

Constructing and deconstructing 'the Iraq refugee crisis'

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David Turton in an noted 2003 paper entitled “Refugees, Forced Resettlers and 'Other Forced Migrants': Towards a Unitary Study of Forced Migration”¹ asked whether, as academics and scholars wanting to influence policy, we should be defining our objects of study in the same terms as those employed by policy makers. Turton argues that categories adopted by policy makers are often unhelpful for a scientific understanding as they limit the possibilities of inquiry.

Following on this argument, this paper develops three points by:

- Questioning the timing of and rationale for the emergence of the 'Iraq refugee crisis' paradigm;
- Analysing the application of the humanitarian paradigm as a framework of interpretation and intervention to respond to the situation in Jordan when placed 1/ against the back drop of the continuum of migration from Iraq and 2/ against the political economy of assistance in the Jordanian context.

1/ The 'Iraq refugee crisis' paradigm

The 'Iraq refugee crisis' has been elevated to the status of a 'unprecedented humanitarian crisis' since 2006. It would however be simplistic to believe that the refugee producing phase of Iraq is new simply because of a new conflict and a regime change and that previous episodes of displacement were of a lesser scale. Iraq has long produced both individual and collective refugees. Just before the American invasion, estimates for IDPs already varied between 800,000 and 2 million, while the Iraqi diaspora worldwide was estimated between 2 and 4 million people. 1,250,000 Iraqis at the very least had left Iraq durably over the 12 years of the sanctions, a figure that is reached by adding up:

- 250,000 Iraqis remaining in Iran in 2002 with a refugee status in 2002
- 300,000 Iraqis remaining in Jordan in 2002 under various statuses mostly as irregular overstayers
- 700,000 Iraqis having settled in Western countries between 1991 and 2002 as refugees, rejected asylum seekers, resettlement cases from first countries of asylum in the Middle East, or within a migration regime.

In 2000, more people from Iraq than any other country had sought asylum worldwide (41,000 applications according to UNHCR), and all though the 1990s Iraqis competed with Afghans to topple the list of asylum applicants in Western Europe. In 2002, Iraqis were the third largest refugee caseload in the world and human rights organisations were arguing that half of the Iraqis residing abroad had a well-founded fear of persecution had they returned under the regime of Saddam Hussein.

While it is frequent to read or hear that the international community has failed to respond adequately to the current Iraqi refugee crisis, this failure is by no means new. Whereas the international community addressed the 1991 Kurdish refugee crisis, it entirely neglected equally high number of Shi'ite refugees that fled to the marshes and to Iran. This instance of partiality was reproduced throughout the following 12 years during which at least one million of Iraqis left their country under different types and degrees of constraint. Under the sanction regime that forced a

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New Issues in Refugee Research, Working Paper No.94, UNHCR: Geneva.

collapse of the Iraqi economy, the sector of the Iraqi population most susceptible to emigrate durably was already the relatively large middle class who was experiencing impoverishment due to hyperinflation, loss of employment or wages, absence of prospects for their children, and a severe limitation of public liberties. Many also suffered direct persecution by the regime and its agents. Jordan was by far the main transit and reception country for those who left during the sanction years. While the proportion of asylum seekers in the Hashemite Kingdom at any point in time in the 1990s was as high as today, conditions of reception were no better than the current ones.

There are several reasons why this large outflow of forced or reluctant migrants went largely unacknowledged by humanitarian actors: a large part of the Shi'ite refugees who fled in the early 1990s went to Iran, a country that was hosting the highest number of refugees in the world but that was also subject to economic and political isolation from the part of the the same countries that were susceptible to offered it financial assistance for hosting refugees. In the following years, the departure of the Iraqi middle class took place as a regular trickle rather than as a one-time flow and therefore appeared to be of dramatic proportions only in retrospect. However, the main reason why UN failed to acknowledge that involuntary migration from Iraq was happening on a large scale as a side effect of the sanctions lies elsewhere. The UNHCR, in particular, was caught in the dilemma of having to protect and assist individuals who were prompted to leave their country as a result of policies decided and imposed by another UN body, the Security Council. Only a handful of advocacy NGOs (such as Amnesty International, Human Rights Watch, USCR, International Federation for Human Rights, the AMAR International Charitable Foundation) and research institutions (such as the Brookings Institution Project on Internal Displacement) called for international attention to a refugee crisis of major proportions. The UNHCR, despite evaluating the situation in humanitarian terms in several internal documents, in particular its 1996 *Background Paper on Iraqi Refugees and Asylum Seekers*, did not launch a special appeal to international donors. Lack of international funding and the fact that the phenomenon was not placed on the international humanitarian agenda precluded the interest and involvement of international NGOs with an operational mandate. Of the few that were operating inside Iraq and in Jordan, a couple expressed interest in the situation of the large number of Iraqi asylum seekers concentrated in Amman. However their funding pledges to international donors and requests for registering programmes submitted to the Jordanian authorities were systematically turned down.

