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## Iraq: insecurity and lack of shelter exacerbate internal displacement crisis

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*Decades of conflict and human rights abuses have caused the displacement of more than a million people within Iraq. The majority of internally displaced people (IDPs) were forcibly displaced under the previous regime, which targeted communities perceived to be in political opposition as well as using forcible displacement as one of its tactics to strengthen control of resource-rich areas. Prior to the United States-led invasion of Iraq in March 2003 that led to the toppling of Saddam Hussein's regime, it is estimated that some 800,000 people were displaced in the north and centre, mainly Kurds, but also Assyrians and Turkmen. In the south between 100,000 and 200,000 Marsh Arabs and at least 25,000 Arab Shi'ites were displaced. Since the 2003 conflict, new population displacements have occurred primarily as a result of fighting between the Multi-National Force-Iraq, MNF/I (formerly the US Coalition Forces) and Iraqi armed insurgent groups. At the end of 2004 and in the first half of 2005, hundreds of thousands of Iraqis have been forced to flee their homes, mainly in Al Anbar province, where multiple military operations have been launched by the MNF/I forces. At the same time, nearly half a million IDPs are estimated to have returned, although many have found themselves in a situation of continued displacement because their homes are destroyed or because they did not own property in their areas of origin.*

*The 30 January 2005 elections, which allowed Iraqis to choose the first freely-elected government in decades, have not led to any improvement in the security situation. Violence has continued at high levels, with an ongoing risk of further internal displacements because of military operations and inter-communal tensions, particularly in central Iraq. In addition, security and legal bodies have been unable to respond adequately to past and current human rights violations suffered by many of the displaced. There are widespread reports of human rights and humanitarian violations committed by both members of the multinational forces and insurgents, and rare investigation and prosecution of these abuses. Survivors of past and present abuses also have limited access to psycho-social support. Military operations and insecurity hinder the ability of national authorities and humanitarian organisations to assist IDPs. There remain substantial challenges to meet the humanitarian needs of all groups of displaced, in particular the need for clean water and housing.*

*The resolution of property, land, and housing issues is necessary to ensure safe and dignified return and to prevent further displacement in the country. International organisations are advocating for an extension of the deadline for making property applications to the Iraqi Property Claims Commission which expired at the end of June 2005, in order to ensure that IDPs have adequate time and information to access an independent compensation mechanism.*

## Background and main causes

Internal displacements in Iraq are generally divided into two periods: those occurring before and those occurring after the United States-led invasion that brought about the overthrow of Saddam Hussein's regime in March 2003. The majority of IDPs were displaced prior to the March 2003 conflict. While the causes of displacement under the former regime are no longer present, many of these people remain in need of assistance to find durable solutions. Displacement in Iraq has generally had distinctive regional patterns, outlined below (UNHCR, August 2004; UNCT August 2004).

### Central and northern Iraq

Displacement in and around Kirkuk has had particular political sensitivity as the area contains some of Iraq's biggest oil fields and which ethnic group is in the majority there is a key factor in the political bargaining over the relationship between the primarily Kurdish north and the Arab majority of the rest of Iraq. Following the rise of the Ba'ath party in 1968, large-scale internal displacement took place in the centre and north of the country as part of the Iraqi authorities' campaign to neutralise Kurdish aspirations for independence and to strengthen control over some of the world's largest oil reserves. These campaigns involved widespread human rights violations, including the systematic alteration of the ethnic composition of the region. Iraqis were forcibly displaced as a result of human rights violations and intra-Kurdish fighting in the areas south of the green line which divided the three northern Kurdish provinces from the rest of the

country from 1991 (Tameem, Ninewa and Diyala), as well as from the three northern Kurdish provinces (UNCT, March 2005).<sup>1</sup>

From the 1960s and continuing through the 1990s, the Iraqi authorities displaced tens of thousands of non-Arabs from Kirkuk and surrounding areas, resettling Arabs in their place under what is referred to as the "Arabisation" campaign. While the Kurds constitute the majority of those displaced, other non-ethnic-Arab Iraqis, including Turkmen and Assyrians, were also forced to flee or to sign a form "correcting their ethnicity" so as to be considered ethnic Arabs (HRW, August 2004). To increase the number of Arabs in the region, incentives, such as free land and houses, many belonging to the evicted Kurds, were offered by the former regime (RI, 21 November 2003; UNCHR, 26 February 1999).

