



**The Brookings Institution–SAIS Project
on Internal Displacement**

The Internally Displaced People of Iraq

by

John Fawcett and Victor Tanner

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THE BROOKINGS INSTITUTION – SAIS PROJECT ON INTERNAL
DISPLACEMENT

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Fawcett and Tanner first met in northern Iraq in 1991. Most recently Fawcett visited northern Iraq in September 2002.

FOREWORD

One of the objectives of the Brookings-SAIS Project on Internal Displacement is to shed light on situations of internal displacement that are largely closed off from international scrutiny. To that end, the Project held a conference in 1999 to stimulate discussion on how best to help the internally displaced in countries with little international humanitarian attention, in particular Algeria, Burma (Myanmar), India (Northwest) and Turkey. We also lent support to the US Committee for Refugees, a non-governmental organization, so that it could visit and issue reports on these countries. In 2002, the Representative of the UN Secretary-General on Internally Displaced Persons was pleased to receive an invitation from the Government of Turkey to pay a visit to that country and view first-hand the displacement situation. His mission took place in May. In his meetings with government authorities, he found a willingness to engage in constructive dialogue about the situation and the need for national response and international cooperation. The Project also focused attention on the plight of displaced persons in North Korea and arranged for publication of the first articles on that subject.

This report is thus part of a series of publications and activities to focus attention on internally displaced persons in areas largely closed off from view. We are most grateful to experts John Fawcett and Victor Tanner for studying the situation of internal displacement in Iraq and putting together such a comprehensive and well-researched report. Its recommendations are worthy of study by the present or any future government of Iraq and by the international community.

We are grateful to Mike Amitay, Tara Aziz, Simon Bagshaw, Suzy Blaustein, David A. Korn, Erin Mooney, Hania Mufti, Dierdre Russo, Greta Zeender for their valuable comments on the paper. We also thank Mohammed Ahmed, Joel Charny, Bill Frelick, Arthur Helton, Daniel Serwer and the other members of the expert group who met at Brookings on October 11 to review the paper.

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Finally, the views presented in the paper are the authors alone and should not be ascribed to the Co-Directors, trustees, officers, and other staff members of the Brookings Institution or of the Johns Hopkins University School of Advanced International Studies (SAIS).

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ACRONYMS AND ABBREVIATIONS

Assisting Marsh Arabs and Refugees	AMAR
Geographic Observation Unit	GOU
European Commission Humanitarian Aid Office	ECHO
Higher Coordinating Committee of Kurdistan Regional Government	HCC
Internally Displaced Persons	IDPs
International Committee of the Red Cross	ICRC
International Federation of Red Cross and Red Crescent Societies	IFRC
Iraqi Red Crescent Society	IRCS
Kurdistan Democratic Party	KDP
Kurdistan Regional Government	KRG
Memorandum of Understanding	MOU
Middle East Council of Churches	MECC
Multi-Disciplinary Observation Unit	MDOU
Patriotic Union of Kurdistan	PUK
Revolutionary Command Council	RCC
South East Anatolia Development Project of Turkey	GAP
US Committee for Refugees	USCR
United Nations Children's Fund	UNICEF
United Nations Food and Agriculture Organization	FAO
United Nations Office for Project Services	UNOPS
United Nations Office for the Coordination of Humanitarian Affairs	OCHA
United Nations Office of the Humanitarian Coordinator in Iraq	UNOCHI
United Nations Office of the Iraq Program	OIP
United Nations Special Commission	UNSCOM
Workers Party of Kurdistan	PKK
World Food Program	WFP

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Purpose

The United Nations and the government of Iraq, over the past few years, have overseen and implemented the largest humanitarian program in history: the Oil-for-Food Program. Yet, at the same time, little effort has been made to direct assistance – and more importantly protection – to the most vulnerable population group in Iraq, the internally displaced. In fact, the numbers of internally displaced persons (IDPs) have continued to grow. Estimates range from 600,000 to 800,000 in the North of the country and up to 300,000 in the Center/South. This paper seeks to shed some light on a neglected and closed off IDP situation. Why has this state of affairs come into being? How effective have been the attempts to help? What should the UN system be doing? How should a responsible government of Iraq deal with the situation?

Introduction

In Iraq, the expulsion of people from their homes has long been state policy. Expulsions have been undertaken to punish and subdue recalcitrant populations. To this end, genocidal acts have taken place against the Kurds in the 1980s and against the Marsh Arabs in the 1990s. On other occasions, expulsions have been part of a strategy to secure valuable economic resources, as with the on-going 'Arabization' campaign against the Turkmen, Kurds, and Assyrians. Expulsions have also been used to undermine the growth of political opposition as with the Shi'a* in the south, or to forestall a fifth column as with the taba'iyya, those thought to be sympathetic to Iran, at the beginning of the war in 1980. In Iraq, over the last thirty years, there has never been a time when one group or another was not being expelled from their homes.

The tactics used to accomplish the expulsions have included the use of overwhelming force, with the full-fledged deployment of infantry, armor and weapons of mass destruction, backed up by village demolition crews. In cases where the regime wished to retain physical infrastructure and merely change the identity of the inhabitants, more bureaucratic processes were used and continue to be used, such as regulations imposing national or religious restrictions on land ownership, employment, access to health and education, and humanitarian assistance. Carefully planned and executed expulsion operations sometimes occurred virtually overnight, with large numbers of people on the run, with only the clothes on their backs. Another method of expulsion, a slower, albeit surer, one which we will examine more closely below, were large-scale construction projects that radically altered the environment – the draining of the southern marshes is the prime example – in order to accomplish military, political, or even economic goals. Indeed, the expulsion of the Marsh Arabs can be viewed as a form of development-induced displacement – beneath what used to be marshland lie some of the world's largest untapped oil fields.

* Editors Note - In adherence with accepted transliteration practice, we use the term Shi'a as a noun and Shi'i as an adjective.

Many commentators, Iraqi and others, view the problems of the internally displaced through a national or religious lens. The categories that emerge are Kurdish, Turkmen, Assyrian, Shi'i,* etc.

However, we hope to demonstrate that, in order to understand the reasons for the displacement of people, as well as the preconditions necessary for their return, one needs to move beyond pointing to centuries of ethnic or religious conflict and hatred. In Iraq, as in most situations where such rationales for conflict are proffered, even a rudimentary look shows that different ethnicities and religions have lived side by side for long periods of time without violent conflict. Peaceful, or at least non-violent, coexistence has been the norm more than some form of primordial and unending blood feud. Ethnicity (Arab versus Kurd, Kurd versus Turkmen) and religion (Sunni versus Shi'a) are clear forces in Iraqi society and politics, and repression based on ethnic and religious grounds certainly occurs. However, we contend that it is not so much hatred of 'the other' that has driven the brutal repression of the past few decades as much as the regime's political and economic calculations. Opposite these calculations stand those of the Kurds, the Turkmen, the Shi'a and other groups, and the ambitions of their leaders. The resulting struggles for power form the backdrop to past expulsions, and it is within the constraints of future struggles for power that any resolution of the problems of the internally displaced will have to take place.

In this sense the internally displaced people of Iraq represent the political fault lines of the country. The manner in which any future Iraqi authorities deal with these fault lines, either with continued repression and expulsions or with justice, restitution or compensation, will give a clear indication of the political direction of the state, towards pluralism and democracy or continuing the pattern of autocratic rule.

We have divided the paper into two sections, North and Center/South. The status and problems of the displaced reflect the very different political realities in the two areas. Despite these different realities, our conclusion for both the North and the Center/South is that solutions to the problems of the displaced will lie mainly with the government of Iraq rather than with United Nations agencies or other elements of the international humanitarian community. Increased attention by international agencies may mitigate the suffering of displaced people, but resolution of their plight can come about only through a profound change in the attitude of Iraq's government.

National authorities hold the primary responsibility for internally displaced people. Of the 30 principles that make up the Guiding Principles on Internal Displacement – international standards on IDPs published by the UN, it is the authors' opinion that the present government of Iraq has failed to live up to any of them. Actions taken by the Iraqi government against its own citizens have contributed to external and internal pressures for change. Any government in Iraq that is prepared to deal with the problem of internal displacement will face difficult and painful issues. These include problems such as competing claims to a given territory, rural environments and urban neighborhoods that

* See previous Editor's Note.

simply no longer exist, and large numbers of people who have all but fallen out of society, some of whom may no longer see themselves as being Iraqi. Addressing the problems will require complex measures: return or resettlement; and the provision of justice, whether through legal redress, economic compensation or even simply acknowledgement of the wrong that was done. Managing these issues will require political openness and cooperation for which there is little precedent in Iraq. In short, a solution to the problem of internal displacement will present any Iraqi government with challenging social, political and economic choices.

This does not mean, however, that a future Iraqi government will refuse to assist the displaced. As noted above, the displaced represent key political fault lines within Iraq. This provides powerful incentives to satisfy the wishes of the displaced as well as powerful trends preventing them from returning home.

Assessment of Sources of Information

The government of Iraq systematically controls and manipulates information. The lack of solid information relating to the displaced in Iraq stems directly from the fact that it has been government policy to expel people from their homes. It is therefore not surprising that Iraqi authorities have made little effort to identify the numbers of displaced people in the areas under their control, to determine what their special needs are, and to explore what preconditions are necessary to facilitate their return home. International agencies, whose continued presence in Iraq is contingent on Iraqi government assent, have done little to address the IDP issue. As the spokesperson for the UN Office of the Iraq Program (OIP) said, "The UN under this program does not deal with IDPs. We are only in Iraq to observe the distribution of supplies. The government of Iraq is directly responsible for programs for IDPs and I don't believe they have any programs for IDPs. Only in the three northern governorates do we have specific projects because we are operational."¹ In response to a query on assistance to the displaced in Iraq, the World Food Program (WFP), a key observer of the distribution the OIP spokesperson referred to, commented: "As for the south, the characteristic lack of information as to their plight does not allow us to assess the real complexity of the issue."²

It is, however, harder to understand why information on the displaced in the northern governorates, beyond Baghdad's control, has also been so limited for so long. This may still be due in part to Baghdad, as any UN agency capable of gathering information is dependent on the Iraqis for access to the North. There may also be reluctance within the rival Kurdish authorities to identify the displaced populations, since these authorities also have had a hand in creating and prolonging some of the displacement. Third, within the UN agencies operational in Iraq, there is no focal point on displaced persons, no advocate who has made the IDP cause a primary concern.

Within the United Nations, the primary source of information on the internally displaced in Iraq is the UN Special Rapporteur for the Situation of Human Rights in Iraq. Holders

¹ Telephone conversation, May 7, 2002.

² E-mail correspondence, May 22, 2002.

of this mandate, however, in the two trips to Iraq they have made over the past decade, have not been allowed by the Iraqi authorities to study the situation of the displaced first hand. In light of this experience, it is not surprising that the Representative of the UN Secretary-General on Internally Displaced Persons, appointed in 1992, has not sought to visit Iraq; nor has he been invited to visit.

Reports from UN humanitarian agencies, the OIP, and the Secretary-General provide very little information regarding displaced persons. For the North, reference to the displaced is always in the context of their shelter needs and the programs to address them. An exception is the UN-Habitat survey published in January 2001.³ In the Center/South, displaced people are all but ignored in UN agency documentation. The newly established IDP Unit of the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Geneva does not consider Iraq a priority country, though as a new office, it obviously has many conflicting claims on its time and resources.⁴

In researching this paper we contacted about 30 UN personnel, from a dozen agencies. Of those that responded, none were prepared to speak openly and substantively about the displaced in Iraq. Those who answered our queries did so with statements that covered the same basic ground as OIP reports or agency websites. Over and over, our interlocutors told us that they were not authorized to talk about IDPs, that some of them had been expressly forbidden from doing so for fear of political controversy, and that no one in any OIP-affiliated agency would be allowed to speak about IDPs in the Center/South – and no one did.⁵ Several warned us to be careful with e-mail queries to Iraq as the Baghdad regime had so totally infiltrated the OIP that all communications – telephone, fax and e-mail – could end up being read by one of the many Iraqi intelligence agencies. Privately, we heard of the reasons for this code of silence. UN agencies, the UN Office of the Humanitarian Coordinator for Iraq (UNOCHI), and the OIP have become intimidated by the Iraqi government. Rank-and-file UN officials in Iraq have seen colleagues expelled or their contracts terminated because their visas were not renewed. Senior UN officials have not been known to stand up for them. At the same time, in the North, UN agencies reportedly have engaged in ‘turf wars,’ competing with each other for the sizable funds that Oil-for-Food makes available. A culture of subservience in the government-held areas and reported turf wars in the North have combined to undermine

³ UN-Habitat was formerly known as the United Nations Centre for Human Settlements UNCHS-Habitat. Its report completed late in the year 2000 is the only survey of the displaced in the North. The two parts of the survey were intended (i) quantitatively, to identify displaced settlements, their inhabitants, the type and amount of assistance received, employment and income status, and length of displacement; and (ii) qualitatively, to get a snapshot of the living conditions of the families, how they came to be displaced, and their future expectations. The report, however, suffers from two key problems: the lack of clarity in its writing, and that it is not more widely available. The UN-Habitat survey is not available on the web, electronically, or from their NY office. We received our copy via surface mail from the Nairobi office.

⁴ OCHA Internal Displacement Unit Workplan, <http://www.reliefweb.int/idp/index.htm>, and e-mail correspondence, May 1, 2002. According to its Mission Statement, the Unit wishes to engage in “activities aimed at promoting system-wide improvements in the response to internal displacement, and activities aimed at the provision of targeted support to specific country situations.”

⁵ It should be noted that the final draft of this paper was sent to a number of UN offices for comment but there was no response.

humanitarian goals. It is no surprise that, as a result, the weakest members of Iraqi society, the internally displaced, have fallen through the cracks.

Humanitarian NGOs operational in Iraq, as well as the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC), publish some information on the displaced in Iraq, both North and Center/South. Most of this is a recitation of their own programs or what they would like to do if they could raise the requisite funds, and is never put into the larger context of the overall status of the displaced.

The US Department of State and the British Foreign and Commonwealth Office produce annual human rights reports. The US report is country-based (as opposed to the UK's more thematic approach), and addresses in more detail the violations suffered by the internally displaced in Iraq.

The most comprehensive sources of information come from NGOs that are not operational inside Iraq, mostly advocacy NGOs. First and foremost, the US Committee for Refugees (USCR) publishes a report on Iraq in its annual World Refugee Survey.⁶ They have done, in the authors' opinion, the most thorough job of weighing conflicting sources of information and making judgments based on them, although they acknowledge the difficulties of reaching firm conclusions. The Norwegian Refugee Council's IDP Project has put together a well-organized, valuable and up-to-date compendium of information on Iraq.⁷ Finally, a UK-based NGO that advocates for and assists the Marsh Arabs and is called Assisting Marsh Arabs and Refugees (AMAR) has produced an effective and credible document on the situation of the Marsh Arabs in general.⁸

Other sources of information on the internally displaced come from media controlled by either the government of Iraq or those in opposition to it. Although a substantial part is propaganda, such sources are informative, and over the past two decades, many allegations originating from opposition press sources, both Kurdish and Arab, have proven correct. But such reports can also mislead. There is a tendency towards exaggeration, particularly concerning numbers of displaced people. Moreover, once picked up and quoted by an otherwise credible source, the information tends to be repeated by others. This has two effects. First, any question of the original allegation's validity is lost, and the information becomes accepted knowledge, regardless of its veracity. Second, the same allegations appear again and again. The outside observer is left with an impression that there is more original reporting than there actually is. This in turn obscures the situation as, in Saddam Hussein's Iraq, there are undoubtedly many more instances of expulsions than there are reports.

⁶ <http://www.refugees.org/world/countryindex/iraq.htm>.

⁷ <http://www.db.idpproject.org/Sites/IdpProjectDb/idpSurvey.nsf/wCountries/Iraq>.

⁸ <http://www.amarappeal.com/draftpapers.htm>.

Historical Context

The Iraqi state, a carry-over from the Ottoman Empire and British colonial creation, solidified political power in the hands of the Sunni minority, who settled in Baghdad and points north. Sunni rule came at the expense of the Shi'i majority who mainly inhabit Baghdad and points south. The government of Saddam Hussein, in power since 1979, has actively and often violently suppressed any sign of Shi'i political mobilization. Though Iraq's Shi'a fought loyally in Saddam Hussein's war against Iran, the fact that Iran is overwhelmingly Shi'i gave the Iraqi leader a pretext for repression.

The Kurds, an indigenous people of northern and eastern regions of present-day Iraq, saw the hope of an independent Kurdistan, outlined in the Treaty of Sèvres in 1920, dashed when the Vilayet of Mosul, in which they lived under Ottoman rule, was incorporated into the new state of Iraq. Since then they have struggled for political autonomy, at times violently, from the control of Baghdad.

