behbehani

Senior External Relations Officer for Health Policy and Deputy Director a.i., WHO, Dr. Richard Alderslade

Director, Educational Policies and Strategies, UNESCO, Dr. Mir Asghar Husain

UNESCO Iraq Office, Amman, Mr. Kamal Braham

Former President, World Heritage General Assembly, Dr. Ahmed Jalali

Officer-in-charge, UNHCR Basra, Mr. Buruq Al-Hamdy

### Government of Iraq

The outgoing Minister of Finance of the Republic of Iraq, His Excellency Mr. Ali Allawi

The Ambassador of the Republic of Iraq to the United Kingdom, His Excellency Dr. Saleh Al-Shaikhly

The Ambassador of the Republic of Iraq to the European Union, His Excellency Mr. Mohammed Jawad Al-Doreky

Representative to the United Kingdom of the Patriotic Union of Kurdistan and of the Ministry of Water Resources of Iraq, Mrs. Shanaz Rashid

### Other Special Guests

Senior Tribal leaders from the governorates of Maysan, Basrah and Thiqr

Eminent Academics

## **Foreword from Baroness Nicholson of Winterbourne MEP, Executive Chairman, AMAR International Charitable Foundation**



For many years now, the international community, led by the United Nations, has been striving to address the issue of refugees, the millions of people displaced from their home country to another by violence or by natural disasters. Yet this focus on refugees, commendable in itself, has obscured the existence of a steady and continuing surge of Internally Displaced Persons (IDPs), people displaced within their home country's borders, whose numbers now heavily outweigh those of refugees (23.7 million IDPs to 9.2 million refugees).

The AMAR International Charitable Foundation has long noted that the situation and rights of IDPs are not being properly addressed by the international community. There is still no convention which lays down their rights. The responsibility for caring for them falls somewhere between their own governments (who may have caused or contributed to their conditions), UNHCR, whose proper mandate is for refugees, and IOM – the UN-related body supported by a large number of donor countries.

AMAR has exceptional experience with both IDPs and refugees in the Arabian Peninsula and the Persian Gulf. Iraq today is home to particularly large flows of IDPs. The AMAR London Conference, of which this is a report, gave special attention to one large community of IDPs, the tribespeople of the southern Mesopotamian Marshlands in the three governorates of Basra, Thiqr and Maysan, drawing upon the expertise of Dr. Walter Kalin, Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons, and the internationally-recognised thinker and policy-developer on this issue, Dr. Roberta Cohen of the Brookings Institute.

These two experts and others in their team combined their knowledge with a representative leaders' group of the displaced tribes supported by AMAR experts in health, education, science and the environment.

AMAR's fifteen years of service to these and other IDPs and refugees have given the Foundation a unique understanding of the daily problems faced by both sets

of people. This case study is the first of a new series of AMAR studies, partnered by a range of other institutions, which it is hoped will assist in bringing the plight of IDPs globally to the world's attention and the forging of new solutions, which in turn will make a real difference to reducing their trauma through poverty reduction, provision of health, education and training, and the capacity to build businesses and to acquire employment to sustain their own futures.

AMAR's work for IDPs and refugees has served many groups of people including: the victims of the Kashmir earthquake in October 2005; the victims of the Bam earthquake in December 2003; the refugees from Afghanistan in the Islamic Republic of Iran; IDPs in the west of Afghanistan; the Iraqi refugees in the Islamic Republic of Iran (the provinces of Fars, Khuzestan, Sistan, Baluchistan, Lorestan, Markazi, Kerman, Khorasan Razavi, Tehran, Semnan and Zanjan); the IDPs in the marshes of Iraq; IDP victims of conflict in Lebanon in 1996 and 2006; Palestinian refugees (1995), and IDPs in Eastern Europe. Conferences include those held in Brussels, London, Oxford, Paris, Tehran and Basra. AMAR holds a continuing range of conferences. This is a first case study focusing exclusively on IDPs, a subject on which AMAR anticipates a continuing dialogue.



**Baroness Nicholson of Winterbourne MEP**  
**Executive Chairman, AMAR International Charitable Foundation**  
October 2006

The AMAR International Charitable Foundation is most grateful to the following for their kind support for the AMAR London Conference, March 2006:

- HRH The Prince of Wales, Patron, The AMAR International Charitable Foundation;
- The British Council;
- The Brookings-Bern Project on Internal Displacement Institution;
- The Bureau of Democracy, Human Rights and Labor;
- The Foreign and Commonwealth Office

**Keynote Address by Dr. Walter Kalin**  
**Representative of the United Nations Secretary-General on the**  
**Human Rights of Internally Displaced Persons**

**Baroness Nicholson, representatives of governments, ladies and gentlemen,**

I appreciate this opportunity to address the AMAR London Conference, which has brought together with us representatives of the Marsh Arabs whose people have suffered mass displacement and egregious human rights violations under Saddam Hussein's regime. Marsh Arab representatives have come to this meeting to voice their aspirations and concerns and hear the views of international and national partners who support the sustainable return, integration at their present place of residence or resettlement of internally displaced persons in Iraq. Durable solutions for the Marsh Arabs and other displaced populations are essential to the stability and reconstruction of the country and a major measure of the commitment of the new government to human rights, pluralism and democracy.

Since consultation with displaced persons is important to reconstruction and recovery, I urge everyone present to take account of the concerns raised by Marsh Arab representatives and work to integrate these concerns into policies and programs developed on displaced persons in Iraq.

Forced displacement is one of the more insidious assaults on human rights. It generally breaks up the immediate family, cuts off important social and cultural community ties, terminates stable employment opportunities, deprives children, expectant mothers, and the sick of access to food, adequate shelter or vital health services and makes the displaced population especially vulnerable to acts of violence and to impoverishment. Not only does the displacement itself often entail multiple violations of human rights but the aftermath of displacement can also have the effect of undermining the rights of the displaced, their ethnic identity and their dignity.

The case of the Marsh Arabs of Iraq is a particularly cruel example of forced displacement. From their habitat along the lower Tigris and Euphrates rivers, their own government brutally and deliberately uprooted hundreds of thousands. Massive hydrological engineering projects, coupled with the shelling and burning of Marsh villages, the poisoning of fishing grounds and the assassination and abduction of local leaders, destroyed the habitat of the marshes and reduced the total of Marsh Arabs to a fraction of their earlier numbers.



The human rights violations and damage done to the Marsh people and their 5,000-year old culture and habitat must be acknowledged. Acknowledgement is important to ensuring that such crimes do not occur again. With a new government in formation in Iraq, it is an opportune time for national and international partners to work together to ensure that assistance, protection and reintegration and development support as well as compensation are provided to the Marsh Arabs and that their return or resettlement and reintegration accord with international human rights standards.

Internally displaced persons, it must be emphasized, like all other persons in the country where they reside, are entitled to a broad range of civil, political, economic social and cultural rights. One does not lose one's rights or one's citizenship because one becomes internally displaced. International law stipulates that internally displaced persons may not be discriminated against because they are displaced or because they are of a particular ethnic or social origin, religion or political opinion. They have the right to request and to receive assistance from their government, which has the primary responsibility to protect and assist internally displaced populations.

To better understand the rights of internally displaced persons, we must look to the Guiding Principles on Internal Displacement, the international community's recognized standards for internally displaced persons, which have been circulated at this meeting in Arabic. They set forth the rights of internally displaced persons and the obligations of governments toward these populations. They should become the centerpiece of the national and international response to internal displacement in Iraq.

The Principles cover all phases of displacement – prior to displacement, during displacement and during return or resettlement and reintegration. They are based upon international humanitarian and human rights law and provide guidance to governments, international agencies and non-governmental organizations in dealing with internally displaced persons.

The Principles open with a description of internally displaced persons as those who have been forced or obliged to flee or leave their homes or places of habitual residence as a result of armed conflict, generalized violence, violations of human rights or natural or human-made disasters and who have not crossed an internationally recognized state border. The two main features of internal displacement are coercive or involuntary movement, and remaining within

national borders. The Marsh people are a classic case of internal displacement – having been forced from their homes and uprooted within their own country.

The Guiding Principles first affirm that governments are supposed to prevent and avoid conditions that might lead to displacement. People have a right *not* to be arbitrarily displaced. When no alternatives exist, governments are expected to take measures to minimize the displacement and its adverse impact.

The Principles also set forth the civil, political, economic, social and cultural rights of persons once they are displaced and tailor these rights to the specific needs of the internally displaced. For example, displaced people, like the Marsh Arabs, often need personal identification documents that may have been lost as a result of displacement. After the Principles affirm the right of internally displaced men and women to recognition before the law, they state that the authorities must issue or replace the needed documents. The authorities must also protect the displaced from being forcibly returned or resettled to places where their life, safety, liberty and or health might be in danger. Indeed, displaced persons must be protected against violence, land mines or other security risks, and should be provided with essential food, potable water, basic shelter and housing, medical services and sanitation essential to their survival. Displaced persons have the right to education, to employment opportunities and to take part in the political and economic life of the country. Particularly vulnerable groups among the displaced require special attention -- children, expectant mothers, women heads of household, persons with disabilities, and elderly persons. Overall, the Principles provide a comprehensive minimum standard for the treatment of internally displaced persons.

The final section of the Principles deals with protection during return or resettlement and reintegration. This section is particularly pertinent to the Marsh Arabs situation today. It provides that the displaced have the right to freely choose between voluntarily return to their home areas in safety and dignity or to remain where they presently are or to resettle in another part of the country. Whichever option they choose, the national authorities are expected to facilitate their reintegration.

In the case of return, this means creating an environment that will prove sustainable for those returning, whether they are internally displaced persons or refugees. In particular, this means:

- Security, both for inhabitants of the area and for humanitarian and development workers, including de-mining.
- Services for those returning, such as clean drinking water, sewage disposal, primary education, health services and household building materials.
- Documents to enable returnees to access basic services.
- Materials to enable returnees to regain their livelihoods, such as seeds, tools, livestock and fishing nets.
- Establishment of mechanisms for the resolution of land and property disputes. Indeed, the Guiding Principles provide that governments must assist the displaced to recover their property and possessions lost during displacement. When this is not possible, they must provide or assist the displaced in obtaining compensation or another form of just reparation. Later today, we will hear how the Iraqi Property Claims Commission is processing claims and whether the Marsh Arabs are finding this process useful to make claims in cases of homes and property from which they were evicted.