The end of the Iran-Iraq war in 1988 saw an intensification of the atrocities committed against the Kurds. In the course of the "Al-Anfal" campaign, the Iraqi authorities committed mass executions, poisoned entire villages with gas and imposed economic blockades on others (AIJ, December 2002). The genocidal nature of the Anfal campaign differentiates it from the earlier and later Arabisation campaigns (HRW, August 2004). More than 100,000 Kurds are estimated to have been murdered with chemical weapons. During the Anfal campaign the government also deliberately destroyed up to 4,000 Kurdish villages, resulting in

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<sup>1</sup> Iraq was de facto divided after 1991 into two areas, northern Iraq (comprising the provinces of Dahuk, Arbil and Sulaymaniyah) under Kurdish administrative control separated by the so-called "green line" from the rest of the country, under the control of the central government.

massive forced displacements of Kurds. Most were relocated into “collective settlements” within the three northern governorates and some were put into detention camps (USCR 2000, p.187 and Dammers 1998, 181; Fawcett and Tanner, October 2002, pp.8.10; HRW, July 1993).

Another cause of displacement within northern Iraq was factional Kurdish infighting. Following the 1991 Gulf War, the United States imposed a no-fly zone in the north, which established a de facto autonomous Kurdish region in the northern provinces of Arbil, Sulaymaniyah and Dahuk. Fighting for control of these three governorates between the two main Kurdish parties, the Patriotic Union of Kurdistan (PUK) and the Kurdish Democratic Party (KDP), caused the displacement of hundreds of thousands of people in the early 1990s (UNHCR, August 2004; UNCT, March 2005). Incursions and shelling from neighbouring Turkey and Iran, both countries opposed to the creation of a Kurdish state, also caused internal displacement in the north (UNHCR June 2000; USCR 2001).

The UN estimates around 805,500 individuals (141,200 families) were displaced in the north, the majority between 1974 and 1991 (UNHCR, August 2004; UN Habitat, January 2001).

### **Southern Iraq**

The Marsh Arabs constitute the primary group of people forcibly displaced in the south during the 1990s owing mainly to the former regime’s campaign to drain the marshland areas. A first stage of displacement occurred with the draining of

the central marshes to facilitate movement of military units during the Iran-Iraq war. In the 1990s, the marshes underwent further drainage, as part of the campaign against the Marsh Arabs who were accused by the authorities of supporting a Shi’a uprising in 1991. The military crushing of the 1991 revolt forced many Shi’ites to flee to the northern protected areas, into Iran, or deeper into the southern marshlands. The campaign included the use of chemical weapons, shelling and burning of villages, assassinations, contamination of water and police raids; large-scale dam projects also displaced many (Fawcett and Tanner, October 2002, p. 28-30; USCR, 2001). In 1992, the government displaced some 4,000 Marsh Arabs to houses along the highway between Basrah and Al-Qurna (UNCT, March 2005). In the early 1990s, it was believed that 250,000 people lived in the marshes, whereas today it is estimated that the population is less than 20,000 (UNCT, March 2005). The UN estimates that between 100,000 and 200,000 people remain displaced from the marshland areas (UNHCR, August 2004; UNOHCI, 30 June 2003).

Tens of thousands of people were also displaced from their homes on the border with Iran in the south as a result of the Iran-Iraq war in the 1980s. Today it is estimated that at least 80,000 people are still displaced within Basra province (UNCT, August 2004).

Political and religious persecution has been a further cause of displacement of Shi’a political dissidents in the south. Shi’a support for Iran in opposition to the former government was particularly pronounced in the south but also among some Shi’a in the centre (UNHCR, Au-

gust 2004; IRIN, 21 May 2004). There are no precise estimates of the number of Arab Shi'ites displaced, apart from around 25,000 that the former government admitted to having expelled from Baghdad in 1998 (Fawcett and Tanner, October 2002, p. 33).

