CHOOSING TO RETURN?

Prospects for durable solutions in Iraq

In the aftermath of the rapid advance of Daesh through central parts of Iraq, a humanitarian crisis of significant proportion remains. Since March 2015, over 458,000 people have returned to their places of origin. Many have been driven by government guarantees of improved security coupled with a lack of access to land, food and income generating activities in displacement sites. They have returned under precarious conditions, without the support required to ensure progress towards durable solutions, and they rely on assistance to recover and rebuild. Efforts must be made to ensure that returns are safe, dignified and sustainable.
SUMMARY

As of December 2015, over 8.2 million people in Iraq require immediate humanitarian support as a direct consequence of the violence and conflict across central parts of the country. Nearly eight months since the earliest reports of returnees, a humanitarian crisis of significant proportions remains. Whilst more than 458,000 people have returned to their place of origin\(^1\) in the wake of Daesh control, approximately 3.2 million Iraqis remain displaced inside Iraq, with more expected in 2016.\(^2\) Both groups remain in need of enhanced humanitarian assistance and protection. Recognizing the need to listen to and understand the concerns of those affected by the crisis, Oxfam conducted an intention study\(^3\) to better shape the humanitarian response of various actors.

Between August and November 2015, more than 55 interviews and 25 focus group discussions (FGDs) were carried out with returnees and internally displaced persons (IDPs) in 15 communities in the Diyala governorate of Iraq. Oxfam gathered information on immediate humanitarian needs, perceptions of security and prospects for the future. These were supplemented by secondary research and interviews with humanitarian actors. Both women and men were interviewed, as well as security forces and government authorities.

The results present a picture of a country still struggling to manage a humanitarian response to ongoing displacement and overcome the effects of the conflict, and one which will require sustained support to achieve durable solutions.\(^4\) This report highlights that:

- An individual’s perception of security is the primary factor influencing their intention to return, yet government pressure has motivated displaced Iraqis to return irrespective of this.

- Heightened intercommunity tensions, activities of armed groups and fear of reprisal are not conducive to ensuring returns are sustainable. Social tensions are also contributing to further displacement, with women in particular expressing concerns about community tensions.

- Beyond security, the second factor influencing people’s willingness to return is accurate information on the conditions of security. This is followed by restoration of basic services and support for reconstruction. The return of civil authorities, availability of humanitarian assistance and reinforcement of security patrols were also mentioned.

- A small percentage of displaced persons expressed their intention not to return to their place of origin because of the destruction of their home, insecurity, trauma they endured or land disputes. They had little or no idea of alternatives available to them.

- Significant humanitarian needs remain in both areas where people are returning and areas holding those displaced. Livelihoods remain severely disrupted with seven out of ten returnees and a majority of IDPs having entirely lost their source of revenue, facing many challenges to recovery.

‘The only thing that we want is safety. Our ancestors lived on bread and dates, we can live so if we live in safety’

Shelter is also a great need. An estimated 60 percent of both public structures and private properties have been destroyed and others are at risk of collapse in some areas. Serious gaps in provision of education, healthcare and water were all also highlighted in both displacement and return areas.

Deciding whether to return is not entirely a free choice, nor is it adequately informed. The absence of choice compels families to follow directives from local authorities despite the lack of assurance of their safety or information about their entitlements and rights.

Displaced people and returnees continue to face significant protection threats due to ongoing social tensions, racketeering at checkpoints, restricted access to basic services and continued acts of violence, harassment and intimidation by armed groups.

There is no government action with regard to compensation and restitution of property, guarantees of land tenure rights or knowledge of security screening procedures or timelines. People seeking redress lack options as access to justice remains a major challenge.

Women noted that it was the men of the household who overwhelmingly maintained decision making power on whether to return and were the first to be granted access to places of origin. Clear gender roles also reinforced, with men being the ones to seek information from security forces and village mukhtars to communicate with their families.

While this study cannot provide a comprehensive picture of all needs in central Iraq, nor represent all views from diverse communities, it is clear that despite improvements in security, the situation in Diyala is still highly precarious and unstable.

