

Reintegration in northern Iraq: The time is now for Europe to act

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Policy considerations

\ End the conflict on the disputed territories to make return safe and secure

To prepare the ground for the safe return and reintegration of dispersed population groups, it is necessary to solve the conflict between the government of Iraq and the government of the Kurdistan Region of Iraq about Constitutional Article 140. The ministries of foreign affairs of the European Union member states should intensify the political dialogue with both sides to find a durable agreement and, in parallel, offer advice on reforms to increase civilian oversight of the security forces.

\ Technical advice and support for effective administrative procedures will bolster good governance and the rule of law

As Iraq is no longer considered an emergency country, donors, including the German Federal Ministry for Economic Cooperation and Development (BMZ), can gradually shift the emphasis of bilateral development aid towards the export of expertise. German advice in e-government and administrative set-up can contribute to reducing corruption and developing the basis for decentralisation (implementing Law 21). Effective and good governance is at the root to legally clarify property and land disputes many returning Iraqis are struggling with.

\ Support the provision of basic services, fair trials and institutionalised compensation measures

A regular supply of basic services and the provision of infrastructure are prerequisites for the return and reintegration of displaced people. Taking care of the needs of internally displaced persons (IDPs) can be closely linked with livelihood support and compensation in the framework of long-term reconciliation and peacebuilding measures adjusted to varying local contexts. Together with European donors, the BMZ should engage in bilateral dialogues with the government of Iraq to facilitate the access of NGOs experienced in setting up these processes.

\ Advise and support the government of Iraq in its comprehensive economic reform efforts

German and European partners in development cooperation should support the economic reform envisaged by the government of Iraq. Given the long-standing dominance of the public sector, private sector development should go hand in hand with a gradual re-orientation of the public sector towards providing infrastructure and services for businesses and households. This dual focus will benefit returnees and receiving communities in the long run.

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Introduction

Iraq is at a crossroads. After the 2019 protest movement against economic mismanagement and corruption and Prime Minister Mahdi's resignation in December 2019, an interim government was finally appointed in May 2020. Having passed through five months of political struggle and uncertainty, the current cabinet is constrained by inherited burdens, such as economic problems, burgeoning inequality, a divided society in ethno-religious terms and security forces that are perceived as an army made up of militias. The long-standing unresolved conflict between the government of Iraq (GoI) and the Kurdistan Regional Government (KRG) about the 'disputed territories' along the border between the Kurdistan Region of Iraq (KRI) and the adjacent provinces exacerbates the problems. Incidences of violence between militant groups, including the so-called Islamic State (IS), hamper the ongoing return of internally displaced people (IDPs) and refugees to these territories and their reintegration (see Map). Besides that, the government faces financial shortages, low oil prices and the unabated COVID-19 health crisis. To demonstrate its sincerity to the unsatisfied population and to pacify the protest movement, the government announced early elections for 6 June 2021 in a bid to gain legitimacy from the streets. This is a crucial moment for the international community to support the Iraqi government in implementing its political will to reform.

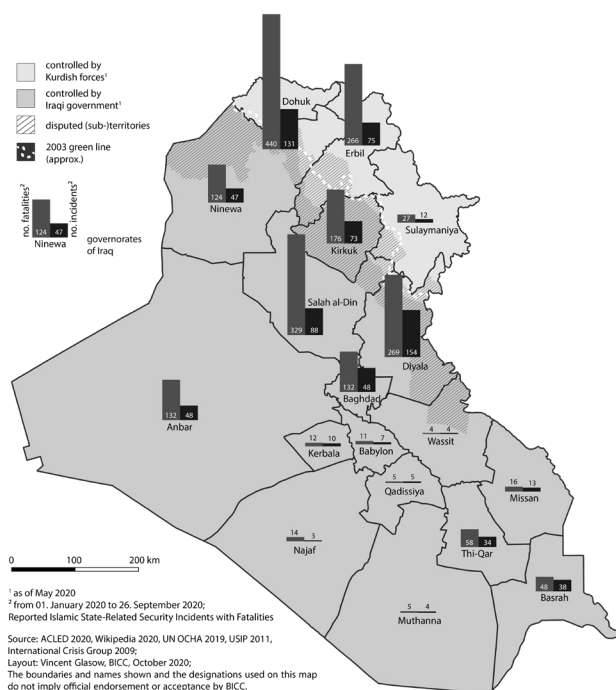
Over the last years, Germany and other European countries have been supporting Iraq militarily and politically and given asylum or provided refuge to a large number of Iraqi refugees. The German parliament mandated German armed forces—as part of NATO's coalition against the IS—to train and equip Iraqi and Kurdish forces. Besides, the humanitarian and developmental contribution to the ongoing reconstruction of war-torn Iraq demonstrates serious commitment. One of the main challenges for Iraq's future lies in the successful reintegration of displaced people and families from within the country or across borders, i.e. neighbouring countries and Europe.

