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No Place Home

Iraqi Refugees between Precarious Safety and Precipitous Return

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Large numbers of Iraqi refugees have been arriving in neighbouring countries, especially Syria and Jordan, in particular since the conflict in Iraq evolved into large-scale ethno-sectarian violence and displacement. For a long time, this new and increasingly massive refugee crisis in the Middle East has been virtually ignored by Western media and public opinion. With the apparent improvement of security in Iraq comes the danger that the slowly growing awareness of the dimensions of the crisis – which is yet to be followed by substantial action to address the plight of this people – may give way to expectations that the problem may just go away as people return, or that those who stay put in exile do so for ulterior motives, in particular eventual immigration to the “prosperity” of the West. The following report attempts to give an overview of the origin and magnitude of the crisis, probes the likelihood of substantial numbers of refugees returning in the near future, and assesses the responsibility of international actors towards the refugees.

The US-led war against Iraq and its aftermath has triggered a massive exodus with nearly one in five Iraqis being on the run, the region's greatest refugee crisis since the Palestinian displacement starting in 1948 and also one of the largest movements of people caused by violent conflicts around the globe.¹

According to United Nations estimates, more than 3.5 million Iraqis were compelled to leave their homes by the violence that has engulfed their country since the 2003 war, disrupting people's lives and the most basic services.² Nearly a third of them, around 1.3 million, changed residence within the borders of the country.³ Some of these "Internally Displaced People" (IDPs) found shelter with relatives in less precarious spots; others were forced to settle in deserted buildings or improvised camps. Together with an estimated one million displaced people within Iraq before the 2003 invasion, IDPs recently amount to around 2.3 million in total. More than 2.2 million fled Iraq altogether.

"In short, the nightmare scenario of massive refugee movements feared by international humanitarian organisations just prior to the US invasion of Iraq in 2003 has now materialized, and indeed turned out to be worse than initially anticipated".⁴

Most of those who left Iraq ended up in countries of the region, including Syria, Jordan, Egypt, Lebanon, the Gulf countries and Iran. Syria represents the most important host country with more than 1.5 million refugees, followed by Jordan with up to half a million.⁵ By hosting nearly 2.2 million refugees altogether, these two countries have absorbed the overwhelming majority of those Iraqis who sought refuge abroad and hence are bearing the brunt of the exodus.

Reasons for the Flight

Although not all refugees are victims of violence – some may themselves be perpetrators escaping prosecution (or being both perpetrators and victims of violence), while others may be pursuing personal opportunities away from the misery of daily life in Iraq - it appears that the overwhelming part was driven out of Iraq by events amounting to "ethno-sectarian cleansing." A multitude of

¹ Reinoud Leenders, "When Do Refugees Bring Trouble?", presentation at the conference *The Challenges of Transformation in the Middle East*, hbf/Freie Universität Berlin, Dezember 2007, see <http://home.medewerker.uva.nl/r.e.c.leenders/page2.html>.

² UNHCR, *Statistics on Displaced Iraqis around the World, Global Overview*, September 2007; <http://www.unhcr.org/cgi-bin/teaxis/vtx/home/openssl.pdf?tbl=SUBSITES&id=470387fc2>.

³ The Brookings Iraq Index counts 1,375,000 IDPs in 2007 on top of the one million prior to 2003, see *Iraq Index, Tracking Variables of Reconstruction & Security in Post-Saddam Iraq* of the Brookings Institution of 31/1/2008, p. 31,

<http://www.brookings.edu/saban/~media/Files/Centers/Saban/Iraq%20Index/index20080131.pdf>. In 2007, it was estimated that around 45,000 non-Iraqi IDPs and refugees lived in especially precarious conditions. See for the plight of Iraq's Palestinians *Human Rights Watch*, "Nowhere to Flee - The Perilous Situation of Palestinians in Iraq", September 2006, Vol. 18/4, <http://www.hrw.org/reports/2006/iraq0706/> and Gabriela Wengert and Michelle Alfaro, "Can Palestinian Refugees in Iraq Find Protection?" *Forced Migration Review* 26, August 2006, <http://www.fmreview.org/FMRpdfs/FMR26/FMR2609.pdf>.

⁴ Leenders, *ibid*.

⁵ New data suggest that the numbers of refugees in Syria and Jordan may actually be lower than indicated by the UNHCR, below a million in Syria and below half a million in Jordan (communication with Nir Rosen, journalist and researcher for Refugees International, 26/02/2008). However, up to now the figures quoted above are the most commonly used and referred to, and will therefore be used throughout this report. It should be noted that even the lower figures are extremely high compared to the population of the host countries (19 million for Syria and 5.6 million for Jordan), and that therefore the conclusions presented in this report would not be significantly affected or altered if the lower figures turn out to be accurate.

reports and interviews reveal that the majority of refugees have been subjected to grave human rights abuses and suggest that most refugees have become casualties of a conflict in which they never actively took part.⁶ As one Iraqi refugee in Damascus put it:

"Most of those people who fled are the weak ones, who did not do anything and who do not belong to militias. If you carry arms you can defend yourself. Without arms, you get either killed or you try to get away. That's why it is of course the innocent ones who suffer most."⁷

A survey carried out by the UNHCR among Iraqi refugees in Syria shows that every single person interviewed reported to have experienced at least one traumatic event prior to their departure from Iraq. Around 80 % percent of the interviewees were affected by air bombardments, shelling or rocket attacks. More than 70 % were eye witnesses to a car bombing and shooting, and know someone who has been killed. Almost 70 % said they were subjected to interrogation or harassment by militias or other groups, including receiving death threats. 16 % endured torture, in most cases perpetrated by militias.⁸ According to other surveys carried out by Amnesty International, most interviewed Iraqis felt they had been left with no choice but to leave the country.⁹ According to Ashraf al-Khalidi and Victor Tanner, the use of violence today follows a quite simple logic:

"In essence, people flee to areas where they feel safer. Sunnis go to Sunni areas. Shi'a go to Shi'a areas. Kurds – and some Arabs – go to the Northern provinces and Christians go to parts of Ninewah province. And most of those who can leave the country do so. The result: the radical groups hold sway over 'cleansed' territories, and have steadily increased their power. Patterns of displacement vary. The more mixed a city is the more sectarian violence there is likely to be."¹⁰

The vast majority of refugees are originally residents of Baghdad,¹¹ one of the epicentres of carnage for a long period of time. Maps displaying the changing sectarian composition of Baghdad's neighbourhoods demonstrate the demise of patterns of co-existence and mixing formerly characteristic of the city.¹² Between 2006 and 2007, urban areas with a mixed sectarian character have receded significantly and are now restricted to a narrow island in the centre, while the rest of the city has become clearly divided into Shiite and Sunni areas (albeit to a lesser extent for the latter, as today's Baghdad has become a Shiite-dominated city).¹³ The division roughly corresponds to the two banks of the Tigris River, with Sunnis in the West and Shiites in the East,

⁶ Amnesty International, *Iraq - Millions in Flight: The Iraqi Refugee Crisis*, September 2007, <http://www.amnesty.org/en/library/info/MDE14/041/2007>; Human Rights Watch, *Rot Here or Die There: Bleak Choices for Iraqi Refugees in Lebanon*, December 2007, <http://www.hrw.org/reports/2007/lebanon1207/>; Special Issue of Forced Migration Review, *Iraq's Displacement Crisis: The Search for Solutions*, 2007, www.fmreview.org/FMRpdfs/Iraq/full.pdf; Leenders, "When Do Refugees Bring Trouble?"

⁷ Communication with an Iraqi refugee from Baghdad, October 2007.

⁸ UNHCR, *Trauma Survey in Syria*, 22/01/2008, <http://www.unhcr.org/news/NEWS/4795e6222.html>.

⁹ Amnesty International, *Iraq - Millions in Flight*.

¹⁰ Ashraf al-Khalidi and Victor Tanner, "Iraq Bleeds: The Remorseless Rise of Violence and Displacement", *Forced Migration Review Special Issue*, p. 8.

¹¹ Around 80%, as indicated by UNHCR registrations of refugees. See Michel Gabaudan, summary report from the conference *Iraq's Displacement Crisis and the International Response*, Center for American Progress and Heinrich Böll Foundation North America, p.16, <http://www.boell.org/events/documents/hbf%20CAP%20Iraqi%20Refugee%20Crisis%2006Dec2007.pdf>.

¹² See BBC/International Medical Corps for displacement in and out of Baghdad between early 2006 and May 2007, http://news.bbc.co.uk/2/shared/spl/hi/in_depth/baghdad_navigator/, and for IDP movement out of Baghdad by sect, January 2007, www.imcworldwide.org/files/993_file_Iraqis_on_the_move.pdf.

¹³ Guido Steinberg, „Trägt die neue Strategie im Irak? Anhaltender politischer Stillstand gefährdet die Erfolge bei der Aufstandsbekämpfung“, *SWP-Aktuell* 9, January 2008, http://www.swp-berlin.org/en/common/get_document.php?asset_id=4671; Nir Rosen "The Myth of the Surge", *Rolling Stone*, 06/03/2008, http://www.rollingstone.com/politics/story/18722376/the_myth_of_the_surge.

investing the division with a “geographical” and hence “natural” dimension that seems to bode ill for future attempts at reconciliation.¹⁴

Minorities that did not form militias and thus had no systems of protection to rely upon, such as Christian communities, have largely abandoned the city. When residents of mixed areas of Baghdad did not leave to other countries in the region, they moved to more homogenous provinces within Iraq.¹⁵

The same holds for other parts of the country. Since 2006, ethno-sectarian violence has spread into the mixed Arab-Kurdish-Turkmen areas of the North and North-East of the country. Especially the mixed province of Diyala has made sad headlines for its high concentration of violent attacks.¹⁶ According to Zaid Al-Ali, a comparative survey of data on the provinces of Diyala and Salah ad-Din reveals that IDPs and refugees tend to leave mixed areas such as Diyala in large numbers, while more homogeneous ones such as Salah ad-Din are much less prominent as origins of such movement but tend to take in IDPs displaced from mixed areas.¹⁷

In addition to ethno-confessional cleansing, the general breakdown of public order has given rise to crime and militia rule. Robberies and kidnappings have become daily business. In particular the rise of armed groups with retrograde interpretations of “Islamic” behavioural norms and values has resulted in violence against Iraqis seen in non-compliance, in particular middle-class and secular urban dwellers and women, with the latter already being the victims of specifically gender-oriented violence in the form of rape or kidnapping for ransom.¹⁸ Dina Abou Samra has furthermore pointed out that the significant population displacements caused by military operations are under-reported by the media, mainly because they are generally viewed as a short-term phenomenon, unlike ethno-sectarian cleansing.¹⁹

Apart from violence, dismal living conditions have created further push-factors prompting Iraqis to flee the country. According to UN estimates, in 2007 four million Iraqis, apart from the IDPs, lacked food security. In 2006, one third of the population was believed to live in poverty.²⁰ Electricity is still in short supply (during 2006 and 2007, electricity in Baghdad was only available between 4 and 8 hours per day on average), only a third of the Iraqi population has access to clean drinking water, and sewage systems collapsed. Nearly five million Iraqi children were found to be under-nourished in 2007.²¹ Unemployment rates ranged between 25% and 40% throughout 2006 and 2007.²² Wide-

¹⁴ The Sunni quarter of Adhamiyya, stuck on the “wrong” side of the divide, has become notorious for the “protective wall” erected around it by the occupation authorities. See Pepe Escobar, “We build walls, not nations”, *Asia Times*, 23/04/2007, http://www.atimes.com/atimes/Middle_East/ID24Ak01.html; Ghaith Abdul-Ahad, “Baghdad: City of Walls,” *Guardian Films/ITV News*, 17/03/2008, <http://www.guardian.co.uk/world/video/2008/mar/17/baghdad.city.of.walls>.