The 'refugee crisis' of the past few years is not an entirely new phenomenon and has been overlaid on a continuum of forced or induced migration from Iraq going back decades with a marked trend towards acceleration as of 1991, and again as of 2005. This continuum is not only historical, it is also geographical with an Iraqi diaspora that expands over several countries in the Middle East, and in Western Europe, North America and Australia. Furthermore, this continuum is social with manifold ties that link individuals in Iraq and in the various spaces of the diaspora and movements of people, capital and information between these spaces. There has long been an established Iraqi migration order within which Iraqis have migrated for different reasons although instances of forced or induced migration have been predominant. Since the 2003 conflict, this migration order has been reshaped by geopolitical factors, such as the opening of the Syrian border and the official closure of Iran to refugees from Iraq. However, this reshaping is only partial and does not constitute a rupture with the previous period.

The main novelty in the phenomenon of out migration from Iraq is that actors in the humanitarian field are now designating the migration flow as a 'displacement or refugee crisis' of 'humanitarian proportions'. The 'Iraq refugee crisis' was originally designated by the UNHCR in Syria and Jordan when the agency instated a 'temporary protection regime' and started publishing figures that amalgamated Iraqis that had been in these host countries before 2003 and those who came after the outbreak of the war. By calling attention to a crisis the UN had played no part in creating, this process had the indirect effect of diverting the attention from the responsibility the UN bore in the

previous trend of forced migration. The paradigm was echoed and further developed by several of the dozen humanitarian NGOs based in Jordan since the outbreak of the war in 2003 and that were unable to operate in Iraq or compelled to operate their Iraq programmes from a distance. This frustrating situation prompted them to look alternative areas of direct intervention. These same agencies were also the ones that quickly responded to the call Syria launched for international intervention in favour of Iraqi refugees despite the questionable conditions the Syrian government put on the independence of NGOs' operations. A number of human rights NGOs with an advocacy brief, several of them US-based, also started taking up the issue of Iraqi displacement as part of a discourse on the illegitimacy and failure of American intervention in Iraq. Arguably, humanitarian agencies have designated the 'Iraq refugee crisis' less because of the number and conditions of forced-migrants than because of political agendas and imperatives of institutional survival.

Looking critically at the construction of the 'Iraq refugee crisis' paradigm should not be deemed illegitimate simply because it echoes the claims of the US Administration or Iraqi government that aim at downplaying the reality of insecurity in Iraq. The rationale for this critique is different: far from arguing that the security situation is stable in Iraq, my line of argument is concerned with the policy implications of framing migration from Iraq as limited time and space, of amalgamating the number of those who left Iraq before 2003 with those who left after the outbreak of the war, of computing together different categories of migrants, and of breaking the social continuum within which migrants that have left Iraq in the last few years are embedded. Such categories as 'refugee or humanitarian crisis' provide a framework of interpretation and have considerable impact on opportunities for intervention but equally important policy implications that I will now detail looking at the case of Jordan.

2/ Migration continuum and humanitarian framework

A recurrent trope in the various public and internal reports that agencies have produced these last two years is that 'Since the US-led invasion of Iraq in 2003, over half a million Iraqis have settled in Jordan'. Agencies are oblivious to the fact that, between 1990 and 2002, Iraqis came to Jordan in great numbers. Their stock was nearing 300,000 in 2002 according to the Jordanian Department of Statistics. Over that period, Jordan was also the main transit point of the more than 700,000 Iraqis who settled in a Western country. By Department of Statistics' account, those who came to stay in Jordan after 2003 are no more than 200,000. Tens - if not hundreds - of thousands of those who were in Jordan in 2002 or who came in the following years have since proceeded to Western or other Arab countries such as Syria, Yemen, or the Gulf states.

