



**RESOLVING IRAQI  
DISPLACEMENT:  
HUMANITARIAN  
AND DEVELOPMENT  
PERSPECTIVES**

THE BROOKINGS INSTITUTION –  
UNIVERSITY OF BERN  
PROJECT ON INTERNAL  
DISPLACEMENT

18-19 November 2009  
Doha, Qatar

BROOKINGS



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# SUMMARY OF PROCEEDINGS

## INTRODUCTION

Decades of insecurity and violence have led to the displacement of millions of Iraqi men, women and children. About half remain within the borders of Iraq as internally displaced persons (IDPs), while the other half live in countries throughout the region. Finding durable solutions for internally and externally displaced Iraqis requires the support of a wide range of actors to advance national reconciliation, livelihoods, public services, rule of law, and economic recovery.

The Brookings-Bern Project on Internal Displacement, with support from the World Bank and other donors, initiated a process in mid-2009 to consider ways in which durable solutions for displaced Iraqis can be found. This process sought to identify actions which can be taken to prevent Iraqi displacement from becoming a protracted situation with long-term negative consequences for the displaced, for displacement-affected communities and for the region as a whole. This approach represents a departure from other efforts that have focused on meeting the immediate humanitarian needs of the displaced.

The first step in this process was conducting a study which examined current thinking of major stakeholders about possible long-term solutions for internally and externally displaced Iraqis. Based on interviews with governmental actors, international organizations, and other experts, the study identified challenges and opportunities as a basis for policy recommendations that could lead to solutions.

The study served as a background document for a two-day conference convened in Doha, Qatar from 18-19 November 2009 with representatives from the governments of Iraq and other countries in the region, international organizations, non-governmental organizations, and donor countries. The main objectives of the conference were to:

- ❖ Explore possibilities to find durable solutions for the displaced in the next few years;
- ❖ Increase awareness of the relationship between resolving displacement and ensuring long-term stability in the region, including through the engagement of development and other actors beyond emergency responders;
- ❖ Affirm the leadership role of the Iraqi government in finding durable solutions for the displaced and consider ways in which the international community can further support the government.

The conference was intended to provide a forum for stakeholders from different organizations and governments to brainstorm about the issue. In order to facilitate frank and open discussion, the meeting was held under Chatham House rules in which attributions would not be made to individual participants. The conference was not as inclusive as desired, due to a late decision of several key Iraqi policy-makers not to participate and the lack of Syrian and Iranian participants. Political discussions in Iraq over the upcoming national elections created a particular dynamic during the meeting. Indeed, in the midst of the Doha conference, the election law was vetoed by Vice President Tariq Al-Hashimi over the issue of parliamentary representation of Iraqis living outside the country. Despite affirmations from participants that refugee and IDP issues should not be politicized, politics and solutions for the displaced are closely related.

The background research study highlighted six issues for consideration by participants:

- ❖ Iraqi displacement is a chronic and complex phenomenon.
- ❖ There is a need for updated information on the scale and nature of Iraqi displacement.
- ❖ There are points of consensus on concrete steps which can be taken to find durable solutions for the displaced.
- ❖ Coordination mechanisms should be strengthened.
- ❖ Political engagement is needed to bring about durable solutions
- ❖ A comprehensive regional approach is needed.

These and other issues were considered in presentations and roundtable discussions with representatives from Iraq, neighboring countries, international organizations, and donor governments. Participants broke into small groups to discuss issues such as how displacement can be incorporated into development planning and the particular concerns of the governments of Iraq and host countries. The final plenary session focused on identifying the common themes emerging from the conference and the identification of next steps. While the organizers had hoped that the conference would also address the possibility of a comprehensive regional approach to resolving displacement, it became clear that these discussions need to be postponed until a later time. Although this was not a decision-making meeting and consensus on recommendations was not sought, certain common themes emerged in the discussions which may serve as a basis for action by concerned stakeholders.

### ***Themes emerging from the discussions***

- ❖ Displacement in Iraq is complex and deeply rooted in Iraqi history. There have been successive waves of displacement resulting from different conflicts and political actions.

- ❖ The displaced—particularly those living in other countries—are not a homogenous group. They were displaced at different times and for different reasons. Some view the majority of those who left Iraq after 2003 as voluntary migrants while others consider them to be refugees fleeing the conflict. While attention has focused on the recently displaced, finding durable solutions for those displaced long ago is important as dissatisfaction can bubble up and create new conflicts—and new displacements.
- ❖ Nor are the displaced a homogenous group in terms of their vulnerabilities. Some require humanitarian assistance immediately after being displaced, while others, particularly those of higher socio-economic standing, experienced fewer humanitarian needs initially but as their displacement became protracted, have seen their resources dwindle. It is likely that most of those who have lived outside of Iraq for many years have fewer humanitarian needs. The internally displaced who live in squatter camps are particularly vulnerable. Others noted that displacement-affected communities, including communities of origin, should be considered as equally vulnerable along with the displaced.
- ❖ Assessment of the number of internally and externally displaced remains a difficult issue and should be reconsidered as disagreements about these numbers continue to influence the political prioritization of the issue on the Iraqi side. However, the focus should be in assessing the needs of distinct groups rather than focusing exclusively on the numbers. It was noted that the estimates of the number of IDPs seem more solid than those of the externally displaced. The difficulties surrounding the registration of both populations were also noted. The Iraqi census of October 2010 offers an opportunity to obtain more accurate statistics on IDPs.
- ❖ It is the responsibility of the government of Iraq to play the lead role in supporting durable solutions. Governments of neighboring countries, donor countries and international organizations all have important roles to play in supporting this process. Some specific ways of supporting the government to exercise its leadership role were suggested.
- ❖ Establishing viable livelihoods and adequate housing have replaced security as the primary obstacle to return. However, while security in Iraq has improved reasonably in the past 18 months, conditions do not yet warrant the promotion of large-scale returns. Nonetheless, returns of IDPs and to a lesser extent, of the externally displaced, are now occurring and need to be supported.
- ❖ It is important to acknowledge that there are important differences between regions in Iraq and there are areas where development programs can begin and areas of potential return that can be identified. In particular, the Diyala initiative launched by the Government of Iraq in which support for returnees is provided in a holistic manner may be a model for the future.
- ❖ An integrated approach is needed which brings together humanitarian action, long-term development thinking and political/security actors.

- ❖ Economic development is also key to creating conditions for sustainable return even though significant humanitarian needs remain. This transition period from relief to development is always difficult, but is particularly complex in Iraq because development programs were underway before 2003 and then were transitioned into humanitarian relief. At present a transition back to development assistance is needed. This transition is not a linear process whereby humanitarian action is later followed by development programs. Rather, both should take place simultaneously. The ‘handoff’ between humanitarian and development actors does not work well. In discussions of the transition to development, participants made a number of suggestions, including:
  - A comprehensive approach is needed which includes programs for both long-term development and continued humanitarian assistance to vulnerable groups.
  - Early planning and flexible funding are needed.
  - The National Development Plan (2010-2014) offers an opportunity to incorporate displacement into long-term planning and should specifically address the needs of the internally displaced and returnees.
  - Development actors should engage in Iraq without delay, even as humanitarian operations continue to respond to vulnerable groups. This could involve, for example: integrating displacement into existing development programs (such as health and education) and targeting communities which are affected by displacement, including host communities and communities to which displaced persons return.
  - Attention should be paid to human capital. The expertise and skills of some Iraqis living in the region could be a resource for Iraq’s economic development. The temporary stay of Iraqis displaced in countries of the region could be an opportunity for the acquisition and maintenance of skills which will be useful to Iraq in the long term.
- ❖ Issues of governance and national reconciliation are crucial as trust must be restored between the displaced and the government in order for sustainable returns to take place. The Implementation and Follow-up Committee on National Reconciliation plays an important role in this respect. Political authorities must be engaged at the national, provincial, and community levels and externally displaced Iraqis must be made to feel part of the national community.
- ❖ Communication between the Iraqi government and the displaced who are considering the possibility of return is important. Support for returnees is needed: current returnee grants or stipends should be increased and procedures streamlined to ensure that those returning have access to needed financial support. Property recovery mechanisms should also be improved. Some very practical ways of doing this were outlined in the paper prepared for this conference by Peter van der Auweraert (included in this report).
- ❖ Provisions should be made to enable both IDPs and refugees to register and vote in upcoming

ing elections. These measures should be clearly communicated to the displaced, including through mass information campaigns.

- ❖ Protection space in the region must be maintained and capacity for humanitarian action should be retained to enable a timely response in case conditions worsen and that there is further displacement.
- ❖ Coordination mechanisms need to be strengthened at several levels: within the Iraqi government, among affected governments in the region, among international organizations, and within the donor community, as well as between the different actors.
- ❖ Given the fact that internal and external displacement are linked, there is a regional dimension to the issue and a regional approach may eventually prove conducive to addressing Iraqi displacement. However, the consideration of such an approach is a matter for the government of Iraq to evaluate.

Following discussion of themes emerging from the plenary discussions, working groups explored how to move forward in planning for solutions for displaced Iraqis.

## **IRAQ/HOST COUNTRIES**

1. Recognizing the sensitivity of estimates of the number of Iraqis living in neighboring countries, it would be useful to reassess the scope and nature of displacement. Iraqis who have been living abroad for many years have different needs than those who arrived more recently. A clear assessment of the needs will enable better targeting of assistance. The emphasis should be on assessing the need, including that of host communities, rather than on simply counting the numbers of displaced.
2. The issue of Iraqis living in neighboring countries should be seen as a humanitarian issue, not a political one.
3. The Iraqi government, with international assistance, is responsible for protecting and assisting those who are displaced within its borders and those who return to their communities.
4. The hospitality of neighboring countries in allowing Iraqis to remain in their countries must be recognized and supported by the international community. Programs to support Iraqis can be developed which will enable them to voluntarily return home when conditions permit. Allowing displaced people to lead as normal lives as possible and return are not mutually exclusive options.

## **DONOR COMMUNITY**

1. Donors should use both informal and formal briefing and coordination meetings to stress

the need for humanitarian, development and political initiatives which are complementary and comprehensive.

2. Donor activity in the region should support and maintain a more balanced three-pronged approach: supporting (though not at this time encouraging) voluntary return and supporting the Iraqi government to create conditions which would enable the displaced to return; supporting governments in the region to address the needs of displaced Iraqis; and demonstrating burden-sharing by continuing to resettle Iraqis out of the region.
3. During this time of electoral transition, it is important for donors to remain in contact with Iraqi officials, including those at the local level.
4. Donors should look at Iraq with fresh eyes, keeping in mind that Iraq represents perhaps the best current hope for establishing a genuine functioning democracy in an Arab state in the Middle East.

## INTERNATIONAL ORGANIZATIONS

1. International humanitarian actors need more information about development strategies being pursued by the Iraqi government at the national and provincial levels, including improved access to data collected by the Iraqi government on development issues. There is also a need for better understanding of the way in which funds are allocated by the central government to local governments.
2. Humanitarian actors, including UN agencies and NGOs, are highly motivated to work closely with development actors. It is essential that displacement be incorporated into development planning, including in the Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF) for Iraq. This will need to be followed up after the elections.
3. While policies are needed at the national level, it is important to continue and intensify work at the local level and to implement relief programs which have a longer-term perspective. These programs can create opportunities to improve the environment in communities to which the displaced may return and to support displacement-affected communities. In this regard, it will be important to identify the proper actors, including NGOs, at the governorate level.
4. Similarly, in host countries, work at the local level is needed to ensure that Iraqi human capital is maintained and that Iraqis are able to take advantage of opportunities to return when conditions warrant.
5. The UN's lack of access to the field hinders assessments and implementation of programs, and impedes coordination between international organizations.

6. There is a need for enhanced coordination mechanisms between the Iraqi government and international organizations. The possibility of establishing a fund to support programs in displacement-affected communities could be explored.

## NEXT STEPS

Finally, participants brainstormed about specific steps which could be taken in the future. The following suggestions were made:

- ❖ Any future meetings on long-term planning for Iraqi displacement should ensure the participation of Iraqi policy-makers, including policy-makers from governorates that are particularly affected by displacement. One possibility may be to organize a meeting on these issues in Iraq.
- ❖ A donor mission to Iraq which includes humanitarian and development actors could be organized to look at the challenges of the transition on the ground.
- ❖ International organizations working in Iraq could organize a meeting within the next year to discuss ways of ensuring complementarity between development and humanitarian actors.
- ❖ Steps could be taken to ensure that the Iraqi General Census of Population and Housing, scheduled for October 2010, includes data collection on internal displacement.

Following expressions of appreciation to the organizers and the participants, the chair remarked that the conference had succeeded in bringing together a diverse group of stakeholders to brainstorm about an issue of vital importance to the lives of millions of Iraqis internally and externally displaced and to governments in the region. Although the objectives of the meeting were not fully met, due in large measure to the political context, the issue of creating conditions to support long-term solutions is one that will require further work and commitment.



## BACKGROUND REPORTS

# REGIONAL PERSPECTIVES ON IRAQI DISPLACEMENT: A RESEARCH REPORT AND DISCUSSION PAPER

**Geraldine Chatelard and Humam Misconi**  
**Consultants, Brookings-Bern Project on Internal Displacement**

### OBJECTIVES AND METHODOLOGY

This report was commissioned by the Brookings-Bern Project on Internal Displacement to frame the issues for discussion at a conference in Doha, Qatar on regional perspectives on Iraqi displacement. This conference sought to provide a forum for discussion of durable solutions for both internally displaced persons (IDPs) within Iraq and those who have taken refuge in nearby countries. The conference organizers hoped that this forum would consider steps which can be taken now to prevent Iraqi displacement from becoming a protracted situation with long-term negative consequences for the displaced, for displacement-affected communities and for the region as a whole.

This study is based on a review of documents and on interviews with over forty representatives of governments and major institutional stakeholders at the regional and international levels. These discussions, held in Iraq and neighboring countries from August-October 2009, focused on stakeholders' views of the current situation of displacement, their expectations for resolving the crisis, and approaches and components necessary for a comprehensive solution. The research does not pretend to be a definitive analysis of the situation. In some cases, significant actors were not available for interviews and there is a lack of reliable data on important issues. Nonetheless, while prospects for a comprehensive solution remain elusive in the short-term, this report examines key issues pertaining to Iraqi displacement, assesses points of common analysis and areas of divergence among interviewees of what is needed for solutions, and seeks to stimulate discussion among conference participants in Doha about alternative possibilities and a way forward.

### ISSUE 1. IRAQI DISPLACEMENT IS A CHRONIC AND COMPLEX PHENOMENON

Displacement in Iraq is a chronic phenomenon with major humanitarian, security, political, social and economic implications. Our research has shown that Iraqi displacement is more complex, more

dynamic, and more complicated than generally assumed. Iraqis have been moving inside and outside Iraq for decades. In fact, since the late 1960s, Iraq has produced the largest number of refugees and internally displaced persons in the Middle East with the exception of Afghanistan.

Notwithstanding the size and particular characteristics of the recent displacement crisis, a deeper appreciation of the chronic nature of displacement in and from Iraq over the last forty years is essential for understanding the nature of the problem and for motivating the necessary sustained engagement of governments and international organisations.

If some particular populations in Iraq have been more affected than others by displacement and other violations of human rights, it is fair to say that all Iraqi society has been affected, in one way or another, by the phenomenon of displacement and has to face collectively the legacies of decades of brutal policies of repression. In many respects, this legacy lies at the heart of the most recent trend of displacement caused by practices of revenge, persecution and eviction that have been used by new actors against new population groups. This is why the current Iraqi displacement crisis represents more than a temporary humanitarian challenge. It is a long-term structural phenomenon requiring comprehensive approaches from a variety of humanitarian, social and economic perspectives and requiring sustained engagement at the highest policy level. Without this engagement, it is unlikely that the cycle of violence and displacement that has characterized Iraq for the last four decades can be brought to an end.

Displacement from Iraq was already massive before 2003, significantly impacting countries in the region and involving international actors. Since the late 1960s, Iraq has produced the largest number of refugees and internally displaced people in the Middle East. Under the previous regime, recurrent policies of repression, expulsion, and population redistribution resulted in massive internal displacement especially in the north and the south of the country. Before the 2003 conflict, those who remained displaced were estimated to number one million, two-thirds in the north of the country, another third mostly in the south. Refugee flows were extremely large, with Turkey and Iran receiving most of the temporary waves of refugees during conflicts inside Iraq, and Iran also hosting the largest number of long-term Iraqi refugees, with cumulative numbers amounting to over a million and a half.

Almost no country of the region has been left unaffected by displacement or forced migration from Iraq. Between the 1990-1991 Gulf War and 2003, Jordan and Turkey played temporary hosts and transit stages for most of the 300,000 Iraqis who claimed asylum or were resettled in a Western country. Jordan, Syria, Lebanon, Saudi Arabia, Yemen, Libya and Gulf monarchies also received refugees and Iraqis fleeing the increasingly deteriorating economic situation caused by the embargo. On the eve of the 2003 war, UNHCR estimated that Iraqis in a refugee-like situation in countries of the region totalled up to half a million, most of whom were undocumented.

Many of the neighbouring countries who hosted Iraqis also host other large populations of refugees: Afghans in the case of Iran, and Palestinians in Syria, Jordan, and Lebanon. All these countries have been remarkably generous in welcoming Iraqis to their countries, within or outside a refugee

framework and, before 2003, with minimal international assistance at a time when there were little prospects of repatriation.

As was expected, the fall of the Ba'ath regime led to a large-scale return of the displaced. The International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees (UNHCR) estimate that from March 2003 to the end of 2005, nearly five hundred thousand people returned to their places of origin. 300,000 refugees returned from Iran, others returned from Saudi Arabia, Jordan and from more distant emigration or asylum countries. But the dramatic change in power relations resulting from the U.S.-led invasion caused a new wave of forced evictions, often perpetrated by those who had themselves been the victims of Ba'ath forced-displacement policies. Many of the returnees have fled again as part of these new displacement waves. The most recent displacement crisis unfolded extremely rapidly and peaked between early 2006 and the first half of 2007, affecting principally people from Baghdad and the centre of the country. Most of those displaced internally went north to the region under the control of the Kurdish Regional Government. The majority of those crossing borders went to Syria and Jordan, with smaller numbers reaching Turkey, Lebanon, Egypt, and Yemen.

The level of international mobilization to help Iraq and neighbouring countries respond to humanitarian needs of those recently displaced has been unprecedented. Regional and international mechanisms have been established to provide relief to those displaced inside Iraq, in neighbouring countries and to resettle those most in need of protection to Western states. International assistance has contributed in helping the Iraqi government build its capacity to assist IDPs, and host governments broaden the protection space they offer Iraqis—including those who have remained undocumented—and shoulder the economic costs incurred by their presence. UNHCR has played a major role in this process, with remarkable levels of contributions from donor governments, along with the assistance of other international organizations.

By 2009 when the Iraqi government was able to restore a degree of security in the country, perhaps some 300,000 of the most recent IDPs have returned home. Fewer numbers of those who have taken refuge in neighbouring countries have returned while many more are still assessing whether or not to return. The Iraqi Government has adopted measures encouraging the return of the displaced, especially those who are abroad, and has made use of public awareness campaigns, financial grants, and short-term subsidies for returning families. However positive these trends, interpreting them as a sign that the displacement crisis is over would be erroneous and would bear serious consequences for the future of the displaced, of Iraq and of other countries of the region. In reality, more challenges lie ahead for the Iraqi government, governments of host countries and the international community.

