

Testimony of  
**Michel Gabaudan**

January 16, 2007

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## I. Introduction

Mr. Chairman and members of the Subcommittee, on behalf of the Office of the United Nations High Commissioner for Refugees (UNHCR), I would like to express our appreciation for the opportunity to appear before you today to address UNHCR's grave concerns about the situation of Iraqi refugees, internally displaced persons (IDPs), and non-Iraqi refugees inside Iraq. I would also like to request that my full written statement be submitted to the record.

UNHCR is charged by the international community to ensure refugee protection and to identify durable solutions to refugee situations. Our mandate is grounded in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (hereinafter "the Refugee Convention"), which define a refugee as a person having a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion.

UNHCR has had a presence in Iraq and the surrounding region since 1987. At no point during this time, however, have we faced the magnitude of displacement that we are today.

Displacement of Iraqis both inside Iraq and to the surrounding region is one of the most serious humanitarian crises with which we are currently grappling. In the absence of a concerted effort by the international community that involves coordination among regional governments, donor governments (including the United States), UNHCR and its implementing partners, the situation will likely erode even further, bringing new levels of displacement and deepening protection problems.

UNHCR has therefore undertaken a fundamental review of its Iraq program. Our approach is part of a broader United Nations commitment to supporting governments in the region to respond to the protection and assistance needs of displaced Iraqis and non-Iraqi refugees. UNHCR's activities inside Iraq are also consistent with the UN Joint Priority Action Plan for Iraq. We welcome the opportunity this hearing offers to highlight our concerns about this deteriorating situation and our plans to address it in partnership with others.

## II. Background

UNHCR estimates that the number of displaced Iraqis now totals some 3.7 million, including 1.7 million internally displaced inside of Iraq and up to 2 million outside the country. This means that 1 out of every 8 Iraqis is now displaced. It should be noted that these numbers encompass both those displaced during the time of Saddam Hussein as well as those displaced after his departure. However, as violence in Iraq continues to spiral, displacement has escalated; an estimated 500,000 have been internally displaced just since the Samarra bombings in February 2006 and it is estimated that some 40,000 to 50,000 additional Iraqis flee their homes every month. In September 2006, the net number of refugees crossing the border each day into neighboring Syria and Jordan were estimated at least 2,000. Both countries now host at least 500,000 refugees each, with additional numbers found in Lebanon, Egypt, Turkey, and as far away as Europe.<sup>1</sup> Displacement is affecting all strata of society, rich and poor, workers and intellectuals, men, women and children and all religious groups.

There is currently no end in sight for the massive and escalating displacement in the face of the violence prevalent inside Iraq. UNHCR has therefore been compelled to shift its focus away from return, reintegration, and capacity building within Iraq and some modest assistance in neighboring host countries to an emphasis on broader and more systematic registration of Iraqi refugees, identification of vulnerable individuals, protection and assistance to those who need it, and the pursuit of durable solutions for the overall population. This will require strengthened capacity and significant new resources, which I will return to in a moment.

### III. Protection Challenges

#### Conditions in Central and Southern Iraq

The situation in the central and southern parts of Iraq can be characterized as one of both generalized violence as well as one in which targeted violations of human rights are prevalent. Sectarian violence between Iraq's Sunni and Shi'a communities as well as among Shi'ites has sharply increased since the Samarra bombing on February 22, 2006. This incident led to targeted killings of thousands of Iraqis from both communities as well as other groups on the basis of their religious identity, resulting in massive displacement. Ethnic tensions have also increased in traditionally mixed areas such as Kirkuk, Mosul, and Diyala. In addition, other persons are being targeted by terrorist groups and militias through intimidation and acts of terror aimed at uprooting individuals from their areas of residence. Hostilities between the Multinational Forces and Iraqi Security Forces on the one hand and armed insurgents on the other are also causing population displacement.

