

*International Conference on Addressing the Humanitarian Needs of Refugees and Internally Displaced Persons inside Iraq and in Neighbouring Countries
Geneva, 17-18 April 2007*

NGO Statement on Regional Consequences of the Humanitarian Crisis in Iraq

This statement has been drafted in consultation with a broad spectrum of NGOs.

Mr. Chairman,

The humanitarian needs of the people fleeing Iraq are urgent, as are the needs of the countries hosting them. The convening of this conference is a welcome step in the international community's recognition of the extent of the humanitarian consequences of the crisis in Iraq. An estimated two million people have left Iraq for neighbouring countries, mainly Jordan and Syria, but also Egypt, Lebanon, Iran, Turkey, and the Gulf countries. An additional almost half million have fled further abroad, seeking refuge from the violence, unrest, ongoing military operations, religious and other forms of persecution, kidnapping, and general insecurity in Iraq. The situation is critical and one that requires an immediate and sustained response aimed at ensuring protection and assistance for those fleeing.

The Response of Neighbouring Countries

NGOs recognise and greatly appreciate the considerable hospitality that has been extended by the governments and populations of neighbouring States in receiving people who have left Iraq seeking refuge. This laudable hospitality is in keeping with the traditions and history of the peoples of this region and has been extended at an order of magnitude that is quite remarkable, considering their own capacities and national constraints.

Both Jordan and Syria, in particular, have faced a huge influx of refugees in recent months, which has obviously put a strain on their resources. In the case of Jordan, the number of Iraqis being hosted is believed to represent at least 15% of the country's total population. Iraq's neighbours are being overwhelmed by the scope of the crisis and the support of the international community is essential.

Despite these large numbers, international refugee, human rights, and customary international law, and specifically the principle of *non-refoulement*, must be respected. It is currently of great concern that Iraqi refugees risk refusal at borders or risk being deported. Given the present levels of violence and human rights abuses in Iraq, such rejections and returns in many, if not most, cases may be considered as constituting *refoulement*. The NGO community would like to remind receiving States that refusal at the border and forcible returns to Iraq must not occur.

At present, those fleeing violence in Iraq are received by neighbouring countries as temporary visitors, not refugees with recognised rights. This situation is further exacerbated by the difficult renewal process of their visas, with the result that most Iraqis living in third countries quickly lose their legal status and are left to fend for themselves, living in fear and subject to exploitation.

It is thus critical that those seeking protection are given access to a determination process and receiving countries – with the assistance of UNHCR and the international community – provide protection and assistance, notwithstanding the status of ratification of international refugee law instruments. A means should be sought to provide a legal status to those fleeing Iraq to facilitate their assistance and protection, pending a durable solution. Consideration could be given to the granting of *prima facie* status to refugees from Iraq to provide improved assistance and protection.

Restrictions Hampering the Right to Seek Asylum

NGOs are increasingly concerned about restrictions being put in place by a number of countries that make it more difficult for Iraqis to seek and receive international protection. Moreover, an increasing number of countries, in the region and beyond, are implementing stricter entry requirements, including having the new G series passport, which almost effectively closes borders to all but the most affluent Iraqis. Indeed, these passports can be easily obtained with significant bribes. Host countries need to look at all measures to facilitate Iraqi refugees' right to seek asylum, including the relaxation of visa restrictions for Iraqis.

NGOs are strongly concerned by, and opposed to, suggestions by some to set up “safe havens” inside Iraq. Given the security situation inside Iraq, we are gravely concerned that these so-called safe havens might themselves become targets of violence, placing already vulnerable individuals at even greater risk. The existence of such enclaves might also become an excuse to place further restrictions on the right to seek asylum, which would be unacceptable.

States outside the region must also remember they are bound by their protection obligations. These States, including those in the EU, must also make generous provisions to ensure access to fair and satisfactory asylum procedures, respecting the principle of *non-refoulement* and granting either refugee status or a form of complementary protection. It is our opinion that the present instability rules out returns to any part of Iraq, including the North at the present time.

The Impact on Those Fleeing Iraq

For those who are able to flee Iraq, the situation they face on arrival in host countries presents serious difficulties. Basic essential services, such as shelter, health, education, and security, as well as specialised trauma support are often not available. Host countries need to be empowered to strengthen and build necessary health, education, and community centres to prevent overburdening their existing systems. Support should be provided by the international community as part of an inclusive package that recognises both the needs of host community, which is often just as vulnerable, and the Iraqis who are now living in their midst.

Roughly 50% of Iraqi refugees are children and some 550,000 of them are of school age. Access to education for children is, at present, severely limited. In countries that allow children to attend public schools, many children do not attend school because families cannot afford the school supplies and uniforms required. In other countries the only option for Iraqis is to send their children to private schools, but many cannot afford the tuition. In addition, some parents are reluctant to send their children to schools, as the families are in hiding due to their lack of legal status. According to UN estimates, it would cost US \$78 million annually to ensure the education of these Iraqi refugee children. Adequate resources must be provided for their physical and psychosocial needs as well.

