

IOM IRAQ

ACCESS TO DURABLE SOLUTIONS AMONG IDPs IN IRAQ

EXPERIENCES APPLYING
TO COMPENSATION

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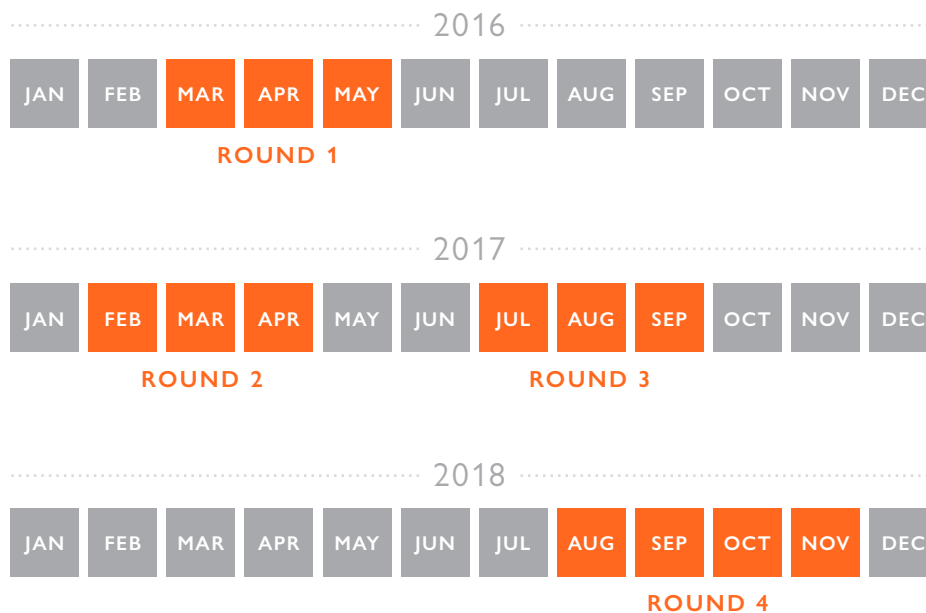
INTRODUCTION

The Islamic State of Iraq and the Levant (ISIL) crisis in Iraq caused an estimated 45.7 billion USD (53.3 trillion IQD) in overall damages in the country. Of this amount, nearly 37 per cent (16 billion USD, 18.8 trillion IQD) was counted as destruction of and damage to housing, making it one of the worst affected sectors.¹

The housing damage was most severe in Ninewa governorate (62.7% of all damaged housing), with Anbar governorate next (20.4%), followed by Salah al-Din (9.9%), (Kirkuk (3.9%), and Diyala (2.8%).² Half of the estimated 138,051 residential buildings that suffered damage cannot be repaired.³ Thus, housing is one of the key hurdles for the nearly six million Iraqis displaced due to the ISIL crisis and who are seeking a durable solution to their situation in displacement or in their return areas.

In the first study of its kind, *Access to Durable Solutions Among IDPs in Iraq* follows the same 4,000 Iraqi households displaced by ISIL for almost three years as they seek to find solutions to their displacement. The results of this longitudinal study specific to housing, land, and property damage in their areas of origin and compensation are described in this brief.⁴ Findings from this study provide self-reported levels of house damage of both IDPs and sampled returnees and their experiences with the compensation process.

To date, the study has collected four rounds of data and Round 5 of data collection is taking place in fall 2014



1 World Bank Group. "Iraq Reconstruction & Investment Part 2: Damage and Needs Assessment of Affected Governorates." (January 2018), p. IV, p. 14. This report uses data provided in part by the Government of Iraq (GoI). Available at: <http://documents.worldbank.org/curated/en/600181520000498420/pdf/123631-REVISED-Iraq-Reconstruction-and-Investment-Part-2-Damage-and-Needs-Assessment-of-Affected-Governorates.pdf>

2 HLP sub-cluster presentation to Returns Working Group (RWG). "Property Compensation Guidelines." Updated December 2019.

3 The World Bank Group. "Iraq Reconstruction & Investment." p. 14.

4 For all reports from the study, please see <https://iraq.iom.int/publications> and <https://ccas.georgetown.edu/resources/iom-gu-iraq-idp-study/>

The ongoing longitudinal study conducted by IOM Iraq and Georgetown University tracks the experiences of the same 4,000 households displaced by ISIL in the two years between January 2014 and December 2015. None of these households were displaced to camps and are among the non-camp population. All of the households were displaced from one of seven governorates (Anbar, Babylon, Baghdad, Diyala, Kirkuk, Ninewa, Salah al-Din) to one of four governorates where the study was fielded: Baghdad, Basra, Kirkuk, and Sulaymaniyah.

