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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.¹

The national authorities must therefore address the following conditions²:

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.³ 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.⁴

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.⁵ 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.⁶ 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,⁷ 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.⁸

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”.⁹ 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.

¹ Guiding Principles on Internal Displacement, Principle 28(1).

² These conditions and others are highlighted in Brookings Institution-University of Bern Project on Internal Displacement, *Addressing Internal Displacement: A Framework for National Responsibility*, April 2005, in particular, Step 10 on “Durable Solutions”, pp. 22-23.

³ The needs and issues outlined in this presentation draw primarily from needs assessments undertaken by IOM/UNHCR among IDP and returnee communities in the southern provinces, September 2005 Profiles, the UN Strategic Plan for Assistance and Durable Solutions for IDPs in Iraq, December 2005 and UNHCR, Country of Origin Information Iraq, October 2005.

⁴ UNHCR, Country of Origin Information Iraq, October 2005.

⁵ IRIN, Focus on Marsh Arabs, 9 February 2006.

⁶ Mooney, Erin, “Bringing the end into sight for internally displaced persons”, *Forced Migration Review*, May 2003.

⁷ IRIN, Focus on progress made in marshlands”, 22 August 2005.

⁸ Guiding Principles 4 and 28(2).

⁹ See for example, Human Rights Watch, The Iraqi Government Assault on the Marsh Arabs, January 2003 and Clark, Peter, “The Iraqi Marshlands: A Pre-War Perspective”, 7 March 2003, at <http://www.crimesofwar.org/special/Iraq/news-marshArabs.html>