

POLICY PAPER  
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# The Looming Crisis: Displacement and Security in Iraq

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## LIST OF ACRONYMS

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AQI	AL QAEDA IN IRAQ
CAP	CONSOLIDATED APPEALS PROCESS
CPA	COALITION PROVISIONAL AUTHORITY
CRRPD	COMMISSION FOR THE RESOLUTION OF REAL PROPERTY DISPUTES
EIA	ENERGY INFORMATION ADMINISTRATION (U.S.)
GOI	GOVERNMENT OF IRAQ
ICG	INTERNATIONAL CRISIS GROUP
ICRC	INTERNATIONAL COMMITTEE OF THE RED CROSS
IDPs	INTERNALLY DISPLACED PERSONS
IOM	INTERNATIONAL ORGANIZATION FOR MIGRATION
IRIN	INTEGRATED REGIONAL INFORMATION SERVICE
ITG	IRAQI TRANSITIONAL GOVERNMENT
KRG	KURDISTAN REGIONAL GOVERNMENT
MNF-I	MULTI-NATIONAL FORCE IRAQ
MoDM/MoM	MINISTRY OF DISPLACEMENT AND MIGRATION (RECENTLY RENAMED MINISTRY OF MIGRATION)
NATO	NORTH ATLANTIC TREATY ORGANIZATION
NCCI	NGO COORDINATION COMMITTEE IN IRAQ
OCHA	OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS
PDS	PUBLIC DISTRIBUTION SYSTEM
PKK	KURDISTAN WORKERS' PARTY
PLO	PALESTINIAN LIBERATION ORGANIZATION
PRTs	PROVINCIAL RECONSTRUCTION TEAMS
RSG	REPRESENTATIVE OF THE SECRETARY-GENERAL
TAL	TRANSITIONAL ADMINISTRATIVE LAW
UIA	UNITED IRAQI ALLIANCE
UNAMI	UNITED NATIONS ASSISTANCE MISSION FOR IRAQ
UNDP	UNITED NATIONS DEVELOPMENT PROGRAM
UNHCR	UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
UNICEF	UNITED NATIONS CHILDREN'S FUND
USAID	U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
USG	UNITED STATES GOVERNMENT



## A WORD ON TERMINOLOGY:

The term “displaced” is used here to refer to both refugees and internally displaced persons (IDPs) which have clear meanings in international law. This report also uses the term “refugees” to describe Iraqis who have left their country in search of safety—even though they are not technically refugees (as the governments which host them have not ratified the 1951 Refugee Convention).

According to the 1951 U.N. Refugee Convention, a refugee is a person who:

*“owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, unwilling to return to it.”*<sup>1</sup>

Internally displaced persons (IDPs) are:

*“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or natural or human-made disasters and who have not crossed an internationally recognized State border.”*<sup>2</sup>

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<sup>1</sup> The Convention Relating to the Status of Refugees, [http://www.unhcr.ch/html/menu3/b/o\\_c\\_ref.htm](http://www.unhcr.ch/html/menu3/b/o_c_ref.htm)

<sup>2</sup> United Nations, 1999, *Guiding Principles on Internal Displacement* (New York: Office for the Coordination of Humanitarian Affairs)





## EXECUTIVE SUMMARY

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Lost in discussions of the military surge, the pace of troop drawdowns, and political benchmarks are millions of displaced Iraqi women, children, and men. Their plight is both a humanitarian tragedy and a strategic crisis that is not being addressed. The massive Iraqi displacement is like the proverbial elephant in the room: U.S. administration officials may acknowledge it as an important issue but lack a serious long-term plan to address the crisis. There is a risk that ignoring this humanitarian dimension will be yet another in a series of strategic blunders by the U.S. government with far-reaching political consequences. After all, the displacement of less than a million Palestinians from Israel in 1948 was initially seen as a temporary humanitarian problem, requiring temporary humanitarian solutions. Today it is hard to imagine the Middle East without the Palestinian diaspora. Present and future Iraqi displacement has the potential to change the Middle East landscape in unpredictably adverse ways. But if thoughtful policymakers—in the U.S. government, the U.N. system, and the non-governmental world—do not think strategically about Iraqi displacement, the implications for security in the region could be equally far-reaching.

The emergency is remarkable from a global perspective as well, as it represents one of the world's most urgent crises—albeit one that is frequently overlooked. If a similar percentage of the U.S. population

were displaced, this would represent over 50 million Americans—the equivalent in displacement of those uprooted by 50 Hurricane Katrinas. The U.N. Undersecretary of Humanitarian Affairs and Relief Coordinator, John Holmes, noted recently, “What may surprise some of you is that the number of displaced in Darfur is comparable to the number of internally displaced people in Iraq. While many are aware of the suffering of civilians in Darfur, it saddens me to see that the daily threats faced by Iraqis, exacerbated, of course, by the ongoing violence, are still under-reported and under-estimated.”<sup>3</sup> A report from Oxfam and NCCI released in July 2007 revealed staggering figures: eight million Iraqis in need of immediate humanitarian assistance including four million food-insecure.<sup>4</sup>

In the mainstream public debates over the Iraq war, far too little attention has focused on the humanitarian crisis. This may be because the Iraqi victims are largely invisible to Western media. While nightly U.S. newscasts highlight the number of casualties among U.S. troops, they rarely mention the number of Iraqis killed or maimed, except for occasional reports of death tolls at the hands of large-scale attacks. Rarely, if ever, do they mention such disparate issues as the massive brain drain that has taken place in Iraq, the staggeringly high unemployment rates, or the growing destitution of Iraqi refugees in Syria. These are not just humanitarian issues. They are strategic concerns

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<sup>3</sup> Opening Remarks by Sir John Holmes, Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator at the DIHAD 2008 Conference, UN OCHA April 8, 2008. <http://www.reliefweb.int/rw/RWB.NSF/db900SID/YSAR-7DHL88?OpenDocument>

<sup>4</sup> Oxfam, NCCI, “Rising to the Humanitarian Challenge in Iraq,” Briefing Paper No. 105. [http://web.mit.edu/humancostiraq/reports/oxfam\\_iraq.pdf](http://web.mit.edu/humancostiraq/reports/oxfam_iraq.pdf)

of the highest order. Few in positions of power are giving displacement issues the attention they deserve.

This report analyzes the political dimensions of Iraqi displacement, beginning with a short description of the present situation and its historical background. It then analyzes the implications of the large-scale internal displacement on the security of both Iraq and its two neighbors who host the largest number of Iraqi refugees. A discussion of U.S. policy, European concerns, and the response of the United Nations is followed by analysis of returns of the displaced, with particular attention to the burning issue of property compensation. The study concludes with recommendations to the U.S. government and to the broader international community.

Displacement is not new in Iraq. In fact, the Saddam Hussein regime used forced displacement as a way of strengthening control over the country; by the time of the U.S.-led invasion in March 2003, there were around one million Iraqis who were internally displaced and another 400,000 or so living in refugee-like conditions in other countries. This history of displacement has influenced patterns of current displacement and has led to complicated territorial disputes and property claims. In conflict-prone areas, such as the Turkish-Iraqi border, the country's disputed territories (e.g. Kirkuk), Baghdad, and Basra, among others, there is the potential for even more displacement.

Iraq's displacement crisis is massive; according to the best estimates, the number approaches two million refugees and 2.7 million internally displaced persons (IDPs). Although the pace of displacements has slowed in the last six months, few IDPs and refugees have been able to return, their resources are running out and international assistance has been inadequate. In Iraq and neighboring host countries, displaced families blend into urban landscapes, making them less visible than refugees living in overcrowded camps. The delivery of humanitarian aid to this ur-

ban population has been difficult—and, in the case of Iraq, very dangerous.

Displacement is not just an accidental by-product of the conflict, but is both an objective and a strategy in the armed struggle—a way of consolidating territorial and political control. Displacement by “ethnic cleansing” is changing—perhaps permanently—Iraq's sectarian geography with clear consequences for the country's eventual political reconciliation and stability. Iraq's Ambassador to the U.S. has called the refugee flows to neighboring countries a flight of “moderation.”<sup>5</sup> Iraqi families, many of them educated members of the middle-class, have fled the sectarian conflict, refusing to join in or become exterminated by groups touting extremist views. These moderate families, he hopes, will return to the country. If solutions aren't found for Iraq's refugees and internally displaced, there can be no peace in Iraq.

No government in the region—or indeed in the world—wants Iraqi refugees. Jordan and Syria, which together host the largest number of Iraqis, have virtually closed their borders to Iraqis seeking safety. In both countries, there are concerns about the social impact and economic costs of the presence of the refugees (although they are not recognized as refugees). Both governments are also worried about the security implications of hosting so many Iraqis. Reports of increasing destitution among the refugees are linked to fears that desperate men may join insurgent groups, just as desperate women are increasingly turning to prostitution. Given the region's experience in hosting Palestinian refugees for 60+ years, there are fears that the displacement of Iraqis could be a protracted one with the potential of de-stabilizing governments. If the refugees were to return too soon or *en masse*, they would be a de-stabilizing force for Iraq, particularly given the tremendous potential for conflicts over property. If refugees cannot return to their homes, they will either join the ranks of the internally displaced or try to return to exile. Neither solution bodes well for Iraq.

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<sup>5</sup> Samir Shakir Mahmood Sumaida'ie, Ambassador of Iraq to the United States of America at the Woodrow Wilson Center, April 9, 2008. [http://www.wilsoncenter.org/index.cfm?fuseaction=events.event\\_summary&event\\_id=400820](http://www.wilsoncenter.org/index.cfm?fuseaction=events.event_summary&event_id=400820)

Addressing Iraq's displacement crisis is not just a question of compassion but a fundamental security issue—security for Iraq, for the countries in the region, and for the United States. Long-term planning should be a priority, as the humanitarian catastrophe will not dissolve on its own. And contingency planning is needed for possible reversals in security gains.

## RECOMMENDATIONS FOR THE U.S. GOVERNMENT

- *The U.S. government should put humanitarian issues high on the U.S. agenda for Iraq and should include a humanitarian perspective in its long-term planning.*
- *The U.S. government should play a leadership role in mobilizing more humanitarian assistance for Iraq's war-affected civilian population, internally displaced persons and Iraqi refugees living in neighboring countries.*
- *To signal the importance the U.S. places on the humanitarian situation in Iraq, President Bush should name a senior Humanitarian Coordinator for Iraq who is mandated to work with government agencies to ensure that humanitarian assistance is provided, that policies are coherent and consistent, that the movement of Iraqi refugees isn't stonewalled by bureaucratic impediments.*
- *The U.S. government should press the government of Iraq to assume its responsibilities to protect and assist those displaced within its borders and to explore ways of supporting its citizens in exile.*
- *The U.S. government should work in close collaboration with the United Nations and support its humanitarian space.*
- *The U.S. should work with the U.N., the Government of Iraq and other actors to plan for durable solutions for the displaced, with a particular focus on planning for returns and for property restitution or compensation.*



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# INTRODUCTION

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Since the 2003 U.S.-led invasion of Iraq, millions of Iraqis have been forced to flee their homes because of fear—fear of sectarian violence, fear of coalition forces, fear of bandits and kidnappers. Many leave because they have been targeted by sectarian militias or because of explicit threats to their lives. Some leave because they cannot get medical care inside Iraq, because their children cannot go to schools, or because their businesses are no longer sustainable. Today over 2.7 million Iraqis are displaced inside Iraq's borders with another two million living in neighboring Syria and Jordan.<sup>6</sup> This is the largest uprooting in the Middle East since the Palestinians were displaced nearly 60 years ago.

Security is elusive for most of Iraq's displaced. They do not know how they will survive, whether they will be forced to move again, or when—if ever—they can go home. Unless solutions are found for those who are internally displaced within Iraq and for Iraqi refugees living in other countries, lasting security for Iraq will be elusive as well. Resolving the displacement crisis in Iraq will have consequences for security, for political reconciliation, and for the entire region. Displacement and security are inextricably linked.

Humanitarian assistance to Iraqis has become one of the largest and most complex humanitarian operations in the world. The international aid community

has tried to draw attention to the often desperate plight of the war's victims and to mobilize international assistance to respond to their needs. But their discussions are largely outside the attention span of those writing from the perspective of national security who—when they have paid attention at all to Iraq's displaced—have tended to talk in terms of the need to “contain” the spillover of Iraq's problems in the region and to prevent the de-stabilization of the region by the presence of refugees.<sup>7</sup> The two communities are largely speaking past one another and rarely engage in discussing the links between security and humanitarian issues. Nowhere in the world are these linkages more important than in the present humanitarian crisis in Iraq.

This study examines the political dimensions of Iraqi displacement, beginning with a short description of the present situation and the implications of the large-scale internal displacement on Iraq's security, followed by an overview of the impact of Iraqi displacement on two of Iraq's neighbors: Jordan and Syria. The report then discusses U.S. policy and the response of the United Nations. Possible solutions are then considered, with particular attention to the burning issue of property compensation. The study concludes with recommendations to the U.S. government and to the broader international community.

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<sup>6</sup> IOM, “Emergency Needs Assessments, Bi-Weekly Report” 15 March 2008. [www.iom.int/jahia/webdav/shared/shared/mainsite/media/docs/reports/iraq\\_idp\\_assessment\\_march08.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/media/docs/reports/iraq_idp_assessment_march08.pdf).

<sup>7</sup> Daniel L. Byman and Kenneth M. Pollack, *Things Fall Apart: Containing the Spillover from an Iraqi Civil War*. The Brookings Institution, Analysis Paper No. 11, January 2007. [http://www.brookings.edu/papers/2007/01iraq\\_byman.aspx](http://www.brookings.edu/papers/2007/01iraq_byman.aspx).





# AN OVERVIEW OF IRAQI DISPLACEMENT

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## Displacement is massive

UNHCR and International Organization for Migration (IOM) report that there are around two million Iraqis living outside of Iraq and another 2.7 million who are displaced within their country.<sup>8</sup> Approximately one in six Iraqis has been forcibly uprooted, and the displacement continues. Since the bombing of the al-Askari Mosque in Samarra in February 2006, sectarian violence has become the leading cause of displacement.<sup>9</sup> The displacement contributes to the sectarian polarization in the country as people are being displaced from mixed communities to single-sect ones.

“[I]n essence, people flee to areas where they feel safer. Shi’a go to Shi’i areas. Sunnis go to Sunni areas. Kurds go to the northern provinces and Christians go to parts of Dohuk province (and most of those who can leave the country do.) The result is that hard-line authorities then hold sway over cleansed territories.”<sup>10</sup>

Displacement is not just an accidental by-product of the conflict. As we have seen in other parts of the

world, displacement itself has become an objective in the military struggle—a way of consolidating territorial control.<sup>11</sup>

## Displacement is taking place in an insecure economic environment

Displacement is taking place not only in a context of widespread violence and insecurity, but also in one of economic decline. Standards of living are lower than before the war. The Iraqi Ministry of Planning states that upwards of 40 percent of Iraqis are currently living in “absolute poverty.”<sup>12</sup> International agencies warn of the impact of critical shortages of water and sewage systems,<sup>13</sup> noting that 65 percent of Iraqis have no access to piped drinking water and nearly 75 percent have no access to a good sewage system. Of Baghdad’s three sewage plants, one is reportedly out of action, another is working at below capacity, and the third has a pipe blockage which leads to sewage forming a large lake.<sup>14</sup> One of the main reasons for this is inadequate maintenance. UNICEF explains that since 2005, over 600 workers from the Ministry of Municipalities and Public Works have been killed attempting to repair these networks.<sup>15</sup>

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<sup>8</sup> UNHCR and the IDP Working Group, “Internally Displaced Persons in Iraq – Update” 3 February 2008. IOM Emergency Needs Assessments – Post-February 2006 Displacement in Iraq: Bi-weekly Report, 15 March 2008.

