

## **RETURNS TO IRAQ: QUESTIONS AND MORE QUESTIONS**

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Displacement in Iraq is massive. According to the latest figures, 2.8 million Iraqis are displaced within their country -- most displaced since 2006 -- and 2 million Iraqis live in neighboring countries. One in five Iraqis is thus living outside their own communities. Patterns of displacement have corresponded to levels of violence in the country, with the peak of displacement between June and September 2006 while less than 1 percent were displaced in 2008.<sup>1</sup>

As violent incidents have decreased in Iraq and as US combat troops prepare to withdraw (by June 2009 from Iraq's cities) expectations are growing that Iraqis will return to their communities in growing numbers. In fact, UN officials and political leaders in Iraq, the region, and the US have always expected that return will be the durable solution for Iraqi IDPs and refugees. Little serious consideration has been given to other options.

For example, on 11 November 2008, at a conference in Jordan, the Jordanian Foreign Minister Salah Bashir said “We all, Iraq and neighboring countries as well as the international community, have a top priority to create suitable circumstances for the return of Iraqi refugees to their country.” The conference concluded that the solution to the Iraqi refugees issue lies in their return home. “Any other solution remains temporary and partial. Host countries and international organizations should encourage Iraqi refugees to go home voluntarily.”<sup>2</sup> In late November, EU countries agreed to host “on a voluntary basis” up to 10,000 Iraqi refugees. In reporting this decision, French immigration minister, Brice Hortefeux noted that Iraqi officials had called upon the Europeans not to encourage emigration. “On the contrary, our objective is to

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<sup>1</sup> Of the 2.8 million IDPs, 1.2 million were displaced before 2006 and almost 1.6 million between 2006 and 2008. Also see: IDP Working Group, ‘Internally Displaced Persons in Iraq – Update,’ June 2008.

<sup>2</sup> <http://www.arabtimesonline.com/client/pagesdetails.asp?nid=25214&ccid=18#>

get people to come back to Iraq.”<sup>3</sup> High Commissioner Antonio Guterres said the returns thus far are an ‘encouraging sign’ and that it is ‘clear that the security situation has improved.’<sup>4</sup> UNHCR spokesman, Ron Redmond reported that the return of some Iraqis illustrates the “increasing confidence that it is possible to go home” and that “once you get that sort of momentum going, you will see more and more refugees going back.”<sup>5</sup>

Pressure and expectations are thus growing that the displaced will return to their communities soon. By all indicators, overall security in Iraq is improving. For example, the number of civilian casualties has decreased from around 3500 per month in January 2007 to less than 500 per month in September 2008.<sup>6</sup> There seems to be an expectation that security will continue to improve, elections will bring about political stability, that the vast majority of the refugees and internally displaced will return home in large numbers and that the displacement problem will be over.<sup>7</sup>

I’d like to begin my presentation by reviewing a few of the lessons learned from other large-scale displacement situations, then summarize the current state of Iraqi returns and raise some key questions to consider before we rejoice that the war is over, that people can go home, and that we can get back to business as usual.

### Lessons learned from previous large-scale returns

The humanitarian community has a long record of working with displaced people – both refugees and IDPs – and of facilitating durable solutions to their plight. Over the years, we have learned that there are basic trends and patterns in returns – trends and patterns which are likely to apply to present discussions about Iraqi returns.

- The longer that displacement lasts, the more difficult to find durable solutions.
- The further away people are from their communities, the less likely they are to return quickly. Thus internally displaced persons generally return before refugees do and refugees in neighboring countries return before those in more distant lands.
- There is only so much that the international community can do to facilitate returns. Most refugees and especially IDPs return spontaneously – without international assistance – when they judge that the situation back home is secure enough or when conditions in exile become unbearable.
- Assurances from community leaders and from friends and relatives have more weight in decisions to return than promises from the governments of countries of origin.
- Return is often a process, implemented in stages. For example, men may go back first to make sure that things are safe before bringing their families. People may come back provisionally, keeping open the possibility – when they can – of going back into refugee.