¹⁵ Zaid Al-Ali, *The Case for a US Withdrawal*, presentation at Carnegie Middle East Centre, 18/01/2008, <http://www.carnegie-mec.org/>.

¹⁶ Steinberg, „Trägt die neue Strategie im Irak?“

¹⁷ Al-Ali, *ibid.*

¹⁸ Already in 2003, Human Rights Watch raised an early alarm on the issue. See: *Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad*, HRW, Vol. 15/7, July 2003. See also Nadje Al-Ali, *Contextualizing the Plight of Iraqi Women*, ISIM Review 20, autumn 2007, http://www.isim.nl/files/Review_20/Review_20-28.pdf. An article dating to June 2007 refers to estimates that 3,500 Iraqi women have gone missing since 2003 with a high chance that many have been sold as sex workers abroad, mainly to the illicit markets of Yemen, Syria, Jordan and the Gulf States. See Henia Dakkak, “Tackling sexual violence, abuse and exploitation”, *Forced Migration Review Special Issue*. Reports from Basra indicate that dozens of women have been killed and their bodies dumped in the streets with notes denouncing “unislamic” conduct. See Alaa Shahine, “Basra women fear militants behind wave of killings”, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/THOU-79L2J8?OpenDocument>.

¹⁹ Dina Abou Samra, “Military-induced displacement”, *Forced Migration Review Special Issue*.

²⁰ Cited in Walter Kälin, “A tragedy of increasing proportions: internal displacement in Iraq”, *Forced Migration Review Special Issue*.

²¹ “Delivering is never remote: NGO’s vital role”, *Forced Migration Review Special Issue*.

spread deprivation has been furthermore amplified by a vacuum of humanitarian assistance since most international agencies moved out their staff after the 2003 bombing of the UN headquarters in Baghdad. The assertion that Iraq turned out to be the worst place in global comparison for international humanitarian agencies to operate²³ implies an idea of the grim life circumstances Iraqis were left to struggle with on a daily basis. Since large numbers of professionals and the educated middle class have been driven out, their exodus now creates an additional push factor by itself, as what is left of government services struggles with a severe lack of qualified personnel. Especially the health services have been hit hard by displacement and/or assassinations.²⁴

What pushes Iraqi refugees to go back to Iraq?

(1) Legal Limbo

With regard to admission and integration policies, Patricia Weiss Fagen shows that Iraqi refugees in the region are caught between two conflicting policy orientations:

“On the one hand, the tradition of ‘Arab brotherhood’ provides a political and moral imperative to accept Iraqis in need of refuge; on the other, there is a strong determination not to establish arrangements that might lead to permanence that deters the host countries from offering a more secure refuge.”²⁵

The tradition of opening its doors for Arab citizens, of allowing them to acquire property and invest in businesses and granting them access to public services and education, is especially pronounced in Syria, whose positive role in the Iraqi refugee crisis should be highlighted. The fact that both Syria and to a greater extent Jordan are also hosting large numbers of Palestinian refugees, and that Syria opened its door to a sudden influx of Lebanese refugees during the 2006 Israeli war on Lebanon, illustrates the enormous accomplishment of both countries in absorbing the casualties of continuous conflicts in the Middle East. However, neither Syria nor Jordan anticipate a long-term Iraqi presence, and since they have not put their signature under the UNHCR Refugee Convention, Iraqis have been accommodated rather as “guests” than as “refugees.” Apart from international negligence for UN appeals to significantly upgrade assistance to the Iraqi refugees, the UNHCR’s ability to offer protection is limited because of the invalidity of its conventions in the host countries and hence the lack of an official refugee status. Difference in practice, such as that Syria has accepted the UNHCR designation of Iraqis as *prima facie* refugees (persons fleeing generalised violence and persecution) while Jordan has not, are insignificant as both are acting on the same principle: offering “a temporary safe haven pending return.”²⁶

²² *Iraq Index, Tracking Variables of Reconstruction & Security in Post-Saddam Iraq*, Brookings Institution, <http://www.brookings.edu/saban/~media/Files/Centers/Saban/Iraq%20Index/index20080131.pdf>.

²³ Kälin, “A tragedy of increasing proportions: internal displacement in Iraq”.

²⁴ Aaron Glantz with Salam Talib, *Iraq Violence Leading to Academic Brain Drain*, 05/10/2006, <http://www.antiwar.com/glantz/?articleid=9791>

²⁵ Patricia Weiss Fagen, *Iraqi Refugees: Seeking Stability in Syria and Jordan*, Institute for the Study of International Migration at Georgetown University and Center for International and Regional Studies at Georgetown University School of Foreign Service in Qatar, 2007, p.5, <http://isim.georgetown.edu/Publications/PatPubs/Iraqi%20Refugees.pdf>.

²⁶ Present legislation in the main host countries makes it difficult to obtain nationality or permanent status. Weiss Fagen, *ibid*. So far, UNHCR has registered about 210,000 Iraqi refugees in Syria, Jordan, Lebanon, which is certainly only a small portion of the overall refugee population in these countries. See Michel Gabaudan, *Iraq’s Displacement Crisis and the International Response*. The reasons for these low figures vary and may be composed of a mixture of lack of information, lack of personnel, and fear of official

The classification of Iraqis as “guests” or “tourists” implies legal restrictions on labour. Both in Syria and Jordan, Iraqis are banned from working. Persons whose expertise is considered beneficial however are exempted from this rule. In Syria, professionals such as doctors or engineers are allowed to work. In Jordan, Iraqis with the necessary financial and professional capital to invest in Jordanian businesses and/or achieve employment in sectors deemed to be of national interest are not only able to sustain themselves for longer periods of time, but are also entitled to yearly and renewable residence permits, to send their children to school and to access public services.²⁷ In practice however, many do work illegally and have become to constitute a cheap workforce. While Syrian authorities more or less turn a blind eye on illegal work, in Jordan the same is more strictly met with arrest or deportation.²⁸

In this context, it should be stressed and reiterated that, current pressures notwithstanding, both Jordan and Syria – states and citizens alike - have responded with impressive generosity to an influx of refugees that, if measured against their own population numbers and scarce resources, goes far beyond anything Western countries had to contend with since the massive population movements in the aftermath of World War II (to reach a similar dimension, a country like Germany would have to accept between 5 to 7 million refugees). If this generosity is wearing thin by now, one significant reason should also be seen in the occupying countries’ and the international community’s failure to acknowledge and shoulder a reasonable share of the responsibility.