### **New displacements since 2003**

Over two years since the proclaimed liberation of Iraq, people continue to be displaced by military operations and fighting between the US-led Multi-National Forces/Iraq (MNF/I) and insurgent groups. The number of Iraqis forced to flee because of military operations or in fear of military operations continued to increase in 2004 (UNCT, March 2005; IRIN, 31 May 2005). Displacements have generally been of a temporary nature, with IDPs moving back when fighting lessened, with some exceptions, including the siege of Fallujah in November 2004 which has resulted in prolonged displacement (UNCT, August 2004 and March 2005).

In the first half of 2005, population displacement occurred in predominantly Sunni areas of central Iraq where MNF/I say the insurgent strongholds are. MNF/I forces launched military offensives in Fallujah, Ar Ramadi and Al Qa'im, all cities located in Al Anbar province. The UN reported 12,000 people displaced due to military operations in Al Qa'im in May 2005, while IRIN reported 7,000 people had fled Karabala, a city near Baghdad, in mid-June 2005 (UNAMI, 18 May 2005; IRIN, 28 June 2005 and 31 May 2005; ICSC, 13 May 2005). Military raids and ongoing insecurity in Ar Ramadi, the capital of Al Anbar prov-

ince, branded as an insurgents stronghold by multinational forces, forced residents to flee in February 2005 (IRIN, 24 February 2005; UNAMI, 27 February 2005). Other cities that have been targeted by military operations and fighting causing internal displacement in the first six months of 2005 include Samarra, Mosul and Kirkuk (UNAMI, 27 February 2005; IRIN, 28 June 2005).

The displacements occurring in the first months of 2005 have followed similar patterns to the previous year. In 2004, military operations and fighting between US-led military forces and Iraqi insurgents caused displacement in the cities of Fallujah, An Najaf, Kufa, Ar Ramadi, Karabala, Tal'Afar and Samarra (UNSC, 3 September 2004; IRIN, 26 July 2004, 23 August 2004 and 4 January 2005; DPA, 20 August 2004; UNAMI, 25 April 2004; UNCT, August 2004). The most critical and large-scale displacement occurred in Fallujah, in November 2004, when almost the entire population of the city fled (an estimated 200,000 people), following fierce battles between Coalition troops and insurgents (UNAMI, 13 November 2004; IRIN, 8 November 2004). The November offensive was the second siege of Fallujah, from where 70,000 people had already been forced to flee in April 2004. During the first months of the US occupation in the country, thousands of people were also displaced in Al Anbar, Thi'Qar, Basra and Baghdad by air strikes and urban warfare. Across the country, small numbers of people living in strategic areas were forcibly displaced by the Coalition Forces for reasons of national security (UNCT, August 2004).

### **Spontaneous returns and secondary displacements**

The spontaneous return of some displaced groups to their areas of origin has in many cases produced secondary displacement of other groups. The collapse of the previous regime triggered the return of displaced Kurds living in the northern governorates of Dahuk, Arbil and Sulaymaniyah to their places of origin below the “green line”, in the provinces of Tameem, Diyala, Salah Al Din and Ninawa. Thousands of Arabs who had been settled in central and northern provinces by the former regime under the “Arabisation” policy began to flee the region in April 2003 either because they were evicted by the returning Kurdish IDPs or out of fear of revenge attacks (IRIN; 23 September 2004; HRW, August 2004; OCHI, 10 October 2003). The largest population displacement of Arabs occurred between April and October 2003, but there are still reported cases of families fleeing due to harassment or insecurity. Most remain displaced in areas within the region, living in tents or abandoned buildings, and few have returned to the south (UNCT, March 2005). Local NGO officials and members of Arab associations report that many are being discriminated against (IRIN, 17 March 2005).

The slow resolution of land and property rights and the shortage of housing, especially in the Kirkuk area, has left many Kurdish returnees still displaced (IOM, April 2005; IRIN, 21 May 2004). Most returned to their areas of origin between April and May 2003 but many do not own property or have been unable to reclaim their homes (UNOPS, May 2003). Kurdish returnee movements to areas be-

low the “green line” were also reported between August and November 2004. These returns were encouraged by local Kurdish authorities for political reasons, prompted by rumours that a national census was being undertaken that would have affected the outcome of the January 2005 elections. There were reports of local authorities trying to boost the return movement by making unfounded promises about the availability of financial assistance, land and housing for returnees (IOM, April 2005; IOM, 8 June 2005; UNCT, March 2005).