This brief first discusses findings related to compensation from Round 4 of the study (August-November 2018). Specifically, it analyzes both the weighted, generalizable responses of 2,535 IDP households and the unweighted responses of 1,100 returnee households and the experiences applying for compensation from the qualitative interviews.⁵ The brief also describes the compensation structures put in place by the Iraqi government as well as the legal and procedural elements of the compensation process.

Main Findings:

1 Housing in displacement poses a huge financial burden to non-camp IDPs. Roughly 81 per cent of those IDPs who owned property prior to displacement were having to pay rent for housing as of Round 4 (August-November 2018). This is a new and large expense that can come at the cost of other basic needs like food and health care.

2 There is a connection between levels of destruction of property and IDPs' ability to return. While IDPs may want to return, 60 per cent say their property is heavily damaged or destroyed.

3 IDP knowledge of the compensation claims process has increased since 2016. Most IDPs and returnees receive their information on the compensation process from relatives or neighbors.

4 IDPs and returnees are more knowledgeable about Housing, Land and Property compensation processes than about other categories such as compensation for dead or missing family members.

5 The majority of IDPs and returnees aware of the compensation process believe it to be lengthy and difficult. Claimants must visit offices in their home areas in order to file compensation claims, documents are difficult to obtain, and IDPs and returnees alike mentioned lack of trust in compensation committees to deliver funds fairly in a transparent manner.

6 Among both IDPs and returnees, applying to compensation appears to correlate with heavy damage or destruction to property. Those reporting heavy damage or destruction to their homes apply to compensation at a higher rate than others.

7 The majority of IDPs and returnees who filed compensation applications have not received responses. Almost all IDP and returnee households who applied for compensation in this study are still waiting to hear back on the status of their applications. Missing documents is the main reason why compensation claims have been rejected.

5 Households in the study originate from one of seven governorates of origin (Anbar, Babylon, Baghdad, Diyala, Kirkuk, Ninewa, Salah al-Din) and were displaced to one of four governorates of displacement where the study was fielded: Baghdad, Basrah, Kirkuk, and Sulaymaniyah. The weighted IDP findings generalize to a population of approximately 95,000 IDPs from one of these seven origin governorates and still residing in one of the four governorates of displacement. Because of the prospective nature of the study, findings among returnees apply only to the sampled population.

IRAQI GOVERNMENT COMPENSATION MECHANISMS⁶

The current system to address the issue of compensations for those who have lost property and lives or suffered injuries has its basis in legal statutes put in place by the post-2003, post-Ba'athist Iraqi government. The First Amendment of Law No. 20 of 2009 ordered the establishment of a centralized committee based in Baghdad, the Iraqi Central Committee for Compensating the Affected Due to War Operations, Military Mistakes, and Terrorist Operations (CCCA).^{7,8} The Committee reports to the Council of Ministers Secretariat (COMSEC) in coordination with the Martyrs' Foundation. In 2015, the Iraqi parliament approved an amendment to the law (Law 57 of 2015, first amendment) that expanded its scope, created a new division for victims of military operations, and altered the role of the Central Committee.⁹

The CCCA defines those affected as follows:

“Any person who was damaged or affected by an act of terrorism, military operation, or military mistake since March 20, 2003.”

There are five cases that are eligible and fall under the law: death (martyrdom), missing persons, complete or partial disability, damages that affect property, and damages that affect educational progress and career path.¹⁰

The current CCCA central committee is located in Baghdad and subcommittees have been created for each of the seven governorates of displacement.¹¹ Representatives from five government offices sit on the CCCA: the High Commission for Human Rights, Ministry of Interior, Ministry of Finance, Ministry of Justice, the Kurdistan Region of Iraq (KRG). The sixth member is a victims' representative. Subcommittees in each governorate are headed by a judge, as well as representatives from the Ministries of Defense, Interior, and Health, along with representatives from the Real Estate and Land Registration Office, the Department of Martyrs Foundation, and the governorate itself. The sub-committees receive applications, assess the level damage to properties, communicate decisions about applications, as well as decide on compensation claims not related to property. The Central CCCA makes final decisions on property compensation cases and hears appeals on other types of cases.¹²

There are 6 sub-categories for property damages: Houses; Shops; Companies; Farmland; Vehicles; and Furniture. It is possible to apply for more than one sub-category in a single application dossier. All claims are considered on case by case basis and the compensation amount depends on the level of damage to each type of the property.