<sup>9</sup> Ashraf al-Khalidi and Victor Tanner, *Sectarian Violence: Radical Groups Drive Internal Displacement in Iraq*, Occasional Paper, Brookings Institution-University of Bern Project on Internal Displacement, October 2006

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

<sup>11</sup> There have been many news reports on this. See for example, Ned Parker and Ali Hamdani, “How violence is forging a brutal divide in Baghdad,” *The Times* (UK), 14 December 2006. “Sunni Arabs flock to Fallouja to escape Baghdad violence,” *Los Angeles Times*, 4 January 2007.

<sup>12</sup> Oxfam, NCCI, “Rising to the Humanitarian Challenge in Iraq,” Briefing Paper, July 2007, p. 10.

<sup>13</sup> Ibid.

<sup>14</sup> IRIN, “Iraq: Baghdad residents’ health at risk for lack of water, sewage systems,” 20 March 2008.

<sup>15</sup> UNICEF, “Iraq’s water and sanitation crisis adds to dangers faced by children and families,” 20 March 2008, [www.unicef.org/infobycountry/iraq\\_43232.html](http://www.unicef.org/infobycountry/iraq_43232.html).

Shortages of electricity in some parts of the country are causing serious hardships. In parts of Baghdad, electricity is often available only one hour per day and many residents find it difficult to pay for electricity when it is available.<sup>16</sup> Transportation within the country is difficult as a result of the war; it is dangerous for people to go to work when they have jobs and it is hard for businesses to continue operating. The U.N. Development Program (UNDP) found in 2006 that 54 percent of the population was living on less than US\$1 a day although the Iraqi government maintains that the

*"I and my parents lost our jobs in the government so we started to use our savings. Today, we are living in a ghetto and sometimes even breakfast has to be forgotten because there is no money for that."*

—Mounir (32) IRIN  
"Iraq: Unemployment and Violence Increase Poverty,"  
17 October 2006.

figure is lower. The World Food Program (WFP) in May of 2006 reported that four million Iraqis are food-insecure with over eight million more at risk and dependent on daily rations provided by the Public Distribution System.<sup>17</sup>

Unemployment is variously estimated at between 40 and 60 percent.<sup>18</sup> Although data are limited, it is thought that IDPs are more likely to be unemployed than those who are not displaced and less likely to be able to access the Public Distribution System (PDS) through which most Iraqis receive food rations. In fact, the greatest needs identified by Iraqi IDPs are shelter (for 71 percent), food (for 70 percent), and access to work (for 60 percent).<sup>19</sup> The International Organization for Migration (IOM) reported in December 2007 that with the start of winter, families are struggling with the additional burden of meeting rising fuel costs.<sup>20</sup> Moreover, the Iraqi casualties have a clear economic

impact, particularly as most of the casualties are men in a society where the participation of women in the labor force is low. When a family loses a male relative or when he suffers a serious injury, there are economic consequences for the family's ability to survive. Family income declines and wives and mothers need to seek employment in the labor market. The breakdown of day-to-day routines, such as children staying home from school and the constant insecurity in traveling to shop or work is creating stress for large numbers of Iraqis.<sup>21</sup>

### Internal displacement is a national problem

Every one of Iraq's 18 governorates has registered internally displaced persons. In looking at the central and southern Iraqi governorates, Baghdad hosts by far the greatest number of IDPs—over 365,000 of the one million plus that have become internally displaced since the Samarra bombings of February 2006.<sup>22</sup> Current research shows that the bulk of recent IDPs are in the center of the country—not only in Baghdad but also Ninewah, Anbar, Diyala, Kirkuk, and Salah al-Din—they number over 635,000. The southern governorates (which include Babylon, Basra, Diwaniya, Karbala, Missan, Muthanna, Najaf, Thi-Qar, and Wasit) host almost 405,000 and the northern governorates (Dahuk, Erbil, and Sulaymaniyah) host over 225,000 of the post-February 2006 IDPs.<sup>23</sup> The

*"I never imagined that one day I was going to be forced by destiny to feed my children from the remains of other people's food. We always had good food on our table when my husband was alive but since he was killed in August 2005, my life has gone from bad to worse."*

—Barira (36) IRIN  
"Iraq: Hundreds Forced to Scavenge for Food in Garbage Bins,"  
17 October 2007.

<sup>16</sup> ICRC, *Iraq: No Let-up in the Humanitarian Crisis*, March 2008, p. 11.

<sup>17</sup> World Food Program/Central Organisation for Statistics and Information Technology (COSIT), *Food Security and Vulnerability Analysis in Iraq*, May 2006.

<sup>18</sup> For example, Amnesty International reports that "half the population of working age is unemployed." See Amnesty International, *Carnage and Despair: Iraq Five Years On*, March 2008. [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/RMOI-7CSJMV-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/RMOI-7CSJMV-full_report.pdf/$File/full_report.pdf). Also see Ahmed Ali and Dahr Jamail, "Iraq: Unemployment Too Becomes an Epidemic," IPS, 21 February 2008, which states, "Unemployment in Iraq has been between 60-70 percent over the last two years, according to the government in Baghdad. This is nearly twice what it was in the period of the sanctions in the 1990s."

<sup>20</sup> UNHCR and the IDP Working Group, "Internally Displaced Persons in Iraq – Update" 3 February 2008.

<sup>21</sup> IOM Emergency Needs Assessments – Post February 2006 Displacement in Iraq: Biweekly Report, 1 December 2007.

<sup>22</sup> International Organization for Migration, "Bleak prognosis on Iraqi displacement in 2007," 26 February 2007.

<sup>23</sup> UNHCR and the IDP Working Group, "Internally Displaced Persons in Iraq – Update," 3 February 2008, p. 3.

majority—around 800,000—of the pre-war IDPs were (and most still are) residing in the northern governorates. Some of those who were displaced long ago have undoubtedly found solutions, but many continue to live in limbo, waiting until the situation back home changes so that they can return.<sup>24</sup>

### **Displacement is a regional issue**

The massive displacement of Iraqis is obviously a major concern in the region. Presently over one million Iraqis are living in Syria, another 500,000 in Jordan and smaller numbers in several other countries in the region.<sup>25</sup> In the region, only Iran, Egypt, Israel and Yemen are signatories to the 1951 Refugee Convention which means that Iraqis living in neighboring states are not considered to be refugees with the rights and responsibilities entailed by this status. Rather they are considered as guests or visitors. But guests—unlike recognized refugees—do not have rights. Governments fear that the Iraqis may not only stay a long time, but that Iraq's conflict may spill over into their countries.<sup>26</sup> Most governments in the region essentially closed their borders to Iraqis at the outset of the war. Currently, even those that responded generously in the early days of the crisis—Jordan and especially Syria—have also closed their borders, leaving few safe options for refugees. The impact of the refugees on the host countries is discussed in more detail below.

### **This is an urban population**

Most of the current violence occurs in towns and cities, which serve as battlegrounds for coalition forces fighting insurgents, and are the primary site of sectarian violence. This is an urban war and it is

thus no surprise that those who are displaced are an urban population. Some 80 percent of the IDPs in the country are from Baghdad, many of whom have moved to other neighborhoods in the capital city. Iraqi refugees in other countries are also urban refugees. In fact, this is the largest urban refugee situation in the world. While there are many positive aspects to the Iraqi dispersal among the host communities' populations rather than concentrated in camps, one of the clear consequences of the urban nature of the displacement is that it is less visible. It is harder to get a handle on the conditions facing urban IDPs and refugees and even on their numbers. This makes it more difficult to organize humanitarian assistance to people who seek security by remaining out of sight.

People who are displaced within Iraq have rented homes in sectarian-friendly areas or have sought refuge with family or friends. But as displacement drags on, the welcome is wearing thin and some local authorities are trying to restrict the arrival of more internally displaced persons. Freedom of movement for Iraq's IDPs, and for Iraqi citizens generally, is becoming limited. According to IOM, half of Iraq's 18 governorates restrict IDP entry to some degree. Some restrictive policies are designed to shape the ethnic make-up of the governorate; others are designed to prevent IDPs from settling permanently. In Karbala and Najaf, for example, IDPs are not allowed to enter with furniture. All restrictive governorates argue that their infrastructure and social services are stretched. Presently only nine out of eighteen governorates (Babylon, Baghdad, Basra, Diyala, Salah al-Din, Missan, Muthanna, Thi-Qar, and Wassit) continue to allow entry of people displaced from other governorates.<sup>27</sup>

<sup>24</sup> The question of 'when displacement ends' has been the subject of considerable discussion in the humanitarian community. See, for example, *When Displacement Ends: A Framework for Durable Solutions*, The Brookings-Bern Project on Internal Displacement, June 2007. Available in pdf form at <http://www.brookings.edu/reports/2007/09/displacementends.aspx>.

<sup>25</sup> Human Rights Watch, *The Silent Treatment: Fleeing Iraq, Surviving in Jordan*, New York: Human Rights Watch, November 2006. IRIN, "JORDAN: Visa fine waiver not enough to lure Iraqis home," 21 February 2008. <http://www.irinnews.org/Report.aspx?ReportId=76867> ("Last week Jordan granted illegal Iraqi residents the chance to rectify their legal status by waiving visa fines for those who wish to return home, and reducing by 50 percent visa fines for those who wish to remain in the kingdom." According to IRIN, Jordan temporarily lifted fines on expired visas so those who had overstayed and now wished to return to Iraq could do so without financial penalty and without receiving a "not allowed to enter Jordan" stamp in their passports, as is typically the case for those in violation of visas. The temporary lift also allowed those wishing to remain a 50% discount on fines in the 17 February–17 March 2008 period.

<sup>26</sup> See for example, Daniel L. Byman, Kenneth M. Pollack, *Things Fall Apart: Containing the Spillover from an Iraqi Civil War*, Analysis Paper, no. 11, The Saban Center for Middle East Policy at the Brookings Institution, January 2007.

<sup>27</sup> IOM, "IDP December 2007 Governorate Profiles," December 2007. [www.iom-iraq.net/library.html#iomIraq](http://www.iom-iraq.net/library.html#iomIraq)

The high number of arrivals creates resentment in host communities as prices increase and public services are strained. While most of Iraq's governorates have established some camps for IDPs, they tend to be in remote areas or lack basic services. Only one - two percent of IDPs are living in tented camps and most leave the camps as soon as they are able to do so. They resist camps because of the lack of privacy, close family ties, and perhaps also because of the historic association of camps with long-standing Palestinian camps in the region. In February 2008, the Ministry of Displacement and Migration (MoDM)<sup>28</sup> announced that it would build an unspecified number of residential compounds for IDPs, each of which would cost US\$5 million and house 300 displaced families. However, Iraqi NGOs expressed concern that these compounds should neither be sectarian nor permanent.<sup>29</sup> According to the U.N.'s Office for the Coordination of Humanitarian Affairs (OCHA), 24 percent of IDPs live in abandoned public buildings, former military barracks, or other collective settlements, and there are consistent reports that the Iraqi government is seeking to evict these squatters.<sup>30</sup> Squatter buildings often lack basic utilities and are vulnerable to violent attacks.<sup>31</sup> Others who have been forced from mixed areas are ushered into the vacated homes of displaced families by militants intent on "homogenizing" neighborhoods. There are also reports of "house-swapping," sometimes facilitated by real estate agents who arrange for Shi'i and Sunni families to exchange homes.<sup>32</sup> Unless these exchanges are purely voluntary, they represent another form of internal displacement. With few safe places for the displaced to go, most Iraqis have limited options.

## Iraq's displaced are women and children

Not only have many more men than women been killed and wounded in the war, but most of the 35,000 or so detainees are male—which means that increasing numbers of women are living as widows, without spouses, or in limbo. As in other displacement situations, some 80 percent of the IDPs are women and children. Women-headed households face particular difficulties; in some parts of Iraq, women are harassed and threatened when they venture out on their own in search of employment. Nationwide, 45.3 percent of women described their access to employment opportunities as "poor" and 26.6 percent said they have no opportunities at all. This is compounded by the pervasive feeling of insecurity; in Baghdad 73 percent of women interviewed said they do not feel protected by the police.<sup>33</sup> In Jordan, and especially in Syria, refugee women find it difficult to find jobs to support their families. Their access to reproductive health services is limited.<sup>34</sup> In exile, Iraqi women and girls have increasingly been forced into prostitution to support their families.<sup>35</sup> Iraq's future generation of women is threatened, too, as many families no longer allow their daughters to attend school.<sup>36</sup>

*"Not knowing what happened to a husband, a father, or a brother in the midst of war is hard for women. On one hand, in their society, they are not wives or widows—they are something in between. On the other, they become the bread-winners in their families."*

—Jamila Hammami  
ICRC tracing officer for Iraq  
ICRC, *Iraq No Let-up in the Humanitarian Crisis*  
March 2008, p. 4

<sup>28</sup> The Ministry has reportedly changed its name to the Ministry of Migration, but is still commonly referred to as MoDM.

<sup>29</sup> IRIN, "Iraq: Compounds for IDPs should not be a permanent situation, officials warn," 16 March 2008. [www.irinnews.org/Report.aspx?ReportId=77306](http://www.irinnews.org/Report.aspx?ReportId=77306).

<sup>30</sup> UN-OCHA, "Humanitarian Crisis in Iraq: Facts and Figures," November 2007, p. 3. IRIN, "Defense Ministry asks IDPs to Evacuate Former Military Base," 27 January 2008. National Public Radio, "Baghdad Squatters Face Deadline to Leave," 20 February 2007. IRIN, "New security plan could make more homeless," 15 February 2007.

<sup>31</sup> IRCO, Disaster Management Department: "Report on IDPs in Iraq," 7 March 2007.

<sup>32</sup> IRIN, "Iraq: Sunni, Shia Families Swap Homes in Bid to Remain Safe," 4 July 2007; Stephanie Taylor, "Many Iraqis Abandoning Homes for Safety," PBS Online NewsHour, 5 March 2007; Larry Kaplow, "Rising Numbers of Displaced Iraqis Foment Violence, Social Problems," Cox News Service, 4 February 2007.

<sup>33</sup> Women For Women International, "2008 Iraq Report: Amplifying the Voices of Women in Iraq," March 2008, pp. 21-22.

<sup>34</sup> "Iraqi Refugee Women and Youth in Jordan: Reproductive Health Findings – A Snapshot from the Field," Women's Commission for Refugee Women and Children, September 2007. [http://www.womenscommission.org/pdf/jo\\_rh.pdf](http://www.womenscommission.org/pdf/jo_rh.pdf).

<sup>35</sup> The problem of prostitution and female trafficking has become so prominent and dire that the Syrian government recently passed new legislation to address the situation. See IRIN, "Syria: New draft law targets sex traffickers," 17 March 2008.

<sup>36</sup> See IRIN, "Number of girls attending school dropping, say analysts," 27 October 2007.