Without sustainable returns, serious humanitarian problems can arise in areas of return as well as tensions with local communities due to competition over scarce resources and services. Most important is that consultations be held with the displaced and with local communities to discuss returns and how best to prepare areas for returns. Consultations also should be held with displaced persons who resettle in urban areas or villages close to the Marshlands who may need support with skills training, education, income generating projects and protection from discrimination.

The Guiding Principles can help governments like Iraq, international agencies and displaced persons in developing policies and programs to promote effective solutions for displaced people. Since they were presented to the United Nations 1998, the Principles have gained considerable international recognition and authority. UN resolutions acknowledge them as “an important tool” and “standard.” The heads of government assembled in New York for the World Summit in September 2005, including Iraq, formally recognized them as “an important international framework for the protection of internally displaced persons.”

Governments like Iraq now need to incorporate the Principles’ provisions into national legislation and national policies. United Nations Secretary-General Kofi Annan has called upon member states to accept the Guiding Principles as the

basic international norm for the protection of internally displaced persons and to promote the adoption of these principles through national legislation. A growing number of governments, including Angola, Burundi, Colombia, Peru, the Philippines, Sri Lanka and Uganda, have adopted laws or policies based on the Guiding Principles. Others like Turkey, Georgia and Nigeria are considering doing so. The Government of Iraq, in collaboration with the United Nations, is in the process of developing a National Policy on Displacement and Durable Solutions. It is important that this policy provide broad protection for the displaced, encompassing their survival needs, their physical security and their basic civil, political, economic, social and cultural human rights, in accordance with the provisions of the Guiding Principles. Later today, we will hear more about the national policy being developed in Iraq. I would like to take this opportunity to urge Marsh Arab representatives to monitor this process closely and make sure that the concerns of their communities are fully taken into account in the documents that are drafted and adopted.

To assist governments and lawmakers in preparing effective laws and policies on internal displacement, I have begun a process, together with legal experts from different parts of the world, of developing a manual for legislators and policymakers. It should be ready by the end of this year and will provide detailed guidance on how best to draft laws and policies to fully reflect the content of the Guiding Principles. The manual will address subjects such as humanitarian assistance; basic services and social security; shelter, resettlement and adequate housing; remedies for deprivation of rights in housing, land and property; employment and economic activities; education; movement related rights; political participation; documentation; and family life. All these issues must be covered in a comprehensive law and policy.

To ensure that the Marsh Arabs fully participate in the development and implementation of a national policy, there will need to be clear consultation mechanisms which give all sectors of the Marsh Arabs community the possibility to express their fears, hopes and wishes. There will also need to be training so that they better know and can effectively advocate for their human rights. Around the world, groups of displaced persons are becoming empowered by learning about their rights and the obligations of local and national authorities to them. They are increasingly using the Guiding Principles as a tool for measuring their conditions, monitoring the national and international response and advocating for their rights.

Today and tomorrow's meetings are the beginning of a process to hear some of the voices of the Marsh Arabs. It is my hope that their concerns will come to light so that they are better understood by national and international actors and more fully integrated into the thinking and plans for Iraq's recovery. It is also my hope that the representatives of the Marsh Arabs will gain from the conference's discussions and use the information and tools made available to advocate for their rights and ensure that their communities benefit from the policies and programs being undertaken at the national and international levels to restore the Marshes and rebuild Iraq.

Thank you.

**Speech by Ms. Dina Abou Samra, Middle East Analyst, Internal  
Displacement Monitoring Centre, Norwegian Refugee Council**

**Requirements for Sustainable Returns**

Ladies and gentlemen, distinguished guests, I would like to thank the AMAR Foundation for organising this conference and panel. And, especially I would like to thank the Iraqi tribal leaders for travelling all this way from Iraq, reflecting both your commitment and the important role you have in supporting the return of the displaced to the marshland areas.

The destruction of the Iraqi marshlands has led to severe consequences for the Iraqi Marsh Arabs, including forcible relocation and the loss of rich wetlands. Now there is an opportunity to restore the marshes and for people to return home. In fact, there have already been some returns to the marsh areas.

But to ensure that returns are long lasting and sustainable, support is needed, and the primary responsibility for solutions rests with the national authorities.

The Guiding Principles on Internal Displacement, which were earlier distributed to you, establish a number of conditions that must be fulfilled in order for durable solutions to be attained for displaced people. The Representative of the Secretary-General touched upon some of these this morning. I will now expand on the key ingredients.

The Guiding Principles outline three solutions: the first is to support IDPs to return to their places of origin, the second is to support them to resettle in the area of displacement, and the third is to support them to resettle in another part of the country. In all cases, governments have a duty to establish appropriate conditions and provide the means to allow IDPs to return voluntarily, in safety and dignity.

The national authorities must therefore address the following conditions:

**Security**

- **IDPs must return voluntarily and in safety**

Any support of return to the marsh areas should be based on free and informed decisions made by IDPs. Safety is particularly important. The Guiding Principles underline that IDPs should not be encouraged to return or resettle to areas where they are at risk. Returns must be guided by the conditions found in return areas, in particular safety and security.

Organizations monitoring the returns of IDPs and returning refugees indicate that security is of concern in the southern provinces. There are reports of criminal activities and inter-tribal disputes in areas bordering the marshes that may deter people from returning. In several areas on the edges of the marshes, the displaced confront threats of violence constraining their freedom of movement, preventing children from going to school and families from reaching the few health clinics functioning in the area.

Many people who fled the marshlands live in remote areas on the edges of the marshes where abuses may be perpetrated without any scrutiny. For example, in isolated areas of Al-Qurna in the north of Basra province, vast portions of the IDP population do not have access to administrative and judicial services. Precarious security and criminal activities have also meant that humanitarian organizations and local authorities are unable to reach the most isolated IDP communities.

A landmine survey undertaken by Iraqi authorities in June 2005 found the highest number of mine victims in Iraq in the southern provinces. IDPs and returning refugees are especially at risk because due to displacement they may not be familiar with the areas they are in.

To ensure safe returns, landmines will need to be cleared and protection mechanisms established to promote security, rule of law and human rights. A mechanism to monitor returns should be established to ensure that the return process occurs in conditions of safety. Information should also be made available to displaced communities through local leaders and local media on conditions in return areas, including landmines awareness.

- **Support must be provided to IDPs whether they return or resettle to achieve durable solutions**

It is common in situations of displacement that many IDPs may choose to remain in their areas of displacement. Alternative solutions to return such as integration

in the area where they are displaced or resettlement to another part of the country should be supported by government authorities.

A number of displaced Marsh Arabs now live in urban areas. IDP monitoring indicates a desire especially among some of the younger generation to integrate in the current urban areas of displacement where they have found better economic opportunities. Though some level of integration has been reported among surveyed displaced Marsh Arab families, for example among several families living in the province of Kerabala, the majority will require assistance to integrate in their local communities.

However, even though some displaced Marsh Arabs may choose to integrate locally, they may wish to visit family and to maintain links to the marshland areas. Restoring the marshland areas is therefore important not only for those who return, but it is important for all Marsh Arabs in order to maintain vital community, social and cultural links.

## Property

- **Assistance for recovery or compensation for property destroyed or lost as a result of displacement is another condition of return.**

Claims to property and land, related to the widespread and deliberate destruction of homes and property through bulldozing and burning carried out in the marshlands during the 1990s by the former government, will need to be addressed either through the current Iraqi Property Claims Commission (IPCC) or through the establishment of a separate independent mechanism. My colleague from the IOM on this panel will go into further detail regarding property issues.

Another aspect of property that will have an impact on returns is land. There are a number of issues that may arise around the use of land and natural resources, including the potential of oil exploitation and production. These will ultimately affect returns to the marshland areas as well as long-term durable solutions for the displaced Marsh Arabs. These issues should be carefully addressed, in particular whether the re-flooding of the marshes is compatible with oil exploitation, and whether exploitation of oil could be a potential cause of further displacement in the region.



## **Basic Services (and Documentation)**

Solutions for IDPs involve more than the simple physical movement of return or resettlement but require that the authorities put into place conditions that will ensure long-term solutions. What are the priorities to facilitate return or resettlement? The monitoring of returns to the marsh areas and areas bordering the marshes identify in particular the need to improve access to water and sanitation, health services, and housing.

- **Clean water and sanitation.**

IDP families living in the rural areas at the edges of the marshes live with very limited access to drinking water and sanitation facilities. For example, a survey of 11,000 displaced Marsh Arabs indicates that 98 per cent of the surveyed population live in camp-like settlements with little or no access to water or sanitation facilities. IOM monitoring shows that displaced Marsh Arab families living in the Al-Mejar and Al Kabi districts of the Missan province are, for the most part, cut off from the public water and sanitation infrastructure, and electricity and garbage collection services are not functioning in these areas. This has resulted in extreme deterioration of IDP living conditions, representing a threat especially for the most vulnerable, such as children and the elderly. Similar conditions, including a significant spread of water-borne diseases due to absence of proper water and sanitation facilities, are reported in other areas with concentrated populations of displaced Marsh Arabs. Contaminated drinking water has increased risk of diseases like typhoid and cholera in the summer. In the winter, health is at risk due to poor housing conditions and the high cost of kerosene for heating.

- **Access to basic health care**

The people in the marshes do not have sufficient health care because of lack of staffing, equipment and health centres and because IDP settlements and camps are often located far away from public health centres. Access to health facilities is especially limited for women and girls.

- **Housing**

Large numbers of displaced persons cannot return to their places of origin because their villages were destroyed by the drainage of the marshes and other

acts undertaken by the former government. For example, monitoring by IOM in ThiQar province indicates that all displaced Marsh Arabs who returned to their areas of origin in the province during 2003 returned to a situation of displacement because their homes were destroyed or are occupied.