As witnessed in other contexts, post-conflict settlement is not a linear process; societies that have long been affected by conflict need time to recover, a process characterized by continuing insecurity and conflict which affects populations in different ways. Faced with the erratic nature of security, individuals adopt migration patterns that are reactive, adaptive, and cyclical. As a result, internal and external

displacement are likely to continue long after basic security has been restored. The possibility of new and more localized conflicts is likely to result in new displacement, including of those who are already internally displaced. On the other hand, only some of the IDPs and the refugees are likely to seek reintegration in their former areas of residence. Many issues might compound the return and reintegration process of both IDPs and refugees: lack of trust in institutions and a volatile security context, access to and quality of services, availability of jobs for breadwinners and educational opportunities for children and the youth, and the presence of “communities of trust” within which to reintegrate. Among the most serious obstacles Iraqis face in their quest to return is their ability to either regain access to their homes and land or find alternative durable housing solutions. Many will not return before they consider that these conditions are met. Some IDPs will want to stay where they have spontaneously re-established themselves. Among the refugees, some will want to stabilize their situation and that of their families in a host country close to Iraq to allow adequate time to prepare for dignified return. Others will remain in need of resettlement or other forms of emigration to a third country, either because their protection needs cannot be met regionally, or because they will want to reunite with family members.

Flight from violence and forced displacement continue to coexist alongside other forms of migration motivated by economic, social or family issues. Decisions about leaving, staying, and returning as well as where to go and how to get there are based on a combination of such factors. Whereas a number of Iraqis, such as members of some religious minorities, leave Iraq with no thoughts of return, many others see their movements as more or less temporary. Many secondary movements take place: people might be displaced inside Iraq more than once; returnees go back but they can be forced to move again or might not be able to settle durably in their place of origin. Those who have moved to neighboring countries may migrate onward for a variety of reasons. When security at home improves, some of those displaced inside or outside make short visits to assess the possibilities of return or to access assets. With the passage of time, the nature of the movements and the expectations of Iraqis change: what started as temporary forced displacement can become protracted. The possibilities for returning home are affected by lack of security, economic uncertainty, and loss of property and assets.

The way in which displacement and migration affect communities of origin and host communities is also complex. The conflict associated with the 2003 change of regime has displaced Iraqis from all socioeconomic backgrounds, with a large proportion coming from the educated middle-class, and the majority of the displaced originating from Baghdad and the central governorates. Many skilled professionals have moved to the Kurdish autonomous region or to neighboring countries. Others have had to relocate to other neighborhoods within Baghdad. Large numbers of minority group members have also left, initially to neighboring countries but then have traveled onward to distant countries. Rural communities have seen many of their members move to urban areas. The effects of such displacement on the socioeconomic fabric of the communities left behind and on those hosting the displaced are huge. However, at the same time, coping mechanisms vary among the different categories of the displaced and different communities. Those who can rely on their professional capital and social relations in host communities fare better at coping with displacement and are more able to contribute positively to their new environment. This is the case, for example, for many of those displaced inside Baghdad or to the Kurdish autonomous region.

Displacement to neighboring or nearby countries also presents its own set of issues which are different from those facing IDPs. Whereas IDPs are entitled to the same protection and rights as other Iraqi nationals, they remain inside Iraq where security is tenuous, economic opportunities are limited, and rule of law is weak. They cannot avail themselves of international protection, and certain areas within the country remain insecure for assistance providers.

By contrast, those who cross international borders find safer havens in countries which, even when not signatories to international refugee regimes, have generously received and assisted large numbers of displaced Iraqis. However, even in those host countries that have a domestic asylum system or where the UNHCR provides international protection to refugees, many Iraqis have an uncertain status, being neither registered asylum seekers nor refugees nor documented within a migration regime. Host countries in the region face congested labor markets with high levels of unemployment for nationals. Most already have large populations of refugees. For all these reasons, hosting large numbers of Iraqis represents an additional burden on infrastructure, social services, housing, and the informal labor market as well as potential social and cultural problems. Nevertheless, it must be acknowledged that many Iraqis living in host countries in the region make positive contributions to the host economy, society, and culture.

International assistance has also supported the efforts of the main host countries to provide basic services to Iraqi communities, and international humanitarian organizations have made their assistance accessible to vulnerable members within the main host communities.

International humanitarian agencies point to a common set of protection challenges facing IDPs and those displaced outside Iraq:

- ❖ The fact that the vast majority of IDPs and all those displaced in other countries of the region do not live in camps but among host communities renders the identification of those in need of protection and/or relief challenging, and the delivery of assistance difficult.
- ❖ Non-existent or weak legislative frameworks to guarantee the protection of refugees in the region, or the access of IDPs and returnees to rights, entitlements and personal security create uncertainty.
- ❖ Within displaced communities, there are acute social and economic vulnerabilities of specific social groups, namely women on their own, children and youth, the elderly, those with serious health problems or disabilities, and those traumatized by violence and displacement.
- ❖ The current security situation in Iraq is too volatile to encourage large-scale return and the possibility of new displacements cannot be ruled out.

In addition, there is general agreement among relevant governments and international actors that the displaced as a group are a matter of political and security concern for Iraq and host countries.

## ISSUE 2. THERE IS A NEED FOR UPDATED INFORMATION ON THE SCALE AND NATURE OF IRAQI DISPLACEMENT

An important preliminary step in moving toward finding durable solutions for displaced Iraqis is to review and update relevant data and analyses so that there is a common understanding of the scale and nature of Iraqi displacement. Interviews with stakeholders reveal important divergences on a number of issues, including different assessments of the scale of present displacement and different interpretations of security conditions in Iraq. A third important area of divergence centers on whether IDPs represent a particularly vulnerable group compared to other segments of the population. A final area of discussion concerns options to allow Iraqis living in nearby host states to become self-reliant in the face of enduring displacement.

### *Updated comprehensive assessment*

Each of the representatives of donors and international agencies who were interviewed indicated that they face great difficulties in assessing the current level of needs and that a better assessment requires updated and precise statistics. This reassessment especially needs to take into account the evolution of the situation over the last two and a half years and the complex nature of population movements from and within Iraq.

There is a general agreement among the humanitarian community and with most host governments that the number of those registered with UNHCR represent only a fraction of the overall population of displaced Iraqis. However, there are vast discrepancies in assessments of the total number of people who currently remain displaced by the recent conflict in Iraq.

**Table 1.** Iraqis displaced outside Iraq

	<b>Initial estimates (early 2007)</b>	<b>Recent estimates (2009)</b>	<b>Registered as asylum- seekers or refugees (cumulative and including pre-2003 caseloads)</b>
<b>Syria</b>	1.2 million (govt.) 500,000 to 700,000 (UNHCR)	1 to 1.2 million (govt.)	230,000 with UNHCR
<b>Jordan</b>	750,000 (govt.) 500,000-700,000 (UNHCR)	450,000 to 500,000 (govt.)	55,000 with UNHCR
<b>Iran</b>	54,000 (govt.)		54,000 with govt. (pre-2005) 4,200 with UNHCR (post-2006)
<b>Lebanon</b>	100,000 (UNHCR)	50,000 (UNHCR and NGOs)	10,200 with UNHCR
<b>Egypt</b>	100,000 (UNHCR)	40,000 (UNHCR)	11,000 with UNHCR
<b>Turkey</b>		10,000 (UNHCR)	6,000 with UNHCR
<b>GCC countries</b>	200,000 expatriates (UNHCR)	150,000 (UNHCR)	2,100 with UNHCR
<b>Yemen</b>	100,000 expatriates (UNHCR)	11,000 needing protection (govt.)	3,000 with UNHCR

Initial evaluations of the scale of displacement from Iraq were presented by governments or UNHCR at the International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons inside Iraq and in Neighboring Countries convened by UNHCR in Geneva in April 2007. While these evaluations may well have been reasonably accurate at the time, there is little doubt that the situation has evolved over the last two and a half years. In the case of the Iraqis displaced outside Iraq, there has been more displacement from Iraq, but also movements out of the region and back to Iraq. Many of these movements are mixed, with voluntary migrants moving alongside those forced to flee. Internally, the situation of displacement has also evolved with returning refugees becoming internally displaced, new displacements, returns to the place of origin and durable settlement in places of displacement. Not all displacements are monitored, particularly returns. Figures of returns provided by IOM and UNHCR are contested by some Iraqi officials as being either too high or too low.

### *Iraqis internally displaced (IDPs)*

**Table 2.** Periods of Internal Displacement by Time and Region (source: UNHCR/IOM)

Region	Pre- 2003	2003-2005	Post-February 2006	Totals
North	633,714	798	237,766	872,278
Centre	44,394	129,966	938,566	1,112,926
South	343,854	59,382	454,051	857,287
<b>GRAND TOTAL</b>	<b>1,021,962</b>	<b>190,146</b>	<b>1,630,383</b>	<b>2,842,491</b>

**Table 3.** Estimated Returns of IDPs by Year (source UNHCR/IOM)

<b>2003</b>	0
<b>2004</b>	98,000
<b>2005</b>	98,000
<b>2006</b>	150,000
<b>2007</b>	36,000
<b>2008</b>	195,890
<b>January to August 2009</b>	114,930
<b>TOTAL:</b>	<b>692,820</b>

A key to any coherent and comprehensive strategy is the collection, analysis and exchange of data about the number and composition of those who are still displaced and have not found a durable solution to their plight. An international or regional organization may be well placed to offer support for this function, working in close coordination with national agencies in each of the countries affected by the movement of Iraqis. Such a comprehensive assessment will necessarily take time. Its preparation and implementation should preclude neither on-going efforts to support those who are displaced, nor engagement in the process of moving towards durable solutions.

### *Security inside Iraq*

The government of Iraq has realized significant progress in improving security; the strengthening of the national security forces has been critical in this process. This improvement in security has had very concrete effects on the situation of displacement in the last two years as evidenced by a sharp decrease in new displacement and a rise in IDP returns, especially in Baghdad and in the returns (or short-term visits) of smaller numbers of Iraqis displaced in neighboring countries.

Improved security levels, together with better coordination with national and local level institutions, have allowed humanitarian assistance to reach virtually all of Iraq's sub-districts, including those where IDPs are concentrated. The UN and other international organizations, like the International Committee of the Red Cross (ICRC), are now able to reach out to most of the vulnerable communities. This engagement has been largely facilitated by local Iraqi NGOs and the development of the capacity of local authorities, particularly in Baghdad.

While conflict, terrorism, and crime are decreasing, it is important to underscore that there are still pockets of violence, current or potential conflicts, and acute poverty and humanitarian needs. In these pockets, there is also a differential and limited access of services by women compared to men. Areas with large numbers of IDPs and returnees often face insufficient resources to meet their needs and those of the population as a whole, raising the possibility of social conflict.

Other aspects of personal security are related to socioeconomic or legal factors:

- ❖ The combination of core unemployment (17.5%) and underemployment (37.83%) presents a serious challenge.<sup>21</sup> Unemployment, together with rising prices, corruption, a faltering private sector, and a weak agricultural sector aggravates the living conditions of many Iraqis, particularly IDPs and returnees.
- ❖ Housing remains a national problem, and is more acute for those affected by displacement. Even in 2003, it was estimated that Iraq faced a shortage of 1.4 million housing units—a situation which has worsened since then.<sup>22</sup>
- ❖ Legislation and mechanisms for property restitution or compensation are not yet adequate<sup>23</sup> and the situation of the 65% who were renters<sup>24</sup> before being displaced remains undressed.

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<sup>21</sup> Ministry of Labour and Social Affairs (MoLSA) (2007) "Unemployment Rate by Governorate, Environment & Sex for the Year 2007 and Underemployment Rate Phenomenon due to the Lack of Working Hours among the Population Aged 15 Years and Over by Governorate, Environment & Sex for the Year 2007".

<sup>22</sup> Deborah Isser and Peter Van der Auweraert Land, Property, and the Challenge of Return for Iraq's Displaced, US Institute of Peace, April 2009, p. 7.

<sup>23</sup> Idem.

<sup>24</sup> According to Abdel Samad Rahman Sultan, Minister of Displaced and Migrants, Press Statement, 20 November 2008.

- ❖ Basic services such as electricity and water supply are still poor and a major concern of returnees.<sup>25</sup> The health system is particularly deficient as evidenced by the growing numbers of Iraqis travelling to Jordan or Syria to access health care by registering with UNHCR.

Potential security risks must also be considered. For example, continuing political disputes could lead to another wave of displacement within the disputed territories in Ninewa, Kirkuk and Diyala Governorates. If not accompanied by a continued strengthening of the Iraqi army and police, the withdrawal of the US forces might result in destabilization. Finally, security restrictions faced by the UN and other organizations are likely to impact their ability to provide support for durable solutions.

### *Vulnerabilities*

One area of debate among humanitarian actors concerns the degree to which all the displaced have been affected equally and whether they are more vulnerable than other marginalized Iraqis. Some humanitarian actors, notably UNOCHA, argue that displacement has affected people in different ways, and that the needs of vulnerable segments of non-displaced populations in Iraq, such as widows and other vulnerable women, or rural communities affected by drought, have yet to be comprehensively addressed. Other actors emphasize the mixed nature of Iraqi migration to neighboring countries; some humanitarian actors believe that assistance to economic migrants should be addressed within a framework different from that of general humanitarian programs. On the other hand, UNHCR maintains that displacement creates a common set of vulnerabilities and protection issues that need to continue to be addressed specifically for both IDPs and for refugees in neighboring countries.

### *Self-reliance for those externally displaced*

There is a broad consensus among humanitarian actors that some of the main challenges facing Iraqis displaced in neighboring or nearby countries are related to livelihoods, professional skills and education for the next generation. They see the need for new types of initiatives to make displaced Iraqis more self-reliant, to prevent the loss of human capital and skills in view of return or resettlement to third countries, and to help them make a positive contribution to their host societies for the duration of their stay.

Self-reliance is however the most contested area of discussion between host governments and the humanitarian community, in light of high levels of unemployment for nationals and the existence of large informal sectors where nationals and non-nationals compete for low-paying jobs. While there are avenues for legal employment for Iraqis, domestic labor laws protect the employment of nationals and only a few sectors where domestic labor is in short supply are open to non-nationals. Host governments are reluctant to introduce changes to existing legislation to accommodate more Iraqis for both economic and political reasons. They fear that access to better livelihood opportunities might constitute a pull factor for other Iraqis to migrate, and might lead a large number of Iraqis to settle permanently in their countries.

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<sup>25</sup> IOM, Assessment of Return to Iraq, 3 November 2009, pp. 9-10.

### **ISSUE 3. THERE ARE POINTS OF CONSENSUS ON CONCRETE STEPS WHICH CAN BE TAKEN TO FIND DURABLE SOLUTIONS FOR THE DISPLACED**

Continued insecurity in Iraq affects not only Iraqis and the viability of the Iraqi state—it also impacts other countries in the region in terms of security, political and economic stability, and has the potential to thwart the region’s aspirations for development. This is why all parties have a vested interest in fostering effective peacebuilding in Iraq. Addressing the challenges of internal and external displacement is an integral part of such peacebuilding efforts.

The Brookings-Bern Project on Internal Displacement<sup>26</sup> found that there is a close relationship between finding solutions for internally displaced persons and peacebuilding and noted that peacebuilding itself is a complex process involving: re-establishing security and law and order; reconstruction and economic rehabilitation; reconciliation and social rehabilitation; and political transition to creating more accountable governance structures and institutions. If durable solutions are not found for IDPs, their potential for contributing to economic reconstruction and rehabilitation is limited and poverty reduction becomes more difficult. On the other hand, resolution of such issues can be a positive force for political reconciliation, social development, and economic stability.

Other research on protracted refugee situations shows similar links between refugees and peacebuilding.<sup>27</sup> A particular challenge to peacebuilding posed is the potential for the large-scale repatriation of refugees before the necessary conditions of safety and sustainable return exist in the country of origin. If the concerns of host states relating to the prolonged presence of refugees on their territory are not addressed, host states may pursue early and coerced repatriation, placing fragile institutions in the country of origin under significant strain and further undermining peacebuilding efforts. It is also important to ensure that donor interest does not rapidly shift to peacebuilding in the country of origin at the expense of refugee assistance programmes in neighboring countries.

So long as discussions on protracted IDP and refugee situations remain exclusively within the humanitarian community and do not engage the broader peace and security and development communities, they will be limited in their impact. Despite the need for a multifaceted approach to protracted displacement situations, the overall response of policy makers remains compartmentalised. Meaningful comprehensive solutions for protracted displacement situations must overcome these divisions.

These lessons learned from other major displacement crises worldwide may form the basis for a common framework accommodating the various views and concerns of all concerned actors, beginning with the governments of Iraq and countries hosting large numbers of displaced Iraqis.

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<sup>26</sup> See Elizabeth Ferris, “Internal Displacement, Transitional Justice, and Peacebuilding: Lessons Learned,” Washington, D.C.: Brookings Institution, 2008. See also: Walter Kälin, “Durable Solutions for Internally Displaced Persons: An Essential Dimension of Peacebuilding”, Statement to the UN Peacebuilding Commission.

<sup>27</sup> See Gil Loescher, James Milner, Edward Newman and Gary Troeller, Protracted Refugee Situations and Peacebuilding, United Nations University, Policy Brief 1, 2007.

### *Strengthening the capacity of Iraqi institutions and the legislative environment*

The government of Iraq, faced with the tremendous tasks of restoring security and order, strengthening governance, and rebuilding the country has adopted several institutional measures to address the issue of displacement, return and reintegration.

While the formation of the Ministry of Displaced and Migrants (MoDM) has been a remarkable step in contributing to addressing the problems of IDPs and returnees, the nature, size and the complexity of displacement make the task well beyond its mandate and capacity. MoDM was established under a CPA order and needs to be enshrined in proper legislation to broaden its mandate and capacity.

At the regional level, the role of local authorities, except the Baghdad Governorate, which has been reasonably empowered by the Law of Governorates not Organised into a Region No. 21 (2008), has been far less than what is needed, in part because of the lack of a proper legislative framework.

Legislation in favor of the displaced should also be strengthened in line with the objectives of the International Compact with Iraq (ICI) and the 'National Policy on Displacement' issued by the MoDM. There is currently no legislation on displacement and return but only government decrees which can be revoked. Based on the Guiding Principles on Internal Displacement<sup>28</sup>, adequate legislation would help restore trust between the displaced and the government. Proposing such laws could be the task of the Parliamentary Committee on Relocated, Displaced and Migrants.

Assistance should be broadened to include support for the development of a legislative framework for displacement, for increased capacity building and for consultations in planning, resource mobilization and improvement of basic services. Increased technical advice should be provided to the MoDM to develop and implement the National Policy on Displacement. Once its mandate is legally secured, MoDM needs sustained support to play an effective role in monitoring displacement and return.