*“Two years ago, my three year old sister and I left our home in Basra and went to stay at our aunt’s house. My parents said that everything was okay and that they would join us in a week. We took some clothes and my sister took her doll. We waited for weeks but my parents never came. My aunt told me that I am the man of the family now and that I should take care of my sister. She doesn’t know our parents are dead and always asks when we will go back home. But when I am older I will take her home and I will take care of her.”*

—Ali (13) ICRC,  
*Iraq No Let-up in  
the Humanitarian Crisis*  
March 2008, p. 4

A recent IOM assessment of Iraqis living in Jordan and Lebanon found that men increasingly stay at home for security reasons: men are more likely to be apprehended by security forces than either women or children. But by staying home, they lose their traditional role of being the breadwinners within the family. The loss of this position as protector and provider, exacerbated by other stresses, has in some cases led to an increase in domestic violence.<sup>37</sup> One quarter of women par-

ticipating in a focus group in Jordan reported acts of domestic violence, and 15 percent reported that they were suffering an increase in domestic violence.<sup>38</sup>

Refugee children are easily and often employed in the illegal job markets in their host countries, and low percentages attend school. When they do go to school, they perform poorly. The IOM assessment of displaced Iraqis in Jordan and Lebanon found that “more than 30 percent of the male adolescents above 15 years old do not believe that attending school could help them improve their social and economic status.”<sup>39</sup>

## Some groups are particularly vulnerable

In this climate of generalized violence and insecurity, minorities often also face systematic violence, due to their specific ethnic, national, or religious backgrounds. According to a 2007 study by Minority Rights Group International (MRG), particularly vulnerable religious groups include Christians (Armenian, Assyrian, Syriac, Chaldean), Sabeen-Mandean, Jews, Bahá’ís, and Yazidis. Among ethnic minorities of concern are Turkmen, Faily Kurds, and Shabaks. Finally, migrant and refugee communities, most notably Palestinians, are also at particular risk.<sup>40</sup> These minorities, constituting roughly 10 percent of Iraq’s population, have been subject to directed violence, kidnappings, expulsion, intimidation, and political and economic marginalization. MRG notes that one factor exacerbating the danger these communities face is that, “regardless of individual behaviour, minority groups are negatively perceived by Islamist insurgents as supporters of the MNF-I, followers of the West and as disrespecting Muslim values.”<sup>41</sup>

## The displaced are traumatized

All of those displaced from their homes experience a sense of loss, despair and uncertainty about the future. Those displaced by conflict usually experience the loss of family members and friends and often find themselves separated from family members and far from traditional support mechanisms. In Jordan, for example, 20 percent of families assessed by IOM are separated because of security or other constraints.<sup>42</sup> Moreover humanitarian agencies and governmental social services departments tend to see psychological support services as a luxury—to be dealt with after

<sup>37</sup> “Iraqi Refugee Women and Youth in Jordan: Reproductive Health Findings – A Snapshot from the Field,” Women’s Commission for Refugee Women and Children, September 2007; International Organization of Migration, Assessment of Psycho-Social Needs of Iraqis Displaced in Jordan and Lebanon, February 2008.

<sup>38</sup> International Organization of Migration, Assessment of Psycho-Social Needs of Iraqis Displaced in Jordan and Lebanon, February 2008. [http://www.iom.int/jahia/webdav/shared/shared/mainsite/published\\_docs/brochures\\_and\\_info\\_sheets/report\\_psy\\_assessment.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/brochures_and_info_sheets/report_psy_assessment.pdf); IRIN, “Jordan: Increased Domestic Violence among Iraqi Refugees,” 29 April 2008. <http://www.irinnews.org/report.aspx?ReportId=77972>.

<sup>39</sup> Ibid., p. 17.

<sup>40</sup> Preti Taneja, *Assimilation, Exodus, Eradication: Iraq’s minority communities since 2003*” Minority Rights Group International, 2007. [http://www.unhcr.se/Pdf/Position\\_countryinfo\\_2007/MRGIraqReport.pdf](http://www.unhcr.se/Pdf/Position_countryinfo_2007/MRGIraqReport.pdf).

<sup>41</sup> Ibid.

<sup>42</sup> International Organization of Migration, Assessment of Psycho-Social Needs of Iraqis Displaced in Jordan and Lebanon, February 2008. [http://www.iom.int/jahia/webdav/shared/shared/mainsite/published\\_docs/brochures\\_and\\_info\\_sheets/report\\_psy\\_assessment.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/published_docs/brochures_and_info_sheets/report_psy_assessment.pdf).

the more immediate needs of shelter, food and medical care are provided. Although data are limited, the

few existing surveys of the psychological needs of Iraqi refugees are sobering.

“A convenience sample survey, conducted by UNHCR found that among Iraqi refugees registering with UNHCR between 31 October and 25 November 2007, the prevalence of depression and anxiety was high, 89 percent and 82 percent (n=384) respectively. Every survey respondent reported experiencing at least one traumatic event with the mental health and trauma data analyzed by the Centers for Disease Control (CDC), based in Atlanta. Among respondents:

- 77 percent reported being affected by air bombardments and shelling or rocket attacks
- 80 percent reported being witness to a shooting
- 68 percent reported interrogation or harassment by militias or other groups with threats to life
- 22 percent had been beaten by militias or other groups
- 23 percent had been kidnapped
- 72 percent had been eye witnesses to a car bombing
- 75 percent knew someone close to them who had been killed or murdered

Although respondents were asked questions about any exposure to such events in the previous ten years, virtually all reported events dated from 2003 to the present. All the reported events took place within Iraq itself. Respondents were also specifically asked about torture. Of the 120 surveyed:

- 16 percent persons who reported being tortured (a finding similar to the figure reported in the UNHCR database of 135,000 refugees)
- 61 percent reported being beaten with fists and 58 percent with other objects
- 18 percent reported being given electric shocks
- 5 percent had objects placed under their nails
- 6 percent had burns inflicted.

Of those tortured:

- 69 percent reported having been tortured by militias
- 9 percent by police
- 8 percent by prison guards
- 3 percent by the Iraqi army
- 3 percent reported being raped between 2003 and the present
- 6 percent reported having seen a family member raped (all occurred in 2006 and 2007).”

—UNHCR, *Iraq Situation Update, March 2008*.

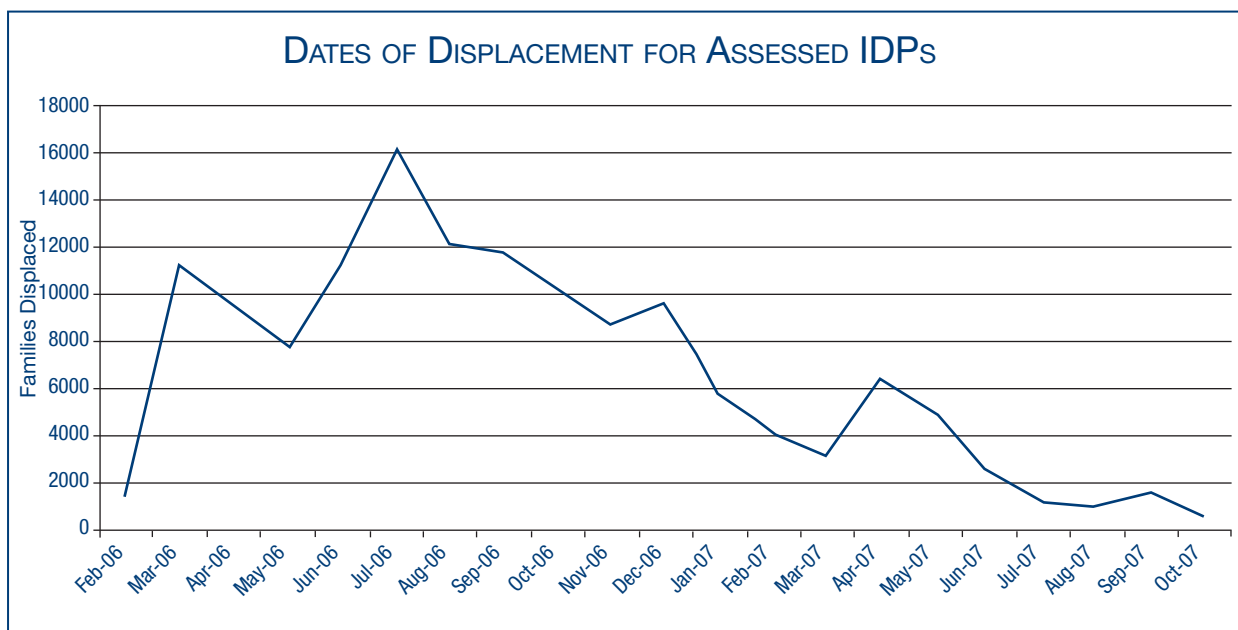
To put this in perspective, these percentages are almost twice the rate of distress as reported by Kosovo Albanians when forced to flee their communities in 1999. We should also acknowledge that perhaps the displaced are not the worst off—those who continue to live in their communities may in fact be still more traumatized.

# TRENDS IN DISPLACEMENT

About one million Iraqis were displaced by the time of the U.S.-led invasion in March 2003—the product of the Saddam Hussein regime’s policies of forcibly displacing Iraqis for political ends. In the months preceding the war, the international humanitarian community predicted that a massive outpouring of refugees could result and engaged in significant contingency planning. But the invasion did not produce an immediate flow of refugees.<sup>43</sup> In fact, most

Iraqis stayed where they were. Between 2003 and 2005, “only” 190,000 Iraqis were displaced.<sup>44</sup> The situation changed dramatically with the bombing of the al-Askari Mosque in Samarra in February 2006. Displacement mushroomed between February 2006 and August 2007, as evidenced in the table below.<sup>45</sup>

At the height of the crisis, over 60,000 Iraqis fled their homes every month and remained internally



IOM, *Iraq Displacement 2007 Year in Review*

<sup>43</sup> There were, however, substantial numbers of IDPs who fled to other areas of the country because they feared war and bombing; however, they rapidly returned with the quick U.S. victory.

<sup>44</sup> UNHCR, *Second Rapid Assessment of Return of Iraqis from Displacement Locations in Iraq and from Neighbouring Countries*, February 2008 <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SHIG-7CEDPJ?OpenDocument&rc=3&cc=irq>.

<sup>45</sup> Unfortunately, available quantitative data is quite weak. Monitoring displacement in Iraq is extremely difficult due to insecurity and a lack of or inconsistent access to particular areas and communities. Figures from IOM, MoDM, the Iraqi Red Crescent, and others vary.



displaced in the country.<sup>46</sup> Another 2,000 per day (or around 60,000 per month) were fleeing across the Syrian border. However, just prior to Syria's initial introduction of visa restrictions in September 2007, as many as 20,000 Iraqis per day crossed the border in order to avoid being trapped inside their country.<sup>47</sup> From September 2007 to January 2008, while people continued to leave their homes, the rate of displacement decreased. Some 60,000 Iraqis returned from Syria, giving rise to hope that the number of displaced would decrease as a result of improved security.<sup>48</sup> The question of returns is discussed in more depth later in this study. In addition to the number actually leaving their communities, al-Khalidi and Tanner also found indications that people were adapting "pre-displacement" strategies, sleeping in different places at night or changing their patterns of behavior during the day in a kind of micro or daylight displacement.<sup>49</sup>

Moreover, unlike earlier periods, when Iraqis left their homes temporarily for safety during a military operation, there are indications that a growing number of Iraqis do not anticipate returning to their homes in the near future. The International Medical Corps reported in January 2007, for example, that people who left their homes in 2006 tried to sell them with dramatic effect on real estate values.<sup>50</sup> The International Organization for Migration (IOM) reports that, among those assessed country-wide, 59 percent indicate that they plan to return to their communities, 22 percent want to stay where they are, and 17 percent want to resettle in a third

location.<sup>51</sup> But as IOM notes, the longer the displacement lasts, the less likely people will be to go home.

## HUMANITARIAN ASSISTANCE AND IDPS

In other countries with large numbers of internally displaced people, international humanitarian agencies provide assistance until conditions change sufficiently for people to return to their homes. But Iraq is the worst place in the world right now for international humanitarian agencies to operate. Most agencies moved their international staff out of Iraq after the 2003 bombing of the U.N. headquarters in Baghdad. Assistance provided by coalition military and civilian forces is often viewed with suspicion. International and local humanitarian workers alike have been targeted by armed militias. Indeed, the kidnapping of staff of the Iraqi Red Crescent led it to suspend its operations in Baghdad for about a month in early 2007—at a time when it was providing assistance to almost a quarter of a million people.<sup>52</sup> Local staff of non-governmental organizations (NGOs) are working valiantly from their homes to assist needy Iraqis but their ability to move around the communities they serve is increasingly restricted.<sup>53</sup> Local mosques remain important providers of assistance to needy people in their communities—at a time when other service organizations are unable to operate.<sup>54</sup>

There is a very real danger that the vacuum in humanitarian assistance will be filled by armed militias who provide relief as a way of increasing their control over territory.<sup>55</sup>

<sup>46</sup> IOM, "Five years on, more people displaced than ever before," 18 March 2008. <http://www.reliefweb.int/rw/rwb.nsf/db900sid/SHIG-7CUEAB?OpenDocument>.

<sup>47</sup> IRIN, "Syria: UNHCR presses for 'humanitarian visas' as Syria closes border to Iraqis," 2 October 2007. <http://www.irinnews.org/report.aspx?ReportId=74600>.

<sup>48</sup> See for example, "Buses take Iraqi refugees home from Syria," CNN, 28 November 2007.

<sup>49</sup> Ibid.

<sup>50</sup> International Medical Corps, *Iraqis on the Move: Sectarian Displacement in Baghdad*, January 2007.

<sup>51</sup> International Organization for Migration, *Iraq Displacement: 2007 Year in Review*, p.4. <http://www.iom-iraq.net/Library/2007%20Iraq%20Displacement%20Year%20in%20Review.pdf>.

<sup>52</sup> Integrated Regional Information Networks (IRIN), "Iraq: Displaced urge Iraqi Red Crescent to return," 8 January 2007.

<sup>53</sup> See for example, "Iraq: Aid work becoming more risky in Baghdad," IRIN, 22 August 2007. <http://www.alertnet.org/thenews/newsdesk/IRIN/5d3472e807f9397c54bc4c1978e690d0.htm>

<sup>54</sup> Greg Hansen, "Coming to Terms with the Humanitarian Imperative in Iraq," *Humanitarian Agenda 2015 Briefing Paper*, Feinstein International Center, Tufts University, January 2007; NCCI, "Focus on Operationality: Series of Briefing Papers on NGOs' and others' humanitarian operational modalities in Iraq," January 2008.

<sup>55</sup> Kristele Younes and Nir Rosen, "Uprooted and Unstable: Meeting Urgent Humanitarian Needs in Iraq," Refugees International, April 2008. <http://www.refugeesinternational.org/content/publication/detail/10570>; IRIN, "Iraq: Fighters fill humanitarian vacuum," 14 February 2007. IRIN, "Iraq: Armed groups occupying hospitals and kidnapping doctors," 13 February 2007.