Consultations with displaced persons and returnees between August and November 2015 reveal that conditions for durable returns are not met. The ultimate responsibility for the protection of displaced people and the promotion of durable solutions rests with the Government of Iraq, although there are vital roles for United Nations (UN) agencies, donors and non-government organization (NGOs) to play in supporting these efforts. Detailed recommendations to these actors are outlined later in this report, but include:

1. **The government, with support from the UN, should develop a responsible, sustainable returns policy for displaced Iraqis.**

A national legal framework for durable solutions should be developed, which draws on the Government of Iraq’s 2012 Comprehensive Plan to End Displacement. It should promote and protect the rights of displaced persons and ensure that all solutions are voluntary, safe, dignified and sustainable. Better profiling of population flows, as well as the provision of more information to displaced persons, will be needed in support of this. This framework must be led by the Government of Iraq and consult all relevant stakeholders. The voices and needs of displaced persons must directly inform this process. Hence, any strategy will need to acknowledge and not exacerbate root causes of conflict, including weak governance, economic inequality and ongoing security concerns. In
particular, the government must ensure that land issues are addressed and a comprehensive system of restitution and compensation established across all governorates.

2. **The international community should promote social cohesion, restore good governance and prevent further conflict.**

Sustainable returns require a reduction in social tensions, security reform and effective systems of referral and redress. Resolving political disputes in the disputed internal boundaries (DIBs), re-establishing civil authorities and coordinating disarmament, demobilization and reintegration (DDR) are all required to achieve this. Active efforts should be undertaken for community-based reconciliation and social cohesion to restore trust within communities and facilitate collective recovery in newly secure areas. These efforts should influence how humanitarian action and subsequent development efforts are carried out across Iraq.

3. **The international community should enhance humanitarian assistance and support livelihoods recovery in return areas.**

Much greater support is needed for both IDPs and returnees, particularly in the disputed territories, toward livelihoods recovery. Vulnerable displaced families are rapidly depleting productive assets in an attempt to meet household needs and are engaging in other corrosive coping strategies, such as reducing meals or borrowing money. Markets have also been affected as productive areas have become battlefields, supply routes have been disrupted and physical infrastructure destroyed. Increased donor funding is required to meet the 2016 UN Iraq Humanitarian Response Plan, in which sustainable returns are a priority. Support must also target communities facing protracted displacement as poor conditions in host communities are a ‘push factor’ for return and a barrier to local integration.
INTRODUCTION

In the aftermath of the sudden and rapid advance of Daesh through central parts of Iraq in summer 2014, a humanitarian crisis of significant proportion remains. As Daesh continues to consolidate its control over western parts of the country, a counter-insurgency operation has been led by the government and other regional and international forces. Hundreds of thousands have fled their homes in three mass displacements, and more are expected to do so as efforts are made to retake cities and towns in the Anbar and Ninewa governorates. Displaced families have found safety in villages, towns and cities throughout the country, welcomed generously by communities and supported by the Government of Iraq and the Kurdistan Regional Government (KRG). Whilst more than 458,000 persons have returned to their place of origin, 3.2 million Iraqis remain displaced inside Iraq. Both groups are in need of enhanced humanitarian assistance and protection.

Those who have returned have been driven by government guarantees of improved security and by a lack of access to land, food and income generating activities in hosting communities. They have returned under precarious conditions, without the support required to ensure progress towards a durable solution and – like those who remain displaced in host communities or camps – they remain dependent on aid to recover.

Oxfam has been working to provide humanitarian assistance to over 120,000 individuals in over 40 communities affected by the crisis, including both those who have returned home and require assistance to rebuild their lives, and those who remain in protracted displacement. Oxfam’s assistance includes water, sanitation and hygiene promotion and emergency food security and vulnerable livelihood support, combined with gender programming and advocacy. Recognizing the need to listen to and understand the concerns of those affected by the crisis, an intention study was carried out to better shape the humanitarian response of all actors in the country.