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<sup>3</sup> Valentina Pop, “EU countries pledge to host 10,000 Iraqi refugees,” <http://euobserver.com/24/27193>.

<sup>4</sup> Joe Sterling, “UN gears up for return of displaced Iraqis,” <http://www.cnn.com/2008/WORLD/meast/12/01/iraq.uprooted.people/>

<sup>5</sup> Joe Sterling, “UN gears up for return of displaced Iraqis,” <http://www.cnn.com/2008/WORLD/meast/12/01/iraq.uprooted.people/>

<sup>6</sup> Brookings Institution, Iraq Index, 11 December 2008, p. 5.

<sup>7</sup> See however, Kenneth Pollack, “Passing the Baton: An Obama Administration Takes on the Challenge of Iraq,” Right Side News, 12 December 2008, <http://www.rightsidenews.com/200812122960/editorial/passing-the-baton-an-obama-administration-takes-on-the-challenge-of-iraq.html>

- In assessing the decision to return, three factors seem particularly important to families: security, livelihoods, and property.
- Security is rarely uniform. The situation can indisputably improve on the national level, while pockets of instability and fear remain. Returns to areas where individuals will be in a minority are much slower than to areas where they will be living as part of a majority group.
- Monitoring of returns and the security of returnees has been a key part of virtually all large-scale refugee repatriations in recent decades.
- People are more likely to return quickly when they are confident that they can resume their livelihoods – e.g. their land is intact, there are possibilities to resume their business, jobs are available. They are also more likely to return quickly when assistance in their community of displacement is inadequate.
- Land and property issues are among the thorniest issues complicating smooth repatriations.
- The experience of return is often different for men and for women and for young people and their elders.
- The international community does a good job in providing humanitarian assistance. It does a far worse job in transitioning to development or what is now called the “Early Recovery” phase.

### What we know about returns

It is difficult to assess how many Iraqis have actually returned to their communities as monitoring is difficult, different agencies use different time frames, and most of Iraqi refugees and IDPs are living in urban situations, making the distinction between displacement and normal migratory flows more difficult. The best estimates are that around 140,000 returns have taken place, with about 100,000 of those returning to Baghdad.<sup>8</sup> In IOM’s survey of returning IDPs, it estimates that between 86-92% of the returnees are returning from internal displacement rather than from other countries.<sup>9</sup> About half of the returnees in the families interviewed by IOM are children and young people under the age of 17; if this figure holds up, it suggests that people are returning in family units.<sup>10</sup>

But beyond the statistics, reports indicate that many Iraqis are waiting to see what security and living conditions are like before deciding to return. In fact, according to news reports, many Iraqis have visited their country and then travelled back to Jordan safe and sound.<sup>11</sup> According to

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<sup>8</sup> UNHCR reported that around 140,000 uprooted people went back to their homes between June and October 2008, most of whom were internally displaced. Joe Sterling, “UN gears up for return of displaced Iraqis,” <http://www.cnn.com/2008/WORLD/meast/12/01/iraq.uprooted.people/> The International Medical Corps reported that close to 17,000 families, approximately 100,500 individuals, had returned to Baghdad as of October 2008. “Iraq to open center to aid returning refugees in Baghdad,” <http://ecoproject.org/node/3;http://www.reliefweb.int/rw/rwb.nsf/db900sid/CJAL-7LRTE7?OpenDocument&rc=3&cc=irq>

<sup>9</sup> International Organization for Migration, Emergency Needs Assessment, 1 October 2008, p. 1 and IDP Working Group: Internally Displaced Persons in Iraq, Update, June 2008.

<sup>10</sup> Ministry of Displacement and Migration of Iraq & International Organization for Migration, Returning monitoring and Needs Assessments Tabulation Report,” September 2008.

