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**IRAQI REFUGEES' ASSISTED AND
SPONTANEOUS RETURN FROM
SYRIA AND JORDAN**

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**THESIS SUBMITTED FOR THE QUALIFICATION OF
PHD IN MIGRATION STUDIES
UNIVERSITY OF SUSSEX
APRIL 2013**

I hereby declare that this thesis has not been, and will not be, submitted in whole or in part to another University for the award of any other degree.

Signature: _____

Table of contents

List of figures	vi
List of abbreviations	vii
Foreign terms	ix
Acknowledgments	xi
Map of the Middle East	xiii
Map of Iraq and neighbouring countries	xiv
Summary	xv
Chapter One: Introduction	1
1.1 Introduction: background and aim of the study	1
1.2 Assisted refugee return to conflict and post-conflict situations	3
1.3 Spontaneous refugee return and transnational migration	8
1.4 Outline of the thesis	13
Chapter Two: Explaining refugee return and transnationalism	16
2.1 Introduction	16
2.2 Regionalism and transnational migration	17
2.3 Institutional cooperation in the area of asylum and migration	19
2.4 Regimes	22
2.5 Governmentality	28
2.5.1 The governmentality of forced migration	31
2.6 Migrant transnationalism	34
2.6.1 Transnational understandings of return migration	36
2.6.2 Refugee return and transnational mobility	38
2.7 Conclusion	41
Chapter Three: Research methodology	43
3.1 Introduction	43
3.2 Choosing a research Question	43
3.3 Qualitative and quantitative data sources	44
3.4 Syria and Jordan: multi-sited research setting	47
3.5 Access to and recruitment of research participants	52
3.5.1 Syria	54
3.5.2 Jordan	56
3.6 Research participants	58
3.7 Research Methods	62

3.7.1 Participant observation	62
3.7.2 Open-ended and semi-structured interviews	65
3.7.3 Transcription and translation	67
3.7.4 Analysis and interpretation	69
3.8 Ethical considerations	70
3.8.1 Informed consent	71
3.8.2 Confidentiality and anonymity	72
3.8.3 Persona non grata: reflections on my expulsion from Syria	74
3.9 Conclusion	78
Chapter Four: Displacement and return in Iraq since 1968	79
4.1 Introduction	79
4.2 Saddam Hussein's regime and its use of displacement as a governance tool	80
4.2.1 The Algiers Agreement and the Arabisation policies in Iraqi Kurdistan	80
4.2.2 The Islamic Revolution and the expulsion of Shi'a Iraqis	82
4.2.3 The Iran-Iraq war and the exodus of the Kurds and the Shi'a Arabs	82
4.2.4 The Post-Gulf War uprisings and the flight of Kurdish and Shi'a Arab refugees	84
4.3 Forced migration in the years of the UN embargo against Iraq	86
4.4 The US occupation of Iraq and the return of pre-2003 refugees	90
4.5 The anti-occupation insurgency and the ethno-sectarian conflict	92
4.6 The post-2003 population displacement and return in Iraq	95
4.7 The policies of the new Iraqi regime towards the refugees	98
4.8 Conclusion	104
Chapter Five: Regimes and geopolitics shaping the Iraqi displacement to Syria and Jordan	106
5.1 Introduction	106
5.2 The international refugee regime and the North-South impasse	107
5.3 Geopolitics of Syrian and Jordanian non-adherence to the international refugee regime	111
5.4 The temporary protection regimes in Syria and Jordan	112
5.5 Syrian management of the Iraqi forced migrant population	113
5.5.1 The geopolitics of Syria's management of the Iraqi displacement	116
5.6 Jordanian management of the Iraqi forced migrant population	120
5.6.1 The geopolitics of Jordan's management of the Iraqi displacement	123
5.7 Conclusion	129