Many displaced Marsh Arabs find shelter with host communities or occupy public buildings or live in informal settlements. For instance in Nassiriyah city (Thi Qar province) the majority of those displaced from the Marshes (more than 900 families out of 1,300 families) rely on accommodation with host families. However this does not represent a viable option in the long term. The allocation of land to IDPs for relocation or resettlement as well as compensation present more durable solutions. The lack of housing affects all IDPs in the country and should be addressed in a national housing policy.

A further housing concern relates to the situation of IDPs who face eviction because they are occupying government buildings, which are slowly being reclaimed by local authorities. Alternative housing or financial compensation needs to be provided for these IDPs who face homelessness.

- **Documentation**

Lack of documentation among IDPs poses an obstacle to reintegration. Lack of documentation prevents the displaced from access to food rations, education and employment. Some displaced, particularly those who have faced political persecution do not have documentation and will require legal assistance from the authorities to obtain food rations cards, register marriages, work and for children to attend school.

- **Basic education services**

Many children of displaced families do not have access to education, which poses a barrier to return and reintegration. Despite school rehabilitation efforts in north Basrah province, in Al Qurna, for example, where thousands of Marsh Arab families are displaced, children in several villages are attending school in inadequate structures. In the governorate of Thi-Qar, illiteracy rates among the general population are 25 percent while they are over 50 per cent among IDPs. Displaced children are often forced to work during school hours selling cigarettes, chewing gum, or shining shoes to support their families.

## **Groups with Special Needs**

To ensure that durable solutions extend to all displaced, special attention should be paid to vulnerable groups like women-headed households, persons with disabilities, the elderly, and unaccompanied and separated children. Special efforts should be taken to ensure that the displaced are consulted in the design and implementation of protection and assistance programmes, in particular women, children and the elderly.

## **Justice**

Finally, acknowledgement of the injustices suffered by the Marsh Arabs would contribute to broader initiatives to bring justice to Iraq, including by addressing the root causes of the conflict and displacement. Some international observers argue that the drainage projects, military operations and forcible evacuations of people in the marshes amount to a “crime against humanity”. Establishing a mechanism, like a tribunal or a Truth and Reconciliation Commission may be a way to address issues of impunity, past injustices and promote reconciliation.

## **Conclusion**

Challenges to return to the marshlands should be addressed, in particular the need for clean water and sanitation, access to health care, housing, and education. These and other needs must be dealt with by the Iraqi government in ongoing consultation with the Marsh Arabs. To date, there has been insufficient attention paid to the needs of the Marsh Arabs. However, now there is an opportunity to address these needs, to restore the marshes and for people to return.

Thank you.

## **Presentations by Tribal Leaders (indicative extracts of a larger variety of speeches)**

First Tribal Leader Speaker:

Ladies and gentlemen, welcome. It's a great pleasure for me to give you a picture of the situation in my tribal area in the southern part of Iraq. I would like to speak about the situation before the displacement, and what happened after the period of forcible displacement. There were originally 1,000 families in my area; there was a dispensary and facilities for drinking water. Agriculture was flourishing, both in the summer and winter seasons. The inhabitants were also able to live from fishing and were able to sell part of their catch. The people of the village also gained a living from raising livestock and were able to use the meat and dairy products. Bread was also baked in the village. The social relations in the village were based on close family ties and brotherhood. There were regular meetings in what is called a mudhif to deal with the social and labour problems. In the case of deaths the whole village would take part in the necessary arrangements for burial. The villagers enjoyed excellent relations with other villages and all joined together in social and religious celebrations. In 1980 all of this changed because of the beginning of the Iran-Iraq war. The situation deteriorated further after 1991, after the popular uprising. The region was then subjected to enormous changes. First there was the drainage, and second there was the deprivation caused by the loss of livelihoods. The people were forced out and left for other regions. They had to leave their homes to seek livelihood. Their homes were destroyed and they were no longer able to fish. They were driven out by force by the regime's security forces. The area was also subject to various military manoeuvres and operations using the most savage means. Many people were killed or arrested. In particular, they arrested young men who were suspected of political activity. They were accused of desertion and opposing the regime. As a result, the whole structure of health and welfare was destroyed in the region. There was a total lack of clean water and contagious diseases spread rapidly. After the collapse of the regime life began again and some members of the community returned to their original areas. Many more will return when the situation improves. The AMAR organisation played an enormous role by guaranteeing medical resources, but there is still a need for more services so life can return to normal in our region and support the administration in our areas to make up for the deliberate neglect. The people of our region have been subjected to all kinds of deprivation as the previous regime had no loyalty and this affected all people. The environmental problems are enormous and there is a great need

to restore the community. We aim to restore self-respect and may Allah give success to us all.

Second Tribal Leader Speaker:

Ladies and Gentlemen, good morning. At the beginning of the Iran-Iraq war our people became involved. Many of our young people were in the armed forces. Many of them refused to be drafted into the armed forces, and as a result, the regime bombarded our area in an indiscriminate fashion using aircraft and all other weapons. As a result there began a process of migration. In 1988 there was a deliberate flooding of the area which was planned by Saddam's regime. The storage areas for water were opened up and this resulted in flooding in a completely unnatural and unexpected way. For example, in my area my house and fifteen others were destroyed. Only elevated houses survived. Many people from our area fled to the cities in the Basra governate. A smaller number migrated to Karbala and Najaf. This was the first forced migrations. The second wave began after the 1991 popular uprising. Our area was attacked by tanks and helicopter gunships and artillery. This happened until 1992 until the intervention of the UN. After the resolution the regime was not allowed to use helicopters in the region and so the regime used tanks and artillery against us. In addition to these forces the Ba'ath party militias would attack and invade our houses. In relation to my tribe 57 houses were totally destroyed in one day in a nearby village which also belongs to my tribe. This resulted in a clash between the Ba'ath party forces and the young people of our region. Many were arrested and executed. There was then a conflict and many more houses were destroyed in these clashes. There were many other smaller scale incidents and in many cases they resorted to burning down the houses. Some 40% of houses were destroyed and 60% settled down in areas which I mentioned before. This is because there was no accommodation, shelter or livelihood. Therefore, we request from those interested bodies and institutions to make available those things which are necessary and important so that the people of Ahwar may return to their homes. Thank you very much.

Third Tribal Leader Speaker:

I shall describe for you the process of forced displacement in the eastern region. In the Maysan region it began in 1982 shortly after the beginning of the Iran-Iraq war because our region is very close to the border with Iran. In that year, 1982, the regime ordered out all civilians from our region, using as their excuse the fact that the region was on the border with Iran. Roads were made across what had

been agricultural areas which resulted in the destruction of many farms, and the regime drove out the civilians. They used the regular armed forces and also the Ba'ath party forces. The forced expulsions gave notice of 24 hours. They used military transport to take people away. The head of the household could only take members of their family and no possessions. They had no idea where they were going and many were dumped in the open with no shelter. They had to leave behind their property and their livestock. Their houses were destroyed. In 1988 the State embarked on a programme of diverting the river waters and the people of the eastern region were driven out, after they had returned to the region after the first expulsion. People were forced to live near the roads and on the riverbanks. The third stage began in 1991 after the popular uprising had failed. The armed forces of the Saddam regime attacked the regime with artillery and mortar fire. Many many houses were destroyed in the border area. The region was emptied by about 70%. In the other areas the regime took a stronger stranglehold using many methods. They drained the water courses and it was therefore impossible to take water from the wells. This is a very brief explanation of the process of forced displacement.

Fourth Tribal Leader Speaker:

Good morning, I am speaking on behalf of myself and other tribal leaders. On 3 April 1982 the Saddam armed forces surrounded my tribe and began to drive out the people from their homes. We had many houses, flourishing agriculture and many livestock. Our homes were destroyed over our heads. Because of our fear of Saddam's forces we were forced to leave our farms which were our livelihoods. We had the obligation of service in the armed forces in the Iran-Iraq war. Because we rejected this and because we refused to join the Ba'ath party, the second forced migration was in 1991 when the party forces in conjunction with the armed forces took reprisals against us because many of our young men had taken part in the uprising. The Baath party accused us of being religious fanatics. Our young people refused to take a role in what was called the 'Army of Jerusalem'.

Fifth Tribal Leader Speaker:

I live in the South of the Marshes. It is an honour and we are so grateful to you as a Foundation as you look after our families in the Marshes and we hope that all the charitable projects founded by the foundation are expanded to include all the people in the Marshlands. My tribe started to suffer the forced displacement

in 1981-2 because of the previous regime. We lost all our properties. We have now returned to our original place and hope that AMAR can help us.

Sixth Tribal Leader Speaker:

My tribe has around 8,000 families. We started to suffer from forced displacement on 4<sup>th</sup> February 1984. The Army arrived at that time and they told us to leave our region because they wanted to take the place as a camp for the Army. Then we had to move to a place occupied by another tribe. We were welcomed and spent about a year there but then both tribes were forced to leave that region and move elsewhere. [...] We spent about seven years there. Then we suffered from continuous military attacks at that time and most of the people were forced to go deep inside the marshes. Then the Army attacked our people by using helicopters deep inside the Marshes. We were forcibly returned to nearby our original land in 1999. At that time we were surrounded by the military and we had no freedom to move outside this precise zone. After the collapse of the previous government we became free to live in our original land comfortably.

Seventh Tribal Leader Speaker:

My tribe suffered from heavy persecution from the previous government such as the destruction of our houses and the displacement of our people. Many people were assassinated. A huge number of them were taken prisoner. My tribe is well known for having suffered a lot and was completely destroyed by the previous government, forced to live in remote areas. We are [...] well known for the suffering by other tribes surrounding us.

Eighth Tribal Leader Speaker:

About 3,000 people from my tribe were forced to suffer and most of their houses were destroyed completely. Most people have returned, from both inside and outside the country but they have nowhere to live, no homes to go to. I agree with the previous speaker. Our tribes are living together without accommodation.