When hospitals or clinics are controlled by a particular sectarian group, it makes it difficult for people

*“There are only a handful of specialized hospitals in Baghdad and few specialized doctors. To treat cancer, for instance, surgery is possible inside Iraq but not chemotherapy, which is a crucial part of the treatment. This means that people who can afford it have to seek treatment outside the country.”*

—Dr. Ibrahim (not his real name),  
an ICRC medical doctor  
ICRC, *Iraq: No Let-up in the Humanitarian Crisis*  
March 2008, p. 9

from other groups to access medical care there.<sup>56</sup> Some international NGOs have considered returning to humanitarian operations inside Iraq, but it is still seen by most as simply too risky.<sup>57</sup> And the amount of humanitarian assistance has not been sufficient to meet the needs.<sup>58</sup> In Anbar province, for example, despite im-

provements in security, serious humanitarian challenges remain. Many IDPs do not have access to clean water, medicines, and in certain areas, food. There is a dire shortage of medical personnel, and a critical need for non-food items such as tents and blankets. The arrival of winter produced new concerns over the lack of available funds for fuel.<sup>59</sup>

The government's Public Distribution System (PDS) is reportedly not functioning well, and in January 2008, food rations were reduced. The Iraqi government plans to end the national food ration system under which every family receives rations; after June only the “needy” will be eligible.<sup>60</sup> While access is difficult for Iraqis in general, IDPs face specific chal-

lenges. Among Iraqis assessed by IOM country-wide in 2007, only 22 percent had regular access to the distributions. Another 22 percent never had access, and the rest (56 percent) had irregular access. The greatest challenges to accessing the PDS are, “insecurity along food transportation routes and delay in the transfer of PDS registration.”<sup>61</sup>

Funds to support humanitarian work in Iraq are limited. The International Organization for Migration, for example, only received enough funding to meet 25 percent of its Iraq budget in 2006. IOM's 2007-2008 appeal for Iraq of \$85 million has only been 28 percent funded.<sup>62</sup> Rafiq A. Tschannen, Chief of Mission IOM Iraq, notes that: “IOM has issued repeated appeals for increased funds to help the vulnerable among those displaced internally in Iraq. In spite of the appeals only a fraction of internally displaced Iraqis is getting basic assistance.”<sup>63</sup> We have yet to see how recently-launched appeals still will fare: in January 2008, UNHCR issued a supplementary appeal for \$261 million.<sup>64</sup> The following month, the Consolidated Appeals Process (CAP) issued its Iraq appeal for 2008, requesting \$265 million.<sup>65</sup> The NGO Coordinating Committee in Iraq reports that humanitarian efforts are also hindered by politicized funding and overly bureaucratic distribution systems.<sup>66</sup> Many traditional European donors see the humanitarian crisis in Iraq as the result of U.S. government action and thus as a U.S. responsibility.

There is also concern about the fact that Iraq is not devoting sufficient resources itself to the displacement is-

<sup>56</sup> Damien Cave, “In Baghdad, Sectarian Lines Too Deadly to Cross,” *The New York Times*, 4 March 2007.

<sup>57</sup> Missy Ryan, “War-weary aid groups weigh risk, need in Iraq,” Reuters, 21 November 2007. <http://www.reuters.com/article/middleeastCrisis/idUSRYA739414>

<sup>58</sup> Sam Dagher, “Aid shrinks as Iraq's internal refugee tally grows,” *The Christian Science Monitor*, 30 November 2007.

<sup>59</sup> “More aid needed for the displaced in Anbar Province,” Reuters Alertnet, 3 December 2007. <http://www.alertnet.org/thenews/newsdesk/IRIN/c30c649f698ef9507bcc35d9598b5699.htm>.

<sup>60</sup> Center for Excellence in Disaster Management & Humanitarian Assistance, “Iraq Crisis Report,” 19 March 2008, <http://coe-dmha.org/HARIraq.cfm>, p. 3.

<sup>61</sup> IOM, Iraq Displacement: 2007 Year in Review, <http://www.iom-iraq.net/Library/2007%20Iraq%20Displacement%20Year%20in%20Review.pdf>.

<sup>62</sup> Statement by Rafiq A. Tschannen, Briefing on Iraq Displacement, House Foreign Affairs Committee, Sub-Committee on the Middle East and Asia and Sub-Committee on International Organizations, Human Rights, and Oversight, 26 February 2008. <http://www.internationalrelations.house.gov/110/tsc022608.htm>.

<sup>63</sup> Rafiq A. Tschannen at <http://www.iom-iraq.net/>.

<sup>64</sup> UNHCR, Iraq Situation Supplementary Appeal 2008, <http://www.reliefweb.int/rw/rwb.nsf/db900sid/PANA-7ANENJ?OpenDocument>.

<sup>65</sup> For more information on the CAP, see <http://ochaonline.un.org/cap2005/webpage.asp?Page=1656>.

<sup>66</sup> NCCI: Weekly Highlight 26 Apr 2007: Editorial. See also, NCCI officials quoted in UN-IRIN: “Bombs and Bureaucracy Behind Missing Medicines,” 22 May 2007.

sue. An Iraqi pledge of \$25 million for host countries that was announced in April 2007 was “very slow to materialize; Jordan reportedly refused to accept its \$8 million share and suggested it be given directly to UNHCR, because the sum was perceived as so small relative to the need.”<sup>67</sup> The gap between the amount the Iraqi government has pledged for IDPs—US\$350 million—coupled with the amount of its unspent budget—US\$40 billion—leads most donors to argue that Iraq should provide the bulk of humanitarian assistance to its own people.<sup>68</sup> Other middle-income countries facing displacement situations, such as Turkey and the Philippines, have devoted relatively more resources to their own internally displaced than has Iraq. But the political, economic, and security situations in Iraq have been so dire in recent years and the government’s capacity to act has been so dismantled that these comparisons are perhaps unfair.

There are serious concerns, for example, about the capacity of the Ministry of Displacement and Migration (MoDM) which has recently been renamed the Ministry of Migration—presumably to indicate the government’s desire to do more with returning refugees. A

General Accounting Office assessment of U.S. efforts to build capacity within Iraqi ministries revealed that such programs had not been successful. Hinderances to well-functioning government ministries, including MoDM, include lack of capable, trained staff, corruption, insecurity, and “partisan influence over the leadership and staffing of the ministries.”<sup>69</sup> A senior international official explained that even after five years of war, MoDM lacked basic procedures and had virtually no staff with any experience with displacement. Moreover the Ministry was still not clear about whether its role was to be a coordinating or an operational body. Simply providing more money to the ministry is unlikely to result in better programs on the ground.<sup>70</sup> However, the Iraqi government could certainly contribute to international organizations’ appeals to meet the needs of its own citizens as in the recent Consolidated Appeals Process.

Moreover, al-Maliki government lacks political will to recognize either the magnitude or the potential consequences of the displacement. To do so would be an indication of the government’s failure to protect its people.

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<sup>67</sup> International Rescue Committee, “Five Years Later, A Hidden Crisis: Report of the IRC Commission on Iraqi Refugees,” March 2008. <http://www.theirc.org/special-report/iraqi-refugee-crisis.html>.

<sup>68</sup> Ibid.

<sup>69</sup> GAO, Report to Congressional Committees, “Stabilizing and Rebuilding Iraq: U.S. Ministry Capacity Development Efforts Need an Overall Integrated Strategy to Guide Efforts and Manage Risk,” October 2007. <http://www.gao.gov/new.items/d08117.pdf>.

<sup>70</sup> Interview with author, 16 April 2008.

# WHAT ABOUT THE REFUGEES? SYRIA, JORDAN, EGYPT AND LEBANON—UNCERTAIN HOSTS

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## THE REGIONAL DIMENSION

As previously noted, with more than two million refugees now in neighboring countries, the regional dimension of Iraq's displacement is staggering. Host governments are concerned about the economic impact of a sudden increase in population, about the strain on their public services, and about social stability. Regional reactions to the Iraqi refugees are also deeply conditioned by the region's experience with Palestinian refugees over the past 60 years. It is noteworthy that throughout the current emergency, neither Jordan nor Syria facilitated the movement of Palestinians living in Iraq—a terribly vulnerable group—into their countries; rather they were confined to small camps in the virtual “no-man's land” between borders. The memory of Palestinian refugee camps in Arab consciousness is undoubtedly a factor in the urban settlement pattern of Iraqi refugees in Jordan and Syria. Urban refugees—like urban IDPs—are less visible than those living in camps.

Today, Iraq's neighbors have largely closed their borders to Iraqis. With a few exceptions for skilled professionals and business people, Iraqis are not able to escape the violence in their country. As discussed below, governments are not only worried about the economic costs of the refugees, they are also worried about the possible spillover of the Iraqi conflicts and the possibility that a long-term presence of the refugees could exacerbate social problems.

Most of the refugees are living in Jordan and Syria. In both countries, there are reports of rising prices for basic necessities and of over-stretched public services. However, research has shown that in the case of Jordan,

much of the inflation can be attributed to increased exports of foodstuffs to coalition forces in Iraq. Although governments of both countries allow Iraqis to attend public school, the percentage of Iraqi children who actually do so is less than 30 percent—a fact that UNHCR and UNICEF are trying to address. In both countries, there is growing popular resentment of the presence of the Iraqis and reports of exploitation of Iraqi labor and of increasing prostitution by desperate Iraqi women. There are also reports that in both Jordan and Syria, Iraqi refugees are growing resentful of the host states for not doing more.

Unlike refugees in other parts of the world, the Iraqis who came to Syria and especially to Jordan did not arrive penniless. Particularly in the initial months following the U.S.-led invasion, the wealthy left early, buying up apartments and real estate, especially in Jordan. As the demographics of the refugee flow changed and increasing numbers of poorer people began to arrive—and as the savings of those arriving earlier dissipated—increasing stress was placed on public services in both countries. In Jordan especially, there are concerns about the strain the Iraqis place on already limited water supplies.

At present, humanitarian assistance for Iraqis in Jordan and Syria is increasing and the humanitarian community is gearing up to try to meet the basic needs of the Iraqis and to decrease the strain on the Jordanian and Syrian governments. But funding has been inadequate for multilateral efforts and especially for bilateral support to Jordan and even more especially for Syria. In recent weeks, questions have been raised about the estimated number of Iraqis in Jordan

and Syria, with some donors beginning to argue that the numbers are actually lower than the U.N. estimates. Be that as it may, it is clearly in the international community's interest to ensure that the Iraqi refugees receive adequate assistance.

Although there are many similarities between the pressures on Jordan and Syria, there are also some important differences which are spelled out in the sections on security and displacement.

# SECURITY AND DISPLACEMENT: WHY SHOULD NON-HUMANITARIAN ACTORS PAY ATTENTION TO THE DISPLACED?

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Refugees and internally displaced persons have usually been the exclusive focus of humanitarian actors who have resisted looking at the security implications of displacement. And among the humanitarian community, there is a fear that once the link is made between conflict-induced refugee flows and threats to international peace, the next step will be to see the displaced persons themselves as the threat.<sup>71</sup> By focusing on the security implications of refugees and IDPs, there is a danger of “blaming the victims” for the violence which displaced them.

Yet it is also important to recognize that governments have legitimate security concerns about the presence of large numbers of refugees and IDPs in their countries. Humanitarian response does not take place in a political vacuum; in a situation as volatile as the Iraqi war, the security dimension of displacement needs to be understood.

Over the last 20 years there has been an emerging consensus that refugee movements have political consequences and that they can be a security concern for both the governments of the countries of origin and of the host countries.<sup>72</sup>

## IRAQ, DISPLACEMENT AND SECURITY

Displacement is not just an accidental by-product of the conflict, but is both an objective and a strategy in the military struggle—a way of consolidating territorial and political control.<sup>73</sup> As illustrated in UNHCR’s *Refugees*, “[Radical groups] seek to consolidate ‘their’ territory by expelling the ‘others.’ They try to keep some of ‘their’ people in the territory of the ‘other’ so as to maintain a claim on the local resources.”<sup>74</sup> According to Refugees International, both Sunni and Shi’i militias have begun to “resettle” displaced Iraqis at no cost, into homes belonging to families of the other denomination.<sup>75</sup> The fact that almost three million Iraqis have been internally displaced by the war has a direct consequence on the Iraqi military and central government. The sectarian geography of Iraq is changing as a result of the displacement, with likely long-term consequences for the country.

The fact that Iraq’s displaced are living in the community rather than in camps has clear implications for families and friends who are hosting IDPs. Their resources are stretched by the presence of the displaced in their communities. While it is easier to provide

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<sup>71</sup> Guy Goodwin-Gill in Finn Stepputat, “Refugees, Security and Development: Current Experiences and Strategies of Protection and Assistance in the ‘Region of Origin,’” Danish Institute for International Studies, Working Paper 2004/11.

<sup>72</sup> See for example, Elizabeth G. Ferris, ed. *Refugees and World Politics*, New York: Praeger, 1985. Gil Loescher and Laila Monahan, *Refugees and International Relations*, Oxford: Oxford University Press, 1990. Myron Weiner, ed., *International Migration and Security*, Boulder, Colorado, Westview Press, 1993.

<sup>73</sup> See for example, Kristele Younes and Nir Rosen, “Uprooted and Unstable: Meeting Urgent Humanitarian Needs in Iraq,” Refugees International, April 2008. <http://www.refugeesinternational.org/content/publication/detail/10570>. There have also been many news reports on this.; Ned Parker and Ali Hamdani, “How Violence is Forging a Brutal Divide in Baghdad,” *The Times* (UK), 14 December 2006. “Sunni Arabs Flock to Falluja to Escape Baghdad Violence,” *Los Angeles Times*, 4 January 2007.

<sup>74</sup> Ashraf al-Khalidi and Victor Tanner, *Refugees Magazine* Issue 146: “Iraq Bleeds: Millions displaced by conflict, persecution and violence,” April 2007.

<sup>75</sup> Kristele Younes and Nir Rosen, “Uprooted and Unstable: Meeting Urgent Humanitarian Needs in Iraq,” Refugees International, April 2008. <http://www.refugeesinternational.org/content/publication/detail/10570>.



public services in camp settings, there are very real security concerns about establishing camps on a large scale. If large camps were to be established, it is likely that they would be organized along sectarian lines, making them clear targets for attack by armed militias of other sectarian groups. Moreover, given the high unemployment and poverty rates in Iraq, large camps could become accessible places for recruitment of young men and children into militias. They could

*Given the trends in sectarian-induced displacement, the very survival of Iraq as a nation-state is threatened. As Iraqis live in increasingly 'homogenized' communities, political reconciliation becomes more difficult. A recent public opinion poll in Iraq demonstrates both that Iraqis overwhelmingly reject the idea of partition and want a national Iraqi state—but also that sectarian polarization is well underway. Only half of Iraqis, for example, indicate that they have a friend from another religious sect or that they would support their child marrying into another sect.*

—Iraq Poll, March 2008,  
BBC News

become yet more “territories” to be claimed on behalf of the militias and thus increase the already horrific violence in the country. It is likely that the militias would take on the administration of the camps, controlling food distribution and access to services. The humanitarian community has generally taken the position that camps should be avoided at all costs, but there are increasingly few safe places for the displaced to go.

placed persons do not become externally displaced persons. In fact, some analysts have suggested that in the interests of containing the spillover from the Iraq war, IDPs should be prevented from leaving the country through the construction of large IDP camps near Iraq's borders.<sup>76</sup> For the Iraqi government, the

presence of large numbers of Iraqi refugees in neighboring countries is the most public political failure of the regime and its policies. Over two million Iraqis have indicated that their government cannot protect them. Moreover, given the fact that many of those who have left the country are from Iraq's professional class, the refugee exodus has meant even greater hardship for those who remain. The recent Oxfam/NCCI report, for example, estimates that 40 percent of the country's professional class has left the country since 2003. ICRC reports that official government sources indicate that more than 2,200 doctors and nurses have been killed and more than 250 kidnapped since the war began. Of the 34,000 doctors registered in 1990, at least 20,000 have left the country.<sup>77</sup> When Iraqis cannot get medical care or send their children to school in their country, they are more likely to try to leave the country to go where those services can be provided.