Chapter Six: Return and Transnational Livelihoods	132
6.1 Introduction	132
6.2 The desire to return and the lack of alternatives	133
6.3 Attempting return and re-migration from Iraq	137
6.4 Sustainable return through transnational mobility	145
6.5 The ‘post-return’ transnational livelihoods of Iraqi returnees	151
6.6 Conclusion	154
Chapter Seven: The role of communication and information in Iraqi refugees’ displacement and return	158
7.1 Introduction	158
7.2 Cross-institutional information-sharing and cooperation in the Iraqi displacement context	159
7.3 Information and communication systems as migration governance tools	165
7.4 Iraqi refugees’ informal communication and information systems	172
7.4.1 Mobile phones	173
7.4.2 Satellite TV channels	175
7.4.3 Internet	177
7.4.4 Cross-border mobility, visits and word of mouth communication	182
7.5 Conclusions: towards integrated refugee information systems	185
Chapter Eight: Conclusion	187
8.1 Introduction	187
8.2 Transnational migration and regionalism in the Middle East	187
8.3 The uneasy cooperation between international and national regimes	190
8.4 Information and communication as migration and refugee governance tools	194
8.5 Transnational migration and sustainable return	198
8.6 Research challenges and limitations	200
8.7 Conclusions and suggestions for future research	203
Bibliography	208
Appendix I – Interview questions for Iraqi participants	238
Appendix II - Informed consent form	240

List of figures

Fig. 3.1 - Fieldwork sites in the city of Damascus	49
Fig. 3. 2 - Fieldwork sites in the city of Amman	50
Fig.3. 3 - Fieldwork sites in Amman and Zarqa'	51
Fig. 3.5 - Sex of Iraqis in Jordan.....	59
Fig. 3.4 - Sex of Iraqis in Syria	59
Fig. 3.7 – Age of Iraqis in Jordan	59
Fig. 3.6 –Age of Iraqis in Syria.....	59
Fig. 3.8 - Legal status of Iraqis in Syria.....	60
Fig. 3.9 – legal status of Iraqis in Jordan	60
Fig. 3.11 - Ethno-sectarian background of Iraqis in Jordan.....	61
Fig. 3.10 - Ethno-sectarian background of Iraqis in Syria	61
Figure 4.1 - Iraq displacement 2003-2008	97
Fig. 5.1 - Duma Food and Assistance Distribution Centre, February 2010.....	114
Fig. 5.2 - UNHCR food rations sold in a local market in Damascus,March 2010	114
Fig. 5.3 - Iraqis attending non-formal education classes organised by the Jesuit Refugee Service in Al-Ashrafyia, Amman, Jordan, November 2010	123
Fig. 6.1 - Syrian visa stamp: "NOT ALLOWED WORK" on Iraqi passport	135
Fig. 6.2 - Land Rover laden with Iraqi belongings departing from Damascus to Baghdad.....	136
Fig. 6.4 - Commemoration of the 1991 US bombing of the Al-Amiriyah shelter in Baghdad, painting by Iraqi artist Fuad Hamdi, Iraqi Cultural Forum, Damascus, 13 February 2010	141
Fig. 7.1 - Public announcements of return and reintegration opportunities for Iraqi health professionals and military officers who served during the former regime	163
Fig. 7.2- Informative poster in Arabic about the UNHCR Vol. Rep. Program	169
affixed on the wall of a community centre in Zarqa, Jordan, February 2011	169
Fig. 7.3 - Iraqis' means of information in Syria and Jordan.....	172
Fig. 7.4 - Iraqi young woman sends SMS from her mobile phone, Amman, Jordan, March 2011.....	174
Fig. 7.5 - Iraqi students work with a laptop computer in the court yard of a church, Amman, Jordan, May 2011	180

List of abbreviations

AJC	Accountability and Justice Commission
ASEAN	Association of Southeast Asian Nations
CARA	Council for Assisting Refugee Academics
CBRL	Council for British Research in the Levant
CIREFCA	Conferencia Internacional sobre Refugiados, Desplazados y Repatriados de Centro América Committee of International Conference on Central American Refugees
CMC	Communications and Media Commission
CPA	Coalition Provisional Authority
DERG	Coordinating Committee of the Armed Forces, Police, and Territorial Army in Ethiopia
ECHR	European Convention on Human Rights
EPSA	Exploration and Production Sharing Agreements
EU	European Union
FIS	Islamic Salvation Front
FRELIMO	Frente de Libertação de Moçambique Mozambique Liberation Front
FTA	Free Trade Agreement
GoI	Government of Iraq
IAU	Information and Analysis Unit
ICT	Information and Communication Technology
IDP	Internally Displaced Person
IHEC	Independent High Electoral Commission
IMF	International Monetary Fund
INC	Iraqi National Congress
INGO	International Non-governmental Organisation
IOM	International Organisation for Migration
IRIN	Integrated Regional Information Networks
ISCI	Islamic Supreme Council of Iraq
ITU	International Telecommunication Union
JIB	Jordan Investment Board