6 The HLP Sub-cluster chaired by UN-Habitat Iraq and NRC has produced detailed reports on the process related to filing a compensation claim. See “Property Compensation Guidelines Based On Iraqi Law 20, 2009 And Law 57, 2015 (First Amendment)” (December 2018), https://reliefweb.int/sites/reliefweb.int/files/resources/property_compensation_guidelines.pdf. The challenges faced are detailed in “Advocacy Note on Property Compensation Scheme in Iraq: Challenges & Recommendations” (n/d), https://www.sheltercluster.org/sites/default/files/docs/advocacy_note_on_property_compensation.pdf

7 لجنة تعويض المتضررين جراء العمليات الحربية و الاخطاء العسكرية و العمليات الارهابية

8 Al-Waqa'`ya al-`Iraqiya #4140 [The Legal Proceedings of Iraq #4140] <http://cccv.gov-iq.net/ind2/Docs/Law.pdf> 28 December 2009, pp. 1-8.

9 See HLP subcluster reports mentioned in footnote 6 for more details on the process. For the Arabic text of the law see, the Republic of Iraq, Supreme Judicial Council, The Iraqi Legal Foundations hosted at <http://iraqlid.hjc.iq:8080/LoadLawBook.aspx?SC=260420105160317>

10 For more details, see “Property Compensation Guidelines Based on Iraqi Law 20, 2009 and Law 57, 2015 (First Amendment),” December 2018. https://reliefweb.int/sites/reliefweb.int/files/resources/property_compensation_guidelines.pdf

11 The Iraqi Council of Ministers regularly issues yearly reports and publicizes decisions describing changes to the law, establishment of compensation units in particular governorates, release of payments, and types of compensation (130 such documents were published between 2013 and June 2018). Almost all compensation distributions in this period were provided to compensation applications for events from prior January 2014.

12 The CCCA maintains a hotline (07807537575) and website (<http://cccv.gov-iq.net/ind2/>) that potential and current applicants can use to get more information about compensation or inquire about their cases.

A woman wearing a headscarf and a long, patterned dress is walking towards the camera on a dirt path. She is carrying a white bucket in her right hand. The background shows a makeshift settlement with several tents made of fabric and plastic. There are utility poles with power lines overhead. In the distance, a small white car is parked. The entire image has a blue tint.

SECTION I:
IDPs

SECTION I: IDPs

Housing in displacement poses a huge financial burden to non-camp IDPs.

More than 60 per cent of those IDPs who remain displaced between 2016 and 2018 (in other words, those who had not returned) owned property prior to displacement, and thus had not faced paying rent as a regular expense. But, as of Round 4 (August-November 2018), 81 per cent of these IDPs were having to pay rent for housing. For many displaced people, having to pay rent in displacement is a new and large expense, and paying for housing in displacement can come at the cost of other basic needs like food, water, heating, healthcare, and education.

The greater the damage to property, the greater the share of IDPs who apply for compensation.

Among those who described the destruction as “heavily damaged or destroyed,” 68 per cent applied for compensation, while 22 per cent of those with partial damage applied.

There is a connection between levels of destruction of property and IDPs’ ability to return.

Despite the fact that many IDPs may desire to return and almost 70 per cent report that they are able to access their property, return is often not be possible: more than 90 per cent of IDPs who own property report some damage to their property in their place of origin. Sixty per cent claim that their homes are either heavily damaged or destroyed. Damaged or destroyed housing makes return less feasible for IDPs, and the prospect of needing to rebuild their homes is an additional financial burden.

IDPs IN DISPLACEMENT

Shelter Type in Displacement

	ROUND 4 %
Owned home ^a	14.6
Rented home ^a	80.6
Hosted	1.9
Other ^b	2.9

a. With immediate or extended family

b. Includes camps, unfinished building or housing, religious building or institution, hotel/motel, school or other government building

IDPs IN DISPLACEMENT

Condition of Property in Governorate of Origin?

	ROUND 4 %
Heavily damaged / destroyed	59.6
Partially damaged	32.3
No damage	8.1

IDPs IN DISPLACEMENT

Access Property in Governorate of Origin?

