Iraqi protracted displacement

Workshop report
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REFUGEE STUDIES CENTRE

NRC NORWEGIAN REFUGEE COUNCIL

iDMC internal displacement monitoring centre

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Aims

Background

In 2011 the Refugee Studies Centre (RSC) at the University of Oxford collaborated with the Norwegian Institute of International Affairs (NUPI), the Norwegian Refugee Council (NRC) and the Internal Displacement Monitoring Centre (IDMC) on a research project, 'Unlocking crises of protracted displacement for refugees and internally displaced persons', aimed at informing policy efforts to address long-standing displacement situations.[1] The project, funded by the Norwegian Ministry of Foreign Affairs, was based on three protracted displacement case studies – displacement from Iraq, displacement from and within Somalia, and an historical view of displacement in Central America in the 1980s. These were complemented by a global policy overview which underscores the inadequacy of the three traditional 'durable solutions' and suggests a number of innovative strategies which might better match international policy to the needs of those trapped in protracted displacement.[2] The project linked the classic 'top down' governmental, interstate, institutional level with an analysis of 'people-based' perspectives addressing the specificities, linkages and complexities between the macro and micro levels.

Iraqi protracted displacement[3]

Iraq has suffered several waves of displacement since the 1970s, first of those fleeing persecution from Saddam Hussein's regime and then from 2003 as a consequence of the American-led invasion and subsequent insecurity. Displaced people from Iraq now constitute the second largest refugee population worldwide with approximately two million refugees and over two million IDPs, including those displaced prior to 2006. Despite the reduction in violence and conflict, Iraq remains far from stable and the Iraqi government has not been able to create the conditions for successful return of either refugees or IDPs. The situation of Iraqi refugees in the Middle East and IDPs in Iraq currently manifests the conditions of 'protracted displacement', constituting an on-going challenge for national actors and the international community.

Workshop objectives

Drawing on the findings of the case study on Iraqi regional displacement and on the on-going work of IDMC on internal displacement, this workshop[4] organised by the RSC and IDMC aimed to provide a small forum for discussion[5] on how policymakers (specifically regional government representatives, donors and the UN), practitioners and researchers can contribute to 'unlocking' recurrent and protracted Iraqi displacement.

This report provides a brief overview of the themes explored and goes on to present the main outcomes of the event, laying out proposals for policy development.

The report was written by Héloïse Ruaudel.

Themes

Introduction

The workshop began with a global overview of protracted displacement situations, their scale and dynamics. It highlighted the impact on the lives and livelihood of the displaced, pointing to the widespread lack of adequate asylum protection. Protracted displacement also represents a significant development challenge: it is often symptomatic of state fragility, involves a loss of development resources in countries of origin and accentuates development pressures in host countries. It is commonly a driver or a manifestation of regional instability.

The consolidation of the policy impetus since the High Commissioner's Dialogue on Protection Challenges in 2008 (which led to the ExCom Conclusion in late 2009), and the development of a series of initiatives to address protracted displacement, have had some limited impact on the ground. However, the three orthodox durable solutions of return, resettlement (including settlement elsewhere in the country for IDPs) and local integration, which have been deployed with some success in the past, now seem incapable of resolving many of the contemporary cases of forced displacement. More recent crises are therefore gradually transforming into protracted situations whereby displaced populations are either unable or less willing to accept the conventional solutions. Displaced people have devised their own means to cope with or defy protracted displacement, including irregular mobility, exposing themselves to a range of transnational risks (trafficking, dangerous sea crossings etc.), or by settling 'informally' in countries of exile but lacking security, protection and formal status.

Scale and dynamics of regional displacement

Iraqi displacement is now recognised as a protracted displacement situation by UNHCR. While the number of Iraqis forced to leave Iraq and those displaced inside the country since the US-led intervention in 2003 is somewhere in the realm of 5 million, the issue of who gives and who accepts the refugee label and the implications this has for the country of asylum, the country of origin and the displaced themselves deserve further analysis. Notwithstanding the regional governments' own reasons for not recognising Iraqis as 'refugees', many Iraqis themselves do not want to be called 'refugees'. Few Iraqis have actually registered with UNHCR. While the international framework would enable them to receive assistance, it does not provide them with the type of protection they might be seeking. On the contrary, the process of registration with UNHCR is not perceived as a safe strategy if repeated return to Iraq is envisaged.