KDP	Kurdish Democratic Party
MoDM	Ministry of Displacement and Migration
MoI	Ministry of Interior
MoU	Memorandum of Understanding
MP	Member of Parliament
NAFTA	North American Free Trade Agreement
NCCI	NGO Coordination Committee in Iraq
NGO	Non-governmental Organisation
OAU	Organisation of African Unity
OCV	Out of Country Voting
PKK	Partiya Karkerên Kurdistan Kurdistan Workers' Party
PLO	Palestine Liberation Organisation
PUK	Patriotic Union of Kurdistan
RENAMO	Resistência Nacional Moçambicana Mozambican National Resistance
SALSA	Syria Accountability and Lebanese Sovereignty Act
SARC	Syrian Arab Red Crescent
SCIRI	Supreme Council for the Islamic Revolution in Iraq
SOFA	Status of Forces Agreement
TNA	Transitional National Assembly
TPR	Temporary Protection Regime
UN	United Nations
UNAMI	United Nations Assistance Mission for Iraq
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees
UNSCR	United Nations Security Council Resolution
UK	United Kingdom
US	United States
Vol. Rep.	Voluntary Repatriation
VRP	Voluntary Repatriation Program
WFP	World Food Program
WMD	Weapon of Mass Destruction

Foreign terms

<i>Al-Anfal</i>	‘The Spoils of War’, genocidal campaign carried out by Saddam Hussein’s regime against the Iraqi Kurdish in northern Iraq in the late 1980s
<i>Al-Askari</i>	‘ <i>Militari</i> ’, name of the Shi’a Muslim holy mosque and shrine of the Imams Ali Al-Hadi and Hussein Al-Askari located in the Iraqi city of Samarra 125 km from Baghdad
<i>Ayatollah</i>	‘Signs of Allah’, high ranking title given to Twelver Shi’a clerics
<i>Ba’th</i>	‘Renaissance’, the Iraqi Arab Socialist Ba'ath Party
<i>Dawa</i>	‘The Islamic Call’, name of an Iraqi political party
<i>Dhuyuf</i>	Guests
<i>Émigré</i>	French word designating a person who migrated or went into exile for political or ideological reasons
<i>Faili</i>	Group of Lor tribes living in the Zagros mountains between Iran and Iraq
<i>Farhoud</i>	‘pogrom’ ‘dispossession’ of the Iraqi Jewish population in 1941
<i>Haram</i>	<i>Forbidden under Islamic law</i>
<i>Hizbollah</i>	‘The party of God’, Shi’a Islamist political party
<i>Imamah</i>	head covering common among members of the Shi’a sect
<i>Iraqiya</i>	‘Iraqi’ the Iraqi parliamentary coalition
<i>Ius sanguinis</i>	‘right of blood’ principle of nationality law stating that citizenship is not determined by place of birth but by having one or both parents who are citizens of a nation
<i>Laji’in</i>	Refugees
<i>Madinat Al-Thawra</i>	‘Revolution City’ name given to a housing estate in Baghdad
<i>Ma’dan</i>	Arab people inhabitant of the marshlands in the south and east of Iraq and along the Iranian border
<i>Muhajirin</i>	Migrants
<i>Mujtahid</i>	‘Islamic scholar’, juris peritus of Islamic law