	ROUND 4 %
Yes	68.8
No	31.2

IDPs IN DISPLACEMENT			
Round 4: Applications for Compensation by Degree of Damage to Property			
Self-Reported Degree of Damage to Property	Applied for Compensation?		Property Damage Marginals %
	Yes %	No %	
Heavily damaged / destroyed	68.3	51.2	59.6
Partially damaged	22	42.4	32.3
No damage	9.8	6.4	8.1
<i>Total</i>	<i>100%</i>	<i>100%</i>	<i>100%</i>
<i>Compensation Marginals</i>	<i>48.1</i>	<i>51.9</i>	

IDPs' knowledge of the compensation claims process has increased, with approximately half of non-camp IDPs in Round 4 (August-November 2018), reporting that they are aware of the compensation committees. This share represents a fivefold increase since March of 2016, when only 10.5 per cent reported the same. Information from qualitative interviews suggests that increased knowledge is likely attributable to advertising and awareness campaigns by the government bodies as well as word of mouth.

IDPs IN DISPLACEMENT		
Are you aware of the existence of compensation committees?		
	ROUND 1 (2016) %	ROUND 4 (2018) %
Yes	10.5	49.5
No	89.5	50.5
<i>Total</i>	<i>100%</i>	<i>100%</i>

As knowledge of compensation processes among IDPs has risen, so too has the share of IDPs applying for compensation. Of the 70 per cent of IDP households who owned property as of August-November 2018,¹³ approximately 48 per cent applied to property-related compensation, signifying a huge increase from 2017 when under 5 per cent had applied.

IDPs IN DISPLACEMENT		
Share of Property Owners who Applied for Compensation		
	ROUND 3 (2017) %	ROUND 4 (2018) %
Yes	5.4	48.1
No	94.6	51.9
<i>Total</i>	<i>100%</i>	<i>100%</i>

¹³ Note: 76.3 per cent of IDP households reported owning property prior to 2014, and among them 93.1 per cent retained ownership of that property through 2018. As such, of all IDPs in 2018, 69.9 per cent confirmed they owned property before displacement and still owned property at the time the Round 4 (August-November 2018) survey was fielded.

Housing, land and property claims account for the majority of applications. Those who reported having applied for compensation were asked to specify which type. Among the five categories that the CCCA has specified for compensation, 97 per cent of households reported applying to compensation for housing, land, and property. The vast majority of households (88%) applied for compensation for residential real estate, followed by 9 per cent who applied for restitution of agricultural land.

Lack of knowledge of other compensation categories with very few applications in these categories remains.

Fewer than 2 per cent of all non-camp IDPs (whether they owned property or not) applied for non-property related forms of compensation (missing or deceased family members, partial or complete disability, temporary disability, or disruptions to education or career paths). For each of those other four types, 95 per cent or more said they did not apply or did not know that this type of compensation existed.

IDPs believe the process of applying for compensation is difficult and lengthy, an opinion they often report hearing from relatives or neighbors.

Among the half of IDPs who know about compensation committees, 93 per cent believe the process is somewhat or very complicated, and a majority (60%) indicates that their information on the compensation process comes from relatives or neighbors. Far fewer households who know about compensation get information from the formal media (21%) or government sources (11%).

The compensation process is in fact a lengthy and challenging one, overseen by the Iraqi Central Committee for Compensating the Affected (CCCA).

To apply, IDPs' property not only needs to meet a certain degree of damage specified by

the CCCA, but also applicants need to provide two categories of documents. Category 1 documents are identity-establishing documents, such as a national ID card, certificate of nationality, rations card, or property certificate. Category 2 documents include police reports or proof of damaged property.¹⁴ Those filing claims report difficulties in obtaining the necessary documents to file the claims, either because they were destroyed in the process of fleeing or they never had them, and government offices with property records were deliberately destroyed by ISIL. Missing documents is the main reason why compensation claims have been rejected. The estimated times for each of the governorates is as follows: Kirkuk, Ninewa, and Diyala (6-12 months); Anbar (3-12 months), and Salah al-Din (1-6 months). The slow pace is due to the lengthy process related to obtaining a security clearance for the applicant, which is sent from the respective governorate to Baghdad where it is processed, then sent back to the sub-committee, allowing them to proceed with the process.

