

Iraq: the search for solutions

by José Riera and Andrew Harper

Incessant violence across much of Iraq's central and southern regions is forcing thousands of people to leave their homes every month. The international community is facing a much larger and more complex humanitarian crisis than anyone could have anticipated.

After the military intervention of March 2003 there were hopes that large numbers of Iraqi expatriates and refugees would return and contribute to Iraq's reconstruction and development. Between 2003 and 2005, some 325,000 Iraqi refugees did indeed return. Since 2005, however, the trend has reversed. Spiralling sectarian, political and criminal violence, dwindling basic services, loss of livelihoods, inflation and uncertainty about the future have discouraged many Iraqis from returning and spurred the flight of hundreds of thousands to destinations within and beyond Iraq's borders. The flight of Iraqis has become the largest forced displacement in the history of the Middle East – exceeding that experienced during the Palestinian exodus of 1948.

One out of every eight Iraqis is either an IDP or has fled the country. UNHCR estimates that there are some two million Iraqis displaced internally, over million in neighbouring states and around 200,000 further afield. Iraqis today constitute the largest group of asylum seekers in 32 industrialised countries surveyed by UNHCR. Asylum applications by Iraqis rose by 77% in 2006 – from 12,500 in 2005 to 22,000 last year. Sweden was the top destination with some 9,000 applications, followed by the Netherlands (2,800), Germany (2,100) and Greece (1,400).

Iraqi refugees

Having examined their plight closely, UNHCR has determined that the majority of Iraqis have left the country under circumstances that place them in need of international protection. UNHCR recognises as refugees under

its mandate both those persons who fall within the refugee criteria under the 1951 Convention as well as those falling within the extended definition as persons fleeing generalised armed conflict or civil unrest.

Jordan – with a population of 5.7 million – has an estimated 750,000 Iraqi residents. This would be the equivalent of just under eight million refugees in France or the UK, 11 million in Germany or 40 million in the USA.

The Syrian Arab Republic, Jordan and other neighbouring states have demonstrated generosity and solidarity in hosting large numbers of Iraqis. Undeniably however, their presence, in addition to that of large numbers of Palestinian refugees, has seriously strained national infrastructures, economies and basic services, and, in some instances, raised national security concerns. There are reports that in Syria, Jordan and Lebanon it is increasingly difficult to provide health care and public schooling to Iraqis. The warm welcome previously extended to them has begun to wane and public concern is on the rise. Security considerations have led to increased border controls and the risk of further restrictions on admission.

Iraqis in neighbouring countries are finding it progressively more difficult to sustain themselves. Many have overstayed their visas and become illegal residents, at risk of detention and deportation. Refugee households have limited access to medical treatment. Children are either unable to attend school or

facilities are so overcrowded that they cannot accommodate new pupils. Some host countries allow Iraqis to enrol in private schools but most families do not have the means to do so. Ensuring access to education is critical for displaced children, as it offers structure, stability and hope for the future during a time of crisis, and provides protection against exploitation and abuse. The prevalence of separated families, unaccompanied minors and women-headed households has further exacerbated the difficulties facing Iraqis. There are reports that young girls are increasingly obliged to contribute to family incomes, and some are resorting to prostitution as a means of survival. Consequently, the incidence of sexual and gender-based violence (SGBV) is on the rise, as is vulnerability of refugees to trafficking and exposure to HIV. Child labour and other means of exploitation are increasingly reported.

Internal displacement

Acts of terror and intimidation by armed elements in mixed areas continue to force individuals and families to areas where their ethno-religious group constitutes the majority. Armed clashes between the Multinational Forces and Iraqi Security Forces on the one hand, and insurgents on the other, have also produced population displacements, particularly in central, western and north-western Iraq. As a consequence, traditionally mixed areas are becoming demographically more homogeneous, leading to the emergence of sectarian 'cantons' as mixed neighbourhoods and towns begin to disappear.

As well as straining already heavily burdened social services and local infrastructure, IDPs are considered by receiving communities to be competing for scarce resources and responsible for the rising cost of food, fuel and housing. They are also discriminated against since they are perceived to be responsible



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for an increase in criminality and prostitution. Whether in the Kurdistan Regional Government-administered governorates of Dohuk, Erbil and Sulaimaniya, or in the southern, predominantly Shi'a, governorates of Kerbala, Basrah, Thi Qar, Muthanna, Babylon and Al Najaf, restrictions on the entry of IDPs are being imposed or access to basic services is being prevented. Local authorities are not registering people arriving as IDPs or facilitating their access to documentation. There are indications that other governorates may follow suit. Some neighbourhoods in Baghdad have adopted similar restrictions on who can enter or take up residence.

Three quarters of all IDPs are women (28%) and children (48%). There are significant numbers of unaccompanied children and households headed by women. Many husbands and fathers remain in the place of origin, having sent their

families to safety. There are growing indications of SGBV among IDPs and recruitment of child soldiers by irregular forces. Many IDPs lack stable income, have limited savings and cannot afford rising rental prices. Others reside with relatives and host families, or in public buildings – including abandoned schools – and makeshift accommodation, including tents. Food has become increasingly problematic. We estimate that 47% of IDPs do not have access to the Public Distribution System.