Inter-communal tensions have also prompted people to flee out of fear of attacks or discrimination. Aid organisations on the ground report a general decrease in communal tensions, yet report that IDPs are fleeing traditionally mixed areas to areas where they can count on the protection of their own community (IOM, 8 June 2005). Whereas the Roma were granted special protection by the former regime, since April 2003 around 2,000 Roma have been forced off their land by neighbouring communities. Many currently live in military camps in Baghdad next to Arab communities yet face harassment by the Arabs because of cultural and religious differences and are reported to have minimal access to health facilities (IOM, April 2005; IRIN, 3 March 2005). Other minority groups including the Turkmen have also been reported to have fled their places of residence due to fear of discrimination (IRIN, 9 May 2005; AFP, 20 May 2005).

Refugees returning from Iran and Saudi Arabia have also become internally displaced in the centre and south (IRIN, 21 May 2004 and 7 June 2005; UNCHR, 9 June 2004). A survey undertaken by

UNHCR in the lower southern provinces found that of 56,700 returning refugees surveyed, 65 per cent had returned from their country of asylum to a situation of internal displacement. The survey also found that nearly seven per cent of the population in southern Iraq live in displacement or have recently returned from displacement (UNAMI, 13 December 2004). UNHCR continues to refrain from promoting voluntary repatriation to Iraq and has called on host governments not to forcefully return Iraqis (UNHCR, February 2005 and 4 May 2005)

### **Inadequate conditions in return areas**

The lack of adequate return conditions, including poor access to shelter, water, electricity, healthcare and education, is another factor that has prolonged displacement among many IDPs who have returned to their areas of origin (IOM, 8 June 2005). To date, it is estimated that around 470,000 IDPs have returned to their areas of origin (mainly to or within the provinces of Al Anbar, Tameem and Salah Ad Din). Yet many of these people have not actually returned to their homes. The majority of recorded returns have been to the city of Fallujah where it is estimated 80 to 85 per cent of those displaced in November 2004 have returned, although often only temporarily (UNAMI, 30 April 2005; IOM, 8 June 2005). The UN reports that movement in and out of the city is difficult and time-consuming because of multiple identity checks and heavy security at checkpoints. In addition to massive destruction of houses, basic facilities like water and electricity are unstable, and the presence of landmines and unexploded shells

poses enormous obstacles to sustainable return (UNHCR, 11 January 2005). In the first months of 2005, many of Fallujah's IDPs returned to the city only for brief periods due to the poor living conditions (UNAMI, 27 February 2005). Some IDP families bought property in their current places of displacement, demonstrating a wish to settle outside Fallujah more permanently (UNHCR, 11 January 2005).

Assessments among returnee families in other parts of the country also indicate that conditions for a dignified and sustainable return process are not present. Returnees have expressed a need for improved shelter, access to safe water, medical facilities and school infrastructure (UNAMI, 17 May, 27 February and 1 March 2005; IRIN, 17 February 2005). In the south, more than 90 per cent of the marshlands have been destroyed, making the area uninhabitable. In addition to the hostile living environment, lack of housing and livelihood opportunities also make return for the Marsh Arabs in the near future impossible (UNAMI, 13 December 2004).

### **Overall figures**

The UN estimates that more than one million people remain displaced in Iraq today (UNHCR, February 2005; IOM April 2005). The overall figure draws from a 2001 UN Habitat survey. Today, the International Organisation for Migration (IOM), UN Office for Project Services (UNOPS), and the UN High Commissioner for Refugees (UNHCR) monitor population movements in Iraq, although exact statistics are not available because widespread insecurity and ongoing displacement complicates the moni-

toring of IDP movements. The figure should also be taken with caution given varying levels of integration of the displaced. As of April 2005, around 470,000 IDPs had returned to their areas of origin, with the largest return movements taking place to or within central Iraq (IOM, April 2005).