<i>Mulla</i>	‘religious leader or teacher’ appellative name
<i>Non-refoulement</i>	French expression meaning ‘non-expulsion’ ‘non-return’, principle of international refugee law stating the protection of asylum seekers and refugees from being expelled or returned to a country where their life and well-being may be in danger
<i>Peshmerga</i>	‘Those who face death’ Kurdish expression used to refer to armed Kurdish fighters
<i>Sabeen</i>	Iraqi ethnic group named after an ancient population speaking an old Arabian language and inhabiting the south west of the Arabian peninsula, in the territory known today as Yemen
<i>Sayyid</i>	‘Lord’ honorary title referring to males recognised as descendants of the prophet Muhammad
<i>Sayyidah</i>	‘Lady’, honorary title of a saint in Islamic folk religion
<i>Shaikh</i>	‘elder’ honorific term referring to the elder of a tribe
<i>Shi'a</i>	‘Followers’ the second largest denomination of Islam
<i>Sunna</i>	‘the people of the tradition of Muhammed’ largest denomination of Islam
<i>Tarbush</i>	head covering common among members of the Sunna Sect particularly during the Ottoman empire
<i>'Ulama</i>	Muslim legal scholar, juri speritus
<i>Vilayet</i>	‘province’ Ottoman territorial administrative division
<i>Wasta</i>	‘mediation’ ‘intercession’ ‘nepotism’, socio-cultural structure characteristic of most Arab societies

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Map of the Middle East



Source: United Nations Cartographic Section 2011

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 IRAQI REFUGEES' ASSISTED AND SPONTANEOUS RETURN FROM
 SYRIA AND JORDAN
 SUMMARY

Summary

The thesis investigates the causes and nature of return in the context of the Iraqis displaced to Syria and Jordan after the 2003 US-led war in Iraq. It combines critical International Relations theories with transnational approaches in Migration Studies to investigate: (1) how regional and international geopolitics have shaped asylum and migration regimes in the Middle East; (2) how Iraqi forced migrants have interacted with such regimes in order to reach safety, sustainable livelihoods and personal development opportunities and; (3) the decision-making processes and transnational migration practices of Iraqi individuals and families.

It finds that Iraqis' returns result from the uneasy interaction between international and national asylum and migration regimes and the lack of agreement on a common legal framework for durable solutions to the Iraqi displacement. The presence and mobility of the Iraqis in Syria and Jordan are regulated within national immigration systems. The immigration and residency policies of the home and host governments confirm the historical importance of voluntary and involuntary population movements as a nation-building and governance tool in the Middle East.

Regional governments and international agencies manage the Iraqi displaced and steer their return through the provision, or the lack thereof, of assistance and information. The Iraqis respond to the limited institutional assistance and information by developing independent coping strategies and informal information and communication systems based on the use of information and communication technologies and on their transnational mobility and social networks.

Transnational mobility and livelihoods therefore constitute a precondition for Iraqis' sustainable return and reintegration in home societies undergoing political and socio-economic transition. In this context, return is a complex process that takes time and entails various degrees and modalities of transnational mobility, social networks and livelihoods connecting host and home societies.

Chapter One: Introduction

1.1 Introduction: background and aim of the study

In March 2003, the US and the UK waged war against the Ba'athist regime of Saddam Hussein with the stated aim of disarming Iraq of its alleged weapons of mass destruction (WMD), eradicating systematic human and minority rights violations and establishing a democratic Iraqi society. However, as Patrick Cockburn (2006) describes in his book *The Occupation*, the 'liberation' war progressively turned into an ethno-sectarian conflict which led to the death and displacement of hundreds of thousands of people. Estimates of Iraqi civilian casualties ranged from 116,409 to 655,000 people (O'Hanlon and Livingston, July 2012; *The Lancet*, 2006). These figures contrast with the reported 4,804 coalition soldiers' fatalities since 2003 (Iraq Coalition Casualty Count, 2013).

The increasing number of victims of violence results from military or paramilitary action and the breakdown in civil security following the 2003 invasion. The US-led military operations aimed at countering insurgency and establishing regional security more than coordinating a peaceful reconstruction effort. The mismanagement of the reconstruction process has been exacerbated by an internal conflict over access to political power and national resources, which affects all Iraqis regardless of their ethnic, religious and sectarian affiliation. Although the manifestations of this conflict seem religious and ethnic, its underlying motives are primarily economic and political (ICG, 2006). Pre-existing ethnic resentments and religious divisions have been heightened and manipulated by local party leaders to achieve political goals (Al-Marashi, 2007; Barakat, 2008). In the aftermath of the US-led invasion, Iraq has been subject to a process of ethnically-based territorial polarisation followed by the establishment of a US-backed federal government through the elections of January and December 2005 (ICG, 2005a; 2005b). Cockburn (2006:184) warned that 'the structure of the new government risks crystallising rather than eliminating divisions between the three main communities: the Shi'a, the Kurds and the Sunni'. The post-2003 Iraqi governments and the US military failed to prevent a low-intensity conflict from turning into a full-blown civil war, which at its 2006-2007 peak resulted in the disintegration of Iraqi society and inevitable spillover effects into other countries in the Middle East.

