

Was establishing new institutions in Iraq to deal with displacement a good idea?

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The humanitarian, developmental and political consequences of decades of mass forced migration are part of the legacy that the current political leaders of Iraq need to address. For this they need the right institutions if they are to be successful in guiding their country towards a more peaceful and stable future.

Iraq has had a long and painful history of forced migration. In the past decade alone, it has been the scene of at least four distinct waves of displacement and return. The first wave occurred shortly after the Ba'ath party's fall from power with the return of an estimated 500,000 Iraqis in the period between March 2003 and December 2005. While this return movement was, in essence, a largely positive 'regime-change dividend', it did create a set of challenges that Iraq continues to struggle with today. The second wave of the post-Saddam Hussein population movement was mostly made up of those who feared that their real or perceived association with his regime would cause them harm and those who were forced to flee by the returnees and, in some cases, their armed backers.

The largest displacement crisis, however, occurred between February 2006 and late 2007 when out-of-control sectarian violence caused 1.6 million Iraqis to become internally displaced and a similar number to flee the

country, mostly to neighbouring states. This third wave subsided alongside the diminishing threat of an all-out civil war in Iraq but even today members of Iraq's small minorities reportedly continue to feel the urge to leave a country where they feel less and less at home. Currently the Syrian conflict is pushing Iraqi refugees to return to Iraq where they often have few or no assets left and thus, in essence, become displaced in their own country.

Taken together, these large-scale population movements posed, and continue to pose, considerable strains on Iraqi state institutions responsible for the provision of basic services such as health, education, water, sanitation and electricity. They also raised a set of particular issues that, at the time, existing institutions and legal and policy frameworks were not well equipped to deal with. These included, for example, the widespread occupation of public buildings and land, largely by those with nowhere else to go; the

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emergence of a large number of land and property conflicts related to displacement and return; and the need to integrate new populations in both national and local development plans and policies to upgrade and to expand Iraq's insufficient housing stock. Critically, these new demands came at a moment in Iraq's history when decades of neglect, mis-management, sanctions and conflict had turned its state institutions from being a model for quality and effectiveness in the Middle East to being deeply flawed and structurally deficient. This decline commenced in the 1980s as a direct consequence of the Iran-Iraq war and became further pronounced in the 1990s following Iraq's invasion of Kuwait, the ensuing imposition of international sanctions and Saddam Hussein's continued diversion of state funds.

The initial period following the US-led invasion of the country in 2003 further accelerated the decline, with waves of unchecked looting that gutted much of the already decaying physical infrastructure of public administration, the flight of the Ba'ath Party cadres that created a leadership vacuum in many institutions and the departure from Iraq of many professionals in the period between 2005 and 2007. The sweeping and

often ill-thought-out interventions of the Coalition Provisional Authority (CPA) that cost the Iraqi state its monopoly on the use of violence further contributed to a context where even ordinary governance was becoming a massive challenge, let alone dealing with the fall-out of multiple, ongoing waves of displacement and return.

New state institutions

It is against this background of prevailing state fragility that the CPA decided to establish two new institutions to deal with mass displacement and its consequences. Both institutions were endorsed and further developed by subsequent Iraqi governments. In Iraq there is now a dedicated Ministry of Displacement and Migration (MoDM) with a broad mandate to deal with all matters pertaining to Iraqi refugees and IDPs and to develop and implement appropriate policies to assist the affected persons.

The second new institution was the national Property Claims Commission (PCC) to resolve claims from displaced Iraqis whose properties had been seized or confiscated under the Ba'ath party regime. Both institutions have developed a sizeable presence across the country and are now an established part of the

institutional landscape in Iraq. The MoDM's principal roles include the national registration of IDPs and the provision of assistance and cash grants to displaced and returning families, most recently to Iraqi refugees forced to return to Iraq by the violence in Syria. To date, the PCC has resolved well over half of the 160,000 claims it has received, although with resolution rates strongly differing around the country.

Throughout their existence, both of these institutions have been subject to considerable criticism inside and outside Iraq, usually focusing on shortcomings in effectiveness,



A young IDP feeds his pigeons in Resafa district of Baghdad. "I don't go to school and there is no job for me here."

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efficiency and, ultimately, sensitivity and responsiveness towards the needs of the displaced and returnee populations alike. It is clear with hindsight that some at least of the complaints of beneficiaries and decision-makers were directly connected to the newness of both institutions.

The initial real and perceived failures to deliver were largely due to the time and energy that both institutions needed to spend on becoming fully operational. Inevitably for institutions that try to establish themselves in the midst of political instability and turmoil, significant staff resources were initially allocated to internal administrative issues, like securing office space, hiring and training staff, developing standard operating rules and procedures and, indeed, simply figuring out how best to operationalise the mandates they had received. From the outside these efforts often remained invisible, and soon incomprehension and frustration about the lack of progress started to mount amongst beneficiaries and politicians alike. Already struggling under unrealistic expectations, the PCC, for example, suffered a serious legitimacy crisis a few years into its existence. Eventually, this led to an amendment to the law which in reality changed little but caused the institution to lose further time and energy adapting internal practices to the new legal framework.

Another element that very much hindered both institutions in their first years of existence was the reaction from other much longer-established governmental agencies and authorities that the MoDM and especially the PCC needed to rely on for their work. Concerned about the national and international resources and attention these new institutions were getting, and convinced that those resources would have been better spent on reinforcing existing institutions to do the same work, they tended at best to be reluctant to cooperate and at worst to behave in a downright obstructionist manner. A lack of understanding about what the MoDM and the PCC were supposed to achieve and the mundane absence of specific rules,

protocols or focal points for collaboration between new and existing institutions further complicated the integration of the MoDM and the PCC into the ordinary Iraqi state apparatus. Finally, the fact that decision-makers had under-estimated the extent to which pre-existing state institutions would also have to deal with displacement and its consequences, and hence at least initially failed to provide those institutions with additional resources for this purpose, further contributed to their reluctance to engage with the issue of displacement and, by extension, the MoDM and the PCC.

To what extent the Iraqi response to displacement and return would have been different if the CPA and the subsequent Iraqi governments had not chosen to create new institutions is of course speculation. The experience of the MoDM and the PCC is, however, useful also beyond Iraq in that it can provide policymakers with valuable lessons about the advantages and disadvantages that come with addressing large-scale forced migration and its aftermath through new rather than existing institutions. It brings home the point that attempting to bypass fragility and governance issues in existing state agencies through the establishment of new ones invariably also entails costs and downsides. As much as possible, both the benefits and the costs that can come from investing in new institutions need to be weighed up before implementation and integrated in decision-making about the best way forward.

An additional notoriously complex issue is sustainability and whether a new institution dedicated to displacement is likely to remain alive until it has effectively completed its work for all those affected by displacement. In Iraq the jury is still out.

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