

The Challenges of Delivering Humanitarian Assistance in an Urban Refugee Setting: An Examination of the Human Rights Based Response to Displaced Iraqis in Jordan

Dr Laura Watkins

Abstract

The ongoing war in Iraq has resulted in the largest refugee exodus since 1967. Focusing on the estimated 450,000 – 500,000 Iraqis displaced to Jordan¹, this paper examines the Iraqi urban refugee phenomenon and the resultant protection and livelihood challenges. Although the Government of Jordan has long played the generous host to waves of refugees that have been generated by the region's conflicts, the resources and absorption capacity of the state are severely strained and the 'irregular' status of its Iraqi 'guests' have complicated humanitarian assessment and delivery². Furthermore, the hidden and marginalised nature of the Iraqi exile population in Jordan has provoked complex human security concerns, while the international community's reliance upon a Human Rights Based Approach to Programming (HRBAP), coupled with the Government of Jordan's concerns regarding security have hampered humanitarian assistance. In examining the potentials and limitations of humanitarian assessment and delivery within this urban refugee setting, this paper seeks to provide insight by drawing lessons from relevant theory and policy combined with analysis drawn from field research conducted between November 2007 to February 2008.

¹ Figures contained in the study conducted by the Norwegian research institute FAFO, based upon data collected in May/June 2007.

² Jordan is not a signatory to the 1951 Refugee Convention.

The Challenges of Delivering Humanitarian Assistance in an Urban Refugee Setting: An Examination of the Human Rights Based Response to Displaced Iraqis in Jordan

Dr Laura Watkins

The situation of Iraqi refugees in Jordan has been characterised by its hidden, relatively silent, urban nature. The international response to the Iraqi refugee crisis appears somewhat slow and sporadic, lacking in profile and visibility. However, many international organisations operating within Jordan, such as UNICEF and Save the Children, characterise their programmes of humanitarian assistance to Iraqis as ‘human-rights based’ in their approach. According to a statement made by the UN Secretary General in 1998: “A human-rights based approach describes situations not simply in terms of human needs, or developmental requirements, but in terms of society’s obligations to respond to the inalienable rights of individuals, empowers people to demand justice as a right, not as a charity, and gives communities a moral basis from which to claim international assistance when needed” (UN Secretary General, 1998). This paper is based upon research conducted in Amman from November 2007 to February of this year, led by Professor Sultan Barakat of the Post-war Reconstruction and Development Unit, University of York, and assisted by myself during a visiting research fellowship at the Regional Human Security Centre in Amman. It examines the situation of Iraqi refugees living in Jordan, and considers the nature of the assistance provided by the international community and their local implementing partners, questioning whether such programmes are really human-rights based. It is argued that the principal driver for many programmes of humanitarian assistance was not any accurate or comprehensive assessment of needs, but rather a reactive approach providing what was feasible given the logistical and political contexts and constraints. Representatives of NGOs and UN agencies interviewed during the field research reported that the situation of Iraqi refugees in Jordan was much more complex than previous refugee situations in which they had operated. It was felt that the hidden and silent nature of the majority of Iraqi refugees, coupled with a sense of political reticence and ambiguity on the part of the Government of Jordan, restricted and complicated their operations.

The legal status of Iraqi refugees in Jordan was a central theme of the research. The 1951 UN Convention Relating to the Status of Refugees defines a refugee as a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear is unwilling to return”. This definition, which focuses on individual persecution, was expanded by the Organization of African Unity (OAU) in 1969. The 1969 Convention Governing the Specific Aspects of the Refugee Problem in Africa³

³ Convention Governing the Specific Aspects of Refugee Problems in Africa, 1001 U.N.T.S. 45, came into force 20 June, 1974.

broadened the Refugee Convention to include people fleeing conflict in their country of origin or nationality: “The term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside of his country of origin or nationality” (Art. 1(2)). Although the 1951 definition and the OAU Convention relating to refugees appear to fit those Iraqis who have fled to Jordan, they have been classed by the host government as “guests” or “visitors”. Although those who meet the criteria set out in the Refugee Convention and OAU Convention are defined as refugees, even if they have not been classed as such by host governments, non-status or non-recognition has had serious implications for Iraqis in Jordan as they are denied the rights associated with refugee status in particular rights regarding movement, employment, and identity documents.