<sup>11</sup> “Iraqi refugees in Jordan yearn to go home,” *Arab Times*, 24 November 2008, <http://www.arabtimesonline.com/client/pagesdetails.asp?nid=25214&ccid=18#>

a survey of IDPs earlier this year, a majority of those displaced indicated that they plan to stay where they are and only 17% indicated that they plan to return to their community of origin.<sup>12</sup> Iraqi refugees themselves express fear at the possibility of return. As one Iraqi refugee living in Syria said, “I know they say it is safer in Baghdad now, but we will stay here. We lost everything there and have nothing to go back to....Things can change very quickly and I am not prepared to go through that again.”<sup>13</sup>

Returnees mostly go back to neighborhoods/districts/governorates under control of members of the sect they belong to while only a very few families have returned to areas where they would be in a minority.<sup>14</sup> While IOM reports that 86% of returnees are going back to their own homes, about half of those who do so report that their homes are in bad conditions.<sup>15</sup> The main needs of IDP are for access to income/employment as well as to food and shelter. Most IDPs consider the Public Distribution System as their main source of food although there are delays due to transfer of ration cards or because they’re not eligible to register in their area of displacement. Fifty-six percent of those surveyed by IOM report that they do not have regular access to rations through PDS. IOM also reports that while the pace of displacement is slowing, the humanitarian situation of those already displaced is worsening.<sup>16</sup>

Security is still a threat. In Baghdad returnees are asked to make themselves known to the security forces so as to ensure that areas of return are routinely patrolled and kept secure – but “despite increased protection efforts however, there were several episodes of violence targeting Baghdad returnees during the past month, including murders of entire returnee families. Some families were forced back into displacement out of fear.”<sup>17</sup> Women in particular face difficult prospects of return. Younger women may resist the stricter Islamic restrictions; women heads of household face difficulties in finding jobs.<sup>18</sup>

There are incentives to return. The Iraqi embassy provides free air and land travel and one million Iraqi dinars (around USD\$850) to any Iraqi family that wants to return, provided they have been away from Iraq for at least eight months. But less than 400 people have accepted the offer.<sup>19</sup> The Iraqi government makes similar cash grants to IDPs returning to their communities. According to IOM surveys, 56% of returnees have registered and applied for a grant; of those

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<sup>12</sup> UNHCR, IOM, UNOPS, MoDM, KRG, “Socio-economic conditions of internally displaced persons and their intentions,” 2008. [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/ONIN-7G5KWP-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/ONIN-7G5KWP-full_report.pdf/$File/full_report.pdf)

<sup>13</sup> Phil Sands, “Displaced Iraqis at point of no return,” *The National*, 2 December 2008, <http://www.thenational.ae/article/20081201/FOREIGN/371724991/1011/ART>

<sup>14</sup> IDP Working Group, ‘Internally Displaced Persons in Iraq – Update,’ June 2008.

<sup>15</sup> From MODM/IOM survey, p. 32.

<sup>16</sup> IOM, “Post February 2006 Displacement in Iraq,” 1 November 2008.

<sup>17</sup> IOM, “Emergency Needs Assessments,” 1 November 2008 Monthly Report. See also Corinne Reilly, “Iraqis are being attacked and killed for returning to their homes,” McClatchy Washington Report, 13 October 2008 <http://www.mcclatchydc.com/100/story/53871.html>

<sup>18</sup> Abeer Mohammed, “Islamist? You Weren’t Here. You Don’t Know.” *New York Times*, 8 December 2008 <http://baghdadbureau.blogs.nytimes.com/2008/10/08/you-werent-here-you-dont-know/> Also see Women for Women International, “2008 Iraq Report: Amplifying the Voices of Women in Iraq,” March 2008, pp. 31-22.

<sup>19</sup> Jennifer Utz, “Iraqi Refugees to Government’s Return Offer: ‘No, Thanks,’” *The Huffington Post*, 5 December 2008. [http://www.huffingtonpost.com/jennifer-utz/iraqi-refugees-to-governm\\_b\\_145895.html](http://www.huffingtonpost.com/jennifer-utz/iraqi-refugees-to-governm_b_145895.html).

who had registered, 39% reported having receiving the grant.<sup>20</sup> The Iraqi Ministry of Displacement and Migration has opened a Returnee Assistance Center (RAC) in Baghdad to assist returnees with assistance and plans to open more centers throughout the country. UNHCR is gearing up to provide more support to returnees, both outside and inside Iraq.<sup>21</sup> UNHCR will open four more provincial offices in Iraq in 2009, giving it bases in 14 of the country's 18 provinces, more than 100 local and international staff and it is doubling its operational budget to \$81 million.