### *Placing displacement more firmly at the center of national reconciliation*

Displacement in Iraq, as noted above, has many causes. But since 2006, much of the displacement has stemmed from conflicts between sectarian groups. Finding solutions for those displaced by sectarian violence is inextricably linked to national reconciliation. Long-term thinking is needed from the Iraqi government, including the effects of the legacy of displacement from the Ba'athist era on more recent trends of displacement.

Displacement is an item on the official agenda of the Implementation and Follow-up Committee for National Reconciliation. The Committee has already taken several steps to promote reconciliation with and between groups displaced inside and outside Iraq. However, additional measures could be taken at the local, national, and regional levels, with the various groups that have experienced displacement before and after 2003, and with the broader Iraqi national community.

<sup>28</sup> United Nations-OCHA, The Guiding Principles on Internal Displacement, 1998.

### *Improving the environment for return and reintegration*

A number of measures, particularly financial assistance and legal provisions for property restitution and compensation, have been adopted by the government of Iraq to assist those who decide to return. However, these measures remain limited and need to be accompanied by the social, economic and security measures that would make return sustainable.

Addressing the serious land and property issues Iraq faces today is undoubtedly a key condition for ensuring durable solutions for the displaced. Despite legislative and administrative mechanisms put in place to address both pre- and post-2003 property and land claims, the majority of such claims remain unresolved. There is a need to accelerate and streamline ongoing efforts to resolve land and property issues related to the former regime's forced migration policies; for collecting comprehensive data on post-2003 displacement and return-related land and property issues; for evaluating ongoing policies addressing post-2003 land and property issues and for expanding their scope; and for resolving the occupation of public buildings and land.

As the Ministry of Planning and Development Cooperation (MoPDC) is drafting the National Development Plan 2010-2014, it should ensure that the issue of IDPs and returnees is addressed properly as a development challenge. Development actors, particularly UNDP, have postponed the adoption of a Country Strategy for Iraq considering that the situation in the country is not yet stabilized. However, several development-oriented initiatives are already in place. These should be expanded and new ones should be created to mainstream vulnerable IDPs and their host communities in poverty reduction and job creation programmes. These programmes would be best conceived at the community level, taking into account their particular needs.

Return is neither feasible nor desirable for a large number of the displaced. A number of IDP families have achieved a certain degree of physical and socio-economic security in the place to which they have fled and do not want to return to their previous place of residence. Measures need to be taken to avoid disputes and tensions related to the integration of IDPs in places of settlement. While housing is a national problem in Iraq, special consideration should be paid to provide housing to IDPs and returnees to support durable solutions, whether in places of settlement, resettlement or place of origin.

The World Bank, the Islamic Development Bank, UNDP and other international development organizations can provide technical assistance and funding required in supporting the developmental approach to solving the problem of IDPs and returnees.

### *Supporting host-countries to improve the quality of life of the externally displaced and prepare them to contribute to peace-building*

A wide range of training opportunities can be extended to Iraqis living in prolonged exile that would contribute to ensuring a durable solution to their displacement whether through repatriation, legal residency within migration regimes or resettlement in a third country. Opportunities such as language and vocational training, professional development, tertiary education for youth, peace educa-

tion and other activities could all form part of a broader solutions-oriented approach, and contribute both to peacebuilding and the self-reliance of Iraqis displaced in the region.

Iraqis themselves can play the major role in these initiatives. The potential of educated and skilled Iraqis to transfer knowledge and skills to members of the host and displaced communities needs to be better acknowledged and harnessed.

Iraqis should be systematically granted the possibility to earn their livelihoods through initiatives operated within host countries, with the long-term objective of their future contribution to rebuilding the economy and society in Iraq. To this aim, self-employment could be facilitated by host governments and supported by the assistance community, whereas continued international aid should allow for an expanded capacity to include Iraqi migrants in host countries' development efforts.

Without such opportunities for self-reliance, Iraqis will remain at risk of exploitation in the informal labor market, children will continue to drop out of school to seek employment, more girls and women will resort to prostitution, and more Iraqis will become dependent on food and cash assistance provided by the assistance community.

Jordan and Syria need to maintain the possibility of mobility in preparation for durable solutions, as Iraqis are less likely to return to Iraq if they fear that the door back to Syria/Jordan will be closed to them. Partnerships need to be put in place between Iraq and countries of destination to ensure that Iraqi communities in regional host countries can engage with their countries of origin without losing rights and privileges.

### *Reinforcing protection and relief*

In the main host countries—Syria, Jordan, and Lebanon—the protection space<sup>29</sup> available to Iraqis has expanded considerably as a result of collaboration between host governments, UNHCR and NGOs. This has been made possible thanks to the generosity of host governments who have given Iraqis access to national educational and health systems and to the commitments of bilateral and multilateral donors who have applied the principle of international solidarity and responsibility-sharing. With the support of the international community, other countries that host smaller numbers of Iraqis should facilitate their access to basic services such as health and education.

The special needs of particular groups within the displaced population will still have to be met through ongoing support to UNHCR and other humanitarian actors. In Jordan and Syria, almost one-fifth of those registered with UNHCR lack the capacity to work even in the informal sector because of their age, disability, illness or family responsibilities. As a result, direct financial assistance to them will continue to be required.

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<sup>29</sup> For a definition of this concept, see *Surviving in the city. A review of UNHCR's operation for Iraqi refugees in urban areas of Jordan, Lebanon and Syria*, UNHCR, Policy Development and Evaluation Service, July 2009.

Policies must also address the needs of Iraqis living in neighboring countries who will not be able to return to Iraq even if security and economic conditions improve. Many have protection concerns that allow them to qualify as refugees under the 1951 Convention. Resettlement options, including family reunification, should not only remain open to them, but should be increased. Still others, although they might not qualify as refugees under the 1951 Convention, face threats or discrimination that allow them to qualify under humanitarian asylum in a number of Western countries. There is also a need to explore utilizing legal migration channels (e.g. temporary labor migration schemes in third countries) for those who cannot return to Iraq. A comprehensive approach involving a mix of solutions will offer the best opportunity for success.

#### **ISSUE 4. COORDINATION MECHANISMS SHOULD BE STRENGTHENED**

Sustainable durable solutions to Iraqi displacement should come within an integrated regional political and socioeconomic approach supported by the international community. To start building such an initiative, improved collaboration at different levels between concerned stakeholders is needed. Although a number of coordination mechanisms have been put in place over the last few years, these have not proven optimal and remain limited to the coordination of humanitarian assistance.

##### *Among Iraqi institutions*

In Iraq, the Ministry of Displaced and Migrants (MoDM) coordinates the related activities of other ministries (Ministry of Interior, Ministry of Health, Ministry of Education, Ministry of Municipalities and Public Works, and Ministry of Trade). However, only legislative action can grant executive powers to the MoDM and enhance its coordination role.

While the Ministry of Planning and Development Cooperation (MoPDC) is drafting the National Development Plan (NDP) 2010–2014, there should be assurances that the development challenges of displacement are addressed properly and at an early stage. Hence there is a need for a coordination mechanism in the preparation of the National Development Plan (NDP) between the MoPDC, the MoDM, other governmental institutions in Iraq and relevant international organizations.

To complement the role of the MoDM, which has so far focused on humanitarian assistance, and ensure that displacement is considered in political and economic agendas, a National Displacement Council could be established. This Council could be chaired by a Deputy Prime Minister and comprise the Minister of Foreign Affairs, Minister of Interior, Minister of Displaced and Migrants, Minister of Human Rights, State Minister of National Security, and State Minister for National Reconciliation. The role of the Council would be to oversee the implementation of the NDP, to ensure coordination and cooperation among concerned governmental institutions and to mobilize resources. The creation of such a Council could be included in the proposed legislation on displacement.

##### *Between Iraq and countries of the region*

Iraq and neighboring countries have entered into discussions to develop cooperation programs since

2006. The Neighborhood Initiative has resulted in the establishment of three commissions on Border Security, Energy and Refugees. However important, multilateral structures have been characterized by long and complex processes of consensus-building and decision-making.

An alternative would be to set up tri-lateral forums to look into the issue of displacement with a view to long-term sustainable solutions. With UNHCR involvement, these forums could facilitate the travel and reintegration of those who have chosen to return at this early stage while recognizing that the time has not yet come to promote repatriation for most displaced Iraqis. With the involvement of relevant members of the UN system and the IOM, these forums should however broaden their approach to include other migrants alongside refugees, including for example, those who remain unregistered with UNHCR or are otherwise undocumented vis-à-vis their host country, and those who need to remain mobile between Iraq and neighboring countries.

### *Among international organizations*

The UN should develop a common forward-looking strategy for durable solutions that does not encroach on the respective prerogatives and mandates of its various agencies. Whereas the UN 2009 Consolidated Appeal for Iraq and Countries of the Region provides a framework for the UN system and NGOs to work together throughout the region, with UNHCR taking the lead coordinating role in addressing the protection and assistance needs of Iraqi refugees, other members of the UN system should be more fully associated with planning and funding exercises that consider durable solutions within a development framework.

UNDP—which has maintained a sustained presence in Iraq since 1976 and is a major development actor throughout the region in countries affected by large numbers of displaced Iraqis—could consider being more closely associated with longer-term planning exercises that mainstream the displaced and the communities affected by displacement in development efforts. Proper coordination would then have to be assured between UNHCR and UNDP to ensure that all areas of protection, humanitarian assistance, and development are covered.

### *Bilateral and multilateral donors*

The US Administration has already taken an important step in nominating Ms. Samantha Power to coordinate the efforts of several agencies of the US government on Iraqi refugees and internally displaced persons, and in appointing Mr. Mark Storella as Baghdad-based Senior Coordinator for Iraqi Refugees and Displaced Persons.

Other donor governments and multilateral organizations, such as the European Commission, should consider developing internal coordination mechanisms between their various agencies to ensure collaboration, complementarity and an effective transition between humanitarian and development initiatives to support durable solutions to Iraqi displacement in Iraq and in host countries. Such mechanisms could greatly improve situation analysis and programme planning.

## **ISSUE 5. POLITICAL ENGAGEMENT IS NEEDED TO BRING ABOUT DURABLE SOLUTIONS**

While it is clear that some populations in Iraq have been particularly affected by displacement and other human rights violations, it is fair to say that all Iraqi society has been affected, in one way or another, by the large-scale phenomenon of displacement, by the legacy of decades of brutal policies of repression, and by the recent sectarian conflict. This is the reason why the current Iraqi displacement crisis is more than a temporary humanitarian challenge. It is a long-term structural phenomenon requiring comprehensive approaches from a variety of angles—including humanitarian, political, economic, social, and security. Sustained engagement at the highest policy level is essential. If this political will is not present, it will not be possible to bring an end to the cycle of violence and displacement that has characterized Iraq for the last forty years. Continued displacement will signify not only suffering for the affected communities, but also a security challenge for the region as a whole.

There is no quick and easy solution to the long-term and wide-ranging effects of the Iraqi displacement crisis. The government of Iraq, host governments, UN agencies, donor governments, and regional mechanisms must contribute to a sustainable resolution to the crisis through committed, high-level political engagement.

### *From the government of Iraq*

Political engagement from the government of Iraq is a prerequisite to the extension of partnership with the international community in supporting capacity-building, legislative action, and national reconciliation. The UN can play a major role in the process, in accordance with UN Security Council Resolution 1770 (2007). By assuming this role, the UN will not only help to advance durable, long-term solutions for displaced Iraqis but also to prevent future displacement which could occur along the disputed internal boundaries.

Both those who are internally displaced and those who have fled to other countries need to be considered as integral parts of the Iraqi national community. Their trust in the government of Iraq should be restored by proper legislation and integration in the national political dialogue. Their return and reintegration must become a priority in development planning for future years in collaboration with international agencies and host governments. Reintegration measures should not be limited to incentives for the most educated and skilled, but should also aim at helping those less economically or professionally endowed who have been displaced.

### *From governments of the region hosting displaced Iraqis*

The contributions of the main host countries need to be fully acknowledged by the international community. Their readiness to welcome as refugees or guests those displaced by conflict, persecution and other forms of insecurity in Iraq has been exemplary, especially when considering the initial volume of displacement. In view of the current impossibility for many Iraqis to return home, host countries are faced with the critical need to take new steps and policy decisions that look beyond the emergency phase of the crisis.

In particular, host countries need to maintain their commitments to continue hosting Iraqis until the situation in Iraq is conducive to dignified and voluntary return. They also need to undertake legislative or regulatory measures to meet the self-sustainability and educational needs of Iraqis who are temporarily staying in their countries. Finally, they need to facilitate the engagement or reengagement of Iraqis with the process of reconstruction and national reconciliation in Iraq. One way of supporting the maintenance of links with Iraq is by facilitating the movement of Iraqis back to Iraq while keeping the doors open for those who wish to return to their host country.

### *From the international community*

There is a new level of engagement on the part of the Obama Administration and commitments from other actors in the international community to continue supporting the efforts of the governments of Iraq and host countries to respond to humanitarian needs. The US Congress has already set aside a budget for humanitarian aid to Iraq and countries affected by Iraqi displacement. However, international development actors and the donor community should consider the relationship between the continued displacement of large numbers of Iraqis and economic recovery for all concerned countries. They should prioritize development assistance for all the communities affected by displacement inside and outside Iraq.

The challenge facing states affected by Iraqi displacement and the international community is to develop a two-pronged strategy with an adequate level of donor engagement and improved coordination mechanisms at several levels. In particular, it is essential not to jeopardize humanitarian assistance and protection efforts that will still be needed, particularly for those who remain vulnerable and in need of protection, while beginning the transition toward development-oriented initiatives that will promote effective peacebuilding.

## **ISSUE 6. A COMPREHENSIVE REGIONAL APPROACH IS NEEDED**

In several other seemingly intractable refugee situations, comprehensive regional solutions were found which brought an end to displacement for hundreds of thousands of people who might otherwise have remained in limbo far longer than necessary. The Comprehensive Plan of Action (CPA) for Indochinese refugees (1989) resulted in the closure of refugee camps throughout Southeast Asia through a combination of changes in policies of countries hosting large numbers of refugees, agreements with the country of origin to respect the rights of returning Vietnamese and a robust policy of resettlement of refugees outside the region. A decade later the International Conference on Central American Refugees (CIREFCA) provided a comprehensive plan which enabled some 1.2 million refugees, returnees, IDPs and undocumented foreigners to find permanent solutions for their displacement. In both cases, the success of these processes depended on high-level political support and concerted action by UN agencies, host governments, donor governments, and regional mechanisms. In both cases, the groundwork for these regional solutions was laid over a period of several years, involving discussions between a wide variety of stakeholders.

Any comprehensive regional initiative in favor of displaced Iraqis will need to meet the following requirements: simultaneously drawing on a range of durable solutions; cooperative in terms of involving additional burden- or responsibility-sharing between Iraq and countries of the region and third countries acting as donors or resettlement countries; and collaborative in terms of working across UN agencies and with international and national NGOs. It nevertheless also needs to be flexible enough to provide each state with technical support to develop its own priorities and plans.

In order for durable solutions to be found to Iraqi displacement, the cooperation of a range of actors throughout the region will be needed: the Iraqi government at the national, governorate and district levels; civil society groups and private enterprise; governments of countries hosting Iraqis; international humanitarian and development actors; non-governmental organizations, UN bodies and donor governments; and military forces seeking to stabilize Iraq. While there has been some interaction between these different stakeholders, much more interaction will be needed in order to create the conditions for durable solutions to be found for most of Iraq's displaced.

The Doha Conference aims at providing an initial forum for the establishment of a network of individuals, agencies and organizations in the region who may be able to take measures to address the many challenges posed by the Iraqi displacement situation. A follow-up process will, however, be needed where stakeholders can not only express their views, but develop collaborative measures for supporting viable solutions to the displacement of Iraqis.

## BACKGROUND REPORTS

# LAND AND PROPERTY ISSUES IN IRAQ: PRESENT CHALLENGES AND FUTURE SOLUTIONS DISCUSSION POINTS

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16 November 2009

Multiple waves of forced migration and the recent transition have left Iraq with a complex set of land and property issues which, despite considerable ongoing efforts, remain largely unresolved. The bulk of those issues relate to respectively the demographic change and forced migration policies of the former regime (1968-2003); the return and displacement as well as the breakdown in law and order immediately after the fall of the regime (2003-2005); and the sectarian violence and mass displacement that occurred especially after the Samara bombings in February 2006 (2006-2007). This paper introduces a number of discussion points regarding the enhancement of existing policies and the introduction of additional initiatives to address issues that fall outside the current policies.

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## DISCUSSION POINT 1

# Accelerating and streamlining ongoing efforts to resolve land and property issues related to the former regime's demographic change and forced migration policies

### A. Background

The former regime's demographic change ("Arabisation") and forced migration policies have left a myriad of land and property issues in their wake. They include thousands of land and property disputes between previous owners who now want their property back and current occupants who obtained the property under the former regime, often through, at the time, legal means. These disputes often involve the Iraqi State, as a significant proportion of the land and property taken by the former regime remains in State hands today, especially rural land. Former regime-related issues also include thousands of destroyed homes and livelihoods, a consequence of the policies after the 1991 uprising in the South and the Anfal campaign against the Kurds in the North of Iraq.

The Iraqi Government has taken considerable steps to address the former regime-related land and property disputes with the establishment of the Commission for the Resolution of Real Property Disputes (CRRPD).<sup>31</sup> The CRRPD has the exclusive mandate to settle land and property disputes that are related to the former regime's demographic change and forced migration policies between July 1968 and April 2003. The principle is that previous owners have the right to restitution or, if they prefer, compensation for the property that was taken from them, while, in most circumstances, current occupants will receive compensation from the Iraqi State if they have to vacate the property following a restitution decision by the CRRPD.

This effort to provide redress to victims of land and property rights violations by the former regime represents an important financial undertaking for the Iraqi State, which in many cases has to pay compensation to the party who does not get the property back.<sup>32</sup> The size of the problem is reflected in the number of claims filed with the CRRPD until now: 156,623 with approximately two thirds of the claims coming from the Northern part of Iraq.<sup>33</sup>

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<sup>31</sup> Formerly known as the Iraq Property Claims Commission. The Iraqi Government, through the so-called Article 140 Committee, also has cancelled agricultural contracts awarded by the former regime in the frame of its Arabisation policies, so that the previous right-holders could be restored. This controversial programme is limited in scope to the Kirkuk Province (it appears not to have been implemented in the Ninewa Province) and as such will not form the subject of this short paper.

<sup>32</sup> Late August 2009, the CRRPD had paid compensation in only 1151 cases. The total amount spent on compensation had nevertheless already reached USD 238 million.

<sup>33</sup> Figures provided by the CRRPD, current at 1 October 2009. As there is no filing deadline, claims continue to come in each month albeit at a slow rate.

## ***B. Principal Remaining Challenges***

Despite the significant efforts of the Iraqi State to address former regime related land and property issues, important challenges remain:

### ***❖ The large majority of former regime related land disputes remain unresolved today***

According to CRRPD figures, 42,840 claims have so far received a final, enforceable decision, meaning that close to three out of four land and property disputes are still awaiting resolution.<sup>34</sup> At the present resolution rate, it will take the CRRPD at least two more decades to resolve the remainder of its current caseload. All Iraqi interlocutors the author has spoken to in Kirkuk, Ninewa and Baghdad over the past year have expressed incomprehension, frustration and even anger at the slow progress of the restitution and compensation process. Importantly, however, strong regional differences exist in terms of numbers of claims that have been resolved as will be discussed further on in the paper.