For the Government of Jordan’s part, it is not a signatory to the 1951 Convention, further it has a number of concerns about recognising Iraqis formally as refugees. As a representative of UNHCR advised, the government’s position is influenced by two factors: a desire to avoid a repeat of the ‘Palestinian experience’, and a concern about security. Certainly, there are concerns that a country with already high levels of unemployment, poverty and inflation, and limited resources, with a large Palestinian refugee population, will be unable to absorb Iraqi refugees. As confirmed by the Director of the Coordination Office for the Reconstruction of Iraq which has responsibility for the humanitarian programmes relating to Iraqi refugees, based at the Ministry of Planning and International Cooperation (MOPIC), “Jordan does not have the capacity to receive refugees and although MOPIC appreciates the efforts of the international community to mitigate the impact, the presence of these Iraqis has nonetheless placed increased pressure on the local infrastructure”. Further, a representative of the International Catholic Migration Commission (ICMC) echoed the state’s position, advising that the government had legitimate concerns, particularly as they initially received little outside assistance, with inadequate preparation and limited resources and infrastructure. Regarding security, refugees are increasingly being viewed as ‘carriers’ of conflict and instability, and there is an evident fear that Iraqi refugees may bring with them dangerous ideologies. A representative of MOPIC highlighted the concerns of the state, but also the wider population, referring to the events of November 2005 when 3 hotels in Amman were the targets of a terrorist attack, killing 60 and wounding 115; 3 Iraqi men were later identified as being responsible for the attack. Certainly, there was a tightening of security restrictions and border controls following this. A representative of UNHCR reported during the field research, that it was ‘tight’ at the border and there had not been any major influxes, with the majority of Iraqi refugees, in 2007, travelling to Syria. He went on to advise that the position of the Government of Jordan, and the concerns felt amongst Iraqis about their legal status, has led to marked differences when contrasted with the Iraqi presence in Syria. There, the Iraqi presence is much more visible, and there appeared to be a greater acceptance despite some local resentment, with food distribution centres operating

in the centre of Damascus, and greater accessing of services and refugee registration.

Despite these concerns there had been a reported ‘softening’ of government attitude since 2007. As a representative of UNICEF advised for much of 2007, there were reported tensions regarding speculation over numbers and the government appeared very closed in its dealings with international organisations. However, since that time organisations have felt less pressure in their daily operations and this has been reflected on the ground, giving them more room for manoeuvre, for example in the provision of non-formal education, home schooling, and better access to healthcare. As the Director of the Office for Reconstruction in Iraq advised “For those who are classified as having illegal status, we are turning a blind eye for humanitarian reasons”.

However, although the government was not actively seeking those Iraqis who have overstayed their visas and are thus “illegal”, there remains a high level of fear amongst the Iraqis themselves. In addition to the fear of deportation, Iraqis may be required to pay a fine, standard to all non-Jordanians, of 1.5 Jordanian Dinars (JD) per person for each day they overstay their visa. As a UNHCR Programme Officer explained, “The Iraqis want to hide and stay under the radar from government bodies and to some extent from UNHCR. Although the government is more relaxed at the moment vis-à-vis Iraqis, it is very hard to convince Iraqis of this.” This was echoed by a representative of MOPIC who advised that “We recently put out a call to renew residency, however no one turned up. There was an apparent fear that this call was a trap, but from our perspective we just wanted to put things in order and ensure we have accurate information”.

Iraqis have had to bear many costs as a result of the war: financial costs following the loss of property, possessions and income, and having to survive by spending their life savings; health costs in terms of the mental and physical strains of displacement and the deterioration of their living standards, loss of roles and purpose, physical and mental trauma experienced in Iraq; education costs, following disruption which in many cases has lasted 2 to 3 years, and differences in curricula in Jordan; community costs, as many Iraqi families live isolated lives, and are sometimes forced to be extremely mobile for fear of being identified; identity costs as they have experienced a loss of citizenship, status and role and many feel that no one is accountable for them or acting on their behalf; and finally, community costs, as social networks and support structures have been affected by the impetus to remain hidden. During the field research, a UNHCR representative reported, “Iraqis came with the expectation of being in Jordan for a limited time. However, according to UNHCR assessments there have been few returns and practically none to speak of from Jordan. The Iraqi community is largely unconvinced that the situation has changed enough to go back, and there are concerns regarding property restitution”.

The hidden, urban nature of the Iraqi refugees has contributed to the complex task of humanitarian assistance. The UN agencies and international NGOs operating within Jordan are aware of high levels of need, which are only likely to increase over time; however they feel that they are acting blind to a significant extent as they do not feel they have sufficient accurate information. A UNICEF representative felt that in reality little is known about the Iraqi community in Jordan and this seriously affected programming to date as “it has not been evidence-based as it should have been, and has thus proved more costly and less effective”. A representative of ICMC echoed similar challenges as Iraqis are hidden and dispersed, it has proved difficult to assess their needs and conduct outreach, further it has created a problem of accessibility as identifying where services are and how to use them becomes more and more difficult as Iraqis move around. One strategy employed by ICMC partners has been to leave details of programmes in shops and supermarkets, however even in adopting this approach it has proved difficult to identify the most vulnerable. In addition, many reported being unable to operate as openly or as publicly as they would like as they walked a fine diplomatic line with the government. As a UNHCR representative advised, “In a camp setting we are able to assess needs and respond accordingly, here however, in an urban setting, it is extremely difficult. Effective and extensive outreach is critical however the government is insisting we keep a low operational profile and therefore we cannot communicate our programmes to the public”. One can perhaps understand the government taking this position, as widespread publicity could prove problematic as if organisations were to advertise their programmes for Iraqi refugees alone this could provoke local resentment, while advertising assistance for Iraqis and Jordanians alike, could overwhelm existing capacities.