On top of the large caseload of IDPs from the 2006–2008 conflict, millions more have been forced to flee their homes and seek refuge in informal shelters across Iraq, mostly in religious institutions, schools or with host families. As early as July 2015, discussions about returns to parts of Khanaqin and Muqdadiyya districts in the Diyala governorate were reported in local media and the humanitarian community. In July, the governor of Diyala and community leaders confirmed government intentions to return families to ‘newly secure’ areas in these two districts, which subsequently witnessed some of the earliest returns in the country. Ongoing displacement of Iraq’s diverse communities are resulting in demographic change. These dynamics have been both a result of and a trigger for violence and conflict. Return movement is now a complicating factor.
Conditions during displacement

During displacement, nearly all families reported dependence on sporadic assistance provided by humanitarian actors to meet their basic needs. Few confirmed having received government assistance in the form of a one-off cash distribution of one million Iraqi dinars ($904), and others relied on occasional access to the Public Distribution System (PDS).11 At least 85 percent of displaced families are sheltered upon the goodwill of hosts, some of whom are relatives.12

As in other parts of Iraq, vulnerable displaced families in northern Diyala are rapidly depleting productive assets in an attempt to meet household needs and are engaging in other corrosive coping strategies such as reducing meals or borrowing money. Markets in the areas disputed between federal Iraq and the Kurdistan region, also known as the DIBs, have also been affected as productive areas have become battlefields, supply routes have been disrupted and physical infrastructure destroyed. The prices of staple goods have risen, meaning household purchasing power has dropped; coupled with growing difficulty in earning income and accessing livelihoods opportunities, many households are at risk of increased vulnerability.

Services addressing medical and education needs in northern Diyala are severely limited. Specialized services such as legal assistance and psychosocial support are also non-existent. The nearest health clinic and hospital are in towns under Kurdish control, where IDPs have to spend money on transportation and pass through checkpoints in order to access the services. Families often encounter significant barriers and restrictions on their movement as a result.

‘Every night when I go to sleep, I think about how to provide for my children’s needs the next day. When my daughter asks for clothes, I feel sad I cannot give some to her. I have to ask from my parents. I have a brother who sells vegetables and even if I can hear him pass by our house on certain days, I feel embarrassed about having to ask him for help again and again’
Displaced mother of five in Khadran village, 2015.
WAVES OF RETURN

Since the end of July 2015, the flow of returnees has been sporadic and government returns\textsuperscript{13} have been observed throughout the province. As a result of both improved security in parts of Diyala and deteriorating conditions in displacement areas, return movements have begun slowly. Returns have been mostly to those areas under control of members of the same sect. This is of particular concern in the highly mixed DIBs, where historic trends of demographic change and political dispute have furthered divides along ethnic, religious and political lines. Fewer families have returned to areas controlled by another sect or ethnicity, and few members of minority groups have returned at all. In addition, geographical disparities are high. In some places, a town’s entire population has returned, but in others, whole villages remain deserted, largely because of the scale of destruction, access restrictions and security concerns (e.g. fear of reprisals after a conflict due to political or ethno-sectarian allegiances). As many as 92,352 people are estimated to have returned to their district of origin in Diyala, mostly without proper conditions of voluntariness.\textsuperscript{14}

Figure 1: Diyala governorate of Iraq

When families return to their place of origin, often in areas that are not yet entirely secure or where stability remains fragile, some do so in order to check on their house, assets and land. In the early months, many returnees went back and forth between the area of displacement and their place of origin to validate the security conditions in their home area, ‘testing the waters’ ahead of a permanent settlement. For many, the decision to return was also prompted by the will to recover what had been lost and start anew.

The majority of returnees adhered to government directives to return. Most felt that although they were being asked to return without conditions they defined as desirable for their return, they had no other options. This absence of choice was echoed by a general feeling of resignation among communities. Returnees continue to suffer attacks, harassment and intimidation upon return home, and many have limited or no access to basic services and protection mechanisms. Some returnees have lost civil documentation and none currently have access to property restitution mechanisms or compensation for their losses. Many more have not been able to restart their livelihoods. Significant numbers of displaced people are still not ready to return due to insecurity.

‘My house was demolished, my shop was looted and everything in it has been stolen’

A female trader in Hosseini village, 2015.
CONDITIONS FOR SUSTAINABLE RETURN

Of those interviewed who remain displaced, the majority were willing to return home at some point, but not yet. Although they were waiting for improvements in the situation of their place of origin, many considered the difficulties of being self-reliant in their place of displacement as a ‘push factor’ in their decision to return home, and the need to get their assets back a ‘pull factor’, even if conditions remained otherwise unfavourable. Difficulty in earning income, limited access to basic services and poor shelter conditions in displacement areas remain compelling reasons for return, even if individuals know they will also be met with hardships including infrastructural damage and restricted livelihoods upon return.