The impact of refugee movements on Iraq's long-term future will be substantial, particularly if—as is likely—the situations become protracted. Without much more security in the country, it is unlikely that Iraq's professionals will return in significant numbers. Among the refugees, these are the people who are most likely to have the means, will, and capacities to remain outside their country. As one UNHCR official noted, the ones who have left Iraq are its 2 million best and brightest.<sup>78</sup> Even if conditions were to stabilize in the near future (which is highly unlikely), this loss of human capital severely hinders the ability of Iraqis to rebuild their country and to reconstruct social and economic institutions. This puts pressure on Coalition Forces to undertake the tasks that would normally be seen as the responsibility of nationals—from providing medical care and teaching students to repairing damaged power lines and organizing elections. Although there are cases where the United Nations has been able to provide the necessary oversight in post-conflict situations, Iraq poses particular difficulties as outlined below.

<sup>76</sup> Byman, Daniel L. and Kenneth M. Pollack. “Things Fall Apart: Containing the Spillover from an Iraqi Civil War,” Analysis Paper, no. 11, The Saban Center for Middle East Policy at The Brookings Institution, January 2007.

<sup>77</sup> ICRC, *No Let-up in the Humanitarian Crisis*, March 2008, p. 8.

<sup>78</sup> Cited in Amira El Ahl, Volkhard Windfuhr and Bernhard Zand, “Iraq's Elite Fleeing in Drove,” *Der Spiegel*, 20 August 2007.

## Humanitarian assistance and security concerns

At present, humanitarian assistance for Iraqis in Jordan and Syria is needed on humanitarian grounds to respond to people who have fled their homes. But humanitarian assistance is also important for security reasons.

If the refugees do not receive sufficient support from the host governments and the international community, there is a very real danger that political actors will seek to fill the gap as they are reportedly now doing inside Iraq.<sup>79</sup> It is important to remember that both Hezbollah and Hamas derive much of their popular legitimacy from the fact that they created effective social support systems to help needy people when governments were unable to do so.

When host governments are concerned about security threats associated with refugees, they tend to respond by deporting the refugees. But deporting refugees back to Iraq is likely to increase the number of internally displaced persons in the country and thereby cause further political turmoil for Iraq and its neighbors. Therefore, it is in everyone's interest to ensure that refugees receive enough assistance—from recognized international and national organizations—so that they don't turn to crime, political violence or radical groups to support themselves.

## REGIONAL SECURITY AND DISPLACEMENT

This analysis has focused on the impact of Iraqi displacement on Iraq and two of its neighbors hosting over two million Iraqi refugees. But the impact of displacement is also being felt by other countries, such as Lebanon, Egypt, and Saudi Arabia. UNHCR estimates that there are around 40,000 Iraqis in Lebanon, 80-100,000 in Egypt, and 200,000 in the Gulf (including Saudi Arabia).<sup>80</sup>

Displacement of Iraqis also may have an impact on issues such as the Palestinian-Israeli conflict and the

region's natural resources—both oil and water. The countries most affected by the Iraqi displacement—Jordan, Syria, Lebanon, and Egypt—are the same countries hosting the vast majority of Palestinian refugees. The strain on these resource-poor countries must be considered. By increasing the pressure on limited water availability in Jordan, for example, tension may increase over future water usage.

Displacement in Iraq which is both a cause and a consequence of Sunni-Shi'a tensions, will have an effect on sectarian relationships throughout the region. The success of Shi'i political parties in Iraq is no longer the only concern of neighboring states that increasingly absorb and share Iraq's religious diversity. The alarmist rhetoric of a rising regional Shi'i power may be giving way to more moderate calls for peaceful co-existence as regimes realize the potential danger in inciting sectarian tensions among their diversifying domestic populations.

If the war continues for years and the displacement of Iraqis becomes protracted, it is likely that the presence of the Iraqi diaspora, particularly the "near diaspora," will have political consequences for many years.

## U.S. POLICY CONCERNING THE DISPLACED

Although the international community worked on contingency plans for a refugee flow in the build-up to the U.S. invasion, U.S. planning for the war did not seriously consider this possibility. And indeed the U.S. government has been slow to acknowledge and respond to the current crisis. U.S. response has included both humanitarian assistance and resettlement of Iraqi refugees.

### Resettlement policy

Until now, U.S. resettlement of Iraqi refugees has been embarrassingly low in comparison with the numbers seeking protection in neighboring countries and in Europe although the government has promised to do better this year. The U.S. froze processing of Iraqi

<sup>79</sup> Kristele Younes and Nir Rosen, "Uprooted and Unstable: Meeting Urgent Humanitarian Needs in Iraq." Refugees International, April 2008. <http://www.refugeesinternational.org/content/publication/detail/10570>.

<sup>80</sup> UNHCR, "Iraq Situation Map," July 2007. <http://www.reliefweb.int/rw/rwb.nsf/db900SID/LPAA-75TP82?OpenDocument>.



refugees from September 2001 until April 2005, when the State Department announced that Iraqis would once again be eligible. In the ten years prior to 2001 an average of 2,800 Iraqi refugees were admitted to the United States each year. In FY 2005, 198 Iraqis were admitted to the U.S., well under the ceiling of 500 established by President Bush.<sup>81</sup> In 2007 the resettlement target was initially set at 25,000 and later revised down to 7,000, yet only 1,608 Iraqis arrived. In FY 2008 the Department of State hopes to admit 12,000 Iraqis. As of 1 May, more than halfway through the fiscal year, the U.S. had admitted 3,601 Iraqi refugees.<sup>82</sup> Many in the humanitarian community feel that the lack of political will continues to hinder progress.

The reasons for this poor response are several. Ambassador James Foley noted that when he was named the Senior Coordinator on Iraqi Refugee Issues in September 2007, he was launching the overseas resettlement program from a “standing start” meaning that “we did not have in place the mechanisms, the capacity to process these refugees in Syria and Jordan....”<sup>83</sup> The major displacements forecasted for the aftermath of the invasion did not materialize for several years. It was not until huge numbers of Iraqis began fleeing to neighboring countries that the U.S. government got involved. Foley states, “This is not a challenge from ’03 or ’04 or ’05... it was only after the Samarra bombing and then throughout ’06 that the huge wave of refugees occurred.” He went on to explain that Department of Homeland Security officers were not able to obtain visas to operate in Syria until mid-2007.<sup>84</sup>

The U.S. refugee resettlement program designed for Iraqis fleeing the war is also hampered by its stringent security measures and numerous bureaucratic procedures. To seek resettlement to the U.S., Iraqis must first register with UNHCR officials in Syria or Jordan. UNHCR then processes the applicants and refers a certain number of eligible Iraqis to U.S. officials. Once the asylum seekers are in the U.S. system, there is a lengthy process of security checks.<sup>85</sup>

One of the difficulties is that Iraqis can only register for resettlement from outside of Iraq.<sup>86</sup> This is problematic for at-risk individuals who are still living in Iraq as all international borders have been closed. Specifically, this has adversely affected the U.S. government’s initiative to evacuate some of the at-risk population of nearly 70,000 Iraqis who worked alongside U.S. forces and have remained in Iraq.<sup>87</sup> It has been well documented that this population—by virtue of aiding American initiatives—is directly targeted for violence.<sup>88</sup> Ambassador Foley has noted that these individuals are “indeed the Iraqis to whom we have the highest obligation”<sup>89</sup> Legislation has been passed providing for the admission of up to 5,000 of these individuals under Special Immigrant Visas (SIVs) which provide a quicker and less bureaucratic process for entry into the U.S. Although Special Immigrant Visas usually do not include any social benefits, the legislation provides that they will be entitled to the same benefits as those admitted under the U.S. Refugee Program. Ambassador Ryan Crocker has pressed the State Department, “for the authority to do in-country processing for Iraqis who work for the Embassy and are requesting refugee status. This would at

<sup>81</sup> Human Rights Watch, “The Silent Treatment: Fleeing Iraq, Surviving in Jordan,” Vol. 18, No. 10, November 2006, p. 102. <http://www.hrw.org/reports/2006/jordan1106/jordan1106webwcover.pdf>; Michael Kranish, “Iraqi exodus could test Bush policy,” *Boston Globe*, 11 December 2006.

<sup>82</sup> Human Rights First, “US Resettles 974 Iraqi Refugees in April; Improvement Welcome but Comprehensive Response Still Needed,” 1 May 2008.

<sup>83</sup> U.S. Department of State, “Briefing on Iraqi Refugee Issues,” 29 November 2007. <http://www.state.gov/g/prm/rls/96035.htm>.

<sup>84</sup> U.S. Department of State, “Briefing on Iraqi Refugee Issues,” 29 November 2007. <http://www.state.gov/g/prm/rls/96035.htm>. As of late 2007, there are five officers in Syria and four in Jordan. Each officer can process four interviews per day.

<sup>85</sup> CRS Report for Congress, “Iraqi Refugees and Internally Displaced Persons: A Deepening Humanitarian Crisis?” 3 October 2007, p. 13. <http://www.fas.org/spp/crs/mideast/RL33936.pdf>.

<sup>86</sup> H.R. 4986, the National Defense Authorization Act for Fiscal Year 2008 stipulates the establishment of a system that will allow Iraqis to seek admission to the U.S. refugee program without leaving their country first. This system has not yet been put into place.

<sup>87</sup> See Sabrina Tavernise and David Rohde, “Few Iraqis Reach Safe U.S. Havens Despite Programs,” *The New York Times*, 29 August 2007. The figure of Iraqis working with U.S. contractors is far higher.

<sup>88</sup> See “Groups at risk for one reason or another” and the reports cited therein in Ashraf al-Khalidi, Sophia Hoffman, and Victor Tanner, “Iraqi Refugees in the Syria Arab Republic: A Field-Based Snapshot,” The Brookings Institution—University of Bern Project on Internal Displacement at The Brookings Institution. An Occasional Paper, June 2007, p. 17-18.

<sup>89</sup> U.S. Department of State, “Briefing on Iraqi Refugee Issues,” 29 November 2007. <http://www.state.gov/g/prm/rls/96035.htm>

least speed up the process for those Iraqis who have put themselves and their families at risk by working with us.”<sup>91</sup> Although the U.S. government has used in-country processing on several occasions in the past—notably Vietnam and Haiti,—the mechanisms for doing so in Iraq have not yet been set up.

Another salient—though infrequently mentioned and indeed impolitic—aspect of U.S. refugee policy is an aversion to admitting that the safest option for hundreds of thousands of Iraqis is to flee the country. At a press conference several months ago Ambassador Foley was asked why America was able to admit over 100,000 Vietnamese refugees in less than one year, but could not manage to admit even a fraction of that many Iraqis. Ambassador Foley responded that there, “is a clear difference in the analogy you raised, for example, with Vietnam where those efforts of a large magnitude were indeed undertaken, but that was after the war—after the war was over. And we are by no means conceding defeat in that regard in Iraq. On the contrary, we hope indeed to achieve stabilization in Iraq and the conditions under which these refugees can go home.”<sup>92</sup>

### Humanitarian assistance

U.S. policy towards the Iraqi displacement crisis primarily focuses on funding multilateral aid organizations, subcontracting humanitarian relief activities and supporting host governments. Ambassador James Foley understands the U.S.’s primary obligation to the displaced is to “provide assistance in place.”

USG contributions to humanitarian assistance have increased steadily over the past three years, but they should continue to increase at an even faster pace in

order to meet urgent needs. The U.S. contributed \$43 million in FY 2006, \$171 million in FY 2007, and in FY 2008, as of April, \$208 million. U.S. State Department’s Bureau of Population, Refugees, and Migration (PRM) and USAID’s Office of U.S. Foreign Disaster Assistance (OFDA) plan to spend about another \$70 million before October, bringing the projected contribution for FY 2008 to just over \$281 million.<sup>93</sup> In contrast, according to the Congressional Research Service, the U.S. spends \$2.4 billion per week on the war effort in Iraq.<sup>94</sup> While there is no agreed-upon figure for what it would take to meet the needs of displaced Iraqis, a variety of human rights and humanitarian organizations have suggested much larger financial contributions from the U.S. to support humanitarian operations in the region. For example, writing in a *New York Times* op-ed, board members of the International Rescue Committee (IRC) assert that the U.S. has a special responsibility to provide the much-needed aid increase. They propose that the refugee population alone will require a minimum of \$2 billion annually for the next two to four years and that the United States ought to contribute at least half of that.<sup>95</sup>

The U.S. government has been the single biggest contributor of humanitarian assistance to displaced Iraqis since 2003, giving more than \$500 million in total.<sup>96</sup> This assistance money is channeled primarily through the State Department via PRM and through USAID via OFDA and USAID’s Office of Food for Peace (FFP). USG funds support the work of international organizations such as UNHCR, UNICEF, and WHO as well as NGOs operating in the region. For example, contributions announced in February 2008 include assistance to the following: \$83 million

<sup>90</sup> Human Rights First, “Fact Check: State Dept. Response to Crocker Cable on Iraqi Refugees,” 25 September 2007. <http://www.humanrightsfirst.org/blog/refugees/2007/09/fact-check-state-dept-response-to.html> See also Amb. Crocker’s frank, internal cable on the issue: “Iraq Refugee Processing: Can We Speed It Up?” September 2007. <http://209.212.64.43:777/asylum/lifeline/docs/crocker-cable-0907.pdf>.

<sup>91</sup> U.S. Department of State, “Briefing on Iraqi Refugee Issues,” 29 November 2007. <http://www.state.gov/g/prm/rls/96035.htm>.

<sup>92</sup> U.S. Department of State, “US Humanitarian Assistance for Refugees and Internally Displaced Iraqis,” Fact Sheet – Office of the Spokesman. Washington, DC, 15 April 2008. <http://www.state.gov/r/pa/prs/ps/2008/apr/103623.htm>.

<sup>93</sup> CRS, “The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11,” 8 February 2008. <http://www.fas.org/sgp/crs/natsec/RL33110.pdf>.

<sup>94</sup> Morton Abramowitz, George Rupp, John Whitehead, and James Wolfensohn, “A ‘Surge’ for Refugees,” *The New York Times*, 22 April 2008.

<sup>95</sup> U.S. Department of State, Fact Sheet, 15 April 2008.

<sup>96</sup> Ibid.

for UNHCR's Iraq Situation Supplementary Appeal which aims to improve protection and access to basic services for IDPs and refugees, \$5 million for the World Food Program's Emergency Operation in Syria, and \$2.4 million for UNICEF's portion of the

joint U.N. Education Appeal which supports education opportunities for displaced Iraqis in Jordan, Syria, Egypt, and Lebanon.<sup>97</sup> The Department of State charts below provide breakdowns of U.S. assistance in FY 2007 and FY 2008.