Furthermore, offices for filing compensation claims are located in the seven governorates where destruction occurred, and compensation claims must be filed in those specific offices in the relevant governorate. It is both costly and challenging for IDPs who are living in displacement to return to their areas of origin in order to file claims.

Overall, it appears that those who applied to property-related compensation are acquainted with the process and track their application.

Nearly half of all households filed for compensation than 12 months before the Round 4 survey was fielded (August-November 2018), and a majority (62%) had tracked the status of their applications either by visiting or calling the CCCA.

IDPs IN DISPLACEMENT

Round 4: Information on Compensation Application Process Among Households who Applied

What type of property did you apply for compensation for?		When did you apply for compensation?		Where did you apply for compensation?	
	%		%		%
Residential Real Estate	87.9	12+ months ago	48.5	CCCA Subcommittee ^b	63.7
Agricultural Land	9.6	10 to 12 months ago	29.6	Local Council ^c	35.5
Other ^a	2.5	1 to 9 months ago	21.9	Other ^d	0.8

a. Includes commercial real estate, land for real estate or commercial use, vehicle for private or commercial use, and other personal valuables or household items.

b. Central Committee for Compensating the Affected

c. Includes municipal councils and governorate councils

d. Includes the Ministry of Migration and Displacement

¹⁴ For more details in English see "Property Compensation Guidelines Based On Iraqi Law 20, 2009 And Law 57, 2015 (First Amendment)" (December 2018), https://reliefweb.int/sites/reliefweb.int/files/resources/property_compensation_guidelines.pdf. See also "Advocacy Note on Property Compensation Scheme in Iraq: Challenges & Recommendations" (n/d), https://www.sheltercluster.org/sites/default/files/docs/advocacy_note_on_property_compensation.pdf

Most of submitted claims are still pending and no IDPs in this study have received compensation.

Claimants with successful application usually receive a “reference number” and also an indication of the monetary value that has been assessed for compensation. Almost all of those who had applied for compensation by August–November 2018 (Round 4) were still waiting to hear back on whether their claims would be accepted—that is, that they would receive compensation—or rejected. Only 1 per cent said their claims were accepted, but none had yet gotten money from the CCCA (their claims were not enforced). Of the very small percentage (2.1%) who said their claims were rejected, the vast majority

(85%) indicated that the CCCA had informed them they lacked necessary Category 2 documents (such as police reports or proof of damaged property). The HLP Advocacy Report notes that there are problems in the Compensation offices, in terms of staff and applicants’ ability to access the locations and in terms of staff knowledge of processes.¹⁵

Most of these IDP households (77%) further indicated that it took the CCCA between one and three months to render a rejection. Less than 3 per cent IDPs who received rejections have appealed the CCCA decision, and all those who have are still awaiting decisions on their appeals.

IDPs IN DISPLACEMENT					
Round 4: Information on Compensation Application Process Among Households who Applied - Continued					
Have you tracked the status of your application? %		If you tracked the status, how did you do so? %		What is the status of your application? %	
Yes	61.6	Calling CCCA number	47.8	Claim pending	96.9
		Visiting CCCA Office	40.8	Claim accepted	1
No	34.4	Other ^a	11.4	Claim rejected	2.1


a. Includes visiting the CCCA website and by contacting an NGO or legal aid service.

AUGUST 2018

Housewife living in Sadr City, Baghdad

“ According to the news from my region, my house is being lived in by ISIL members and some tribesmen who sympathize with them. I heard about compensation, but I did not apply yet for many reasons, most important of them is that my area of origin has not been liberated yet. The other thing is that the application for displacement requires money/resources that I do not have. The system lacks justice, but I have not tested it personally. This is based on what I have heard from others, so I cannot identify the problems in the system of compensation.

15 “Advocacy Note on Property Compensation Scheme in Iraq: Challenges & Recommendations” (n/d), https://www.sheltercluster.org/sites/default/files/docs/advocacy_note_on_property_compensation.pdf, p. 3.

The image is a monochromatic blue-tinted photograph. In the background, a large, modern building with a central tower-like structure and multiple windows is visible. In the middle ground, a walkway with a metal railing and stanchions is populated by several people, some wearing traditional Middle Eastern attire. The foreground is a rough, rocky, and somewhat desolate area with sparse vegetation. The overall mood is somber and contemplative.