Ninth Tribal Leader Speaker:

In the name and the names of my colleagues in my tribes. In my opinion the marsh people suffered terribly and more so than others in the country under the

previous regime. Even the nature of life in the marshes has been changed because of the change in their lives from living inside the water and to a very high area. And as Allah said, everything has been created from the waters. I said in my name and in the names of my colleagues I ask the Baroness to undertake a big project for the rehabilitation of the Marshland. We hope the Baroness will come to our region to see the destruction.

Tenth Tribal Leader Speaker:

We lived deep inside the marshes. The persecution of the people in our tribe started in 1980 when people in this area objected to the war and they tried to express their objection in various ways. The persecution stopped in 1991 when the uprising in the Marshes started and the regime started their biggest crime which was the draining of the marshes. We lost our homes and services and most people had to leave the area. After the fall of the previous government most people returned but they still lack services. I would like to thank the AMAR Foundation but the needs are too big to be covered by the Foundation so we hope to use this opportunity to explain our needs and requirements.



## **Speech by Mr. Ali Allawi, Outgoing Minister of Finance of the Republic of Iraq, followed by Question and Answer Session**

I am the Minister of Finance of Iraq and I am in London at present. I would like to welcome you all to this very important meeting. I would like to assure you that the Government of Iraq gives full importance to the development of the Ahwar region and I would like to give you some examples.

Firstly, it's very clear that the Government of Iraq is not able to implement projects aimed at development for a number of reasons. Firstly, the issues relating to Ahwar are divided between a number of institutions. A number of ministries have a role to play, including the Ministry of Health, the Ministry of Water and the Ministry of Labour, for example. As a result of the division of functions there is a lack of total and complete effectiveness.

One result is that in the forthcoming budget we have allocated funds to the development of Ahwar which are far in excess of previous allocations. The funds are divided among many ministries and each is responsible for deciding their own allocations and priorities. Therefore, I am totally convinced that the only way to develop the region is to establish an independent body to deal with the matters arising. This organisation should be semi-governmental. The budget will allocate funds to rehabilitating the region. My proposal is that the central government in Baghdad passes the necessary legislation to establish this body and it is extremely important that this body should work organically with the people of the region.

Q: Regarding the Minister's proposal for establishing a new body, who should do this?

The initiative should come from you, the people who are responsible for the day-to-day running of the institution. The essential thing in all this is that any process relating to irrigation or agriculture, for example, requires a legal framework and new legislation must be passed. The thinking behind my proposal is that the body should have a governing council which would have government representatives, local people, and perhaps AMAR could be involved. The essential thing, however, is that the head of this body should be an Iraqi.

The various ministries all have their own responsibilities, but what is lacking is that the tribal leaders do not have a role in planning for their own people's future. If the ministries were to consult properly with the people of the region,

then the result would be complete success. The central government must involve the tribal leaders in the rebuilding of the area.

I support 100% this comment – the basic mistake in all such ambitious plans is not to consult the people concerned.

Q: I'd like to add a comment and say that in relation to the donor countries, in implementing projects in relation to their donations, the tribal leaders should always be an organic part of this process.

Q: I would like to add a comment. The Ministry of Migration is already dealing with the issues of the displaced and has been very active in this area. I propose that it is that ministry which has the most important say because it has an overview of the whole situation."

A: I fully appreciate the ministry, which does a great deal of good work, not just in Ahwar, but across the whole country. The problems of the marsh region are very particular and have their own nature and characteristics. The environment of the marsh region is totally unique in the world and its borders run across several governorates. It is essential to cover all sections of the community and I think that the ideal solution is to have a ministry especially concerned with the Ahwar region. I am convinced that any operations directed from central government will not be successful if they try to deal with the problem on a regional basis, and the essential thing in my proposal is that the headquarters should be in the region. The central government will provide assistance but the process of reinvigorating and restoring life to the Ahwar region is for those which are involved on the spot.

## **Presentation by Mr. Buraq Al Hamdy, Officer-in-Charge, UNHCR Basra**

Good afternoon. I would first like to thank AMAR for your kind invitation to UNHCR. I will present in Arabic since most of the audience are Arabic speaking. UNHCR in cooperation with IOM has done many things to develop policy regarding displaced people. If we consider that Iraq has more than 1.3m displaced people all over the country, so one can imagine the scale of the problem, so this organisation has cooperated with IOM since 2004.

According to this collaboration a workshop in Jordan has been held with the ministry. This has been attended by many representatives from the UN, the Iraqi Government itself and others. According to the workshop it has been decided to hold a national conference for displacement. In order to carry out such work, the Ministry of Displacement and Migration has organised conferences in the North and the South. Unfortunately these have not yet been held because of the elections. The Ministry has changed and we need to find another way. Many activities have been carried out to prepare for the conferences. It is likely the discussion will focus on displaced persons but others such as refugees cannot be rejected. Because the Iraq policy on displacement is Iraqi, so it can be carried out by the people themselves. The ministry responsible is the Ministry of Displacement and Migration.

Many ministries will play a role such as many in the Kurdish area. The local authorities include most of the councils and include the IDPs themselves and the families in which they have resettled, and including the leaders of the tribe. Many people are concerned by international organisations. They are responsible for decision making activity, this should be carried out by the ministry, and on the other hand the IDPs themselves must be involved. This policy cannot be issued without major consultations with the IDPs themselves. Accordingly support must be given by many international organisations and Iraqi organisations must support this issue.

This policy is concerned by the material and policy issues for IDPs. These durable solutions should be justified and conform to the international standards and the Iraqi roles as well. This can be summarised as follows, the ministry put forward a draft of this policy. This was developed after an IDP survey. This draft is put to the government for support. After being approved there a conference will be held. Comments and recommendations will be collected and the draft amended. The amended draft must then be submitted to the government so it can be approved by the assembly. After being approved, a team should be put

together to implement the policy. The process will ensure all the tribal leaders are consulted and that the government agrees with the draft. It will also ensure that there are many levels of consultation. In addition there will be many official and unofficial consultations. What is important is the time decided on for carrying out this policy. The stage of consultation will be ended in May 2006. According to the surveys that are closely connected to IDPs, these are going to be collated by August 2006. In November 2006 the national conference will be held. At the beginning of 2007 a plan for the implementation will be submitted.

## **Speech by Jane Lovel – Scientific Policy Advisor**

### **Environmental Rights of the Marsh Arab Peoples**

#### **Introduction**

Good morning, ladies and gentlemen. In this brief presentation I would like to describe some of the challenges and opportunities relating to the restoration of the marshlands environment beginning with the restitution of the environmental rights of the Marsh Arabs. These include lands and related natural resources such as water and minerals, and comprise access as well as management and usage rights. I will endeavour to interpret these rights in the light of what we have heard from our Tribal Leaders and AMAR staff this morning. When I speak of the Marsh Arab peoples, I am describing a very diverse group that include the original Marsh Arabs, internally displaced peoples, refugees, returnees and resident neighbouring communities. I will end by putting some questions that have arisen that are key to enabling the “voices” of the all Marsh Arabs to be heard so that they can shape their own future.

#### **Environmental Rights**

The United Nations has recognized the right to a healthy and safe environment. It links human rights to the environment through seeing it as something that can generate livelihoods for individuals and communities – also referred to as sustainable development. The concept of “environmental entitlements” tries to understand the linkages between poverty and environment. It shifts the emphasis away from resource availability to issues of access, control and management and recognizes the role of informal institutions in shaping people’s endowments and entitlements that make up their livelihoods. There is also a widespread recognition of the right to the necessary environmental information so that individuals and communities can participate in the decision-making process that affects their lives and their future. And groups of indigenous peoples have a right to their natural setting which is inextricably linked to their culture and history, and their active involvement in improving their lives and protecting their environment for themselves and their children.

There is a clear link between conflict and natural resources, especially if there are too few or too many which happens in many countries around the world. For example, water scarcity in Palestine and the abundance of diamonds in Angola. In the case of the marshlands, Saddam Hussein deliberately used this unique environment as a weapon to kill, torture and traumatize its own people. These

actions, compounded by previously misguided policy-making resulted in the destruction of the services that the environment provides such as recycling water, controlling the climate and damaging natural resources which makes it impossible for people to sustain their livelihoods and achieve food security. At the other extreme, an abundance of resources has been referred to as a “resource curse,” when they are exploited by rebel groups to buy arms, as with UNITA in Angola, and the distribution of the benefits destroys the environment, and there is no accountability or transparency in these transactions. With such abundant oil resources located beneath the marshlands, surely we must work together to manage all natural resources more equitably so that they can contribute to strengthening Iraq’s democracy rather than destroying or undermining it.

### **The Marsh Peoples**

The Marsh Peoples have been closely tied to their land, water, wildlife, plants and other natural resources for the past 5,000 years. We have heard this week from our Tribal Leaders and AMAR staff that they have been persecuted, tortured, bombed, murdered, forced to move sometimes as much as 8 times and suffered in the most indescribable ways by Saddam Hussein’s regime and misguided agricultural, land and water policies and practices in the whole of the Euphrates and Tigris river basins which cross the borders of Iran, Syria and Turkey. However, the Marsh Peoples have been injured again by the destruction of their environment and their livelihoods. The most biodiverse wetland ecosystem in the Middle East region has been deliberately drained, the thriving date palms, reeds and other plants burnt and poisoned. This has seriously affected their sources of food and water, building materials for their homes, fuel and their unique cultural heritage and spiritual values which have rooted them to the region for generations. They had previously been able to use their natural resources in a sustainable manner that was managed through their complex tribal social system which is unique to this region but has almost been forced to extinction. And now, nearly three years after the fall of Saddam, the perception among the Marsh Arab Peoples is that they have been left to suffer while others benefit from the reconstruction programmes. AMAR wants to help focus the support from the Government of Iraq and the international community to the Marsh Arabs and build on our current work in the marshlands. We recognize the importance of urgent essential social services such as health and education as well as expanding the political participation programme to other communities who have requested AMAR’s assistance.