<b>U.S. GOVERNMENT FUNDING FOR HUMANITARIAN ASSISTANCE – 2007 (in millions)<sup>98</sup></b>				
<b>USG</b>	<b>IOs</b>	<b>NGOs</b>	<b>OTHER *</b>	<b>TOTAL</b>
STATE/PRM	\$ 99.26	\$ 18.55	\$ 5.00	\$122.81
USAID/OFDA	\$ 6.00	\$ 57.40	-	\$ 63.40
USAID/FFP	\$ 0.65	-	-	\$ 0.65
USAID/Jordan	-	-	\$10.30	\$ 10.30
<b>TOTAL</b>	<b>\$ 105.91</b>	<b>\$ 75.95</b>	<b>\$15.30</b>	<b>\$197.16</b>

\* State Department/Near Eastern Affairs Bureau supplement to the Department Scholar Rescue fund grant; USAID support to Jordanian government to reinforce ongoing health and education programs in communities affected by large numbers of Iraqi refugees

<b>U.S. GOVERNMENT FUNDING FOR HUMANITARIAN ASSISTANCE – 2008 (in millions)<sup>99</sup></b>				
<b>USG</b>	<b>IOs</b>	<b>NGOs</b>	<b>OTHER</b>	<b>TOTAL</b>
State/PRM	\$ 145.9	-	-	\$ 145.9
USAID/OFDA	-	\$ 26.1	-	\$ 26.1
USAID/FFP	\$ 36.0	-	-	\$ 36.0
FY08 Contributions to date	\$ 181.9	\$ 26.1	-	\$ 208.0
PRM Planned	\$ 2.3	\$ 21.2	-	\$ 23.5
OFDA Planned	\$ 20.6	\$ 29.4	-	\$ 50.0
Planned total FY08 contributions	\$ 204.8	\$ 76.7	-	\$ 281.5

<b>U.S. GOVERNMENT FUNDING FOR HUMANITARIAN ASSISTANCE – 2006-2008 (in millions)</b>		
<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008 (projected)</b>
\$43	\$171.06	\$281.5

<sup>97</sup> U.S.Department of State, "US Contributes more than \$125 million to international organizations to aid displaced Iraqis," Media Note – Office of the Spokesman. Washington, DC, 14 February, 2008. <http://www.state.gov/r/pa/prs/ps/2008/feb/100910.htm>.

<sup>98</sup> U.S.Department of State, Fact Sheet, 5 December 2007

<sup>99</sup> U.S.Department of State, Fact Sheet, 15 April 2008.

As discussed above, the refugee crisis has put an enormous economic strain on host governments, especially Syria and Jordan. While the U.S. government does not provide direct bilateral funding to the Syrian government, its annual aid to Jordan is significant, and has been on the rise since the mid-1990s. As part of the FY 2003 Supplemental, the U.S. contributed some \$700 million to the Jordanian government to counter some of the negative effects of the U.S.-led invasion.<sup>100</sup> Additionally, a May 2007 bill passed supplemental assistance of \$85.3 million for Jordan, of which \$10 million was designated for communities hosting large populations of refugees.<sup>101</sup> The U.S. government has also supported efforts to build the capacity of the Ministry of Displacement and Migration and has encouraged the Iraqi government to make more of its own funds available to assist the internally displaced. These efforts by civilian agencies have been intended to meet both short and long-term needs of all Iraqis.

Although the U.S. military has engaged in humanitarian work in Iraq, this work is intended to support U.S. military objectives—to win “hearts and minds” of Iraqis for the coalition’s cause. In fact, it does not meet a basic requirement of humanitarian assistance, which is that assistance be made available on the basis of need alone—rather than for political purposes. The work of the Provincial Reconstruction Teams (PRTs) has been central to U.S. strategy in Iraq and yet these teams have not been able to meet the assistance needs of the vast majority of Iraqi IDPs.

There is an urgent need for better coordination by U.S. government departments and agencies in developing comprehensive plans for humanitarian assistance. Responding to displacement must be central to overall U.S. policy in Iraq. Any gains achieved by the surge can quickly be erased by inadequate policies toward the displaced.

## EUROPEAN RESPONSE

The European donor community which has traditionally been a major supporter of humanitarian operations was slow to provide large amounts of humanitarian assistance for Iraqi refugees and IDPs. For many European governments which had opposed the war, the humanitarian consequences were seen as a U.S. responsibility. Although they responded to UNHCR appeals, there were few large bilateral assistance programs. But this began to change as the war reached the five-year mark. By late 2007, the European Commission allocated €17.8 million for humanitarian needs and a funding package of €7.8 million to support basic services for IDPs. In 2007, the Commission also allocated €10 million in basic support for UNHCR’s work in the region and almost €50 million for provision of basic health and education services.<sup>102</sup>

European concern is motivated in large measure by the growing number of Iraqis turning up on their borders in search of protection. Traditionally, European governments have not accepted many refugees for resettlement; in 2007, only 1,650 Iraqis were resettled in Europe (although this is higher than the number of Iraqis who were resettled to the U.S. in its fiscal year 2007). But reflecting the geographical proximity of Iraq, large numbers arrive in search of asylum. While in 2007, the U.S. reported just 734 asylum applications from Iraqis, almost 40,000 Iraqis asked for asylum in Europe—twice the number as in 2006.<sup>103</sup> In fact, in both 2006 and 2007, Iraqis constituted the largest number of asylum-seekers in Europe.

For the past twenty years, European governments have focused on how to limit the number of asylum-seekers turning up on their borders and how to limit the financial costs of deciding on their claims and

<sup>100</sup> CRS, “Iraq War: Background and Issues Overview,” Updated 22 April 2003. <http://www.fas.org/man/crs/RL31715.pdf>.

<sup>101</sup> CRS, “Jordan: U.S. Relations and Bilateral Issues,” Updated 4 December. <http://www.fas.org/sgp/crs/mideast/RL33546.pdf>.

<sup>102</sup> Center for American Progress and the Heinrich Böll Foundation, *Iraq’s Displacement Crisis and the International Response*, December 2007, p. 14.

<sup>103</sup> UNHCR, “Asylum Levels and Trends in Industrialized Countries, 2007” March 2008. Nigel Morris, “Rising numbers fleeing Iraq to Europe,” *The Independent*, 17 March 2008. “Despite U.S. troop surge, number of Iraqi refugees in EU almost doubles,” *International Herald Tribune*, 18 March 2008.

providing social benefits. Virtually all of the Iraqi asylum-seekers now arriving in Europe do so via smugglers or other 'irregular' means. However, as the European Council on Refugees and Exiles (ECRE) points out, "there are no legal routes to Europe for Iraqis fleeing persecution. Instead they continue to face long and dangerous journeys if they wish to seek sanctuary in Europe and some even experience maltreatment at the EU (European Union)'s border."<sup>104</sup> In order to enter European countries, Iraqis need passports and visas and neither European embassies nor military forces in Iraq issue visas. For Iraqis desperate to leave the region, paying smugglers to arrange transportation to a European country is the only option; the average cost of such arrangements is \$10,000 per person.<sup>105</sup>

For Iraqis seeking protection in Europe, their fate depends on where they go. Nearby Turkey has signed the 1951 Refugee Convention, but maintains a geographical restriction which only considers as refugees those who have come from another European country. Iraqis who claim persecution are only allowed to stay there temporarily while UNHCR searches for a resettlement opportunity for them to leave the region. Iraqis arriving in Slovenia or Greece (which received over 4,000 Iraqi asylum-seekers in 2007) are out of luck. In 2007, the approval rate of asylum claims in these two countries was 0 percent.

The country receiving the most Iraqi asylum-seekers—almost half of Europe's total—is Sweden where 90 percent have been allowed to stay. In 2006, almost 9,000 Iraqis applied for asylum in Sweden—triple what the country was expecting. And in 2007, 18,600 arrived, many via established smuggling routes.

Meanwhile in 2007, the government of Germany, which accepted only about 10 percent of Iraqi asylum claims, began revoking asylum that it had grant-

ed to Iraqi refugees in the 1990s—Iraqis who had sought protection from the Saddam Hussein regime. The government argued that these refugees had fled the Ba'athist regime and with the overthrow of that government, they were no longer in need of protection.<sup>106</sup> About 18,000 Iraqis—one-third of those in Germany—lost their protected status. While most were allowed to remain in the country, their ability to work and to access social welfare were restricted. In May 2007, these revocation procedures were suspended although those whose status had been revoked were not restored.<sup>107</sup>

Some European governments have deported Iraqis, most often to the three northern governorates which are relatively more stable. In 2007, Denmark, Greece, Poland, Sweden and the U.K. forcibly returned Iraqis. In February 2008, Sweden and Iraq signed a Readmission Agreement that permits Sweden to forcibly return asylum-seekers whose claims were denied (currently about 400.)<sup>108</sup> The U.K. government has withdrawn minimum support packages to Iraqis whose applications are rejected, leading some to become destitute. Many European governments offer financial assistance to support Iraqis choosing to return voluntarily to their country, though few have accepted the offer.<sup>109</sup>

Sweden has urged other European governments to do more. Tobias Billström, Sweden's migration minister has argued that even if other European countries cannot accept more Iraqis, they should increase their assistance to Syria and Jordan. "If they were to be de-stabilized—it would prove to be very, very bad indeed, not just for the region—but also for Europe. Because then this enormous amount of people would move westward."<sup>110</sup>

The specter of further numbers of Iraqi arrivals is a powerful argument for increasing humanitarian

<sup>104</sup> ECRE, *Five Years on Europe is still ignoring its responsibilities toward Iraqi refugees*, March 2008, AD1/03/2008/ext/ADC, p. 1.

<sup>105</sup> Markus Sperl, *UNHCR Fortress Europe and the Iraqi 'intruders': Iraqi asylum-seekers and the EU, 2003-2007*, <http://www.unhcr.org/research/RESEARCH/470c9be92.pdf>.

<sup>106</sup> Emily Harrison, "Morning Edition," National Public Radio, 6 March 2007. [www.npr.org/templates/story/story.php?storyId=7695224](http://www.npr.org/templates/story/story.php?storyId=7695224).

<sup>107</sup> ECRE, p. 2.

<sup>108</sup> ECRE, p. 4.

<sup>109</sup> Ibid, p. 4.

<sup>110</sup> Emily Harrison, "Morning Edition," National Public Radio, 6 March 2007. [www.npr.org/templates/story/story.php?storyId=7695224](http://www.npr.org/templates/story/story.php?storyId=7695224)



funding of Iraqis in the region. Referring to Iraqi refugees in Syria who are running out of money, UN-HCR head of operations in Syria, Laurens Jolles, told reporters “I think they will move north if things don’t get better.”<sup>111</sup>

European governments are beginning to realize that they have a vested interest in keeping Iraqis in the region<sup>112</sup> and thus should be more willing to provide the financial resources to assist them in Syria and Jordan. After all, it is much cheaper to feed, educate and provide health care for Iraqis in Syria than to process asylum claims and provide social benefits to Iraqi asylum-seekers in Stockholm or Frankfurt.

### THE U.N. AND HUMANITARIAN RESPONSE: BEING SET UP TO FAIL?

The terrible security situation in Iraq has made it nearly impossible for international aid organizations to conduct their work. All U.N. agencies moved their international staff out of Iraq after the 2003 bombing of the U.N. headquarters in Baghdad, running their Iraq programs through “remote management.” Some U.N. agencies are now increasing their international staff presence in Baghdad although their movement out of the Green Zone is restricted.

In August 2007, the U.N. Security Council unanimously adopted a resolution to expand the mandate of U.N. operations in Iraq asking UNAMI to “promote, support, and facilitate, in coordination with the Government of Iraq: the coordination and delivery of humanitarian assistance and the safe, orderly, and voluntary return, as appropriate of refugees and displaced persons.”<sup>113</sup>

In addition to the difficult security situation in Iraq which confronts all humanitarian actors, the U.N. faces at least three specific difficulties in playing a leadership role in the country.

1. While the U.N. is seen in many parts of the world as an idealistic, neutral organization, it has a different reputation in Iraq. The long years of U.N. sanctions which reportedly resulted in widespread civilian casualties were tremendously unpopular among Iraqis. The widespread corruption in the U.N.’s Oil for Food program was well-known in Iraq and there was a perception that U.N. officials were enriching themselves with Iraqi resources. Finally, the weapons inspections were perceived as a humiliating exercise for Iraq. In other words, even in the best of circumstances the U.N. would face an uphill battle in re-establishing its credibility among the Iraqi public. And these are far from the best of circumstances.
2. The U.N. is further hampered by the legacy of the August 2003 bombing of its headquarters in Iraq and the death of its well-respected official, Sergio Vieira de Mello along with 21 other U.N. staff. Not only did the U.N. immediately withdraw its personnel from Iraq, but it instituted wide-ranging changes in its internal security system which limits its ability to travel to dangerous areas. (In fact, some argue that the greatest impediment to U.N. access to humanitarian situations is its own internal security guidelines.) Moreover, the U.N. Staff Association has come out strongly against deployment of U.N. personnel to Iraq in light of the security threats.
3. Of particular concern in the U.N. resolution, is the recognition of the “important role of the Multi-National Force Iraq in supporting UNAMI, including security and logistical support...” Security for humanitarian work may well be the Achilles heel of U.N. efforts to play a more active role in Iraq. When U.N.

<sup>111</sup> Peter Apps, “U.N. warns Europe over Iraq refugees,” Reuters UK 28 February 2008. <http://uk.reuters.com/article/worldNews/idUKL2885648720080228?sp=true>.

<sup>112</sup> This is not a new perspective for European governments which have been calling for regional solutions for more than twenty years, largely to prevent their arrival in their territories.

<sup>113</sup> UN Security Council Resolution 1770, 10 August 2007. <http://www.un.org/News/Press/docs/2007/sc9095.doc.htm>

staff arrive in communities accompanied by U.S. or MNF-I forces, their neutrality is immediately compromised. It is in U.S. interests that U.N. agencies operate independently and that they are perceived as independent actors. If the U.S. sees the U.N. as its agent or ally, the U.N. will not be able to act effectively. The U.S. needs to give the U.N. its humanitarian space and to distance itself from U.N. operations. And yet the absence of alternative providers of security for U.N. operations limits both U.N. and U.S. options.

In addition to these particular challenges, the U.N. will have to overcome the same kinds of difficulties it does in other situations in which it is tasked with delivering humanitarian assistance and in eventually coordinating the return of refugees and IDPs. In order for the U.N. to surmount these difficulties and regain its lost credibility, it will have to perform well and to deliver assistance quickly and effectively. But the reality is that its ability to do so is dependent on factors largely outside its control. For example, while the return of refugees and IDPs will be an important factor in Iraq's eventual recovery, this will depend more on the security situation inside the country than on U.N. programs to support return.

## THE QUESTION OF RETURNS

From September–November 2007, there were enthusiastic reports of the return of refugees from Syria to Baghdad.<sup>114</sup> This was portrayed as an indication of the success of the “surge” and evidence that conditions in Iraq were improving. The Baghdad government organized a convoy of buses to bring the Iraqis home, offered those returning to Baghdad an \$800 cash incentive, and heralded this as the beginning of a new era. In fact, 365 families returning from Syria on the Iraqi government-organized convoy each received \$800. But gradually a less positive side of the

story emerged. The government soon suggested that the Iraqis should not come home immediately, the \$800 inducement was dropped and no further bus convoys were organized. UNHCR reiterated that it was not recommending that Iraqis return to Iraq at this time.

The actual number of returnees is uncertain. The Ministry of Displacement and Migration estimated on 16 November 2007 that approximately 30,000 families had returned from abroad in 2007 while the Iraqi Red Crescent Society estimated that around 46,000 individuals returned to Baghdad between 15 September and 27 December 2007.<sup>115</sup>

A UNHCR survey of 110 returning families found that 46 percent were returning because they could not afford to stay in Syria and 26 percent were leaving due to new visa rules. Only 14 percent said that they were returning because of improved security.<sup>116</sup> Reports are fragmentary and anecdotal, but seem to suggest that a number of those returning are not going back to their homes and communities, but rather are living in areas where they feel safe, and particularly where they are not a sectarian minority. There is a danger that the refugee problem will become an internal displacement problem. And around 70 percent are returning to find that their homes have been destroyed or are occupied by other families.<sup>117</sup>

UNHCR carried out two assessments of returnees in November and December 2007, but was able to interview only some 7,000 IDP and 2,300 refugee families who had returned. Because of the methodology, they were not able to draw conclusions about the number of families who ended up in secondary displacement or were forced to return to their place of displacement. Their assessment did indicate that return movements are mostly happening to areas which have become ethnically/religiously homogeneous. Returnees return primarily

<sup>114</sup> See for example, Albert Aji, “Buses bring hundreds of Iraqis home,” *The Washington Post*, 27 November 2007.