Additionally, Iraqi migration to Jordan is, and has been for decades, a mixed migration. Whereas the majority of Iraqis only transited, albeit sometimes over lengthy periods of time, a significant minority have established themselves long term in Jordan, belonging to various economic categories and social groupings. The result is that new comers from Iraq have at their disposal a variety of community structures that pre-date their migration such as professional, intellectual or artistic circles, members of previous generations of Iraqi exiles, relatives and friends with a stable status, religious institutions, tribal ties, etc. Settlement patterns are largely based on these ties. On the other hand, a very large proportion of Iraqi households in Jordan rely on remittances from members of the distant diaspora or on revenues derived from assets they still have in Iraq, including pensions. Additionally, the Iraqis who migrated in the 1990s or before and have gained full membership in an asylum country in the West are now solicited to support the migration of those objects of marginalisation in Jordan. In the last couple of years, more and more medium-scale businesses have been open in Amman by Iraqis who have borrowed capital from relatives in the distant diapora or in Iraq to meet the standards for investment and residency in Jordan. Many of these entrepreneurs have transnational connections but also a strong desire to remain near Iraq where they might have business assets to manage or oversee or relatives with whom they want to

maintain geographically closer contacts. Even the less well endowed economically are sometimes able to mobilise resources for local support or secondary migration through social networks such as extended families, clans or religious groupings. One such example is the several dozen families originating from al-Anbar province who have settled in small towns in the Eastern badia where Jordanian members of their tribal fractions live. Another such example is the relatively large number of devout Shi'ites who were in Jordan before 2003 and who have moved to Syria after that date to join newly arrived co-religionist because they were faced with the impossibility to pursue communal life in Jordan.

The number of Iraqis exiles in Jordan is bound to diminish further now that borders have been closed but to visa holders, not because most will return but because they are ideal candidates for secondary migration: belonging in their majority to the educated urban middle-class, lacking social and economic opportunities in Jordan, Iraqi exiles are prone to respond to the pull of family and other social ties from within distant diasporas that have reached a critical mass and a global scope during the 1990s. The dynamics of chain migration is currently so strong that neither changes in the situation in Iraq nor stringent access policies by Western countries are likely to reverse the trend of out migration from the region. Only those who do not have sufficient connections in distant diasporas or lack the financial or educational capital to compensate for weak transnational ties will stay in Arab host countries or return to Iraq. Alternatively, a small number of political or economic entrepreneurs will keep using Arab countries as regional bases for activities that span several national boundaries in the Middle East and beyond. This hypothesis, congruent with theories of migration and transnationalism, challenges the relevance of such concepts as return and repatriation for those whom international agencies categorize as refugees.

The case of Iraqis in Jordan also challenges the relief interventions of humanitarian agencies: the majority of Iraqis do not seek registration with UNHCR, the host state does not categorize them as refugees, they are dispersed in urban and rural areas, and demographic and other data are lacking. Like UN agencies, humanitarian NGOs adopt a needs-based approach that negated the histories, capacities and assets of the 'refugees' and tends to portray them as atomised helpless recipients. Alternatively, NGOs with an advocacy brief may adopt a rights-based approach that emphasises the role of states in providing legally binding mechanisms for incorporation such as rights of residency and work. None of these approaches, however, considers individual migrants as resourceful individuals who are not isolated from the host community or from social groupings that span international boundaries. Iraqis create or connect to support networks outside of the emergency relief structure and approach institutional assistance providers in small numbers, a fact that international NGOs interpret as a sign of fear and mistrust vis-à-vis the host society and other Iraqis. In reality, the 'refugee' and 'humanitarian crisis' paradigms through which agencies read the phenomenon obscures complex social processes and adjustments.

The interpretation of the nature of the intervention requested appears to be based on a neutral assessment of the needs of refugees, but implies the very politicised notion that refugees are a 'burden' on hosting countries because they are dependant in institutional assistance and do not contribute productively to the economy of the host society. In turn, the concept of burden legitimizes the call of host countries for international assistance in the framework of mechanisms for refugee 'burden-sharing', whereby more wealthy states contribute financially to the efforts of less developed states that are hosting the majority of the world's refugees. The principle of burden-sharing for refugees finds its origin in the international refugee regime and has been advocated by the humanitarian community to provide incentives to Iraq's neighbours to act in the interest of enhanced protection for Iraqi refugees. However, this principle has been led astray by Western states since the 1990s and used as a means to contain forced migrants in their regions of origin and is therefore not neutral and has been further instrumentalised by Jordan in the last year.