## **Lands and related natural resources rights**

The Marsh Arab peoples have patterns of long-standing community land and resource usage in accordance with their customary laws, values, customs, and traditions, including seasonal or cyclical use, rather than formal legal title to land and resources issued by the State dating back 5,000 years. These rights relate not only to the individual but also relate to the tribe. They cover the access and use of lands, water and other natural resources that are vital for their culture and the sustainability of their livelihoods. As we heard from Sheikh Naeem on Monday, his great-great-great-great grandfather lived on the land and fished in the waters where he and his family and tribe now live. Their social structure and the way they managed their natural resources were specific to their region and lives on in their unique culture and spirituality. Historically, during the Ottoman period (1534-1918) and before this time, these rights have always been threatened and robustly defended within the tribal justice system. They have been stewards of their own environment. And we all have benefited from its unique biodiversity and international heritage. The proliferation of more than 200 tribes in Southern Iraq is one indicator of when tribal conflicts have led to the break up of tribes due to unresolved revenge settlements or when they have tried to divide, protect or share their valuable natural resources. With so much documentation destroyed or lost, the Marsh Arab peoples have had to rely on verbal accounts or testimonies that AMAR has recorded to bear witness to the appalling persecution and destruction. This vital knowledge must now be used to help re-claim and re-build their assets.

We were very saddened and surprised to hear yesterday that there has been very limited consultation with the Tribal Leaders and that where it has taken place it has related to plans and projects that have already been drafted by government officials and various international experts and which would be delivered at a time in the future that was never specified. There are many questions that the Tribal Leaders and their people have about these plans and projects. AMAR is available to help you obtain this information and support you in bringing you from the margins into the centre of the planning process.

I have some questions relating to these environmental rights: Should we assume that the Marsh Arab peoples form part of a legal framework that has already been approved by an elected Iraqi Government? Perhaps they are part of the strategy of the International Reconstruction Trust Fund Facility for Iraq (the UNAMI Facility) or the Iraq Strategic Review Board or the Ministry of Planning and Development Cooperation or another awaiting confirmation by the recently-

elected government. They have met and written to their respective provincial ministry representatives who have in turn passed these questions to the ministries in Baghdad but they have repeatedly been told that they are not a priority.

We acknowledge that these issues are very complex and challenging. The policies are inter-connected and have implications for other policies but the Marsh Arab people have been very patient. There are poor and vulnerable people: women, children and the elderly, among them who are continuing to suffer after many years their displacements and trauma. They still have many urgent yet unmet basic needs that are unfulfilled but they have no indication of how long they will have to wait. As we are now approaching the third year of reconstruction in Iraq after the fall of Saddam Hussein, the question is how can AMAR help to accelerate the process? How can we, with our partners from Brookings, the British Council and guests, raise the profile of these issues so that they can begin to be resolved for the benefit of the Marsh Arabs?

If there is a process for legally establishing recognised rights to lands and the natural resources of the Marsh Arab peoples who have traditionally owned or customarily used or occupied them, then should not the Tribal Leaders be part of that process? Where is the documentation or other media that can be used to consult with the Marsh Arab peoples?

The Marsh Arab people will want to be part of the development process and gain from training to have better employment and livelihood opportunities for themselves and their children. They will need to know in advance the potential effects of such a development on their livelihoods, environment and use of other remaining resources. The equitable sharing of the benefits from the development should take place in a culturally appropriate manner, as well as compensation and rights to a clear and transparent process.

## **Conclusions**

All partners supporting the Government of Iraq's reconstruction programme have signed international laws and principles which place decision-making in the hands of the Iraqi people. AMAR will not desert the plight of the Marsh Arab peoples. We are keen to work with our Tribal Leaders to clarify the facts and gather evidence of what is happening on the ground. We want to help to build an open and transparent consultative developmental process. We want the rightful benefits to reach the Marsh Arab people to help them re-build their lives, their environment and give them a clear vision of their future. The efforts of the



Marsh Arab peoples in managing their resources have the potential to become the fuel and engine of economic growth and prosperity for the whole region whilst conserving the very uniqueness of the marshland ecosystem. We believe this endeavour will contribute to the building of a stable and secure Iraq.

Thank you, ladies and gentlemen.

**Summary of Speech by Dr. Norbert Wuehler, Director of Claims Processing for the Compensation Programmes of the International Organization for Migration (IOM), Geneva**

Dr. Wuehler observed that the Marsh Arabs' plight raised complicated questions of property rights, which the Iraqi Property Claims Commission (IPCC) was working to resolve. The IPCC was established to deal with claims from Iraqis who lost property as a result of actions undertaken by the Saddam Hussein regime from 1968-2003. It had received more than 130,000 claims from all over Iraq, 20,000 of which had been decided by early 2006. While the commission was mandated to resolve property owners' claims, it was unclear how the IPCC could assist people with informal or collective land claims. The commission's demand for formal documentation to prove ownership made it difficult for claimants to use the IPCC to assert their right to redress. There was also a lack of legal clarity over whether claimants could seek compensation through the IPCC for damages to their property. In addition to the IPCC, the Iraqi government created a Commission of Assistance to Martyrs of the Previous Regime, designed to provide various kinds of compensation to the families of people killed by the Ba'athist authorities. Legislation was also introduced to provide compensation to former political prisoners, but neither compensation framework had yet been effectively implemented.

The discussion emphasized the need for more flexible interpretations and applications of the law, as well as improvements in the claims process so that a greater number could be accepted. The experiences of other countries could help inform the Iraqi restitution and compensation process. It was also suggested that non-governmental organizations could bring together experts to advise the Marsh Arabs on submitting claims and developing class action claims which might meet with greater success at the IPCC.

## **Summary of remarks made by AMAR Foundation officials**

A concise overview of AMAR's work with the Marsh Arabs in Iraq since returning in 2003 was presented, followed by some detailed analysis in the western and eastern marshes of southern Iraq to demonstrate the resettlement patterns of the Marsh Arab communities. Various forms of support that have been provided by AMAR aimed to help reintegrate Marsh Arabs into the post-Saddam Hussein Iraq. It included helping to register the births of their children born inside and outside Iraq and to obtain food rations for all their families. Legal advice was a priority in order to help them to recover the ownership of their properties by obtaining the necessary documentary evidence for the courts. AMAR helped expelled Iraqis to apply and be recruited for their previous jobs and for students their school certificates were provided to enable their studies in Iran to be recognized with Iraq's new Ministry of Education. These efforts proved successful and a total of 96 students returned to their respective colleges within Basra University such as Engineering, Medicine, Science and Education, Management and Economy.

One of the most important aspects of AMAR's work has been the re-establishment of nine Primary Health Care Centres (PHCCs) in the marshlands managed and staffed by many of the returnees themselves. In addition, mobile clinics were provided to broaden the coverage and accelerate the immunization programme and treatment of diseases. The establishment of the Women's Health Volunteers programmes was an extremely successful mechanism to extend the training to women and use their knowledge at a household level to provide an extension of the PHCC's services to previously inaccessible locations. In coordination with the Ministries of Education, Health, Higher Education and Scientific Research, a variety of surveys were undertaken by AMAR staff that helped to respond more accurately to the needs of the Marsh Arabs. One of these surveys identified the need for literacy training and the Political Participation Programme was developed to overcome illiteracy and use it to promote their inclusion in their evolving democratic process.

With regard to the provision of basic services, AMAR helped to re-build four water treatment plants, distributed wheelchairs for disabled adults and children in the marshes and training of farmers and the provision of chemicals and fertilizers. Recognizing the impact of violent conflict within the Marsh Arab tribes, AMAR helped to organizing meetings with the Tribal Leaders to promote discussion, improved negotiation skills to enable them find non-violent ways to overcome their inter-tribal conflicts.

In order to establish the priority of needs of the Marsh Arabs, AMAR has undertaken various needs assessments and has closely monitored their resettlement and reintegration in the marshes. The pattern and rate of resettlement has depended largely on the nature of the original forced displacements. Those living in the eastern marshes closer to the Iranian border suffered the worst abuse and losses. The majority of people were forced from their homes 6 or more times but different forces were responsible. For example, the people living in the eastern marshes were all forced from their homes by the military whereas people living in the western marshes were forcibly removed from their homes by a combination of military and security forces. Approximately 30% of families living in the east lost family members compared to 10% of families living in the west. Similarly, approximately 53% of the community in the eastern marshes lost animals while 38% of communities in the western marshes lost their animals. In all circumstances among communities in the eastern marshes, the final location was not disclosed to them and was of inferior quality and two thirds of the community was given no assistance with their relocation.

The presentation ended with several recommendations which included the need for a comprehensive assessment of the Marsh Arabs' aspirations for their final resettlement; basic needs and services provided including shelter; the establishment of an income-generating and livelihood strengthening programme; the conducting of a psycho-social rehabilitation programme with a view to encouraging the Marsh Arabs to participate in decision-making processes and reclaim their rights, which will help shape their future and aid their recovery.

## **Summary of speech made by Dr. Mir Asghar Husain, Director, Educational Policies and Strategies, UNESCO**

Dr. Husain underlined the importance of education in the reconstruction of sustainable communities in the Marshlands and throughout Iraq. Locally-driven, internationally-backed initiatives had proved to be particularly successful in meeting the need for education, and should be supported as the reconstruction process continues. He said that AMAR had demonstrated that with very little resources many services could be delivered, and stressed the importance of all our efforts being driven from the base with cultural sensitivity. His hope was to return the diverse and vibrant cultural, social and economic life, which had previously existed, back into the region. Through the Partnership Agreement between UNESCO and AMAR, he was committed to supporting education programmes in the marshlands and the whole country. Dr. Husain welcomed the participants to join in the international conference on water and the marshlands that UNESCO was planning later in this year (the exact timing would depend upon key partners in the Government of Iraq).

## **Summary of Speech made by Ms. Roberta Cohen, Brookings Institute**

Today's conference, organized by the AMAR Foundation and the indefatigable Baroness Nicholson, has been tremendously important in raising awareness to the needs, hopes and aspirations of the Marsh Arabs of Iraq. All of Iraq needs attention, but it is clear that this region is a unique one, requiring specially tailored solutions.