Despite positive developments such as the approval of a Permanent Constitution in October 2005, the holding of the Council of Representatives' elections in December 2005, the formation of a national unity government in May 2006, and the ongoing development of the Iraqi Security Forces, Iraqi authorities are not yet able to provide residents with basic protection. Major political challenges remain unresolved, such as the issues of federalism and de-Ba'athification, which serves to undermine the Government of Iraq's stated goal of reconciliation and inclusiveness. In addition, the country suffers from high levels of unemployment; water, fuel, and electricity shortages; and significant shortcomings in health and education services, carrying the potential for social unrest.

## The Protection Environment in Neighboring Host Countries

The protection situation in the countries in the region that are hosting significant numbers of Iraqis varies. Turkey, Iran, and Egypt are signatories to the Refugee Convention, although UNHCR regularly undertakes individual refugee status determinations under its mandate, in light of the absence of functioning refugee status determination procedures. Syria and Jordan, which host the largest Iraqi populations (estimates are at least 500,000 Iraqis in each country), are not signatories and there is no structure for the protection of and assistance to Iraqis. The same is true in Lebanon, which hosts approximately 40,000 Iraqis. It should be noted that these three countries have already been hosting hundreds of thousands of Palestinian refugees for several decades.

Since 19 March 2003, UNHCR has advocated for recognition of the international protection needs of Iraqis outside their country of origin, and hence a suspension of forced returns. While States in the region have generally been very generous in their receptivity to arriving Iraqis, to date this has been effected by a general tolerance of Iraqis through limited periods of stay. This response, however, does not recognize specific entitlements or rights, such as the right to work, and has been characterized as "temporary protection." It also has no defined legal or administrative basis, and has been interpreted regionally as a situation of "tolerated illegality" that lacks any grounding in principles of protection.

Moreover, UNHCR is very concerned about increasing reports of deportations, visa restrictions, and denial of access at the borders to Iraqis attempting to flee. For example, Jordan has tightened entry for Iraqis, particularly for males between the ages of 18 and 35. UNHCR plans to increase its monitoring of the situation at the borders contingent on available resources in 2007.

We are also concerned about the difficult living conditions of large numbers of Iraqis in the region, a concern that is reinforced by reports from nongovernmental organizations (NGOs) and government entities. While there may be a high-profile and wealthy elite in exile, even relatively well-off families have in many cases depleted their resources due to their extended stay in host countries. Moreover, large numbers of poor Iraqis reside in low-income areas.

As a result, there are reports of women and girls forced to resort to prostitution and children forced into labor or other forms of exploitation in order to survive. A joint UN assessment in Syria found that some 30 percent of Iraqi children were not attending school and even when they were able to attend, the schools lacked basic resources such as textbooks, chairs, and stationary. The assessment also found that 4 percent of Iraqis are disabled and over 10 percent of families are headed by women, vulnerabilities that put such refugees at further risk of abuse and exploitation.

This situation is likely to deteriorate further as violence escalates in Iraq, the number forced to flee Iraq increases, and the coping mechanisms that Iraqis and their host communities have adopted are depleted. The urban (rather than camp-based) nature of the population will require innovative approaches to assistance that are individual, community, and institution-based.

## The Situation of Internally Displaced Persons( IDPs) Inside Iraq

The situation of IDPs is increasingly precarious. Iraqi Governorates are beginning to refuse to accept new arrivals, claiming that their resources are depleted. The Kurdish Regional Government (KRG) has denied entry to IDPs who it deems "security threats" or "economic migrants."

A needs assessment conducted by UNHCR and its partner agencies found that IDP populations are urgently in need of food, essential non-food items, shelter, and access to water and sanitation. Registration and documentation, including the provision of food ration cards, are also needed to ensure protection and access to basic services.

While UNHCR has assumed the lead in Iraq in the protection of IDPs, our ability to deliver necessary services is severely hampered by the existing security constraints and our resulting lack of adequate presence.<sup>2</sup> UNHCR's protection and assistance activities related to IDPs are largely dedicated to providing legal advice and information; emergency distribution of non-food items such as tents, bedding, plastic sheeting, sanitary materials to women, and jerry cans; and the provision of Quick Impact Projects and livelihood grants.<sup>3</sup> UNHCR plans to continue to deliver targeted, limited, and focused interventions in support of IDPs, subject to security considerations and donor support, and to work with partner agencies to advocate on behalf of IDPs.

