

Displaced Iraqis – caught in the maelstrom

by David Romano

By the time Saddam Hussein's regime collapsed in April 2003, thirty years of state-directed displacement had created over a million refugees and IDPs. As the insurgency continues, the occupation authorities, provisional government and the international community are unable to facilitate orderly return.

Prior to 2003 most displaced Iraqis were forced out of their homes by the policies of successive Iraqi governments which used expulsion as a weapon to punish and subdue recalcitrant populations, secure valuable agricultural land and oil and water resources and crush political opposition. Statistics are hard to obtain but the World Refugee Survey 2004 estimates that the total number of internally displaced Iraqis is between 800,000 and 1,000,000. The number of Iraqi refugees in neighbouring states is equally hard to estimate as most are not registered. UNHCR estimates that there are at least 300,000 Iraqi refugees in Syria and a similar num-

ber in Jordan. Many of the refugees who have returned to Iraq from Iran and Saudi Arabia since 2003 have become internally displaced. Other major post-war new IDP caseloads include Arabs fleeing the Kirkuk area and Kurds – branded as collaborators by insurgents – forced to flee homes in the Sunni Arab cities of central Iraq. Recent fighting between insurgents and US forces in and around Fallujah is thought to have displaced over 200,000 people [see box on p49].

Kurds comprise the largest number of displaced Iraqis. Almost all Iraqi Kurds have been refugees or IDPs at some time in their lives. In the

waning days of the Iran-Iraq war in the late 1980s, the *Anfal* ('spoils' in Arabic) campaign by the Iraqi government included mass killing, displacement and disappearance. As many as 4,500 Kurdish villages were destroyed and 500,000 people forcibly relocated to government-controlled settlements ('collective towns').

In addition to destroying Kurdish rural society, Saddam substantially increased the Arab presence around the oil-rich regions of Kirkuk and Mosul, forcing Kurds, Turkomen, Assyrian, Yezidi, Chaldeans and Armenians who were unable or unwilling to declare Arab descent to leave. Substantial incentives (10,000 dinars, then equivalent to over \$30,000) were given to Arab families to take over the lands, homes and jobs of the victims of ethnic cleansing.

In the south of Iraq between 100,000 and 300,000 Shi'ites were displaced, most as a result of the brutal crushing of resistance that occurred in the

Interviewing IDPs, Kirkuk



wake of the 1991 Gulf War. Many dissidents fled to the marshlands of southern Iraq, where they hid in wetlands that no mechanised modern army could penetrate. Saddam responded with a huge engineering project which drained the marshes, displacing tens of thousands of the local 'Marsh Arab' population.

After the fall of Saddam's regime in April 2003, however, Iraqi engineers working with the Coalition Provisional Authority (CPA) began the process of re-flooding these marshlands and restoring the ecosystem upon which the population depended. Enormous ecological challenges remain but this often ignored story has emerged as one of the few unambiguous successes of post-Saddam Iraq. With little involvement of international organisations, the Marsh Arabs have been returning to their homes and rebuilding their old lives.

Many Shi'ite refugees have also now returned to their former towns in vil-

lages elsewhere in southern Iraq. Because of its relative ethnic homogeneity and the fact that settlers were never brought in to replace forcibly displaced populations, the south of Iraq in general poses fewer problems for refugee and IDP returns.

US authorities unprepared

Before launching the war US policy makers were aware of the pitfalls of facilitating return in northern Iraq and the need to establish orderly and fair mechanisms to guarantee property restitution and/or compensation. Risks that Kurdish returnees would violently force out Arab residents and settlers, that Kurd and Turkmen returnees would fight for control of Kirkuk or that the army of nearby Turkey would intervene on behalf of the Turkmen were well understood.

The US put pressure on leaders of the two Kurdish parties running autonomous Iraqi Kurdistan (the Kurdish Democratic Party and the Patri-

otic Union of Kurdistan) to prevent forcible expulsions of Arab settlers. For the most part, they complied, preventing early Kurdish returnees from violently settling scores with those derisively named the '10,000-dinar Arabs'. They did so only after being assured that a fair and legal process would be speedily put in place to allow IDPs and refugees to return. Most settler Arabs in the north indicated a willingness to return south, provided that they were compensated and assisted in the process. Though large-scale conflict has been averted, isolated violence and a climate of fear and intimidation have created a new IDP caseload – estimated by the Global IDP Project to be in excess of 100,000¹ – of displaced ex-settler Arabs. While many have returned south to former towns and villages, others – without communities to return to or who fear insecurity in places of origin – remain in makeshift camps in the north, particularly around Mosul.

US planning and preparations for IDP/refugee return have been wholly inadequate. With UNHCR sidelined, US strategy hinged on having the UN Office for Project Services (UNOPS) coordinate and assist returns in Iraqi Kurdistan's three governorates and the International Organization for Migration (IOM) do so in Iraq's 15 governorates in the centre and south. The US provided funding to both organisations. After the security situation deteriorated in mid-2003, however, both the UN and IOM evacuated their international staff. Staff were also withdrawn from Iraqi Kurdistan despite the fact the autonomous region is considerably safer than many African states in which the UN operates.