The Tribal Leaders who spoke this morning as well as other speakers emphasized the egregious crimes committed against the Marsh Arabs in 1980 and 1991 by the Saddam Hussein regime. The military attacks, the forced expulsions, and the destruction of homes, livelihoods, health and welfare networks all made clear that national and international efforts should focus on the recovery and restoration of the area and of its environment, livelihoods, medical and educational facilities, and homes, so that internally displaced persons (IDPs) and refugees can return, if they so choose, to conditions that will sustain them and their families.

**Pressing Needs.** The challenges facing those who remain in the Marshlands today are considerable – problems of safety and security, of lost documents, of restoration of basic services, of restoration of land and property, of access to administrative and judicial services. But as this conference has shown, there are national and international partners who are searching for solutions and who are coming up with policies, proposals and recommendations to promote the restoration of the Marshlands, the return of the Marsh Arabs – both IDPs and refugees, as well as the effective integration of those Marsh Arabs who remain outside their ancestral areas.

**Consultation.** The most repeated recommendation at the conference was the need for regular consultation with Marsh Arab communities. Tribal Leaders must have a role in the plans for the future of their country. They must be included in central government deliberations about rebuilding Iraq. They must be consulted on restoration of agriculture and on the resources in their region. Their concerns and their needs must be integrated in government plans and policies. Otherwise, these policies and programs will not be effectively implemented in the Marshlands.

**Channelling of Funds to the Marshlands.** The Minister of Finance of Iraq, who addressed the meeting, proposed the establishment of a semi-governmental

body, to be created by legislation, to ensure that government funds are funnelled into the restoration of the Marsh Arab area. His statement was based on the acknowledgement that the region has different problems from other parts of the country and needs a special solution. He called upon Marsh Arab leaders to press their government to ensure passage of legislation to create such a body and to put forward proposals to access the funds that will be made available.

**Issues of Water.** The representative of UNESCO announced that UNESCO planned to convene an international conference on water and the marshlands later this year to promote the sustainability of returns and maintain the culture of the area.

**The Guiding Principles on Internal Displacement.** The Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons drew attention to an important tool the Marsh Arabs could use to call attention to their rights – the Guiding Principles on Internal Displacement. The Principles, which set forth the rights of IDPs and the obligations of governments toward these populations, have been recognized by the Government of Iraq as an important framework for the protection of IDPs. They should become the centerpiece of the national and international response to internal displacement in Iraq. Since the experience of the Marsh Arabs is a classic case of internal displacement, the government has the responsibility to protect the rights of the displaced and integrate them into national law and policies.

**Property Claims.** The work of the Iraqi Property Claims Commission, including the difficulties in making claims, was described by the Director of the Claims Programs at the International Organization for Migration (IOM). Clearly needed were more flexible interpretations of the law and its application as well as improvements and reform of the process so that a greater number of claims could be accepted. Precedents from other countries could be helpful. It was also suggested that non-governmental organizations could bring together experts to advise on making claims and help develop class action claims, that is, claims for a whole group – so that the claims put forward by the Marsh Arabs might be more readily accepted.

**National Policy on Displacement.** The officer in charge of the UN High Commissioner for Refugees in Basra, who together with the Iraqi government is helping to develop a national policy on displacement, spoke of the government's and the UN's intention to hold a national conference on displacement following extensive consultations with all groups. UNHCR's presence at the meeting was

important in enabling it to hear the concerns of the Marsh Arabs who should be regularly consulted in the development of the national policy and the holding of a national conference.

**Training.** Finally, training and technical assistance were suggested, in particular training of Marsh Arab communities in their rights, in advocating for their rights, in developing claims for property, and in pressing for the integration of their concerns in national development plans and policies.

The AMAR Conference has brought together an array of national and international actors who are friends of the Marsh Arabs and sensitive to their concerns, which should be encouraging to Marsh Arab tribal leaders. The country of Iraq is undergoing a traumatic and unsettling period. Of course, this difficult environment has impact on the region in question. But it is also the case that there are many trying to promote the development of the country and its reconstruction and recovery. It is essential that the Marsh Arab people be included and actively participate in national development and displacement plans and in the development of a democratic state that reflects the interests of all groups. I know that the IDP panel and other speakers today join me in extending to all of you our solidarity for the rebuilding of Iraq and for the restoration of your unique and world famous habitat. Thank you.



## **Excerpts from speech by Mr. Martin Davidson, Deputy Director General, British Council**

Ladies and Gentlemen, honoured guests. I am delighted to have been asked to speak briefly to you today.

Education and training is the most effective channel for the UK's long term partnership with Iraq, and the key to Iraq's increased prosperity and re-engagement with the outside world.

Our strategy is to create educational and cultural links and programmes that will re-build ties with the UK, in a sustainable way, working closely with partners throughout Iraq and the UK.

We are establishing a growing presence in Iraq, with offices in Baghdad, Basra, and (by 2007) in Erbil. We have established resource centres in university campuses in Baghdad and Basra, and are developing a further three on campuses in 2006. We have delivered over 50 tonnes of books to universities around Iraq. 200+ university senior managers, ministry staff, academics have attended Council supported training and networking events in the last year; the English Language Teachers' Development Team is now attached to the Ministry of Education and 6 UK Further Education Colleges are twinned with Iraqi technical colleges and institutes in six regions around Iraq

I am particularly proud of the British Council's association with two programmes we manage on behalf of DFID. The Political participation Fund is a £6.25M project to increase political awareness, representation and participation in the political process in Iraq, particularly amongst the poor, marginalized and vulnerable in society and the Civil Society Fund; a £5M project to strengthen the governance & management capacity of Iraqi Civil Society organisations to better address the needs of vulnerable groups

A great example of the success of the PPF has been the project to support the Marsh Arabs – the reason we are all here today. The challenge lay in the acute poverty they have been forced to endure due to forced relocation and the progressive destruction of their habitats and livelihoods over the last generation. But not just material poverty but also education poverty after years of neglect by central government. Democratic participation requires citizens to be able to understand and disseminate the messages given to them and to be able to question those messages.

The PPF project has enabled Marsh Arabs to be trained in basic literacy and numeracy by trainers based in their own villages. The villagers have also participated in discussions and lectures created by senior academics at Basra University covering a broad range of subjects relating to political participation such as:

- ◎◎the rights of women in an Islamic Society
- ◎◎human rights in the context of establishing and protecting families
- ◎◎employment and work based rights
- ◎◎the importance of citizens being able to advocate for basic and essential services
- ◎◎definition and discussion of key terms such as federalism, multiparty system, majority rule etc

The Marsh Arabs are a brave and resourceful people but bravery is not always enough to survive in the modern world. As Iraq enters its new democratic phase, many Marsh Arabs and their communities are better equipped to actively participate in the political process and through the project have been able to gain the basic skills needed to improve their lives. I am proud that the British Council has played a small part in helping you achieve this and I know that we will continue to work together in the future.

## **Press Release by Office of HRH The Prince of Wales**

### **PRINCE CHARLES PRAISES MARSH ARABS CHARITY**

The Prince of Wales tonight praised the work of a British-based organisation fighting to alleviate the plight of the Marsh Arabs in southern Iraq.

Charles hosted a reception at Clarence House this evening for conference delegates who have spent the week debating initiatives to help the Marsh Arabs.

The event was organised by AMAR International Charitable Foundation which has worked since 1992 to help those Iraqis in the south of the country who were terrorised and displaced under Saddam Hussein's regime.

More than 200,000 Marsh Arabs were forced to flee their homes and the dictator set about draining the marshes in a bid to destroy their homeland.

The Prince, who is patron of AMAR, met Arab tribal leaders from the marshlands and heard first-hand how they were victimised by the dictator.

A senior tribal representative, speaking through an interpreter and wearing traditional robes, told Charles how Saddam "destroyed the houses, destroyed the livestock, most people were forced to emigrate from the region".

The Prince, in his speech to the delegates, said: "I've felt deeply for the plight of the marsh Arabs for some considerable time. I know that they have been persecuted and tortured, bombed, murdered, forced to move as much as eight times."

He added: "I know you've had to witness the most bio-diverse wetlands eco systems being deliberately burnt, drained and poisoned.

"If I may say so one of the great things about the marsh Arabs is that they're able to use natural resources in a sustainable manner due to the complex tribal social system which is so unique to the region and which has almost been forced into extinction."

Liberal Democrat MEP Baroness Nicholson, who founded AMAR in the early 90s said the marsh Arabs were happy Saddam was deposed.

But she added: "Baghdad is not addressing their problems one little bit. Outside agencies are not co-ordinated at all."

She added: "The Marsh Arabs have rights and we are trying to find ways of exercising their rights and ways of giving them a voice."

She added: "Amar was trying to establish a quasi-government body with the Marsh Arab tribal leaders at its head as a means of achieving this aim."

ends

Laura Gibson

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## Excerpts from Speech by Ms. Cherie Booth QC

The destruction of the Iraqi marshlands during the 1980s and 1990s was symptomatic of the wider destruction of Iraq. It involved not just the destruction of land, but also of the people whose land it was. In the case of the Iraqi marshlands, most of its people were forcibly displaced not once but many times, leaving behind their possessions.

The reconstruction of a nation cannot be achieved without involving the people of that nation in the reconstruction process. Human rights, whether for refugees or for Internally Displaced Persons (IDPs), must therefore be at the heart of any reconstruction effort.

With us here this evening, are eighteen senior tribal leaders from the Iraqi marshlands. After the persecution they endured over the last two decades, it is something of a miracle that they are here tonight. It is their right to be at the heart of the reconstruction process in their country now.

The AMAR International Charitable Foundation realised this a long time ago. The Foundation has been working alongside the marsh people of Iraq for fifteen years, helping to provide primary healthcare, education, food and clean water, as well as carrying out surveys to establish from the people themselves exactly what is required. I / support AMAR's work in Iraq teaching children, preventing disease, purifying water and – above all – doing so through a programme centred on the capacity-building of skilled Iraqi teachers, doctors, engineers and other experts.

It is wonderful to have so many key people and organisations here tonight, including British Council, Brookings Institution, U.S. State Department, the Ministry of Defence, the Foreign Office and UN agencies.