The forgotten displaced

There are an estimated 45,000 non-Iraqi refugees and asylum seekers in Iraq, many of whom live in especially precarious conditions. Of particular concern are the Palestinian refugees, who are concentrated in Baghdad and who have been singled out for persecution and killings since 2003.¹ It is thought that more than

500 Palestinians may have been murdered. In a climate of fear, Palestinians are desperate to flee Iraq. An estimated 1,400 Palestinians are living in horrendous conditions in refugee camps along the Iraq-Syria border. UNHCR is highly concerned about living conditions for hundreds of Palestinians stuck at the Al Waleed refugee camp. Many suffer from respiratory and other ailments but are unable to access proper medical treatment. They have fled death threats and the murder of family members only to face a deadly environment of searing heat and regular sandstorms. Water is trucked to the camp on a daily basis but is rationed to less than one litre per person. Today, Palestinians fleeing Baghdad for the Syrian border have nowhere to go apart from Al Waleed, which lacks the infrastructure to support them.

Enhanced resettlement of non-Iraqi refugees who are no longer safe

inside Iraq, or who are stranded at its borders, must be a vital component of the international protection response. The possibility of the temporary relocation of certain groups of refugees to areas inside or outside Iraq, where protection may be better assured, may also need to be considered as an exceptional measure, depending on how the situation evolves.

Remote management challenges

“What’s the point of going to Baghdad?” asks a European NGO programme manager whose agency works with UNHCR in central Iraq. “You risk your safety and that of your staff, because they have to look after you. And if your operations are in the field, it is no help going to the Green Zone. And asking your staff to come to the Green Zone can put them at risk.”

Since 2003 at least 82 Iraqi and international aid workers have been killed in targeted attacks which have permanently affected the way humanitarian agencies operate in conflict zones. By the end of 2003, virtually all international organisations had withdrawn their expatriate staff from Iraq, either stopping their activities altogether or adopting a new way of working. While many agencies continue to function in the north, most have relocated their international staff based in central and southern Iraq to Amman or Kuwait. The Iraqi Red Crescent Society (IRCS), through its 18 branches and extensive network of volunteers, is the only agency able to openly operate nation-wide. But even IRCS is not immune to the anarchy that plagues Iraq today: on 17 December 2006, 30 of its staff were kidnapped from one of its Baghdad offices, 13 of whom are still missing.

Security concerns have obliged the UN and other humanitarian providers to adopt measures such as primary dependence on local agency and partner staff, the initiation of cross-border activities and other methods for ‘remote management’ of operations from outside Iraq. This has unfortunately contributed to a perception that the international community

has not taken sufficient action to alleviate the suffering of IDPs and the communities hosting them.

New approaches are necessary to alleviate the plight of people inside the country. Our operations must be pragmatic. This may require an increasing reliance on money changers, cross-border operations, working with non-state actors and moving the focus of interventions away from Baghdad to areas where we have access and can operate. UNHCR has eleven partners carrying out protection and assistance programmes on its behalf inside Iraq, including distribution of non-food items, providing emergency shelter and running legal aid and information centres. While monitoring activities are carried out by UNHCR national staff, according to a monthly plan approved by the agency’s offices in Kuwait and Amman, daily contact with international colleagues is mostly maintained through emails and phone calls.

The lack of information available to external managers making security decisions may result in too much caution. “The UN security rules should be more flexible so we can move, as Iraqis living in Iraq,” a UNHCR staffer told me. “I will assess if it’s ok for me to go or not and I will not take unnecessary risks... but these people are our cousins, our relatives – we have to do something.” Humanitarian workers may have to operate at an elevated risk level, until politicians deliver on their duty to do their utmost toward restoration of a safe humanitarian space.

Addressing the plight of displaced Iraqis

Host countries in the immediate region deserve recognition for their hospitality, patience and humanitarian commitment. It is also important to recognise and pay tribute to the untiring efforts of local authorities, national Red Crescent societies, NGOs and charitable organisations, within Iraq, in neighbouring countries and further afield. They have been important sources of support to Iraqis, providing food, water, medicines and shelter to the most needy, in addition to much needed moral support.

It should be recognised that the Iraqi authorities have been doing their utmost in order to reinstate law and order and counter the present culture of violence. Subject to political and security actors ensuring greater safety and access, the humanitarian actors will seek to mitigate the increasingly harsh conditions faced by Iraq’s growing IDP population, through an expansion of direct humanitarian aid and support to them and to their host communities.

UNHCR is sensitive to the specific concerns of countries hosting large numbers of Iraqis. An important challenge is to put in place arrangements that ensure international protection for those Iraqis in need of it, while simultaneously meeting the concerns of governments as regards issues of state security and sovereignty. Building and consolidating a ‘protection space’ for Iraqis, underpinned by international support to the most affected countries, is a major UNHCR objective. UNHCR appeals to the international community to make a strong commitment to support countries that are shouldering the burden of hosting Iraqi refugees.