The number of IDPs in Iraq declined gradually to about 1.4 million in 2020, after a peak at nearly 3,445,000 in 2016 while the number of returning IDPs and refugees had reached more than 4.7 million by 2020 (IOM DTM, 2020). By April 2020, 1.7 million men, women and children had returned to Ninewa governorate, nearly 1.5 million to Anbar, 333,000 to Kirkuk and nearly 50,000 to the KRI (RWG, 2020). The KRI faced lower acute displacement than the adjacent provinces but a relatively high outmigration to neighbouring countries and Europe. At the same time, the KRI received more than 770,000 IDPs from the disputed territories and other parts of Iraq, which has raised the region's population to nearly four million. Among the IDPs arriving in the KRI is a growing number of persons who moved to the KRI from other parts of Iraq due to the closure of IDP camps by the GoI in 2019 and 2020.

This *Policy Brief*, written in cooperation with Malteser International, is based on an assessment of the current living conditions in northern Iraq¹ and the assistance programmes directed towards the reintegration of IDPs and returnees from abroad. This *Brief* provides policy considerations for how European governments and, in particular, the German government—the German Foreign Office and the Ministry for Economic Cooperation and Development (BMZ)—can support the GoI in comprehensive reintegration efforts. These include: Creating the structural preconditions for re-establishing lives after return, i.e. safety and security, governance and the rule of law as well as supporting operational needs for reintegration. Acknowledging the challenging environment of post-IS Iraq, where the international community has been trying to facilitate political and other reforms for years, the following considerations suggest a modest but long-term approach towards political and development cooperation. Now, European governments can prevent further violence by supporting the GoI in planning reforms that the public is calling for.

1 \ We understand northern Iraq to include the KRI with the provinces of Erbil, Dohuk and Sulaymaniyah as well as the disputed territories comprising parts of Diyala, Kirkuk, Salah al-Din and Ninewa provinces.

Map 1
Security incidences and fatalities with IS involvement in 2020



only to the overall contestation but also to perceived insecurity among ordinary people, returnees and prospective returnees. The large number of armed groups present has been causing violent clashes between such groups but most importantly, intimidation, discrimination and persecution of the local population and returnees. The main structural cause for this situation—the unresolved conflict between the GoI and the KRG over the disputed territories—has created a classic security dilemma. For more than 15 years, the country has been waiting for a resolution of the status of the disputed territories according to Article 140 of the 2005 Constitution of Iraq. The IS has found a new foothold in the past two years and increased its attacks across Anbar and the disputed territories; in 2020, attacks by IS fighters doubled compared to 2018 (UNSC, 2020). Growing violence also undermines attempts by the state of Iraq to consolidate itself and safeguard security. Unless the GoI and the KRG agree on the implementation of Article 140 of the 2005 Constitution of Iraq, contested governance and renewed flare-ups of violent conflict will continue and inhibit prospects of return.

What European governments can do now to prevent another wave of displacement next year

Making return safe and secure

The advance of the so-called Islamic State between 2014 and 2017 had caused large-scale displacement, in particular in Anbar and the disputed territories, i.e. the provinces of Kirkuk, Diyala, Salah al-Din and Ninewa. Since the initial liberation of these territories in 2017, there has been a dispute about who is in charge of providing security in these areas. While the main contestation is between KRG Peshmerga and GoI security forces (including Popular Mobilization Forces’ militia units) vying for control, efforts of local communities to protect themselves have resulted in an unclear number of local militias. These add not

Box 1 Constitutional Article 140

The conflict about the so-called disputed territories of Iraq revolves around claims of jurisdiction between the GoI and KRG in areas where the KRG had de facto extended its authority after the US invasion of 2003–2017 (beyond the Green Line of control of 1991, see Map). Article 140 does not define or name ‘disputed territories’ but only explicitly refers to Kirkuk. Accordingly, the Green Line continues to be the region of Kurdistan’s de jure boundary until “normalisation” and a census and a referendum in Kirkuk and other disputed territories will have taken place. This should have been accomplished by 31 December 2007; however, it has not, and so the conflict continues, and positions remain entrenched until today.