But the fact remains that the efforts which have been made so far to try to restore the Iraqi marshlands have not been centred on the rights of the people. Now is the time to change this. AMAR has provided the model: let us support that model and gather strength from other organisations and governments in order to assist the Iraqi people and government to rebuild a rights-based society.

## **Key Quotations**

### **Dr Hussein Al Gezairy, WHO Regional Director for the Eastern Mediterranean**

I first saw AMAR in I.R. Iran where they were taking care of Iraqi refugees. I appreciated the work they were able to do – whether it be in education or in health – a great deal. Then the water and electricity supplies were heavily disrupted. Around Basra there are many water-borne diseases, including typhoid, cholera and hepatitis. What is happening now is the start of the rehabilitation of the water system in Basra, and I think it was a key step. Now we no longer speak about health as a separate issue but under the umbrella of the Millennium Development Goals [MDG]. The first of the MDG is poverty reduction and this is also a health issue. If you are poor and unable to eat enough and cannot have proper housing then you will also be ill. And an ill person can also become poor because he cannot afford to work properly – and that is why it is the top priority. Iraq in the 1970s, until the start of the 1980s, had a very good health system. But wars, problems and dictatorial governance reduced the importance of health and education and focused on other things, which affected every aspect of development, as you can have no development without a good health system. I think it is very important that NGOs like AMAR all pull together to support the Iraqi government to restore the Iraqi health system, as well as the judiciary. We believe that the nationals, and the nationals only, can do the work. But they need support now.

### **Dr. Ahmad Jalali, Former President, World Heritage General Assembly,**

When Baroness Nicholson came to UNESCO in 2001 to request the Marshes become a World Heritage Site, it was declined because the request needs to come from a government so it could not be done. Now that Iraq has a government and very active ambassadors, I can speak on behalf of the President to say that we will support this move. [My final point is] education, education, education; only this can put peace to the country's problems.

## **Closing statement from Baroness Nicholson of Winterbourne MEP**

During some of the darkest days endured by the Marsh Arabs, AMAR has followed and joined their story. We have lived with, and worked for these people, helping them care for their sick, tend their wounds, and to find clean water and food.

The Marsh Arabs and AMAR work to a proven model developed during the years of positive partnership since 1991 – building capacity and the institutions that every society needs – healthcare and sanitation, schools, outreach services in the community.

On the key question of the rehabilitation of the Marshes, AMAR is listening. The lives and future of 200,000 people are at stake. It is imperative for the people of the marshes to be at the heart of plans for their future.

## APPENDICES

### APPENDIX A - The Guiding Principles on Internal Displacement

**Foreword to the Guiding Principles**  
**by [the late] Under-Secretary-General for Humanitarian Affairs**  
**Mr. Sergio Vieira de Mello**

The humanitarian community is increasingly aware of the crisis of internal displacement which affects over 20 million people worldwide. While responsibility for the protection of IDPs rests first and foremost with national governments and local authorities, it is important for the international community to see how best it can contribute to enhancing the protection of IDPs in conflict and crisis situations. We must also design humanitarian assistance in such a way that it will promote the protection of IDPs.

Within the United Nations system, significant steps have been taken to enhance an effective and timely response to the needs of internally displaced persons (IDPs). The Inter-Agency Standing Committee (IASC) has entrusted me with the responsibility to act as Focal Point within the UN system for issues relating to the internally displaced. In discharging this mandate, I am committed to enhancing the capacity of the United Nations as a whole to respond to situations of internal displacement as well as to promoting strong coordination and a clearer division of institutional responsibilities and adequate support to operational agencies.

In this context, I welcome the issuance by the Secretary-General's Special Representative on IDPs of the Guiding Principles on Internal Displacement. These Principles, which are based upon existing international humanitarian law and human rights instruments, are to serve as an international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.

The IASC fully supports the Guiding Principles and has encouraged its members to share them with their Executive Boards and with their staff, especially those in the field, in order to ensure that the Principles are applied in their activities on behalf of internally displaced persons.

I believe that the Guiding Principles can play a significant role in raising awareness of the needs of IDPs, mobilizing support within the humanitarian community and helping field colleagues to find solutions when confronted with the protection and assistance needs of the internally displaced. The Principles



will also assist governments in providing for the security and well-being of their displaced populations.

I hope that each of you will work to ensure the widest possible dissemination and application of the Guiding Principles, in order to achieve the much needed improvement in the status and treatment of internally displaced persons.

**Introductory Note**  
**by the Representative of the Secretary-General**  
**on Internally Displaced Persons**  
**Mr. Francis M. Deng**

The international community is confronted with the monumental task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries. Nearly always they suffer from severe deprivation, hardship and discrimination. It is to meet this challenge that the Guiding Principles on Internal Displacement were developed.

The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.

The Principles were developed over several years pursuant to the mandate given to me in 1992 by the Commission on Human Rights and reinforced by subsequent resolutions of both the Commission and the General Assembly. Initially I was asked to study the causes and consequences of internal displacement, the status of the internally displaced in international law, the extent to which their needs are being addressed under current institutional arrangements, and ways to improve protection and assistance for them.

Accordingly, developing needed legal and institutional frameworks for the internally displaced and undertaking country missions to engage Governments and others in a dialogue on their behalf have been the main activities of my mandate. In collaboration with a team of international legal experts, I examined the extent to which internally displaced persons receive adequate coverage under international law and produced a "Compilation and Analysis of Legal Norms" (E/CN.4/1996/52/Add.2). The study found that while existing law provides substantial coverage for the internally displaced, there are significant areas in which it fails to provide an adequate basis for their protection and assistance. Subsequently, the Commission and the General Assembly requested me to prepare an appropriate normative framework for the internally displaced. This led to the drafting of the Guiding Principles which both restate existing norms and seek to clarify grey areas and fill in the gaps.

After I presented the Guiding Principles to the Commission in 1998, the Commission adopted a resolution taking note of the Guiding Principles and of my stated intention as the Representative of the Secretary-General to use them in my ongoing dialogue with Governments and all those whose mandates and activities relate to the needs of the internally displaced. The Commission also took note of the decision of the Inter-Agency Standing Committee, which had welcomed the Principles and encouraged its members to share them with their Executive Boards and staff, especially in the field, and to apply them in their activities on behalf of the internally displaced.

The Guiding Principles should provide valuable practical guidance to Governments, other competent authorities, intergovernmental organizations and NGOs in their work with internally displaced persons. It is my hope that they will be widely circulated and given practical application in the field.

## **Guiding Principles on Internal Displacement**

### **Introduction - Scope and Purpose**

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.
2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.
3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:
  - (a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;
  - (b) States when faced with the phenomenon of internal displacement;

- (c) All other authorities, groups and persons in their relations with internally displaced persons; and
  - (d) Intergovernmental and non-governmental organizations when addressing internal displacement.
4. These Guiding Principles should be disseminated and applied as widely as possible.

## **Section I. General Principles**

### ***Principle 1***

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.
2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

### ***Principle 2***

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.
2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

### ***Principle 3***

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

#### *Principle 4*

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

### **Section II. Principles Relating to Protection From Displacement**

#### *Principle 5*

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

#### *Principle 6*

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.

2. The prohibition of arbitrary displacement includes displacement:

(a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;

(b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;

(c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;

- (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
  - (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

***Principle 7***

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:
  - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
  - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
  - (c) The free and informed consent of those to be displaced shall be sought;
  - (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
  - (e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
  - (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

***Principle 8***

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

***Principle 9***

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

**Section III. Principles Relating to Protection During Displacement**

***Principle 10***

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:

- (a) Genocide;
- (b) Murder;
- (c) Summary or arbitrary executions; and
- (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:

- (a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
- (b) Starvation as a method of combat;
- (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
- (d) Attacks against their camps or settlements; and

(e) The use of anti-personnel landmines.

***Principle 11***

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

(a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

(b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and

(c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

***Principle 12***

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

4. In no case shall internally displaced persons be taken hostage.

***Principle 13***

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.



2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

***Principle 14***

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

***Principle 15***

Internally displaced persons have:

(a) The right to seek safety in another part of the country;

(b) The right to leave their country;

(c) The right to seek asylum in another country; and

(d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

***Principle 16***

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.

2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.

3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.

4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

*Principle 17*

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

*Principle 18*

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
  - (a) Essential food and potable water;
  - (b) Basic shelter and housing;
  - (c) Appropriate clothing; and
  - (d) Essential medical services and sanitation.
3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

### *Principle 19*

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

### *Principle 20*

1. Every human being has the right to recognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

### *Principle 21*

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
  - (a) Pillage;
  - (b) Direct or indiscriminate attacks or other acts of violence;

- (c) Being used to shield military operations or objectives;
  - (d) Being made the object of reprisal; and
  - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

***Principle 22***

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:

- (a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
- (b) The right to seek freely opportunities for employment and to participate in economic activities;
- (c) The right to associate freely and participate equally in community affairs;
- (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
- (e) The right to communicate in a language they understand.

***Principle 23***

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.

4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

#### **Section IV. Principles Relating to Humanitarian Assistance**

##### ***Principle 24***

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

##### ***Principle 25***

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

##### ***Principle 26***

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

##### ***Principle 27***

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this

regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

## **Section V. Principles Relating to Return, Resettlement and Reintegration**

### ***Principle 28***

1. 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 endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

### ***Principle 29***

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

### ***Principle 30***

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective

mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

## **APPENDIX B - Speech by Professor from the University of Basra on the history of the Marshlands**

### Definition of Terms

The term *Hor* is deeply rooted in history. In his great lexicon, *Taj al- Arooss* (Bride's Crown), Ibn Dorayd refers that one of the meanings of the term 'Hor' is : "a lake flooded enough with the tide water to become a thick forest of reeds and papyrus on which large numbers of sheep feed". Additionally, Ibn Mandhour defines the term more specifically in his dictionary, *Lissan Al-Arab* (Arabs' Language). He says that the "*Hor* is a stretch of water where no banks can be identified. It is the flood of the Tigris and Euphrates rivers".