From UNHCR’s perspective, regardless of the formal status conferred, the most critical elements of protection for Iraqis arriving in neighbouring countries and seeking refuge are:

- access to safety
- guarantees of *non-refoulement*
- non-penalisation for illegal entry
- availability of humanitarian assistance to persons with specific needs
- permission for temporary stay under acceptable conditions
- the search for durable solutions, including through resettlement, until such time as conditions permit voluntary repatriation to take place in safety and dignity.

Registration is recommended as a means of strengthening planning to meet assistance needs and identification of protection

vulnerabilities. Registration greatly facilitates the efforts of governments to better manage the presence of foreigners on their territory. It is also desirable to provide documents upon registration which protect from *refoulement*.

UNHCR acknowledges that the states neighbouring Iraq do not consider local integration of Iraqis to be a viable option and recognises that voluntary repatriation is considered the preferred solution. However, allowing access to basic services, such as education and health, and opportunities for self-reliance is strongly encouraged. UNHCR encourages strong support for line ministries most directly affected by the presence of Iraqis, such as health and education, in order to provide additional facilities that would directly benefit Iraqi refugees and the communities hosting them, and stands ready to contribute to this reinforcement of national capacity.

UNHCR remains committed to supporting the Iraqi authorities in providing assistance and protection to uprooted populations in Iraq, and to helping, wherever possible, to avert new displacement, as well as to achieve durable solutions. Building upon current programmes, and in the framework of its responsibilities under the inter-agency cluster for refugees, IDPs and durable solutions, UNHCR will provide basic assistance for individuals and groups to supplement strained resources. This includes emergency shelter to IDPs; extension, rehabilitation or repair of host-family homes; quick-impact improvements to community infrastructure and public services; and support for IDPs and vulnerable host community members.

In light of the particular protection concerns with regard to IDPs, and complementary to the protection provided by the Government of Iraq, UNHCR will continue to monitor their situation and provide targeted protection interventions by expanding the capacity of its network of Legal Aid and Information Centres, through additional offices, mobile teams, technical support and staff training. These will aim to deliver both direct assistance (on matters including the reissuing of lost identity documentation, civil status, birth and

marriage certificates) and advocacy on behalf of IDPs and others of concern with relevant stakeholders, in order to enhance access to services.

Action at the political level is urgently needed to improve the humanitarian situation and address its underlying causes. Concerted action is required to set in place a multifaceted international approach which:

- enhances respect for human rights and humanitarian law inside Iraq
- strengthens efforts to limit forced population displacement by diminishing the causes compelling people to flee their homes: it is incumbent on the Iraqi authorities and the international community to pursue every opportunity to diminish the imperative for Iraqis to flee their homes.
- guarantees freedom of movement to seek safety
- ensures protection and material assistance for those who have fled the country, consistent with international refugee law, recognising that voluntary return in conditions of safety and dignity is the preferred option whenever possible
- identifies immediate solutions to the pressing humanitarian problems of the most vulnerable
- initiates action to create conditions, including for the socio-economic rehabilitation of affected areas, in order to make it possible for all Iraqis to return when it is possible to do so, and to deliver other durable solutions for those who cannot return
- upholds humanitarian access to populations in need whether in conflict or non-conflict areas
- guarantees non-discrimination in access to state services such as health, food and fuel rations, education and documentation
- recognises the right to return home voluntarily in safety and dignity or to settle voluntarily in the current location of displacement or in another part of Iraq

- provides for a more consistent, favourable approach to adjudicating Iraqi asylum claims in countries outside the region

- recognises that, in the current circumstances, governments should refrain from returning Iraqis to countries neighbouring Iraq or expect Iraqis from the central or southern regions to relocate to the three northern governorates of Sulaymaniyah, Erbil and Dohuk.

Opportunities for humanitarian actors to work in the north of Iraq exist, including the possibility of expanding operations from the north southwards. It is imperative that all actors interested in providing assistance to IDPs cooperate to make the best use of limited resources in the difficult working environment. Security, logistics and communications will be key to the effectiveness of humanitarian operations in Iraq for the foreseeable future. There is a need to maintain dialogue and regular exchange of information on options for concerted action in relation to prevention, protection and voluntary return, as well as to mobilise international assistance and support for humanitarian action.

Many socio-economic indicators are pointing to a worsening situation. It is therefore necessary to plan for a relief effort targeting vulnerable Iraqis, including those who have not been displaced. Although security remains the principal factor inhibiting a more extensive UN relief effort, the time has come to focus on what can be done, not what the international community remains unable to do.

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For latest UNHCR information on the Iraq crisis see: www.unhcr.org/iraq.html

1. See Gabriela Wengert and Michelle Alfaro 'Can Palestinian refugees in Iraq find protection?', FMR26 www.fmreview.org/FMRpdfs/FMR26/FMR2609.pdf