3/ Humanitarian framework and national agenda

Jordan, like most other Arab countries, has received Iraqi exiles as temporary guests within a discretionary toleration regime grounded in eroded commitments to Pan-Arabism. The large majority have lacked a legal residency and accruing social and economic rights. Despite the scale of the migration in the pre-2003 period, Jordan was spared international pressure to provide Iraqis with assistance and did not either call for international assistance at a time when tense but instrumental relations with Saddam's Iraq precluded Jordan to acknowledge the influx. While Iran had contained Iraqi refugees, Jordan let the flow pass through its territory in direction of countries that offered better asylum. A question is if the situation was reversed after international and non-governmental organizations took up the issue of Iraqi displacement as a humanitarian crisis. In fact, Jordan has managed to channel international assistance within a national agenda with the result that the conditions and migration trends of its Iraqi guests have not been substantially affected.

On the occasion of the April 2007 U.N. conference on displaced Iraqis in Geneva, Jordan claimed that Iraqis residing in Jordan were 750,000. Later, Jordan declared that Iraqis cost the country US\$ 1.6 billion a year and called on international support to alleviate what it called a 'burden' on the national economy, however opposing the idea of a parallel aid system. In response to this call, the government had received as of late May 2008 US\$ 58.3 million in bi-lateral or multi-lateral aid to improve facilities in sectors subsidized by public funds. UNHCR, having until then unsuccessfully advocated for a temporary protection regime for Iraqis it defined as refugees, reframed its operations: in 2007, 61 percent of the agency's operational budget for Jordan was given directly to the Ministries of Health and Education in addition to direct assistance provided to underprivileged Jordanians alongside Iraqis. For its part, the Ministry of Social Development imposed upon international NGOs operating programs for Iraqis in Jordan that at least 20 percent of their beneficiaries should be poor Jordanians.

The Jordanian authorities have made governments schools and the public health system accessible to all Iraqis since 2007. It is nevertheless evident that the figures they use in funding appeals are grossly inflated and that the number of Iraqis who use the services of the public sector and of international NGOs remains comparatively very low: less than 20,000 Iraqi children are enrolled in public schools, few individuals approach public health services, and no more than 60,000 use assistance programs operated by NGOs.

On the domestic stage, the Jordanian government's position vis-à-vis Iraqi guests continues to be expressed exclusively in terms of concerns for national security in the face of terrorism, crime and other threats that could spill over from Iraq. Calls for international support include security and precaution measures for which national expenditures have increased by 20 percent since 2005, allegedly to prevent terrorist attacks from foreign elements but also, one may contend, to suppress domestic discontent that could ensue from a deteriorating economic situation: while public subsidies are being lifted on basic goods and inflation is rising (1.6 percent in 2003 to an expected 9 percent in 2008), the purchasing power of the traditional middle-class is plummeting, 13% of Jordanians live under the poverty line, and at least 14.5% are unemployed.

Presented as burden-sharing for Iraqi refugees, the current assistance framework does not provide for a binding contractual mechanism that would make Jordan accountable to donors for an equitable allocation of aid to Iraqis, nor for granting them a wider set of rights in particular residency and legal access to the labor market. To those who frame their actions as answers to a humanitarian refugee crisis, Jordan has imposed a development approach that meets its priorities of alleviating the effects of economic reform on the Jordanian population and tightening security measures.

All parties, Jordanian officials have declared, “must work on facilitating the appropriate conditions that will ensure the return of Iraqis to Iraq” in the shortest possible term. More surely, the approach taken provides the appropriate conditions that will ensure the secondary migration of Jordan's guests to other, mostly Western, countries in the short or medium term, in continuity with the pre-2003 trend. This is not quite the outcome envisioned by those who, in the 1990s, conceptualized of 'burden-sharing' as containment of refugees in their regions of origin.

I will conclude by saying that whereas the scope of humanitarian intervention is by nature limited in time and space, the scope of migration from Iraq is ancient, durable and global. Therefore, policies devised within the former framework are bound to impact the latter phenomenon only marginally. By contrast, the framework of humanitarian intervention adequately fits the scope of national development and security policies that aim to achieve short-term objectives within national boundaries. In the last analysis, a humanitarian agenda serves Jordan's governmental interests better than those of Iraqis who have had no choice but to look for safety and a future outside of their country.