There are also 'push' factors in the host countries. Syria hosts the largest number of Iraqi refugees, perhaps 1.2 million.<sup>22</sup> It is interesting to note that UNHCR reports that over 40,000 of these registered refugees are suffering from an important medical condition,<sup>23</sup> suggesting that refugees with medical problems are more likely to register. While Syrian policy provides entry or residence visas to Iraqis falling into one of 14 categories (including families with children registered in Syrian schools), UNHCR reports that there are now additional administrative measures for Iraqi refugees applying for the renewal of their residency. There is also tighter control of the validity of the documents used to obtain a visa for Syria at the border between Syria and Iraq. In fact, the daily crossing of Iraqis into Syria in October 2008 seems to have dropped from an average of 1,800 individuals to 900-1,000 at Al Tanf (and 200-250 at Al-Yaroubia in northern Syria). Iraqis facing a greater risk of deportation are those who have been arrested or detained for security reasons, who don't have documents, who entered Syria illegally and have committed any type of crime, such as prostitution, forging documents.<sup>24</sup>

Moreover, Syria has experienced its worst drought in 40 years, leading to a loss of half of its food production. The content of the government subsidized food basket has been cut. Herders have been forced to sell their animals and people are spending more on food. The World Food Programme issued a \$20 million emergency appeal to respond to the drought in Syria, but funding has been scarce.<sup>25</sup>

There are growing reports of the impoverishment of Iraqi refugees living in Syria and elsewhere in the region and some indications that those returning are doing so as much because their living conditions are worsening in exile as because of improved security.

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<sup>20</sup> IOM, Tabulation Report, "Returnee Monitoring and Needs Assessment," September 2008, p. 36.

<sup>21</sup> The UN in Damascus reported that in October 68 families received financial aid to return to Iraq -- \$100 for each adult and \$50 per child.<sup>21</sup>

<sup>22</sup> Faisal al-Miqdad, "Iraqi Refugees in Syria," *Forced Migration Review*, no. 20, June 2007, <http://www.fmreview.org/FMRpdfs/Iraq/08.pdf>. But there are problems with the estimates. According to the Syrian Ministry of Foreign Affairs, there are 1.2 million Iraqis in Syria with current valid visas (and no information on the number of Iraqis living in Syria without valid visas.) Yet, there are only 219,690 Iraqi refugees with active records in UNHCR's database of registered refugees. UNHCR Syria Update, November 2008, p. 3.

<sup>23</sup> UNHCR Syria Update, November 2008, p. 9, <http://www.unhcr.org/cgi-bin/texis/vtx/home/openssl.pdf?tbl=NEWS&id=4926c9d52>

<sup>24</sup> *Ibid.*, pp. 5-6.

<sup>25</sup> "Iraq Refugees: Plan for Ongoing Support in an Unstable Region," *Refugees International Bulletin*, 30 October 2008.

## Return: a good thing

Refugees and internally displaced persons want to return home, to resume their lives, to return to their culture, to plan again for their future. When it is possible, return is always the preferred durable solution for refugees. It is a positive development for Iraq to demonstrate a return to normality and the ability of the government to provide for its citizens. The return of IDPs and refugees is also an opportunity for the Iraqi government to reverse the sectarian cleansing which has taken place over the last 5 years in Iraq and to demonstrate its commitment to minority rights, pluralism, and a multiethnic society. The return of refugees and IDPs is also a clear sign that US policy has been successful in Iraq, that the surge and related actions have sufficiently improved security to enable refugees and IDPs to return. The return of refugees is a positive development for neighboring countries which have hosted, for the most part quite generously, large numbers of Iraqi citizens, for at least several years.

While refugee and IDP return is indeed a positive development, I suggest that there are 8 questions which need to be resolved before celebrating the end of displacement.