The humanitarian crisis in Iraq caused the displacement of an estimated 4 million Iraqis,

including some 2.2 million inside Iraq and over 2 million in neighbouring states (UNHCR, 2009). In particular, it is estimated that the Syrian Arab Republic hosted 1.5 million refugees and the Hashemite Kingdom of Jordan between 750,000 and 500,000 people (UNHCR, 2009). According to an Oxfam/NCCI report ‘at least 40 per cent of Iraq’s professional class, including doctors, teachers, and engineers, have left since 2003’ (Oxfam/NCCI, 2007:15). The majority of the Iraqis hosted by neighbouring countries are professionals, intellectuals, former civil servants and politicians whose contribution in the peace-building process and the reconstruction of social and economic institutions in post-war Iraq is deemed essential (Weiss Fagen, 2007).

The international community is neither willing to resettle thousands of Iraqi asylum seekers to the West, nor to promote their repatriation to Iraq as a durable solution. Jordan and Syria, the two main host countries and neighbours of Iraq, have not granted refugee status to Iraqi forced migrants, and host them instead as guests who will have to be resettled elsewhere or return home. As a result, ten years on from the end of the US-led war on Iraq, the Iraqi refugee crisis has turned into another case of protracted displacement in the Middle East. In these circumstances spontaneous returns have begun and by 2010 an estimated 77,117 Iraqi families or 433,696 individuals had returned mainly unassisted (UNHCR Iraq, February 2010). By February 2012, estimated returns reached 98,537 Iraqi families or 527,186 individuals (UNHCR, February 2012), an increase of 21.5% since 2010. The increase in Iraqis’ returns started before the beginning of the unrest and violence in Syria, which has contributed to the rising return trends (UNHCR Syria, 2012). Despite the growing visibility of return movements, the UNHCR has not promoted or encouraged the return of Iraqi refugees from neighbouring countries due to continuing security concerns (UNHCR Syria, 2012). The UN refugee agency has maintained this cautious position since the beginning of the Iraqi humanitarian crisis and therefore has not organised any large-scale information or other assistance campaigns for prospective returnees (Kagan, 2006).

The degree of voluntariness of Iraqis’ returns is questionable given that the other two durable solutions of ‘local integration’ and ‘third country resettlement’ promoted by the UNHCR have not been seriously explored as solutions by the host countries and the international community. Yet concerns about the voluntariness of Iraqis’ returns should not divert attention from the fact that large-scale returns to Iraq have taken place

‘regardless of the parameters used by humanitarian assistance providers to establish when it is appropriate to return’ (Walsh et al., 1999:113). Iraqis are going back mostly spontaneously and unassisted, to regions affected by low-intensity conflict and to areas marked by poverty, food insecurity, and lack of basic infrastructure and services which are indispensable for the wellbeing of returnees and members of receiving communities (Barakat, 2008). Under these circumstances a significant but unknown number of returnees have therefore re-migrated and engaged in transnational livelihoods and activities between Iraq and neighbouring Syria and Jordan. The unassisted returns and circular migration of Iraqis have been scarcely researched and documented by academics and practitioners. This study, therefore, aims to fill this knowledge gap by investigating the causes and nature of return in the context of the Iraqis displaced to Syria and Jordan after the 2003 US-led occupation of Iraq. By exploring this topic this research engages with, and attempts to have an impact on, ongoing academic and policy debates on refugee return in conflict and post-conflict situations. In addition it enriches the body of theoretical and empirical knowledge on refugee return and transnationalism in the southern hemisphere in general and in particular in the Middle East.