“The increased restrictions on Iraqi refugees are at least partially a response to the lack of support received from the United States and other donor governments, as well as the government of Iraq itself, to lessen the tremendous burden that the host countries are assuming.”²⁹

(2) Economic and Social Hardship

Due to the lack of, albeit informal, work opportunities, in addition to the above mentioned restrictions, the financial situation of many refugees has become increasingly desperate. Especially for those who already in Iraq belonged to the poorer strata of society (nearly half of the refugee population in the region),³⁰ the situation in exile has become critical. Most have to live out of their savings and/or salaries from Iraq, or to rely on the assistance by relatives and friends.³¹ Inflation and rising prices, especially of rents and basic food items and the depletion of savings have propelled many refugees into destitute living conditions.

Reinoud Leenders who recently conducted extensive interviews among Iraqi refugee communities in the region reports that correlating with an increase in economic hardship the social conditions of

identification and /or deportation amongst those whose legal status has expired. Many Iraqis also try to avoid the label “refugee” because of social stigma attached to it. As Jordan does not accept the *prima facie* designation, Iraqi refugees there can only seek designation as asylum seekers with the UNHCR. Probably because such a registration does not improve their legal status or the services offered to them while the number of asylum seekers admitted to third countries remains minimal, only 45,000 refugees have done so that far. See Weiss Fagen, *Iraqi Refugees: Seeking Stability in Syria and Jordan*.

²⁷ The majority of Iraqi refugees without funds to invest must prove that they are able to support themselves in order to obtain residency by depositing about US\$ 150,000 in a Jordanian bank. Many of those rather wealthy families who were unable to invest or to obtain professional jobs have exhausted their savings and grown poor. See Weiss Fagen, *ibid*.

²⁸ Amnesty International, *Iraq - Millions in Flight*.

²⁹ Refugees International as quoted by *The Daily Star*, 15/11/2007.

³⁰ Reinoud Leenders, “When Do Refugees Bring Trouble?”

³¹ Amnesty International, *ibid*.

the refugees have been plummeting. Iraqis who have been renting apartments in urban areas in Amman, Damascus and southern Beirut are being pushed into outskirts or beyond where rents are lower, significant numbers also resorting to Palestinian refugee camps or slums.³² Accordingly, the health situation of refugees has severely worsened. Chronic medical conditions, affecting more than half of the refugees in Syria and 10% of those staying in Jordan, often remain without treatment. Inadequate water supplies in poor areas of Jordan contribute to deteriorating health conditions, and consequences of malnutrition have become apparent among the growing strata of poor refugees in Syria.³³ The situation of Iraqi children and youngsters also suffers from the depletion of resources. Although Syrian authorities have not imposed any legal restrictions on school attendance (Jordan has lifted such a restriction on the children of unregistered residents only in August 2007), only 10 % of Iraqi children in Syria attend school. In many cases, apart from necessary documents the financial means for learning materials are lacking or families depend on their children to contribute to the income of the household.

Most alarming in this context is rise of trafficking in Iraqi women and children³⁴ and large-scale prostitution. Aid workers have noted that with increasing violence in Iraq, the refugee population has come to include more female-headed households.³⁵ The resurgence of practices such as temporary marriages, whereby young women are married for a few days to men who are prepared to pay and hereafter divorced in traditional practice,³⁶ indicates that families and in particular single women have often no other choice if they want to feed themselves and their dependants: "So it's not," affirms UNHCR Assistant High Commissioner for Protection Erika Feller, "formally speaking, labelled as prostitution, but it is basically survival sex."³⁷

The UNHCR is present in the main host countries, managing humanitarian efforts for Iraqi refugees. In general however, the assistance provided by UN agencies and a few NGOs reaches only small numbers of refugees. Leenders therefore warns that "without measures to allow and facilitate alternative income generation and/or effective humanitarian assistance, the status quo involving Iraqi refugees is, in financial terms, unsustainable."³⁸

³² Leenders, "When Do Refugees Bring Trouble?"

³³ Ibid.

³⁴ Human Rights Watch, *Climate of Fear*.

³⁵ Katherine Zoepf, "The Reach of War. Iraqi Refugees, in Desperation, Turn to the Sex Trade in Syria", *The New York Times*, 29/05/2007. Men are believed to constitute around 90% of all fatalities, leaving behind huge numbers of widows and orphans without support. See "Delivering is never remote: NGO's vital role", *Forced Migration Review Special Issue*. According to the Iraqi Red Crescent, 70% of refugees are either women or children under the age of 12. See Gabaudan, *Iraq's Displacement Crisis*.

³⁶ Al-Hayat, 02/01/2008, http://www.daralhayat.com/arab_news/levant_news/01-2008/Item-20080101-36bb6ac4-c0a8-10ed-0025-b6bfb70a12a9/story.html (Arabic).

³⁷ "UNHCR sounds alarm on Iraqi refugee women forced into 'survival sex'. Private Group urges America to bear more of humanitarian burden", *The Daily Star*, 15/11/2007, p. 7. Despite the heavy stigma associated with prostitution, even the Iraqi TV channel *Ash-Sharqiya* has addressed the problem, featuring secretly shot images of young women and even girls working in Damascene nightclubs, clearly stressing it as an issue of survival. See also Lina Sinjab, "Prostitution ordeal of Iraqi girls", *BBC news*, 03/12/07, http://news.bbc.co.uk/2/hi/middle_east/7119473.stm; Al-Hayat, ibid.

³⁸ Leenders, "When Do Refugees Bring Trouble?"

Time to go home?