Overwhelmingly, displaced families reported that in order to go home, they would first and foremost need to be reassured of the conditions of security in their village of origin. Many also seek the assurance that they will receive assistance upon their return, especially compensation for property damage. Other respondents mentioned the need for restoration of basic services, namely education for their children and healthcare.

Perhaps the most important factor underlying the decision to return, however, has been perceptions around security, with a majority of returnees interviewed feeling safe in their area of return only after taking active steps to ensure physical security of a community. During the FGDs, many women stated that the men from their households, especially young ones, were taking up arms, establishing night watch patrols and enlisting in local militias for fear of retaliation. In one Turkmen village, over half of the men had joined either Peshmerga forces or the Popular Mobilisation Forces (PMU) upon returning home. This is also illustrated, for example, by the construction of unofficial checkpoints by armed groups and initiation of curfews within communities. Women have taken to staying inside and keeping children close to the home.

Insecurity and fear as a motivating factor

While security has improved since 2014, as measured by decreasing numbers of security incidents, returns have not yet increased proportionally in Diyala. As community discussions suggest, security is a necessary but not sufficient condition for returns, and community perceptions of security are more holistic and contextual than captured solely by the number of security incidents and government guarantees of security in a specific areas. An atmosphere of anxiety and unease dominates returnee communities in Diyala. Waves of reprisal attacks, arbitrary arrests, killings, sexual violence, verbal harassment and disappearances perpetuate insecurity, made worse by the circulation of arms. They restrict livelihoods opportunities, shape communal interactions, influence gender dynamics, and perpetuate distrust and fear.

‘We want the government to help us. Look at the trash in the streets and our crumbling homes. Until now, my children cannot go to school and I cannot work in my fields’

in communities. Women and men expressed that men are particularly at risk to acts of retribution by armed groups.

Until now, the government has not made sufficient guarantees of safety. During the focus groups, both returnees and displaced persons identified the behaviour of the militia groups known as the PMU and their relationship with the central government as a significant threat. In one FGD, women shared their fear about the PMU in the village allegedly forcing each family to commit a male family member to the militia. Some of those interviewed talked of strings of dead bodies appearing in return areas. These threats, along with an absence of government commitment to compensation and restitution, have pushed some IDPs who earlier returned with the intention of staying, to go back to their area of displacement.

Uninformed choice

Returnees mentioned the lack of access to reliable information on the situation in their place of origin as hindering their decision to return. There is no formal communication system in place to inform IDPs about the situation in their areas of origin, nor guarantees of security by the government. Among those who were displaced within Diyala and sought to return home, none received information regarding the conditions in their communities through on-site consultation or ‘go and see’ visits prior to returning.

The majority of displaced people in camp and non-camp settings rely on strong tribal and family networks to obtain information on the situation in their place of origin, yet not all information is available through these channels and IDPs indicated that important gaps exist in access to information such as the status of the property they left behind. Some obtained second hand information about the situation of the village and the condition of their houses from those who have viewed stories and digital photos posted on various websites. The information families do receive is often biased and politically driven or contradictory — sourced from local media outlets and spread by word of mouth. They have heard from mukhtars the government’s message that it is safe to return, but believe the situation is fragile and the supposed protectors, the militia, are themselves the source of threat.

During focus groups, many respondents mentioned that they would need information on humanitarian assistance and services available in their return villages to be better aware of their options. Many displaced people in camps expressed concerns over the lack of information on assistance committed in displacement sites, especially on scheduled food distribution, and on civil documentation processes for return screening.

An absence of alternatives

While none of the returnees interviewed say they were forced to return, few said the decision was entirely their own. Some families mentioned that they were told to return, either by civil authorities or by security.
forces. During FGDs, many returnees noted that they were encouraged by media and government authorities to return and that they were told that they would receive assistance upon doing so.

Meanwhile, return has been emphasized by authorities as the only viable solution to displacement. Humanitarian actors have yet to define what local integration or resettlement means in the Iraqi context, because if the conditions for integration are understood, then efforts can be made to replicate them. If policies are to be effective, then concerned actors must understand what integration means to the displaced, how they understand it, and what barriers they feel prevent them from integrating. Until this effort is made, the discussion will continue to reinforce return as the sole option, and allow those people affected by displacement to once again consider the options available to them as Iraqi citizens.