In parallel to the need to resolve the issue of the disputed territories, restructuring the security forces to enhance civilian oversight and disband existing militias and contesting armed groups is another urgent matter. One strand to follow is the incorporation of local youth in legitimate security forces that operate in their area of origin. This can enhance the trust of the local population in their security providers and ultimately contribute to trust-building with the government. Furthermore, established tools of disarmament, demobilisation and reintegration (DDR) programmes can offer prospects for young people because reintegration activities such as employment help develop positive social connections between ex-combatants, community members and returning displaced people. These measures should be accompanied by peace education to de-radicalise the youth in the disputed territories. The recent failure of disarmament attempts by the GoI in the disputed territories should be thoroughly analysed.

EU member states should offer the GoI and the KRG advice and assistance for a strategy towards restructuring and professionalising legitimate security forces. Towards this aim, the German Foreign Office, together with European partners, should use the already existing high-level political dialogue and set incentives for the GoI and KRG to disband militias and reintegrate ex-combatants in the disputed territories. These measures should be tailored to local contexts, based on thorough analyses. Moreover, it is important to integrate local reforms of the security architecture into a whole-of-Iraq perspective to end the cycles of armed conflict not only in northern Iraq but country-wide (cf. Özerdem, 2010). This will ensure that displaced people can return and reintegrate in a safe and secure environment.

Good governance and the rule of law

The 2019 mass protests shook up the political establishment in Iraq demanding an end to corruption, effective governance and new legislators. Following the laborious establishment of an interim

government headed by newly elected Prime Minister of Iraq, Mustafa al-Kadhimi, parliamentary elections are scheduled for 6 June 2021. On the one hand, this new situation further delays several pending reform projects while, on the other, it offers a chance to give technical advice on new reforms and effective administrative procedures, among them clarification of the electoral law.

To improve local service delivery and the accountability of government authorities, the 2005 Constitution of Iraq paved the way for administrative decentralisation (Law 21, 2008). Yet, it was never implemented. After initial steps had been taken towards devolving power to the provinces, most of the governors failed to bring about tangible improvements to people's lives but rather concentrated power within their offices. Devolution to the lower-level authorities—district and sub-district authorities—was rare; non-transparent procedures were rampant, thus creating increased distrust among the citizens. Following large-scale protests against the corruption and self-enrichment of the GoI during autumn of 2019, the Iraqi parliament decided to suspend all provincial councils in December. Hence, in preparation for future steps towards (re-) implementing decentralisation, the European governments, the German Foreign Office and the BMZ should focus assistance on building the capacity of the administration of Iraq at all levels to achieve good governance and the rule of law.

As Iraq needs to transform its status from emergency to development, the European governments and, on the German part, the BMZ, should encourage improvements of governance by shifting the emphasis of bilateral development aid away from direct funding to the export of expertise. In the move towards a transformation of the current transitional assistance to development assistance, the European Union and BMZ should offer support to local and national government authorities in policy implementation, budgeting and establishing monitoring and evaluation procedures in the administrative institutions including the electoral commission. The support of the GoI in

establishing and improving e-government will be a crucial step to enhance transparency, trust, and cooperation between citizens and government as well as between government authorities at different levels. This also refers to land documentation, effective administration of land registers and, in particular, the independent and effective work of the Property Claims Commission (Article 136 of the 2005 Constitution). A reliable implementation of land and property laws is a cornerstone for constituents' trust in the robustness of entitlements, property and access rights.

European and German support in land governance as a key section of administrative capacity-building can contribute to institutionalising conflict resolution on legal grounds. Effective governance lies at the root of solving land disputes many returning IDPs and returnees from abroad have to deal with. The BMZ, within the European Union and through experienced implementing organisations, can thus significantly contribute to making development sustainable by preventing the proliferation of vested interests, subsequent corruption and divisive policies.

Support basic services, fair trials and institutionalised compensation and reconciliation measures

Besides security, supplying basic services is a precondition for the return of IDPs and refugees. Many consider allowances for household items, rental costs or construction materials as reintegration assistance to be most important. Medical support in due consideration of individual health needs is another urgent service that requires regular supply.

However, needs vary greatly between locations in disputed territories. About 2,000 IS fighters from Iraq are said to be still inside camps in Syria, disproportionately more wives/ widows and children of Iraqi IS fighters live in Syrian prison-camps (UNSC, 2020). Within Iraq, 2,000 individuals are kept in the Talkayf detention centre in Ninewa province, and families presumed to be affiliated with IS fighters are staying in various IDP camps. These camps are a known

context for further radicalisation, not least because of the isolation and perceived disenfranchisement of the families of prisoners. As their return is yet to be decided upon, they are unlikely to have de-radicalised. Against this backdrop, communities in Ninewa in particular fear attacks and perceive existing camps of IS fighters and families—such as that in Talkayf—as a threat. Should the IS camps be closed—a step that many wish for—those who have not been convicted need to be given a place to settle. In the opinion of population groups who had been persecuted by IS, this should not be in the areas of origin but a third place. In any case of return, IS-affiliated families are facing tremendous reconciliation and reintegration challenges. European and German government institutions should support those (I)NGOs that assist reintegration and reconciliation processes on the ground.