### Protection concerns

With levels of violence high and the lack of security and rule of law in the country there is great risk of further internal displacements (UNAMI, 1 March 2005). Six months after the elections in January 2005 and the formation of a national assembly, there continue to be daily reports of bombings, harassment, kidnapping, hostage takings and targeted assassinations against Iraqi and foreign forces, Iraqi civilians and public figures. Since the elections, there have been major attacks in Baghdad, Mosul, Arbil, An Najaf, Karabala, Basra, Ar Ramadi and Tikrit (UNSC, 7 June 2005 and 7 March 2005). The Order for Safeguarding National Security, which imposes widespread restrictions on freedom of movement in all areas of the country with the exception of the three northern governorates, has remained in force since November 2004. Despite such security measures, the Iraqi authorities and multinational forces have been unable to ensure the full protection of the Iraqi population (UNSC, 7 June 2005).

In addition, numerous reports suggest that members of the MNF/I and insurgents have both been responsible for serious infringements of human rights and humanitarian law, including war crimes, in the context of insurgency and counter-

insurgency fighting (UNSC, 7 June 2005, p.13; HRW, 2005; ICRC, 17 May 2005). Military raids have been accompanied by closures of cities, a widespread system of checkpoints and curfews, including the use of excessive force at checkpoints and during searches. In September 2004, there were reports that newly-displaced Arabs in the Tameem, Ninewa and Diyala provinces were being subjected to aggressive searches by multinational forces, detained without charge, and accused of association with the former government or terrorist groups (UNCT, August 2004; IOM, September 2004; UNHCR, August 2004; HRW, August 2004). In some cases military offensives have been launched without warning, giving people little time to prepare or flee (IRIN, 24 February 2005; Aljazeera, 1 March 2005). Individual accounts of human rights violations have been brought before the United Nations Assistance Mission in Iraq (UNAMI) and are widely documented in reports from security, media and local human rights organisations. A recent report by the UN Secretary-General to the Security Council suggests that in most instances the consistency of accounts points to clear patterns of human rights violations (UNSC, 7 June 2005, p.13; AI, 2005 report).

In more isolated areas, particularly areas bordering the marshes, the presence of criminal gangs imposes restrictions on the physical security and freedom of movement of the displaced. In the governorate of Basra for example, IDPs confront daily threats from criminal gangs and intertribal fighting. The presence of such gangs prevents displaced children from going to school and families from reaching health clinics. Criminal gangs also hamper the ability of humanitarian

organisations and local public administration offices to reach and assist displaced families (IOM, April 2005).

Military operations and security measures intended to restrain insurgents have impeded access to and the delivery of humanitarian assistance to vulnerable displaced populations. Following the military offensive on Fallujah in November 2004, humanitarian organisations were frequently denied access to the IDP population around the city by the multinational forces (IOM, April 2005; UNAMI EWG, 18 January 2005 and 19 December 2004). Humanitarian agencies were also hindered in their access to Al Qa'im, following clashes between MNF/I and insurgents in May 2005, which prompted the UN to call on the relevant Iraqi authorities and the multinational forces for "humanitarian space and respect for human rights" (UNSC, 7 June 2005; UNAMI, 17 May 2005). Many community leaders have refrained from registering and supporting IDPs, following the detention of some local leaders (sheikhs) accused of "harbouring resistance groups". Sheikhs have played a central role in facilitating the delivery of assistance to IDPs (UNAMI, 2 February 2005).

Security and legal structures have been unable to respond efficiently to past and current human rights violations suffered by many displaced (IOM, April 2005). Many IDPs are unable to report incidents of abuse, gain access to justice and obtain necessary psycho-social support and health care. Following widespread allegations of human rights violations during the fighting in Fallujah in November 2004, the UN High Commissioner for Human Rights, Louise Arbour, called for

investigation and prosecution of those responsible (UNAMI, 13 December 2004). Military operations in the town of Al Qa'im also prompted the International Committee of the Red Cross (ICRC) to express deep concern at the escalation in violence and at the high numbers of civilian casualties and civilians caught in conflict (ICRC, 17 May 2005). There has however been inadequate investigation into allegations of human rights abuses as well as inadequate prosecution of those responsible for abuses (UNSC, 7 June 2005; HRW, 2005).

The physical security of IDPs is further at risk from landmines and unexploded shells which constitute a stark obstacle to a safe return process. Many IDPs living in central Iraq shelter in public buildings which were heavily mined by Coalition forces. Villages along the "green line" and along the border with Iran have also been heavily mined (UNSC, 7 June 2005; UNHCR, August 2004; IOM September 2004 and April 2005; UNCT, August 2004).