<sup>115</sup> UNHCR, *UNHCR Second Rapid Assessment of Return of Iraqis from Displacement Locations in Iraq and from Neighbouring Countries*, March 2008. IOM, *Returnee Monitoring and Needs Assessments*, IOM/MoDM, Baghdad, January 2008.

<sup>116</sup> Julien Barnes-Dacey and Sam Dagher, “Returning from Syria, Iraqis question safety,” *Christian Science Monitor*, 28 November 2007. <http://www.csmonitor.com/2007/1128/p06s01-wome.htm>.

<sup>117</sup> Ibid.



to those neighborhoods under control of members of their sect. Only a few families have reportedly returned to areas under control of another sect and they found no members of minority groups (Christians, Sabaeans, Manaeans or Yazidis) who had returned.<sup>118</sup>

The International Organization for Migration, in cooperation with MoDM also carried out a survey of around 300 returnee families, of which 98 percent were returning from internal displacement. 84 percent of them were returning from one Baghdad neighborhood to another. All of these families were of Arab ethnicity and 45 percent cited improved security in the home areas as the main reason for their return. Only 45 percent of assessed families reported that their non-movable property was accessible and in good condition. About half of the returnees indicated that they lived in damaged houses or with relatives.<sup>119</sup>

By January 2008, UNHCR was finding that the return movement had been reversed, with 1,200 Iraqis entering Syria every day, while 700 were returning to Iraq.<sup>120</sup> The IRC Commission on Iraqi Refugees, in interviews with refugees in Jordan and Syria found “no evidence of large-scale return; in fact, most refugees find the idea inconceivable.”<sup>121</sup> As noted previously, IOM’s regular surveys of IDPs indicate that only 58 percent intend to return to their homes.<sup>122</sup> The New York Times cautioned that although thousands of refugees returned to Iraq last year, most ended up leaving again because they did not feel secure.<sup>123</sup>

But the myth that returns are possible because security has improved has consequences. European governments—Sweden and the United Kingdom—

have announced that they will begin returning Iraqis whose claims for asylum have been denied.<sup>124</sup> There is also concern that the return of a limited number of Iraqi refugees could shift attention away from the on-going needs of Iraqis living in neighboring countries. If donor governments were to perceive that the “refugee problem is over” because people are going back, they will be less likely to fund humanitarian programs for Iraqi refugees. And that, in turn, not only could increase the pressure on refugees to return before conditions are conducive to repatriation, but also put incredibly heavy burdens on a still very-fragile state.<sup>125</sup>

### AND THEN THERE’S PROPERTY

Although it usually gets little attention in the midst of conflict, property issues are key to both durable solutions for refugees and IDPs and to resolution of the conflict. One of the greatest obstacles to the return of refugees and especially IDPs is the issue of property restitution or compensation. For example, thirteen years after the Dayton peace agreement, there are still 500,000 Bosnian refugees and IDPs for whom return is difficult, primarily because of property disputes and housing. And the research shows that conflicts over property are an important source of renewed conflict.<sup>126</sup> Unfortunately, resolving property issues usually turns out to be incredibly complex.

Resolving property disputes resulting from the war and the large-scale displacement will be a major issue in Iraq for years, perhaps decades. Property has become not only one of the spoils of war, but also a means of enriching and paying militia forces. And frequently it is a major cause of displacement.

<sup>118</sup> UNHCR, *UNHCR Second Rapid Assessment of Return of Iraqis from Displacement Locations in Iraq and from Neighbouring Countries*, March 2008. <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SHIG-7CEDPJ?OpenDocument>.

<sup>119</sup> IOM, *Returnee Monitoring and Needs Assessments*, IOM/MoDM, Baghdad, January 2008.

<sup>120</sup> AFP, 6 February 2008.

<sup>121</sup> International Rescue Committee, *Five Years Later, a Hidden Crisis: Report of the IRC Commission on Iraqi Refugees*, March 2008. [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7CUJH7-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/PANA-7CUJH7-full_report.pdf/$File/full_report.pdf).

<sup>122</sup> IOM Emergency Needs Assessments, Post-February 2006 Displacements in Iraq, 15 February 2008.

<sup>123</sup> *New York Times*, 20 March 2008, [http://www.nytimes.com/2008/03/20/opinion/20thu1.html?\\_r=2&ref=opinion&oref=slogin&oref=slogin](http://www.nytimes.com/2008/03/20/opinion/20thu1.html?_r=2&ref=opinion&oref=slogin&oref=slogin).

<sup>124</sup> Alan Travis, “Iraqi asylum seekers given deadline to go home or face destitution in UK,” *The Guardian*, 13 March 2008, p. 4.

<sup>125</sup> Peter Grier, “How will the Iraq war end?” *Christian Science Monitor*, 13 March 2008. <http://www.csmonitor.com/2008/0318/p01s05-woiq.html>

<sup>126</sup> Walter Kälin, “Durable Solutions for Internally Displaced Persons: an Essential Dimension of Peacebuilding,” Presentation to the Lessons Learned Working Group of the UN’s Peacebuilding Commission, 13 March 2008. [http://www.brookings.edu/speeches/2008/0313\\_internal\\_displacement\\_kalin.aspx](http://www.brookings.edu/speeches/2008/0313_internal_displacement_kalin.aspx)

According to IOM and UNHCR, about 25 percent of Iraq's IDPs cite a main reason for their displacement as "forced displacement from property."<sup>127</sup> In some cases, militias and sectarian groups have forced people from their homes and given it to IDPs from their own sect or to their supporters. There are reports of people selling their homes under duress. In many cases, houses have been destroyed or damaged to the point that they are no longer habitable. Although over half of Iraq's IDPs said they did not know the status of their property left behind, about 17 percent indicated it had been destroyed and about 34 percent said that it was being occupied by others.<sup>128</sup> In fact, it has been reported that 70 percent of those who returned to Iraq were unable to return to their homes.<sup>129</sup> In some cases, Iraqi refugees returned to their communities, found their homes occupied by others, and went back to Syria.<sup>130</sup> If refugees cannot return to their property, they will either become IDPs or they will go back into exile. Neither solution bodes well for Iraq or the region.

If these results are typical, the issue of property rights is a ticking time bomb. Even in the best case scenario—that refugees and IDPs are able to return home in security and dignity—it is likely that property restitution and compensation will be on Iraq's agenda for decades. In fact, if less than half of the refugees and IDPs return home—say two million—and a third of those find their lands destroyed or occupied by others—that is a potential caseload of over 650,000 property claims.

To put this in perspective, in 2004, the Iraqi government established a mechanism which came to be known as the Commission for the Resolution of Real Property Disputes (CRRPD) to redress viola-

tions of property rights during the Saddam Hussein regime. As of April 2006, 132,000 property claims had been filed and 22,000 resolved.<sup>131</sup> Many more claims could be filed. According to IOM's Peter van der Auweraert, it will take 30 years just to address the appeals that have already been ruled on by the Judicial Committee.<sup>132</sup>

The issue of conflicts over property and the need to set up mechanisms to resolve these conflicts will clearly be an enormous challenge to a future Iraqi government which will have many other priorities. This is not only because of the potential scale of the number of cases, but also because of the nature of Iraq's property law, the type of mechanism to be established, the capacity of the government, and recent actions by the Iraqi government.

Dan Stigall has analyzed Iraq's property law, noting that it is a "rich blend" of continental civil law which is influenced by both Ottoman law and traditional Islamic legal principles. While private ownership is recognized, Iraqi law also provides for certain rights to those who actually use and possess it. And in Iraqi law, civil courts play the key role in determining possession of property.<sup>133</sup>

One of the lessons drawn from the CRRPD is that a judicial or quasi-judicial process is unlikely to be successful in dealing with large numbers of claims. The CRRPD which has been a quasi-judicial process has been bogged down with bureaucratic processes, including provision for valuation by multiple experts to assess the value of claims, extensive formal requirements for documentation and application of Iraqi civil and procedural law in some areas. Administrative processes are generally easier than judicial

<sup>127</sup> IOM, Governorate Profiles: Anbar, Baghdad, and Dyala, December 2007, p. 4.

<sup>128</sup> Ibid., p. 13.

<sup>129</sup> Kathleen Newland in Aida F. Akl, "Iraqi refugees return to challenges," Voice of America, 19 February 2008. <http://www.reliefweb.int/rw/rwb.nsf/db900sid/MUMA-7BZ9CC?OpenDocument>. Also see Ahmed Rasheed and Wisam Mohammed, "Iraq's returnees crave a future free of bloodshed," Reuters Alertnet, 7 February 2008. <http://www.reuters.com/article/topNews/idUSL3134897720080207>.

<sup>130</sup> Mission Still Not Accomplished, Editorial *New York Times*, 20 March 2008, [http://www.nytimes.com/2008/03/20/opinion/20thu1.html?\\_r=2&ref=opinion&oref=slogin&oref=slogin](http://www.nytimes.com/2008/03/20/opinion/20thu1.html?_r=2&ref=opinion&oref=slogin&oref=slogin).

<sup>131</sup> Internal Displacement Monitoring Centre, "Iraq – A Displacement Crisis: A Profile of the Internal Displacement Situation," 30 March, 2007. [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/129E903BAA2C8245C12572AE002EE88A/\\$file/Iraq+-March+2007.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/129E903BAA2C8245C12572AE002EE88A/$file/Iraq+-March+2007.pdf).

<sup>132</sup> Peter Van der Auweraert, "Property Restitution in Iraq," Presentation at the Symposium on Post-Conflict Restitution, Hosted by Bureau of Population, Refugees, and Migration (PRM). Arlington, VA, 6-7 September 2007.

<sup>133</sup> Dan E. Stigall, "A Closer Look at Iraqi Property and Torts Law," *Louisiana Law Review*, vol. 68, 2008 p. 58.

processes to implement and should be the predominant mechanism for future reparation mechanisms.<sup>134</sup> Otherwise, the whole judicial system could be clogged up with property compensation/reparation cases, with lengthy delays not just for those seeking recovery of their property but many other legal issues as well.

Some of the other lessons Peter Van der Auweraert draws from the CRRPD's experience are also relevant here. He argues that large-scale property restitution should be addressed within a larger transitional justice framework. Compensating property owners in isolation from other victims of the regime raises issues of basic justice and equity which might make durable reconciliation more difficult. He also notes that any successful property restitution effort will have significant redistributive effects. For the CRRPD, one outcome will be at least a partial restoration of pre-Ba'athist property relations. For the post-2003 claims, the result is likely to be a partial restoration of Ba'athist property relations. This obviously will raise the potential of conflict between the two systems. Finally, he notes that a lack of capacity in existing state institutions needs to be taken into account from the beginning. Based on the experience of CRRPD, there are serious shortcomings with establishing a property restitution commission in a weak or partially functioning state. With the CRRPD, there were significant problems in implementing the decisions—in restituting property or in actually giving cash to those where decisions had been made that they deserved compensation. He adds that “[a]nother, even more difficult problem is posed by the situation where existing state institutions are politicized or corrupt and the rule of law and good governance culture is weak or non-existent. If in a country the rule is a politicized administration that works primarily in the service of local or national political elites, it will be extremely difficult to mount a large-scale property restitution process with national resources alone.”<sup>135</sup>

Past experience with property restitution in Iraq thus raises questions about whether the current government is ready and able to implement a new mechanism to resolve the many property disputes which are likely to emerge. If such a mechanism is not instituted, either property will remain in the hands of those who physically possess it, or disputes will be settled by other means, likely including violence. But these are not just issues to be resolved at some point in the future. As Brookings consultant Rhodri Williams has argued, the Iraqi government's ad hoc efforts to address property issues have been inconsistent and counterproductive. Early in the surge campaign, for example, the government simply decreed the return of all property by an arbitrary deadline but did not back this up with sufficient resources to work. In fact, this decree may have exposed displaced families to risk by encouraging them to return to their homes when it was not safe to do so. As he states, “with violent displacement ongoing, the rights of the uprooted to their homes and lands cannot currently be enforced but should not be traded away.”<sup>136</sup> Williams proposes a number of concrete steps which could be put into place immediately which would defuse some of the future tension around property claims.<sup>137</sup>

But this requires political will and an acknowledgement by the Iraqi government of both the scale of the displacement situation and of the importance of addressing property restitution/compensation issues. A recent public opinion poll posed the following question: “There are situations in which people who left Iraq have returned to find others occupying their homes. In these cases, whose rights do you think should prevail—the rights of the former residents or the rights of the current residents?” 88 percent of Iraqis responded the rights of the former residents, 11 percent indicated the rights of current residents (with 1 percent refusing to answer or “don't know.”)<sup>138</sup> A significant majority of Iraqis feel that property should

<sup>134</sup> Peter Van Der Auweraert, “Property Restitution in Iraq,” Paper presented at the Symposium on Post-Conflict Property Restitution, Hosted by the U.S. Department of State, 6-7 September 2007.

<sup>135</sup> Ibid. direct quotation taken from p. 10.

<sup>136</sup> Rhodri C. Williams, “Applying the Lessons of Bosnia in Iraq: Whatever the Solution, Property Rights Should be Secured.” Brookings-Bern Project on Internal Displacement, 8 January 2008. [http://www.brookings.edu/papers/2008/0108\\_iraq\\_williams.aspx](http://www.brookings.edu/papers/2008/0108_iraq_williams.aspx).

<sup>137</sup> Ibid.

<sup>138</sup> [http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/14\\_03\\_08iraqpollmarch2008.pdf](http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/14_03_08iraqpollmarch2008.pdf).

be returned to those who were displaced which is an indication that there is popular support for developing a means to ensure that property is returned.<sup>139</sup>

If at some point in the future, security improves to the extent that refugees and IDPs are able to return to Iraq in large numbers, the question of property will have to be resolved if further conflict is to be avoided. And substantial funding will be needed to establish the mechanism and to compensate people who are unable to return.

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<sup>139</sup> It is tempting to consider that the 11 percent responding that the property should belong to the present residents as those who are, in fact, occupying homes belonging to those displaced, but the data on respondents are not available.

# THE PARADOX OF PROGRESS

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Security is improving in Iraq. In addition to the standard indicators, such as the Brookings Institution's Iraq Index<sup>140</sup> and others used by the U.S. government, a public opinion survey carried out this month by reputable news organizations indicates that 62 percent of Iraqis say that the security situation in their village/neighborhood is either very good or quite good, compared with 43 percent in August 2007 and 47 percent in February 2007.<sup>141</sup>

At least until the Iraqi government's incursion into Basra, it seemed that Iraqis were feeling more secure and Iraqi casualties were down (although still at high levels.) But neither the internally displaced nor the refugees are returning to their homes in large numbers.

Displacement is a bellwether—a benchmark—of security in Iraq. When security improves and people feel safer, the number of those fleeing their homes decreases and some displaced may return. When there is an upsurge of violence, people leave their homes. But there are other factors which shape displacement statistics. As more people leave the country, there may be less violence because there are fewer people. Almost 10 percent of Iraq's population is now living outside the country. As the country becomes increasingly divided by sectarian lines, there should be less internal displacement as more people are living in ethnically-cleansed neighbor-

hoods which are more secure than ethnically-mixed ones. When borders are closed and people cannot leave the country, there are fewer refugees. And when internal borders are closed or when the journey is too dangerous, people are less likely to move.