The gap between the official number of 'refugees' registered by UNHCR and the numbers put forward by governments in the region is a contentious issue which raises the following questions:
- Are the actual numbers of Iraqis in the region closer to the figures provided by the respective governments[6] or those provided by UNHCR (101,700 registered refugees in Syria and 32,000 in Jordan as of January 2012)?[7]

- If one assumes that the displaced who have registered with UNHCR are those most in need of assistance and international protection, what is the status and what are the needs of those who have not registered?

While difficult to ascertain, the number of 'refugees' is steadily reducing as those who leave the country of asylum (to return to Iraq or move to a third country through resettlement or other methods) seem to slightly outnumber those who are newly displaced.

There is a widely shared sentiment that the overall reduction of violence in Iraq does not guarantee the safety of returnees and has not put an end to sporadic and targeted violence. Consequently while returns to Iraq occur, they are most often on a temporary basis and part of a 'risk management process' (e.g. a means to check on the safety of relatives and remaining assets).[8]

Vulnerability and resilience

Often misleadingly portrayed as a relatively 'well off' group, an image commonly conveyed by the media, who have for instance blamed Iraqis for the price inflation in Jordan, many Iraqis are actually living under difficult and precarious conditions.[9] Years of protracted displacement have not improved their 'well-being' and the 'wounds of the past' have not healed. For instance, the recent UNHCR assessment conducted in Syria highlights that 25 per cent of the Iraqis registered with them have mental disorders (which is more than twice the average rate for a post conflict context).

Until now, thanks to policies and practices that have been relatively 'accommodating' in spite of strict immigration legislation throughout the region (especially in Syria where a more 'laissez-faire' approach than in Jordan and Lebanon was followed), displaced Iraqis have been better able to secure their livelihoods in the informal sector. These revenues are most often insufficient and need to be complemented by help from relatives, often through remittances. For those who are registered, UNHCR assistance acts as a safety net, not only in financial terms but also by providing the displaced with other forms of support such as psycho-social counselling, English classes and vocational training.

The vulnerability of refugees is, however, steadily increasing because of a variety of factors that are often cumulative, including the impact of the global financial crisis and the current unrest in Syria. The UNHCR recent survey confirms the rising vulnerability of the displaced, reporting a 40 per cent drop in household income.

Limits of 'traditional solutions' and impacts

Despite a trickle of *returns*[10] the phenomenon remains marginal in comparison to the overall numbers, and many Iraqis still do not see return as an option. A UNHCR Syria survey conducted in February 2012 indicates that fewer than 5 per cent of refugees plan to return to their home country in the next 12 months.[11] Furthermore, while the international

community now classifies Iraq as a 'safe country' for return, this does not match the perception of the Iraqis who remain in exile. Aside from concerns for their security upon return, there are insufficient incentives for Iraqis to go back on a permanent basis. In addition to the practical and economic barriers to return, including the fact that former civil servants are not able to retrieve their jobs, many Iraqis feel they are not welcomed back.

According to UNHCR Syria some 42,400 Iraqis had their files inactivated since 2011 indicating that some refugees are returning without UNHCR assistance. This raises questions about the 'voluntariness' of the process.[12]

A shift is also noted in the demographic composition of those who have been inactivated comprising mainly families from Baghdad up until 2010, but changing after that date to an increasing proportion of fairly educated single males. While one can imagine that this latter group may be able to access economic opportunities back in Iraq, an alternative (and non-mutually exclusive) explanation is that this specific category is almost 'by default' excluded from resettlement, and return may be the only other possible option.

In the Middle East context, there is a noticeable sensitivity towards *local integration* because of the legacy of the Palestinian displacement crisis. However, while integration is rejected as a matter of principle, this has not precluded some degree of assistance and accommodation from host communities. The fact that refugee communities are self-settled in urban centres has resulted in some marriages of Iraqis with host community members.