SECTION II:
SAMPLED
RETURNEES

SECTION II: SAMPLED RETURNEES

More than half of all sampled returnees who owned property prior to displacement and retained ownership of it in 2018 reported having applied for compensation (54%).¹⁶ Majorities of sampled returnees in Anbar—home to roughly 45 per cent of households in the sample—as well as in Baghdad, and Salah al-Din, all applied for compensation. Fewer than half of the returnees in the remaining four governorates of origin (Babylon, Diyala, Kirkuk and Ninewa) applied.

SAMPLED RETURNEES					
Application to Compensation by Location in Round 4 (Governorate of Origin)					
Origin Governorate	Number of Sampled Households	Applied for Compensation?		Total	Origin Governorate Marginals %
		Yes %	No %		
Anbar	325	59.2	40.8	100%	44.6
Babylon	1	0	100	100%	0.1
Baghdad	92	59.8	40.2	100%	10.9
Diyala	91	38.5	61.5	100%	10.8
Kirkuk	63	46	54	100%	7.5
Ninewa	141	46.2	53.9	100%	16.8
Salah al-Din	78	62.8	37.2	100%	9.3
<i>Total</i>					100%

Both those who applied for compensation and those who did not expressed in equal measure that the process is very or somewhat complicated. Like their IDP counterparts, many returnees—seven in 10 households—receive information about the process from their relatives or neighbors. From both general perceptions and first-hand experience, sampled returnees also indicate that the process is difficult: 90 per cent of those who knew about compensation in general and 91 per cent of those who applied for it said the process is very or somewhat complicated. But this perception alone is not what is keeping sampled returnees from applying; the share of those who indicate that the compensation process is very or somewhat complicated is equal among those who did apply and those who did not apply (90% among each group).

Applying for compensation appears to correlate with heavy damage or destruction to property: As is the case for IDPs, applying to compensation seems to vary by the extent of property damage and by location. Among those who report heavy damage or destruction to their property, twice as many apply for compensation as do not apply.¹⁷

16 Among sampled returnees, 76 per cent indicated they owned property prior to displacement, and among them, 95 per cent retained ownership of their property in 2018. In total, 75 per cent of all sampled returnees owned property prior to displacement and retained ownership of it in 2018.

17 But while the majority of those who apply for compensation indicate partial damage to their property, there is no statistical significance between the share who said their property was partially damaged and applied and the share who said their property was partially damaged but did not apply.

SAMPLED RETURNEES			
Round 4: Applications for Compensation by Degree of Damage to Property			
Self-Reported Degree of Damage to Property	Applied for Compensation?		Property Damage Marginals %
	Yes %	No %	
Heavily damaged / destroyed	33	14.4	24.5
Partially damaged	62.9	70.8	66.5
No damage	4.2	14.9	9.1
Total	100%	100%	100%
Compensation Marginals	54	46	

SAMPLED RETURNEES			
Round 4: Other than compensation for housing and property, have you tried to access compensation of any of the following?			
	Yes %	No %	Unaware of this Type %
Death of family members or kidnapped family members	1.3	94.9	3.8
Partial or complete disability	0.3	95.6	4.2
Temporary injuries	0.6	95.1	4.3
Damage to education or career paths	0.3	95.4	4.4

Among those who did apply for compensation, more than 95 percent applied for property compensation. In fact, fewer than 2 per cent applied for any additional types of compensation.

Returnee applications were filed within 9 months prior to the survey and only half tracked their application. While almost half of all IDP applications were submitted more than 12 months ago, the applications among sampled returnees are more recent, with the plurality (42%) suggesting they applied between 1 and 9 months before the Round 4 survey was fielded (August-November 2018). Only about half of all sampled households tracked the status of their applications, and those who did mainly reached out to the CCCA by calling.

The vast majority of those who filed compensation applications had not received responses to their filed claims. Importantly, and like IDPs, more than 90 per cent of the 455 sampled returnee households who applied for compensation indicate that they are still waiting to hear back from the CCCA on the status of their applications. Of the 22 households whose claims were accepted, only three have received money. Also similar to IDPs, many applications were rejected due to missing documents. Of the 9 households whose claims were rejected, three said the CCCA rejected their claims because of missing Category 1 documents (identity-establishing documents); three did not know why; and one household each said missing Category 2 documents, missing both types of documents, or not enough damage to their property.