### ***❖ Only limited redress is available to those whose homes, businesses or livelihoods were destroyed by the former regime***

Many victims of property destruction by the former regime remain without redress, as property destruction is not covered by the CRRPD. Outside the Kurdistan Regional Government area—where reportedly more than 3000 villages have been reconstructed since 1991—only limited, ad-hoc reconstruction of destroyed properties has taken place, although some funds were allocated for this purpose in earlier state budgets, for example in the Kirkuk province. Anecdotal evidence suggests that a number of people who had their property destroyed by the former regime continue to live in public buildings or have constructed informal settlements on (sometimes disputed) state or private third party land.<sup>35</sup> No comprehensive data are available about the number of properties destroyed by the former regime, but there is little doubt that thousands of families were affected. Significant destruction has also occurred since 2003, making it sometimes impossible to tell what property was destroyed when and by whom.

## ***C. Possible Ways Forward for Resolving the Remaining Land and Property Disputes***

To accelerate and improve the restitution and compensation of land and property taken by the former regime, the following measures could be considered:

### ***❖ Direct restitution of disputed state land and property by the relevant Ministries and State Authorities***

Instead of waiting for the CRRPD process to take its course, the relevant Ministries and State

<sup>34</sup> This includes up to 20,000 annulment decisions taken in respect of “grossly incomplete claims” which often contained little more than a name. These decisions have taken very little review time and have mostly not been subject to appeal. Figures current at 1 October 2009.

<sup>35</sup> Returnees who were displaced by the former regime from the North receive financial support through the Article 140 Committee process, this compensation is generally viewed as insufficient to reconstruct destroyed houses.

Authorities could expedite the process by returning the land and property confiscated or seized by the former regime directly to the previous owners. Eligible for such direct restitution would be land and property that: (1) was confiscated or seized by the former regime for political, ethnic or religious reasons; (2) has remained registered in the name of a Ministry or State Authority; and (3) has no current occupier with legal title. Adopting such a direct restitution approach would considerably accelerate the provision of redress to the former regime's victims. Previous owners whose property is still in state hands would benefit directly, other claimants would benefit indirectly as the work load of the CRRPD would be significantly reduced.<sup>36</sup>

While this direct restitution approach would require implementing regulation, it does not constitute a new policy as such. It is simply a new, more efficient way of implementing the intentions behind the establishment of the CRRPD.

❖ *Cease the current policy of automatic State appeals against CRRPD decisions*

An exceptionally high appeals rate, currently standing at almost 50 percent nationwide with peaks of 80 percent in the Kirkuk Province,<sup>37</sup> is one of the key factors that explain the slow progress of the CRRPD process. It is primarily due to automatic appeals by Iraqi Ministries and State Authorities against first instance decisions that impact them and would cause a loss for the Iraqi State. As State liability is at stake in a large number of cases,<sup>38</sup> this policy has a significant impact on the CRRPD resolution rate. It causes widespread incomprehension among claimants as it runs counter to the core purpose of the CRRPD, i.e. to provide redress to victims of the former regime. More efficient ways to protect the public interest, which is the stated goal of this automatic appeals policy, should be explored. The Public Prosecutor's Office could, for example, be mandated to carry out regular reviews of the CRRPD first instance decisions and appeal only decisions that appear to be irregular.

❖ *Systematically monitor enforcement of CRRPD decisions and take action where needed*

Anecdotal evidence suggests that in Kirkuk and Ninewa Provinces the enforcement of CRRPD restitution decisions is often problematic and, in a number of cases, never happened. No data about the nationwide enforcement rate are available, as enforcement of CRRPD decisions is neither monitored nor systematically reported. Given the importance of ensuring full enforcement from a broader rule of law perspective, the establishment of a monitoring system appears warranted. One option would be for the Iraqi Government to task the Enforcement Offices around the country to report systematically to

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<sup>36</sup> To what extent the claim load would be reduced depends on the proportion of remaining claims that involve the Iraqi State. For the Kirkuk Province, which may however not be representative, the majority of the remaining caseload would directly benefit from this direct restitution approach.

<sup>37</sup> End of August 2009, the CRRPD reported over 36,000 appeals filed for approximately 76,000 first instance decisions (with approximately 23,000 of those appeals still awaiting a decision).

<sup>38</sup> In most cases the Iraqi State will (1) lose a property that is registered in the name of a Ministry but now needs to be returned to the previous owner; (2) pay compensation to the previous owners if they do not want the restitution of the state property; or (3) pay compensation to the current occupant whose property is returned to the previous owner.

the Minister of Justice and the Head of the CRRPD on the enforcement of CRRPD decisions. This would enable the authorities to rapidly address any problems occurring in this regard.

❖ *Make a concentrated effort to address region-specific problems*

The CRRPD resolution rate differs significantly between regions, ranging from 21 and 27 percent in the Kurdistan Region and Kirkuk Province respectively to 88 percent in the Southern region for first instance decisions. While these stark differences can be partly explained by higher caseloads in the offices with a low resolution rate, they also point towards region-specific problems in areas where the resolution rate is very low. Often, these problems are external to the actual CRRPD process and hence beyond the capacity of the CRRPD alone to resolve. In such cases, a concentrated effort of central and local political actors will be crucial to accelerate the restitution and compensation process.

❖ *Reform the current CRRPD Cassation Commission to increase its capacity*

The current CRRPD Cassation Commission has only one chamber to process appeals against decisions from 30 Judicial Committees. This institutional set-up together with the high appeals rate has resulted in the Cassation Commission becoming the principal bottleneck in the CRRPD process. While reform efforts are unlikely to yield the desired improvements without a simultaneous effort to reduce the number of appeals, steps should be taken to increase the capacity of the Cassation Commission, for example by allowing the creation of multiple chambers. Currently, a law to amend the CRRPD Statute is pending in the Iraqi parliament, but it is not as yet certain how this issue will be resolved.

***D. The Need to Address the Issue of Destroyed Properties***

A durable solution to the former regime's demographic change and forced migration policies requires a policy to address the issues of the destroyed property file where this has not yet happened. Such policy needs to accommodate both victims who (ideally) want to return to their former properties and victims who prefer to settle elsewhere. A solution for the destroyed property file would also have a positive effect on post-2003 land and property issues, for example in the Kirkuk Province where some victims are currently living in state buildings or on state land. The following considerations could be taken into account when developing this policy:

*The need to identify the number of destroyed properties and affected families*

No comprehensive data are currently available about the number of properties destroyed by the former regime and the number of families that were affected by this destruction. This renders adequate policymaking more difficult, hence the urgent need to engage in a data collection effort.

*A durable solution requires both rural reconstruction plans and individual remedies*

Given that many properties were destroyed in rural areas, a comprehensive policy to address the issue of destroyed properties would require a rural reconstruction and recovery plan in addition to the provision of individual remedies for those who lost their homes and livelihoods. Policy development is best approached through broad consultation with the former villagers (as some may not want to

return), while taking into account the available resources and the agricultural needs of the affected regions and Iraq as a whole. A rural reconstruction and recovery plan would address infrastructure and, where necessary, rehabilitation and upgrading of the agricultural land. Individual remedies could include monetary compensation or in-kind compensation in the form of building materials, agricultural requirements such as seeds, fertilizers, etc., and/or access to alternative housing.

## DISCUSSION POINT 2

### Collecting comprehensive data on post-2003 displacement and return-related land and property issues

#### **A. Background**

The February 2006 bombing of the Al-Askaria Mosque in Samara was a watershed moment for post-Saddam Iraq. Following the attack, violence, mostly on a sectarian basis, rapidly spread out of control, with suicide bombings, death squads, and abductions becoming a daily occurrence. The violence resulted in a new wave of forced population movements in Iraq, with hundreds of thousands of Iraqis becoming displaced inside the country or (mostly) in the neighboring countries in the period following the bombing. The extreme violence, mass displacement and general breakdown of law and order particularly in Baghdad also created a new set of complicated land and property issues that continue to pose problems today. These came on top of those related to the former regime period as well as the land and property issues created by the uncontrolled return and power vacuum immediately after the fall of the regime in 2003.

Post-2003 land and property issues include the occupation of land and property left behind by the displaced by other displaced persons, squatters and sometimes armed groups, as well as property destruction and looting. There are also reports of forced and fraudulent sales affecting properties of the displaced, which raise particularly complex legal issues as current occupants may have purchased or rented those properties in good faith. A separate category of problems is formed by the occupation of public buildings, including by political parties exploiting the power vacuum after the fall of the regime. Finally, in certain areas informal settlements have been built on state and private third party land, the former sometimes disputed before the CRRPD by previous owners unrelated to those currently residing on the land. This superposition of various issues renders finding an equitable solution significantly more complicated.

Only limited data are available when it comes to the scope of post-2003 land and property issues. One set of data comes from the internal displacement assessment reports that the International Organization for Migration (IOM) compiles in conjunction with Iraqi authorities and other national

and international actors.<sup>39</sup> They indicate that almost one third of internally displaced Iraqis report that their houses or land are currently occupied or used by someone else without their permission, while 40 percent report they are unaware of the status of their property. No comprehensive information is available regarding the land and property situation of Iraqi refugees outside the country; the occupation of public buildings and state land; and the construction of informal settlements on state and private third party land.

### **B. The need for comprehensive data**

The lack of comprehensive data makes it difficult to, on the one hand, assess with confidence how the existing land and property issues are likely to impact return, and, on the other hand, design adequate policy responses and predict how well existing policy responses are likely to work. It also allows for rumors and recriminations to go unchecked and create a further tension between different communities in areas where relationships are already tense. A data collection effort would need to start with information-sharing between different Ministries and State Authorities and include also assessments on the ground. Ideally, one authority would take the lead in this respect, possibly with international support.

## **DISCUSSION POINT 3**

### Evaluating and expanding ongoing policies to address post-2003 displacement- and return-related land and property issues

#### **A. Background**

In the last year or so, the Iraqi Government has taken considerable steps to facilitate return and re-integration including property recovery measures. In the summer of 2008, the Council of Ministers and the Prime Minister developed a two-pronged package that offers limited financial incentives for returning families and an administrative mechanism to facilitate recovery of property for returnees (Decree 262 and Order 101). These measures were initially aimed at Baghdad from where most of the post-Samara displacement took place. In the meantime they have been extended to Diyala by Order 58. Order 58 clearly builds upon the lessons learned in Baghdad in adopting a more integrated approach. These central government measures are complemented by Governorate-level initiatives, such as the Baghdad Governorate financial support programme to assist returnees with the repair of their damaged and destroyed homes, and neighborhood-level initiatives on preventing or resolving conflicts between returnees and the community.

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<sup>39</sup> These reports can be consulted at [www.iom-iraq.net](http://www.iom-iraq.net).

## ***B. Reviewing and expanding current policies***

The current framework to assist returnees contains a number of positive elements. Overall, it reflects a needs-oriented pragmatism and flexibility on the part of the Iraqi Government. The latter is trying to balance the needs and the rights of the returnees with those of the individuals currently occupying their properties and has rightfully moved away from a strictly law enforcement-centered approach. There is an increased understanding that only an integrated approach to return and property recovery will lead to a durable solution, as exemplified in Diyala. Moreover, the current combination of central and provincial government initiatives is at least in principle a positive development. Given the scope and, often, region-specific nature of the existing problems, a combination of central and local government measures is certainly the way to go. Finally, the recourse to relatively simple, administrative procedures for property recovery appears well adapted to the caseload at hand, even though the tendency to “over-bureaucratize” will need to be kept in check. Nevertheless, and not surprising given the complexity of the post-2003 land and property file, a number of considerations could be taken into account to, on the one hand, continue improving current policies and, on the other hand, expand the scope to include issues not covered today.

### ***❖ Not all land and property issues are currently being addressed***

Current policies do not address all land and property rights violations that have taken place since 2003. The following caseloads require attention, including additional data collection to ensure an understanding of their respective scope:

### ***❖ Families who were forced out of their homes by those who had been displaced by the former regime and returned to their areas of origin immediately after 2003***

This is an important issue, for example, in Kirkuk and Ninewa Provinces. Theoretically this group could address the civil courts for redress, but for a variety of reasons this appears to have happened only rarely. Moreover, anecdotal evidence from Kirkuk and Ninewa Provinces suggest that, when victims obtain court judgments, enforcement is not always possible.

### ***❖ Families who were forcibly displaced after 2003 but were not property owners at the time***

Current property recovery measures focus on property owners and do not provide relief to those who did not own the land or property from which they were displaced. Data need to be collected as regards the proportion of the displaced population that were not property owners and the extent to which access to housing forms a barrier to return or local integration for this group.

### ***❖ People who were forcibly displaced inside Iraq after 2003 and who do not want to return but, instead, prefer reintegration in their areas of displacement or elsewhere in Iraq***

IOM's assessments indicate that over 40 percent of internally displaced persons do not want to return to their previous home. To accommodate their needs, property recovery should not be made dependent on return, and measures should be taken to ensure their access to support mechanisms available in their current places of residence.

❖ *People whose properties were destroyed after 2003 as part of the sectarian violence or in the course of military operations*

In Baghdad, a Governorate support programme is available for those whose properties were destroyed. It is not clear whether similar programmes exist in other Governorates where post-2003 property destruction is an issue. Shelter reconstruction by international actors like UNHCR and UNHABITAT is unlikely to fill all needs and access to a more broad-based housing and national reconstruction programme is undoubtedly required.

❖ *Families who were forcibly displaced after 2003 and who belong to Iraq's small minorities including Christians, Yazidis and Shabaks*

They face particular issues of access to existing procedures and are disproportionately affected by the time-limitations on existing property recovery policies, as their displacement continued after the sectarian violence receded. Possibilities for their return raise broader minority protection and integration issues that need to be taken into account.

❖ *Exploring the link between forced migration and the need for affordable housing in Iraq*

The chronic housing shortage in Iraq is a much larger problem than the forced migration and displacement issue. It has, however, also played a role in the land and property issues that have arisen since 2003. Notably, the occupation of public properties as well as private properties left behind by the displaced has sometimes been motivated by poor and overcrowded housing conditions. While property recovery provides a solution for returnees, it can create or renew housing problems for the current occupants, who may end up squatting elsewhere. Moreover, anecdotal evidence suggests that the flight from Iraq has alleviated the pressures on the housing market in some areas, pressures which are likely to re-appear if refugees start returning in large numbers. A sustained data collection effort is needed to shed further light on the inter-linkage between displacement, return and access to affordable housing, as it affects ongoing and future responses. Ongoing efforts to address the housing crisis in Iraq should factor in displacement and return, while measures to address displacement must take into account the shortage of affordable housing.

❖ *Systematic monitoring and review of ongoing policies can assist with troubleshooting*

Since the return assistance and property recovery efforts started last year, the authorities, with the assistance of international actors like UNHCR, IOM and the US Institute for Peace have, on a number of occasions, taken stock of progress made and challenges encountered. The resulting improvements have rendered the process more adapted to the realities on the ground. To the author's knowledge, however, no systematic monitoring process has so far been established to facilitate a continuous review of the process. The complex nature of the issues addressed, as well as the challenges inherent to an inter-institutional approach both point towards the value that a monitoring process could have. Aspects that would require particular attention in this respect include access of female headed households to benefits and assistance; questions of evidence and the need to ensure flexible standards; and post-return security especially for those returnees who needed to rely on forced evictions to re-possess their properties. Also the civil courts should be included in such monitoring

efforts, so as to enable the Iraqi Government to respond rapidly in case their capacity is insufficient to deal with displacement- and return-related land and property disputes in a timely fashion.

## DISCUSSION POINT 4

### Resolving the Occupation of Public Buildings and Land

#### **A. Background**

A combination of different factors have contributed to the situation of widespread occupation of public buildings and state land that Iraq is facing today, including the breakdown of law and order in the period immediately after the fall of the regime; the return of people displaced by the former regime and now unable to re-possess their property; post-2003 displacement; and poor housing conditions. These various factors are reflected in the diversity of people and entities that occupy state properties. They include political parties and their supporters; internally displaced persons; people with no access to adequate housing; and “opportunists.” In addition to adverse rule of law implications, this widespread occupation of state properties also has a negative effect on the improvement of public services including social housing.

#### **B. A diversity of occupants requires a diversity of measures**

The Iraqi Government has made different attempts resolve the occupation of state properties, so far with limited success, due in part to an underestimation of the complexity of this issue. This complexity renders it unlikely that the solution will come from one type of measures, e.g. the provision of limited financial support to the occupants. A variety of measures, including regularization, financial and housing support and law enforcement elements, is required to reflect the diverse nature and needs of those currently occupying and using state properties without government authorization. A priority is the resolution of the illegal occupation of state properties by political parties: unless those parties lead by example. Convincing private citizens to leave risks to be both more difficult and less easy to justify. In all likelihood, the full resolution of the occupation of state properties will take a number of years to achieve, rendering a phased approach the only realistic option.

**DISCUSSION POINT 5**

## Desertification, Displacement and Land and Property Issues

Less attention has so far been given to the ongoing reduction of arable land as an additional source of further displacement, which is likely to be both temporary and longer term in nature.<sup>40</sup> Urban centers such as, for example, Mosul have already started to feel the impact of incoming farmers obliged to leave their rural existence due to desertification of their lands. Their arrival puts increased pressures on already depleted urban housing stock and further strains stretched public services. To the author's knowledge, no comprehensive data exist about the current scope of this type of displacement. Equally, no projections as to how this phenomenon is likely to develop in the coming years appear to have been made. Given the scope and size of the land and property issue that Iraq already faces today, such data collection and projection efforts are urgently needed, so as to allow the Iraqi Government to begin developing the necessary policies.

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<sup>40</sup> See, for example, James Denselow, "Iraq's Forgotten Crisis", Guardian International, 18 July 2009 (this article can be retrieved from [www.guardian.co.uk](http://www.guardian.co.uk)) and Liz Sly, "Iraq in Throes of Environmental Catastrophe, Experts Say", LA Times, 30 July 2009 (this article can be retrieved from [www.latimes.com](http://www.latimes.com)).



# ANNEX I

## OPENING REMARKS

### **Walter Kälin**

Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons

18 November 2009

Doha, Qatar

I am delighted to be here in Doha at this conference on “Regional Perspectives on Iraqi Displacement.” As the Representative of the UN Secretary General on the Human Rights of Internally Displaced Persons, my mandate is to focus on those forced to leave their communities while remaining within the borders of their own countries—and not on refugees. And yet, I am particularly glad that this conference is focusing on both internal and external displacement because they are linked. When internally displaced persons do not feel safe or cannot access assistance, they may move on to a neighboring country. When refugees return to Iraq, but cannot return to their own communities or otherwise rebuild normal lives, they may become internally displaced persons.