Many IDPs living in public buildings, especially in Baghdad and Basra, face the threat of eviction by public authorities reclaiming public buildings without providing them with alternative accommodation (UNHCR, 9 June 2004). Numerous evictions took place in the spring and summer of 2004 and evictions continue to be reported. Evicted displaced people end up moving to other public buildings, often in worse conditions than the ones they left because of the shortage of alternative accommodation (UNCT, March 2005; IOM, April 2005 and September 2004; IRIN, 6 September 2004; UNAMI, 2 May 2004; OCHA, 16 December 2003). Some families have been offered



monetary compensation; however this has not been the norm and those who have received compensation claim that the amount is insufficient. In certain instances, IDPs have protested against evictions (IRIN, 22 March 2005). Other IDPs vulnerable to evictions include those who have been forced to leave their homes because the legal owner is reclaiming it (UNCT, March 2005).

### **Humanitarian needs**

A national survey undertaken by UNDP and the Iraqi authorities among 22,000 households across the country reveals dismal living conditions among Iraqis as a result of decades of wars as well as sanctions (UNDP/MOPDC, 12 May 2005). The ongoing poor security situation has meant irregular provision of basic services, including electricity and water, and shortages in medical supplies (UNHCR, September 2004). According to an assessment by the UN World Food Programme, around 25 per cent of the Iraqi population remains highly dependent on food rations (WFP, September 2004). Assessments among IDPs indicate a plethora of unmet basic needs; however water and shelter as well as income-generation are identified as priority needs among all IDP groups in Iraq (UNCT, March 2005).

One of the most pressing problems, especially in summer, is lack of clean water, for drinking, proper sanitation and basic services, particularly for IDPs living in public buildings and IDP settlements (IOM, September 2004). In some areas, IDP sites are located far from water sources or rely on water from rivers and lakes which makes them vulnerable to

water-borne and infectious diseases (IOM, April 2005; UNAMI, 13 December 2004). The vulnerability of IDPs to health risks is increased by poorly-built latrines, lack of garbage disposal and overcrowded conditions (IOM, April 2005).

The need for housing solutions for displaced people and returnees represents another immediate concern which threatens to become more acute with increasing evictions from public buildings. Over 80,000 displaced families currently live in military camps, tents or public buildings including former Ba'ath Party centres, town courts, clinics, schools, government offices and police stations (MoDM, September 2004). In the south, many displaced Marsh Arabs live in makeshift settlements at or near their areas of origin in the marshes (UNCT, March 2005). Living conditions are extremely harsh, often overcrowded and unsanitary, and spontaneous returns have placed additional strains on housing (UNHCR, August 2004, 9 March 2004 and 22 October 2003; IOM, September 2004; IRIN, 20 May 2004). Many IDPs who have returned to their areas of origin are forced to live in public buildings or camps because they did not own land or were prohibited from owning land and property prior to their displacement (UNCT, March 2005; UNOPS, May 2003). Other displaced people are hosted by local communities, extended families and members of the same tribe; however tensions between IDP families and host communities have been reported due to lack of public and social services which places a heavy burden on the latter (IOM, April 2005).

### **Children particularly vulnerable**

Various reports indicate a particular vulnerability among children. Almost a quarter of children between six months and five years are believed to be malnourished (UNDP/MOPDC, 12 May 2005). A survey undertaken by a local organisation in Diyala in the north found significant malnutrition among displaced children (IRIN, 30 November 2004). Assessments among IDP populations also indicate psychological and developmental problems among displaced children yet a severe lack of services to meet their needs. Concerns have also been raised about displaced children's access to school. There are no schools for most IDPs living in camps. This forces many displaced families to send their children to schools in towns, which places a burden on host community schools. In addition, schools in several areas have been almost completely destroyed or require rehabilitation (IOM, April 2005). UNICEF estimated that some 100,000 children from Fallujah, many living in camps, were at risk of losing an entire school year due to the conflict (IRIN, 14 April 2005 and 22 March 2005; DIS, November 2004, OHCHR, 9 June 2004). Child labour is reported as a common practice among displaced families. Displaced children sell cigarettes and chewing-gum, and shine shoes to support their families (IOM, April 2005).