Iraqi refugees' medical needs also go largely unanswered. In some countries, the medical services they can access are limited to emergency care, while in other countries Iraqis pay the same rates applied to persons who are non-residents. Though local NGOs do provide clinic

services for Iraqi refugees in some countries, demand far outweighs supply. Other private health services are also insufficient. Despite evidence that psychological trauma is widespread among the refugee population, there is little attention given to mental health needs. Many in the Iraqi population are torture survivors and so, with the support of the international community, neighbouring countries must be prepared to make investments to strengthen and build rehabilitation programmes.

Limited Resources

Those fleeing Iraq with few or no savings, those receiving no family remittances, the elderly and disabled, and those who have suffered loss, injury, and trauma are in need of immediate assistance. While many refugees from Iraq came from comfortable backgrounds, all face challenges that can quickly plunge them into a subsistence existence. Many Iraqis have fled the country after having their savings drained by paying ransoms for kidnapped family members. Others have had to use their savings to survive to this point.

Most Iraqi refugees live overwhelmingly in urban areas, making it difficult for aid organisations to identify and reach them with targeted services and support. Partially due to the large influx of Iraqis seeking shelter in limited housing markets, rents in Damascus, Amman, Cairo, and Beirut have increased in the past three years, and constitute the largest single expense for Iraqi families.

Iraqi refugees' resources are further strained by their inability to work legally in host countries. Those that take work must do so informally, without a permit, and at the risk of arrest and detention. Many suffer workplace abuses, including non-payment of wages earned and there is increasing child labour. Others are afraid to work for fear of having their papers checked and then being deported to Iraq. A legal work status should be afforded for the many Iraqis who could then work legally to help support themselves.

Innovative and Improved Responses

Although Iraqi refugees at present remain dispersed amongst the populations of their host countries, as their numbers increase there may be a temptation to try to move them into camps. However, in our view, Mr. Chairman, such a move would be counter to the rights and well-being of the Iraqi refugees, as they now enjoy freedom of movement and the opportunity to contribute to their own needs. We must find innovative and creative means to support Iraqis in their present circumstances while seeking durable solutions for them.

A major challenge for international NGOs is the difficult and time-consuming process to legally register themselves with some countries in the region in order to provide services. NGOs can provide considerable support to hosting governments if permitted, without being a "pull factor." We hope that value of the resources that can be contributed by the NGO community will come to be more fully recognised, and that partnership between the NGO community and authorities in the region will increase as we join forces to meet the challenges ahead.

An International Response to the Situation

The response by NGOs to those affected by the humanitarian crisis in Iraq cannot, and should not, be seen as a substitute for a comprehensive plan embracing the needs of all those affected. Not only Iraqis, but also citizens of neighbouring countries, are frustrated with the international community for not doing more to deal with the consequences of the war in Iraq. It is fair of surrounding countries to ask for help with the challenge of supporting the refugee influx, as well as to ask for a reasonable balance with regards to how that support compares with programmes available to their own citizens.

A multi-faceted international strategy, involving substantial financial, technical, and in-kind assistance, as well as an immediate increase in resettlement as a responsibility-sharing and protection tool, is indispensable to addressing the refugee situation arising from the humanitarian crisis in Iraq. Hopefully, this conference will facilitate the development of a true responsibility-sharing response and a win-win strategy that utilises all existing channels to ease the suffering of all those affected by the conflict in Iraq.

Responsibility-Sharing

The international community, particularly including countries involved in the coalition, must acknowledge their responsibility to develop a broad-based response to refugee needs. This response should include not only assistance measures, but the protection of refugees both in countries of asylum and also through expanded opportunities for the strategic use of resettlement, particularly for those with special protection needs. To date, the US numbers for resettlement are seen as too minimal an attempt to address the millions affected by the crisis. EU countries should cooperate to find a unified approach to the crisis and other States should follow Sweden's welcoming of Iraqi refugees.

We note that Iraqis are not the only ones fleeing Iraq. Amongst the other groups are the Palestinian refugees who were living in Iraq that were forced to flee in search of safety. Many have disappeared inside Iraq, while others have left Iraq without valid identification documents and now live in a legal limbo. Of urgent concern are Palestinians who are stranded on the Iraqi border because neighbouring states have closed their borders to them. Despite much media attention to the urgent plight of this group, the international community have done too little to protect them. States should open their borders to Palestinian refugees fleeing Iraq and reactivate the search for a temporary or durable solution based on international law. UNRWA should register 1948 Palestinian refugees from Iraq who are presently in an UNRWA area of operation to contribute to addressing this gap.

The UN, NGOs, host countries, and communities need to ensure that the needs of Iraqi refugees, with special attention to the most vulnerable, are properly assessed, funded, and met. International donors should support these efforts by significantly increasing their support for governments and NGOs and other humanitarian organisations to fully meet the needs of those who have fled from Iraq and their vulnerable host communities.

The humanitarian situation facing those fleeing Iraq must be addressed by the international community as a whole. We hope that this conference launches that process. In some previous situations with large numbers of asylum-seekers, as in the case of Kosovo or, in a previous time, the Vietnamese, the international community took responsibility-sharing seriously. The time has come for a similar response to the situation in Iraq.

Thank you.