

**UNHCR**United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

UNHCR Information on Assistance for Voluntary Return to Iraq

General Information

1. Despite the severe deterioration in the security situation during the last few months and the current extremely unstable and volatile climate in Iraq, persons continue to approach UNHCR offices requesting assistance to return to Iraq.
2. It is standard UNHCR policy to provide support to refugees and other persons of concern to exercise their right to return, even if the **overall conditions in the country of origin are not yet considered to be conducive to return in safety and dignity**. The specific circumstances currently prevailing in Iraq need to be taken into account. In this regard it is also important to note that the Coalition Provisional Authority (CPA) has requested that voluntary returns take place in a gradual and orderly manner, particularly in view of the security situation and the limited basic services available at present.
3. While UNHCR will not stand in the way of truly voluntary returns, the office will put in place certain procedural and assistance arrangements for individuals and families who insist upon returning in spite of the current conditions in Iraq. The specific circumstances currently prevailing in Iraq are described in the attached Information Note of 31 October.
4. At this early stage, UNHCR is to provide information to Iraqis intending to return, ensure the voluntary character of the return decision, monitor the return and provide reintegration assistance when and where possible and needed. **UNHCR will, however, not promote voluntary repatriation** until there are clear indications that the situation in Iraq has become conducive for larger scale return and instructions to this effect are issued by the Office.
5. **Assistance for voluntary returns may include the following:**
 - **Information:** It is important that UNHCR informs refugees and other persons of concern of the reasons for which UNHCR considers that conditions in Iraq are not yet conducive to the promotion of voluntary return. UNHCR will furthermore ensure that potential returnees are made fully aware of the fact that, due to security considerations, UNHCR presence in Iraq has been substantially reduced and that UNHCR is therefore unable to engage in any type of protection, returnee monitoring or re-integration activities in Iraq.
 - **Registration:** UNHCR, where feasible, will ask persons who nevertheless wish to return to sign a duly completed so called Voluntary Repatriation Form (VRF). Samples of the forms, which have been prepared for the Iraq situation are available in all UNHCR offices. It should be noted that UNHCR VRFs are considered by the CPA as valid provisional documents for the purposes of entry into Iraq, travel to final destinations and for identification purposes.

- **Co-ordination:** In countries where the authorities or IOM are registering returnees, it is important to establish a system to allow UNHCR to ensure that the decision to return is based on a free and informed choice; this can include completion of VRFs. In as far as UNHCR is informed and involved, UNHCR will submit requests for return to the CPA through the UNHCR focal point based at the Iraq Support Unit in Amman (ISUA) and will inform the relevant UNHCR Office once clearance has been obtained.
- **Travel arrangements:** In the context of UNHCR assisted returns, related activities may generally include the following:
 - pre-departure medical screening, immunisation if required;
 - travel arrangements to the point of departure in the country of asylum, to the Iraqi border, or to the final destination inside Iraq;
 - assistance with customs formalities;
 - provision of travel allowances.
- **Provision of repatriation grant or other assistance to return:** UNHCR will refer potential returnees to the financial repatriation assistance offered by governmental and non-governmental counterparts (for Germany: REAG/GARP programs). Only if such assistance is not provided by any other source, UNHCR may provide financial or in-kind support.

6. However, at this stage and until UNHCR promotion of organised repatriation movements begins, transportation to Iraq for returns should remain, wherever possible, the responsibility of the persons intending to return and/or be dealt with by the host country. UNHCR offices may also request travel assistance to be provided by IOM. Offices should also take advantage of IOM's Assisted Return Programs where these exist.

7. Persons who return to Iraq on their own are considered **spontaneous returnees**. For the time being, UNHCR is not in a position to offer assistance to these returnees.

Geneva
31 October 2003

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Assistance for Voluntary returns to Iraq: Information Note on Iraq

(31 October 2003)

I. General

The overall security situation in Iraq is currently precarious and increasingly volatile – a reason for a world-wide concern.