## What to look out for

- 1. Are Iraqis returning because they assess that life is safe back home or because they feel that they have no alternative but to return, given their desperate economic circumstances and pressures from host governments?**

Central to international refugee law and to the Guiding Principles on Internal Displacement is the principle that return must be voluntary. People must have a choice of alternatives. It is not a voluntary decision when people return because food distribution has been cut off in the camps or when displaced people cannot survive where they are.

If refugees and IDPs are returning because conditions in displacement are inadequate, then the international community (in the case of refugees) and the Iraqi national authorities (in the case of IDPs) are not upholding international human rights law. Displaced people have a right to humanitarian assistance during displacement. Principle Number 3 of the Guiding Principles on Internal Displacement states that “internally displaced persons have the right to request and to receive protection and humanitarian assistance from these [national] authorities. They shall not be persecuted or punished for making such a request.” Principle 25 (2) states that international humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced.”<sup>26</sup>

If refugees and IDPs are returning to Iraq because they cannot survive in their conditions of displacement, it is an indictment of the humanitarian response, not a cause for celebration.

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<sup>26</sup> United Nations, Guiding Principles on Internal Displacement, New York: OCHA, 2004.

**2. Will the Iraqi government be able to provide the necessary security to ensure that returnees are protected and are not displaced again?**

The government has taken several important initiatives to ensure the safety of returnees – such as providing additional patrols in returnee areas. But the fact that some returnees have experienced violent attacks is a sign that this is not enough. More than special protective measures are needed. The safety of the returnees depends on the overall security situation in particular neighborhoods to which refugees and IDPs return. Additional protective measures may be necessary during the initial period of return, but the reality is that these measures probably cannot be sustained over the long term. Returnees should enjoy the protection of the law and police forces just as other Iraqis do.

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

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

**3. Will the Iraqi government – and the international community – be able to provide the necessary assistance to returnees and the necessary economic development to ensure that the returnees have adequate standards of living?**

The government has developed a system of transitional grants to returnees which is a positive development. Prime Ministerial Order 101, effective 1 September 2008, established return facilitation centers in Baghdad, with plans to replicate this system throughout the rest of the country. These centers assist returnees to register, receive the 1 million Iraqi Dinar grant and resolve property issues.<sup>27</sup>

The Iraqi government has also sought to address the tremendously complicated issue of housing disputes through its Prime Ministerial Order 101 which took effect on 1 September 2008, requiring that all squatters vacate IDP and refugee houses in Baghdad or

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<sup>27</sup> OCHA Humanitarian Update, October 2008, p. 6.

face prosecution under Iraqi anti-terrorism legislation. All IDP squatters are compensated with 300,000 Iraqi dinars per month for 6 months to find alternative housing.<sup>28</sup> This is a clear attempt to reverse the sectarian cleansing which has taken place in Iraq. So far, there have been few evictions, but this does not necessarily indicate that the housing/property dilemma is less serious than anticipated. Those who are going back are likely to be those who believe that their housing is available to them. People are less likely to return when they know that an opposing militia or sect has taken over their houses. If and when the pace of returns increases, pressures could well mount and the likelihood of conflict increase. Implementation of the Prime Minister's order may also result in secondary displacement for some IDPs. For example, 512 IDP families in Rusafa district of Baghdad have been informed that they must vacate their residences.<sup>29</sup>

But the question of providing an adequate standard of living for returnees goes far beyond the provision of transitional assistance to returnees. The returnees will face the same living standards as Iraqis who have not been displaced, although in most cases, they will have fewer resources than those who were not displaced. The returnees, like those who remained in their communities, need employment and access to public services. Unlike those who were not displaced, they are also more likely to need housing.