Even when refugees and IDPs are displaced by the same causes, there are important differences. IDPs are citizens or habitual residents of the country in which they are displaced. As citizens, they are entitled to enjoy the same the rights as all citizens. It is the responsibility of their national authorities to protect and assist them. In the case of Iraqi IDPs, several international agencies are assisting the authorities in this task, including the International Committee of the Red Cross, UNHCR, and the International Organization for Migration. The UN Guiding Principles on Internal Displacement, based on and reflecting binding international law, outlines the responsibilities of states toward those displaced within their countries. Refugees have basic rights as outlined in the 1951 Convention on Refugees; most fundamentally, they have the right not to be forcibly returned to a country where their lives are in danger. UNHCR is the agency entrusted with ensuring that refugees are protected and assisted and works closely with host governments to ensure this.

There are also important differences between IDPs and refugees when it comes to durable solutions to displacement. According to Guiding Principle 28, national authorities have the responsibility for establishing conditions and providing the means to facilitate durable solutions for IDPs. Such solutions can be achieved through (i) voluntary and sustainable reintegration at the place of origin (return); (ii) sustainable local integration in areas where internally displaced persons take refuge (local integration); or (iii) sustainable integration in another part of the country (settlement elsewhere).

Solutions for refugees consist of return to the country of origin, permanent integration in the country where they first found refuge, or resettlement to another country ready to admit them on a permanent

basis. Usually, finding solutions for refugees requires collaboration between host governments and governments in the country of origin, often with the assistance of UNHCR. In many refugee situations, resettlement of refugees to other countries has been both an important solution for individuals who cannot return to their country and an expression of international responsibility sharing.

Let me focus on the persons displaced within Iraq and refugees returning to their country from abroad. Experience from many countries affected by internal displacement shows that achieving durable solutions for such persons is a complex and challenging process. It involves human rights, humanitarian, development and peacebuilding actors at national, international, governmental, and non-governmental levels. Indeed, achieving durable solutions is a multifaceted challenge:

- ❖ *A human rights challenge:* Finding durable solutions is about restoring the human rights of the displaced that have been affected by the fact that they were forced to leave or flee their homes, including their rights to security, property, housing, education, health, and livelihoods. This may entail the right to reparation, justice, truth, and closure for past injustices through transitional justice or other appropriate measures.
- ❖ *A humanitarian challenge:* In the course of achieving durable solutions, the displaced often have continuing humanitarian needs. They may require temporary shelter until destroyed houses are rebuilt, food rations until the first crops are available, or emergency health services until the health system has been re-established.
- ❖ *A development challenge:* Achieving durable solutions entails addressing key development challenges early on. These include rebuilding houses and infrastructure; providing assistance for sustainable livelihoods, education and health care in areas where the displaced decide to rebuild their lives; and helping to re-establish or enhance local governance structures, including the rule of law. Without such development interventions there is a risk that solutions are not sustainable, meaning that people will leave again or remain marginalized and in limbo.
- ❖ *A peacebuilding challenge:* Achieving durable solutions after conflict and generalized violence is not possible without local as well as political, economic and social stabilization.

The complexity of this process requires that the range of actors, including humanitarian, development, human rights and political actors, work together from the beginning of the process. Practical experience has demonstrated that recovery and development strategies and programs that start early on, can ensure a more seamless transition from the humanitarian phase to long term recovery and development, thereby more effectively supporting the durable solutions processes. In this context, it is often important to not focus exclusively on the displaced, in order to avoid tensions with non-displaced populations. Here, a concept of “displacement affected communities” which includes displaced communities as well as host communities and communities that have to re-integrate the displaced may be helpful, allowing for community-based programming rather than exclusively supporting individual beneficiaries.

Early involvement of development actors expedites the achievement of durable solutions, avoids protracted displacement, stimulates spontaneous recovery activities within the affected population, including host and receiving communities, and helps to prevent renewed displacement. Among relevant priorities are the re-establishment of local governance structures, the police and local courts, and relevant basic services (schools, basic healthcare, water and sanitation.) It is particularly important that efforts provide the displaced with immediate and tangible assistance to re-establish their livelihoods, an area often neglected.

Finding solutions for those displaced—whether internally or externally—is not just the concern of humanitarian and development actors. Finding solutions for the displaced is inextricably linked to peacebuilding, to re-establishment of security, to restoration of trust in the government, and to reconciliation. Effective peacebuilding activities must not neglect the specific needs of internally displaced persons and returning refugees. Experience in many countries shows that continued displacement of relevant numbers of people in and of itself may become an important obstacle to achieving real and lasting peace. Thus, helping internally displaced persons and returning refugees to rebuild their lives in a sustainable way is in the interest of all: the displaced, the population of Iraq, and the international community.

In carrying out my mandate, I have visited a large number of countries experiencing internal displacement and have worked with the Brookings-Bern Project on Internal Displacement to develop a number of tools which may be appropriate here. For example, the *Framework for National Responsibility* lays out 12 benchmarks which governments can use to guide their development of policies for those internally displaced within their countries. *Protecting IDPs: A Manual for Law and Policy-Makers* provides concrete examples of ways in which policy-makers and parliamentarians can develop laws and policies in a range of areas—from education, to property and housing, to political rights. Particularly relevant is the *Framework for Durable Solutions* which we developed and just presented in a revised version to the Inter-Agency Standing Committee after it was field tested. In the *Framework for Durable Solutions*, we tried to provide guidance on the substantive elements, many of which I mentioned here, that must be in place to make solutions durable. We also focus on the quality of the process that leads to durable solutions for the displaced, allowing them to pick up the pieces and rebuild their shattered lives. Here, respect for the right to choose one's place of residence is of primary importance as guaranteed by international human rights law to the citizens of a country. Thus displaced persons must have the freedom to choose whether to return to one's former home, opt for local integration where one was displaced to or choose to settle in an other parts of one's country. Such a free and informed choice, however, is only possible if the displaced are consulted and can participate in activities shaping their future.

In general, internal displacement does not end abruptly. Rather, finding durable solutions is a gradual process through which the need for specialized assistance and protection diminishes. Sometimes, for long periods after return, those who have been displaced may find themselves in markedly differ-

ent circumstances and with different needs than those who never left their home communities. For example, claims to their property may not be adjudicated immediately, leaving them without shelter or a means of livelihood in places of return. Similarly, those who are settled elsewhere may require humanitarian and financial aid until they are able to obtain shelter and employment in their new location. Even in the context of a durable peace agreement, insecurity may continue to pose problems for uprooted populations, particularly if there are conflicts between IDP returnees and the resident population. Under these circumstances, even if the displaced have returned, they still may have residual displacement-related problems and are therefore of concern. Durable solutions for the displaced are achieved once these individuals no longer have needs specifically related to their displacement. In this sense, ending displacement is about the full restoration and enjoyment of a person's human rights, in a non-discriminatory manner including vis-à-vis citizens who were never displaced.

To determine whether and to what extent a durable solution has been achieved, it is necessary to examine both the processes through which solutions are found and the actual conditions of the returnees/resettled persons. In general, it is important to consider whether: 1) the national authorities have established the conditions conducive to safe and dignified return or resettlement; 2) the displaced were able to freely choose where in their country to reintegrate; 3) formerly displaced persons are able to assert their rights on the same basis as other nationals; 4) international observers are able to provide assistance and monitor the situation of the formerly displaced; and ultimately, 5) the solution is durable and sustainable.

This conference provides an opportunity to move beyond traditional approaches to displacement in three important ways:

- ❖ By focusing on broad regional concerns, we have an opportunity to consider the relationship between internal and external displacement and to take a regional approach to this complex issue.
- ❖ By bringing together stakeholders working in diverse areas—political and security concerns, humanitarian response and development—we have an opportunity to approach the issue comprehensively.
- ❖ By focusing on solutions for those displaced, we can consider both measures which uphold the rights of those displaced and practical steps to ensure that solutions are, in fact, sustainable.

I hope that discussion here will be open and frank and that suggestions will come from participants about concrete ways of moving forward. Finding durable solutions for the displaced, as I have mentioned, is a process. May this conference conclude not only with a better understanding of this complex situation, but also generate ideas about resolving it.

Finding durable solutions for Iraq's displaced citizens will be an important step toward peace and security in Iraq and in the region as a whole.

Thank you.

## ANNEX II

### OPENING REMARKS

#### **Martin Indyk**

Vice President and Director of Foreign Policy  
The Brookings Institution

18 November 2009

Doha, Qatar

On behalf of the Brookings Institution, I would like to add my welcome to all of you to this conference on “Regional Perspectives on Iraqi Displacement.”

Brookings is an independent, non-partisan research institute dedicated to providing high-quality research to guide policy decisions in many fields. We have scholars with significant expertise in particular regions (e.g. Latin America, Asia, Europe) and we produce research on cross-cutting issues, such as defense, energy security, illicit economies, arms control and human rights.

Brookings has a long relationship with the Middle East. Through its Saban Center on the Middle East, we have engaged with the region in a number of ways, including the US-Islamic World Forum, held here in Doha every year since 2002 year which brings together leading policy-makers, academics, civil society representatives and journalists to analyze particular issues of concern to relations between the US and the Islamic world. In 2007, we opened the Brookings Doha Center to increase our understanding and outreach to the Middle East. Hady Amr is director of the Brookings Doha Center and has been very much engaged in supporting this conference.

For the past fifteen years, the Brookings Institution’s Project on Internal Displacement has carried out research on displacement with a view toward finding long-term solutions for those displaced by conflict, natural disasters, and large-scale development projects. In a unique partnership, the Project works with Walter Kälin (who has just spoken) to support the development and implementation of policies by governments, international organizations and civil society which uphold the human rights of IDPs. Elizabeth Ferris, Co-Director of the Project, has taken the lead in organizing this conference and overseeing the research on Iraqi displacement.

We have been working on the issue of Iraqi displacement for many years. In fact, our first research report on Iraqi displacement was published in 2002.

In the Brookings spirit of trying to provide independent high-quality research to inform policy decisions, this conference brings together representatives from different countries and organizations to explore long-term solutions for the large number of people displaced within Iraq and in the

region. Governments in the region have been generous to those displaced by conflict in Iraq and deserve international support. The humanitarian agencies represented here have done an excellent job at meeting the immediate needs of Iraqis displaced within their own country and in the region. But we hope that this conference will offer an opportunity for actors from different backgrounds—governments, humanitarian and development organizations and political leaders—to think about long-term solutions.

Let me remind you of the objectives of the meeting and say a few words about where I hope we'll end up by tomorrow afternoon:

This conference seeks to:

- ❖ provide a forum for stakeholders from different countries and organizations to consider displacement from a regional perspective
- ❖ increase awareness and common understanding of the relationship between resolving displacement and long-term stability in the region
- ❖ express a commitment to finding durable solutions for the displaced in a way which both respects their human rights and is based on consultative mechanisms
- ❖ raise awareness of the need to engage other actors beyond emergency responders to address the long-term challenges of displacement
- ❖ come up with some concrete suggestions for moving forward—suggestions which will, of course, need further discussion back in your own countries and your organizations' headquarters.

The meeting will produce a working paper based on the research conducted before this conference, together with insights and common understandings emerging from discussions here. But beyond the reports and the papers, we hope that by tomorrow afternoon, there is

- ❖ a recognition of the importance of resolving displacement,
- ❖ an awareness of the need to involve both development and humanitarian actors in supporting solutions,
- ❖ a heightened understanding of the importance of political engagement, and some understanding of coordination mechanisms which might be useful in moving this process forward.

This conference is being held under Chatham House rules. This means that while you are free—and encouraged—to talk about what takes place in the meeting after you leave, you should not identify

who said what. The written report will identify the issues, agreements and possibly even disagreements which emerge in the course of the conference but not associate this with particular individuals. We hope that this will encourage more open and frank discussion than is possible when speaking on the record.

In closing, I'd like to express our appreciation to Ministry of Foreign Affairs of the State of Qatar, and in particular His Excellency Sheikh Hamad bin Jassim bin Jabr Al-Thani, Prime Minister and Minister of Foreign Affairs, as well as his team at the Foreign Ministry led by H.E. Muhamad al-Rumaihi, the Assistant Minister of Foreign Affairs.

And I want to close by thanking all of you for participating in this conference. Thank you for your interest and commitment and thank you for coming to Doha.



# ANNEX III

## REMARKS ON THE DEVELOPMENT CHALLENGE OF FORCED DISPLACEMENT

### Niels Harild

Lead Displacement Specialist  
The World Bank

19 November 2009  
Doha, Qatar

Dear meeting participants,

It is a pleasure for me to address this meeting of Government representatives and international partners on the issue of displaced Iraqis, whether they are IDPs in their own country or refugees living in neighboring countries.

Yesterday we heard the consultants' report pointing out the complexities involved in resolving displacement. In the various interventions and discussions in working groups there has been interesting debate on the challenges and the various options and ideas for how to move forward on Iraqi displacement.

I have been asked to talk on the global perspectives or the larger picture on the development challenge of forced displacement. The consultants' report refers several times to the need for bringing in the development aspects together with political, security and humanitarian efforts in a comprehensive approach. It does so; however, without defining clearly what is meant by the development challenge of displacement. Let me therefore take this opportunity to try to do so.

The Bank has recently begun looking more deeply at the development challenge of forced displacement so that wherever possible it can bring its expertise and resources to bear much more systematically. We have taken stock of past experiences and consulted with relevant UN, bilateral and NGO partners. A paper called "Forced Displacement—The Development Challenge" was recently prepared by the Bank in consultation with these partners and is included in this report.

In my presentation today I will focus on seven key issues from this paper which I hope will stimulate our discussion later on the way forward:

- ❖ The scope of global displacement
- ❖ When does displacement end?
- ❖ The development challenge

- ❖ Gaps in the international response
- ❖ What the Bank is doing and what can it do to promote durable solutions
- ❖ The political challenge
- ❖ A regional and comprehensive approach

## 1. THE GLOBAL SCOPE OF FORCED DISPLACEMENT

As we discuss the issue of the substantial Iraqi displacement, it is important to note that displacement is a global issue, and many other countries and regions are facing or have in the past faced large-scale displacement. While each situation is unique, perhaps there are things we should look at for inspiration.

According to best estimates there are some 46 million refugees and IDPs in the world today. This is close to one percent of the world's population. More than 50 countries have more than 50,000 displaced. Most of these situations are protracted. During 2008, some 4.6 million people were forced to become IDPs as a result of conflict, violence and human rights violations in 24 countries (an increase of 900,000 compared with 2007), while around 2.6 million IDPs were reported to have returned. The decline in refugee numbers since 2002 was reversed in 2006 when numbers started to increase again. By the end of 2006, there were around 9.9 million refugees under UNHCR responsibility, and this number increased to 10.5 million by the end of 2008.

Some of the largest regional displacement situations are in the Caucasus, Afghanistan/ Pakistan, Colombia, Palestine and Sudan. In the past the Balkans and Central America experienced large-scale displacement. In addition, there are many individual countries with large numbers of refugees and IDPs. While some displacement situations have been resolved, in most cases, displacement remains a major concern. Of those situations where solutions were found for the displaced, one key lesson is that resolving displacement required a comprehensive regional approach, based on political will and leadership in which humanitarian assistance, development assistance and security considerations all played a role.

## 2. WHEN DOES DISPLACEMENT END?

The return of the displaced—whether IDPs or refugees—is not in itself a durable solution to displacement. Even where the political and security situation permit the displaced to return, there are frequently lasting barriers to sustainable recovery, and returning refugees may become IDPs if they cannot go to their former homes or settle in another place in the country of origin, where they can start normal lives. Ignoring the need to find durable solutions for IDPs and refugees/returnees can negatively affect development since their continued marginalization may hinder economic and social progress, both if they remain in host areas or if they are able to return home. The lack of durable solutions may even become a factor contributing to a relapse into conflict.

From a development perspective, the question of “when displacement ends” therefore has to do with the barriers to and the conditions and processes that underpin durable solutions, and by implication, the development activities that are necessary to achieve such solutions. Displacement only ends when (former) IDPs or refugees no longer have needs that are specifically linked to their having been displaced. In the case of refugees, a solution is deemed achieved when national (in the case of returned refugees) or refugee protection (in the case of refugees integrating in their country of asylum or resettled in a third country) has been effectively restored or established, i.e. that they benefit from a form of legal stay or status in the country, are protected against discrimination, enjoy civil, political and economic rights (including the right to an effective nationality in the case of stateless persons) and have access to domestic remedies in case of problems. To achieve this, IDPs and refugees need to be included in national development plans and programs. Ending displacement is therefore a process rather than a one time event. Achieving durable solutions is a long-term development process.

### **3. THE DEVELOPMENT CHALLENGE**

In addition to a conducive political environment where the concerned governments are committed to promoting durable solutions for IDPs or refugees, ending displacement requires that four key barriers to durable solutions are addressed. These four barriers, which are spelled out in greater detail in the following paper, are inherently developmental in nature:

1. Land, housing and property
2. Re-establishment of livelihoods
3. Delivery of services
4. Accountable and responsive governance

As for those in governments and international agencies that are concerned with development, it is important first of all to recognize the challenge of the development barriers to durable solutions, and secondly to engage and to think of solutions from the outset, so that there is an early engagement with well crafted development interventions to support the displaced to become self-reliant actors that can contribute to the local economy when they are displaced and be better prepared to take advantage of solutions when they come about.

### **4. WHAT IS THE BANK DOING AND WHAT CAN IT DO TO PROMOTE DURABLE SOLUTIONS**

Looking at the nexus of political, humanitarian, security and developmental aspects of displacement, it is fair to say that the developmental efforts by international actors and host governments have lagged behind. Far too often the issue has remained in the Humanitarian box. As the following paper demonstrates, the Bank has undertaken a total of 94 activities in support of displaced populations and has developed the following principles of engagement and assessment of its comparative advantage.

**Principles of engagement.** When the Bank engages in situations of forced displacement it should do so under the guidance of the following principles:

1. Operate on the basis of its comparative advantage to ensure activities complement those of other development actors.
2. Engagement should be early and in a partnership mode.
3. Strive for continuity and flexibility.
4. Engagement should be field based as far as possible.
5. The Bank should apply a displacement angle in its strategies and operations.

**Comparative advantage:** When the Bank does get involved it can make contributions in the following areas where it often will have a comparative advantage:

1. Country specific knowledge and analytical work for policy making and planning
2. Sector expertise and capacity building
3. Financial resources
4. Support for specific urgent infrastructure projects
5. Administration of Multi-donor Trust Funds (MDTFs)
6. Neutral convening capacity and ongoing engagement with governments

**Alignment with Bank policies and procedures:** Bank involvement in addressing displacement is supported by the Bank's policy on *development cooperation and conflict* as well as by its policy on *rapid response to crisis and emergencies*. One of the Bank's president's six priority themes is conflict and fragility which includes forced displacement. Another priority theme is the Arab world and the Bank is willing to work with the governments concerned by Iraq displacement to find lasting solutions.

## **5. THE POLITICAL CHALLENGE**

From our development perspective, I would like to point out that we recognize the enormity and complexity of the political challenge for the government of Iraq and its neighbors. We recognize the efforts already made and the multitude of challenges facing the region to obtain peace and stability.

While this work is very difficult, it will be very important for future peace and stability to tackle head on the development challenge of Iraqi displacement. In doing so it will be important to recognize that it will take time, and that a specific and targeted development focus on the needs of displaced in displacement and in solutions is necessary.

Political courage and willingness to look at fresh policy options may be necessary, as well as an appreciation of the need to look at the issue in a partnership mode to achieve burden sharing.