The next section situates the case study of Iraqi refugees’ return in the broader academic and policy literature on refugee return in situations of conflict and post-conflict transformation. It concentrates on how international and regional geopolitics shape the asylum and migration regimes that determine the conditions of Iraqis’ displacement and return. Section three connects this research to existing studies on the relationship between return and transnational migration in developing countries, particularly in the global South, and supports the incorporation of legal transnational migration opportunities in traditional policy frameworks aimed at providing protection and solutions to refugee predicaments. Section four presents the outline of the thesis.

1.2 Assisted refugee return to conflict and post-conflict situations

The return of refugees under circumstances of conflict or post-conflict transformation is an increasingly frequent phenomenon, which in the past decades has attracted growing academic and political attention. According to the estimates compiled by the UNHCR, between 1991 and 1996 global refugee return movements increased to 9 million returnees (Loescher, 2001:282), and between 1997 and 2005 to 11.6 million returnees (UNHCR, 2006). By 2010, however, refugee returns have gone down while IDP returns have

increased to reach 27.5 million IDPs (UNHCR, 2010). The decrease in refugee returns in the last decade coincides with the escalation of regional and internal protracted displacement problems in the southern hemisphere and with western donors' growing political disinterest in finding solutions to displacement crises affecting the distant global South.

Towards the end of the Cold War, the need for extra labour force in booming economies in Europe decreased and western governments started building barriers to prevent the inflow of asylum seekers generated by post-independence conflicts and proxy wars in Africa and Asia (Chimni, 1999; Crisp, 2003). Concurrently, western countries started narrowing their understanding of responsibility towards the large number of refugees and internally displaced people (IDPs) generated by natural and man-made disasters in the global South. In order to reduce the financial and political costs of global refugee protection, the dominant countries in the humanitarian regime increasingly endorsed regional containment policies and the return of refugees to areas facing low-intensity conflict or post-conflict transition as the optimum durable solution to displacement crises (Cuny and Stein, 1989; Rogge, 1994). The UNHCR progressively changed its operational approach from 'voluntary repatriation' to 'safe and dignified return' in response to the political pressures of western donors convinced that the right to seek asylum was being exploited by economic migrants to obtain easy access to residency rights and social welfare benefits (Hammar, 1994; Harvey, 2000). The operational definition and humanitarian standards of voluntary repatriation have since then been modified to accommodate donor and host states' more pragmatic political and financial interests, leading to refugees being 'voluntarily' repatriated despite highly unsafe conditions in home countries (Loescher and Monahan, 1989; Chimni, 1999).

Studies of assisted return programmes implemented as part of highly complex UN-managed peace-keeping and state-building missions abound in different regions and displacement contexts. In most cases since the end of the Cold War, governments and international organisations have sponsored and implemented large-scale refugee repatriations to achieve political and economic goals more than to protect the human rights of forced migrants (Harrell Bond, 1989; Loescher and Monahan, 1989). In many cases, the return of refugees has been a key issue in bilateral and multilateral peace negotiations and a crucial component of peace-building and reconstruction processes,

accompanied by the deployment of international security forces, the undertaking of national elections and the establishment of new government institutions (Hendrie, 1991; Ogata, 1997; Juergensen, 2002; Stigter, 2006). The voluntary repatriation of refugees and internally displaced persons is interpreted as an indicator of restored security and political stability, improved civil-state relations and public confidence in reconstruction efforts in war-torn countries (Petrin, 2002; Black and Gent, 2006b). Large scale repatriations have been regarded as necessary to legitimate fledgling national governments, whose authority is openly contested since they are often brought to power by international political coalitions (Turton and Marsden, 2002; Zorbas, 2004). The implementation of peace agreements often comprised specific provisions for the repatriation and reintegration of refugees, enforced through trilateral agreements with the UNHCR and other regional players (Dumper, 2006).

For example in Mozambique, the UNHCR implemented one of the largest-scale assisted repatriation programmes ever undertaken following the 1992 peace agreement between the FRELIMO government and the RENAMO national resistance movement. Between 1992 and 1994, the UNHCR assisted the repatriation of around 1.7 million Mozambicans displaced in Malawi, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe. Only 375,000 returning refugees received the UNHCR transportation and reintegration assistance (Crisp, 1996). The assisted return and reintegration of Mozambican refugees before the 1994 national elections mirrored the political commitment of western donors, the UN system and international civil society to support the peace process through generous allocations of humanitarian relief and development aid (Crisp, 1996; Koser, 1997; Juergensen, 2002).