Starting as of October 2007, news items covering the return of “sizable” numbers of Iraqi refugees have started to appear in various media outlets.³⁹ The Iraqi government, in an apparent attempt to shore up its own image towards the international and in particular American public opinion wary of the slow pace of the political process, has touted these returns as a first sign of a significant improvement of the situation in the country and has initiated highly publicised bus lifts for returnees from Damascus and a one-off financial aid of one million Dinar (approx \$ 850).⁴⁰ In contrast, international organisations such as UNCHR have responded to such media reports with official statements discouraging return in the current situation.⁴¹ Organisations with access to the refugee community as well as numerous press reports point out that many of those who are returning are doing so because they are running out of other options, as described above.⁴² Still, by the end of January 2008 the number of returnees from Syria had not surpassed three percent of the overall number of refugees there.⁴³ Likewise, return of around 2.4 million internally displaced people (IDPs) appears to be happening at a slow pace at best.⁴⁴

As part 1 of this report has illustrated, there is an almost overwhelming array of powerful *push factors* that would prompt refugees to return to Iraq once such return appears feasible and sustainable. The same holds true for IDPs: while the lucky few who can rely on friends and family for provisions and shelter will likely want to relieve their hosts of this burden, IDPs who have no support of this sort are often faced with utter destitution.⁴⁵ Yet, refugees and IDPs need to weigh their options carefully. Return, as well as flight, is a strenuous procedure on nearly all accounts, and in particular on what remains of their savings. Tightened controls over refugee and IDP movement – such as the closure of many Iraqi governorates for new IDPs and restrictions on the

³⁹ The Iraqi Red Crescent reported around 50,000 returnees from Syria between September 2007 and January 2008. See http://www.iraqredcrescent.org/Returnees_update_3_EN.pdf.

⁴⁰ Ibid. According to the IRC, these grants are not yet given to the beneficiaries, making the credibility of more far-reaching promises (such as compensation for those who lost their homes) appear dubious.

⁴¹ “Iraq: UNHCR cautious about returns”, <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=4746da102>. High-ranking American officials in Iraq have also gone on the record stating that the Iraqi government has “not developed any plans to absorb substantial numbers of refugees.” Colonel William Raab (senior aide to General Petraeus) as quoted by *Az-Zaman*, 17/12/07, <http://www.azzaman.com/index.asp?fname=2007\12\12-02\817.htm> (Arabic).

⁴² According to a poll conducted by UNHCR in Damascus, 46 % of the refugees returned because their financial means were running out, 25 % because their visas had expired, and only 14 % because they had heard about the improved security situation. Figures relayed by Bill Frelick of Human Rights Watch at the CAP/hbf conference *Iraq’s Displacement Crisis and the international response*.

⁴³ Recent reports seem to indicate the number of refugees may actually be *increasing*: according to information obtained by the International Organization for Migration (IOM) from the Syrian border authorities there has been a net *inflow* of Iraqis into Syria at the order of around 500 a day in December and January. See <http://www.middle-east-online.com/english/iraq/?id=24199>. During encounters in February, residents of quarters of Damascus with high concentrations of Iraqis such as Jaramanah confirmed that many refugees who went to Iraq to explore the situation return disillusioned.

⁴⁴ According to IOM, some 3 % of IDPs from Baghdad have registered as returnee IDPs with the Ministry of Displacement and Refugees while another 6 % are “awaiting” registration (registration is mandatory in order to receive the promised government aid for returnees). IOM, *Iraq Displacement, 2007 Year in Review*, http://www.iom.int/jahia/webdav/shared/shared/mainsite/media/docs/reports/2007_year_in_review.pdf.

⁴⁵ In particular, IDPs mostly have no access to subsidised food rations and the educational system. See “Falling Short - The Unmet Needs of Iraq’s Internally Displaced”, *Mercycorps Policy Brief* # 3, October 2007, <http://www.mercycorps.org/files/file1196719754.pdf>. Eleven of the 18 Iraqi governorates have closed their administrative borders to new IDPs or require proof of sponsorship by residents in that particular governorate, citing insufficient resources to accommodate more IDPs.

entry of Iraqis into neighbouring states⁴⁶ – imply that *renewed* flight would be even more complicated and costly. For many, this means that the decision to leave their precarious but comparatively safe existence in exile to return to Iraq will be non-reversible – even if they end up in a disastrous and unsustainable situation there.

Refugees and IDPs thus have to weigh between the powerful push factors that prompt them go back to Iraq and their regions of origin, and such factors that make a return appear dangerous or at least ill-advised and non-viable for the time being. Many of these deterrents to return (in keeping with the terminology of “push” and “pull” factors used in migration studies they may be called “put factors” as they motivate refugees to stay put) will tend to be similar or identical to factors that still prompt people to flee, others – such as the inability to reclaim property or shelters – are unique to refugees and IDPs.

(1) Stability Concerns

The first and most urgent deterrent or “put factor” is obviously uncertainty to what extent the improvements in the security situation will prove sustainable in the long run and whether areas that became relatively safe during the last quarter of 2007 will continue to be so. A string of new devastating attacks between January and March served as a reminder that the potential for serious setbacks is still high. Fatigue at the high cost and death toll of Iraq has been more than apparent in the American public, making a substantial drawdown of troop deployments appear likely in the near future, in particular as presidential elections approach. Even more substantially, much of the current improvement in security has been achieved by co-opting Sunnis priorly sympathetic to the insurgency into the American-sponsored Sunni proto-militias (“Awakening Councils”) and the “freeze” of militia activity announced by the leader of the Shiite Mehdi Army Muqtada Sadr in August 2007, which was renewed in February. The viability of this balance appears less than certain and subject to a complex array of local and regional calculations that are difficult to ascertain even for expert analysts, leave alone refugees and IDPs with limited access to information. Recent reports suggest discontent within the rank and file of the Mehdi army and a strong pressure to resume militia activity.⁴⁷ On the Sunni side, it remains doubtful whether the “Awakening Councils”, which were instrumental to roll back Al-Qaeda in Anbar, Diyala and Baghdad will observe loyalty to the Iraqi state and a government they perceive as unfriendly.⁴⁸ Government-controlled security forces are split along sectarian lines, with the Ministry of the Interior dominated by Shiites and the Ministry of Defense by Sunnis. In Basra and much of the South, rivalries between various local Shiite militias and increasingly units of the Mehdi Army redeployed from Baghdad after the cease fire are literally fuelled by the power to embezzle and sell off significant amounts of crude oil, with Coalition control virtually non-existent after the withdrawal

⁴⁶ Jordan has virtually closed its borders for Iraqis since January 2007, while Syria introduced restrictions for the first time in October 2007. The rules there have been changed several times since that date and Iraqis continue to enter Syria, but the threat of a serious clampdown looms large.