In terms of capacities, international NGOs and local implementing partners have had challenges of their own to contend with. The international community had come under criticism for its apparent delay in responding to the needs of Iraqi refugees, with many beginning their operations in late 2006 or 2007. However without any official policy recognition of Iraqis in Jordan until summer 2007, many NGOs and also UN agencies, reported that they had found it necessary to initially focus their efforts on advocacy, as in order for Iraqis to gain access to services there had to be official recognition and approval at the state level. Efforts were made to emphasise that the burden of Iraqi refugees’ needs would not fall solely on the state, but rather the international community would assist in strengthening existing services and structures for the long-term benefit of all. As a representative of MOPIC advised: “International assistance is directed to the Government of Jordan to improve its capacity to assist those who ask for it. It doesn’t discriminate; Iraqis are treated in the same way as Jordanians. All support and assistance is directed through MOPIC, which acts as a national coordinating body. No parallel system of provision or infrastructure is permitted; the existing system remains and applies to everyone. We don’t have to pinpoint Iraqis in our work; instead we provide support to needy areas to be accessed by all, so that all are treated equally. International organisations have come to understand this policy. They provide services where Iraqis are concentrated but leave them open for all”. The majority of those

organisations interviewed providing assistance to Iraqis have a 20 to 25% quota for Jordanians inbuilt within their programmes. As a representative of the Jordanian Red Crescent advised: “Where there is a clear need, we make them aware of services. We try to respond to individuals proactively, while keeping a balance not to exceed our existing resources”.

Many international NGOs have arrived since late 2006 and have been tied up in lengthy registration processes, while getting a sense of the operational environment. Many have partnered with local NGOs to offer services, however as ICMC reported although local implementing partners and civil society organisations have proven committed and enthusiastic, working in an emergency mode is new to them and has placed pressures on their structures, and they have required much support in terms of developing their understanding of the principles of international humanitarian assistance, donor regulations, policies, procedures, and monitoring systems. Even those organisations with a more established country presence were not used to operating on such a scale. As a representative of UNHCR advised, “We spent most of 2007 setting up systems and supporting our partners, most of these systems are now in place, however operations are still relatively young, and we are only beginning to expand key areas such as outreach, administration, and managerial capacities”.

Planning for the future and issues of sustainability were also problematic as NGO staff were unsure how the situation may change, both in Jordan and in Iraq, nor were they comfortable putting in place a strategy for the long-term, as the Iraqis were viewed as ‘temporary guests’. However, developments were reported in various areas including outreach and integration of services users, in spite of the difficulties outlined earlier. For example, at the time of the field research, UNICEF was working with Save the Children, who had an established team of Iraqi volunteers that had developed relationships of trust in those areas where Iraqis were concentrated. Although this was a new and ongoing process which required further resources and development, particularly as there were very few community or social groupings between Iraqis, in developing links with clusters of Iraqi concentration, such efforts were assisting with outreach services, local capacities and community-led needs assessments and projects.

New initiatives were beginning at the time of the field research. UNHCR for example, from January 2008, was beginning a process of decentralisation of its services, making an essential set of services (material assistance and community services), available to residents of 16 to 17 geographical clusters of Iraqi concentration. It had requested support from implementing partners in each of the clusters so that Iraqis would not be exposed to the tensions involved in travelling long distances. Staffing levels had increased from 30 to 130 staff and it was also in the process of developing a database of beneficiaries which was anticipated would assist coordination, analysis and needs identification and would help develop and improve outreach and referrals as the system would be shared by UNHCR’s implementing partners.

In concluding, the paper began by referring to a human-rights based approach to programming, so what implications have these factors had? A human-rights based approach to development enables those whose lives have been affected to articulate their own needs and priorities, assert their rights to resources, and demand accountability from state or development agencies, and provides a basis upon which they can hold states accountable for the realisation of their rights, such as the right to education, right to work, and the rights to food, health, habitat and economic security. However, a situation such as that of Iraqi refugees, where they have little access to those institutions that may advocate on their behalf, are unable to act concertedly or collectively, and have no one to hold accountable for their situation, demands that the assertion made by many international organisations, of the value of adopting a human-rights based approach which “gives communities a moral basis from which to claim international assistance when needed” is examined more critically.