Similarly in Ethiopia, following the overthrow of the Derg government in 1991, the governments of Ethiopia and Sudan and the UNHCR signed a repatriation agreement; the refugee status cessation clause was invoked and around 250,000 Ethiopians were induced to return between 1993 and 1995, despite protests from refugees who feared going back and being again target of persecution and violence (Hammond, 2006).

Around the same time, as part of the 1989 International Conference on Central American Refugees (CIREFCA) process around 50,000 Guatemalan refugees, out of the estimated 200,000 who found refuge in Mexico, negotiated the conditions of their return in trilateral

negotiations with the UNHCR and with the Guatemalan government. Those not registered with the UNHCR went back unassisted and before and after the conclusion of the peace accords between the Guatemalan government and the Guatemalan National Revolutionary Movement in 1996 (Stepputat, 1994; 2006). The UNHCR's repatriation programme was strengthened by refugees' participation in the planning and implementation of their return (Arafat, 2000).

Also in Cambodia the UNHCR sponsored and organised the repatriation of 360,000 Cambodian refugees, who fled and found refuge in camps at the Thai border during the conflict caused by the collapse of the Khmer Rouge regime and the Vietnamese invasion in 1979. The repatriation programme started again in response to international political calls to speed up the peace-building and reconstruction process through the inclusion of refugees in national elections in 1993 and to bring to an end a long and costly border relief operation. The process was more driven by external actors and factors than by beneficiaries' expressed desire to return and participate in the national political dialogue and reconstruction (McDowell and Eastmond, 2002).

Few years later, in Bosnia the repatriation of refugees was endorsed in the 1995 Dayton Peace Agreement and the return of refugees, particularly ethnic minority returns, was seen as fundamental to reverse the phenomenon of ethnic cleansing that occurred during the war in the Balkans (Phuong, 2001; Black, 2002; Black and Gent, 2006a). Yet the repatriation initiatives also reflected a desire of western donor countries to reduce the number of asylum seekers and forced migrants who applied for refugee status in their territories (Walsh et al., 1999).

The subsequent UNHCR assisted repatriation of Afghani refugees from Pakistan and Iran in 2002 began with a planning target of 400,000 returnees from each country but by the end of the year more than 1.5 million Afghans had returned from Pakistan and more than 220,000 people from Iran. This remains the largest post-conflict repatriation of modern times, although political pressures from international donors and from neighbouring host states led to the implementation of a programme arguably more in the interests of donor and host governments than in those of the beneficiaries (Turton and Marsden, 2002; Stigter, 2006; Monsutti, 2008). Institutional actors failed in providing the returnees with the reintegration assistance needed to improve their living conditions and those of

receiving communities (Turton and Marsden, 2002).

More recently, in East Timor, the UNHCR assisted the return of around 240,000 refugees living on border camps in West Timor, whose absence could have weakened the legitimacy of the election outcomes and therefore represented a destabilising factor in the nation-building and reconciliation process in the newly independent Timor East. The UN refugee agency was criticised for invoking the cessation clause at the end of 2002 and for its contentious position regarding the tension between justice and reconciliation in the negotiations between the newly formed East Timorese government and the refugees, collaborators of the repressive Indonesian regime (McDowell and Eastmond, 2002).

In the post-2003 Iraqi displacement, however, ten years after the end of the war Iraqi refugees' repatriation has yet to be addressed as part of a comprehensive peace agreement or as part of US or UN-backed reconciliation and reconstruction efforts. Moreover, Iraqis' return has occurred outside formal international and regional refugee protection and assistance frameworks. Why Iraqi refugees' return has not been the centre of peace-building and reconstruction processes like in other post-conflict contexts? What are the international and national attitudes and policies towards return as a solution to the Iraqi displacement? What international and national regimes operate to find solutions to this protracted refugee problem in the Middle East?