Third country resettlement is perceived by many refugees as an uneven, unpredictable and inaccessible process. Many of the traditional resettlement countries are no longer processing large numbers of claims from Iraqis. In particular, the strict US scrutiny process and the 'Fortress Europe' mentality and related policies have resulted in the continuous reduction of resettlement cases (e.g. according to UNHCR in Syria the number of submissions fell from 60,700 in 2010 to 8,350 in 2011).

In this context, what can the 'strategic use of resettlement' be and is it doing what it claims to be doing? Some are even querying whether resettlement may contribute to protractedness by creating a 'pull factor' and diminishing the viability of alternative outcomes. While resettlement represents a very tangible solution it has serious limitations, especially related to the fact that it is a very costly process, and bound to encounter new obstacles due to changing security circumstances (e.g. the current situation in Syria now makes it physically difficult to get people out, and out of the major resettlement countries, only Australia is still operating in Syria).

As resettlement is commonly more accessible for families, young single males, who form a good portion of the displaced caseload, may not fit the classic 'resettlement criteria' and are *a priori* excluded. The *de facto* closure of resettlement channels can incite them to move by illegal means, thus increasing the practice and related risks of smuggling.

Mobility

The 'circularity' of Iraqi displacement in the Middle East, as depicted in the above paragraphs, challenges some of the assumptions about refugee movements and highlights the inadequacy of legal and institutional response mechanisms by ultimately pushing those engaging in these movements to become 'illegal migrants'. While UNHCR may understand the reasons behind temporary rather than permanent return, even advocating with the authorities for more flexible migration rules, its own institutional mechanisms are devised to deal with return as a voluntary and linear trajectory. Once refugees have been out of contact with UNHCR over a six month period, this triggers the 'inactivation process' which assumes that refugees have left the country of asylum without informing UNHCR of their intention, and while one can be readmitted under certain conditions, the procedure is not designed for back and forth movements. Refugees' movement in and out of their country of origin would also *de facto* exclude them from being eligible for resettlement, leading many to restrict their mobility which in itself puts them at risk. The rather formulaic procedures for registration and return paradoxically incite refugees not to move because if they do, they would ultimately be denied the protection they deserve.

Internal displacement[13]

Iraq has a long history of internal displacement caused by conflict or government policies. Internal displacement prior to 2003 was estimated at around one million at the time of the US-led invasion: Kurds had been displaced since the 1970s; displacement affected Shi'ite populations in the south during the Iran–Iraq war in the 1980s; and again in the 1990s following their insurrection after Operation Desert Storm. The US-led invasion of Iraq in 2003 led to the displacement of hundreds of thousands with a spike in 2006–2008 during the sectarian civil war.

The Ministry of Displacement and Migration (MoDM) was formed in 2003 and the Iraqi government established new policies to deal with displacement in July 2008. Various mechanisms were set up to address property issues for displaced people which were particularly aimed at encouraging the return of IDPs (e.g. Prime Ministerial Order 101 and Council of Ministers Decree 262 required that all squatters should vacate the houses of IDPs and refugees in Baghdad or face prosecution under Iraqi anti-terrorism legislation).[14] Returnees could receive some US$ 850 after returning to their place of origin and registered IDPs in Baghdad who agreed to vacate illegally-occupied premises of returnees could apply for rental assistance worth around US$ 250 per month for six months. That plan was reviewed in 2010 when the government responded to the needs of those displaced by increasing the financial incentive for returns (to about US$3,200 per household) and food support for a six-month period (until the beginning of 2011). Although the plan continued to focus on returns, as the majority of IDPs voiced a desire to integrate locally, the government made provisions to include local integration and resettlement to other areas, with the allocation of building plots.

