

NOTES FROM THE FIELD

Monette Zard, a policy analyst with Migration Policy Institute, recently returned from Jordan and Cyprus where she was monitoring human rights and the situation of the internally displaced (IDPs) as the war in Iraq unfolded. In the following 'Notes from the Field,' Zard examines protection in post-conflict Iraq.

PROTECTING DISPLACED IRAQIS

Although the current crisis in Iraq has not produced large scale refugee flows as expected, hundreds of thousands of civilians have chosen to escape the conflict by moving within the country, often away from the cities to stay with family and friends in rural areas.

In fact, a registration process had just been completed which found that some 260,000 persons had been internally displaced in the North as a result of the conflict. Of these the vast majority, 89 percent, were housed with friends and relatives. Some 1 percent sheltered in tents. Recent reports indicate that many of these IDPs are now returning to their homes as the situation normalizes. (Data for IDPs elsewhere in the country is unreliable.)

This however does not close the chapter on displacement in Iraq. With inter-ethnic and retaliatory violence on the rise, displacement, whether internal or external, remains a real possibility. Moreover the impetus for much of this violence revolves around unresolved issues, such as entitlement to property, that are related to earlier forced displacement. The violence and displacement that is ongoing around Kirkuk and Mosul is a graphic illustration of this.

The Role of the UN

The humanitarian effort to provide for the protection and assistance needs of the internally displaced, whether victims of this war and/or earlier conflicts, will be conducted under the auspices of the UN Humanitarian Coordinator for Iraq (UNOCHI) – Mr. Romero Lopes da Silva. Although UNOCHI has yet to re-deploy to Iraq from its planning base in Cyprus, many of the elements of the post conflict humanitarian structure for Iraq are already in place. The International Organization for Migration (IOM) in the south and center of the country and United Nations Office for Project Services (UNOPS) in the north will register the internally displaced, manage camps, and manage the eventual return of IDPs to their homes or regions of origin.

However, neither IOM nor UNOPS has any mandate for or history of protection. This places the burden of ensuring that IDPs are adequately protected on the UN Humanitarian Coordinator himself, guided by a senior advisor. The task of protecting hundreds of thousands of IDPs is a large and complex one and its success is ultimately dependent on the human resources that UNOCHI can harness to assist with this task.

The human rights presence that is part of the humanitarian mission for post conflict Iraq holds considerable potential as a mechanism through which IDP concerns can be addressed. The UN has been working to ensure that human rights are mainstreamed into humanitarian planning. Once UNOCHI deploys to Iraq, the human rights team will expand to include five human rights officers who will work in the designated area governorates (North, Center, Baghdad, Upper South and Lower South). Moreover, in something of an innovation, the IOM is deploying Protection Liaison Officers in the north, south and center of the country whose main task will be to channel information regarding protection problems encountered by IDPs to the appropriate authorities.

The traditional role of the International Committee of the Red Cross (ICRC), which is mandated to care for the civilian population in times of war and which has acquired considerable experience over the years in the protection and care of those internally displaced as a result of conflict, is likely to remain critical in the short and medium term.

Nevertheless IDP protection is likely to depend in large part on an active and protection-aware non-governmental organization (NGO) sector and on humanitarian actors recognizing and raising protection concerns. This is acknowledged by the UNOCHI, which envisages that NGO input will be key to effectively fulfilling its protection responsibilities towards IDPs.

Lingering Concerns

Whilst this structure has yet to deploy to Iraq there are a number of remaining questions. They are:

- Whether the human rights presence is of a sufficient level to adequately cover the numerous rights issues that will likely emerge, including the IDP issue.
- The insufficient allocation of human rights officers (five)
- The quality and the quantity of the information that is channeled to the human rights officers by other agencies and by the NGO sector in particular.
- The uncertainty of expanding the OHCHR presence in the future

Lastly, in the face of an overwhelming IDP situation, many are left wondering: Will NGOs be up to the task? Whilst significant strides have been made in recent years to sensitize and raise awareness about protection amongst humanitarian actors, in general, training remains woefully inadequate. Some NGOs remain concerned that any kind of human rights monitoring and reporting role will compromise their safety and ability to operate. Moreover, there are concerns as to whether or not those human rights reports that *do* make it through the system will be adequately highlighted by UNOCHI. Whilst addressing human rights within a humanitarian structure has much to commend it,

particularly from a mainstreaming perspective, it remains to be seen whether human rights will be genuinely prioritized amongst the numerous other issues that will be on the UNOCHI's plate, such as the need to provide people with food, water, health care, and other basic necessities.

Obligations of the Occupying Power

With occupation comes responsibility. Under international humanitarian law, the occupying power is ultimately responsible for ensuring that all civilians, including those who are internally displaced within a country, are protected. In Iraq, therefore, the United States (and its allies) are responsible for the fundamental human rights of the population under their control, including their right to life, as well as for restoring and maintaining public order and safety. Such protection extends equally to members of minority groups and former members of the regime who may be targeted and subjected to violence in the aftermath of conflict.

However, the U.S. has not yet lived up to its duties to ensure law and order in areas under its occupation. The reports of forced evictions of Arab families from areas around Mosul and Kirkuk by armed Kurds, who are returning to re-claim land and property that they themselves had been arbitrarily deprived of by the Hussein regime, illustrate the new cycle of displacement and human suffering that arises when occupying powers do not uphold their responsibilities.

In the final analysis, effective protection for the internally displaced in Iraq and finding long lasting and durable solutions to their plight will require all agencies – whether national or international, NGO or inter-governmental – to work together on their behalf. But all will come to naught if the U.S. fails to live up to its obligations as the occupying power to restore law and order for the Iraqi people and to establish the rule of law – these are the foundations of any protection system.