Data indicate that conditions inside Iraq are slowly improving. According to the World Food Program's Comprehensive Food Security and Vulnerability Assessment in Iraq, many social indicators have slowly but measurably risen from their lowest levels. In particular, education and infrastructure-related indicators have improved.<sup>30</sup> Electricity is now being generated at about the same rate as before the US invasion (although demand has dramatically increased.)<sup>31</sup> But humanitarian needs remain extensive. Unemployment remains estimated at 25-40%,<sup>32</sup> and as one UN official commented "if you were to take away the swollen public sector jobs, the unemployment rate would skyrocket."<sup>33</sup> "Iraqi families confront significant erosion of livelihoods and destruction of public assets, resulting in dismal levels of basic social services. The full scale of the damage is only now becoming visible. With the conflict grudgingly receding, pockets of severe deprivation are emerging."<sup>34</sup> The outbreak of cholera in August 2008 was partly attributable to the dilapidated state of water and sanitation infrastructure.<sup>35</sup>

Surveys of returnees show that access to work is the number one issue in the north and south of the country, while food and shelter are the most important issues for returnees in

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<sup>28</sup> OCHA Humanitarian Update, October 2008, p. 6.

<sup>29</sup> OCHA, Humanitarian Update, October 2008.

<sup>30</sup> OCHA, Iraq Humanitarian Update, no. 2, October 2008, p. 1.

<sup>31</sup> Kenneth M. Pollack, "Passing the Baton: An Obama Administration Takes on the Challenge of Iraq," Right Side News, 12 December 2008. <http://www.rightsidenews.com/200812122960/editorial/passing-the-baton-an-obama-administration-takes-on-the-challenge-of-iraq.html>

<sup>32</sup> Brookings Institution, Iraq Index, 11 December 2008, p. 42.

<sup>33</sup> OCHA, Humanitarian Update, October 2008, pp. 1-2.

[http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MCOT-7LCJ62-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MCOT-7LCJ62-full_report.pdf/$File/full_report.pdf)

<sup>34</sup> Ibid.

<sup>35</sup> OCHA, Iraq Humanitarian Update, No. 2, October 2008, p. 3.



the center of the country.<sup>36</sup> If large numbers of Iraqis return to their communities, there will obviously be pressures on the economic system and on both provincial and national governments to provide needed services.

Iraq is experiencing one of the most serious droughts in 10 years due to low rainfall in the 07/08 winter season. This drought has been most severe in the northern region and has led to some localized population displacement. Electricity and fuel shortages are negatively impacting mitigation measures. As OCHA reported in its recent update: “the drought, combined with the already high food inflation in many governorates of Iraq and the unreliability of the Public Distribution System has the potential to reduce recent gains in food security.”<sup>37</sup>

#### 4. **Will the humanitarian community be able to provide the necessary assistance?**

As I have discussed earlier,<sup>38</sup> the United Nations does not have a good reputation in Iraq, due to its involvement with sanctions, Oil-for-Food and weapons inspections. The fact that most of its staff responsible for humanitarian assistance are living outside the country means that the ‘face’ of the UN in Iraq is largely one of Iraqi NGOs. Although UN agencies are gearing up to return to Iraq and to deploy international staff outside the International Zone, this process is by no means certain. The UN will be judged in large part – and its future will depend – on its ability to deliver humanitarian assistance. There is an opportunity for the UN to regain some credibility in Iraq through its performance not only in assisting and supporting the return of refugees and IDPs, but in supporting the country’s development plans. The ability of the UN to work closely with and to help support the development of the capacity of Iraqi ministries will be crucial. The UN cannot and should not see its role as supplanting that of the Iraqi government; unfortunately, there have been cases where this has precisely been the result of UN action in some other countries in the past.<sup>39</sup>

If international NGOs resume operations on a large scale and deploy expatriate staff inside Iraq, what does this mean for Iraqi NGOs who have carried the burden of providing humanitarian assistance – often under risky and dangerous conditions – on their own for the past five years? I would encourage both international NGOs and UN agencies to use this opportunity to move Iraqi staff into leadership positions and to support Iraqi national NGOs in their ongoing work. It would be a disaster if international NGOs were to arrive in force and move Iraqi NGOs to the sidelines.

There are also concerns about international funding. With a drawdown of troops and the escalating financial woes, “it seems unlikely that the White House or the Congress will be willing to fund economic reconstruction in Iraq as extravagantly as in the past.