⁴⁷ See International Crisis Group (ICG), “Iraq’s Civil War, the Sadrist and the Surge”, *Middle East Report* 72, 07/02/2008, <http://www.crisisgroup.org/home/index.cfm?id=5286&l=1>.

⁴⁸ For insightful portraits of these new allies of the coalition forces, see Ghaith Abdul-Ahad, “Meet Abu Abed: the US’s new ally against al-Qaida”, *The Guardian*, 10/11/2007, <http://www.guardian.co.uk/print/0,,331225411-110878,00.html>, and Nir Rosen, “The Myth of the Surge”.

of the British contingent there, and probably even before.⁴⁹ Charles Tripp, one of the most eminent specialists on the modern history of Iraq arrives at a chilling conclusion:

“Given the passions, the interests at stake and the vulnerability of Iraqi politics to regional influence and intervention, there is fragility. It comes from the realisation that all parties have no intention of renouncing violence as a means of realizing their aims. And the local leaderships may not have as strong a hold over their constituencies as they would want others to believe. A second phase of the civil war is easily imaginable therefore, especially if critical regional events, such as a US-Iran confrontation, are replicated through clients and protégés in Iraq.”⁵⁰

At the same time, attempts to urge the political process forward and stabilise the enfeebled Maliki government have been inconclusive, leaving the door open for renewed conflict over shares of government power and resources within the new balance of power. Renewed attacks, in particular at high-profile targets, may trigger a new chain reaction of retaliation spawning a new wave of violence. Accordingly, the most recent report compiled by the International Crisis Group describes the situation as “highly fragile” and the security gains as “potentially reversible.”⁵¹ If this is the assessment of the experts, it seems hardly surprising that refugees and IDPs – who can compensate for the lack of such expertise through direct contacts to relatives and friends on the ground – hesitate to expose themselves and their families to such risks. The few journalists still working on the ground warn of spreading a sense of security among refugees while the reality on the ground might still look otherwise, and contend that if even many Iraqis have slid into accepting the recent “euphoria of good news” it is mainly because of their deep-felt fatigue with death and human tragedy.⁵²

(2) No Substantial Improvement of Living Conditions

Probably due to the continued political crisis, the improvement in the security situation has so far not resulted in a substantial improvement of living conditions or crucial services.⁵³ Recent reports speak about a rising Cholera epidemic due to contaminated water.⁵⁴ Electricity supply remains erratic, crippling all kinds of potentially gainful activity.⁵⁵ Due to institutional weaknesses, red tape, staff shortages and lack of security, by the end of September the Iraqi government had spent only USD 2.5 billion on capital investments; less than 25 percent of the funds allocated in the USD 41 billion national budget for the period January – December 2007.⁵⁶ The failure to initiate reconstruction in parallel to the security improvements is especially crucial since a sustained momentum in reconstruction and investment would create an instant and strong pull factor to attract the refugee community with its high percentage of middle class professionals (doctors,

⁴⁹ See in particular ICG, “Where Is Iraq Heading? Lessons from Basra”, *Middle East Report* 67, 25/06/2007, <http://www.crisisgroup.org/home/index.cfm?id=4914&l=1>.

⁵⁰ Charles Tripp, “Local Power in Iraq”, *Le Monde Diplomatique*, January 2008, <http://mondediplo.com/2008/01/02iraq>.

⁵¹ ICG, “Iraq’s Civil War, the Sadrists and the Surge.”

⁵² Communications with Ghaith Abdul-Ahad and Nir Rosen in 2007 and 2008, see also audio-interview with Abdul-Ahad, 29/11/2007, <http://www.guardian.co.uk/news/audio/2007/nov/29/guardian.weekly.extra>.

⁵³ For an overview and indicators related to cost of living, health provision, basic services etc. see BBC, *Life in Iraq*, http://news.bbc.co.uk/2/shared/spl/hi/in_depth/post_saddam_iraq/html/1.stm.

⁵⁴ “Emergency Relief for Iraq’s Cholera Outbreak”, *Reuters*; <http://www.alertnet.org/thenews/fromthefield/219563/119462664293.htm>.

⁵⁵ Hugh Sykes, “Fuelling Baghdad’s energy crisis”, BBC news 08/03/2008, http://news.bbc.co.uk/2/hi/programmes/from_our_own_correspondent/7283534.stm.

⁵⁶ Special Inspector General for Iraq Reconstruction, *Quarterly Report to the United States Congress*, Washington DC, 30/10/2007.

engineers etc.).⁵⁷ Instead, the refugee crisis itself (through the absence of these professionals that cripples attempts to restore services to a minimum of functionality) now constitutes a powerful push factor to leave Iraq (and hence also a put-factor deterring return) by itself, as noted above.⁵⁸

Finally, the reliance on traditional and local (mostly tribal) leadership – in Anbar and Diyala and increasingly also in the South – that has emerged as the centrepiece of the American counter-insurgency strategy has brought large swathes of Iraq back to more or less arbitrary forms of rule predating the emergence of the modern state, a prospect that is not likely to invite return.

