

COUNTRY OPERATIONS PLAN

Country: Iraq

Planning Year: 2002

First Submission Date: 11/04/2001

Part I: Country Level

(a) Executive Summary

Iraq is surrounded by countries that continue to produce asylum seekers and refugees. There have been no major positive developments in the region that can lead to a halt of persons crossing the borders. The sanctions imposed on Iraq by the UN Security Council a decade ago still remain in force. The Government of Iraq (GOI) and the Security Council are going through difficult relations, as a result of sharp disagreements over the lifting of the embargo. Iraq insists on lifting it. At the same time, several UN member states have questioned the sanctions regime. Nevertheless, there are no clear indications at this stage as to when or how the sanctions may be lifted.

Meanwhile, the people of Iraq continue to suffer from the serious impact of the sanctions. The oil-for-food programme could, to a limited extent, lessen the people's suffering on the shortage of food and medicine, but the other components of the sanctions have caused a rapid deterioration of the socio-economic conditions. This negative impact is manifested in a number of public services including health and nutrition, education, sanitation, power-generation, communications, transportation and environment. Major towns, including Baghdad, experience frequent power cuts, breakdown of water systems and raw sewage overflows. Contaminated water causes diarrheal diseases and subsequently malnutrition especially among the children under five. Child mortality remains high particularly in the Centre and the South. In addition, the social fabric and normal economic activity have been seriously affected. Over 40% of the workforce are unemployed, and many educated Iraqis have left the country during the past decade. The refugees in Iraq live in this deteriorating context and share the suffering with the local population.

The exceptional administrative and political structure in the North remains unresolved. Some economic and political factors, including the KDP/PUK Washington Agreement have so far kept the two key local political parties from serious armed confrontations. Nevertheless, the North is in a fragile cease-fire and the situation is precarious. The de facto local administrations lack cohesive structure and effective law enforcement bodies. Two of the three governorates, Dohuk and Erbil, are in the "No-Fly Zone" where the US and UK aircrafts frequently clash with the Iraqi air defence. The reported presence of Turkish troops, sometimes with support of either of the two local parties, to remove the PKK elements from the border areas, puts the civilian population at risk in time of clashes. The close proximity to and the influence of the countries of origin continue to pose constant protection problems to the refugees residing in the North. These circumstances make it difficult for both UNHCR and the local authorities to provide full and effective legal protection to the refugees in accordance with international standards. The major protection issues in Iraq are therefore related to the prevailing lack of security and stability in the North and the hardship generated from the sanctions countrywide. The latter contributes to the refugees' increased desire for repatriation, even spontaneously in the case of some Iranians.

The current beneficiaries of UNHCR operations in Iraq are comprised of 23,893 Iranians (16,940 Iranian Kurds and 6,953 Ahwazis), 12,791 Turkish and 48 Syrian refugees. Of this total, 3,363 Iranian Kurds, 3,679 Turks and the 48 Syrians are in the North. The 6,953 Ahwazis are in the south, which also falls under another "No-Fly Zone". The rest are in the Centre. The Iranian Kurds in the centre (Al-Tash camp) came to Iraq as early as 1979 following the Islamic revolution in Iran and also at the beginning of the Iran-Iraq War in 1980. Those in the North are primarily ex-members of Iranian opposition parties who came to Iraq many years ago. They have chosen to withdraw from their political parties and approached UNHCR seeking international protection. The Ahwazis, from the province of Ahwaz at the Iranian border, fled to Iraq around 17-18 years ago as a result of military operations of the Iran-Iraq War. The Turkish refugees are ethnic Kurds from the provinces of Sirnak and Hekkari who fled to Iraq in 1994 as a result of conflicts between the Government's forces and the Kurdish Workers' Party (PKK). The Syrian refugees are ethnic Kurds from the village of Azrat who sought asylum in 2000 following serious disputes over land ownership.

UNHCR provides very limited legal and humanitarian assistance to individual cases among the 90,000 Palestinians (estimated figure) and some 1,200 urban refugees living in Baghdad. The Palestinians came to Iraq in the aftermath of the first Arab-Israeli War of 1948, during the 1950s and as a result of the 1967 or the 1973 war, and in 1991 (from Kuwait) as a result of the Gulf War. The other urban refugees are from Somalia, Eritrea, Ethiopia and the Sudan who came originally as students or for employment but could not return due to the political situation at home. UNHCR assistance to the Iraqi Kurd returnees from Iran to the North remains suspended since 1998 following the Government's reservation on the implementation modalities. However, the returnees benefit from food assistance delivered under the "Oil-for-Food" programme. Pending the identification of an acceptable arrangement, UNHCR limits its role to monitoring the re-integration of the returnees. The UNHCR operations in Iraq mainly concentrate on the Iranian and the Turkish refugees.