Other groups such as the Assyrians, who have as long a history in the region as the Kurds, or the Turkmen, who were more recent arrivals and can only mark their tenure in centuries, have at times tolerated or even cooperated with the rule from Baghdad, due to their lack of numbers and strength to actively resist.

In August 1990, within days of Iraq's invasion of Kuwait, the United Nations imposed the first in a series of sanctions on the country. Crude oil exports, which provided over 90 percent of Iraqi exports, were banned. The Iraqi government immediately instituted a system of food rationing, which remains in place to this day.

In the aftermath of its Gulf War defeat, Iraq was politically divided between the Center/South, which remains under the control of the government in Baghdad, and the three northern governorates, that are under the control of the Kurdistan Regional Government (KRG). The North is in turn divided between two rival Kurdish political parties, each with its own army: the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK).

International humanitarian agencies entered Iraq in the wake of the Gulf War. In the North, accessible via Turkey until 1994, NGOs began programs without securing the approval of the government in Baghdad, although under US military pressure, the Iraqis did supply visas to NGO staff afterwards. A few NGOs began programs in the south, mostly in and around the port city of Basra, but the government has never encouraged the expansion of the number of NGOs in the areas under its control. The UN agencies at first hesitated, waiting to enter the country until they had negotiated an agreement with the Iraqi government. Once they had done so, they began operations nationwide.

For five years, the government of Iraq was allowed to import humanitarian supplies under the sanctions regime. But, due to the ban on oil exports, it claimed to have few funds to

pay for them. In 1995, Baghdad finally agreed to a 1991 UN proposal to allow the proceeds from the export of oil to flow through a UN bank account in order to purchase humanitarian supplies. The 986 program (named after the Security Council resolution creating it), commonly known as the Oil-for-Food Program, was born. From December 1996 through October 2002, over \$57 billion dollars of oil has been sold through the program, and over \$38 billion allocated to the humanitarian program.⁹ At UN headquarters in New York, the Office of the Iraq Program, currently headed by Benon Sevan, runs the operation. In Iraq, the Office of the Humanitarian Coordinator for Iraq is headed by WFP official, Ramiro Lopes da Silva who took over from another WFP official, Tun Myat, in July 2002. He reports to Mr Sevan in New York.¹⁰

The North

Background

The areas of the North under the control of the Kurdistan Regional Government (KRG) are the governorates of Dohuk, Erbil, Suleimanyah and a part of the governorate of Kirkuk. As mentioned earlier, the KRG is an uneasy alliance of the two main Iraqi Kurdish parties. Mas'oud Barzani's KDP administers the northwestern half and the Turkish border, while Jalal Talabani's PUK controls the southeastern half and most of the Iranian border.

There are five broad categories of displaced people in the North:

- Kurds who were expelled or fled from their homes during the de-villagization campaign beginning in the 1970s and culminating in the 1988 Anfal campaign;
- Kurds, Turkmen, and Assyrians expelled during the Iraqi government's Arabization campaign;
- People who were expelled or fled their homes due to the internecine fighting in the mid-1990s between the two Kurdish parties: the PUK and the KDP, as well as those fleeing fighting between the PKK and the Turkish military;
- Kurds from many places in Iraq expelled to Iran in the 1970s, and who have now returned to Northern Iraq;
- Iraqis of all ethnic and religious backgrounds, including Sunni Arabs, who are enemies of the Baghdad regime, and have fled from government-held territory.

⁹ <http://www.un.org/Depts/oip/background/latest/wu020430.html> Of the \$57 billion, 59 percent is allocated for goods destined for the areas under the control of Baghdad and 13 percent to the Kurdish-held region. 25 percent of the funds go to a compensation fund to pay for damages caused by Iraq's invasion of Kuwait. Another 3 percent goes to UN Agency administration and for the costs associated with the inspectors of weapons of mass destruction.

¹⁰ Two previous heads of UNOCHI, Dennis Halliday and Hans Von Sponek, resigned their posts, in order to protest against the destructive impact they considered the UN sanctions were having upon the people of Iraq.

The Kurds and Baghdad

The two central features of Kurdish nationalist discourse are that the historical identity of the Kurds reaches back to ancient times, and that the legitimate development of the Kurdish nation has been continually thwarted by the succession of great powers that have, over the past three thousand years, ruled over the hills and high mountains where the modern states of Iran, Iraq and Turkey meet. While this claim to unity and history is key to the concept of a Kurdish state, in the opinion of a leading historian of Kurdistan, “the Kurds only began to act and think as an ethnic community from 1918 onwards.”¹¹ Nevertheless, as far as the Kurds of Iraq are concerned, the history of their relations with successive central governments in Baghdad in the twentieth century has been a history of violence, political and moral misery, and unimaginable human suffering.

Turkey’s defeat in the First World War – the cataclysmic culmination to a century and a half of Ottoman decline – thrust the Kurds onto the scene of modern state politics. But the Wilsonian principle of self-determination, which led to the formation of many ‘national’ states in Europe in the aftermath of the Great War, was not to apply to Kurdistan. Despite the promises in the Treaty of Sèvres, France and Britain had already decided that the Middle East would be theirs, and had carved it up into areas of control with the Sykes-Picot agreement of 1916.¹² Under Sykes-Picot, Iraqi Kurdistan was at the confluence of the French and British ‘areas.’ But it quickly became clear that stability in the lower Mesopotamian valley was dependent on peace in the hill country to the north. Britain, firmly ensconced in Baghdad and covetous of the oil in Kirkuk, thus took it upon herself to pacify Iraqi Kurdistan. The result was to firmly anchor the former Ottoman province of Mosul – which covers much of present-day Iraqi Kurdistan – in the modern state of Iraq (the League of Nations later ratified this in 1925).

From the enthronement, by the British, of King Faisal I in 1921 to Saddam Hussein’s seizure of power in 1979, Iraqi Kurds rebelled against and at times sought accommodation with whomever was in power in Baghdad. The British, who remained a quasi-colonial power, both fought the Kurds and used them to undermine “a shackled king who proved more astute than anticipated.”¹³

Following the violent overthrow of the Hashemites in 1958, the Kurdish Democratic Party (KDP), a traditionalist party under the leadership of Mulla Mustafa Barzani, began to more forcefully articulate demands for Kurdish autonomy. Throughout the 1960s, the situation lurched from near breakthroughs to full-scale war, including the use of napalm by the military of then President `Abd as-Salam `Arif in 1964, a harbinger of things to come.¹⁴ Even after the Ba`th party asserted full control over the government in 1969 – an

¹¹ David McDowall, *A Modern History of the Kurds*, (I.B.Tauris, London and NY 1997): p. 4.

¹² For the text of the articles of the Treaty of Sèvres (August 10, 1920) relating to the Kurdish question, see McDowall, *A Modern History of the Kurds*, pp. 459-460.

¹³ Saïd Abourish, *Saddam Hussein – the Politics of Revenge* (Bloomsbury, London 2000): pp. 6-7.

¹⁴ Abourish, *Saddam Hussein – the Politics of Revenge*, p. 68.

ambitious party apparatchik, Saddam Hussein, was named vice-chairman of the ruling Revolutionary Command Council (RCC) – negotiations alternated with fighting.

The KDP's military staying power was predicated on support from Iran, and indirectly the US. The 1975 Algiers Agreement between Saddam Hussein and the Shah, endorsed by Secretary of State Henry Kissinger, ended this support. The Kurdish revolt quickly collapsed, leading to a split within the movement with the emergence of the more socialist, less traditionalist Patriotic Union of Kurdistan (PUK) of Jalal Talabani. These two groups, the KDP under the leadership of Mulla Mustafa's son Mas'oud Barzani, and the PUK under Talabani, remain to this day the main poles of power in Iraqi Kurdish politics. The decade and a half that led from the 1975 Algiers Agreement to the Allied intervention in northern Iraq in 1991 was among the darkest in Kurdish history (see below, "Genocide, Anfal and Uprising").

Two intertwined issues have dominated the difficult relationship between the Kurds and Baghdad: oil in the Kurdish region of Kirkuk and Iraqi fears of Kurdish independence. The Kirkuk oil reserves were long considered the main reserves in Iraq.¹⁵ No government in Baghdad could afford, financially or politically, to relinquish control over Kirkuk. The present regime's aggressive policy of Arabization in Kirkuk, is just another facet of this aspect of Iraqi politics. At the same time, control over, or at least a substantial stake in, Kirkuk oil remains a central tenet of Kurdish demands. On a broader plane, there has long existed within Iraqi Arab political circles a deep mistrust of Kurdish intentions. The insecurity felt by the minority Sunni elites that have ruled Iraq since its creation – the army officers, the bureaucrats, even the intellectuals – has only served to heighten their fear that any Kurdish autonomy would lead to independence.¹⁶ Today, if the fear of an independent Kurdish state has abated somewhat (it is clear, not least to the Iraqi Kurds, that the world is not prepared for a Kurdish state), the issue of Kirkuk and its oil remains critical to any Iraqi government.

Genocide, Anfal and Uprising

Saddam Hussein gained full control over the Iraqi state in a bloody internal coup in 1979. Taking stock of the renewed rapprochement between Iraqi Kurds and Iran – made possible by the growing Baghdad-Tehran animosity and the Iraqi attack on Iran – Hussein launched a concerted effort to subdue Iraqi Kurdistan once and for all. Between 1980 and 1988, the Ba`th regime destroyed some 4,000 villages, displacing up to a million people, and eviscerating rural Iraqi Kurdistan.¹⁷ The pace and rationale of the operations varied in the course of the 1980s, from local military operations against a rebellious area to more concerted efforts to suppress support for the Kurdish guerilla campaign. The result was the destruction of the very soul of thousands of rural Kurdish communities: tens of thousands of families were forced into purpose-built communities, known as 'collective towns,' far from their farms, their clans and sources of economic and

¹⁵ Larger reserves of oil have been discovered in the Center/South and await the lifting of sanctions to begin large-scale exploitation.

¹⁶ Abourish, *Saddam Hussein – the Politics of Revenge*, p. 69.

¹⁷ Kanan Makiya, *Cruelty and Silence: War, Tyranny, Uprising, and the Arab World* (W.W. Norton and Co, NY 1993): p. 166-167; Charles Tripp, *A History of Iraq* (Cambridge 2000): p. 245.

moral support. The intention of the regime was to render the fiercely independent rural Kurds dependent on the Iraqi authorities for food, water, utilities, the basics of life. Many of the men disappeared; others, conscripted into the Iraqi military, dared not desert or rebel for fear of the retribution that would be taken on their captive family members. Many of these families, often still missing their male kin, have permanently settled in these communities, most of which are now under the control of Kurdish authorities.

In 1987, the regime decided to escalate the scope and pace of the repression. A Revolutionary Command Council (RCC) decree issued on 29 March 1987 anointed Ali Hasan al-Majid, a cousin of Saddam Hussein, with powers that extended to all civil and military institutions and superceded all existing laws; this laid the framework for an expanded operation. The operation would become known as *al-Anfal* (plural of *nafal*, spoils of war, loot), and was named after a *sura* in the Quran that describes a battle (the battle of Badr) in which the prophet defeated a large, rich and threatening party of unbelievers – the message thus being that the regime and its soldiers had a nigh-religious right to take Kurdish property and lives.¹⁸

The Anfal, which began in late February 1988, dramatically increased depopulation efforts. The Iraqi scholar Kanan Makiya points out that the operation's hallmark was its systematic nature: it “was the bureaucratically organized, routinely administered mass killing of village inhabitants for no other reason than they happened to live in an area that was now designated as ‘prohibited for security reasons.’”¹⁹ Iraqi military units, often supported by pro-Baghdad Kurdish militia (known as *jash*, or donkeys), would surround and attack a village, round up and relocate its inhabitants and, according to audio tapes of Ali Hasan al-Majid himself, bulldoze them into mass graves.²⁰ The regime also intensified its use of chemical and other weapons of mass destruction, including the chemical attack on the town of Halabja in March 1988. Twelve years later, in the first comprehensive survey of the uses of chemical weapons by Iraqi forces in the North, over 250 towns and villages were identified as having suffered chemical bombardment in the late 1980s.²¹

This was a defining moment in the history of Iraq and the modern Middle East: for Kurds, Iraqis and Arabs in the broader Arab world, “prohibitions and limits had been transgressed, it seemed, in many realms of Arab life, and what had happened in the hills of Kurdistan in the summer of 1988 was of a piece with this eerie change in Arab life.”²² Had any doubts continued to linger, they were now removed, both inside Iraq and outside: this was genocidal.

In 1991, in the immediate aftermath of the Gulf War, a further wave of displacement took place. The Iraqi government used the Republican Guards and other units that had

¹⁸ Makiya, *Cruelty and Silence*, pp. 156-158. The Arabic verb *anfala* also has the meaning of doing more than is required, say, in prayers or charity.

¹⁹ Makiya, *Cruelty and Silence*, p. 167.

²⁰ Makiya, *Cruelty and Silence*, pp. 166-8. For a complete look at the Anfal, see also Human Rights Watch, *Iraq's Crime of Genocide: the Anfal campaign against the Kurds* (New Haven 1995).

²¹ <http://www.kurd.org/halabja/prhmi.htm>.

²² Fouad Ajami, *The Dream Palace of the Arabs* (Vintage, NY 1998): p. 8.

survived the war – some of them relatively unscathed – to quell the rebellion by the Kurds in the North. (Another uprising by Shi'i leaders in the South had just been similarly crushed.) Not only was the Kurdish military uprising quickly routed, but two million people, recalling the terror from the Iraqi use of chemical weapons against them less than three years earlier, and seeing no Allied assistance, fled for the Turkish and Iranian borders. Iran largely complied with its international obligations, and welcomed 1.5 million Iraqi Kurdish refugees. Turkey, on the other hand, met the fleeing Kurds, estimated to be just under half a million, with barbed wire and armed gendarmes, blocking the human tide at its borders. These people, crammed into makeshift camps along the high mountains of the cold and inhospitable border, were technically internally displaced, having been denied their right to become refugees by the Turkish government. The US government, which had encouraged the rebellion but then refused to support it, became embarrassed by the increasing tarnishing of its recent victory over Iraq. It and its coalition partner, Britain, declared part of northwestern Iraq a 'safe haven' enforcing a no-fly zone against Iraqi helicopters (the Iraqis were already forbidden from using planes). Following the withdrawal of the Iraqi armed forces under Allied coalition threat, the Kurds came down from the mountains, many returning to the sites of the villages destroyed over the previous decade.

These two groups of displaced people, the victims of the depopulation operations of the 1980s and those displaced in the Gulf War aftermath, are known to the UN as 'old caseload' – that is people displaced up to and including 1991, and who do not want to or are unable to return to their homes. The reasons they cannot return include land mine pollution, the total destruction of their homes and livelihoods, and the disappearance of their male family members during the expulsions or flight, as well as that many people's homes and land are still under the control of the Iraqi government. Most of these people have found solutions that are more than temporary: they have been able, often with the assistance of relatives, to establish themselves in new communities, with housing, schooling and at times, even employment. Over time, differentiation between this group of displaced people and the Kurdish communities at large has grown progressively weaker.

Arabization

Efforts by the Iraqi state to alter the national profile of the North center on the city and governorate of Kirkuk, and encompass a swath of land from the strategic areas of Khaniqan on the Iranian border to the Sinjar area, abutting Syria. These campaigns began long before Saddam Hussein took power in 1979.²³ For nearly 40 years, successive Baghdad governments used a variety of tactics to force Kurds, Turkmen and Assyrians from their homes and replace them with Arabs from other areas of Iraq.²⁴ The main

²³ Nouri Talabany, *Iraq's Policy of Ethnic Cleansing: Onslaught to change national/demographic characteristics of the Kirkuk Region*, 1999, <http://www.geocities.com/minohac/tareeb.htm>.

²⁴ The most comprehensive study is that of Nouri Talabany, *The Arabization of the Kirkuk Region*, (Kurdistan Studies press, Uppsala, Sweden 2001.) An abbreviated version is on-line at <http://lennon.pub.csufresno.edu/~whb02/kurdistantv/kirkuk.htm>.

incentive for 'ethnic cleansing' is the massive Kirkuk oil fields and the region's precious arable land, a scarce commodity in Iraq.