Graph 1. UNHCR Iraq operation monthly statistical update on return

■ Refugee returnees   ▧ IDPs returnees
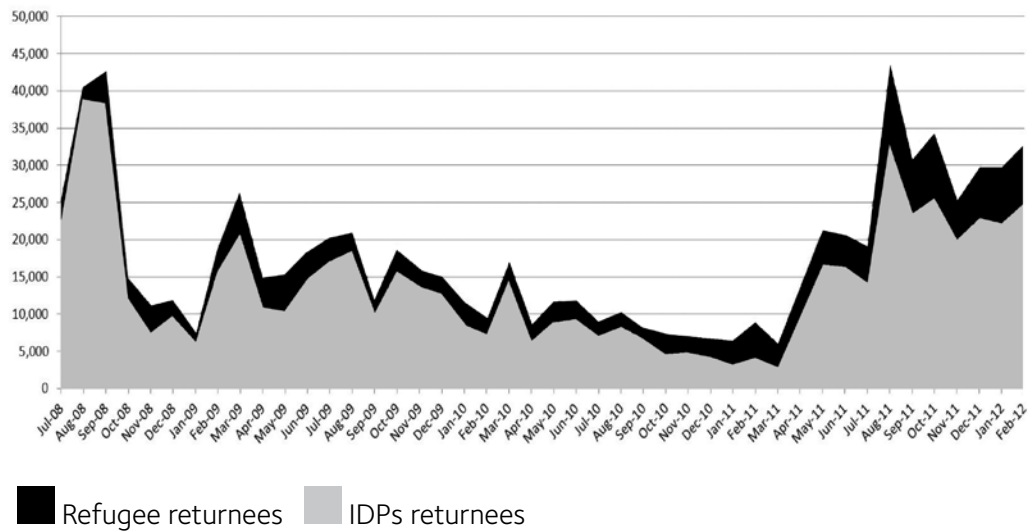
Source UNHCR 2012

The government policy of encouraging returns has targeted both IDPs and refugees and there are a few places deemed secure where both IDPs and refugees have returned. In fact, since 2008 the trends of IDP and refugee returns have followed each other.[15]

However, there are several factors making return, often generally viewed as the most 'desirable' outcome, difficult for the displaced and even no longer preferable; and the majority of IDPs still live in a situation of protracted displacement in informal rather than permanent settlements.[16] Continuing insecurity in their area of origin, on the one hand, or better access to employment and/or social benefits in the area of resettlement, may encourage them to choose local integration over return. In fact most expressed a desire to integrate locally as opposed to returning to their place of origin.[17] This scenario has been replicated in places where the provincial authorities have shown a degree of flexibility towards local integration. These informal settlements are located on land owned by the government, making the displaced *de facto* illegal occupiers, and therefore very vulnerable both legally and socially. One of the expressed objectives of the MoDM is to address the link between insecurity, violence and displacement as tensions among host populations and the displaced continue to exist, largely caused by the cumulative effects of land and property grabbing practices, demographic pressure and poverty. With the bulk of IDPs living in and around Baghdad, the Baghdad Provincial Council is expecting further support from the federal government to alleviate these tensions.

Policy proposals

The set of multi-directional and complementary proposals below are aimed at facilitating the development of policies for the Iraqi displacement context; but they are also designed to inform global responses and policy development. They are based on the need to enhance our understanding of the strategies and aspirations of the displaced people themselves in order to provide an environment where they would have greater space to make their own decisions about their futures. Rather than formulating different proposals at different actors, the aim in developing these proposals is to encourage collaboration, sharing and partnership.

Reconceptualising 'solutions' as 'frameworks' and 'processes'

A key premise articulated by an increasing number of stakeholders is that a rigid interpretation of the classic three 'durable solutions' framework is no longer tenable. In this somewhat static model, 'solutions' portrayed as 'ideal and final' have overwhelmingly become 'non-solutions'.

The orthodox three durable solutions should be 'kept on the table' but ought to be reconceptualised as three frameworks or processes (rather than end-state or 'blueprint' solutions) deployed as complementary to each other, acknowledging their complexity and limitations. A fourth component, mobility, should also be recognised.

Building on the reality of 'transnationalism' and the 'mobility strategies' of displaced people

The 'commute' of the displaced between their place or country of origin and the place or country where they found refuge is a reality in the context of Iraqi displacement as in many others (e.g. Darfur and Afghanistan).

The mobility strategies of the displaced (including transnational/trans-local movement) ought to be 1) recognised and better understood; 2) progressively accommodated/facilitated through legal and normative frameworks and institutional responses. The need to develop a more liberalised view of displacement in the Middle East context and at the global level entails an important shift from the predominant policies whereby the displaced are either forced to move or constrained not to move, to a situation where they would have the freedom to move. In the context of internal displacement, attention should be focused on ensuring that freedom of movement enshrined in human rights norms is respected.