The Government of Iraq is not a signatory to the 1951 Convention Related to the Status of Refugees and its Protocol of 1967, but it has played a strong traditional role in providing legal and physical protection to refugees. The national law No. 51 of 1971 approved by the Supreme Revolutionary Council provides the basic framework for asylum in Iraq. The refugees in the Government-controlled areas (the Centre and the South) can exercise their freedom of movement within the governorates of their camps or settlements and beyond, the latter with prior permission. Those in the North in principle can enjoy a similar freedom, but practically have to restrict their movement because of security reasons. Like the Iraqi citizens, the refugees have access to food rations under the UNSC Resolution 986 (Oil-for-Food Programme). They also are allowed to work. However, due to the worsening economic situation and the deterioration of the quality of life, their employment opportunity, even for nationals, is virtually non-existent and the level of basic services such as education and health care has drastically reduced. This hardship has contributed to the refugees' increased desire for repatriation. Those who do not wish to return are pressing for resettlement. The option of local integration is not attainable.

No tangible progress has been achieved on voluntary repatriation for the Iranian refugees despite efforts by UNHCR. The issue remains entangled in the bilateral complexity of the Iran-Iraq relations. In mid 2000, the GOI welcomed the proposal of a tripartite meeting (GOI/GIRI/UNHCR) which has yet to materialize. During the visit of the Iranian Foreign Minister in October 2000, the two parties agreed to place refugee issues as part of the "humanitarian dossiers" but did not deliberate further on the matter. After a follow up meeting in Tehran in December, the GOI informed UNHCR that the Iranian Government agreed to send a high-level official delegation to Baghdad to discuss the question of refugees (willingness to repatriate, verification of nationality). The visit took place on 16-19 March 2001. The Iranian delegation led by the Director General of BAFIA met with their Iraqi counterparts. The two sides agreed on a general framework that should lead to an agreement on the implementation modalities. These modalities will also allow the Iranian refugees to return home after verification of nationality or even at a later stage. The OCM Baghdad has confirmed to the two parties the readiness of UNHCR to fully play its role in this important exercise.

The prospects for mass repatriation of Turkish refugees remain dim, and this has heightened their frustration. These refugees have stressed on various occasions their strong wish to repatriate to Turkey. They urge the Turkish government to encourage such intentions by issuing a general amnesty abolishing the death penalty to former prominent Turkish Kurd activists, ensuring cultural rights and other conducive conditions for voluntary return. In the absence of these conditions, UNHCR facilitated the travel of 362 refugees who returned from Dohuk Governorate to Turkey in 2000 (bringing the total to 2,200 since 1997).

The resettlement process for the Iranian refugees in the North has slowed down significantly due to the suspension by the GOI of the issuance of exit permits with some limited exceptions, whereas the departures from Al-Tash camp have picked up. During 2000, some 413 refugees (372 from Al-Tash and 41 from the North) mostly Iranians departed on resettlement to a third country. These accepted cases were among those who have been languishing in Al-Tash camp for the last 20 years without any prospect of local integration

and those with protection needs from the North. The traditional resettlement countries for this refugee group are the Nordic countries. UNHCR continued its efforts to broaden the base of prospective resettlement countries and has been able to attract selection missions from Canada in June 2000 and January 2001, as well as a first time mission by New Zealand in March 2001. However, this option of durable solution is feasible only for a limited number of the Iranian refugees.

In the absence of the prospect of immediate mass repatriation and in view of the complex political situation surrounding Iraq, UNHCR will have to maintain its effective presence in the country throughout 2002. This presence will allow a vigilant and constant monitoring of the protection situation to prevent refoulement and maintain established standards for treatment of refugees and asylum seekers, conducting Refugee Status Determination mainly in the North, and refugee law promotion and capacity building for the counterparts. It also will allow for the assistance design that safeguards and upholds the basic human rights of the refugees. In the wake of shrinking resources, the complementary assistance provided by UNHCR to the refugees faces the challenges to adapt itself incrementally to the needs dictated by the context of Iraq. The GOI, faced with the increasing demand to address the needs of its citizens in light of the sanctions, has found itself less able to retain its level of assistance accorded to the refugees prior to 1991. In the event of continued deterioration of the socio-economic conditions in Iraq, UNHCR may have to increase its involvement by providing more assistance. In ensuring protection within the existing legal and political limitations, the OCM will secure support and maintain a well-balanced relation with all interlocutors. By providing these complementary services, UNHCR can effectively obviate the suffering of the refugees who otherwise will form part of the irregular movements out of Iraq in search of employment or asylum. This intervention by UNHCR also reduces the material obligations on the part of the GOI, who then can focus its efforts to address the rising needs of its population, effectively stopping the outflow of Iraqis to the neighbouring countries. In the year 2002, the OCM will consolidate the progress achieved in 2001. The specific objectives foreseen may be summarized hereunder:

Name of Beneficiary Population Theme: <i>Iranian and Turkish refugees.</i>	
Main Goals:	
<ul style="list-style-type: none"> • Iranian refugees in Al-Tash camp and in the South voluntarily return home, whereas those who cannot return have access to resettlement. • Conducive conditions set for voluntary return of Turkish refugees. • Pending durable solutions, refugees have access to safe asylum and assistance from GOI/UNHCR. 	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Voluntary repatriation materializes for the Iranian refugees, 7,000 from Al-Tash and followed by 6,000 from the South. 	<ul style="list-style-type: none"> • Implementation of GOI/GIRI bilateral agreement on volrep. • Registration and counseling of volrep candidates. • Provision of assistance package to volrep candidates. • Confirmation of safe return, and monitoring of protection needs.
<ul style="list-style-type: none"> • Conditions in southern Turkey conducive for return of Turkish refugees. 	<ul style="list-style-type: none"> • Increased demarches with the Turkish authorities, through the Bureau and BO Ankara or other diplomatic avenues.
<ul style="list-style-type: none"> • Increase of resettlement opportunities for refugees with pressing protection needs. • Vigilant monitoring of protection issues, and expediting the asylum claims and Refugee Status Determination. 	<ul style="list-style-type: none"> • Consolidation of opportunities offered by resettlement countries. • GOI grants exit permits for accepted cases from the North. • Efficient presence of protection staff. • Constant contacts with interlocutors.
<ul style="list-style-type: none"> • Capitalizing the progress achieved on Refugee Law Promotion activities. 	<ul style="list-style-type: none"> • Broadening base of audience and increase of publicity.

Country Operations Plan

<ul style="list-style-type: none"> • Designing material assistance that safeguards and upholds the basic human rights of the refugees. 	<ul style="list-style-type: none"> • Incorporating in the assistance programme gender mainstreaming, special needs of women, children, adolescents and environment concern. • Raising refugees' awareness on important health issue such as HIV/AIDS.
Name of Beneficiary Population Theme: <i>Urban refugees</i>	
Main Goals: Individual refugees have access to legal and material assistance by UNHCR.	
Principal Objectives	Related Outputs
<ul style="list-style-type: none"> • Individual Palestinians receive assistance with regards to travel documents, residence permits, medical support and self-help activities. • Providing advice and support to refugees of other nationalities on repatriation or self-reliance. 	<ul style="list-style-type: none"> • Case review and assessment by UNHCR. • Medical supplies to the Palestinian Red Crescent Society (PRCS) and humanitarian assistance to most vulnerable families • Issuance of travel document, travel allowance and airfares. • Individual material support.

On the operational arrangement, the OCM will review the practicality and efficiency of handing over to the GOI the implementation of the assistance activities initially envisaged in 2000-2001. This hand-over entails ascertaining *inter alia* the capacity of the counterparts which, under the present hardship of the sanctions, has been drastically reduced to the level that requires extensive technical and professional inputs from UNHCR. Pending this hand-over, all assistance activities by UNHCR in 2002 will be carried out either directly or through commercially appointed contractors. In carrying out the operations, the OCM Baghdad will seek expert advice from other UN agencies and encourage them to accommodate the refugees in their humanitarian activities to the extent possible. The country operations will be managed by the Office of the Chief of Mission (OCM) in Baghdad, assisted by three small Field Offices, each in Dohuk, Erbil, and Makhmour. Field Office Erbil will cover the activities in Sulemaniya. These field offices carry out the operations in their respective locations under the direct supervision from OCM Baghdad which directly implements activities for the refugees in Al-Tash, in the South and those in Baghdad, in addition to its usual role as the main country office.

At the time of writing, the Iranian delegation has just essentially concluded the first round of high-level talks with their Iraqi counterparts on the repatriation of the Iranian refugees. OCM Baghdad in co-ordination with OCM Tehran will closely follow up with the government interlocutors on the time frame and the parameters of assistance required from UNHCR. Meanwhile, OCM Baghdad has incorporated the required budget in this submission and will further stipulate detailed needs in the November revision. The OCM will also keep important actors informed of developments on repatriation for the Turkish refugees and other refugee domains. This task entails briefing on UNHCR operations to the GOI officials, donor missions to Iraq, diplomatic missions in Baghdad and in Amman, journalists, Heads of UN agencies and relevant NGOs.