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<sup>36</sup> OCHA Iraq Humanitarian Update, no. 2, October 2008, p. 7.

<sup>37</sup> Ibid., p. 8.

<sup>38</sup> Elizabeth Ferris, *The Looming Crisis: Security and Displacement in Iraq*, The Brookings Institution, Foreign Policy Paper Series, No. 5, August 2008, pp. 23-25.

<sup>39</sup> See for example Monica Kathina Juma and Astri Suhrke, *Eroding Local Capacity: International Humanitarian Action in Africa*, Nordic African Institute, 2002.

Moreover, there will be no surge in American civilian personnel to take up the slack as the military reduces its presence. Simply put, there just aren't enough Foreign Service Officers in the world to increase significantly the complement already in Iraq."<sup>40</sup>

**5. Will returning refugees and IDPs participate in the political process?**

Will they be a force for reconciliation and reconstruction in their country? Or will the gap between their expectations and the reality, and their possible involvement in property disputes be a source of further conflict? The global record on this is mixed.

**6. What will be the result if large numbers of refugees return to Iraq but are unable to return to their own communities – in effect, if they join the ranks of Iraq's IDPs?**

Where will these returnees live? Will transitional housing be constructed for them or will they be expected to live on their own – like other IDPs—with friends and families? The danger if there is no transitional housing, is that returnees will increase the pressure in their communities. But the danger if transitional housing is constructed is that it could become permanent. IDPs are also less “visible” than refugees and thus may exert less international political pressure than refugees.

**7. What will happen to those who cannot return because of security or other reasons?**

In every situation of displacement, there are some who cannot go home. In the case of Iraq, as Refugees International has pointed out, religious minorities, former members of the Baath party and those who fought in Saddam Hussein's army are unlikely to return – and also unlikely to be selected for resettlement. For those who are unable to return, traditionally there are two possible durable solutions: they can integrate locally or resettle. Governments in the region have resisted discussions of local integration, fearing that the temporary Iraqi visitors will become long-stayers. But perhaps a compromise could be reached: rather than depicting the situation as a dichotomy of “they can't stay,” and “they'll be given full citizenship rights,” enhanced residency rights with the right to work could be implemented for at least some of the remaining refugees.<sup>41</sup>

In this regard, resettlement of Iraqis who are unable to return will play a crucial role. The US government has been roundly criticized for the relatively low number of Iraqis it has accepted for resettlement and plans for 2009 project an increase from a 12,000 to a 17,000 ceiling for Iraqis.<sup>42</sup> In calendar year 2009, UNHCR projects that 85,000 Iraqis

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<sup>40</sup> Kenneth Pollack, “Passing the Baton: An Obama Administration Takes on the Challenge of Iraq,” Right Side News, 12 December 2008, <http://www.rightsidenews.com/200812122960/editorial/passing-the-baton-an-obama-administration-takes-on-the-challenge-of-iraq.html>

<sup>41</sup> “Iraqi Refugees: Plan for Ongoing Support in an Unstable Region,” Refugees International Bulletin, 30 October 2008 <http://www.refugeesinternational.org/policy/field-report/iraqi-refugees-plan-ongoing-support-unstable-region>

<sup>42</sup> Walter Pincus, “U.S. to Admit 17,000 Iraqi Exiles,” The Washington Post, 13 September 2008. <http://www.washingtonpost.com/wp-dyn/content/article/2008/09/12/AR2008091203067.html>

will be in need of resettlement.<sup>43</sup> For comparative purposes, from January-September 2008, 1,692 Iraqis were resettled through UNHCR to countries other than the US.<sup>44</sup>

I suggest that we begin thinking about return and resettlement as complementary solutions as part of a comprehensive plan of action for resolving Iraq's displacement.

#### 8. **What is the impact for Iraq if minorities cannot return to the country?**

How will recent developments – such as the violent attacks against Christians in Mosul and the election law which limits the number of seats for minorities – affect the decision-making of minority communities about return?<sup>45</sup> How will this impact on the minority groups themselves? Will they remain viable communities with greatly reduced numbers inside Iraq? Will they exist only in the diaspora?