This campaign is unlike the Anfal or other mass 'ethnic cleansing' campaigns such as in Bosnia or Kosovo. The regime does not engage in massive expulsions at the point of the bayonet, or with publicized bouts of organized rape, murder and arson. Instead villages, neighborhoods, at times individual families are expelled through a subtle mix of targeted violence and bureaucratic repression. In order to weaken the undesired communities, the regime promulgates administrative rules that prohibit non-Arabs from purchasing property, renewing licenses for economic activities, or attending school.²⁵ These measures, in short, institutionalize discrimination in the mechanisms of the state. More overt activities include the confiscation of Oil-for-Food ration cards, dismissal from employment (particularly in the oil fields), and more brutal measures such as the spurious arrest of family members, the destruction of homes or neighborhoods, and the laying of landmines in agricultural lands.²⁶

In September 2001, the RCC, chaired by Saddam Hussein, issued a decree of 'nationality correction.' As the BBC explained:

Any non-Arab who needs to have any official dealings with the Iraqi Government - whether property conveyance, vehicle registration, or enrolling children in schools - has to fill in a form that says: 'I wish to correct my ethnic origin into Arabic.' Those who refuse to sign the form are automatically expelled to the Kurdish-controlled area. Those who 'correct' their ethnic identity are told that 'since they are Arabs,' they should move to the south of Iraq.²⁷

In addition to these activities taken against non-Arabs, a host of incentives are used to promote the migration of Arabs to the Kirkuk region and to give these immigrants access to the confiscated properties. Land is redistributed, water wells are drilled, cash grants are made, and local state monopolies that provide Oil-for-Food rations are reassigned to newly arrived Arab merchants.²⁸

²⁵ Radio Free Europe/Radio Liberty, "Baghdad Steps Up Arabization Policy," *Iraq Report*, RFE/RL, September 14, 2001; "While the World Is Not Watching, Iraq Escalates Ethnic Cleansing," *Kurdistan Newslines*, October 14, 2001; Iraq Foundation, *Ethnic Cleansing in Kirkuk*, January 26, 2001.

²⁶ Amnesty International, *Amnesty International exposes recent abuses*, November 24, 1999; UN Commission on Human Rights, *Report on the situation of human rights in Iraq, submitted by the Special Rapporteur*, E/CN.4/1998/67, March 10, 1998; UN Commission on Human Rights, *Report on the situation of human rights in Iraq, submitted by the Special Rapporteur*, E/CN.4/1999/37, February 26, 1999; Radio Free Europe/Radio Liberty, "Three Hundred Turkmen Workers Dismissed from Kirkuk Oil Company," *Iraq Report*, RFE/RL, February 22, 2002.

²⁷ *Iraqi Kurds' story of expulsion*, BBC, November 3, 2001.

²⁸ Iraqi News Agency, *National campaign project starts to dig wells*, April 16, 2002; Radio Free Europe/Radio Liberty, "Dam Project Near Khanaqin Aids Arabization," *Iraq Report*, RFE/RL, September 7, 2001; Patriotic Union of Kurdistan, *Iraq Escalate Kirkuk Ethnic-Cleansing*, August 9, 2001, <http://www.puk.org/report/news.htm>.

The great majority of the expelled migrate to the three northern governorates. But a few are sent south, some to join relatives in Baghdad, others to communities in the western desert governorate of al-Anbar.

Kurdish In-fighting

In May 1994, local disputes, general tension and longstanding mistrust turned into violence as fighting broke out between the two main Kurdish factions, the KDP and the PUK. People fled or were expelled from both sides. According to UN-Habitat, many of the displaced were urban apartment dwellers, and were adherents of the opposite party in the main cities.²⁹ For instance, KDP sympathizers fled or were expelled from PUK-controlled Suleimanyah when fighting broke out between the parties. The two parties then found themselves in intermittent military confrontation for the next three years. In November 1997 a cease-fire was implemented, and one year later an agreement was signed in Washington. Under US pressure, the two parties agreed to begin the establishment of a single governing structure, which would include revenue sharing, elections, and the re-establishment of a single parliament. Many complain that since 1998, aside from the cease-fire, little of the Washington accord has been implemented. Nevertheless, violence has abated, freedom of movement from one area of control to the other has increased, there is some opening to civil society and the North is experiencing significant economic growth. There also has been the return of some people displaced by the internecine fighting. These returns will be covered more in depth below. A renewed commitment to implementing the Washington accord was made in early October 2002, in a series of highly publicized meetings between the leaders of the two Kurdish parties.

Aside from fighting between the KDP and the PUK, there have been other battles in the north among Kurdish armed groups that have led to the displacement of people. The fights between the Turkish-Kurdish rebel group, the PKK (the Worker's Party of Kurdistan) and the two Iraqi Kurdish armies over the past few years have left some 15,000 people displaced.³⁰ More recently, since the fall of 2001, the PUK is fighting a militant Islamist group, *Jund al-Islam* (The Army of Islam), in the vicinity of the eastern city of Halabja, which has left some 300 families displaced.³¹

Turkmen, Assyrians, Arabs

The Turkmen have inhabited pockets of land in northern Iraq for at least several hundred years. In the 1957 census they were the largest single group in the city of Kirkuk, though far outnumbered by Kurds and Arabs when taking the whole governorate into account.³² Turkmen have been subjected to the expulsions from Kirkuk and the surrounding area, in the campaign known as Arabization.

²⁹ UNCHS-Habitat, *IDP Site and Family Survey*, January 2001.

³⁰ UNCHS-Habitat, *IDP Site and Family Survey*, January 2001.

³¹ UN Security Council, *Report of the Secretary-General pursuant to paragraph 5 of resolution 1360 (2001)*, S/2001/1089, 19 November 2001; Michael Rubin, "The Islamist Threat in Iraqi Kurdistan," *Middle East Intelligence Bulletin*, December 2001.

³² Nouri Talabany, *The Arabization of the Kirkuk Region*, p. 68.

The Assyrians are the largest Christian group in Iraq, and claim to be the descendants of the pre-Christian Assyrian empire which had been based in and around Mosul (Nineveh.) The Iraqi government destroyed 200 of their villages in the mid-1970s, displacing the inhabitants to Baghdad. Since the Gulf War and the establishment of the Kurdish Regional Government (KRG), the Assyrians state that Kurds have settled on the land of these villages and that another 52 villages have had lands expropriated by the Kurdish authorities.³³ The US State Department at least partly confirmed the expulsion of Assyrians by the Kurds, attributing it to a side-effect of the KDP's battle against the PKK.³⁴ The expulsions from Kirkuk to Baghdad are reported to be ongoing.³⁵

For Iraqi Arab opponents of the regime who fear for their lives and those of their families, the North beckons as a region of relative security. These people are often well-educated and have held positions of authority or responsibility in Iraqi society. For most, the North is a way station on the road to asylum in other countries. Others, however remained in the area, some because they could not secure resettlement in other countries, or because they used the North as a haven from which they could plan and organize anti-regime activities. In August 1996, the Iraqi security forces made an incursion into the North, and whilst doing so, executed many of these dissidents.

Returnees from Iran

As part of the on-going political struggle between successive Iraqi governments in Baghdad and the Kurdish population, the first half of the 1970s saw the expulsion and flight of hundreds of thousands of Kurds from their homes due to Iraqi military attacks. In the latter half of 1974 the Iraqi military engaged in full-scale combat operations against the Kurdish militia, the *Peshmerga*. The Kurds' situation was further compromised when Iraq and Iran signed the 1975 Algiers Agreement, which undercut Iranian support for Iraqi Kurds. All told, some 600,000 people were internally displaced during this time, and another quarter million fled to Iran.³⁶ Many of these people have returned home, either in the immediate aftermath of the conflict or gradually since the establishment of the Kurdish authority over the North. Some though have returned to Iraq but not to their original homes. That is, they were refugees and are now internally displaced.

Two specific groups stand out, the Faili Kurds and the *taba'iyya* who are mostly Shi'i Arabs (see below). Neither of these groups' original homes was in the North. They appear in this section of the paper because the few Faili and *taba'iyya* internally displaced that we know about reside in the North. They have returned there from Iran as the first stage of what they hope is a final return to their homes in Baghdad and the Center/South.

³³ Assyrian International News Agency, *Assyrian Human Rights Report*, <http://www.aina.org/ahrr.htm>.

³⁴ US Department of State, *Country Reports on Human Rights Practices, Iraq, 1999*.

³⁵ Radio Free Europe/ Radio Liberty, "Iraq Forcing Assyrians Out of Kirkuk," *Iraq Report*, RFE/RL, Feb 15, 2002.

³⁶ Chris Dammers, "Iraq," in Janie Hampton, (ed.), *Internally Displaced People: A Global Survey* (London, Earthscan 1998.), pp. 180-185.

Faili is an Arabic term, given to a group of Kurds from a region of the Zagros Mountains straddling the Iran-Iraq border.³⁷ Due to the geography of their homeland, the Faili Kurds have family members on both sides of the border. Contrary to the majority of their Kurdish brethren, they are Shi'a. In the nineteenth and early twentieth century, many Faili Kurds began migrating westwards to Iraqi cities, primarily Baghdad, where they took on key commercial, social, and cultural roles. During the 1970s and 80s the regime in Baghdad expelled large numbers of Faili Kurds. In one instance, in the autumn of 1971, up to 40,000 Failis were expelled.³⁸ In April 1980, shortly after Saddam Hussein seized full powers and just before his invasion of Iran, the 480 wealthiest Baghdadis were summoned to the Chamber of Commerce building. One third of them, found to be Faili Kurds, were swiftly arrested and deported to Iran, with their families following shortly after. Further deportations continued, and the numbers of Faili Kurd refugees estimated to have gone to Iran range from 100,000 up to 300,000.³⁹ It is not clear how many Faili Kurds remain in Iraq, but according to one account, as of 1997, the expulsions continued.⁴⁰

Some of the returnees from Iran, expelled just after Iraq's invasion of Iran, are a group of people known as *taba`iyya iraniyya*, or sometimes, just *taba`iyya*. According to the scholar Kanan Makiya, after the collapse of Ottoman rule, the inhabitants of the Iraqi mandate were requested by a census to state their 'belonging' (in Arabic *taba`iyya*) as either Ottoman – *uthmaniyya* – or Iranian – *iraniyya*. Many reportedly chose *iraniyya* as a means to escape military conscription. These two categories made it through to the modern state of Iraq, where they now show up on every Iraqi's citizenship document. In the late 1970s and early 1980s, the regime painted those carrying *taba`iyya iraniyya* as Iranian fifth columnists, and used the concept as a legal pretext to summarily deport thousands of families.⁴¹

³⁷ Much of this paragraph is taken from Ismet Cheriff Vanly, "The Forgotten Faili Kurds of Iraq," in Mohammed Ahmed and Michael Gunter (eds), *Kurdish Exodus: From Internal Displacement to Diaspora*, (Ahmed Foundation for Kurdish Studies, Sharon Mass 2002); KurdWeb, *Pahli*, <http://www.humanrights.de/~kurdweb/kval/english/language/pehli.html> and Iraqi National Congress, *Faili Kurds*, http://209.50.252.70/English/rights/Faili_Kurds.htm.

³⁸ Tripp, *A History of Iraq*, p. 211. McDowall puts the figure at 50,000 (*A Modern History of the Kurds*, p.330).

³⁹ McDowall estimates the total number for Faili Kurds expelled in the 1970s at 100,000 (50,000 "from the 1975 war" and 50,000 "in the late 1970s." (p. 360), while Dammers, *Internally Displaced People* "up to 130,000" (p. 184), and Vanly, *Kurdish Exodus: From Internal Displacement to Diaspora*, puts the figure at 300,000.

⁴⁰ Dammers, *Internally Displaced People*, p. 184, citing the Organization for Human Rights in Iraq; Vanly, *Kurdish Exodus*, citing the 1947 census, which says that 6 percent of the Iraqi population is Faili Kurd, extrapolates to a projected population of 794,000 in 1980. This leaves, after the deportation of up to 300,000, according to Vanly's calculations, about 500,000 Faili Kurds in Iraq.

⁴¹ Samir A-Khalil (Kanan Makiya), *Republic of Fear, The Inside Story of Saddam's Iraq* (Pantheon Books, NY 1989): pp. 135-136; Amnesty International, *IRAQ, Disappearances: Unresolved cases since the early 1980s*, Amnesty International, October 1997, MDE 14/05/97.

Numbers

Until the year 2000, estimates for displaced in the North ranged from 500,000 to 800,000 people. USCR, long the recognized authority, dropped its figures from 800,000 to 600,000 in 2001 and maintains this figure in its latest report.⁴²

Late in the year 2000, UN-Habitat finished a survey of the internally displaced in the north. The two parts of the survey were intended (i) quantitatively, to identify displaced settlements, their inhabitants, the type and amount of assistance received, employment and income status and length of displacement; and (ii) qualitatively, to get a snapshot of the living conditions of the families, how they came to be displaced and their future expectations.

While they did include people that had been displaced for up to 30 years and had re-settled to such an extent that they arguably could no longer be called displaced, UN-Habitat also noted that they did not include people who were not in settlements, i.e., IDPs who had fended for themselves and had disappeared into the general population. The final figure that UN-Habitat came to, as of October 2000, was 805,505.⁴³

UN-Habitat estimated that just under half had been expelled or fled from their homes prior to the Anfal campaign of 1988, and just over a quarter were victims of the Anfal. About 60,000 were expelled from areas under the control of Baghdad since 1991, and 77,000 are people who have been expelled or fled the fighting between the Kurdish factions from 1994-98. UN-Habitat broke the total down into nine categories:

Expelled in the 70s and 80s	372,347
Victims of 1988 Anfal campaign	222,839
Victims of ethnic cleansing	58,706
Victims of the in-fighting	77,004
Returnees from Iran	40,145
Refugees from Iran	491
Refugees from Turkey	2,552
Victims of conflicts with PKK	15,335
Others	16,086
Total	805,505

While UN-Habitat's overall figure of 805,505 is higher than other estimates, its figures for the Arabization (victims of ethnic cleansing) and Kurdish infighting are lower than most others. USCR and the UN Special Rapporteur both put the figure for the victims of the Arabization campaign at 100,000, and Human Rights Watch puts the figure, based on PUK and KDP numbers, at closer to 120,000. As for the Kurdish infighting, the PUK

⁴² USCR, *World Refugee Survey 2002*, <http://www.refugees.org/WRS2002.cfm>.

⁴³ UNCHS-Habitat, *IDP Site and Family Survey*, January 2001.

says that the number of people coming to its area from that of the KDP was 59,699.⁴⁴ The US State Department, in 1997, estimated a slightly lower figure, quoting the PUK as saying 49,000 had come into the area under their control.⁴⁵ In the same report the KDP claimed 58,000 people had been expelled into their zone. This puts the total as of 1997 at 120,000. The reason for at least part of this discrepancy between the survey and the local figures may lie in the survey not taking into account the "...single IDP families that are scattered in urban areas and are providing for their own accommodation without relying on institutional aid."⁴⁶

Neither USCR nor UN-Habitat has broken the displaced population down by ethnicity. While the overwhelming majority of people are Kurdish, there are also Turkmen, Assyrians and Arabs. Human Rights Watch, quoting Turkmen officials, says there are some 5,000 displaced in the North.⁴⁷ The Middle East Council of Churches estimated that 150,000 Christians have been displaced due to war and repression since the 1960s.⁴⁸ Aside from these reports, we could find no other estimates as to numbers of displaced in each of these categories.

For the Turkmen and Assyrians, the total of these groups in the general population is a subject of controversy. The manipulation of national demographic data by successive Iraqi governments in the four censuses since 1957 has resulted in a steady decline in the official figures for both national groups. The figures usually given are in the 100,000 to 200,000 range. Although foreign commentators often repeat this figure, it would seem to be very low. Both the Turkmen and Assyrian diaspora put the figures in the range of 2 to 3.5 million. The Assyrian figures are further complicated by a dispute as to whether Chaldeans should be considered to be a separate nationality or a religious subset of the Assyrians. All this serves to show that estimating the numbers of displaced people for these nationalities is not only very difficult because of the small quantity and poor quality of available information, but also fraught with political calculations and complications, leading many international agencies to shy away from such estimates.

Arabs having fled from the Center/South and now residing in the North are not thought to number more than a few thousand at most. They are largely either enemies of the regime in Baghdad or people whom the regime has (rightly or wrongly) come to suspect.

Difficulty of Access

As the three governorates of the North, Erbil, Dohuk and Suleimanyah, are not under the control of the Iraqi government, access to the displaced population is easier than in the Center/South. UN agencies, NGOs, foreign government representatives, even an Under-Secretary-General of the UN, have visited the camps or the collective communities housing many of the displaced. For the NGOs and foreign representatives such as

⁴⁴ E-mail communication from PUK Washington.

⁴⁵ U.S. Department of State, *Iraq Report on Human Rights Practices for 1997*, released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

⁴⁶ UNCHS-Habitat, *IDP Site and Family Survey*, p. 4.

⁴⁷ Human Rights Watch, "Iraq: Human Rights Development," *World Report 2000*.