Above all, it is imperative that all actors ensure that returns are strictly voluntary, not coerced or forced by a lack of alternatives; all actors must be adequately supported to promote durable solutions for displaced Iraqis, and those returning home. The following criteria are commonly seen as benchmarks for measuring progress made towards achieving durable solutions:17

- Formerly displaced persons are not subject to discrimination for reasons related to their displacement
- Formerly displaced persons do not suffer attacks, harassment, intimidation, persecution or any other form of punitive action upon return to their home communities or settlement in other locations
- Formerly displaced persons have access to mechanisms for property restitution or compensation regardless of whether they return or settle in the area where they found refuge or a new location
- Formerly displaced persons have full and non-discriminatory access to national and sub-national protection mechanisms, including police and courts
- Formerly displaced persons have access to civil documentation, which typically is needed to access public services, to vote and for administrative purposes
- Formerly displaced persons enjoy without discrimination an adequate standard of living, including shelter, health care, food, water and other means of survival
- Formerly displaced persons are able to reunite with family members if they choose to do so
- Formerly displaced persons are able to exercise the right to participate fully and equally in public affairs
CONCLUSION

Although open armed conflict has receded in many parts of Diyala, the situation is still highly precarious and unstable. It is also worrying that the number of people who have returned is considered an indicator of success in the action plans of the different ministries and authorities, rather than the existence of conditions favourable to sustainable returns. Such returns do not fully adhere to the principles of free and informed decision. The absence of choice compels families to follow directives from local authorities despite the lack of assurances of their safety or information about their entitlements and rights. These unbalanced incentives are pushing IDPs towards a specific settlement decision and can be considered coercion. Even after displaced populations have returned, they still have urgent humanitarian priorities including food, fuel and livelihoods assistance.

It is important that actors, including national and religious authorities, do not pressure IDPs into returning prematurely for political purposes before the conditions for safe returns exist, as this could provoke further violence and displacement. Similar trends were clear following the 2006–2008 conflict in Iraq, where deregistering of IDPs was lauded as a benchmark for an end to displacement. Consultations with displaced people and returnees between August and November 2015 reveal that the conditions for durable returns to displacement have not been met.

In the midst of ongoing return, there must be a prudent and responsible approach in promoting the return of displaced people. The Government of Iraq, United Nations Assistance Mission for Iraq (UNAMI), UN agencies, donors and the entire humanitarian community must support projects to promote durable solutions by addressing the root causes of conflict, by restoring the rule of law, by ensuring the rehabilitation of public services and security services and by enhancing the provision of humanitarian assistance and livelihood support.

This necessitates adequate support for sustainable, dignified and voluntary returns and government cooperation to ensure adequate guarantees of security, provision of information and commitment to assist in community recovery. Given the scale and nature of displacement, it is particularly important for international actors to continue to build the capacity of the Government of Iraq, including through the provision of technical assistance to ministries and other government agencies, especially at the provincial level. Civil society can serve an important oversight function in support of an effective government to ensure safe, unimpeded and timely assistance to IDPs to return, locally integrate or settle elsewhere in the country.

‘We all are willing to return to our own villages. Right now we feel imprisoned’
RECOMMENDATIONS

The ultimate responsibility for the protection of displaced people and the promotion of durable solutions to their displacement rests with the Government of Iraq, although there are vital roles for UN agencies, donors and NGOs to play in supporting these efforts. Detailed recommendations to these actors are outlined below:

1. **The government, with support from the UN, should develop a responsible, sustainable returns policy for displaced Iraqis.**
   - The government, with support from all actors, should develop a national legal framework to promote and respect the rights of displaced persons and ensure that all returns are voluntary, safe, dignified and sustainable and that other durable solutions are open to people who may choose to relocate or resettle. This should build off of the 2012 Comprehensive Plan to End Displacement and include Iraqi civil society in its development and implementation.
   - The government and United Nations High Commissioner for Refugees (UNHCR) should explore durable solutions for the people who may choose to relocate or resettle, identify feasible options and inform displaced people about them. This includes working with the Government of Iraq and the KRG to enable local integration of displaced families within host communities through support for civil documentation, access to social protection schemes and access to livelihood activities.
   - The government, UNHCR and the International Organization for Migration (IOM) should improve the profiling of population flows to more precisely identify displacement and return movements to ensure better planning and assistance. Profile and monitoring reports should inform further rapid protection assessments (RPAs) and be widely disseminated among humanitarian actors.
   - The government, UNHCR and IOM should organize information campaigns and ‘go and see’ visits to inform displaced people about the conditions in their area of origins and their options, and to provide them with opportunities to validate this information.
   - The UN and all humanitarian actors should ensure that land issues and property restitution are included within any strategy developed by the government to ensure compensation of property loss and support inclusive community recovery.
   - The government should enable a system of referral and redress to ensure the population has access to judicial assistance and justice (ie. legal clinics). This is particularly important for the recovery of civil documentation lost during the conflict and for the resolution of land disputes that cannot be mediated.
2. The international community should promote social cohesion, restore good governance and prevent further conflict.

- The government, with support from UNAMI and Coalition governments, should prioritize efforts to restructure law enforcement and justice systems in reclaimed areas to ensure inclusive governance that is flexible to shifting community demographics.

- Donors, UNAMI and the UN should support a system of referral and redress to ensure the population has access to judicial assistance and justice (ie. legal clinics). This is particularly important for the recovery of civil documentation lost during the conflict and for the resolution of land disputes that cannot be mediated.

- Coalition governments should push for a disarmament, demobilization and reintegration programme in areas that have been reclaimed from Daesh as a precondition for development efforts.

- The government and donors should support the entirety of the disputed territories in order to respond to the humanitarian needs in that whole region, prevent further violence and displacement and avoid politicization of assistance.

3. The international community should enhance humanitarian assistance and support livelihoods recovery in return areas.

- The government, with support from all actors, should support the swift rehabilitation and re-establishment of basic social services in all areas, irrespective of sectarian or political interest.

- The UN and all humanitarian actors should enhance humanitarian support, in particular prioritizing conflict management, shelter rehabilitation and livelihood recovery activities, for both IDPs and returnees, ensuring the most vulnerable groups receive assistance.

- Donors should increase their funding to ensure that humanitarian needs identified in the Iraq Humanitarian Response Plan are fully funded. They should also commit longer term funding to ensure stability and resilience of communities pursuing integration, investing in market-based solutions and building on government social protection schemes.

- All actors should take into account drivers of conflict in humanitarian and early recovery responses to address pre-existing grievances, facilitate social cohesion and prevent further displacement.
NOTES

1. A 'returnee,' as defined by MoDM, is someone who has returned to their original home or neighbourhood, yet the IOM Displacement Tracking Matrix tracks only to the district of origin.


3. This is a qualitative study assessing levels of indicated return and conditions influencing decision making of displaced families.

4. A durable solution is achieved when IDPs no longer require specific assistance, nor have any protection needs that are linked to their displacement, and can enjoy their human rights without discrimination as a result of their displacement. There are three pathways towards achieving durable solutions: 1) Sustainable reintegration at the place of origin (hereinafter referred to as ‘return’); 2) Sustainable local integration in areas where internally displaced persons take refuge (local integration); 3) Sustainable integration in another part of the country (settlement elsewhere within the country) (IASC Framework on Durable Solutions for Internally Displaced Persons).


6. The Disputed Internal Boundaries (DIBs) are areas that fall under Article 140 of the Iraqi Constitution as territory that lies outside of the agreed upon semi-autonomous Kurdistan region of Iraq and remains in dispute between Baghdad and Erbil.

7. Arabic acronym for the self-proclaimed Islamic State of Iraq and Syria.


11. The Public Distribution System (PDS) is a social protection scheme created in 1991 that includes monthly food rations.


13. Government returns are returns initiated by the government to resume operations of civil servants and facilitate return of civilians to their homes.


15. In this context, civil documentation refers to identity cards, birth and marriage certificates, housing and property documents and Public Distribution System (PDS) registration.

16. The Popular Mobilisation Forces (PMU) of Hashd al Shaabi in Arabic are an Iraqi state-sponsored umbrella organization composed of some 40, almost exclusively Shiite, militias.