#### The Situation of Non-Iraqi Refugees Inside of Iraq

In south and central Iraq, UNHCR provides care and maintenance assistance to approximately 45,000 non-Iraqi refugees, such as Palestinians, Turkish, Syrians, Iranians, and Sudanese, virtually all of whom remain in a vulnerable situation. In the current environment, local integration of these populations in Iraq is not viable. A recent increase in targeted attacks against Palestinians in Baghdad in December resulted in at least 10 killed, scores wounded and hundreds moving to the border with Syria in search of effective protection.

While not the ideal means of program delivery, UNHCR relies on remote management to implement most of its life-saving assistance to such groups. Urgent interventions are required to identify resettlement or humanitarian evacuation options to ensure the protection of these refugees.

#### IV. UNHCR's Strategy to Promote Protection and Assistance and to Identify Durable Solutions for Iraqi Refugees

##### Protection and Assistance to and Promotion of Durable Solutions for Iraqi Refugees in the Surrounding Region

In view of the armed conflict and generalized violence that continues unabated in Iraq, Iraqis who are outside their country and are unable or unwilling to return may be presumed to have international protection needs. The promotion and facilitation of voluntary repatriation as a durable solution is not foreseeable in the current context. UNHCR is therefore adopting a pragmatic strategy toward protection in neighboring countries that seeks the widest possible protection space for Iraqis by promoting a common regional set of standards, identifying and

delivering support and assistance to vulnerable individuals based on a regional registration system, and the strategic use of third country resettlement.

UNHCR will register all Iraqi applicants who approach our offices, with the goal of registering approximately 200,000 in Syria, Jordan, and other neighboring countries in 2007. The registration process will include the encoding of vulnerabilities assessed through the registration interview. All refugees will be issued documentation. The registration exercise will also help UNHCR to assess what protection or assistance interventions may be required. Such interventions could include conducting a best interests determination for children or a resettlement interview. Iraqis who are not registered with UNHCR and who are in detention and/or at risk of being deported will be identified through regular monitoring of detention centers and given access to registration or individual refugee status determinations when appropriate in order to prevent deportation.

UNHCR will not conduct individual refugee status determinations for all Iraqis, as such an exercise is neither feasible nor desirable. Instead, status determinations will depend on negotiations with host governments and the flexibility of resettlement countries in their own resettlement procedural requirements.

In recognition of the fact that in the current context some individuals can neither remain safely in their host countries nor will be able to return safely to Iraq, resettlement can be used as a critical protection tool to respond to the immediate legal and physical protection needs of certain vulnerable individuals or groups. It can also be leveraged strategically as part of a comprehensive approach to ensure greater protection in the region for those who are not resettled. Resettlement can serve as an element of burden-sharing by the international community and thus increase the tolerance of host countries in the region for the reception and humane treatment of refugees. Such tolerance can be measured through continued access to the territory of the country in question, respect for the principle of non-refoulement, UNHCR access to refugees in detention, and access to basic rights and services such as education, health care, housing, and employment.

Therefore, UNHCR's initial assessment has projected a minimum need of approximately 13,270 individuals in need of resettlement. It can be reasonably expected that these numbers will increase throughout 2007 as UNHCR's ability to identify vulnerable cases expands with UNHCR planning to enhance its capacity to provide up to 20,000 resettlement referrals in 2007.

Resettlement, however, will not in quantifiable terms be the predominant durable solution for Iraqi refugees in the region due to the large numbers involved. Moreover, the strategic use of resettlement is dependent on UNHCR's resource capacity to register all Iraqis who approach UNHCR and to process resettlement applications as well as indications from resettlement countries that they are ready to receive resettlement referrals. It will also require the willingness of host countries to consider local solutions for those who are not resettled or who do not wish to resettle.