⁴⁸ Middle East Council of Churches, *NewsReport*, vol. 11 no. 2, Winter 2000, p. 38

delegations from the UK and US, the visits take place without the permission of the government in Baghdad. For UN officials including Under-Secretary-General Benon Sevan, it is part of their duties under the Oil-for-Food program, hence they travel to the North with the permission of the Iraqi government. However, UN human rights officials, as earlier noted, such as the Special Rapporteur on the Situation of Human Rights in Iraq or the Representative of the Secretary-General on Internally Displaced Persons, have not visited the North. Their terms of reference allow them to visit countries only at the invitation of the government. In this case, the government in Baghdad has unsurprisingly never 'invited' them to visit the North. The principle of state sovereignty is carefully adhered to by UN officials, despite the relative logistical ease of getting to northern Iraq via Turkey, Syria, or Iran.

In 1992, the UN Special Rapporteur on the Situation of Human Rights in Iraq, former Dutch diplomat Max Van der Stoel, made his only visit to Iraq but was refused access to the North. He did, however, see enough to write a highly critical report on the human rights situation in the country as a whole. He was never invited back. His successor Andreas Mavrommatis was invited early in 2002, although he also did not travel north. It is hoped that, should he be granted a second visit, he would be allowed into the KRG area.

Needs and Assistance

Security

Primary security for the displaced people, as for the general population in the North, lies in preventing the current Baghdad regime from re-exerting its authority over this breakaway region. With Saddam's appointment of his son Qusay as head of the northern branch of the Iraqi armed forces, there are no indications that the regime has changed its stance towards the Kurds. The main obstacle to the Iraqi military is the continued enforcement by the US and UK of the air-exclusion zone north of the 36th parallel. On the ground the *Peshmerga* provide some opposition to any Iraqi advance, but they are heavily outgunned.

The point here is not that the displaced people are more at risk than the general population, but that the general population itself is at risk of once again becoming displaced.

In the North, many, if not the majority of displaced people are those whose original homes, or at least the land the homes used to stand on, have been under the control of the Kurdish authorities since 1991. An important obstacle to return is the presence of land mines laid by the Iraqi military in the years prior to its withdrawal from the area in 1991. As the UN Office for Project Services (UNOPS), the UN agency coordinating the mine action in the North, outlines,

Even though the exact number of mines is unknown, the national survey conducted by UNOPS up to September 2001 has identified 3,400 mined areas covering some 900 square kilometers of land required for

reconstruction, resettlement, agricultural purposes and the rehabilitation of basic services such as electricity and water, affecting approximately 1100 communities.⁴⁹

The Iraqi government actively hinders the UN demining program. It refuses to provide maps and other information on the minefields which it laid, blocks the importation of mine detecting equipment, and delays or refuses visas for key experts.⁵⁰ Despite this lack of cooperation, the UN adheres to the Iraqi demand that the minefields within five kilometers of the border with Iran be left untouched.⁵¹ According to a report of the Secretary-General, at the current rate of mine clearance, it will be some 35-75 years before the known minefields are cleared.⁵² While there is no overall estimate of cost for a complete demining program, about \$30 million is allocated annually to this sector under the Oil-for-Food program.⁵³

A final security related issue is the possible presence of contaminated soil and water supplies due to the chemical weapons attacks of the late 1980s. Little testing of soil and water for the persistence of these agents has been done. No one knows which agents were used, nor where, nor if they continue to present a hazard to the inhabitants.

*Shelter*⁵⁴

Of the 805,505 people accounted for in the UN-Habitat survey, the majority, 446,000 people, live in 'collective towns.' These are purpose-built settlements that the regime constructed in the lowlands during the 1970s and 1980s to accommodate and control the people expelled from the 4,000 or so villages it had destroyed. Many of these settlements are in an advanced state of decay, and many have insufficient infrastructure. Others, however, are on the outskirts of cities and towns and have started to blend into them; the displaced population in these settlements has come to rely on the services and infrastructure of the existing urban centers.

Another 301,000 people live in homes and apartments both in villages and cities. As of October 2000, this left about 57,000 people living in barracks or other buildings not constructed for permanent family accommodation. Of this 57,000 people, 6,366 were living in tents.

In order to provide everyone with decent housing, UN-Habitat estimated that 26,290 new housing units needed to be built. Nearly 10,000 of these would be for the aforementioned 57,000 people living in tents and inadequate buildings. The other housing units would be

⁴⁹ UNOPS, *Details: Mine Action in Northern Iraq*, <http://www.unops.org/textimageflash/default.asp?pmode=3&pno=189>.

⁵⁰ UN Security Council, Reports of the Secretary-General, S/2000/208, S/2000/1132, S/2001/186, S/2001/505, S/2001/1089.

⁵¹ UN Security Council, Report of the Secretary-General pursuant to paragraph 10 of Security Council Resolution 1153 (1998), 19 November 1998, S/1998/1100.

⁵² UN Security Council, Report of the Secretary-General, S/1998/1100.

⁵³ From Office of the Iraq Program Distribution plans V-XI, <http://www.un.org/Depts/oip/dp/dp11/dp11toc.htm>.

⁵⁴ All numbers in this section come from the UNCHS-Habitat survey, January 2001.

built to relieve overcrowding of displaced persons in the collective towns, villages and cities.

There is a wide range in standards of housing provided by international agencies. In the early 1990's, much of the focus was on rebuilding destroyed villages, hence the houses were largely built by the intended inhabitants using traditional materials such as mud-brick. Other inputs such as roof beams, doors, windows, cement, and tools were provided by aid agencies. Later more ambitious housing projects were initiated, largely by NGOs using foreign donor funds such as ECHO (European Community Humanitarian Office), in the towns and cities. While these homes were built by contractors and to a set design, they were still intended to blend into the wider community and families were provided individual space and walled compounds in the traditional Middle East fashion. Several years after construction, these homes appear to be in good condition and are nearly indistinguishable from the surrounding older neighborhoods. Most recently the UN-Habitat construction program operating under Oil-for-Food, has begun to demonstrate results with hundreds of units being completed and others in various stages of construction. The design is closer to Western style condominiums, with units adjoining each other and little or no surrounding space. Despite their bright paint job, and what appears to be a good level of water, sanitation, and energy infrastructure, these communities, isolated from nearby towns and cities, most resemble the 'collective towns' of the Iraqi regime. Access in and out can be easily controlled and no preparations have gone into what might be the economic basis for the lives of the intended inhabitants.

UN-Habitat coordinates their activities in the North with the government in Baghdad.

The project management team has established constructive relations with the relevant ministries of the Government of Iraq to ensure that project activities under the program are as much as possible in line with the stated national policies.⁵⁵

Of the 6,366 living in tents, the majority, 4,069, are returnees from Iran, 1,950 are victims of Arabization, and 347 had fled or been expelled from their homes as a result of Kurdish infighting. They have attracted considerable local and international media attention. New expellees from the Center/South are directed to these tent camps, run by the KRG, as their first place of refuge and by some accounts remain there for up to two years.⁵⁶

It is not clear why people must live in tented camps for such extended periods of time. The head of the UN's Oil-for-Food program, Under-Secretary-General Sevan wrote after his trip early in 2002:

During my visit to the three northern governorates I also visited a number of camps for the internally displaced persons and the 'returnees.' I stressed that it was most essential for the local authorities and the United Nations system to

⁵⁵ UN Security Council, Report of the Secretary-General pursuant to paragraph 5 of Security Council Resolution 1360 (2001), 19 November, 2001.

⁵⁶ Ashley Gilbertson, "The unknown future of the forcibly displaced Kurds," *Iraqi Kurdistan Dispatch*, April 2002.

move most expeditiously in meeting the dire needs of the internally displaced persons (IDP) and the 'returnees' who live in highly crowded and most dismal conditions, in abject poverty. It is also essential to expedite the implementation of resettlement projects by the United Nations and provide job opportunities, schools, and health facilities in order to get the most unfortunate residents of the camps out of those most miserable living conditions.⁵⁷

The reasons why these people are spending inordinate amounts of time in what are ostensibly reception camps may be:

- Foot-dragging or incompetence within the UN agencies, as suggested in USG Sevan's report;
- The governing authorities of the KRG are trying to maintain visible and demonstrable examples of the expulsions resulting from the government of Iraq's Arabization campaign.
- According to the Habitat survey, two-thirds of the people are returnees from Iran, and their original home is in other areas of Iraq. They have no local support network to draw upon, and no aid agency takes them on.

Over the past six months living conditions in most of these camps have improved. Sanitation and water supply show marked improvement. Electrification projects are in process, and education and health care plans are underway. All of this is due to the activities of the recently established IDP unit in UNOPS.

Food, Health, Infrastructure and Social Services

WFP distributes food to all 3.5 million inhabitants of Northern Iraq. The IDPs are included in this distribution. WFP has two programs to benefit the displaced: supplemental feeding for all malnourished people and a one-time food distribution to the victims of Arabization upon their arrival in the North.

The adequacy of health services for the displaced people is difficult to judge.⁵⁸ UN-Habitat mentions in their survey that 12,000 displaced families, about eight percent of the total, have no access to health centers.⁵⁹ In the survey, access to health centers, primary, secondary, and intermediate schools, a market place, and public transportation are combined to form a "site service index." Nearly half of all people had access to all of these services, 80 percent access to five of the six and only 7 percent had access to fewer than four of these services. However as there is no breakdown as to which services were lacking, the information is of less use than it might have been. A specific set of social concerns is reported in the community of people returning from Iran. In addition to all the problems of being recently returned and displaced, due to their length of time away from

⁵⁷ UN Office of the Iraq Program, *Statement by Benon V. Sevan, Executive Director of the Iraq Program at the Informal Consultations of the Security Council*, 26 February 2002.

⁵⁸ We could get no information from WHO or UNICEF specifically related to the health status of displaced persons in Iraq, North or Center/South.

⁵⁹ It is not clear from where Habitat got this number.

Iraq (in some cases three decades), the families are having difficulty adjusting to Iraqi Kurdish social and cultural life.⁶⁰

For the level of infrastructure, the Habitat survey employed a similar technique. Access to water, electricity, sanitation and proximity to roads were combined to form a 'settlement service index.' According to the Secretary-General's report of March 2, 2001:

The preliminary findings are that, while conditions vary considerably, about 40 per cent of internally displaced persons live in settlements with standards of water and electricity supplies, sanitation, drainage and road access that are below average for the area.⁶¹

This statement is not particularly helpful, as there is no context as to how many people in the general population live below average level. In other words, we have no general population baseline against which we can plot the situation of the displaced. Other press accounts, UN reports and our own interviews consistently point to lack of good sanitation, water supply and overcrowding as being significant contributors to the poor health status of the displaced population.

Finally, the survey comes up with an interesting sounding 'social vulnerability index' that combines, in one figure, the proportion of widows, elderly people, orphans and disabled living within a family. However, the authors of this paper were unable to decipher the significance of these figures.

The Habitat survey remains the sole attempt, in the 11 years since the UN set foot in Northern Iraq and the six years of the Oil-for-Food program, to gain some solid data on the status of the displaced population. In highlighting some of the survey's weaknesses, our point is not just that this survey is unclear in places and hard to draw value from. At least Habitat has made a serious effort, and for that credit must be due. Our point, rather, is that the UN and the KRG have shown such limited interest in the displaced people that Habitat's imperfect report remains the best information in existence.⁶²

The Habitat survey points, even if inadvertently, to two fundamental problems in the assistance provided to the displaced. First, the Kurdish authorities have made little effort to allocate resources, whether Oil-for-Food or other, towards public health-related infrastructure in the displaced settlements. Second, the UN's Oil-for-Food program has ignored the plight of the displaced by claiming that the duration of the program was six months, albeit continuously renewed, and therefore that it could not look beyond short-term relief towards longer-term development. This dovetails nicely with the Iraqi

⁶⁰ Speech given by Dr. Mahmood Osman, to Danish Parliament, October 23, 2001, <http://www.kurdi.dk/seminar/Dr.%20Mahmod%20Osman.htm>.

⁶¹ UN Security Council, *Report of the Secretary-General pursuant to paragraph 5 of resolution 1330 (2000)*, S/2001/186, 2 March 2001.

⁶² Most UN agencies operational in the North maintain some sort of beneficiary database, often with information on IDPs. We were told on several occasions that each agency jealously guards its information from its sister UN agencies in order to maintain its market share in the Oil-for-Food program.

government's desire to restrict aid to the North, a point freely admitted by UN officials privately.

Issues of Return

Returns of displaced people to their homes are a common feature of life in the North. A majority of the people living in the North have been displaced at some point over the past 30 years, many more than once. Returns are on-going from the population displaced during the 1980s, by the Anfal campaign and the 1991 uprising. All the returns, however, are to homes and lands that are under the control of the Kurdistan Regional Government. For this population, the impediments to return are not of a security nature, aside from landmine pollution. Failure to return is more of an economic and social nature.

The UN-Habitat survey states that some 45 percent of the surveyed population expressed an expectation that they will return to their places of origin. This figure should be treated with caution for several reasons, not the least of which is that even UN-Habitat is not sufficiently confident in its data to extrapolate to the whole IDP population in the North.⁶³ It should not be surprising, though, that over half the displaced people do not expect to ever return to their original homes. With periods of exile of up to 30 years, many young people know no other home than the one in which they presently live. Some of the interviewees for this paper thought that many people should no longer be considered IDPs, as their needs and desires are largely indistinguishable from that of the general population.⁶⁴ However, opinions could change dramatically were there a change in people's immediate options. Should there be a political shift in Baghdad, many more people may express a willingness to return, or at the very least, the desire to reclaim property, regardless of whether or not they intend to reside there.

'Return' and 'returnees' are not clearly definable terms. 'Return' can refer to the reclaiming of property, even if only to dispose of it later. Return can mean that some family members spend some time on the original property – to do part-time farming, or to carry out repairs, or in the case of the elderly to live out the remainder of their lives – while maintaining a presence in the city.

In other words, return should be viewed as not only the return of people to their land, but the return of the land to the people, so that they can decide how best to use it.

The KRG, in both its Erbil (KDP) and Sulaimaniah (PUK) incarnations, openly applies political criteria towards the level of assistance it provides to the IDP population. It attempts to provide for the 'humanitarian needs' of people who have been expelled, often under violent circumstances from their homes, while not encouraging these people to resettle on a permanent basis. The Kurdish authorities adamantly insist that all displaced people should return to their original homes. While the incentive for this approach is based on a desire for justice there is also a political agenda: if the displaced do not return to Kirkuk and the surrounding areas, there will be a demographic shift towards the non-

⁶³ UNCHS-Habitat, *IDP Site and Family Survey*, January 2001, p. 9.

⁶⁴ This is not the opinion of the authors, the reasons for which we outline below.

Kurdish populations of Turkmen, Arabs, and Assyrians. The PUK and the KDP see this as not only rewarding the Iraqi authorities for their Arabization program, but undermining any future claims of the Kurds to the Kirkuk region.

The following sections, ‘To Kirkuk’ and ‘Faili Kurds,’ presume some dramatic shift in the power arrangements in Iraq.⁶⁵ We see little chance that significant numbers of people will return under any guarantees given by the current Iraqi government, and caution against any moves by international agencies to provide assistance in light of such guarantees. Nevertheless, a new governing structure in Iraq does not mean that the problems and issues of the internally displaced will instantly disappear. On the contrary, the displaced population could find themselves at the center of political struggles that are now dormant, suppressed by the larger struggle against the regime in Baghdad.

The last section on ‘Internequine Healing’ looks at the on-going returns of the people displaced by the Kurd-versus-Kurd fighting. It is an example of returns occurring during a gradual change in governing structure, without any change in leadership. This process, while slow to start, may provide some lessons of value for future country-wide return processes.

To Kirkuk

When return to Kirkuk becomes possible, the length of time over which expulsions have occurred – some three decades and counting – will give rise to a set of painful, possibly intractable, complications over who should return where. Disputes over property rights – over land, over buildings – will be complicated by the deliberate destruction of deeds, cadasters and other documentation.⁶⁶ Added tensions will stem from the use of economic assets, access to oil field employment and infrastructure management.

A specific concern is the potential Kurdish-Turkmen rivalry for political and economic control of Kirkuk. As noted above, in 1957, the date of the last reliable national census in Iraq, the Turkmen were a plurality of the population in Kirkuk City and the Kurds a plurality in the governorate as a whole. Aside from a politically manipulated riot in 1959 (it was in fact a Ba`thi-Communist clash⁶⁷), there does not seem to be any historical evidence of Kurdish-Turkmen violent conflict in the history of Kirkuk.⁶⁸ Nevertheless, despite their having suffered similar repression and displacement by a common enemy, the regime of Saddam Hussein, the Kurds and Turkmen have, over the past decade, found little common ground in building governing structures in the North.

⁶⁵ The authors do not presume to forecast or recommend what type of change will or should occur. We merely note that change is inevitable and that thinking ahead should neither be constrained by the ruthlessness or the longevity of the current regime in Baghdad.

⁶⁶ The 16 tons of Iraqi documents that fell into the hands of the Kurds and are now a research archive in the US are an example the government in Baghdad may not wish to repeat. Should there be a protracted or negotiated transfer of power in Baghdad, an incoming government may wish to maintain the *fait accompli* of the Anfal and the Arabization campaigns. Destruction of documentation, if it has not already occurred, may take place during this period.