SAMPLED RETURNEES

Round 4: Information on Compensation Application Process Among Households who Applied

What type of property did you apply for compensation for? %		When did you apply for compensation? %		Where did you apply for compensation? %	
Residential Real Estate	85.3	12+ months ago	25.5	CCCA Subcommittee ^b	50.7
Agricultural Land	10.1	10 to 12 months ago	32.1	Local Council ^c	39.2
Other ^a	4.7	1 to 9 months ago	42.2	Other ^d	10.1

a. Includes commercial real estate, land for real estate or commercial use, vehicle for private or commercial use, and other personal valuables or household items.

b. Central Committee for Compensating the Affected

c. Includes municipal councils and governorate councils

d. Includes the Ministry of Migration and Displacement

SAMPLED RETURNEES

Round 4: Information on Compensation Application Process Among Households who Applied - Continued

Have you tracked the status of your application? %		If you tracked the status, how did you do so? %		What is the status of your application? %	
Yes	50.4	Calling CCCA number	50.7	Claim pending	92.4
		Visiting CCCA Office	42.8	Claim accepted	5.4
No	49.6	Other ^a	6.5	Claim rejected	2.2

a. Includes visiting the CCCA website and by contacting an NGO or legal aid service.

AUGUST 2018

Anbar, Ramadi, al-Khalidiyah, Eastern Hasiba

“ “ Yes, I applied for compensation to the central committees a long time ago. But there has not been any compensation until now. We ask about the date of receiving compensation, but there are no convincing answers. That is why most families, mine included, work independently on reconstructing the houses that we owned in order to live there. From the beginning and until the compensation committees came, things were difficult and there were problems and managerial corruption with the committees. We filed a complaint at the local council but it was to no use. One of the difficulties in what the compensation committees asks for is the real estate must be registered in the name of the returnee and for that person to be present when investigating the real-estate. Also, the committee writes down the percentage of damages; if they are paid an amount then they would increase the size of the damages and if not it would be reported less. That's how it goes.

OCTOBER 2018

Anbar, Fallujah

(Shopowner who returned to Anbar in September 2017)

“ I did not apply for compensation, but I have the intention to apply for the losses of the shop I owned. But until now I have not started the procedures of applying for compensation. I don't have personal information on the process of compensation. But I hear from friends and relatives that the process of compensation is a complicated process and has routine procedures that require visiting several places to do the application. Based on what they say, there is no justice in compensation. The one who has a broker can speed up the process of compensation and deliver the application and the file for receiving compensation quickly. But until now, based on what I have heard, no one has received compensation.

DISCUSSION

The findings from following the same IDPs and sampled returnees over multiple years through the Access to Durable Solutions Among IDPs in Iraq study suggest that IDPs and sampled returnees face real challenges due to high levels of housing destruction, both in order to return and in order to rebuild their lives after returning. IDPs consistently rank housing as one of the top three challenges they face in terms of returning home. Both IDPs and sampled returnees face knowledge barriers, logistical challenges, and prolonged waiting periods as they seek compensation for their damaged or destroyed homes.

The successful distribution of compensation from the government can greatly facilitate the ability of IDPs and sampled returnees to access a durable solution, which the 2010 Inter-Agency Standing Committee Framework defines as a point when IDPs “no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement.”¹⁸ The rights-based framework is comprised of eight criteria, and compensation is directly relevant to two of them: access to effective and accessible mechanisms to restore housing, land, and property and access to effective remedies and justice.¹⁹

If displaced populations' housing and property were restored and they had access to remedies and justice, IDPs and sampled returnees would be in a much better position to fulfill the remaining six criteria for durable solutions, including access to safety, livelihoods, and adequate standards of living. The Government of Iraq's implementation of compensation programs can play a part in engineering solutions at both local and national levels for IDPs and sampled returnees specifically and its citizens more generally. Compensation provided by the Government of Iraq sends a message to IDPs and sampled returnees that their government is concerned about their welfare and is committed to assisting them as they rebuild their lives.

18 United Nations General Assembly. “Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin: Framework on Solutions for Internally Displaced Persons, A/HRC/13/21/Add.4” (February 2010), p. 1. Available at: <http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/13/21/Add.4>

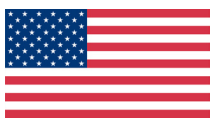
19 See the Inter-Agency Standing Committee (IASC) 2010's “Framework on Durable Solutions for Internally Displaced Persons” https://interagencystandingcommittee.org/system/files/iasc_framework_on_durable_solutions_for_idps_april_2010.pdf, see especially pp. 35-38.

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