“As an Iraqi put it, ‘The United States got rid of one Saddam only to replace him with 50.’ For many people, negotiating their way around and through the little Saddams with their militias, detention centres, local courts and taxes has become a fact of life. Some accept this as the price of increased security for their community, neighbourhood or even street. Others who refused to conform, but knew the price in blood for dissent, have fled - abroad if they could or to a part of Iraq where they may be less visible.”⁵⁹

(3) Broken Homes

As noted above, a significant part of the most recent wave of refugees and IDPs left their homes fleeing ethnic cleansing. As a consequence of the increased role of local powers described in the previous section, return to formerly mixed provinces such as Diyala would mean that the refugees have to put themselves at the mercy of powers who very likely colluded with their victimisers and in many cases still remain sympathetic to them – at least, there is no sure way of knowing – without much hope that the state will be able or willing to offer protection or guarantee their security. The situation appears to be slightly better in Baghdad due to stronger presence of government and Coalition security forces. Due to the “freeze” on the activities of the Mehdi Army the systematic takeover of mixed quarters has come to a hold or was even reversed in some cases. Anecdotal evidence seems to suggest that the apparent consolidation of the sectarian divide of the city (see map) may encourage residents to return to formerly mixed quarters that are now more or less exclusively controlled by their own sect. However, as of yet there are no signs that IDPs and refugees are returning to quarters where they will be part of the minority. While many returnees find their houses looted and destroyed, incurring cost that go far beyond the returnee aid promised (but not yet delivered) by the government, others are unable to even set foot in homes that are occupied by others, often IDPs themselves who are unable to return to their own places of origin. In particular in situations where those new occupants are part of the new majority of this quarter and the original owners part of the minority, chances to reclaim such shelters are practically nil.⁶⁰

⁵⁷ Leenders, “When do refugees bring trouble?”

⁵⁸ Leenders, *ibid.*

⁵⁹ Tripp, “Local Power in Iraq.” It does not help that controversial figures such as Bayan Jabr, who has been accused of abetting the formation of death squads and the establishment of secrete prisons during his tenure as Minister of the Interior, continues to serve as Minister of Finance in the current government. See “Iraq official defends ‘torture’ facility”, CNN 18/11/2005, <http://edition.cnn.com/2005/WORLD/meast/11/17/iraq.detainees/index.html>; “The minister of civil war”, *Harper’s*, August 2006, <http://www.harpers.org/archive/2006/08/0081159>.

⁶⁰ Cara Buckley, “Refugees Risk Coming Home to an Unready Iraq”, *The New York Times*, 27/12/2007, <http://www.nytimes.com/2007/12/20/world/middleeast/20refugees.html?pagewanted=print>; BBC News, “Iraqi refugees: ‘We can’t return’”, 18/01/2008, http://newsvote.bbc.co.uk/mpapps/pagetools/email/news.bbc.co.uk/2/hi/talking_point/7187258.stm; IRIN Humanitarian News and Analysis, “IRAQ: Returning to destroyed, looted or occupied homes”, 09/12/2007, <http://www.irinnews.org/PrintReport.aspx?ReportId=75770#>; Haider Salahuddin, “Iraqi refugees return to face uncertainty at home”, Reuters, 01/12/2007, <http://www.alertnet.org/thenews/newsdesk/L30246588.htm>.

So far no mechanism or plan exists how to solve such situations through state institutions.⁶¹ Press reports also indicate that some refugees sold their property under duress, either to raise the money necessary to flee the country or under direct threat by militias,⁶² meaning that there may be a substantial number of cases where the new occupants can claim lawful ownership and a torturous process of contesting and vetting exchanges of property will be required. Thus, a significant portion of returnees from outside Iraq may simply swell the ranks of the IDPs due to their inability to return to their homes through one or a combination of the situations mentioned above.⁶³

“There is a very real danger that the returning refugees will join the ranks of the internally displaced. Reports are fragmentary and anecdotal, but seem to suggest that a number of those returning are not going back to their homes and communities, but rather are living in areas where they feel safe, and particularly where they are not a sectarian minority. There is a danger that the refugee problem will become an internal displacement problem. And around 20% are returning to find that their homes have been destroyed or are occupied by other families.”⁶⁴

Statements by the American military reflect unease at the possible implications for the security situation and long time stability of such a scenario⁶⁵ – concerns that seem well placed according to experts on post-conflict situations.

“We’ve seen in other research we’ve done the close relationship between IDPs and peace. Half of all peace agreements that are concluded are followed by an outbreak of violence and often, it’s because IDPs aren’t able to resume their lives, aren’t going back to their place of origin, or unable to support themselves in their place of displacement to begin new lives.”⁶⁶

Conclusion

Contrary to the impressions created by some media reports, Iraqis who have fled for safety to neighbouring countries are not returning in large numbers even as there appear to be significant improvements in the overall security situation.⁶⁷ This report has tried to show that the decision to stay put in increasingly less hospitable host countries is not a frivolous one and that there are strong and good reasons preventing these people from forgoing the relative if precarious safety of

⁶¹ The Ministry of Displacement and Migration has set up a special department to process property conflicts resulting from political measures taken by the pre-2003 regime and is supported in this by the IOM. Hence, in theory the institutional competence to manage such processes should be emerging, however it will certainly take a long time and a very different political environment until any comparable structure could become operational for the more recent waves of displacement. Reports whereby the Iraqi government intends to compensate those who lost their properties have until now not materialised into tangible action, and appear of dubious credibility in the light of past performance and current preoccupations of the government itself.

⁶² Megan Greenwell, “Fear Drives Baghdad’s Housing Bust”, *The Washington Post*, 21/09/2007.

⁶³ At the CAP/hbf conference *Iraq’s Displacement Crisis and the international response* on December 6, 2007, the president of the Iraqi Red Crescent Said Hakki estimated that of some 30,000 refugees who had returned from Syria by that date, some 20 percent became IDPs upon arrival.

⁶⁴ Elisabeth Ferris, “The Real Challenge of Internal Displacement in Iraq”, Brookings Institution, 29/01/2008, http://www.brookings.edu/speeches/2007/1206_iraq_ferris.aspx, revised transcript of the presentation at CAP/hbf conference.

⁶⁵ *Az-Zaman*, 17/12/07.