⁶⁷ Samir Al-Khalil (K. Makiya), *Republic of Fear*, pp. 237-238.

⁶⁸ Talabany, *The Arabization of the Kirkuk Region*, p. 114.

Kirkuk's fertile plain makes it the breadbasket of Iraq. A key sinew binding the country together is the production of grain in the North to supply the population centers in the South. Over the past twenty years, the Iraqi regime's anti-Kurdish and Turkmen policies have disrupted this natural relationship, by refusing to purchase their grain. The international community has supported and continues to aggravate this divisive policy. The United States subsidized up to \$1 billion annually of US grain exports to Iraq during the 1980s under the notoriously scandal-ridden Department of Agriculture's Commodity Credit Corporation program.⁶⁹ This grain subsidy allowed Saddam Hussein's government to economically isolate Kurdish and Turkmen wheat growers while still providing the rest of the Iraqi population with cheap bread. Ali Hasan al-Majid, the organizer and implementer of the Anfal, said in April 1998, at the height of this campaign of genocide, "For the wheat? I don't want their wheat. We've been importing wheat for the past twenty years. Let's increase it to another five years."⁷⁰

The KRG has long argued that the purchase of wheat locally by the UN would have the dual benefit of providing a boost to the local economy as well as being cheaper than importing grain. Nevertheless, the UN's Oil-for-Food program, due to its dependence upon the Iraqi government for negotiating contracts, imports massive quantities of foreign, largely Australian and Pakistani wheat, and Vietnamese and Thai rice. Should there be a political shift and Iraq returns to normal patterns of production and trade, Kirkuk's precious farmland will become an asset that will encourage people to return home as well as a commodity to be argued over.

Then there is the oil. Some experts claim that sanctions and destructive Iraqi management have irredeemably damaged an already declining resource, one that has been exploited for 70 years.⁷¹ But the reality remains that there will be significant oil production at least in the short and medium term. Historically, Kurds held few of the jobs in the Kirkuk oil fields.⁷² However, even those Kurds who did, along with Turkmen managerial level staff, have been the targets of the Arabization campaign. These are jobs and positions of control in Iraq's primary industry that both communities will no doubt want to claim.

Complicating any rivalry between the Kurds and Turkmen is of course the presence of Arabs in their former houses, on their land and holding their jobs. Some of the Arab families have been there for 40 years and are now in their third generation. They know no other place of residence. Some may have purchased the home or land from the former owner, albeit at a significant discount due to the threats being made against Kurdish or Turkmen owners. Others may have purchased homes in due form from an Arab owner, and feel that they have acquired the property rightfully. Undoubtedly, some of the settlers

⁶⁹ Alan Friedman, *Spider's Web: the Secret History of How the White House Illegally Armed Iraq* (Bantam Books, New York 1993).

⁷⁰ Human Rights Watch, "Appendix A: The Ali Hassan Al-Majid Tapes," *Genocide in Iraq: The Anfal Campaign Against the Kurds*, July 1993.

⁷¹ "Iraqi Oil Industry in 2002: A Turning Point," *Middle East Economic Survey*, Vol. XLV, No. 2, 14 January 2002; UN Security Council, *Report of the Group of United Nations Experts Established pursuant to paragraph 30 of the Security Council Resolution 1284 (2000)*.

⁷² Talabany, *The Arabization of the Kirkuk Region* p. 35.

have been forced to come to the northern areas, and may very well not wish to stay, given the choice. In some cases, the Iraqi regime has gone so far as to transform the human environment so that it is, very truly, a different place: homes or even entire neighborhoods have been obliterated and rebuilt with different street patterns, or replaced with large office buildings, apartment blocks, collective towns, military encampments, and monuments to the glory of the leader. Dams and reservoirs have submerged villages and fields. How can the displaced return to a world that no longer exists?⁷³

All these factors leave open immense possibilities for the obstruction of IDP returnees and the manipulation of local-level demographics by national leaders.

Recent history provides little consolation. In the spring of 1991, during the uprising in the North, Kurdish *Peshmerga* captured Kirkuk and held the town for a brief period. Much of the Arab population fled during that time.⁷⁴ Should a similar situation develop in the future, it is possible that one set of returning displaced will cause or provoke the flight of another. If, as some call for, Kirkuk occupancy reverts to that of the early 1960s, harmony among ethnicities will be difficult to attain.

*Faili Kurds and Taba`iyya*⁷⁵

Faili Kurds have been displaced for nearly 30 years. Their offspring have no memories of their prior homes in the Khaniqan region near the Iranian border or in Baghdad. The families are likely to feel displaced wherever they reside. A central problem is that their homes or businesses may no longer exist. Second, if they do exist, they will almost inevitably have been taken over by someone who has been there for quite a few years. The immediate expulsion of an Arab family to make way for a returning Faili Kurdish family would generate not only a new displaced family, but also political tension and, should the numbers of newly displaced be high enough, a new set of historical grudges. The Faili Kurds also have family links that span the Iran/Iraq border. Thus, they can either be viewed as a fifth column or, should relations improve between the two countries, as a bridge towards more neighborly relations. How they are treated *vis-a-vis* their return home will be perceived as an element in how any Iraqi government sees its relations with Iran.

The *taba`iyya*, the Shi'a who had registered early in the twentieth century as being of Iranian rather than Ottoman 'belonging' and whom the regime deported to Iran in the early 1980s, may have a similar situation to that of the Faili Kurds. While they will have ties across the border in Iran, their homecoming will be fraught with difficulty. The return to a host community in which they have few friends, relations, and little cultural affinity, calls for a specific and targeted program of assistance and protection by international humanitarian agencies.

⁷³ For a dramatic view of one such situation, the obliteration of the Kirkuk citadel neighborhood between 1997-98, see <http://usinfo.state.gov/regional/nea/iraq/iraq99a.htm#photo3>.

⁷⁴ Gilbertson, *The Unknown Future of the Forcibly Displaced Kurds*.

⁷⁵ As noted above, the original homes of neither of these groups are in the North, but the only documented cases of Faili or *taba`iyya* IDPs are in the North. True return for them, however, means back to other areas of Iraq.

Internecine Healing

In the September 1998 Washington accord, the two governing parties of the Kurdish Regional Government, the PUK and the KDP, committed to stop battling and to begin the process of forming a unified governing structure for the North. A Higher Coordinating Committee (HCC) was set up with prime ministers from the two parties as chairs to begin the process of implementation. The agreement, which had followed from previous discussions amongst the parties over the previous year, included the following clause:

The HCC will establish a process to help repatriate everyone who had to leave their homes in the three northern provinces as a result of the prior conflict between the parties, and to restore their property or compensate them for their losses.⁷⁶

One of the subcommittees formed was the Joint Committee on Displaced Persons. According to the accord a timeline for the return of displaced people was to be presented within one month of the signing of the agreement. It was not until June 2001, after numerous pledges, promises and 'constructive' meetings that the first 70 families returned (out of a total of some 100,000 people). In July 2001, one month later, another 120 families, evenly split between the two sides, returned. More recently, the numbers have been picking up. According to the PUK, there have been nine groups of returnees, which include 1,256 families (7387 people) returning to KDP-held areas and 721 families (3323 people) returning to PUK areas, for a total of 10,710 people.⁷⁷ The sessions of the KRG joint-parliament held in early October 2002, and the statements of the two leaders Mas'oud Barzani and Jalal Talabani regarding renewed commitment to implementing the Washington accord are likely to further increase returns.

The system works as follows: First, each party presents to the joint subcommittee a list of potential returnees with supporting documentation as to home ownership. Second, the committee meets and goes over the names and agrees on a number to return to each side. Third, the receiving party is responsible for seeing that the returnees' homes or apartments are vacant and habitable.

One NGO, Peace Winds Japan, has recognized the value and risks inherent in assisting this group of displaced people to return home. Rather than avoiding the risk, it claims,

NGOs can facilitate [the] peace process by strategic application/allocation of humanitarian or development assistance projects in view of conflict dynamics in a given region . . . PWJ is now seriously considering implementing projects which would facilitate the exchange of the IDP families in both KDP-held and PUK-held territories.⁷⁸

⁷⁶Text of the accord signed by KDP and PUK leaders in Washington, DC, September 17, 1998
<http://www.meij.or.jp/text/minorities/ik19980917.htm>.

⁷⁷ e-mail communication from PUK Washington office.

⁷⁸ <http://www.miyazaki-mic.ac.jp/faculty/Ktoyama/nicurrnt.htm>.

This is in stark contrast to the view of another major NGO operating in the North which told us, "The reason we do not get involved in IDP issues is that it is very political, and the danger of being politicized is too great."⁷⁹

Center and South

Background

Politically Targeted Shi'i Arabs

While the cities of southern Iraq house the holy shrines of Shi'i Islam, there were very few Shi'a in Iraq prior to the nineteenth century.⁸⁰ The Sunni Ottoman rulers of the Vilayat of Basra, in an attempt to exert their authority and control over what is now southern Iraq, implemented policies to entice the (Sunni) nomadic tribes inhabiting the drier parts of the region into becoming settled agriculturists. The unintended consequence of this successful plan was to expose the now disrupted tribal communities to both the religious and the economic influence of Shi'i religious leaders, who had congregated around the shrines of the southern cities. By the early twentieth century, as borders in the Middle East began to form and modern nation-states emerged, the Shi'a not only predominated in the South but had become a majority in newly born Iraq. However, the process of decolonization and nation building saw the Sunni leaders in Baghdad inherit Ottoman power, thanks to the active assistance of British political machinations, money and troops. Rule of the few (a Sunni elite) over the many (the Shi'a) remains a fundamental tension in Iraqi politics, which is yet to be reconciled.

Saddam Hussein, who heralds from an otherwise un-noteworthy Sunni clan in the middle-Iraq town of Tikrit, has over the years consistently and aggressively sought to eliminate any rival for power. Shi'i religious leaders, several of whom have been murdered or disappeared, have been particularly targeted. In order to undermine the base and organization of opposition movements, his government has undertaken brutally aggressive action, including the wholesale but nevertheless carefully targeted expulsion of people. Over the past several years, the regime has targeted political opponents and the communities in which they live in Basra, Baghdad and other governorates. Without warning, homes are bulldozed, and some or all family members are taken into detention.⁸¹ One well-reported case is the 4,000 families that the government has admitted expelling from Baghdad in 1999.⁸² The government claimed that these people had migrated there illegally following the 1991 uprisings, and that their expulsion would relieve congestion.

⁷⁹ Interview with NGO Regional Director.

⁸⁰ Yitzhak Nakash, *The Shi'is of Iraq* (Princeton University Press, Princeton 1994).

⁸¹ UN Commission on Human Rights, *Interim report prepared by Max van der Stoep, the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Iraq*, 14 October 1999, A/54/466.

⁸² Radio Free Europe/Radio Liberty, "Refugees Expelled from Baghdad," *Iraq Report*, RFE/RL, Dec 3, 1999.

The goal would seem to be to disrupt opposition leadership by separating it from its local communities. The expulsion of entire villages or urban neighborhoods is intended to demonstrate the price of sedition, or even of merely living in its vicinity.

*The Iraq-Iran War*⁸³

In Iraq tens of thousands of people were displaced during the eight-year-long Iraq-Iran war. Following the war, territories that had been captured were returned and the borders between the two countries reverted to what they had been before the conflict. It is presumed that most displaced people returned home, once the military activity ceased and the threat of invasion was gone. Those who did not return home, hence are still displaced, may be the Marsh Arabs from the al-Hwazieh marsh, which straddles the Iran-Iraq border. During the war, the Iraqis flooded these marshes to impede the advancing Iranian armed forces. The Iraqis reportedly used mustard gas on the enemy forces.⁸⁴ It is thought that during this period the inhabitants were either expelled or fled the fighting. Again, we caution that a more comprehensive survey of the displaced in Iraq may show this to be incorrect and that the displaced from this war include others besides the Marsh Arabs of al-Hwazieh. In Basra, several organizations have noted, and attempted to assist, people displaced from the Iraq/Iran war. ICRC in association with the Iraqi Red Crescent counted 80,000.

Marsh Arabs

The Marsh Arabs can be traced back, as a distinct community settled and integrated in the unique marshland environment of the lower Tigris and Euphrates rivers, at least 5,000 years. In the past hundred years, modernity began making significant inroads into the community's habitat and culture. But until the last decade, the Marsh Arabs had successfully managed to resist succumbing to the pull of Iraqi political and economic order. Within Iraq, they have long been considered as backward, inferior, the 'yokels.'⁸⁵ And in preparation for the attacks on the marshes, the Iraqi state media inflamed this opinion with a series of articles degrading the Marsh Arabs as 'monkey-faced' people who were not real Iraqis.⁸⁶

The manipulation of the Tigris and Euphrates river systems to bring water to urban environments and to develop agriculture has been a constant feature of Iraqi history. Such 'development' works have included large-scale canal building, such as the 120-kilometer-long Hindiyya Canal, built in the late eighteenth century to provide water to the southern city of Najaf. These giant waterworks permanently altered the course of the Euphrates, inundating agricultural land, and while the city of Najaf flourished, the city of

⁸³ We have not included a section on IDPs resulting from the Gulf War of 1991. There may be people in Center/South displaced due to that conflict, who have not yet returned home, but we found no information about them.

⁸⁴ Kenneth Pollack, *The Threatening Storm* (Random House, NY 2002): pp. 22-3. Robert Fisk, "Their Lagoons and Reedbeds Gone, Iraq's Marsh Arabs Have No Refuge," *The Independent*, May 19, 2001.

⁸⁵ Nakash, *The Shi'is of Iraq*, p. 47.

⁸⁶ Christopher Mitchell, "Assault on the Marshlands," paper presented to the conference of the AMAR International Charitable Foundation, London, May 21, 2001.

Hilla lost its agricultural and commercial importance.⁸⁷ In the 1950s, British engineers began designing large-scale plans to desalinate land and improve irrigation in southern Iraq via the construction of a network of dams and canals. Construction began in 1953 and with the assistance of British, Dutch, Russian and Pakistani companies, continued intermittently for 40 years.⁸⁸ Such examples, among others, show that there is history Iraqi engineers could draw upon, and that such schemes are certainly feasible in relatively short periods of time with the use of modern machinery.

At the same time, dam building and hydrological engineering in the twentieth century have been the fundamental instruments of the destruction of the southern marshlands and the communities that lived there. As of early 2001, there were 32 major dams on the Euphrates and Tigris river systems upstream of the marshes, with another 21 under construction or planned. Iraq, Iran, Syria and Turkey have all been active in their construction, although Turkey's South East Anatolia Development Project (GAP) is by far the largest.⁸⁹ The severely decreased water flow due to these upstream works, provided the Iraqis a window of opportunity to finish redirecting the course of the rivers downstream.

By 1985, visible signs of the draining of the marshes were noted in the area of Qurna, close to the confluence of the Tigris and Euphrates, where newly discovered oil fields were ripe for exploitation.⁹⁰ In the early 1990s the Iraqi government began an all-out push to finish off the marsh-draining project and, as a consequence, to finish off the Marsh Arabs.

Several events seem to have precipitated the Iraqi government's decision to take these measures at that time. The Iraqis had just come out of two wars, the last of which had left the regime of Saddam Hussein barely holding onto power. One of the clearest threats to his survival were the Shi'a of southern Iraq, who rose against him in the immediate aftermath of the Gulf War. Baghdad, resorting to full military force (including the use of helicopters permitted under the US-dictated cease-fire conditions) and extraordinary brutality, succeeded in quashing the rebellion. But the marshes, inaccessible to Iraqi armor, became a haven for the remaining rebels on the run. Also during the uprising, some groups had attacked the incipient oil field infrastructure in the West Qurna oil field, attacks which Baghdad blamed on the Marsh Arabs. Finally, during the early 1990s, very few personnel from international organizations or companies were present to witness the marsh destruction, due to the wartime evacuation and the imposition of sanctions. This not only allowed the regime to avoid being seen but also allowed it to requisition, without opposition and by Presidential decree, foreign company resources, such as bulldozers and other earth-moving equipment, termed 'idle assets,' to accomplish the task.⁹¹ Massive canals, up to a hundred meters wide and hundreds of kilometers long, were dug using virtual slave labor and the aforementioned foreign-owned machinery. The Ministry of

⁸⁷ Nakash, *The Shi'is of Iraq*, p. 31.

⁸⁸ Mitchell, "Assault on the Marshlands."

⁸⁹ Partow, H., *The Mesopotamian Marshlands: Demise of an Ecosystem*, Division of Early Warning and Assessment, United Nations Environment Programme, Nairobi, Kenya, 2001.

⁹⁰ Mitchell, "Assault on the Marshlands;" *Middle East Economic Digest*, January 20, 1997.