This watery area can be traced back to the age of the Sumerians. It included the dynasties of *Ur*, *Laqish*, *Quesh*, *Tal Abu Shireen*, *Um Al Aqarib*, *Tal Ithemir*, *Sibar*, and *Larsa*. Historically speaking, the Sumerians used to call the marshes "*Akamy*", which means 'jungles where papyrus and reeds grow'. Another Sumerian word is "*Abrana*" which also refers to the territory of marshes where reeds grow.

The *Assyrians* called the marshes "*maeshtu*" to mean "bitter water". Those people used to call the marshes next to Al-Hweza marshes "*Hymartai*" or "*Suzyana*", which means "largest flat".

The Romans called the marshes "*Chaldaicus lacus*". In Mandaen, a Syrian Aramyan language, the word "marsh" means but "whiteness", whereas in Persian this very word means "a bright star". Both the Mandaens and Persians used to have bilateral relations with the marsh people. The Mandaens are still dwelling in certain headquarters of the marshes. The Persians occupied Mesopotamia during the reign of Sasinian Ardashir (208-247 A.C.) prior to the Islamic liberation.

### Historical Review

People of the marshes have been passing sagas throughout the history whose validity could not be proved in so far as the origin of this region is concerned. Some suggest a spot close to Chibayish, a big town in the marshlands, where a river called Shatil-Yahood (River of the Jews) still exists. There is also a place close to Chibayish called Aqra'a. It was surrounded by thick woods of papyrus,



but it is totally bare today. It contains nothing except water and reeds in addition to many other tales.

The earliest marshes can be traced back to 5000 years ago. That is, earlier than the invention of the earliest writing system in the year 3500 A.C. It is believed that some of the people of the marshes are grandsons of an ancient Sumerian or Babylonian dynasty. Hence, some of ancient names mentioned in Sumerian epics are still used nowadays. There is a painting representing Gilgamesh while fighting buffalos or supplying them with water. The region of the marshes was the place where the political rebels sought refuge and shelter. The earliest event refers to the chase led by King Sinhareeb, an Assyrian king, against those who hid in the marshes as fugitives.

Islamic eras had many reference remarks on the history of the marshes. After O'tbah Bin Ghzwaan won the battle and entered Basra, some of the returnees decided to reside in the area for security matters. During the Umayyad era, Al-Hejjaj destroyed some headquarters of the region of the marshes aiming at doing some harm to those whom he accused of being participants of the revolt led by Abdul-Rahmann al- Ash'ath. During the Abbasid era, *Al-Zinj* (Negros) entered the marsh area after conquering Basra to put an end to their revolt against the Sultan. To this area, the Abbasid Caliph, *Al-Kaddir Billah*, hid for 35 months for fear of the Caliph, *Al-Tali' Billah*, before he became a Caliph.

During the Ottomans' era, there was an area of turmoil in the marshes started in 1546. Since then a war started and the Ottomans failed to control that situation of unrest especially when the rebellions fought the rulers along the narrow zigzag paths inside the woods of reeds and papyrus at *Zichiyeh*, *Mdaynah* and *Qurnah*. At World War I, the Ottomans directed their military operations from within the marsh region and it was hard for the British to fight in the area between Basra and Amarah. In 1935, when the Iraqis led their uprising during the monarch age, the revolts took hide in the Marshes. Even in the 1980s, a large number of opponents fled to the marshes to save themselves the risk of being traced by the ruling power.

### Social Remarks

### Population

As mentioned above, the marshes were inhabited by people from different cultures. They were dwelt in by Arab tribes which are still living there. For

instance, *Al-Iwaid*, *Siwari*, *Hayadir*, *Abu-I'bedeh*, *Beni-Terraf*, *Shorafa'*, *Al-Shirayfat*, *Beni-Saleh*, *Dighaghleh*, *Al-Ijrish*, *Al-Mawali* and the *Alawi Talakani* tribes resided in the lower eastern parts of the region. Concerning the upper eastern parts of the marshes, they are inhabited by *Al-Bo-Ghannam*, *Niwafill*, *Bo-Bikheet* and other tribal divisions which are sub-tribes of two main tribes, viz. Abo-Mohammad and Al-Siwa'id. They descend from Qahtann tribe.

In the villages situated along Iz River, there were also other sub-tribes; namely, *Al-Firtawss*, *A-Nassrallah* and *Shaghanbeh*. The tribe of *Beni Assad* resides at Chibayish in addition to *Al-Ghizzi*. To the north of Hammar marsh, there is *Fihood* tribe, whereas the marsh itself is dwelt by the two tribes of *Al-Hawal* and *Al-Esmael*. Family relations are strongly interrelated and they represent tribal relations. The conventions and manners of the marsh people are truly of an Arabic origin.

Fighting among the marsh tribes spreads hatred and envy; besides, it causes a military struggle that may result in the murder of some of them. Yet, the marsh men do not turn to law for solutions for they usually have their tribal councils that may settle any case according to the customs that are common to them.

The *Sheikh* (Chieftain) of the tribe runs all meetings to settle all types of disputes as soon as he gets informed of all details of the case. Negotiations with the other party start at once; especially when the other party does not belong to the same tribe to be offered a chance in the form of a period of time before the other party gets his revenge. In the case of reaping, the tribe or the husband of the lady should be asked to offer the reaper anyone concerned a period of time called '*attwah*'. After the deadline of '*attwah*' passes after a month or two, a tribal *Fassl* meeting is to be held to determine the amount or sum of the *fassl* or *diyyeh*.

Difficult problems are solved by the tribe advisor called '*farydha*'. If one side breaks the pledge of *attwa*, many difficulties may be faced by the tribal council. A *diyyeh* may be a woman or women to be given to the side to whom some harm was done. The number of young women is determined by the seriousness of the case: between one and fifty times when breaking the *attwah* and one may pay money in addition to the *fassl*.

The wergilds vary according to the subjects of the cases, such as wounds, fractures, slaps, etc. Some of these may be settled down by payment, purchasing clothes, an open apology, but along with the passage of time, money becomes the best to use. A woman has an inferior rank in her family. Despite the great role

she plays she is sacrificed when she becomes part of a *fassl* or *diyyah* to settle down trouble made by a man. She might continue to pay for this male's sin for good in the very family to which she was once sent to join as *fassliyah*.

Some marsh women have to leave for other villages and adjacent cities to sell milk, fish, hens, and birds and to bring water, oil, and firewood and the like. The same survey states that 39% of the marsh women go to the neighbouring city once a month to sell marsh products and 5% of them go there, to purchase family articles.

There is no doubt that these percentages have increased recently due to the increasing variables of the social life whether inside the marsh or outside it. It is because of her travels and mixing with other people, the marsh woman has become capable of talking to the men and traveling with them in their local boats known as *mashhoofs*. Yet, the woman remains inferior to her male mate and she cannot exceed his social rank conventionally.

### Marriage Traditions

Polygamy is commonly prevailing in the marsh society. Marriage usually takes place at a very early age and even some tribes like *Al-Newafil* permits pre-adult partners to get married. A cousin may forbid his cousin's marriage to any one else if he is ready to marry her. The girl moves to the future husband's house the next day to help his family with their housework and their travels in the morning. This is a sign to of her agreement. The declaration of the engagement is usually accompanied by gun shooting in the air.

The wedding party is attended by the relatives and neighbours of both parties. The ceremony continues and after dinner, the wedding party is concluded by having a sacred contract which is made by the aid of the *sheikh* (clergy man). An official contract may be made a few days, months, or even years later. It happened that one of the marsh men made his official contract at the court after he got 11 children.

As far as the marsh mandaens are concerned, they have developed their own particular processions. The newly married couples should get into the river water.

### Grieving

The dead is paid a public farewell hymn. This is accompanied by firing in the air to express his own people's love and grief at the same time. The coffin is buried in Holy Najaf graveyard. The mandaens have their own graveyard. The mourning lasts for 3-7 days. They attend the anthem and pay a sum to participate in cost payments for the funeral.

### Religion

Islam is the prevailing religion in the marshes though there is a minority of Mandaens who settled in the region long ago and mixed with the Muslims. They live in Chibayish and Suq al-Shiyookh in Thi-Qar and Qala'at Saleh in Maysan. They are all respected by Muslims. There are also some Jewish people living next to them in Al-Ezir district within Maysan but they migrated in the early fifties. Muslims celebrate certain occasions, such as Eid Al-Fitr, Eid Al-Ad'ha; and mourn during Holy Muharram and Safar. They hold a funeral ceremony for their Imam, Hussein Bin Ali (peace be upon him) every year [36].

### Accommodation

House building in the marshes depends mainly on reeds which are of equal importance to bricks in town. Reeds resist penetrating of wetness and water and strong bundles of hard dry reeds carry heavy loads. Due to the scarcity of land in the marshes, most of the houses are erected on hills in Hweza Marsh to be elevated from water. These artificial hills are known as Chibasha , which protects the erected houses against the risk of flood.

Actually many of the marsh areas are no more than islands floating on the marsh still water. These islands are inhabited by rural crowds known as '*Aslaf*' which consist of tens or hundreds of homes as in Syheen in Maysan and Chibayish in Thi-Qar.

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*Diboon*: It is a floating *mastaba* (bench) of reeds, papyrus, soil, facilitate pushing buffalo herds into the water easily and it has one little hut and buffalo stable.  
*Chibayish*: some islands are lifted a little by furnishing them with more reeds,

papyrus and soil at flood seasons to block water flow. These are used as temporary homes during flood season

Marsh houses reflect the environmental and geographical capabilities that have been used in the building activities. These houses are of different forms, sizes, and styles that are determined by the socio-economic status of the family in the marsh tribe.

### Medhiff ( Divan )

Divan is the most important division of the housing system. It has got a significant role to play for it is the host's division where conventions or inherited customs of the tribe are respectfully applied by generation after generation and handed to the successor by the ancestor. It is the room for the council to meet to discuss tribal affairs. The divan is considered as a symbol of the tribe.

The divan is built in a very special way. It is a very big reed hall held by a number of pillars made of *hamran* reeds, which are of a very good type. It also consists of a number of large reed mats. The divan has no door for it and should be open all the time to receive newcomers. Though all tribe men participate in building the divan, some experts from *Chibbayish* are often called for help.