UNHCR is currently delineating standardized operating procedures for the Iraqi situation that will include a clear articulation of criteria for resettlement to be consistently applied across UNHCR offices and the region. These criteria will be based on certain categories of

vulnerability, such as survivors of violence and torture, including sexual and gender based violence; women-at-risk; unaccompanied or separated children; and individuals with serious medical problems when no effective treatment is available in the country of asylum. Other categories will be based on certain protection concerns, such as members of minority groups and/or individuals who have been targeted in Iraq due to their religious or ethnic background and Iraqis who fled due to their association with the MNF, CPA, UN, foreign countries, or international and foreign institutions or companies.

UNHCR is in dialogue with the governments of several resettlement countries, including that of the United States, about increasing resettlement of Iraqi refugees. From January 1, 2003 through September 30, 2006, UNHCR referred globally 3,964 Iraqis for resettlement. During this same time, 3,430 Iraqis were successfully resettled to various countries, with Australia accepting the largest number of refugees.

During this same time span, 483 referrals of Iraq refugees were made to the United States, or about 12% of the total number of Iraqi refugees referred by UNHCR. This level is admittedly well below what normally we would hope to refer to the United States, which traditionally accepts at least half of UNHCR referrals. However, due to unusually long processing times in the US program for Iraqis after 9/11, UNHCR was compelled to rely more heavily on other resettlement partners who could resettle Iraqi refugees in a more timely and predictable manner than was possible with the United States at the time.

There is no country that has provided greater support to UNHCR's global resettlement efforts than the United States. We would, therefore, welcome the potential for increased resettlement of Iraqi refugees to this country. At the same time, we would underscore that for resettlement to be an effective tool of protection, it is essential that decisions on cases be concluded in a reasonable timeframe, and that all parties have a shared understanding in advance of the criteria and standards to be applied.

In this regard, we hope that the bars to admission such as material support, which have proven to be problematic when we have referred refugees in the context of other resettlement operations, will not pose an undue obstacle to the resettlement of Iraqi refugees.<sup>4</sup> We remain quite concerned, as there are Iraqi refugees who participated in resistance activities against the regime of Saddam Hussein or who aided the Multinational Forces at the outset of the conflict who will be barred from admission to the United States if the same policy that has been applied to other refugee groups, such as the Burmese and Lao H'mong, is applied in the Iraqi context. We hope that legislative changes currently being developed to address the problems created by these bars will mitigate these types of barriers to the admission of bona fide refugees.

Resettlement must be accompanied by the delivery of systematic protection and assistance to refugees who remain in the region. Mechanisms to promote and facilitate protection and assistance for the vast majority of refugees who realistically will not be resettled must be augmented in host countries. This includes advocating for the maintenance of "open borders" and a halt to forced returns, conducting a comprehensive needs assessment in host countries, enhancing capacity to register all Iraqis who approach UNHCR offices in the region in order to identify the most vulnerable and to respond to their protection and assistance needs, and providing assistance to individuals and communities.

Protection and assistance should be delivered through host community networks, such as national social service agencies and members of civil society. This methodology will allow UNHCR to reach more beneficiaries, to advocate more effectively with host country authorities for more effective protection standards, and to support local infrastructures. Access to basic services such as health care and education must be promoted and facilitated for vulnerable Iraqis. Infrastructures in host countries that can provide such services must be adequately supported to accommodate the increased demands on such systems that result from hosting large refugee populations. Indirectly, UNHCR support to community networks will also benefit host communities and the most vulnerable within those communities.

#### Protection of and Assistance to Iraqi IDPs and Non-Iraqi Refugees Inside Iraq

Subject to access, UNHCR will seek to mitigate the increasingly harsh conditions faced by Iraqi IDPs through direct humanitarian assistance and support to their host communities. Basic assistance will be provided to individuals and groups to supplement strained resources, including emergency shelter, rehabilitation or repair of host family homes, and quick-impact improvements to community infrastructure. UNHCR will also expand the capacity of its network of Legal Aid and Information Centres.

It must be noted that while UNHCR staff may travel to Baghdad on brief missions, the security situation does not currently permit the long-term deployment of UNHCR international staff in Baghdad or other locations outside of the KRG. These restrictions will be reviewed in March 2007 by a UNHCR assessment team. In the interim, national staff, who work inside Iraq at grave risk to their own lives and safety should benefit from additional training in program management, protection, and security.