⁹¹ "Plant Seized for Canal Project," *Middle East Economic Digest*, July 10, 1992, p. 16.

Military Industry, run at the time by Saddam's son-in-law Hussein Kamel, organized the entire undertaking.⁹²

To accelerate the process, the military and special police made raids on marsh settlements, ostensibly in pursuit of rebels, criminals and deserters. Iraqi security forces used napalm and other chemical weapons, shelled and burned villages, assassinated local leaders and other prominent community members, and abducted heads of families. Other tactics employed by Iraqi authorities included the deliberate contamination of water supplies, the poisoning of the fishing grounds, commercial blockades, the denial of aid and the refusal of access to aid agencies.⁹³

The tactics of earthworks, drainage, and military action worked hand in hand. As one area was drained, new embankments would be built, giving the authorities vantage points to begin actions against the next set of settlements.⁹⁴

By 1999 the drainage of the marshes was largely complete. The only remaining marsh of any size was the al-Hawizeh marsh that straddles the Iraq-Iran border. This marsh is at least partly intact, as the Iraqis do not control all the sources of water.⁹⁵ According to the Iranians, the Iraqi side of the marsh is now under assault. In September 2002 it was alleged that the Iraqis were burning the reeds in a possible attempt to prepare a military assault on the villages.⁹⁶

As to where the Marsh Arabs went, little is known. The British NGO AMAR says some 40,000 people made it into refugee camps in Iran.⁹⁷ Some tens of thousands may still be trying to scratch a living out of whatever remains of the marshes. Some were certainly killed by the Iraqi security forces during the 'drainage' operations. But upwards of 100,000 (see numbers section below) must be displaced. Neighboring urban centers such as an-Nasiriyah and al-Amara are thought to hold some people.⁹⁸ Larger centers like Baghdad and Basra may provide havens as family members had been migrating there for decades. Finally, it is thought that some Marsh Arabs may be part of the people being sent north to inhabit former Kurd and Turkmen properties, under the Arabization campaign, although it is unclear how the necessary selection process unfolds.⁹⁹

⁹² Ibid. This is the same Hussein Kamel who defected with his family in 1995 to Jordan, only to be enticed back to Baghdad six months later and immediately killed by his uncle Ali Hassan al-Majid and his brother-in-law, Saddam's son Uday.

⁹³ Numerous reports from the Special Rapporteur of the Commission on Human Rights from 1992-2001 and Mitchell, "Assault on the Marshlands."

⁹⁴ Andrew North, "Saddam's Water War," *Geographical Magazine*, July 1993, Vol. 65 Issue 7, p. 10 and Mitchell, "Assault on the Marshlands."

⁹⁵ This marsh, too, is threatened by the diversion of water on the Iranian side. They are planning to construct a pipeline, over ground and underwater to supply Kuwait with fresh water.

⁹⁶ "Iraq sets fire to reeds in Hawr al-Adhim marshland," *Tehran Keyhan*, September 9, 2002, FBIS-NES-2002-0909.

⁹⁷ Jérôme Le Roy, "Statistical Outline of the Situation of the South Iraqi Refugees in Iran, including the Marsh Dwellers," paper presented to the conference of the AMAR International Charitable Foundation, London, May 21, 2001.

⁹⁸ Mitchell, "Assault on the Marshlands."

⁹⁹ Mitchell, "Assault on the Marshlands."

The motives behind the Iraqi regime's brutally callous campaign against the Marsh Arabs include the following: the desire to eliminate a population outside of central governmental control; an interest in producing some great engineering feat that is the equivalent of the monumental statues and palaces built to honor Saddam; the aim to generate economic development and increase oil production; and most importantly, the destruction of a habitat that provides a haven for an armed opposition. All these motives, of course, have one underlying objective: to maintain the current regime in power. The regime also guessed correctly that no one would stop it. In 1992, then Parliamentary Speaker Saadi Mehdi Saleh justified the action against the Marsh Arabs: "America wiped the Red Indians off the face of the earth and nobody raised an eyebrow."¹⁰⁰

Al-Qilaa Kurds

This group is the Kurdish people and their families that fought or supported the Iraqi government during the 1980s destruction of the Kurdish villages and the incarceration of the inhabitants in the collective towns. They left (it's not clear if they fled or were expelled) the North upon the establishment of the Kurdish rule in the North in 1991. To the main population of the Kurds, they are known as the Jash or the Donkeys. Originally from the Aqra area, they fled to the closest city under Baghdad's control, Mosul, where they still reside today. Many of them moved into unoccupied military compounds, (in Arabic al-Qilaa.)¹⁰¹ Despite having provided such valuable service to the Iraqi authorities in the 1980s, the al-Qilaa Kurds suffer from the same desperate conditions as other displaced in Iraq. They live in overcrowded makeshift accommodations, are discriminated against by official regulations, have little education or health care, and few prospects or hopes for the future. According to Iraqi Red Crescent sources, there are approximately 8,000 displaced families of the al-Qilaa Kurds in Mosul.¹⁰²

Numbers

The US Committee for Refugees (USCR) is one of the longest-standing sources – and possibly the most credible one – on IDP numbers in the South. They are the only organization to have consistently and carefully tried to produce estimates of the displaced population. Nevertheless, during the mid-1990s, USCR remained so unsure of the available information that it could only set a range of displaced persons in the south of 40,000 to 1,000,000.¹⁰³ In late 1998, the UN Special Rapporteur for Human Rights in Iraq put the figure at 200,000. In 1999, USCR refined its number to 100,000.¹⁰⁴ And at the end of 2000, ICRC in collaboration with the Iraqi Red Crescent performed a survey that claimed there were 80,000 IDPs in Basra alone.¹⁰⁵

¹⁰⁰ "Baghdad Admits Transfer Plan for Marsh Arabs," *Middle East Economic Digest*, May 22, 1992.

¹⁰¹ Correspondence with the Middle East Council of Churches, July 2002.

¹⁰² Ibid.

¹⁰³ US Committee for Refugees, Washington DC, Country Reports on Iraq 1994-1997.

¹⁰⁴ US Committee for Refugees, Washington DC, Country Report on Iraq 1999.

¹⁰⁵ ICRC activities on behalf of Iraqi civilians 2000-2001, June 11, 2001 and e-mail correspondence, June 19, 2002.

Several groups of people are involved: those displaced from the Iran-Iraq war, Marsh Arabs, other Shi'i Arabs, the al-Qilaa Kurds, as well as victims of the Arabization campaigns. After a review of the figures available, we very tentatively put the number of people from the Iraq/Iran war who remain displaced at 80,000. As noted above, we are not sure if these are Marsh Arabs or other Iraqis displaced during the war. The overall number of Marsh Arabs is even more difficult to ascertain than that of the Turkmen or Assyrians in the North. There has never been a census of the inhabitants of the Marshes. Many of the Marsh Arabs gravitated towards the cities of Baghdad and Basra during the 1950s and 1960s, attracted by the economic advantages and comforts of urban life and to escape exploitation at the hands of their own sheikhs.¹⁰⁶ To complicate matters, some of the migrants became quickly disillusioned with urban life and returned to the marshes.¹⁰⁷

The best estimate on numbers comes from a paper given at the AMAR conference in May 2001.¹⁰⁸ At the start of the 1990s, prior to the initiation of the large scale marsh-draining program, an estimated original population of 400,000 Marsh Arabs¹⁰⁹ had dwindled to about 250,000 people still living in the marshes and its vicinity. The reason for this reduction in numbers was essentially economic migration. Of this remaining number, 40,000 made it into Iran as refugees, and another estimated 20-40,000 remained in their homes. This leaves 170,000 to 190,000 people who are either dead or displaced. Although there have been anecdotal reports of massacres by Iraqi forces, no reliable figures exist.

Numbers for other Shi'i Arabs expelled either because of political activity or for living in the wrong place are equally hard to determine. While there have been anecdotal accounts of entire villages being destroyed and hundreds of people expelled, the only firm numbers are the 4,000 families (25,000 people) that the government itself has admitted to expelling from a Baghdad neighborhood in 1998.

The only figures we have on the al-Qilaa or Jash Kurds come from the Iraqi Red Crescent, which puts the figure at 8,000 families. Using the UN-Habitat average of 5.7 persons per family, this population is over 45,000. Finally, there are reports of some non-Arabs who, forced out of Kirkuk, have moved south instead of north and into the Kurdish areas. This may be because they are joining family members in the South, or because they are at odds with authorities in the North, or, perhaps because of some governmental measures not yet known or understood, or simply because of the vagaries of violence and expulsion.

All told, if one systematically takes the low estimates and the confirmed numbers – 80,000 from the Iraq/Iran war now living in Basra, 170,000 for the Marsh Arabs in the 1990s, 25,000 for expellees from Baghdad, 45,000 of the al-Qilaa Kurds, and an unknown number from the Arabization campaign – it is hard to see how there could be any fewer than 300,000 IDPs in South/Central Iraq.

¹⁰⁶ Wilfred Thesiger, *The Marsh Arabs* (E.P.Dutton, New York 1964): pp. 200-207.

¹⁰⁷ Ibid.

¹⁰⁸ Mitchell, "Assault on the Marshlands."

¹⁰⁹ The 400,000 came from an anthropological study undertaken in the 1950s.

Difficulty of Access

In the Center and South, the main obstruction to international observers assessing the status of displaced people is simply that the party responsible for the violence and the displacement, the Iraqi government, has no interest in having its deeds exposed. The government uses several tactics to prevent access by international observers to the displaced people.

- First, the government refuses visits from international officials responsible for the rights of the displaced. The first and long-standing UN Special Rapporteur on the Situation of Human Rights in Iraq, Dutch diplomat Max Van der Stoel, was allowed into Iraq in 1992, but his ensuing report was so critical of the government that Baghdad denied requests for all subsequent visits. His successor, Andreas Mavrommatis, a former judge and ambassador from Cyprus to the UN, has taken a less confrontational approach and was allowed to visit Iraq early in 2002. It remains to be seen whether his tread-softly approach leads to further visits, and more importantly, to a reduction in human rights abuses. Neither trip included visits with the displaced or to the marshes.
- Second, the government does not adhere to agreements it signs providing for access. A Memorandum of Understanding (MOU), under which the UN's Oil-for-Food program operates in Iraq, was agreed to by the UN and the Iraqi government in May 1996. The Iraqi government agreed that UN personnel would have:

unrestricted freedom of movement, access to documentary material which they find relevant having discussed the matter with the Iraqi authorities concerned, and the possibility to make such contacts as they find essential ... Shall have the right of unimpeded entry into and exit from Iraq and shall be issued visas by the Iraqi authorities promptly.¹¹⁰

Upon the signing of the agreement, obstruction began immediately. Tactics used by the government of Iraq have included denial of visas to enter the country, impeding freedom of movement inside the country and electronic and personal surveillance.¹¹¹

- Third, UN observers, whose job, among other tasks, is to see that the humanitarian supplies provided under the Oil-for-Food program are equitably distributed, are escorted on every trip out of their office by Iraqi government

¹¹⁰ UN Secretariat, *Memorandum of Understanding Between the Secretariat of the United Nations and the Government of Iraq on the Implementation of Security Council Resolution 986 (1995)*, May 20, 1996, S/1996/356.

¹¹¹ UN Commission on Human Rights, *Report of Special Rapporteur on situation in Iraq*, 21 February 1997, E/CN.4/1997/57; UN Commission on Human Rights, *Report submitted by the Special Rapporteur, Mr. Max van der Stoel, in accordance with Commission resolution 1998/65*, 26 February 1999, E/CN.4/1999/37; Interviews, not-for-attribution, with current and former UN Oil-for-Food officials.

minders. These people often double as translators. In the words of the first Special Rapporteur, Max van der Stoel:

The fact that the international observers are always accompanied, while on duty, by local agents who are in fact civil servants from the Ministry of Trade or the Ministry of Health evidently does not allow for a free exchange of views between the international observers and the local population. The Special Rapporteur also notes that very often the Iraqi escorts, as well as the government drivers, act as interpreters for non-Arabic-speaking international observers. In such cases, it would seem obvious that international observers cannot rely upon the information provided through those interpreters, who are agents of a most interested party, i.e., the Government of Iraq. The Special Rapporteur can also well imagine the effective intimidation that civilian interviewees may feel in such circumstances - and how that may affect their responses to any questions, which may be accurately interpreted.¹¹²

- Finally, entire areas around Kirkuk or in the former marshes are closed off as no-go zones, enforced by the laying of landmines.¹¹³

Needs and Assistance

Very little is known about the current condition of the vast majority of the displaced in the Center/South. In the absence of either systematic or even much anecdotal information on the situation of the displaced, we take an in-depth look at how various UN entities have approached the problem of the access to food rations by the internally displaced. We then note the publicized activities of the Red Cross agencies and the international NGOs working in Iraq, on their efforts to assist displaced persons.

UN Agencies and the Iraqi food ration system

“It’s an apparatus that runs flawlessly,” said Carel de Rooy, the UNICEF representative in Iraq. “It’s quite remarkable.”¹¹⁴

Just after its invasion of Kuwait and the resulting imposition of UN sanctions, the government of Iraq instituted a country-wide system of food rationing. By all accounts, the system was equal, inasmuch that all registered beneficiaries received the same ration.¹¹⁵ If anything, the main criticism by humanitarian agencies was that the system was equal but not equitable, and did not do enough to target the weaker and more vulnerable members of society with additional assistance. Nevertheless, Special Rapporteur van der Stoel, while noting the apparent fairness of the system, pinpointed its

¹¹² UN Commission on Human Rights, *Report on the situation of human rights in Iraq prepared by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights*, 15 October 1997, A/52/476.

¹¹³ UN Commission on Human Rights, *Report submitted by the Special Rapporteur, Mr. Max van der Stoel, in accordance with Commission resolution 1998/65*, 26 February 1999, E/CN.4/1999/37.

¹¹⁴ Anthony Shadid, “Hussein woos Iraqis with food and jobs,” *Boston Globe*, 15 October 2002.

¹¹⁵ UN Food and Agricultural Organization, *Evaluation of Food and Nutrition Situation in Iraq*, FAO, Rome, 1995.

basic flaw: the need to be registered. The Special Rapporteur clearly spelled out the process in his October 15, 1996 report:

72. With regard to the procedure to obtain a rationing card, reports indicate that citizens have to pass through a complex administrative maze, which is excessively time-consuming and often entails bribery along the way. First they must obtain a confirmation of domicile from the neighborhood Mukhtar (Council), which must be authenticated by the neighborhood Information Office, and an information card (containing security information) from the same Information Office. Thereafter, they must go to the neighborhood People's Council, taking the following documents: the Civilian Affairs identity card (original and copy), the certificate of Iraqi nationality (original and copy), the marriage certificate if married (original and copy), the domicile card (original and copy), the confirmation of domicile obtained and authenticated as explained above, and the military service booklet for those discharged from service or a letter from the military unit confirming the person's ongoing military service for those not discharged from service. The supporting letter then obtained from the neighborhood People's Council is to be brought to the head office of the Governorate's People's Councils. The letter is then taken from the Governorate's People's Councils to the Ministry of Trade. A letter from the Ministry of Trade is then brought to the Ministry of Trade's warehouses in the area of domicile, whereupon a foodstuff's agent is designated near the place of domicile.¹¹⁶

These complex procedures make it next to impossible for most internally displaced persons to obtain registration.

Regarding the UN's activities in the Center/South, the May 1996 Memorandum of Understanding states;

The objectives of the United Nations observation process shall be:
(a) to confirm whether the equitable distribution of humanitarian supplies to the Iraqi population throughout the country has been ensured;
(b) to ensure the effectiveness of the operation and determine the adequacy of the available resources to meet Iraq's humanitarian needs.¹¹⁷

In September 1997, early in the Oil-for-Food program, the UN stated: "internal displacements of population are carefully monitored by WFP, [Geographic Observation Unit] GOU and [Multi-Disciplinary Observation Unit] MDOU, to ensure that all continue to receive benefits under resolution 986 (1995)."¹¹⁸ Nevertheless, the Special Rapporteur continued to report that rations for the displaced were being withheld. In response, the Secretary-General reported to the Security Council in 1998 that "the Geographical Observation Unit undertook observations to verify equitable distribution and access to the

¹¹⁶ UN Commission on Human Rights, *Interim report on the situation of human rights in Iraq prepared by Mr. Max van der Stoep, Special Rapporteur of the Commission on Human Rights, in accordance with Economic and Social Council decision 1996/277*, 23 July 1996, A/51/496.

¹¹⁷ Memorandum of understanding between the Secretariat of the United Nations and the Government of Iraq on the implementation of Security Council resolution 986 (1995), 20 May, 1996, S/1996/356.