Through its Iraq Field Office – based in Amman – IOM has assisted in the return of 4,093 IDPs to their homes in Iraq, in addition to third-country nationals seeking to leave Iraq. IOM is designated inter-agency focal point for delivery of non-food items to displaced Iraqis in the 15 non-Kurdish governorates and distributes blankets, cooking stoves/heaters, mattresses, plastic sheeting, jerry cans and clothes in addition to tankering water. IOM has only been able to assist a small proportion of IDPs. It is still preparing governorate



specific profiles of IDPs and their material and protection needs.

Even if their international staff had remained in-country, assigning responsibilities for such large case-loads of displaced people to UNOPS and the IOM was a mistake. Unlike UNICEF and a number of NGOs, neither agency had a great deal of experience in Iraq. IOM is not a UN agency - although it is part of the 23-agency UN Country Team for Iraq - but has, nevertheless, found itself discharging responsibilities more normally undertaken in emergency contexts by UNHCR. IDPs and refugees I interviewed in Kirkuk, Baghdad and the Kurdish governorates had never heard of IOM - this may reflect the very preliminary nature of the agency's activities in Iraq.

A major crisis centred around IDPs and refugees is ready to erupt

Compounding its unfortunate choice of partners, the CPA's inability to handle the IDP and refugee dossier was further aggravated by overlapping mandates and lack of coordination between regional offices and headquarters in Baghdad, newly emerging ministries in Baghdad, municipal governments, Kurdish authorities, the UN and the NGO community.

The Iraqi Property Claims Commission (IPCC) was set up to establish the legal and procedural framework through which landowners forcibly displaced by Saddam's regime could receive compensation or restitution

of their property. In FMR21 Anne Davies drew attention to the lack of local engagement in establishing the IPCC and the CPA's failure to pay attention to the absence of enforcement mechanisms.² During my research I found that CPA authorities in charge of IDPs in Kirkuk were unable to find out from Baghdad headquarters whether or not the IPCC had been established and, if it had, when it would begin functioning in their area. They recognised they were out of their depth and could have benefited from assistance from UN and NGO experts with experience of property issues in other post-conflict situations. Unable to establish investigation or claims procedures, they simply asked IDPs to stay put and refrain from making claims. The IPCC finally opened offices in Iraq's various provinces in March 2004 and started receiving claims a few months later.

None of the 19,000 claims submitted have been processed yet.

As US officials and Iraq's provisional government make slow progress, increasing numbers of IDPs are returning, especially to Kirkuk. The KDP and PUK leaders - concerned to establish influence in oil-rich Kirkuk and establish facts on the ground in the run-up to planned Iraqi elections - are quietly ignoring US instructions to stay put and in some cases appear to have pressured Kurds to return to Kirkuk. Many Arab settlers in turn do not want to return south until they are assured of compensation and

assistance, while others have inter-married with locals in northern Iraq, had children there and see the area as home. Sunni insurgents have also increased their activity in the area, and pressured Shi'ite Arab settlers not to leave.

A major crisis centred around IDPs and refugees is ready to erupt, especially in Kirkuk. Responsibility for violence that may erupt rests with both Iraqi insurgents and the US - the insurgents for creating a milieu in which international humanitarian organisations and reconstruction efforts cannot function and the US for lacking the preparation, focus and will to address the returnee issue in a timely manner.

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For further information, see: *Human Rights Watch, Claims in Conflict: Reversing Ethnic Cleansing in Northern Iraq*, September 2004. Online at: <http://hrw.org/reports/2004/iraq0804/>. The Global IDP Projects Iraq report can be accessed at www.db.idpproject.org. IOM's Iraq programme is presented at: www.iom-iraq.net

1. A hundred thousand is probably the maximum estimate. Some sources suggest there may be only 10,000.

2. *Restitution of land and property rights* by Anne Davies, FMR21, pp 12-14.

In December 2004, American military planners put forth a plan to tightly control the return of Fallujah's nearly 300,000 residents (very recent IDPs from the November offensive in the city). The plan envisions an IDP processing centre on the outskirts of the city, DNA and retina scans to establish and record the identities of returnees, identification badges to be worn at all times, the forbidding of cars within the city, and possibly non-voluntary (but paid) reconstruction work brigades for all men of military age.

While the need to maintain security in Fallujah and prevent the return of insurgents remains clear, particularly in light of the January 2005 elections, it seems less certain if such tactics will achieve their objectives. Also, although Iraqis are no doubt quite accustomed to authoritarian edicts and oppressive surveillance, the resort to such behaviour by foreign occupying troops may well confirm the insurgents' depiction of the occupiers. Forced work brigades additionally pose problematic questions relating to international human rights laws and humanitarian norms, as it might be argued that the people of Fallujah are having a form of collective punishment inflicted upon them.