UNHCR has also made a priority the registration and issuance of documentation to non-Iraqi refugees inside Iraq in order to continue material, legal, and physical protection of this increasingly imperiled group. UNHCR urges that resettlement of non-Iraqi refugees inside of Iraq be considered as their situation is dire and local integration in Iraq is not feasible at this time and unlikely to become viable in the foreseeable future. Priority should be given to groups particularly targeted by militias. Other refugees, namely those from Iran, Turkey, and Syria, have expressed an intention to return to their countries of origin, provided that sufficient guarantees regarding their protection upon return are obtained.

#### Strategic Partnerships and Cooperation

UNHCR has identified as a priority the engagement of governments, local institutions, the public and media in its effort to promote and enhance protection in 2007. This outreach will also involve regional actors such as the Arab League, the Organization of the Islamic Conference, and the Gulf Cooperation Council and the development of strategic partnerships with respective Red Crescent Societies and UN and international organization partners, such as UNRWA, UNICEF, WFP, ICRC/IFRC, WHO, and IOM.

In the coming months, UNHCR also hopes to convene an international conference on Iraqi displacement, possibly in collaboration with the Arab League and/or the Organization of Islamic Conference. Such a conference could not only highlight the needs of displaced Iraqis, but could

provide an opportunity to commend the hospitality of regional governments and challenge them to further strengthen such hospitality; explore practical options to share the burden of Iraqi displacement, and facilitate dialogue between western governments and governments in the region.

#### IV. Funding Needs

As part of the fundamental review of our Iraq program, UNHCR released a Supplementary Budget Appeal last week. As summarized above, the main objectives of the revised program are to:

- ? Ensure effective protection and assistance to vulnerable Iraqis who have fled and who continue to flee to neighboring countries;
- ? Improve the delivery of protection and assistance to non-Iraqi refugees inside Iraq and to pursue durable solutions for such populations;
- ? Provide focused and targeted assistance to vulnerable IDPs and the communities hosting them inside of Iraq;
- ? Promote greater international attention to displaced Iraqis and non-Iraqi refugees in Iraq; and
- ? Update the UNHCR regional contingency plan and emergency operations plan.

Achievement of these objectives will require the full support of the international community and a significant increase in available resources. In 2007, UNHCR is seeking a total of \$60 million dollars to cover our activities in Iraq itself as well as our activities in Syria, Jordan, Egypt, Lebanon, and Turkey that are related to the situation in Iraq. More than half of the funds requested will be dedicated to UNHCR operations in neighboring states.

This funding represents a 100 percent increase from 2006, when UNHCR launched an appeal of \$29.8 million. Achieving full funding of the 2007 Appeal will present a significant challenge without the concerted support of the United States and other donors, given that we struggled to meet our 2006 goal, and ultimately fell short by several million dollars even in the context of a relatively modest budget. This forced us to reduce our activities inside Iraq and the surrounding region, including activities such as support to single refugee women in Jordan, food distribution in Syria, and children's education in Jordan and Syria.

Since 2003, the United States contribution to UNHCR's Iraq operation has been:

- 2003: \$28.1 million (representing approximately 32 percent of UNHCR's budget appeal)
- 2004: \$16.2 million (representing approximately 24 percent of UNHCR's budget appeal)
- 2005: \$19.9 million (representing approximately 22 percent of UNHCR's budget appeal)
- 2006: \$7.9 million (representing approximately 27.5 percent of UNHCR's budget appeal)

We look forward to continued generous support from the United States, particularly at this critical juncture of the operation.



## V. Conclusion

In closing, Mr. Chairman and members of the Subcommittee, I would like to thank you for your leadership in highlighting and addressing the critical protection needs of Iraqi refugees and others of concern in the region. We look forward to working with you in the coming days to ensure that enhanced protection and assistance are delivered and durable solutions are identified through robust support and cooperation from the United States and other members of the international community. Only by working together with the international community will we be able to address the political, social, and financial impact of large-scale displacement in the region and to ensure full protection of individual refugees and others of concern.

Thank you, and I would be happy to address any questions or concerns you might have.