### **Property and land**

The resolution of property and land disputes remains one of the key steps to establishing durable solutions for the displaced in Iraq and is also a crucial step in the prevention of further displacement.

In addition to the inadequate housing situation in Iraq, many displaced cannot return because their properties were expropriated or confiscated or because their customary rights were not registered and they now face difficulty establishing these rights (Deutschlander, June 2005). Other displaced may be unable to return because their houses were deliberately damaged or destroyed by the former regime in the course of forcible displacement campaigns or during the current conflict or because their houses are illegally occupied (Leckie, 30 July 2003).

The Iraqi Property Claims Commission (IPCC), established in January 2004, was originally mandated to address disputes resulting from the confiscation and reallocation of – mostly Kurdish and other non-Arab – properties under the former governments between 17 July 1968 and 9 April 2003 (UNHCR, September 2004 and August 2004). However, following a revision of the IPCC mandate in June 2004, Arab settlers who lost the properties allocated to them by the former regime as a result of the return of the previous owners after 18 March 2003 were also enabled to submit claims to the IPCC by 30 June 2005 (IPCC, June 2005; Deutschlander, June 2005).

The slowness of the IPCC process has raised concerns that land and property disputes might escalate into further conflict and more displacement. While formally established in January 2004, the IPCC was not functioning until July 2004 (HRW, August 2004). The fear was that the displaced would continue to forcibly push out people occupying their homes, in some cases accompanied by looting and violence as had occurred in April 2003 (HRW, August 2004; UNHCR,

August 2004). During this period, UNHCR expressed concern about reports that Kurdish local authorities had in some cases re-distributed land as well as provided incentives for Kurds to return to claim land in the Kirkuk area (UNHCR, September 2004). As of end-May 2005, the IPCC had received over 64,000 claims and adjudicated around 5,000 (Deutschlander, June 2005). The IPCC continues to face numerous challenges in carrying out its mandate, including technical and operational obstacles. Effective implementation of the property restitution process is also affected by the lack of alternative accommodation which poses an obstacle for people who may be asked to leave the property they are currently occupying (Deutschlander, June 2005). IPCC offices have received threats of violence due to the contentiousness of property and land claims in some areas (IOM, April 2005; Deutschlander, June 2005).

One of the most urgent issues at hand is the extension of the 30 June 2005 deadline for filing property claims to ensure that all IDPs are informed of the process, able to exercise their property rights and are given adequate time to file a property claim (IOM, 8 June 2005; UNHCR June 2005). IDPs who are not able to submit their property applications before the deadline will still be able to file their claims to local courts, but the concern is that they will be deprived of making their claims to an independent compensation mechanism and that the delay in processing claims through local courts may be even more lengthy.

While the IPCC provides a mechanism for dealing with contentious property disputes, many property claims lie out-

side the scope of the IPCC statute. For instance, it does not address property disputes resulting from the expropriation of land used for national or regional projects as well as competing claims for state lands (IOM, April 2005). The international NGO Habitat International Coalition has underlined the need to create a mechanism for prosecution, restitution and compensation in cases of land and housing violations that are not covered by the IPCC mandate, including housing-related violations committed by the CPA and multinational forces (HIC, June 2005). The Coalition also recommends withdrawing legislation which provides immunity to multinational forces' personnel from the jurisdiction of Iraqi courts in matters of liability for housing and land violations. In certain cases, special compensation mechanisms have been created. The Iraqi Central Committee for the Compensation of the People of Fallujah (CCCPF) was created to ensure compensation to residents of the city where an estimated 70 per cent of buildings were destroyed during the November 2004 offensive. While some compensation has been paid, reports by IRIN suggest a general delay in the compensation process and insufficient amounts (IRIN, 24 May 2005; BBC, 25 April 2005)

### **Special measures for IDPs during elections**

Special procedures were put in place to enable some internally displaced groups to vote in the 30 January 2005 elections. In Kirkuk, the Iraqi authorities allowed 100,000 IDPs to vote at their current place of residence, following threats from the Kurdish political parties to boycott the election if Kurds displaced during the

former regime's "Arabisation" policy were forbidden from voting locally (HRW, 23 January 2005; Daily Star, 11 March 2005). The Commission also put in place special procedures for IDPs from Fallujah to register and vote in special polling places in their areas of displacement. Additionally, in areas where there has been significant violence and displacement such as Ninewa and Al Anbar provinces, voters were allowed to register on election day (IRIN, 28 January 2005).