The second reality which should be acknowledged is the multiplicity of pathways to protection and livelihoods and the related rise of 'transnational families'. A better understanding of how these transnational family networks function needs to be developed through research in order to better inform international policy and practices.

What is known already is that given the limited movement opportunities through resettlement, many use illegal migration channels. Opening up traditional migration channels to those who may not benefit from resettlement could be a safe and sustainable strategy to address situations of prolonged exile on a larger scale.

Preserving the rights of displaced people by facilitating 'local accommodation'

The erosion of asylum space and the pressure to address day-to-day challenges means that the displaced are searching for 'coping strategies' and are rarely able to step back to devise plans for longer-term 'solutions'. Yet, a large number of displaced will remain in the country of asylum for years to come, and facilitating, rather than obstructing, local accommodation would be beneficial for all parties.

The fact that many countries in the Middle East are not signatories to the 1951 *Convention relating to the Status of Refugees* is an impediment to protection, but should not ultimately block efforts to preserve the rights of the displaced. The Arab League Casablanca Protocol of 1965, which provided temporary protection to Palestinians in the Middle East, could represent an important prototype for the development of 'protection space' in the near future for Iraqi refugees.

Whether in the context of internal or regional displacement, even in the face of hostile policies, some form of social and economic accommodation takes place. Ways to facilitate that local accommodation would require additional resources and innovations. One possible avenue would be to open access to work opportunities (e.g. in Jordan, of the 32,000 refugees registered with UNHCR, about a third are from the age group requiring work permits; one way to open up employment possibilities might be for the Government of Jordan to permit Iraqis to access jobs that are traditionally done by foreign migrant workers).

The efforts of governments at national and local levels to display tolerance towards the displaced and facilitate their well-being deserve acknowledgement from the international community. Humanitarian and development actors should encourage host governments to move away from obsessing over the actual numbers of Iraqis in their respective territories and focus on identified needs when designing and implementing programming. They should also further assist them to formalise, harmonise and institutionalise existing flexible policies and practices related to migration, employment and residential status.

Operational agencies themselves should also support these efforts by continuing to devise innovative programmes and expanding successful ones (e.g. vocational training programmes that include training placements with the objective of providing the displaced with work permits).

Promoting synergy between humanitarian assistance and development programmes

Protracted displacement is one area where the dichotomy between humanitarian assistance and development is untenable. Addressing protracted displacement as a purely humanitarian issue has proven insufficient, and over the last few years a growing consensus has been emerging on the need to bring development into the process.[18] Development programmes involving displaced populations and, where appropriate, incorporating the needs of displaced and host populations should be supported and

multiplied. The 'multi-year' approach to aid is a model worth reviewing closely as, with greater flexibility, it could facilitate longer-term programming and project development.

In the Jordanian context, the development dimension could be better integrated into government policy and planning. Establishing the impacts and costs of these initiatives and also ensuring that the positive impact of the presence of the displaced can be secured in a more systematic manner, would speak to a development agenda away from dependency and would simultaneously help to reconfigure public opinion.

The efforts currently deployed in Iraq by various parties to address land and housing issues are per se an integral part of the development agenda which ought to offer a framework for greater cooperation between development and humanitarian actors.

Promoting reconciliation and peacebuilding between displaced and host communities

The presence of refugees is often depicted as burdensome for the host communities. This view ignores and is prejudicial to solidarity and good relations that often prevail between refugees and hosts.

There is a need to (re) build trust amongst displaced and host communities when that trust has been eroded from within and through external factors. This can be done through several complementary means:

1) The media should play a role in portraying displacement – whether its scale or impact – in more positive terms rather than conveying distorted or politically motivated statements, which is often the case. Operational organisations should also work with local and national media to focus on the human experience of displacement and portray positive exemplars of community interaction to encourage solidarity.
2) The process of displacement, whether internal or regional, often entails the loss of social capital. Initiatives to build community resilience and provide the displaced with the capacity to organise themselves through open participation, and by giving increased responsibilities to committees representing the displaced, should be developed and supported.
3) Priority should be given to addressing housing and land related issues which are often the source of conflict and can lead to forced eviction and further displacement.