What will it say about Iraq's future if the minorities don't return? Will the country lose its traditional pluralism and diversity?

Finally, what is the impact on governments hosting large numbers of Iraqis if the minorities don't return? If, for example, most of the Sunnis return from Jordan leaving disproportionately high numbers of Christians and Yazidis? Will this contribute to greater pluralism in Jordan? Will it, as some church leaders have suggested, serve to reinforce Christian presences in countries which have been diminished for years from Christian emigration outside the region?<sup>46</sup>

I will leave it to the next two experts on this panel to address the complexities of property, housing and land which are central to facilitating return movements. But it is certain that property claims are likely to be a serious and difficult issue to resolve. Although data are scanty, IOM estimates that: about 40% of IDPs do not have information about their property, almost 30% say that it is occupied by others and 20% say that it has been destroyed or seriously damaged. These percentages give rise to huge numbers of potential property claims by displaced Iraqis and refugees. Given Iraq's record of dealing with the thousands of claims on property disputed during the Hussein regime, it seems likely that post-war property claims could be a complicated and lengthy process.

#### Beyond questions

The question of Iraqi returns – questions of when, how, for what reasons, how many -- is central to the future of Iraq and indeed will have a significant impact on countries in the region which have hosted large number of Iraqi refugees. As the Representative of the Secretary General for the Human Rights of Internally Displaced Persons has argued, displacement and peacebuilding

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<sup>43</sup>UNHCR Refugee Resettlement: Performance Outcomes 2007 and Global Projections 2009

<sup>44</sup> UNHCR, Washington Office, email communication, 11 December 2008.

<sup>45</sup> "Mosul Christians reluctant to return," Institute for War and Peace Reporting, 20 November 2008, <http://www.reliefweb.int/rw/rwb.nsf/db900sid/VDUX-7LKT4M?OpenDocument&rc=3&c>

<sup>46</sup> See for example, Chris Herlinger, "Indigenous Christian exit from Iraq continues to grow," Ekklesia, 30 November 2008 <http://www.ekklesia.co.uk/node/8095>

are interlinked. Peacebuilding is necessary to find durable solutions for those displaced by conflict. And without durable solutions for the displaced, sustainable peacebuilding is not possible. Return is usually the most desirable of solutions to internal displacement. In the case of refugees, UNHCR plays a central role in ensuring that returns are voluntary and in facilitating repatriation, often through tripartite agreements between the host government and the government of the country of national origin.

In the case of internally displaced persons, the Guiding Principles make it clear that national authorities have the responsibility to “establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.”<sup>47</sup>

Political pressures in the United States and other troop-contributing countries are pushing for a rapid withdrawal of troops. But if this withdrawal is to proceed smoothly, it needs to be carefully planned and responsibilities – particularly for security in urban neighborhoods – transferred to the appropriate Iraqi authorities.

1. Humanitarian assistance for Iraqi refugees in the region and for Iraqi IDPs should continue and increase, as necessary, to meet the needs of the displaced. If humanitarian assistance is inadequate, displaced Iraqis may decide to return for reasons which are not voluntary in violation of international laws and principles.
2. A comprehensive plan of action for resolving displacement inside Iraq and in the region is needed. The United Nations, for all its difficult history in Iraq, is best placed to take the lead in developing such a plan. The recent regional Comprehensive Appeal Process (CAP) developed to assist both internally displaced Iraqis and the refugees is a positive step in this direction. The US should play a supportive role in the development of such a plan.<sup>48</sup>
3. The possibility of large-scale returns will depend on political progress, on security, and on the availability of transitional support, and more importantly, of economic reconstruction which provides jobs and livelihoods to those who return.

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<sup>47</sup> UN, Guiding Principles on Internal Displacement, Principle 28, New York: OCHA.

<sup>48</sup> “Iraqi Refugees: Plan for Ongoing Support in an Unstable Region,” *Refugees International Bulletin*, 30 October 2008.