Despite these provisions, there was little documentation of IDP participation in the January elections. In some areas voter participation among the displaced was low. For example, despite special measures, IRIN reported that only 6,000 of over 200,000 of Fallujah's displaced cast their votes. Other observers expressed the concern that many displaced were unable to vote because they had lost personal identification documents required for voting while fleeing or because their belongings has been destroyed (IRIN, 15 February 2005; Brookings, 25 January 2005).

### **National and international response**

The primary responsibility for providing protection and assistance to IDPs lies with the national authorities, in particular the Ministry of Displacement and Migration (MoDM) (CPA, 8 March 2004). The Ministry continues to collaborate with the UN, and has been developing national policy and legislation to address the situation of IDPs. However, national authorities have faced limitations on their ability to provide the required protection and assistance, including security con-

straints and inadequate operational capacity (UNHCR, 22 October 2004).

There is little international humanitarian presence in Iraq, as most organisations, including the UN, pulled out their international staff following the bombing of UN headquarters in August 2003 and subsequent attacks on relief workers. The UN Assistance Mission in Iraq (UNAMI), which now operates from Amman, regularly reviews the possibility of expanding its presence in Iraq, but the security situation continues to limit the ability of the UN to implement its mandate. UNAMI recently opened liaison offices in Basra and Erbil to coordinate and oversee activities in the south of the country (UNSC, 7 June 2005; UNAMI, 4 April 2005). Currently, the UN and other international organisations monitor and assist displaced and returnee populations mainly by relying on national staff and NGOs on the ground (UNHCR, 19 August 2004)

The UN response in Iraq is coordinated by interagency thematic clusters, of which Cluster 8 is responsible for all issues relating to IDPs, returnees and refugees (UN, 28 February 2004). In line with a comprehensive *Strategic Plan for Internally Displaced Persons*, which was endorsed by the UN Emergency Relief Coordinator and the MoDM, Cluster 8 coordinates the provision of protection and emergency assistance to IDPs as well as other activities for IDPs and returnees, including reintegration support such as shelter-building programmes, income-generating activities and legal advice (UNAMI, 1 March 2005). The Cluster also provides technical support to Iraqi institutions and local authorities for dealing with basic humanitarian assistance

and protection as well as property issues (UNHCR, 19 December 2003; UNCT, August 2004). Cluster 8 members have played a key role in responding to new displacement situations in 2004 and 2005. The principal agencies within the cluster are UNHCR, IOM, UNOPS, UN HABITAT, WHO, UNICEF, WFP, UNDP, OHCHR, FAO, ILO and UNIDO. The Cluster works closely with the MoDM, other national institutions and local authorities, as well as the International Committee of the Red Cross, the Iraqi Red Crescent Society (IRCS) and NGOs. Traditional structures, including mosques and host communities have also played a central role in the distribution of assistance to IDPs (IOM, 8 June 2005).

Any efforts to assist and protect the displaced and other vulnerable groups remain limited by the continued insecurity which severely restricts humanitarian access in large parts of the country.

*Note: This is a summary of the Global IDP Project's country profile of the situation of internal displacement in Iraq. The full country profile is available online [here](#).*

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Note: All documents used in this profile summary are directly accessible on the Iraq [List of Sources](#) page of our website.

## About the Global IDP Project

The Global IDP Project, established by the Norwegian Refugee Council in 1996, is the leading international body monitoring internal displacement worldwide.

Through its work, the Geneva-based Project contributes to protecting and assisting the 25 million people around the globe, who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Global IDP Project runs an online database providing comprehensive and frequently updated information and analysis on internal displacement in some 50 countries.

It also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In addition, the Project actively advocates for durable solutions to the plight of the internally displaced in line with international standards.

For more information, visit the Global IDP Project website and the database at [www.idpproject.org](http://www.idpproject.org).

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