¹¹⁸ UN Security Council, *Report of the Secretary-General pursuant to paragraph 3 of Security Council Resolution 1111 (1997)*, 8 September 1997, S/1997/685.

ration in an-Nasiriyah, in response to alleged involuntary population displacements in September 1998. Initial results were inconclusive and will be kept under review."¹¹⁹

The next evidence of the issue of assistance to the displaced being “kept under review” came in March 1999, when a blue-ribbon panel of senior UN officials, appointed by the Security Council to review the overall state of the humanitarian situation in Iraq, issued its report.¹²⁰ The panel failed to mention the status or even the existence of the several hundred thousand Marsh Arabs. However, at the end of the report’s recommendations, the panel apparently agreed with the Special Rapporteur that a problem existed, by pointing out

The Government of Iraq should ensure that those involuntarily displaced receive adequate humanitarian assistance, without having to demonstrate that they have resided for six months in their places of temporary residence.¹²¹

After more persistent prodding by the Special Rapporteur, the Security Council, echoing the panel, included an article in Paragraph 27 of Resolution 1284 on 17 December 1999:

27. Calls upon the Government of Iraq:

(iv) to ensure that those involuntarily displaced receive humanitarian assistance without the need to demonstrate that they have resided for six months in their places of temporary residence;

A few paragraphs later, the Security Council increased the pressure on both the government of Iraq and operational UN agencies, by requesting the Secretary-General to report on the implementation of Paragraph 27 (amongst others). The Secretary-General swiftly complied, or at least promised to do so. In his report of 14 January 2000, he stated:

19. The Council will be kept informed, as appropriate, on the measures taken by the Government of Iraq in implementing the provisions of paragraph 27 of resolution 1284 (1999).

But this did not happen. Twenty months and eight Oil-for-Food reports later, Paragraph 27 surfaced again, albeit fleetingly, when, on 28 September 2001, a report by the Secretary-General to the Security Council stated:

85. . . With regard to the provision calling upon the Government of Iraq to ensure that there is no time lapse before the involuntarily displaced receive food rations after relocation, preliminary findings indicate that there is no waiting period, and

¹¹⁹ UN Security Council, *Report of the Secretary-General Pursuant to Paragraph 10 of Security Council Resolution 1153 (1998)*, 19 November 1998, S/1998/1100.

¹²⁰ The panel members were Staffan de Mistura, Benon Sevan, Joseph Stephanides and Sergio Vieira de Mello.

¹²¹ UN Security Council, *Report of the second panel established pursuant to the note by the president of the Security Council of 30 January 1999 S/1999/100, concerning the current humanitarian situation in Iraq*, Annex II, 30 March 1999, S/1999/356.

that the ration basket is made available as soon as the individual completes registration.

A couple of points bear emphasis:

- The UN's "preliminary findings" came some *five* years after the Special Rapporteur first raised the issue of displaced people's access to rations in his 1996 report, and almost two years after the Security Council specifically requested information on the issue.
- These "preliminary findings" found no problems once an individual completed registration. But the Special Rapporteur, the UN blue-ribbon panel and the Security Council's exact point was that the displaced have been blocked from completing the registration process.

Aside from the September 1997 report mentioned above, this is the only instance that we could find, in any Office of the Iraq Program report, that the term 'displaced' is used in the context of the areas under the control of Baghdad. It was also the last instance. Neither Paragraph 27 nor displaced people have been mentioned since.

Other International Humanitarian Agencies

There are not many operational agencies allowed to work in the Center/South. Of those that do, there is very little information on their activities. The best we can do is to note what the agencies say about their activities on behalf of the internally displaced.

International Committee of the Red Cross (ICRC)

"To alleviate the plight of the civilian population, it continued to focus its activities on needs not covered by the oil-for-food program."¹²²

"In 2000 the ICRC carried out a survey, in cooperation with the Iraqi Red Crescent and local authorities, of the internally displaced population in southern Iraq. A group of 400 families (2,334 people, of a total of around 80,000) was identified as the most vulnerable and received an ad hoc supply of non-food items. A program to find permanent solutions for displaced persons is under discussion with the local authorities."¹²³

International Federation of the Red Cross and Red Crescent (IFRC)

"The Federation implemented small projects for refugees and IDPs in the north in 1997 in co-operation with the IRCS (Iraq Red Crescent Society) and its three branches in Duhouk, Erbil and Suleimanyah. The program included distribution of kerosene heaters,

¹²² International Committee of the Red Cross, *ICRC activities on behalf of Iraqi civilians 2000-2001*, June 11, 2001.

¹²³ *Ibid.* The authors understand that this survey was actually restricted to the southern city of Basra and was not a comprehensive survey of displaced people in all of the area under the control of Baghdad.

kerosene lamps, blankets and building units for bathrooms and toilets. The same facilities can be obtained through the IRCS branches in the south of Iraq.¹²⁴

"The Federation is pursuing this essential assistance with blankets, heaters and other relief items for refugees, internally displaced people and returnees living in abandoned buildings or tents in the north and south of the country."¹²⁵

NGOs

A few international NGOs provide a very limited amount of anecdotal information on the living conditions of the displaced in the Center/South. Several NGOs point to overcrowding and poor sanitation in public or abandoned buildings that the displaced have moved into. Poor employment prospects are universal. The second-class status of the displaced is also noted, as they do not have the legal rights of the wider population. .

In 1998, CARE Australia, using UN funding rehabilitated 'two bomb damaged and incomplete buildings,' in Basra for 50 families displaced in the 1980s during the Iraq/Iran war.¹²⁶

Première Urgence is rehabilitating 3 community centers for 262 displaced families. Its objectives are:

- To ensure decent living conditions for the residents of the community centers;
- To prevent health problems linked to unhealthy living conditions.

"The situation of these displaced populations is particularly precarious since they are not covered by any governmental programmes. Thousands of families live in great difficulty in unhealthy shelters: unused barracks, temporary dwellings made of earth or branches, abandoned schools... In 1999, Première Urgence started the rehabilitation of community centers to house these displaced populations. Our objective is not only to provide them with better living conditions, but also to encourage their integration into the economic and social fabric."¹²⁷

The Middle East Council of Churches (MECC) provided;

- Basic shelter repairs for 221 people which, gave one room for each family along with common bathrooms and kitchens;
- 6,000 school uniforms, 8,000 socks and 15,000 pairs of shoes;
- 50,000 quilts were supplied in the North, and Center/South.¹²⁸

¹²⁴ International Federation of Red Cross and Red Crescent Societies, *Appeal 2002-2003, Iraq* (Appeal 01.55/2002), http://www.ifrc.org/cgi/pdf_appeals.pl?annual02/015502.pdf.

¹²⁵ Rana Sidani, "Red Crescent appeals for an end to embargo on Iraq," IFRC, April 26, 2002, <http://www.ifrc.org/docs/news/02/042602/>.

¹²⁶ CARE International in Iraq 1998 News Archives and e-mail correspondence from CARE Iraq, May 2002.

¹²⁷ <http://www.premiere-urgence.org/OurProgrammes/IrakFrameEng.htm>.

¹²⁸ Middle East Council of Churches Ecumenical Relief Services, *Refugees, Migrants & Internally Displaced Iraq*, September 2000.

MECC also facilitated the return of a Christian community from Baghdad to Northern Iraq in 1995-96.¹²⁹

During one of their trips to acquire evidence for their sanctions-lifting advocacy campaign, Voices In the Wilderness took photos of the displaced in Basra.¹³⁰ A caption to one photo said there were 50,000 displaced children living in the buildings.

Issues of Return

Marsh Arabs

The Marsh Arabs have long been migrating from the marshes to the cities. Some commentators believe that this movement was encouraged by successive Iraqi regimes. They argue that Baghdad has a history of creating bureaucratic obstacles for Marsh communities and withholding services from them. Whatever the case may be, the fact remains that there are more Marsh Arabs outside the marshes than in what is left of them and that, as with many long term displaced, it is hard to tell how many would return if it became possible for them to do so. One problem that can be predicted is the lack of documentation. The Marsh Arabs were not a well-documented population to begin with. Iraq's civil bureaucracy never penetrated deeply into the marshes. And the very nature of the marsh habitat and lifestyle – rural and subsistence-oriented – means that much of the determination of who owns what and who returns where is not kept in public records and therefore will have to be made within the tribal structure.

The question of re-flooding the marshes poses several key considerations. Is it technically feasible? Can the eco-system be restored? In what timeframe? Can it be done gradually, or piecemeal? Might there be contamination from the use of weapons of mass destruction? Along with the actions taken by the Iraqi government to drain the marshes, experts point to upstream dams in Syria, Iran and primarily Turkey as significant contributors to the destruction of the marshes. While some of the original bio-diversity still exists in remaining pockets of marsh, and hence could be used as the basis for rebuilding the marshes, on-going dam projects in Turkey and Iran may soon drain these last remnants. As experts note,

It will always be possible to create another wetland, but once the currently remaining biodiversity is lost, many of its irreplaceable elements will also be lost forever.¹³¹

Efforts should focus on restoring smaller areas, probably involving careful management of outflows, to make optimum use of the available water. Even with adequate water, it will take several years (if not decades) for the fauna and flora to recover. The loss of indigenous

¹²⁹ Ecumenical Relief Services Iraq, *The Levo Village - North Iraq, A Resettlement Experience*, May 1996

¹³⁰ <http://www.nonviolence.org/vitw/Gallery%20III.html>.

¹³¹ Marcel J. Silvius, Senior Programme Manager, Wetlands International, e-mail correspondence, February 22, 2002.

knowledge of the Marsh Arabs over this period may have serious implications for successful restoration.¹³²

In practice it is impossible to see how anything other than a few small 'wetland reserves' could be established, and these would certainly be insufficient to support an entire culture in anything like its original form.¹³³

A second set of issues revolves around other uses for the land. Is re-flooding the marshes compatible with oil exploration and production? What factors would encourage the former inhabitants to return and tolerate an oil industry in the environment that provides their livelihood? Are there any precedents for the coexistence of oil fields and marsh-based cultures?

Generally speaking, the exploration, exploitation and transportation of oil do not mix well with wetlands – and more often than not, it is the latter that loses. In the US, the experience of the Louisiana oil industry in the Mississippi Delta shows that even advanced countries are far from being able to exploit the oil fields without polluting and eventually destroying the fragile marshland ecosystem.¹³⁴ There is currently an environmental impact assessment going on in Iran, regarding the effect of an Iranian/Japanese joint venture for oil field development near the Hawr al-Azim marsh. This information will be available sometime in 2003.¹³⁵

One need only imagine a government in Baghdad, trying to balance on the one hand the needs and demands of the various factions and powers – armed or not – in Iraq, and on the other a lack of international enthusiasm for extensive reconstruction funding. Add to that foreign oil interests eager to lock into some of the largest untapped oil fields in the world and willing to provide capital investment. Would a central government in Baghdad or a regional government in Dhi Qar province ignore the lure of boosting oil production in favor of re-flooding the marshes so that the Marsh Arabs – always a marginal group in Iraqi society – can go home?

Shi'i Arab Return Issues

As a group, this is the smallest number of all the categories of displaced people in Iraq. Yet, in terms of political impact, the return of Shi'i displaced to their homes would be disproportionately large. The expulsions were an attempt to undermine Shi'i political opposition. This has fed into the history of modern relations between Shi'a and Sunni in Iraq, where the latter smaller group has ruled the former larger one. A publicized return of people to their homes and an acknowledgement of the injustice they suffered would

¹³² Dr. Michael Moser, environmental consultant, e-mail correspondence, May 10, 2002.

¹³³ Derek Scott, Wetlands International, e-mail correspondence, February 22, 2002.

¹³⁴ Natalie Pawelski, "Wildlife, oil battle nothing new to Louisiana," *CNN*, May 16 2001; Nyman, J.A. and W.H. Patrick, Jr., "Effects of oil and chemical responses on fresh marsh function and oil degradation: Response implications," Louisiana Oil Spill Coordinator's Office/Office of the Governor, Louisiana Applied Oil Spill Research and Development Program, Baton Rouge, Louisiana, *OSRADP Technical Report Series 95-011*, 1996.

¹³⁵ Moser, e-mail correspondence, May 10, 2002.

not only defuse a grievance between the communities but would contribute to an atmosphere conducive to peaceful political action.

Another positive impact could be on economic growth. The Shi'i shrines of southern Iraq draw a large number of non-Iraqis, particularly from Iran, into the country. Finally, the settlement of the displaced Shi'a and those who have sought asylum in Iran as refugees could only help to re-knit constructive ties between the two nations.

Conclusions and Recommendations

A central contention of this paper is that the problems that led to the internal displacement of so many Iraqis are larger than merely the unacceptable behavior of the current regime in Baghdad. They go to the heart of the struggle for power in Iraq, to the fundamental issues of Iraqi politics: water, land, oil, minority and majority rights, citizenship and national allegiance. In and of itself, a change of government will not result in the immediate resolution of the problems of the internally displaced. National authorities have the primary duty and responsibility for the care and well-being of internally displaced people, and therefore any Iraqi government will inherit the obligation to resolve these issues.

Displacement and Society in Iraq

Displacement is part of the intimate history of hundreds of thousands of families, of millions of people in Iraq over the last several decades. How Iraq and the concerned international community deal with this history will certainly influence its future. For indications of what actions could be taken to assist the displaced, one must first look at what those most directly concerned – the displaced families themselves – are doing about it.

With the passage of time, displaced families have resettled, with or without the assistance of aid agencies. In the North, this is plain to see in the collective towns and other settlements, as noted by the UN-Habitat survey. In the Center/South there is some indication of the same process, albeit in a less visible manner. Children are born, go to school, and grow up never knowing the home or land from whence their parents were expelled. Some families may have made their peace with their departure – their new life may be acceptable, or the memories associated with their old life and their flight may be too intolerable to contemplate returning. But for others, the desire to return home or reclaim family land remains urgent and powerful. This may be due to their current social status, levels of destitution or disenchantment with urban life. The economic value of their former property, urban or rural, is always a consideration. And emotional ties, the memories associated with village life – stronger as one gets older – carry considerable sway. These competing considerations, which influence the decision to stay or go, are at play within each community, within each family, and often within an individual.

A key aspect of coping with displacement is resettlement. For those outside the displaced population, the implication is that a family must choose one way or another, resettle or go

home. But experience shows that the displaced see the problem in a different light. They do not see it as a final choice between going home or not. They wish to retain the right of return as well as the right to remain where they are, or seek alternative solutions. The displaced want their property restored to them or to be compensated for it if it has been lost or destroyed. But they also want to retain the right and enjoy the ability to dispose of that property, to use it as they see fit – as their primary residence, as a partial residence, or in any fashion they wish. Many families wish to keep a foot in both rural and urban homes.¹³⁶

Displacement and Recent International Involvement in Iraq

In the authors' estimation, the international humanitarian community has given insufficient attention to assisting or protecting the displaced people in Iraq. It did not take steps to try to protect them from displacement in the first place. And, once they were displaced, its assistance has been limited and largely ineffective. This is true of both private aid organizations and UN agencies.

The NGOs and the Red Cross agencies while implementing some key projects in the health, shelter and demining sectors, particularly in the North and at the village level, are limited in their scope and self-censor their advocacy. Several reasons account for this. First, with the advent of the UN's Oil-for-Food program, international donors which to that point had been providing the funds for humanitarian assistance in Iraq, severely curtailed their contributions. The international NGOs in the North who had been funded by these donors were not able to access the Oil-for-Food funds (as they were considered illegal by the Iraqi government). Second, in the Center/South few NGOs are allowed to establish programs by the government, and, those that are, can do little more than implement token programs for IDPs. While some of the NGOs and the Red Cross working in the areas under the control of Baghdad have been vocal opponents of the international sanctions on Iraq, the authors could find no instance of any operational NGO or Red Cross agency that criticized the Iraqi government for its treatment of the displaced people. Third, the authorities in the North have not sufficiently encouraged or directed international aid agencies towards targeting programs at displaced people, and in the Center/South, where they caused the problem, the authorities have shown no interest in assisting the displaced.

The Oil-for-Food program is another story entirely. Jointly implemented by the United Nations and the government of Iraq, it does not suffer from a lack of funds. The Oil-for-Food program is the largest humanitarian program ever, dwarfing all previous relief efforts. In Bosnia, at the height of the war, approximately one billion dollars were spent annually. In the Great Lakes of Africa, assistance peaked at almost one billion dollars in 1995. In post-conflict Afghanistan, the target is to spend \$1.8 billion in the first year. For Iraq, since the beginning of the Oil-for-Food program in December 1996, on average,

¹³⁶ An obvious difficulty with this approach is where displaced people are currently living in another displaced family's home, e.g., those from Center/South who have been forced or enticed into settling Kirkuk and environs under the Arabization campaign. Clearly those inhabitants have no right to remain indefinitely.

over \$6 billion have been allocated each year. With over \$35 billion allocated to providing supplies and over \$25 billion actually delivered to Iraq, one would think there were sufficient funds to target assistance to the most vulnerable segments of the population such as the internally displaced.