Many potential returnees willing to reintegrate in their communities prioritise truth-telling, fair trials for convicted perpetrators, justice and clear regulations for compensation. Measures that symbolically recognise ethno-religious minorities, as well as material compensation for persecuted groups, should be first steps towards reconciliation. Taking care of the needs of IDPs can be closely linked with livelihood support and compensation measures. The current short-term infrastructure- and employment projects by the BMZ to support returning Yazidis in Sinjar and Ninewa governorate are laudable. In some communities where mixed groups are staying together, offering both returning IDPs and stayees employment prospects in conflict-sensitive reconstruction projects can be a further measure towards reconciliation as they unite people around a common interest. The bilateral dialogue of European donors and German federal ministries and their implementing agencies with the GoI and the government authorities of the KRG should continue to bundle efforts towards reaching an agreement on transparent and reliable access regulations for NGOs active in IDP assistance, truth-telling and reconciliation as well as re-building social cohesion post-return.

Comprehensive economic reform efforts benefit returnees and facilitate reintegration

The economic context in Iraq looks bleak when it comes to securing its citizens' sustainable livelihood. A weak private sector and a dominant public sector disrupted by years of conflict resulting in delays of strategic and technological advancements, leave large swathes of the populace struggling to afford their subsistence needs. Currently, the GoI is straining to pay civil servant salaries; the low oil price and COVID-19-related economic downturn aggravate the fiscal situation. Indebtedness of community inhabitants complicates the transition from cash assistance programmes to more sustainable long-term employment and provision models. Moreover, to save money, among other reasons, public institutions are often blocking the re-entry of former employees into public sector employment after return.

A significant part of the BMZ's current assistance for returnees to the KRI scatters small funds for developing new skills and promoting business start-ups, which is fine for young people and easier than job placements. However, not all current development and stabilisation programmes consider what people did before they were displaced and do not provide them with what they need upon return. To provide meaningful support to economic reform that can facilitate re-establishing lives when IDPS and refugees have returned, as a first step, European and German donors such as the BMZ should invest in systematic sectoral market assessments. A clear awareness of the real demand, including the need for digital transformation, and a proper assessment of existing skills are required to provide economic opportunities based on available skills. The needs of the older generation for long-term livelihood security, the skills and equipment required for youth, in particular IDPs, for cultivation and extension services when returning to or living in rural areas, the exact needs when building the capacity of farming cooperatives, microfinance and banking systems for rural enterprises have to be identified systematically. Employment in the public

sector requires adjustments to incorporate returnees, too, even though the GoI strives to enhance private sector development. Public services require skilled staff to benefit community inhabitants and business owners; IDPs and returnees should be part of public as well as private service providers.

The BMZ should use its long-standing experience in development cooperation to advise and support the economic reform efforts of the GoI. Strengthening the existing coordination mechanism to become increasingly efficient and effective, providing business support services for the development and expansion of small and medium-sized companies in agriculture, industry and services are crucial. Access to specialised business advice and consultancy services should be enhanced and innovative programmes, such as social entrepreneurship, promoted. Robust advocacy by local and international NGOs can augment strategies for the implementation of better pensions and social safety nets for disadvantaged population groups, among them those trying to re-establish life after displacement.

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ABOUT THIS POLICY BRIEF

This *Policy Brief* is a joint effort by international and Iraqi scholars and practitioners providing assistance to returnees and internally displaced persons (IDPs) in Iraq. It results from discussions during the virtual Expert Workshop “Re-establishing life in Iraq after displacement: From research and project insights to policy suggestions” and several rounds of follow-up reflections among the co-authors. The workshop was organised by BICC and Malteser International within the framework of the BMZ-facilitated research project “[Trajectories of reintegration: The impacts of displacement and return on social change](#)” on 24 June 2020. Twenty-five persons, most of them practitioners from Iraqi and international aid agencies, as well as a few international and Iraqi university scholars and independent advisors participated in the workshop. The team of authors incorporated comments from this group and presented the revised policy recommendations to the Returns Working Group Iraq meeting on 25 August 2020 for further feedback.

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