When Iraqis were asked in the same opinion poll cited above, "[t]hinking about your security, if you could do so, would you move to a different area of the country, or are you satisfied living in this location," more than one in five—22 percent—indicated that they would move, 78 percent said they were satisfied with their present location. Interestingly, when the question was asked whether they would move to a different country entirely, the percentage of positive responses jumped to 36 percent, with only 64 percent indicating they were satisfied living in Iraq. And of those saying they would move to a different country, about half said they have plans to leave.<sup>142</sup> This is a potentially very large number of people who are planning to leave the country. If Iraq's present population is 25 million people, this means that nine million people would move to a different country and that 4.5 million people have plans to do so. As "only" about two million people have left Iraq since 2003, this seems to indicate that feelings of security and well-being are complex indeed. Many more would leave Iraq permanently if they had the means to do so.

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<sup>140</sup> <http://www.brookings.edu/saban/iraq-index.aspx>.

<sup>141</sup> [http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/14\\_03\\_08iraqpollmarch2008.pdf](http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/14_03_08iraqpollmarch2008.pdf) Interestingly, 57 percent of those who feel that security for the country as a whole had improved in March 2008 attributed the improvement to the Iraqi Army, the Iraqi police, and the Iraqi government while 20% of those feeling that security for the country as a whole had gotten worse attributed the decline to U.S. forces' operations, 18% to political parties and their militias, and 13% to [unspecified] militias, p. 9.

<sup>142</sup> [http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/14\\_03\\_08iraqpollmarch2008.pdf](http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/14_03_08iraqpollmarch2008.pdf). These responses should be treated with caution. In many developing countries—with or without armed conflict—the percentage of people saying that they would emigrate if they could is equally high.

There is much we do not know about the dynamics of displacement in Iraq. But it is clear that there is a relationship between security and displacement. Without lasting security, solutions for Iraq's 2.7 million IDPs will remain elusive. Normally the voluntary return of refugees is a cause for celebration as it indicates that the conditions which led to uprooting have improved. But when tensions still remain within the country, and when many returnees find their homes occupied by others (often by others who themselves have been displaced), large-scale returns may also be a de-stabilizing force.

While most Iraqis—and most Americans—want U.S. forces to leave Iraq, there is more ambivalence and division in the international humanitarian community. Many, probably most, in that community strongly opposed the U.S. invasion in the first place. While some take the position that U.S. forces should withdraw immediately, others maintain that the U.S. has a responsibility to the Iraqi people to assure their security—and if that means staying longer, then the U.S. should stay longer. And there are some in the humanitarian community who feel that a rapid withdrawal would lead to an all-out civil war and bloodbath.



## MOVING FORWARD

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Solutions for Iraq's displaced will ultimately depend on security and political progress in the country.

### *If the Political and Security Situation Improves*

If the level of violence decreases, political institutions function more effectively, and improving security means that international organizations can provide greater humanitarian assistance inside Iraq, then some refugees and IDPs would begin to return. However, it is likely—and indeed desirable—that returns would take place over several years. If the returns were to occur suddenly, there is a risk of further instability as a result of overwhelming inadequate infrastructure and dealing with a large number of property disputes at the same time.

The priorities for the Iraqi government, international actors, and the U.S. government should be:

- To ensure the safety of returnees.
- To prepare adequate assistance with return for refugees, IDPs, and the host communities, including organized “go and see” visits to communities of origin and assurances that decisions to return would be made voluntarily.
- To set up a monitoring mechanism to ensure that the basic human rights of returnees are respected, including creating an ombudsperson office for returnees.
- To put into place mechanisms to resolve property disputes and to designate or build transitional housing for returnees who are not immediately able to return to their homes.
- To manage the pace of returns by ensuring adequate assistance to refugees in Syria and Jordan and to IDPs inside Iraq so that they do not feel

pressured to return prematurely because they lack basic survival mechanisms.

- To provide to the refugees in exile, in addition to basic survival assistance, programs focusing particularly on education/vocational training for young people and psycho-social support for the large percentage experiencing trauma. This would make it more likely that the returnees are able to contribute to their countries.
- To provide access to education and psycho-social care for Iraqi IDPs.
- To resettle those refugees outside the region who would be particularly vulnerable in Iraq, including minorities, women-headed households, and serious medical cases. In particular, the U.S. should be prepared to resettle 30,000 Iraqis per year for the next five years. This figure is 10 percent of the most conservative estimate of Iraqi refugees living in Syria and Jordan.

Security is key to the return of refugees and IDPs. But it is important to underscore the need for good governance and accountability in planning for sustainable returns. Even if violence decreases, if people cannot access the Public Distribution System or cannot get a job, if there are no doctors or functioning schools, if they do not trust the local police, if they cannot get compensation for property now occupied by others, they will not return. If they are forced to return, they could well be a further destabilizing force.

### *If the Violence Worsens*

A worsening situation in Iraq could result from a change in loyalties of Sahwa (also called “Awakening”)



groups, the ending of the al-Sadr ceasefire, increasing intra-Shi'a violence or an increase in foreign involvement. If sectarian and other violence worsens, power devolves to local militias, there is little political process, the already fragile infrastructure is further damaged, and displacement increases, then large-scale voluntary returns are unlikely and, in fact, it is probable that many of those who are displaced within the country will try to move to other countries.

In this case, the challenge is to avoid an all-out blood-bath. This means that:

- Much more support is needed for the governments of Syria and Jordan and for the refugees living in those countries. This assistance will need to go beyond basic humanitarian assistance and creative planning will be needed to ensure that refugees are able to contribute to the long-term development of these two countries. In particular, the World Bank, UNDP and development actors will need to demonstrate new degrees of flexibility in responding to immediate needs.
- A way will be needed around the diplomatic impasse of assisting Syria.
- The U.S. will need to make a good-faith effort to resettle a far greater number of Iraqis in order to demonstrate to countries in the region that it is shouldering a fair share of the burden. This could range from 50,000-100,000 people per year. Alternatively, the U.S. and UNHCR could mount a major initiative to offer financial incentives to other countries in the region,

perhaps Egypt and Yemen, to accept these numbers of refugees for permanent resettlement. Bill Frelick<sup>141</sup> has argued that it would be cost-effective for the U.S. government to offer \$5,000 for the resettlement of an Iraqi to one of these countries: perhaps \$2,000 to the individual refugee, \$2,000 to the host government, and \$1,000 for transportation and processing. This is half the cost of the \$10,000 it costs to resettle a refugee in the U.S. While much greater thought is needed about alternatives, it is clear that unless large numbers of Iraqis are offered opportunities for solutions, Jordan and Syria will be under pressure to deport them back to Iraq.

The internally displaced will be even more vulnerable in a deteriorating security situation, and it is unlikely that neighboring countries will open their borders to another three million Iraqis. Given the fact that ethnic cleansing has also meant that most Iraqis are now living in single-sect communities, then the IDPs will move (if they have not done so already) to areas where their sect is dominant and where their protection is assured by militias. In this case, the U.S. and international community should use all of its leverage to assure that minorities who are not protected by militias are able to escape to other countries and to be resettled. With the passage of time, many of the displaced may prefer to remain in their communities of refuge or to move to other parts of the country rather than continue to seek return to their places of origin.

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<sup>141</sup> Bill Frelick, Human Rights Watch, Comments made during the Iraq Refugee Forum, 14 April 2008, Washington, DC.

# GENERAL RECOMMENDATIONS

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## ***1. The U.S. government should put humanitarian issues high on the U.S. agenda for Iraq.***

As this study has argued, responding to humanitarian needs of Iraqi civilians affected by the violence is not just a question of compassion or charity, but fundamentally affects security—security for Iraq and for the countries in the region. Too often, discussions of U.S. policy in Iraq ignore the effects of the war on Iraq's civilian population. But Iraq's IDPs and refugees will have an impact on security in the region and policy-makers need to factor that into their thinking now. The U.S. government needs to consider the long-term effects of a large Iraqi diaspora in the region now and it needs to engage with the humanitarian community to discuss these issues. There is much more common ground than either the policy strategists or the humanitarians seem to recognize.

## ***2. The U.S. government should play a leadership role in mobilizing more humanitarian assistance for Iraq's war-affected civilian population, internally displaced persons and Iraqi refugees living in neighboring countries.***

The role of the international community, and particularly of the United States, to respond to both internally and externally displaced Iraqis is crucial. While it is far from certain that providing more humanitarian assistance within Iraq would result in less internal displacement, such assistance would alleviate civilian hardship and perhaps result in fewer refugees leaving the country. More support should be given to U.N. agencies and non-governmental

organizations (NGOs) which are providing humanitarian assistance inside Iraq and which could prevent people from leaving their homes. Operating in an intensely dangerous context, several hundred international and Iraqi organizations are assisting people to remain in their communities. Not only should these NGOs receive more assistance, but donors need to be much more flexible than usual in understanding that while plans may have to change, alternative ways of working can be used.

While the U.S. government responded quickly to provide about 30 percent of UNHCR's 2007 Iraq Appeal and 40 percent of its 2008 Iraq Appeal, other international organizations—such as the International Organization for Migration—and NGOs are having difficulty raising funds to support their programmatic work inside Iraq. The U.S. government should move rapidly to provide the needed funds for humanitarian assistance inside Iraq. The U.S. has more than 40 percent of the responsibility for Iraq's displaced.

The governments hosting large numbers of refugees—particularly in Syria and Jordan—need additional humanitarian assistance. International humanitarian assistance, delivered by established U.N. and non-governmental agencies, can make it less likely that the militias are able to recruit desperate refugees into their cause and less likely that the economic and social tensions arising in Jordan and Syria could de-stabilize those governments.

The nature of the assistance is important as well. Camps should be avoided at all costs; support

should be given to communities and families to maintain the present dispersion of Iraqis in urban areas. Education for Iraqi children and youth is critical. Not only is it desperately desired by Iraqi parents, but it provides alternative activities for young people who might otherwise turn to crime or militias. Education's role in "keeping hope alive" also has a security dimension; when young people are preparing for the future, they are less likely to do things to jeopardize that future. Desperate people do desperate things.

As argued above, the U.S. should increase the number of Iraqi refugees accepted for resettlement in the U.S. and move rapidly to overcome the bureaucratic roadblocks which are slowing down the processing of Iraqi refugees. The importance of symbolic action should not be underestimated.

***3. To signal the importance the U.S. places on the humanitarian situation in Iraq, President Bush should name a senior Humanitarian Coordinator for Iraq who is mandated to work with government agencies to ensure that humanitarian assistance is provided, that policies are coherent and consistent, that the movement of Iraqi refugees isn't stonewalled by bureaucratic impediments.***

This is not business as usual. And the Humanitarian Coordinator should report directly to the president and have the clout to cut through standard operating procedures. This individual should be well-respected in both the humanitarian and foreign policy communities and should have the authority to make things happen.

***4. The Iraqi government should make protection of the displaced a priority.***

The Iraqis who have already been displaced need to be protected. The Representative of the Secretary-General (RSG) on the Human Rights of Internally Displaced Persons (IDPs), Walter Kälin, has noted the importance of ensuring that displaced Iraqis have access to food rations, that governorates allow desperate people to enter their territories temporarily and that host communities and families should

be supported. Presently, there are reports that many displaced Iraqis, particularly women heads of households, are unable to access the Public Distribution System through which regular food rations are given to Iraqis. Sometimes, they are expected to return to their communities—from which they fled—in order to change the address on their ration cards. This bureaucratic requirement—which is a life and death issue for many Iraqis—should be immediately resolved. Another common problem facing IDPs is the lack of documentation—school certificates to enable them to register children in other school districts, or marriage certificates which allow women to access food distribution. The Iraqi government, with support from the Humanitarian Coordinator should immediately resolve the impasse by allowing IDPs to change their addresses and receive documentation in the area in which they are presently living. There is a dearth of adequate housing for Iraqis displaced in many parts of the country. As noted above, there are serious security and cultural concerns about housing Iraqi IDPs in camps. The cost of providing building materials to displaced Iraqis would not be unreasonable and would enable them to live in more security. Such assistance should be provided.

It is the responsibility of the national Iraqi authorities to protect the people displaced within their borders and provide them with the basic necessities mentioned above—food, safe housing, and education. But the Iraqi Ministry of Displacement and Migration is a relatively young and weak ministry which needs support and capacity-building. While USAID has made a priority of building the capacity of Iraqi ministries, its efforts have not yielded the necessary results. The Iraq Humanitarian Coordinator should make this a priority in his or her work.

***5. The U.S. government should support the U.N.'s humanitarian space.***

The U.S. government needs the United Nations and should support the U.N.'s efforts while recognizing that in order to be effective, the U.N. needs to be perceived as a neutral and impartial player.

It is in U.S. interests that U.N. agencies operate independently and that they are perceived as independent actors. The U.S. needs to give the U.N. its humanitarian space and to distance itself from U.N. operations.

#### ***6. Serious planning is needed for the long-term.***

Much more work is needed to plan for the future, particularly around the question of returns and property. Measures should be introduced now to facilitate the eventual return of Iraqis to their communities and for the real possibility that some Iraqi refugees—such as minorities—will never be able to return. UNHCR should coordinate a small planning unit with other humanitarian and development agencies to begin thinking about alternative scenarios for the return of refugees and IDPs when conditions permit. In particular, planning is needed about how to phase in the return, identify the obstacles, and calculate the support required to sustain the effort. Not only would this reassure host governments in the region, but the involvement of development actors, such as the U.N. Development Program could avoid transitional problems later on.

As mentioned above, one of the greatest obstacles to the return of refugees and especially IDPs is the issue of property restitution or compensation. Two steps could be taken now in Iraq which would make the return process smoother in the

future: the government should stress that all rights to property will be upheld and that those who are currently displaced will not be penalized for being away from their homes. Secondly, the government should implement a mechanism for displaced Iraqis to register their properties now in the expectation of having them returned in the future. The government has already developed a way for Iraqis to do this, but it needs to be publicized in the Iraqi displaced communities and the government needs to make sure that it is implemented in practice.

In the best-case scenario, conditions in Iraq will continue to improve, but it will take time before conditions are safe and stable enough for the refugees to return on a large scale. If they are forced to return too soon—because they are desperate and destitute in exile—they could overwhelm fragile Iraqi capacity. In the worst-case scenario, the conflict inside Iraq will escalate, the Iraqi government/military will not be able to provide security, there will be still more displacement and the refugees will not return. If they do not have adequate support to survive in Jordan and Syria, it will not only be a humanitarian tragedy, but a serious security risk. They will be more likely to turn to criminal/insurgent activity, to support the activities of Al Qaeda or the men may return to Iraq to join militias so they can send money to their families in Syria and Jordan. And the possibility of the Iraqi refugee situation developing into a long-term Palestinian-like diaspora is of obvious concern to everyone.



## ABOUT THE AUTHOR

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**ELIZABETH G. FERRIS** is Senior Fellow in the Foreign Policy at Brookings in Washington, D.C. and Co-Director of the Brookings-Bern Project on Internal Displacement. This Project was founded in 1994 to promote the human rights of internally displaced persons and is co-directed by the Representative of the U.N. Secretary-General on the Human Rights of Internally Displaced Persons. Dr. Ferris' current research interests focus on the politics of humanitarian action and on the role of civil society in protecting displaced populations.

Prior to joining Brookings in November 2006, Dr. Ferris spent 20 years working in the field of international humanitarian assistance, most recently in Geneva, Switzerland at the World Council of Churches where she was responsible for the Council's work in humanitarian response and long-term development. In this capacity, she worked with many local, national, and international non-governmental organizations to support capacity-building initiatives and to advocate for protection of refugees, IDPs, and other populations affected by conflict.

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