## **6. A COMPREHENSIVE REGIONAL APPROACH**

Here I will underscore what has been mentioned earlier on the importance of taking a comprehensive and regional approach among governments in the region and international humanitarian and development partners in order to find a comprehensive long lasting solution to Iraqi displacement.

## **THE WAY FORWARD**

In conclusion I want to say that I hope this meeting comes to an understanding that a process involving both national and international actors is required to deal with the Iraqi displacement situation including a clear focus on the development challenges. The Bank is ready to support Iraq and its neighbors to achieve durable solutions with the prerequisite of government buy-in.

In anticipation of a good and constructive debate on the way forward.

Thank you.



# ANNEX IV

## FORCED DISPLACEMENT – THE DEVELOPMENT CHALLENGE<sup>21</sup>

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and

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### 1. INTRODUCTION

1. This note discusses the development dimensions of forced displacement, and the potential role of the World Bank to address these dimensions and contribute to durable solutions for groups who have returned from or are in displacement situations. For the purposes of this note, forced displacement refers to the situation of persons who are forced to leave or flee their homes due to conflict, violence, and human rights violations.
2. Affecting about 42 million people globally, forced displacement involving internally displaced persons (IDPs) or refugees is one of today's biggest humanitarian issues. From one day to the next it deprives individuals and families of their livelihoods and property, and weakens or destroys the fabric of communities and social capital. Compared to the non-displaced population in the area of origin or exile, displacement creates vulnerabilities and needs such as the challenges of finding a safe place to live or adapting to camp life, as well as gaining access to basic humanitarian assistance in the often unfamiliar and insecure location of displacement. While other basic challenges such as livelihoods and access to health or educational services are frequently shared by poor host populations or poor populations in areas of settlement, they become intensified for IDPs and refugees both in exile, and when they strive to find durable solutions to their displacement by returning to their places of origin or settling somewhere else.
3. Displacement triggered by violence and conflict is not only a humanitarian crisis, but is likely to affect political stability if left unattended or inappropriately or poorly governed, or unresolved politically through peace-building. Particularly in fragile and conflict affected countries the presence of displaced persons adds a serious strain on very weak national and local institutions, as

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<sup>21</sup> This note was prepared by Asger Christensen and Niels Harild (TTL) under the initiative on forced displacement by the Conflict, Crime and Violence Team in the Social Development Department. It has not undergone the review accorded to official World Bank publications, but has benefitted from discussions with Bank staff, and with the Representative of the UN General Secretary on IDPs, UNHCR, and UNDP. The findings, interpretations, and conclusions expressed herein are those of the authors, and do not necessarily reflect the views of the International Bank of Reconstruction / The World Bank and its affiliated organizations, or those of the Executive Directors of The World Bank or the governments they represent.

well as potentially causing or exacerbating strained relations between the displaced and the host community. In both fragile and conflict affected countries, and in countries with robust institutional and governance frameworks, displacement can also become the setting for human rights violations and a breeding ground for serious grievances leading to conflict, general violence, crime and instability and further displacement. Displacement may also have longer term negative developmental impacts affecting human and social capital, economic growth, poverty reduction efforts, and environmental sustainability. At the same time, displacement may not only have negative impacts. Where those displaced are able to further develop and make use of their skills and coping mechanisms, displacement may contribute to economic growth benefitting both the displaced and the host region, and may also in the event of return, or successful local integration, or resettlement in third countries bring valuable human and economic capital to the recovery process.

4. Finding economically and socially sustainable solutions to displacement situations therefore constitutes a significant development challenge for the countries with refugees and IDPs, and for the international community, including the World Bank. Addressing displacement has an important bearing on meeting the Millennium Development Goals (MDGs), since displaced populations tend to be the poorest and often experience particularly difficult access to basic services. Effectively addressing the needs of displaced populations is also central to reducing country fragility (and sub-regional fragility in neighboring countries) and enabling successful transitions from conflict to peace. Increased attention to address displacement is therefore aligned with the priorities articulated by the World Bank President on securing development in conflict and fragile situations,<sup>22</sup> and with UN priorities as emphasized by the General Assembly.<sup>23</sup>

## 2. CONCEPTUALIZING FORCED DISPLACEMENT

### a) *Scope of displacement*

5. There are two categories of victims of forced displacement: refugees and internally displaced persons. By the end of 2008, some 15.2 million people were refugees outside their country of nationality or country of habitual residence as a result of violence, conflict and a well-founded fear of persecution, while another 26 million were people displaced by armed conflict, violence and human rights violations, who had not crossed an international border and thus qualify as internally displaced persons.
6. During 2008, some 4.6 million people were forced to become IDPs as a result of conflict, violence and human rights violations in 24 countries (an increase of 900,000 compared with 2007), while

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<sup>22</sup> *Fragile States: Securing Development* delivered in Geneva, September 12, 2008.

<sup>23</sup> General Assembly Resolution 62/153, para. 8: “durable solutions for internally displaced persons, including through voluntary return, sustainable reintegration and rehabilitation processes and their active participation, as appropriate, in the peace-building process, are necessary elements of effective peace-building.” (A/RES/62/153, 18. December 2007).

around 2.6 million IDPs were reported to have returned.<sup>24</sup> Most forced internal displacement in the past decade has been caused by internal armed conflicts rather than international conflicts. Indigenous peoples, minorities, and pastoralists are internally displaced in at least 36 countries and make up a disproportionate share of IDPs across the world.<sup>25</sup> Of the total number of IDPs, 14.4 million or 56% were receiving protection or assistance from UNHCR by the end of 2008.<sup>26</sup>

7. The decline in refugee numbers since 2002 was reversed in 2006 when numbers started to increase again. By the end of 2006, there were around 9.9 million refugees under UNHCR responsibility, and this number increased to 10.5 million by the end of 2008 (not including some 4.7 million Palestinian refugees under the mandate of UNRWA).<sup>27</sup> At the same time, the large-scale repatriation movements observed in the past have diminished, and return figures have dropped since 2004 with current levels being the second-lowest in 15 years.<sup>28</sup> Of the 10.5 million refugees under UNHCR responsibility, 80% live in developing countries, and the five countries where UNHCR assesses that the countries hosting the highest number of refugees compared to their national economy are Pakistan, the Democratic Republic of Congo, Tanzania, Syria, and Chad.<sup>29</sup>
8. Additionally, millions are displaced every year because of natural disasters, and the large majority of these people remain inside their own country as IDPs. By the end of 2007, there were an estimated 25 million people displaced by natural disasters.<sup>30</sup> In 2007 alone, some 400 natural disasters affected over 234 million people, and in 2008 the number of deaths and economic losses from natural disasters increased dramatically. The death toll tripled to 225,800 from an annual average of 66,000 over the last eight years. Economic losses totalled \$181 billion, more than double the annual average of \$81 billion over the same period.<sup>31</sup> It is now very likely that displacement will increase in the medium term due to climate change. In turn, displacement caused by the impact of climate change will intensify pressure on available resources resulting in increased likelihood of conflict. The climate induced displacement triggered by environmental degradation may be sudden such as increasingly severe and sudden floods and storms, or incremental such as water stress, desertification, and droughts, or rising sea levels. Lessons on how to plan and implement lasting recovery for people displaced by conflict and violence are therefore likely to be highly relevant when dealing with future displacement caused by climate change, just as the experience from disaster mitigation has lessons relevant for dealing with conflict induced displacement.

<sup>24</sup> Internal Displacement: Global Overview of Trends and Developments in 2008, Internal Displacement Monitoring Centre (IDMC), Switzerland, April 2009; p.9

<sup>25</sup> Ibid. p.20.

<sup>26</sup> *2008 Global Trends*, UNHCR, June 2009, p.3.

<sup>27</sup> Ibid.

<sup>28</sup> Only some 604,000 refugees repatriated voluntarily during 2008 (Ibid.).

<sup>29</sup> Ibid. p.10.

<sup>30</sup> Ibid, p. 3.

<sup>31</sup> *Annual Disaster Statistical Review 2009*, Center for Research on the Epidemiology of Disasters, Brussels 2009. The increased death toll in 2008 was caused by Cyclone Nargis in Burma and the Sichuan earthquake in China.

**b) Who are refugees and how are they assisted and protected?**

9. According to the 1951 Convention Relating to the Status of Refugees, as modified by the 1967 Protocol, a refugee is a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside his country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.”
10. Thus, refugees are outside their country of nationality or in the case of stateless persons, their country of habitual residence, in places of exile where they are not necessarily welcome and, at the same time, have lost the protection of the country from which they were forced to flee. They are therefore in need of being protected and assisted by countries of asylum as well as by UNHCR. Under the auspices of the United Nations, UNHCR is mandated to provide “international protection, to refugees who fall within the scope of the present Statute, and to seek permanent solutions for the refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.”<sup>32</sup>
11. There are regional instruments with definitions which include additional grounds for recognition of refugee status. Thus, the 1969 Organization of African Unity *Convention Governing the Specific Aspects of Refugee Problems in Africa* includes within the refugee category those persons that are compelled to flee owing to external aggression, occupation, foreign domination or events seriously disturbing public order.<sup>33</sup> In West Africa, the provisions of the five protocols relating to the *Free Movement of Persons, Residence and Establishment* adopted by the Economic Community of West African States (ECOWAS) in May 1979 opens opportunities for solutions to refugees from one member state residing in another by determining that “the Community citizens have the right to enter, reside, and establish in the territory of member states”.<sup>34</sup> In Latin America, the 1984 *Cartagena Declaration on Refugees*, which has inspired the legislation of many states in the region, contains the same criterion as the 1969 OAU Convention of “events seriously disturbing public order,” as well as “massive violation of human rights” and “internal conflicts.”<sup>35</sup>

**c) Who are internally displaced persons and how are they assisted and protected?**

12. The rights of IDPs have been compiled in the 1998 UN *Guiding Principles on Internal Displacement* (Guiding Principles). The Guiding Principles identify IDPs as “persons or groups of

<sup>32</sup> Statute of the Office of the High Commissioner for Refugees, General Assembly Resolution 428(V) of 14 December 1950, Chapter I.1.

<sup>33</sup> See: <http://www.unhcr.org/refworld/docid/3ae6b36018.html>.

<sup>34</sup> The countries adopting the protocol are Benin, Burkina Faso, Côte d’Ivoire, Cape Verde, Ghana, Guinea, Gambia, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, and Togo. See: <http://www.unhcr.org/refworld/docid/492187502.html>.

<sup>35</sup> At: <http://www.unhcr.org/refworld/docid/3ae6b36ec.html>.

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.”<sup>36</sup>

13. The Guiding Principles are not a binding international convention on the rights of IDPs comparable to the Refugee Convention of 1951. However, while not binding in themselves, the Guiding Principles are based upon and reflect binding international human rights and humanitarian law. They have been recognized by the 2005 Summit Outcome documents and the UN General Assembly as an “important international framework for the protection of internally displaced persons.”<sup>37</sup>
14. At the regional level, a milestone was reached with the adoption by the African Union (AU) of the first international treaty – the *Convention for the Protection and Assistance of Internally Displaced Persons in Africa* – in Kampala on October 22, 2009. The Kampala Convention incorporates much of the UN’s Guiding Principles on Internal Displacement and is intended to promote regional and national measures to prevent and mitigate internal displacement, as well as to provide for durable solutions. The Kampala Convention will enter into force as a legally binding treaty once it has been ratified by 15 AU member states.<sup>38</sup> In the Americas, resolution 2417 adopted by the Organization of American States in June 2008 urges member states to consider using the Guiding Principles as a basis for their plans, policies, and programs in support of IDPs and to continue to consider implementing them in their domestic law or policies.<sup>39</sup> The Council of Europe has also promoted the Guiding Principles as a document with international authority and repeatedly urged member state governments with internal displacement situations to develop and implement national policy to protect the rights of IDPs in line with the Guiding Principles.<sup>40</sup>
15. Becoming displaced within one’s own country does not confer special legal status in the same sense as does becoming a refugee. IDPs remain citizens or habitual residents of a particular country and continue to be entitled to enjoy the rights available to the population as a whole. However, because of their special situation, specific needs and the heightened vulnerability that flow from the fact of being displaced, they are entitled to special protection and assistance under the Guiding Principles.

<sup>36</sup> UNHCR document E/CN.4/1998/53/Add.2, dated 11 February 1998.

<sup>37</sup> *2005 World Summit Outcome*, U.N. Doc. A/60/L.1, para. 132, and reaffirmed in several UN General Assembly resolutions.

<sup>38</sup> [www.africa-union.org](http://www.africa-union.org).

<sup>39</sup> Organization of American States General Assembly, AG/RES.2417 (XXXVIII-O/08): Internally Displaced Persons (2008), paras. 2 and 3.

<sup>40</sup> <https://wcd.coe.int/ViewDoc.jsp?id=987573&BackColorInternet=9999CC&BackColor, and http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta09/EREC1877.htm>.

16. As highlighted by the Guiding Principles (Principle 3), the primary responsibility to protect and assist IDPs remains with the authorities of their country. The Brookings-Bern Project has identified the key elements of this responsibility in *Addressing Internal Displacement: A Framework for National Responsibility* (April 2005) setting out 12 key steps governments should take.<sup>41</sup> One element is to adopt displacement-specific laws and policies that incorporate the rights of IDPs into domestic laws in accordance with the Guiding Principles. Fourteen countries have enacted IDP-specific laws or policies, while some other countries are in the process of doing so.<sup>42</sup>
17. Principle 25 establishes that the international community has a subsidiary role of assisting a government in its endeavour to assist those displaced or of substituting it to the extent that authorities are unwilling to fulfil their role, or are unable to do so due to capacity limitations or because state authority has collapsed in a region affected by conflict.
18. As part of the UN Interagency Standing Committee's (IASC) humanitarian reform, a "cluster approach" was introduced in January 2006 as a way of addressing gaps and strengthening the predictability and effectiveness of a humanitarian response to internal displacement through clarifying the division of labor among organizations, and better defining their roles and responsibilities within the different sectors of the response. Today, eleven thematic clusters exist,<sup>43</sup> each of which is coordinated by a UN Agency or sometimes co-led with a NGO which acts as the first port of call on issues relating to the substance of the cluster and as the "provider of last resort" when no other actor is available to undertake necessary activities.<sup>44</sup> Among these, the Early Recovery Cluster with UNDP as the lead agency focuses on promoting early recovery including reintegration through a transition from humanitarian to development assistance based on a coordinated approach involving key partners. One element of this approach involves the integration of the displaced in areas of displacement, elsewhere in the country or integration of the displaced in rural or urban settings through Community Driven Development and area operations that also include resident populations, and through empowering of national governments to take lead responsibility for the transition to durable solutions. In this context the ongoing revision of the May 2007 *Framework for Durable Solutions* for IDPs will be important. The Framework is being revised to clarify and add new elements such as the early recovery

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<sup>41</sup> The Brookings-Bern Project on Internal Displacement was created in 1994 to promote a more effective national, regional, and international response to the global problem of internal displacement and to support the work of the Representative of the UN Secretary-General on the Human Rights of IDPs in carrying out the responsibilities of the mandate.

<sup>42</sup> These countries include Azerbaijan, Bosnia-Herzegovina, Croatia, Georgia, Iraq, Liberia, Nepal, Peru, Serbia, Kosovo, Turkey, Uganda, Cyprus, and the Russian Federation. Draft laws or policies were awaiting adoption by end 2008 in Cote d'Ivoire, CAR, Chad, Nigeria, Sri Lanka, Philippines and Sudan. In Afghanistan, Burundi, Indonesia, and Timor-Leste, the instrument for dealing with IDP situations was a time-bound action plan (*Global Overview 2008*, IDMC, Switzerland, April 2009, p. 28).

<sup>43</sup> Agriculture; Camp coordination and management; Early recovery; Education; Emergency shelter; Emergency telecommunications; Health; Logistics; Nutrition; Protection; Water, Sanitation and Hygiene.

<sup>44</sup> For details see <http://ocha.unog.ch/humanitarianreform/Default.aspx?tabid=70>.

strategy led by UNDP, the inclusion of IDP needs in early recovery strategies, budgetary frameworks and characteristics of durable solutions in protracted internal displacement situations, and the rights, and voice of IDPs in peace processes.

### 3. THE DIFFERENT DISPLACEMENT SITUATIONS

19. The IDPs and refugees affected by forced displacement can be found in three different situations: crisis/emergency, initial displacement, and protracted displacement. However, it is important to stress that these are not clear-cut categories and that they frequently coexist within a country or area. Thus, protracted displacement including attempts to address the situation and assist those displaced may exist next to new displacement as illustrated more than once by events in the case of Afghanistan or Sri Lanka. Successive crisis situations may trigger waves of displacement within a country or region, and this may involve secondary displacement of people who are already displaced as in Eastern Congo, or displacement of people who have recently returned or are attempting to return from a displacement situation as in Afghanistan. Those affected comprise people who are registered or non-registered as displaced; who may be in formalized camps or outside these; and who may be in rural or urban situations.

1. *Emergency situations* occur when people are forced by conflict, violence, or persecution to leave their places of habitual residence or decide on their own to flee the dangers of conflict, and move elsewhere in search of safety in large numbers within relatively short periods of time. In such situations, the challenge for authorities and humanitarian actors is to deliver life-saving assistance such as food, water, sanitation, medical services, and shelter. While the emergency phase may be of fairly short duration, emergency measures may be needed for longer periods, particularly in situations where humanitarian access to the displaced is limited (e.g. for security reasons), or where vulnerabilities remain particularly acute due to situations such as overcrowding of camps, continuing fighting in the vicinity of refugee or IDP camps, epidemics, or tensions with host communities deteriorating into violence. The number of persons in emergency situations can change quickly, depending on the specific situations, and can reach high numbers (e.g. in May 2009, the number of IDPs in emergency situations rapidly increased within a few weeks or even days with more than 1 million newly-displaced in Pakistan, 200,000 in Sri Lanka, and 34,000 in Somalia).
2. *Initial displacement*: In some situations, displacement may last only a few weeks or months, but in most cases people will remain in displacement for some time. Their situation may vary greatly from one conflict to another, from one country to another, between different parts of a country, and even from family to family. Some of those displaced may continue to be in need of humanitarian assistance for an extended period, while others may have found new forms of support or livelihoods. Some may stay in camps, special sites or collective shelters while others find individual solutions staying with relatives and friends or renting accommodation. Some may stay in rural areas whereas others may join the ranks of the urban poor. It is important to note that with the exception of certain countries (e.g. Sudan, Sri Lanka, Uganda) the majority of IDPs do not live in organized camps or collective shelters but stay with host communities or families, or settle spontaneously in rural or urban areas, where they are difficult to identify and

therefore may not benefit from the assistance made available to other, more visible displaced groups. In contrast, refugees tend to be primarily sheltered in camps and collective centers if they stay in countries close to the conflict zone.