Following the deadly attack of 19 August on the UN, attacks on other diplomatic missions' personnel and, most recently, the attack on the ICRC of 27 October, various UN and humanitarian agencies as well as diplomatic missions have either withdrawn personnel completely or drastically reduced their presence in Iraq. The international community's ability to contribute to the stability of Iraq through activities such as the provision of humanitarian assistance, reconstruction efforts, and monitoring of the situation has diminished considerably. Improvements in delivery of services in some parts of the country have been offset by the inability to deliver services and care for the most vulnerable in other areas. The lack of services and access to basic needs, compounded by the demobilization of some 450,000 soldiers from the Iraqi army and the wide proliferation of weapons of various categories, may potentially be an incendiary combination, which could lead to the prolongation of social unrest and violence.

II. Security

According to the UN Security Field Management, about 70 incidents directed towards international organisations have been recorded since the re-entry of the UN into Iraq in May 2003. While crime has risen sharply in many parts of the country, law and order organs are still in the early stages of formation and training. Ongoing military engagement and low intensity sporadic fighting around the country has negatively impacted on efforts to upgrade vital services, such as health, education, potable water supplies, and domestic waste management, among others. Of paramount concern are armed attacks, occurring on a daily basis, which a palpable lack of protection for civilians and the general lack of law and order.

In the North, heightened tension, animosity towards the proposition of deployment of troops by regional powers and attacks against international actors, albeit at a lower intensity compared to the rest of the country, must give rise to caution. The combination of ethnic tensions, some 800,000 internally displaced persons, a severe housing shortage and property disputes related to ethnic cleansing by the former regime is a potentially explosive mixture. Stabilisation of this region and hence sustainable return will need to take these factors well into account.

The Central region is characterized by partially-functioning state institutions, including law enforcement bodies, and the resulting inadequate support mechanisms to vulnerable sectors of the population. As in the North, the chronic housing shortage in the Central region is further exacerbated by the existence of pervasive conflicting property claims.

In the South, unrest among the Shia factions and the assassination of prominent figures have contributed to greater insecurity among the population of the South. This, in addition to the already existing situation of dire poverty, more attributable to years of deliberate deprivation, has taken its toll on the population at large.

III. Refugees, IDPs and Returnees

The extent of the internal and external displacement problem in Iraq is one of the most severe in the world. In the North, internal displacement concerns, in particular, those displaced by clashes between the KDP and PUK, as well as those who are victims of ethnic cleansing policies of the former regime.

The repatriation of refugees from surrounding countries to all parts of Iraq as well as monitoring and assistance activities to the refugee caseload within Iraq continues to be difficult due to prevailing insecurity.

In the South, the drainage of the Marsh Arabs' homelands under the former regime and the ensuing difficult ecological conditions have led UNHCR to predict that there will be only a limited degree of population movement, whether IDPs or refugees, to areas of return. A wide network of local religious authorities have stepped in to fill the power vacuum which has existed since the fall of the former regime. UNHCR has been closely consulting with Shia clergymen, community leaders, and local authorities as a means of establishing credibility and building confidence.

UNHCR's contribution to stabilizing the various categories of population movements, in cooperation with other actors, is critical to building and developing durable peace in Iraq. However, the end of the Oil for Food combined with the absence of international presence may make such a process both a slow and complex one at this juncture.

IV. Re-integration challenges

The recent report of the United Nations Development Group¹, in which UNHCR participated, states:

"The creation of conditions conducive to reconciliation and recovery will be a long and difficult process. The ethnic and religious balance in Iraq is extremely fragile and the national unity is at stake. A less than well-balanced

¹ War-Bank, United Nations Development Group, "Joint Needs Assessment on Livelihoods, Employment and Re-integration", Report of the Sub-Group on Integration, Baghdad, October 2003.

power-sharing and discriminatory decision-making will certainly fuel grievances and unrest along ethnic and religious lines, thereby negatively affecting security conditions and consequently, the return process. The reintegration prospect and UNHCR's potential for action in this process should be seen in this context of uncertainty and take into account the following obstacles to return as outlined below:

- The obstacles that lie ahead include unresolved and potential land and property disputes, and the risk they pose for being a potential cause of atrocities and human rights abuses;*
- The chronic shortage of housing units in Iraq, with up to 20% of the population lack adequate housing. In turn this contributes to the sensitivity of the land and property issues;*
- The damage of property records opens the door for contesting claims over land and property rights, and this negatively affects the rightful adjudication and lawful settlement of such claims;*
- The destruction of infrastructure and lack of basic services, including irregular supply of water and electricity as well as poor sanitation and health care in many parts across the country;*
- The lack of a functioning administration and the absence of local governance systems have negative implications for the delivery of services and re-instating law and order;*
- The damage caused to local livelihoods in the country-side, and rampant unemployment in urban centres especially among the youth who mostly face an uncertain future;*
- The destruction of documents and records of citizenship and residence registration, as well as birth, death and marriage certificates make it more difficult for returnees to support their claims;*
- The shift from a centralized governance system to a market oriented one carries risks of distortions, leaving the poor unprepared in the face of currency fluctuations and galloping inflation;*
- The erosion of the Iraqi skill base caused by the emigration of professionals and trained labour, whose return, if any, would be slow and limited, thus affecting the prospect for a quick recovery."*

Given the prevailing conditions, UNHCR's main challenges will be to co-ordinate and facilitate the voluntary, safe and orderly return of Iraqi refugees, asylum-seekers and persons in refugee like situations, and promote their sustainable reintegration in their communities of origin.

When conditions are conducive to return, UNHCR advocates as a first step the return of Iraqis from countries neighbouring Iraq. UNHCR will continue to

coordinate with neighbouring countries and in particular, Iran and Jordan, who host large numbers of Iraqi refugees and persons in refugee-like situations, in order to prepare for large-scale voluntary repatriation when the situation allows. Should individuals insist on returning despite current conditions, UNHCR will assist these returns, as is currently the case for the on-going repatriation movement from Rafha camp in Saudi Arabia with which some 1900 persons have to date returned to Iraq. UNHCR will, when conditions permit, monitor spontaneous returns and the protection of the rights of returnees within the overall human rights mechanisms to be established in the country. As confirmed by the local authorities and stressed by the CPA, premature or non-voluntary return will contribute to greater instability and put the lives of this category of returnees in danger. The CPA position on returns to Iraq appears to be largely based on security concerns. The CPA has expressed opposition to large scale repatriation until administrative structures, including customs, border, and immigration controls, are in place. Until such time as the required infrastructure and processes are in place, access across the Iraqi border will be restricted. UNHCR has proposed that the CPA establish and communicate appropriate and expedited procedures for border crossing by refugees, including clarifying practical requirements in terms of documentation, vaccinations, etc.

The sustainability of return of refugees and internally displaced persons, and the continued protection of refugees in Iraq, will depend on several factors, particularly the establishment of a representative political system that defuses potential tensions among religious and ethnic groups. It will also depend on the scope of the institutional reforms undertaken, the re-employment of demobilized military groups and civil servants, the resumption of law and order, and the existence of functioning mechanisms to redress past human rights violations. Security and reconciliation will require substantive judicial and legal reforms that restore confidence in governing structures by the population. To this end, UNHCR is undertaking capacity-building activities such as training of the Iraqi local authorities and, in particular, the newly created Ministry for Refugees and Migration and other related institutions which care for refugees and IDPs, including civil society.

It is also recognised that return cannot be treated in isolation from the overall socio-economic context. Further, it should be noted that there will be an increasing need for the local authorities to strengthen protection and operational capacity in Iraq by reinforcing existing offices and establishing new ones, focusing on areas hosting refugees and potential areas of return.

In post-conflict situations, predictions as to refugee return movements and displaced populations in general are inevitably speculative, as they are influenced by the degree to which there is a safe and secure environment throughout the country, tangible improvements in socio-economic prospects, as well as basic infrastructure support. The creation of conditions conducive to reconciliation and recovery will be a long and difficult process, given the deterioration of security and the absence of an effective justice system.

UNHCR Geneva, 31 October 2003