⁶⁶ Elisabeth Ferris, presentation at CAP/hbf conference.

⁶⁷ Statistics indicate that civil victims in Iraq decreased from 100 persons per day in the year 2006 to 25 per day at the end of 2007. The numbers of attacks and human losses at the end of 2007 however approximately correspond to those in the year 2005. One can therefore only refer to the current situation as an improvement if compared to the immense bloodshed that the country plunged into during the year 2006 when ethno-sectarian violence escalated. The data is problematic also insofar as they leave unclear whether victims of ethno-sectarian violence beyond Baghdad and Anbar province and the victims of the confrontations between Shiite factions in the Southern provinces have been counted in entirety, they nevertheless reflect a trend. Steinberg, “Trägt die neue Strategie im Irak?”

their exile – first and foremost the well founded fear of renewed violence and the prospect of utter destitution in what is still a broken country, in particular for those who have no homes to return to and will become IDPs on arrival.

The growing belief that it is safe to return to Iraq creates an additional set of problems. On the one hand, host countries may soon feel mounting pressure from their own populations to “encourage” the departure of refugees even though many of them still have nowhere safe to go.⁶⁸ European countries, on the other hand, may soon begin to take reports of “refugees returning safely to Iraq” at face value and as justifications to reject Iraqi applicants for refugee status, or to revoke the status of successful applicants. Likewise, the already lacklustre disposition to provide assistance for refugees in their current host countries will dissipate even more as the expectation takes hold that sooner or later a sustained flow of return will set in and simply make the crisis go away.

Nothing could be farer from the truth. On the one hand, refugees who realise that their time in Syria or Jordan is up – be it for legal or financial reasons – may opt not to return to Iraq but rather to continue their flight – with Europe as the most likely next destination.⁶⁹ On the other hand, return in large numbers – which appears likely only if host countries begin a policy of strict enforcement of residency requirements and deportations – may jeopardise the fragile stability Iraq is struggling to maintain, generating new surges of refugees.

At best, a slow-paced but sustained trickle of refugees into areas that are both safe and capable to accommodate the returnees may set in if and when the security improvements are consolidated and some progress on the internal political level is achieved. Meanwhile, supporting the far larger part of the refugees who can not return for the time being remains the moral obligation, first and foremost, of the countries who participated in the war and the occupation regime, but also of the larger International Community who failed to step in far too long even as the downturn towards disaster became glaringly obvious. In particular the US and the UK but also European states such as Germany must increase the so far meagre numbers of Iraqi refugees they are prepared to accept.⁷⁰ Financial arrangements to support refugees in the host countries must be set up, regardless of political differences with individual regimes. The current Iraqi regime has to be

⁶⁸ Patrick Cockburn, “Unwanted in Syria, Hundreds of Iraqi Refugees Return Home”, The Independent, 28/11/2007, <http://www.independent.co.uk/news/world/middle-east/unwanted-in-syria-hundreds-of-iraqi-refugees-return-home-760734.html>.

⁶⁹ See BBC, “Iraqi asylum seeker numbers jump”, 18/03/2008, http://news.bbc.co.uk/2/hi/middle_east/7301985.stm. There have been repeated reports about organised networks providing forged documentation and travel arrangements for Iraqi refugees to reach Europe and in particular Sweden, which so far has been exceptionally generous in receiving them. See Az-Zaman, 22/10/2007, <http://www.azzaman.com/index.asp?fname=2007\10\10-22\816.htm> (Arabic).

⁷⁰ See for recommendations to the EU and Germany Muriel Asseburg and Steffen Angenendt, “Die irakische Flüchtlingskrise: Ein regionales Sicherheitsrisiko”, *Internationale Politik*, January 2008, http://www.swp-berlin.org/de/common/get_document.php?asset_id=4634.

In 2005 and 2006, the United States admitted the miniscule numbers of only 200 Iraqis each year. In 2007, efforts were made to lessen bureaucratic hurdles and to increase numbers, and yet only 1,800 Iraqis were admitted. According to Congress Representative Earl Blumenauer it looks unlikely that the target of admitting 12,000 Iraqis in 2008 will be met. Furthermore, out of the \$200 US billion request in war funding for 2008, a mere \$250 million were made for refugee assistance and bilateral aid to host countries, which is less than one-fifth of one percent of the total. See CAP/hbf conference, *Iraq's Displacement Crisis and the International Response*.

pressured into accepting responsibility⁷¹ for its citizens who are in need partly because the Iraqi state has failed them, rather than engineering and exploiting refugee returns as short-term publicity stunts.

Finally, to work towards a sustained and safe return, the long and daunting process of restoring Iraq to a functional state and a credible process of reconciliation must be initiated and sustained. Abandoning the country once a simulacrum of security and state control is established without addressing the serious flaws inherent in the political system installed after the war will not only fail to pave the way for the return of refugees, but most likely prepare for new rounds of violence, displacement and flight. Prior to the war, John Fawcett and Victor Tanner drew attention to the fact that while repression based on ethnic and religious grounds has been a feature of Iraqi politics, it was not so much hatred of 'the other' that has driven the brutal repression as much as political and economic calculations and resulting struggles for power, and that in this sense the Iraqi displaced people represented the political fault lines of the country. What they said about the "old" Iraqi displacement problem might hold true for the "new" one as well:

"The manner in which any future Iraqi authorities deal with these fault lines, either with continued repression and expulsions or with justice, restitution or compensation, will give a clear indication of the political direction of the state, towards pluralism and democracy or continuing the pattern of autocratic rule."⁷²

⁷¹ The Iraqi government sent only a rather low-level delegation to the UNHCR donor conference in 2007 and pledged a mere US\$ 25 million. See Weiss Fagen, *Iraqi Refugees: Seeking Stability in Syria and Jordan*.

⁷² J. Fawcett, V. Tanner, *The Internally Displaced People of Iraq*, Oct. 2002, The Brookings Institution, SAIS Project on Internal Displacement, p.2, <http://www.brookings.edu/fp/projects/IDP/articles/iraqreport.pdf>.