3. *Protracted situations* are IDP or refugee situations that, in addition to their prolonged nature, exhibit two key characteristics: (i) the process of finding durable solutions has stalled, and (ii) the displaced are marginalized as a consequence of violation or lack of protection of human rights, including economic, social and cultural rights.<sup>45</sup> Too often, international attention begins to fade after the initial emergency phase, and longer term support becomes less predictable as displacement situations become protracted. Humanitarian assistance and the generosity of host communities are often overstretched, especially when policy frameworks and institutional arrangements are only for short term humanitarian interventions. There is a growing number of both refugees (5.7 million in 29 situations) and IDPs (35 situations) in protracted displacement.<sup>46</sup> These protracted situations are often accompanied by increased poverty levels among refugees and IDPs. It is often the most vulnerable who take the longest to secure durable solutions since they become increasingly marginalized, which poses an obstacle to self-sufficiency. Where the displaced do not have opportunities for livelihoods, but are dependent on aid, the effect can be that coping skills are eroded and replaced by a dependency syndrome. This may also apply to poor host communities in situations of limited opportunities where their scarce resources may be shared with the displaced.
20. Forced displacement impacts and changes the life of refugees and IDPs in a variety of ways, e.g. where displaced of rural origins move to urban situations either during exile or upon return. This may lead to heightened vulnerability through the lack of familiarity with an entirely new environment and lifestyle, and to negative coping mechanisms. It may also offer opportunities for the acquisition of new skills and resources that can make a positive contribution to a durable solution in either exile or upon return. Likewise, educational or health conditions during the period of exile may be better or worse compared to the place of origin of those displaced. Protracted situations in particular, may set the scene for profound social and cultural changes,

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<sup>45</sup> This definition of protracted displacement was agreed at a 2007 IDP seminar hosted by UNHCR and the Brookings-Bern Project on Internal Displacement (IDMC: *Global Overview 2008*, April 2009, p.14). The Universal Declaration of Human Rights states in Article 22 that: "Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality".

<sup>46</sup> UNHCR defines a protracted refugee situation as one where 25,000 or more refugees of the same nationality have been in exile for five years or more in a given asylum country (*2008 Global Trends*, p.7). Since there is a number of situations, where fewer than 25,000 refugees have been in exile longer than five years, the UNHCR assessment that 54% of the refugees under its protection are in protracted situations appear to be on the low side. IDMC assesses that the 35 protracted IDP displacement situations account for most of the IDPs worldwide, but emphasizes the difficulties in arriving at concise numbers, particularly in countries with both protracted and new displacement (IDMC: *Global Overview 2008*, April 2009, p.14).

and these may entail political radicalization. Such changes in turn influence the preferences, needs, and prospects of those displaced, and what should be addressed to support sustainable solutions.

#### 4. THE DISPLACEMENT-DEVELOPMENT NEXUS

21. The relationship between development and forced displacement is complex. It is not only at play during the recovery or end situation, but also at the time when the conditions that can generate displacement emerge, and during the actual displacement when the displaced require development interventions that can initiate the process of achieving durable solutions either upon return or in new locations.

- ❖ *Pre-displacement situation:* What causes the conflict or persecution that triggers forced displacement is in many cases, related to the lack or failure of development resulting in poverty and unemployment, economic and political marginalization, widespread corruption and absence of the rule of law, and lack of or discriminatory use of government authority. Combinations of these factors create conditions that may nurture conflicts that lead to displacement, or weaken the resilience of communities to an extent that allow comparatively small incidents to trigger mass displacement. Development interventions that focus on providing socially inclusive service delivery together with accountable and responsive local governance arrangements may on the other hand help to stabilize regions or communities and thus contribute to prevent conflict and displacement.
- ❖ *Displacement situation:* Forced displacement means loss of housing, land and property, jobs, physical assets, social networks and resources. Too often it also results in food insecurity, increased morbidity and mortality, and social marginalization. Often access to services such as education and health becomes exceedingly difficult because the displaced may have left behind the necessary personal documentation, may not be recognized as having any entitlements under the local government authority where they now reside, or because they can no longer pay for school fees and health services. Together these conditions push the displaced into a cycle of vulnerability, which may grow even worse in those protracted displacement situations where successive generations are affected. The presence of large numbers of IDPs or refugees may have a negative impact on the development of host communities due to pressure on local resources, infrastructure and services, along with environmental degradation. Moreover, after fleeing the effects of armed conflict, generalized violence, or human rights violations, IDPs and refugees often fail to be able to access justice and feel secure in the location of displacement.<sup>47</sup> However, in situations where the host government - if needed

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<sup>47</sup> The IDMC found that in 26 countries, IDPs moved to areas where they still faced attacks and violence, which in most cases specifically targeted their settlements. In 14 of the 26 countries, government forces or associated armed groups were among the main perpetrators (*Global Overview 2008*, IDMC, Switzerland, April 2009, p. 9).

with adequate support—allows refugees access to its educational and health facilities, and provides the right to work or even opportunities for livelihoods, the resulting indicators are better and refugees contribute to the development of local economy.<sup>48</sup> For the displaced, the situation may create gains—e.g. with regard to education or economic activity in places of exile—that in turn may support the emergence of durable solutions either in exile as illustrated by the case of Guatemalan refugees in Mexico’s Yucatan Peninsula, or upon return as illustrated by developments in Eritrea.<sup>49</sup>

- ❖ *Durable solutions:* Apart from security issues and lack of political will, the most common obstacles to durable solutions faced by IDPs and refugees in displacement situations are lack of access to livelihoods and basic services, inadequate housing, and the inability to enjoy their homes and land as economic assets.<sup>50</sup> Return is not in itself a durable solution. Even where the political and security situation permit the displaced to return, there are frequently lasting barriers to sustainable recovery. As experiences in countries such as Bosnia-Herzegovina or Afghanistan indicate, returning refugees may become IDPs if they cannot go to their former homes or another place in the country of origin, where they can start normal lives. Ignoring the need to find durable solutions for IDPs and refugees/returnees can negatively affect development since their continued marginalization may hinder economic and social progress, both if they remain in host areas or if they are able to return home. The lack of durable solutions may even become a factor contributing to a relapse into conflict stoked by actors capitalizing on frustrations among the displaced or the host populations in areas of exile or return. To reduce such risks of perceived marginalization leading to tension and possibly conflict between displaced and host populations, the development activities to support durable solutions whether in areas of exile or in home areas need to be inclusive and target both the displaced, returnees, and the host communities. The increasing urbanization of displacement, where people forced from rural areas move to urban settings (e.g. displaced from Southern Sudan in Khartoum), or where returnees with a rural background do not go back to their villages but to towns (e.g. Afghan refugees settling in Kabul), means that durable solutions for displaced need to be integrated into urban planning for infrastructure and service delivery and mainstreamed into systems of local governance.

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<sup>48</sup> The presence of Angolan refugees in the Western Province of Zambia since the 1970s contributed to local development, and their repatriation was paralleled by a decline in agricultural productivity in the Western Province. (A. Betts: *Development assistance and refugees: Towards a North-South grand bargain?*, Forced Migration Policy Briefing 2, Refugees Studies Centre, Univ. of Oxford, June 2009, p.7-8).

<sup>49</sup> Guatemalan refugees in Mexico’s Yucatan Peninsula received assistance in the 1990s to promote self-sufficiency, which benefitted both the refugees and their areas of exile (Betts, 2009, p.7). Refugee return to Eritrea brought human resources and social capital that benefitted the country’s post-conflict recovery, and projects comprising infrastructure, education, and health, which were initially designed to improve the situation of the returnees also helped spur wider community development (D. Helling: *State of the displaced: The role of returning displaced persons in post-conflict state reconstruction*, LSE Development Studies Institute, Working Papers # 07-80, February 2007, p. 45).

<sup>50</sup> Ibid.

## 5. DURABLE SOLUTIONS: THE DEVELOPMENT CHALLENGES

22. Displacement can end in different ways. IDPs may return to the place from which they fled, settle in the place they fled to, or move to a third location within the country. Refugees may return to their place of origin; return to another part of their country of origin, settle in their country of first asylum, or resettle in a third country. Return movements can happen spontaneously immediately after the end of hostilities or even during an ongoing conflict, when the displaced consider it safe enough to return to areas where things have calmed down, or when they are compelled to go back because of lack of assistance or security in the areas they had been displaced to. Although the return is often part of an organized effort by authorities and international actors to end displacement, a significant number of the displaced may return without assistance.<sup>51</sup> Even where refugees receive some assistance for the return itself, the development needs of the returnees are not necessarily integrated into reconstruction planning.<sup>52</sup> In general, IDPs tend to return earlier than refugees.
23. However, as discussed above, it requires more to bring displacement to an end than the disappearance of its immediate causes (e.g. ending conflict through signing of a peace agreement), or the return of the people who were displaced. For both IDPs and refugees, the return to their area or country of origin, or settlement elsewhere does not necessarily mean that they find durable solutions to the situation of displacement. From a development perspective, the question “when displacement ends” therefore has to do with the barriers to and the conditions and processes that underpin durable solutions, and by implication, the development activities that are necessary to achieve such solutions. Displacement only ends when (former) IDPs or refugees no longer have needs that are specifically linked to their having been displaced. In the case of refugees, a solution is deemed achieved when national (in the case of returned refugees) or refugee protection (in the case of refugees integrating in their country of asylum or resettled in a third country) has been effectively restored or established, i.e. that they benefit from a form of legal stay or status in the country, are protected against discrimination, enjoy civil, political and economic rights (including the right to an effective nationality in the case of stateless persons) and have access to domestic remedies in case of problems. These persons should be included in national development plans and programs. Ending displacement is therefore a process rather than a one time event.<sup>53</sup>
24. In addition to a conducive political environment where the concerned government is committed to promoting durable solutions for IDPs or refugees/returnees (see Section 6), development interventions are needed to address the key barriers to such solutions:

<sup>51</sup> The principle of voluntary choice is embodied in international human rights law and prohibits, in particular, forced return. Where forced return is nevertheless undertaken, it has tended not to be sustainable.

<sup>52</sup> Thus, the initial needs assessment done in 2001-02 for Afghanistan did cover returnee rehabilitation needs. *Framework for Durable Solutions for Refugees and Persons of Concern*, UNHCR, Geneva, May 2003, p.20.

<sup>53</sup> UNHCR: *Framework for Durable Solutions for Refugees* (EC/53/SC/INF.3; September 2003), and Brookings-Bern Project on Internal Displacement: *When Displacement Ends – A Framework for Durable Solutions*, (June 2007). The Framework is currently under revision to include new elements such as inclusion of the needs of IDPs in early recovery strategies along with corresponding budgetary provisions.

- a. *Land, housing and property* that belonged to the displaced have in many IDP and refugee situations been taken over by others.<sup>54</sup> How effectively the protection of housing, property and land rights is undertaken often proves crucial for the ability of IDPs and refugees to find a solution to their displacement, for both those who chose to return to their former homes and also for those who chose to settle elsewhere. Just as significantly, the resolution of land, housing and property disputes is essential to sustainable recovery and livelihood restoration in these places. Addressing this issue through mechanisms for property recovery, compensation, exchange or restitution constitutes a major challenge that in most situations is not successfully dealt with. Even where IDPs and refugees choose to settle in another location because they are unable or unwilling to return to their place of origin, the restoration or restitution of housing, land and property rights can provide crucial capital to allow them to build a future elsewhere.
- b. *Reestablishment of livelihoods* is critical if solutions to displacement are to become sustainable, both if the displaced return home or if they have to integrate elsewhere. Return areas characterized by the legacy of past conflict or low level violence often have limited economic growth and few employment opportunities. If access to former livelihoods is not possible (e.g. because land and property can not be regained, or because opportunities or permission to use existing skills do not exist in the place of exile), support for the creation of new livelihood opportunities through development interventions that build skills, and provide access to credit and markets become critical for durable solutions.
- c. *Delivery of services* such as health care (including psycho-social services to deal with the traumas of conflict and exile, and the challenges of adapting to a new life), education, drinking water and sanitation, access to infrastructure and services, and often also assistance to obtain adequate housing is essential for durable solutions both upon return and in places of exile. Often access to public services requires the provision of new identity documentation where this was lost or destroyed during displacement. A critical public service is restoration of the rule of law through redeployment of a well-functioning police and judiciary. Another critical public service involves *security*, which relates not only to the absence of fighting and violence, but also to issues such as demobilization, disarmament and reintegration of former combatants, demining, and reconciliation.
- d. *Accountable and responsive governance*, particularly at the local level, is critical to ensure that issues relating to recovery - including land and property, livelihoods, or service provision— are resolved in ways that are viewed as legitimate by both the (former) IDPs and refugees,

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<sup>54</sup> IDMC found that displacement is often followed by settlement of other groups in the vacated properties. Such groups can be from non-displaced neighboring groups, people who themselves have been displaced, or groups who are supported by or allied with the government. In 29 displacement situations, the land and houses of IDPs had been occupied by the members or families of armed forces or groups, while in 33 situations IDPs had lost land and houses as a result of destruction and looting (*Global Overview 2008*, IDMC, Switzerland, April 2009, p.23).

and the communities where they settle. To provide the displaced with opportunities for equal participation and voice in local planning, alongside host populations or those in their home areas who never left or returned earlier, consultation and participation processes may draw on existing forms of social capital or may require creation of new arrangements that replace social fragmentation with cohesion. Information sharing and communication between the displaced and the communities where they are going to settle are critical to the planning of return or integration or local integration in areas of displacement. Thus, where displaced return to their communities of origin, this could involve visits by representatives of the displaced before their return to assess conditions and participate in planning to ensure that local development activities target both the (formerly) displaced persons and the communities where they settle. In fragile and conflict affected countries where government capacity may be weak, a focus area for assistance needs to be resources to support implementation of national laws and policies on displacement, and support to enhance the technical, planning, and operational capacity of the government entities responsible for dealing with both the humanitarian and development dimensions of displacement. In post-conflict situations, the support may also involve specific measures to promote reconciliation and co-existence. This may be required both to promote cohesion among different groups at the community level, and to change the relationship between society and state in a way that links community level organizations with local government structures.

25. Although refugees are found all over the world, most refugees find asylum in a country near their own. UNHCR estimates that 84% of refugees remain in their region of origin.<sup>55</sup> Major protracted refugee situations such as that of Afghan refugees in Pakistan and Iran, of Sudanese refugees in Kenya, Uganda, Chad and the Central African Republic, or Iraqi refugees in Syria and Jordan therefore call for regional approaches. Different refugee groups may require different solutions tailored to facilitate their return to their areas of origin, settlement in a different part of their country of origin, or integration in the host country.

## **6. GAPS IN RESPONDING TO THE DEVELOPMENT DIMENSIONS OF DISPLACEMENT SITUATIONS**

26. The idea of moving beyond emergency humanitarian assistance by using targeted development assistance to support durable solutions for displaced people is not new. UNHCR did in the 1980s promote the concept of *Refugee Aid and Development*, which was applied in both the International Conference on Assistance to Refugees in Africa (ICARA) in 1981 and 1984, and the International Conference on Assistance to Refugees in Central America (CIREFCA) in 1989. In 1999 the issue was taken up again through the so-called *Brookings process*, which set out to define a new way of addressing the relief to development transition of forced displacement. In 2003, the approach was revived as part of the *Framework for Durable Solutions for Refugees*

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<sup>55</sup> 2008 *Global Trends*, UNHCR, June 2009, p. 7.

*and Persons of Concern* comprising the three tools of (i) Development Assistance for Refugees (DAR), (ii) the 4Rs of Repatriation, Reintegration, Rehabilitation, and Reconstruction, and (iii) Development through Local Integration (DLI).<sup>56</sup> The UNHCR initiatives were based on the understanding that in post-conflict situations, the development needs of refugees and returnees have not systematically been incorporated in transition and recovery plans by the concerned governments, the donor community and the UN system. Addressing these needs would require additional development resources together with broad-based partnerships between governments, and humanitarian as well as multi- and bilateral development agencies. However, ultimately these initiatives were short-lived since donors offered limited additional funding for activities promoting durable solutions for refugees, and refugee hosting nations made limited commitments to durable solutions through self-sufficiency and local integration.<sup>57</sup>

27. The introduction of the cluster approach in early 2006, comprising the Early Recovery Cluster led by UNDP, is based on the same recognition that development principles have to be applied early on to humanitarian situations to stabilize local and national capacities from further deterioration, so that they can provide the foundation for full recovery and support durable solutions for IDPs within areas of return or settlement elsewhere in the country. The Internal Displacement Monitoring Centre (IDMC) in its *Global Overview of Trends and Developments in 2008* notes that while it is still early days to consider the impact of the humanitarian reform measures on IDPs, the cluster approach has resulted in strengthened predictability, response capacity, coordination and accountability.<sup>58</sup>
28. Yet, refugee assistance appears to continue to be viewed primarily as a humanitarian rather than a development issue on the assumption that once the initial crisis stabilizes and immediate needs are met, longer-term solutions will be found to address the plight of the displaced.<sup>59</sup> This ignores that around 54% of the world's refugees under UNHCR protection are in protracted displacement situations, and that refugee return alone does not constitute a durable solution for the returnees. Similarly, the IDMC review found that international attention to internal displacement still tends to fade following the initial emergency phase, and that longer-term support tends to decline and become less predictable as displacement situations become protracted. Moreover, post-emergency and development support has tended not to target IDPs as a distinct group and so has often failed to meet their specific needs.<sup>60</sup>
29. Thus, the critical gap in the international response to displacement continues to be the lack of

<sup>56</sup> *Framework for Durable Solutions for Refugees and Persons of Concern*, UNHCR Core Group on Durable Solutions, Geneva, May 2003, p.3. At: <http://www.unhcr.org/refworld/docid/4124b6a04.html>.

<sup>57</sup> Betts, 2009, p.6-8.

<sup>58</sup> At the end of 2008, there were globally 24 complex conflict emergencies that were addressed through the cluster approach (IDMC: *Global Overview 2008*, April 2009, p.32).

<sup>59</sup> Betts, 2009, p.4.

<sup>60</sup> *Global Overview 2008*, April 2009, p.11, 27 and 31.

early planning and inadequate resources to support a transition from humanitarian to development interventions that promote durable solutions for the displaced. The persistence of this gap seems to reflect general gaps in international post-conflict recovery efforts:<sup>61</sup>

1. The lack of a shared (country level) recovery strategy that encompasses political, security, development, and humanitarian tools to guide the efforts of bilateral and multilateral international actors in support of a particular government.
  2. The lack of quickly available and flexible funding that can provide resources in response to early windows of opportunity for development interventions that support durable solutions for displaced within the broader recovery effort.
  3. The lack of assessments and joint follow-up action /implementation to address the capacity gaps with regard to human resources and systems for planning and implementation in governments that are in an early recovery situation.
30. As a consequence, the four central development challenges confronting the achievement of durable solutions for displaced outlined above (Section 5) also represent critical gaps that need to be addressed. In addition, there is a lack of systematic monitoring and evaluation of the results of development interventions to support durable solutions, as well as a more general lack of detailed information on IDP populations and of mechanisms allowing monitoring of whether IDPs have reached durable solutions.<sup>62</sup> This may in part be a reflection of the lack of continuity in financial support to durable solutions, but it also means that there is a need to generate solid documentation on the results of initiatives such as those for Guatemalan refugees in Mexico's Yucatan peninsula and for Sudanese refugees in Uganda in order to furnish the lessons that can strengthen development interventions to support durable solutions for the displaced.
31. In addition to the gaps in the international assistance approach outlined above, the scope for finding durable solutions to displacement is critically influenced by the political economy conditions, which frame the opportunities and constraints for pursuing such solutions. Thus, the frequent reluctance of development actors to consider durable solutions to address protracted refugee situations can often be attributed to four factors: (a) that refugees are not part of the host government's political constituency, and are therefore not included in national development plans, (b) that refugees are often located in remote areas, which are not a priority for the host government, (c) that refugees are not viewed as a priority by development actors because they normally follow the priorities of the recipient government,<sup>63</sup> and (d) that low prospects for support by host governments for local integration of refugees reinforce the reluctance by development actors to advocate interventions that support this as a durable solution.