In the North, where the UN agencies implement the programs, albeit having to deal with pervasive and continual Iraqi government obstruction, assistance to the displaced has been spotty.

Food – On the one hand, distribution is to the whole population and a special program has been set up for those newly displaced until they receive verification of residency and can again access normal monthly rations. On the other hand, general distribution is impeding local food production. Moreover, the UN success in the North contrasts with the availability of food to displaced persons in the Center/South where there have been problems with registration.

Health - According to the UN Habitat survey, tens of thousands of the displaced have no access to regular health care. The relevant UN agency, the World Health Organization, appears to have no targeted programs for the displaced. Of the \$2 billion worth of health sector materials delivered to Iraq under the Oil-for-Food program, for which WHO is either the direct implementer or the UN designated observer, none has been allocated to the long-suffering victims of the chemical weapons attacks, many of whom are displaced.

Shelter - The conditions in the reception camps have improved recently due to the IDP Unit created in UNOPS. Nonetheless, individual families continue to be housed in tents for months or years. Although, there is a continual flow of expelled people from Center/South to North, the UN-Habitat settlements are slow to build and are expensive and culturally inappropriate. They physically and economically isolate the IDP population, furthering its dependency on UN handouts and the political control of the authorities.

Physical Infrastructure - The infrastructure of the North has shown some dramatic improvements since the advent of the KRG, and much of this has been due to the Oil-for-Food program. The displaced population has shared in the general improvement in roads and will share in the general improvements in electricity supply once the projects are completed. However, the infrastructure of the ‘collective towns,’ inhabited solely by IDPs, has received little attention from UN agencies.

Social Infrastructure - There is little understanding of the nature of the problems specific to IDP families with special needs and no programs tailored for them.

This last issue points to a wider problem of UN agency implementation of the Oil-for-Food program in the North: the lack of cooperation and information sharing as relates to displaced persons. The Habitat survey, as flawed as it may be, is still the only UN

document which has attempted to look at the overall needs of IDPs. If the other UN agencies do not use the Habitat survey in program planning (and anecdotal evidence shows this to be the case), then what do they use? Does WHO exchange IDP related morbidity data with UNICEF? Does UN-Habitat consult UNDP as to the social and economic impact of establishing a new housing development? Does UNOCHI attempt to gather local community infrastructure needs and push or lobby (coordinate) operational agencies into taking action? Does any agency effectively respond to the desire of the Kurdish authorities for a longer term perspective on the use of the Oil-for-Food funds? We were unable to discover the answers to these questions but suspect that the answers are not affirmative. With the exception of the recent efforts of UNOPS-IDPs, it is our impression that the needs of the displaced people are largely overlooked.

In the Center/South, there is little to be said about UN agencies' activities working under Oil-for-Food, on behalf of the displaced. In the authors' view, the UN has not employed the means at its disposal to impede or mitigate expulsions and it is hard to see substantial benefits for the displaced as a result of its presence. Despite the position of the Office of the Iraq Program in New York (OIP), as noted above, displaced persons in all of Iraq are directly part of the UN mandate. This stems from both the Memorandum of Understanding (MOU) between the UN and the Iraqi government and the resolutions of the UN Security Council. Yet OIP and the UN agencies have chosen to weakly interpret the MOU and would appear even to be ignoring the directions of the Security Council, for instance, the direction that the OIP provide reports on Iraq's compliance with access to food distribution for displaced persons. Numerous reports, including of the UN Special Rapporteur on Human Rights, point out the difficulties that displaced persons face in trying to access food in the Center/South.

Those who claim that outspoken and aggressive officials run the risk of jeopardizing the whole Oil-for-Food program should examine the experience of the UN Special Commission (UNSCOM) weapons inspectors. In a field in which the Iraqi government assuredly has far more strategic interest, i.e., weapons of mass destruction, UNSCOM through an aggressive, persistent and at times confrontational approach succeeded for six years to uncover and destroy at least some of these materials. While Iraqi obstruction was continual and pervasive, UNSCOM was never expelled.

The Iraqi government receives considerable advantage from the Oil-for-Food program. If it didn't, the presence of the UN agencies would not be tolerated. The authors believe that the UN observers, monitors and protectors of the Iraqi population could extract a far higher price from the Iraqi government for the benefits which it receives. That price should include access to and protection of the existing displaced population, as well as the prevention of new expulsions. The international community and its institutional embodiment, the United Nations, have an obligation to meet the needs of internally displaced Iraqis, and to seek to stem further displacement.

Is More International Involvement Desirable?

The “humanitarian international” – the aid branches of donor governments, UN agencies, and private relief organizations, as well as the pundits, journalists and academics whose analysis back them up – will usually claim that more involvement on its part is necessarily desirable.¹³⁷ While they have not sufficiently focused on the internally displaced people in Iraq to this point, international agencies will make a strong case for their massive involvement in any future Iraq. They will argue that post-Saddam realities are bound to be difficult. They will point out that there is little chance of genuine consensus emerging among the many groups that will make up the political and military post-Saddam landscape – the various Kurdish factions, the Shi’i groups, the representatives of the Sunni, Turkmen and Assyrian minorities, and so on. Those advocating for international involvement will say that it will be necessary to set up internationally managed mechanisms to promote return and compensation.

Nonetheless, responsibility for addressing the problem of the displaced must lie mainly with the new Iraqi leadership, and durable solutions will have to come from within Iraqi society. Iraq’s oil will give it resources that few other post-conflict countries have. This also means, however, that the carrot of Western assistance will be less attractive.

The authors realize that this gives rise to the following ambiguity: is more or less international involvement desirable in the management of the many issues that affect the lives of Iraq’s displaced population? The reality is that international involvement in Iraq is and will likely remain massive. In many ways this involvement is highly intrusive: from the international sanctions to Oil-for-Food, to weapons inspections, to the no-fly-zones and regular bombing, to the threat of war – and herein lies the paradox – there has been remarkably little international concern for the most vulnerable parts of the population, the internally displaced Iraqis. To prepare for the future, the international community should recast its role to perform more effectively in favor of the displaced. It should focus on applying pressure, providing safeguards, and acting as confidence-building observers, even referees, rather than insist on being the primary implementers of programs. The authors do not call for more international involvement; we call for better international involvement.

A central aim of this paper is to stimulate thinking about how a responsible government of Iraq could deal with the problems of the internally displaced and how the international community may exert influence. Our recommendations are neither comprehensive nor detailed – at this point they cannot be. They tread the line between generality and specificity and fall into two categories: measures that could be taken, or at least attempted under current circumstances (“The Current State of Affairs”) and those geared

¹³⁷ See Mark Duffield, *Global Governance and the New Wars* (Zed Books, NY 2001). The term ‘humanitarian international’ is borrowed from Alex de Waal’s *Famine Crimes* (Indiana University Press, Bloomington 1997).

appropriate to the advent of a responsible government in Baghdad (“For a Responsible Government of Iraq”).

Recommendations for the Current State of Affairs

Our recommendations for the status quo are primarily directed at the United Nations – the Security Council, the Secretary General, OIP, and the operational UN agencies – as they are the current representation of the international community in Iraq. As we feel the issues are clear-cut, these recommendations are specific in content and addressed at specific actors.

The United Nations

The Security Council should:

- Renew its call for OIP observers to identify and publicize instances where the Iraqi government persists in refusing displaced persons access to food rations.
- Set a deadline for Iraqi government compliance with the MOU on customs and visa arrangements. Afterwards authorize the OIP to use alternative ports of entry for goods and people.
- Establish an independent evaluation and audit of the Oil-for-Food program and publish the findings.

The Secretary-General should:

- Designate a focal point for IDPs in Iraq. UNDP and UNOPS-IDPs are the most likely candidates.
- Instruct the OIP to establish under UNOCHI’s auspices an information-sharing mechanism amongst the UN agencies, the local authorities and the NGOs.
- Instruct the OIP to request each UN agency operating in Iraq to periodically report on the impact of their activities upon displaced persons in both the North and Center/South.
- Call upon the government in Baghdad to invite the Representative of the Secretary-General on Internally Displaced Persons into the country to assess the conditions of IDPs.

The UN Special Rapporteur on the Situation of Human Rights in Iraq should:

- Make his next trip to Iraq conditional upon access to the North and to the former Marshes.
- Assess the conditions and security of recent returnees who were displaced by Kurdish in-fighting.

OCHA’s IDP Unit should:

- Make Iraq one of its priority countries.
- Provide an electronic venue where UN agencies and private aid agencies can make available their information on the displaced.

Private Aid Agencies

Private Aid Agencies (NGOs and Red Cross agencies) should:

- Make public whatever data they have regarding the displaced.
- Publicize their analysis of the situation of the displaced in their areas of operation, and to what extent their programs address the needs of the displaced.

International Bilateral Donors

International donors should:

- Make their funding to private and UN aid agencies contingent on these agencies sharing their data on and analyses of the situation of the displaced.

Recommendations for a Responsible Government of Iraq

Our recommendations for a responsible Iraqi government are less specific than those in the section above. In keeping with our opinion that lasting solutions to the plight of the displaced can only come from within Iraqi society, our recommendations address themselves to an accountable, and if not fully democratic, a responsible set of Iraqi authorities. But they also call for more targeted and more effective support by the various international organizations. These actors should begin, without delay, considering the issues outlined in our second set of recommendations, and they should begin discussing them in an open and transparent manner with all willing and interested Iraqi interlocutors.

Justice

The mechanisms that Iraq or the international community will use to investigate, judge and punish the crimes committed over the previous quarter century, are, and will continue to be heatedly debated. For the internally displaced, there are two points to emphasize regarding justice: the need to acknowledge the crimes committed and the right of people to their property.

- All levels of authority in Iraq, from Baghdad down to local districts, should officially recognize that the expulsion of people from their homes by previous governing authorities was a crime. This acknowledgement can be neither hesitant, nor partial, nor an exercise in window-dressing. In fact, such candor on the crimes against the displaced should be a key criterion for the appointment of local officials.
- People have the right to a restitution of their property regardless of whether they intend to inhabit their land or home, and regardless of what use or dispensation they make of their property. They should be

able to file claims for land and property lost as a result of forced displacement.

A Census

The suppression of national identity over the past few decades in Iraq, the emergence of real self-government in the Kurdish North, and the role of ethnic and religious diaspora communities, have all combined to make ethnic and religious issues central political considerations for any future Iraq. In this context, the displaced are vulnerable to manipulation. They provide a powerful and tangible tool for the promotion of the interests of this or that national group (or rather the interests of its leaders), especially given the dearth of reliable demographic and social data in Iraq. The solutions are not easy. A general population census, for instance, could be a highly divisive process for any government in Iraq, but not conducting one, i.e., proceeding without clear demographic markers, may prove even more problematic.

- Consideration should be given to a population census in Iraq, and this census should include the internally displaced, and, if feasible, the refugee population.

A Return Task Force

In Bosnia, the international community created a Refugee Return Task Force that sought to coordinate the many facets of the aid community concerned with the return of refugees and displaced persons to their homes. While it is to be hoped that in Iraq this process will be led by Iraqis, with international assistance where necessary, the national and local authorities may wish to consider such mechanisms as models.

- Various concerned institutions, such as the police, legal authorities, service and infrastructure authorities, health and education officials, could each contribute to a body whose primary task would be setting the return agenda and adjudicating ensuing disputes. This will be particularly important in areas such as Kirkuk where there are competing claims for land and resources.

Property Records

Records of ownership could provide the basis for an eventual settlement of at least some of the claims. The problem is, of course, that many of the individual records and supporting registries have been either lost in the violence of the expulsion or deliberately destroyed by the regime.

- Early in the establishment of a new government, any surviving records should be secured and held, in a transparent fashion, by an official body with a representative ethnic and religious make-up. International representatives may be required to provide some confidence and transparency for this contentious and sensitive archive.

Maintain Oil-for-Food

Pursuant to the above discussion:

- On-going projects being implemented by UN agencies in the North should continue to completion.
- A portion of oil exports should be turned into a compensation fund for those displaced who are not able or may not be willing to return to their original homes. The UN, or another external actor, may be required to administer portions of such a program.
- A return task force might play the role that the Iraqi government currently enjoys in the Oil-for-Food program, determining priorities and allocations for this compensation fund.

Kirkuk Oil Field Management and Employment

Many of those expelled from Kirkuk under the Arabization campaign held key positions in the oil fields. Allowing them to regain appropriate positions would accomplish the dual purpose of self-sufficiency for the returnee as well as providing experienced management of this critical resource. The international community could provide some confidence-building oversight for this process.

- Key management and technical positions in the Kirkuk oil fields should be allocated on merit rather than ethnic affiliation.
- Either a portion of oil revenue or a surcharge on Kirkuk's oil production should be allocated toward a compensation fund for those arbitrarily dismissed from their positions and unable to be reemployed.

Boosting the Internal Economy: the Agricultural Trade

Most of the breadbasket of Iraq is in the north of the country: the KRG area and the farmland near Kirkuk. Many of the displaced are farmers. The re-establishment of legitimate trading relationships between northern growers and southern consumers will have the two-fold effect of putting many people back to work and providing a practical incentive to maintaining a unified Iraq. In order to accomplish these goals, there will need to be a dramatic decrease in the amount of grain imported under the Oil-for-Food program, along with the ending of general distribution in favor of targeted distribution to vulnerable groups.

- The concerned UN agencies (WFP and FAO – the UN Food and Agriculture Organization) and relevant Iraqi authorities should begin considering how to stimulate the development of a local market for Iraqi produced grain by phasing out general distribution.

Re-flooding the Marshes

Similar to other groups of displaced people, the Marsh Arabs cannot, and may not wish to, turn back the clock. Recreating the marshes to what they were 20 years ago may not be technically, ecologically, or politically possible. The desire of the former inhabitants is not known, and their wishes may evolve once the insecurity under which they are currently living is eased. However, all need not be lost. A number of environmental experts, both Iraqi and foreign, have followed the process of destruction of the marshes.

- The former inhabitants of the marshes must be closely consulted on decisions regarding their homelands. Such decisions should adhere to international guidelines on involuntary resettlement.¹³⁸
- National and international environmental experts should advise the Iraqi government, and be brought into the process of negotiation about regional water usage.
- The government of Iraq and its foreign company partners could link a production surcharge for the new oil fields to a compensation scheme for the former inhabitants, as well as prioritizing employment for those that remain or wish to return.

Environmental Survey

In areas of the North and Center/South, Iraqi military forces have used weapons of mass destruction against their own people and on Iraqi territory against the Iranians during the Iran/Iraq war. It is not clear how long some of these agents persist in the environment. There is even uncertainty as to which agents or cocktail of agents were used.

- As part of the return and reconstruction process, environmental surveys should be undertaken, with a particular focus on water and soil contamination.
- Treatment of exposed populations in North and Center/South should no longer be ignored and must become a priority for the Iraqi health care system.

Demining and Mine Awareness

Countries that emerge from a prolonged period of conflict in which land mines have played a detrimental role can be powerful advocates in the on-going campaign to ban these weapons worldwide.

- Iraq should emulate Afghanistan, Angola, and the Congo and become a signatory to the Ottawa Convention.

¹³⁸ See the Guiding Principles on Internal Displacement, published by the UN; the World Bank's Operational Directive 4.30; and the OECD Guidelines for Aid Agencies on Involuntary Displacement and Resettlement in Development Projects.

- The Iraqi government should provide all the assistance and information it can to the UNOPS demining program with regard to clearing known fields, providing maps, and promoting mine awareness.

A FINAL WORD

The Displaced as a Barometer of a Future Iraqi Society

A basic contention of this paper is that, in addition to deeply rooted political divisions within Iraq, the internally displaced in Iraq are victims of state-sponsored political agendas. The corollary is that the resolution to the problems of the displaced could begin with changes in the political dimension. Indeed, one indicator of the direction that Iraqi politics is taking will be the political, social and economic status of the displaced. The manner in which governing authorities deal with the issues of the displaced will provide indications to those inside and outside of Iraq concerned with the development of a just and stable country on whether the goal is being met.

Finding solutions for the displaced points to larger issues. Discussing the merits and pitfalls of a census leads to a discussion of the role of ethnicity and religion. Returning people to Kirkuk calls into question what division of authority will be vested in the city, the governorate and even the state. Re-flooding the marshes has an impact on oil exports, hard currency earnings, as well as regional environmental concerns and the security of neighboring states. Acknowledgment of crimes committed, including expulsions and ‘ethnic cleansing’ raises the broader questions of justice, retribution and forgiveness in the society itself.

All these points provide evidence of the essential centrality of the issue of the displaced to any new order in Iraq. We urge Iraqi leaders and foreign interests to recognize the value and wisdom of dealing humanely with the issues of the displaced in building a just and stable Iraq.

APPENDICES

Map of Iraq



Map altered to include estimated areas of KDP and PUK control