Addressing poverty and state fragility to facilitate gradual return

In many instances, displaced populations' return is to a context of state fragility and poverty which ultimately constitutes an obstruction to their 'sustainable' return. This is another factor behind the circular mobility noted above. In these circumstances, return should no longer be framed as a unilateral and permanent act. Rather, it should be facilitated as a gradual process implying multiple movements before longer-term settlement is accomplished.

Endnotes

1 The project web page is accessible from the RSC website (www.rsc.ox.ac.uk/research/governance/unlocking-crises).

2 Long, K. (2011), 'Permanent Crises? Unlocking the Protracted Displacement of Refugees and Internally Displaced Persons', Policy Overview, Refugee Studies Centre, University of Oxford.

3 Chatty, D. and Mansour, N. (2011) 'Unlocking Protracted Displacement: An Iraqi Case Study', RSC Working Paper 78, Refugee Studies Centre, University of Oxford.

4 The workshop was organised by Martina Caterina, Nina M. Birkeland and Guillaume Charron (IDMC) and Héloïse Ruaudel (RSC). Special thanks to Dr Nasir Al-Samaraie, Advisor of the ICRC-Iraq Head of Delegation and Dr Sara Pantuliano, Head of the Humanitarian Policy Group at the Overseas Development Institute who facilitated the workshop and to the representatives from UNHCR Damascus, NRC Iraq, CARE Jordan and the representatives of the Iraqi government for their presentations.

5 Thirty-two people participated under Chatham House rules to encourage a free exchange of ideas. Aside from those listed above, the following governments, agencies and organisations were also represented: Australia, Belgium, Norway, USA, the Community Centre for Refugee in Lebanon, the Council for British Research in the Levant, the Danish Refugee Council, IOM Iraq, NRC Oslo, UNHCR Iraq and UNRWA.

6 The Syrian government estimates that there are more than one million Iraqi refugees on its territory while the Jordanian government claimed there are some 400,000 Iraqis in Jordan. These governmental figures are widely disputed.

7 Official UNHCR figures.

8 Another important issue relates to the extent of the impact of the crisis in Syria on Iraqi refugees, depending on how the situation will evolve. Current reports of massive outflows are not substantiated and the zones where fighting is taking place in Syria are not areas where refugees (Iraqis and Palestinians) are located.

9 See also Marfleet, P. and Chatty, D. (2009) 'Iraq's Refugees: Beyond Tolerance', Forced Migration Policy Briefing 4, Refugee Studies Centre, University of Oxford.

10 UNHCR Damascus recorded 192 returnees in 2010, 1,240 in 2011 and approximately twice that rate so far in 2012.

11 Other findings from the survey indicate that 6.2 per cent are planning to move on to another country by means other than resettlement while 35 per cent do not know.

12 UNHCR inactivates the files of refugees who did not have any form of contact with UNHCR (through protection, social counselling and assistance programmes) for a six month period.

13 This session was led by IDMC and the discussion emerged from the presentation by IDMC and representatives from the Iraqi Ministry of Displacement and Migration and the Baghdad Provincial Council.

14 The executive acts also established return facilitation centres in Baghdad, Diyala, Anbar and Salah-el-Din to assist returnees to register and to resolve property issues (see the IDMC September 2011 Country update on Durable Solutions (Return) for further information).

15 Both IDPs and refugees have principally returned to Baghdad (67 per cent of IDPs and 60 per cent of refugees), followed by Diyala (25 per cent and 20 per cent respectively). Within Baghdad itself most returns took place in Al Karkh (44 per cent and 46 per cent), followed by Al Rusafa for both groups.

16 There are 169 settlements all around Iraq, including 126 inside Baghdad. The living conditions in these settlements vary but are often precarious (the majority are in self-built overcrowded houses, while some people live in hazardous pre-existing structures).

17 Over 67 per cent in Baghdad and as high as 90 per cent in the south.

18 See on-going collaboration between UNHCR and UNDP through the Transitional Solutions Initiatives (TSI) – for further information and relevant links: www.prsproject.org/initiatives/other-projects/

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