<sup>61</sup> *Recovering from War: Gaps in International Action* by the New York University's Center on International Cooperation. The report was based on analysis of the six cases of Sudan, Afghanistan, Haiti, East Timor, Lebanon, and Nepal, and was presented at the DFID hosted *International Meeting on International Support for Post-Conflict Stabilization and early Recovery* held in London on July 11, 2008.

<sup>62</sup> IDMC: *Global Overview 2008*, April 2009, p.27; and Betts, 2009, p.7, 8, and 18.

<sup>63</sup> *Framework for Durable Solutions*, UNHCR, Geneva, May 2003, p.5.

32. Post-emergency and development support tend not to target IDPs as a separate group and so have often failed to meet their specific needs.<sup>64</sup> The willingness or ability of development actors to consider activities that could support early recovery involving durable solutions for IDPs may be influenced by (a) the lack of government control over areas of IDP origin and the consequent inability of the government to protect and assist IDP return,<sup>65</sup> (b) the denial by governments that conflict induced displacement exists within the country and therefore that IDPs should be considered eligible for assistance,<sup>66</sup> (c) the consequent refusal of cooperation or the imposition of serious bureaucratic obstacles on the international community's ability to assist IDPs, (d) the focus in most national laws and policies on IDP return to areas of origin as the only option for a durable solution,<sup>67</sup> and (e) the gaps that exist between policies and practice as well as institutional arrangements in many countries especially in relation to durable solutions.<sup>68</sup>
33. Some of the challenges of assisting the recovery of displaced populations are shared across post-conflict and post-natural disaster situations. However, in its global overview of trends and developments in 2008, IDMC found that the international response to displacement caused by natural disasters was in most cases better organized than that addressing conflict induced displacement. This was due to different combinations of factors such as better government capacity in disaster affected countries compared to those affected by complex conflict situations, better (safer) physical access, and fewer political barriers compared to conflict situations where humanitarian space may be denied by both the government and insurgent groups.<sup>69</sup> So, while conflicts and disasters have each generated huge numbers of IDPs globally, the development challenge of economically and socially sustainable recovery posed by conflict induced displacement is even more intricate than in the case of natural disasters.
34. A recent paper from the Refugees Studies Centre, University of Oxford, makes the case that a critical measure to overcome the reluctance of governments to engage in creating durable

<sup>64</sup> *Global Overview 2008*, IDMC, Switzerland, April 2009, p.31.

<sup>65</sup> Countries which lack control over IDP areas of origin are Afghanistan, Azerbaijan, Chad, Colombia, Cote d'Ivoire, Cyprus, DRC, Ethiopia, Georgia, Mexico, Nepal, Philippines, Senegal, Serbia, and Syria (*Global Overview 2008*, IDMC, Switzerland, April 2009, p. 26).

<sup>66</sup> In eight countries namely, Ethiopia, Indonesia (in Papua), Israel (including OPT), Burma, Sudan (Darfur), Turkmenistan, Uzbekistan, and Zimbabwe, the displacement of an aggregate of around 4 million IDPs is not acknowledged by the national authorities (*Global Overview 2008*, IDMC, Switzerland, April 2009, p. 28).

<sup>67</sup> The UN and civil society entities have long advocated a broader notion of durable solutions, and in Georgia, the government in 2007 after years of exclusive emphasis on return, committed to facilitate local integration in its strategy on IDPs (Ibid, p.29).

<sup>68</sup> UN Human Rights Council, *Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin: addendum: high-level conference on "Ten years of the Guiding Principles on Internal Displacement - achievements and future challenges" (Oslo, 16 and 17 October 2008): summary of the Conference Chair*, 11 February 2009, p. 4, (A/HRC/10/13/Add.3), available at: <http://www.unhcr.org/refworld/docid/49abc00d2.html>.

<sup>69</sup> Ibid, p.33.

solutions for IDPs or for the refugee groups that they are hosting would be additional dedicated development assistance supporting an integrated approach that targets both displaced, returnees, and local populations.<sup>70</sup> This assistance should not substitute for existing budget lines that would otherwise benefit country nationals (in the case of assistance to refugees) or groups that make up the governments primary constituency (in the case of assistance to IDPs). The potential benefits for donor countries of a stronger effort to create durable solutions for displaced would be in summary, to reduce potential irregular secondary movements of displaced to the donor countries (with the added costs, security concerns, and potential for social tension that this often entails), to help eliminate potential sources for destabilization and to reduce the long-term humanitarian budget. For the countries with displaced, addressing displacement as a development challenge would help lessen fragility by reducing social conflict and insecurity through benefitting local host communities, contributing to the development of marginal border and other regions, and strengthening government capacity and systems to manage inclusive development processes.

## 7. THE WORLD BANK'S ROLE IN ADDRESSING CONFLICT INDUCED DISPLACEMENT

35. Since the 1980s, the World Bank has undertaken 94 activities (84 operations and 10 pieces of analytical work) that address forced displacement in different ways with funding from trust funds and International Development Association (IDA) operations.<sup>71</sup> IDA/International Bank of Reconstruction and Development (IBRD) operations constitute 47% of the activities, followed by Trust fund operations (42%), and analytical work (11%). Of the 94 activities, 42 (45%) are active, while 52 (55%) are closed.<sup>72</sup> The bulk (68%) of the 84 Bank supported operations entails support for return to communities of origin for either refugees or IDPs. Durable solutions for IDPs in either their original communities or in another location within their country has been supported by 20% of the operations, while 7% have supported refugees in finding durable solutions in exile. Together these activities that support durable solutions constitute 91% of the operations. The remaining 9% of the operations either address development needs for IDPs or refugees in protracted displacement situations.

<sup>70</sup> A. Betts: *Development assistance and refugees: Towards a North-South grand bargain?* Forced Migration Policy Briefing 2, Refugees Studies Centre, Univ. of Oxford, June 2009.

<sup>71</sup> The trust funds include the State- and Peace-Building Fund (SPF), the Post Conflict Fund (PCF), and the LICUS Trust Fund. A review of 17 PCF grants for refugees and IDPs was undertaken in 2004 to assess performance against best practices and found that overall the activities did this 'reasonably well'. Areas that called for strengthening included (i) attention to the political and security context and to what is possible, (ii) institutional and skills assessment of partners, (iii) arrangements to facilitate continuity in funding beyond the short PCF grant period, (iv) prioritization of information management including evaluations, and (v) incorporation of gender considerations into the design. S. Rajagopalan: *Within and Beyond Borders – An Independent Review of Post-Conflict Fund Support to Refugees and the Internally Displaced*, Social Development Papers No. 17, October 2004.

<sup>72</sup> See note on *Forced Displacement – Overview of the World Bank Portfolio*, July 2009, by the Conflict, Crime and Violence Team in the Social Development Department.

36. Examples of such operations in the Europe and Central Asia Region are the targeted support for IDPs in Azerbaijan, support for self reliance opportunities for IDPs in Georgia, for IDP income generation and improved access to services in Croatia, and for education in areas in Albania hosting refugees from Kosovo. In the East Asia and Pacific Region, activities supporting IDPs are implemented in Mindanao in the Philippines, Aceh in Indonesia, and Timor Leste. In the South Asia Region, the engagement has comprised support to IDPs in Sri Lanka, different forms of support for Afghan refugees in Pakistan from the eighties onwards, and more recently rehabilitation assistance in Afghanistan to returning refugees and IDPs as part of an IDA supported CDD project. In the Africa Region examples include community based reintegration of IDPs and refugees in Côte d'Ivoire and in rural areas in Burundi, as well as the IDA funded Community Reintegration and Recovery Fund in Sierra Leone and a social fund operation in Angola. In the Middle East and North Africa Region, activities have been initiated to support displaced Iraqis in Jordan, Lebanon, and Syria, and Palestinian refugees displaced by fighting in Lebanon. In Latin America, an operation to protect the land rights of IDPs is being implemented in Colombia.
37. As argued above, the transition from relief to development is not linear and all actors – humanitarian and developmental—need to be engaged from the onset to ensure that the development dimensions of the recovery are addressed. Lasting solutions to displacement require long-term sustained efforts, and each situation will require consultations among actors as to the composition of the most effective package of interventions. Moreover, opportunities and constraints for addressing IDP situations vary substantially across countries depending on the political, security, and governance contexts.
38. *Strategic principles:* The implications for Bank involvement is that the approach to deal with forced displacement as a development issue should be based on the following principles:
- ❖ *Comparative advantage:* The Bank's involvement in addressing forced displacement should draw on its comparative advantage involving analytical work, sector development expertise, and convening ability to complement the work of other actors (UN, bilateral, NGO, governments) in supporting the transition between humanitarian aid and the development assistance required to promote sustainable solutions for displaced people.
  - ❖ *Early engagement and partnership:* The Bank should engage with governments and international actors from the start of a crisis generating displacement, so that it can be in a position to effectively support early recovery strategies and activities in coherence with the activities of partners and the concerned government. Such involvement will help ensure that the frequent gaps between humanitarian aid and development assistance with regard to both planning and funding do not contribute to create protracted displacement situations.
  - ❖ *Continuity and flexibility in engagement:* While early involvement by the Bank is critical, development activities to promote lasting and sustainable solutions for those displaced also

require continuity in the engagement, as well as sufficient flexibility to enable adjustment to rapidly evolving circumstances.<sup>73</sup>

- ❖ *Field based engagement:* The Bank's engagement should as much as possible be field based, and take into consideration the country context including the needs of those displaced, the opportunities and constraints for addressing displacement defined by the political economy conditions of the country (or region) and by champions in the government, as well as activities of partner agencies (e.g. within the cluster approach where UNDP leads the early recovery cluster). Interventions should be broad based and not only focus on the displaced, but should also support communities in the geographical areas of displacement and return. Interventions could comprise either new operations, or existing sector operations adapted to ensure inclusion of displaced people among the beneficiaries.
- ❖ The Bank should *apply a displacement angle/filter* to ensure that displacement is addressed in analytical (e.g. Poverty Assessments) and operational work, and where relevant also in Country Assistance Strategies (CAS) and Interim Strategy Notes (ISN).

39. *The key development challenges* (as described in Section 5) involve addressing the critical barriers to durable solutions, namely that:

- ❖ *Rights to land, property and houses* formerly belonging to the displaced people are being contested and denied,
- ❖ *Livelihoods* are difficult to reestablish,
- ❖ *Delivery of services* such as security, education and health is frequently inadequate, obstructed or absent, and,
- ❖ *Local governance* and rule of law are often weak, government capacity is limited, its legitimacy damaged, and social capital at the community level impaired.

40. *Bank contribution:* Within its expertise and mandate, the Bank would bring to the table:

- (i) Country specific knowledge and analytical work to facilitate government, partner and Bank planning (e.g. systematic provision of socio economic or sector data, or economic impact analysis of displacement to support policy making and planning, or information on long-term reintegration programs as part of a Post-Conflict Needs Assessment, or analysis of the environmental impacts of displacement situations).

<sup>73</sup> The 2004 review of the 17 PCF grants for refugees and IDPs found that short-term funding for a one to two year implementation period proved inadequate to produce all the envisaged outcomes, and that there was a need to ensure continuity in funding, e.g. by letting the TF activity fund a pilot phase for a larger operation based on the lessons learned (S. Rajagopalan, p. 14, 16).

- (ii) Sector expertise in areas such as education, skills development, inclusive area development, community driven development (CDD) approaches, land management, private sector development, agricultural development, and government capacity building that contribute to develop the mechanisms required for sustainable solutions during and beyond humanitarian assistance.
  - (iii) Financial resources in the form of grants from Trust Funds for urgent needs and pilot operations, or grants and loans for larger operations from IDA or IBRD resources, including Bank mobilized resources from other donors that contribute to bridge the partnership between client countries, donors, the UN and NGOs.
  - (iv) Support for infrastructure (e.g. port or road facilities) that are critical for either humanitarian access or longer term development activities to assist the displaced.
  - (v) Experience on coordination and administration of multi donor trust funds.
  - (vi) Convening of government and development actors to develop shared approaches to address specific situations.
41. ***Alignment with Bank policies and priorities:*** A more focused and consistent engagement in addressing the development dimensions of forced displacement to support durable solutions for displaced people is fully aligned with Bank policies and priorities.

Operational Policy 2.30 of 2001 on *Development Cooperation and Conflict* provides for support to countries vulnerable to conflict, countries in conflict, and countries in transition from conflict.

- ❖ In countries determined to be vulnerable to conflict, the objective is to promote economic growth and poverty reduction through development assistance that minimizes potential causes of conflict,
- ❖ The objectives in countries in conflict are continued efforts at poverty reduction and maintenance of socioeconomic assets (which conceivably should include the human capital represented by IDPs and refugees), impact analysis, and preparation for resumption of Bank assistance.
- ❖ For countries in transition from conflict, the priorities to support the overall policy objective of economic and social recovery can include reintegration of refugees and other war affected populations (e.g. IDPs) into the economy.<sup>74</sup>

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<sup>74</sup> OP 2.30, Note 16.

42. A new Operational Policy 8.00 on *Rapid Response to Crises and Emergencies* came into effect in March 2007. By its guiding principles, Bank support for relief to recovery transitions should be based on its core development and economic competencies, and such support should be provided in close coordination involving establishment of appropriate partnership arrangements with other development partners, including the United Nations. One of the objectives of the policy is to establish and/or preserve human, institutional, and/or social capital including economic reintegration of vulnerable people, who include refugees and IDPs.
43. In October 2007, the Bank's President identified fragile states as one of the six global challenges confronting the Bank.<sup>75</sup> In a speech on *Fragile States: Securing Development* in Geneva in September 2008, the President further singled out displacement (of refugees) as both resulting from and contributing to the fragility of such states. He listed ten priorities to be considered in meeting the challenge posed by fragile states, and eight of these—other than provision of security and macro-economic stability—are embedded in the approach outlined above for Bank engagement in addressing the development dimensions of forced displacement.<sup>76</sup>

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<sup>75</sup> President's Note to the Development Committee, October 21, 2007.

<sup>76</sup> The other eight priorities are (i) build the legitimacy of the state, (ii) build rule of law and legal order, (iii) bolster local and national ownership, (iv) pay attention to the political economy, (v) crowd in the private sector, (vi) coordinate across institutions and actors, (vii) consider the regional context, and (viii) recognize the long-term commitment.



# ANNEX V

## LIST OF PARTICIPANTS

### *Regional Governments*

#### **Republic of Iraq**

Committee for Relocated, Displaced and Migrants, Council of Representatives:

Abdel Khaliq Mohammad Rasheed Zangana, Chairman

Mr. Pasem J. Noor, Deputy Chairman

Ms. Azhar Abdel Majeed Hussain Al Samarraie, Rapporteur

Mr. Amer Thamer Ali Al Karam, Member, Committee for Human Rights, Council of Representatives

Mr. Hussein Jasim Nasser Al-Zuhairi, Deputy Minister for Administration, Ministry of Human Rights

Mr. Haider Hussein Mahdi Al-Ukaili, Director General of the Legal Department, Ministry of Human Rights

MG Ali Adnan Younis Qatami, Commander of Police of Baghdad Governorate, Ministry of Interior

MG Fakhri Tahir Fleih Al Shwaili, Office of the Deputy Ministry for Support Services, Ministry of Interior

#### **Hashemite Kingdom of Jordan**

Mr. Adel Al-Hadid, Ministry of the Interior

Ms. Feda Gharaibeh, Director, Iraq Coordination Unit, Ministry of Planning and International Cooperation

#### **Lebanon**

H.E. Mr. Hasan Saad, Ambassador of Lebanon in Qatar

Ms. Samar Slaibi, Embassy of Lebanon in Qatar

#### **Arab Republic of Egypt**

H.E. Mr. Mohamed El Sherif, Counsellor, Embassy of Egypt in Qatar

#### **NGOs**

Mr. Fyras Mawazini, Executive Director, NGO Coordination Committee in Iraq

Dr. Kamel Mohanna, President, Amel Association

#### **Yemen**

H. E. Dr. Ali Muthanna, Deputy Minister of Foreign Affairs, Chief of National Committee for Refugee Affairs (NACRA)

### *International Organizations*

#### **OCHA**

Mr. Michael McDonagh, UN Office for the Coordination of Humanitarian Affairs – Iraq

#### **RSG**

Walter Kälin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons

#### **UNHCR**

Mr. Andrew Harper, Head, Iraq Support Unit, UNHCR, Geneva

Mr. Daniel Endres, UNHCR Representative for Iraq

**IOM**

Mr. Peter van der Auweraert, Senior Legal Officer

**ICRC**

Mr. Olivier Humbert-Droz, Deputy Head of Delegation in Iraq

Mr. Nasir al Samaraie, Advisor to the Head of Delegation in Iraq

Mr. Michel Meyer, Diplomatic Advisor, Multilateral Diplomacy and Humanitarian Coordination Unit

**Donors****US**

Ms. Samantha Power, Senior Director for Multilateral Affairs, National Security Council; White House Coordinator for Iraqi Refugees and Displaced Persons

Mr. Scott Busby, Director of Human Rights, Office of Multilateral Affairs and Human Rights, National Security Council

Mr. Mark Storella, Senior Coordinator for Iraqi Refugees and Displaced Persons, U.S. Department of State

Mr. Andrew Barash, Senior Humanitarian Coordinator, USAID

**EU**

Mr. Yorgos Kapranis, ECHO Representative on Iraq

**Japan**

Mr. Yuichi Nishida, Deputy Representative, Japanese International Cooperation Agency (JICA) Iraq Office

**Canada**

Mr. Bruce Scoffield, Minister Counsellor, Embassy of Canada in Syria

Ms. Edwina O'Shea, Second Secretary, Embassy of Canada in Syria

**Denmark**

Mr. Jens Ole Hansen, Deputy Head of Mission, Embassy of Denmark, Jordan

**Switzerland**

Mrs. Santi Vege, Regional Director, Swiss Agency for Development Cooperation

**The World Bank**

Mr. Niels Harild, Lead Displacement Advisor, The World Bank

Mr. Colin Scott, Lead Social Development Specialist, The World Bank

Ms. Lene Lind, Senior Social Development Specialist, The World Bank

**Brookings Institution**

Ambassador Martin S. Indyk, Vice President and Director, Foreign Policy

Dr. Elizabeth G. Ferris, Senior Fellow and Co-Director, Brookings-Bern Project on Internal Displacement

Mr. Hady Amr, Director, Brookings Doha Center

Ms. Jacqueline Geis, Development and Project Manager, Brookings-Bern Project on Internal Displacement

Ms. Erin Williams, Project Coordinator, Brookings-Bern Project on Internal Displacement



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