This study attempts to answer these questions by analysing the global and regional geopolitics shaping migration and asylum regimes in the Middle East and, in particular, the impact of such regimes on Iraqis' displacement and return. It finds that Iraqis' return and transnational livelihoods between Iraq, Syria and Jordan result from the uneasy interaction between the international refugee regime and the national migration regimes, which have yet to reach an agreement on a common legal framework for durable solutions to the Iraqi displacement. Unresolved geopolitical disputes in the Middle East, particularly the Israeli-Palestinian conflict and the politically sensitive question of Palestinian refugees' right to return (Plascov, 1981; Aruri, 2001; Abu Sitta, 2001; Morris, 2004; Akram, 2004; Peled and Rouhana, 2004; Dumper, 2006; Knudsen and Hanafi, 2011; Richter-Devroe, 2013), have influenced the Syrian and Jordanian reception and incorporation of the international refugee protection norms and procedures into national asylum and migration systems. The lack of a political solution to the Palestinian refugee

problem influences Arab states' interaction with the international refugee regime, perceived as highly discriminatory institutional arrangement created and established by western powers to further their political and economic interests in the region (Hathaway, 1997). The two Arab states have therefore not ratified the 1951 Geneva Convention and the 1967 Protocol and have adopted a non-conforming behaviour towards the international refugee regime by adopting alternative normative and policy systems to deal with refugee problems in the region.

The analysis of the interaction between the international and national migration and asylum regimes in this case study highlights the relevance and usefulness of regime theory for investigating the legal and normative environment which affects the provision of protection and durable solutions to refugee problems in different regional contexts. The study stresses the importance of the historical and geopolitical context on the emergence and implementation of specific international regimes (Young, 1980; 1989; 1991), and on the possible causes of actors' non-cooperation within certain international social institutions. Perhaps the principal contribution of this research to existing neo-liberal approaches to regime theory is that in order to examine Iraqis' displacement and return from Syria and Jordan it requires neo-liberal regime theories to expand their explanatory power to cases of actors' non-adherence and resistance to international regimes. The main conclusion drawn from the empirical case study is that actors' interaction with international regimes is not solely the product of the distribution of power in the international state-system or in terms of absolute and relative gains (Grieco, 1988; Keohane and Nye, 1989; Mearsheimer, 1994). Actors' more or less cooperative interaction with the principles, norms and operational procedures of a specific regime may stem from their different moral and political stance on specific international and regional geopolitical issues and disputes. As well as to power politics and rational calculations of self-interest, non-aligned behaviours may result from cognitive reasons (Jönsson, 1995) such as actors' diverging identities, historical experiences, local socio-cultural values and knowledges (Keeley, 1990; Hurrell, 1995).

1.3 Spontaneous refugee return and transnational migration

The western conception of the modern nation-state is underpinned by a 'sedentary' bias, a feeling of attachment and belonging to a territory where national communities cultivate a system of homogeneous traditions and socio-cultural values that distinguish them from

other nations (Stepputat, 1994). The establishment of 'citizenship' served to consolidate the relationship between people, state and territory, and to define the responsibility of the state to protect the territory of sovereign and exclusive nation-states (Kibreab, 1999; 2003). This politics of fixation and attachment of people to places makes displacement problematic: refugees become subject to control and limitations by states because crossing national borders they challenge host governments' sovereign right to control population movements and activities within the territory under their jurisdiction (Kibreab, 1999; 2003). Thus in juridical terms, repatriation is seen as the natural solution to refugee problems because it entails the physical return to the homeland and the re-establishment of the interrupted legal relation between the state and the refugee, who, going back, is entitled to seek the restoration of his lost citizenship rights (Hathaway, 2005). Because of this conception of permanent and sedentary repatriation, refugees' secondary and circular movements have been perceived as evidence of the failure and the non-sustainability of the repatriation experience (Black et al., 2004). Much attention and effort has been concentrated on helping people to go back home but little investigation was conducted on what it means to return home and its implications for the various stakeholders in the process (Bakewell, 2000).

This western sedentary bias, however, has been criticised by a number of scholars. Stepputat (1994) highlights that the imposition, during the colonial and imperial eras, of the western nation-state as a model for 'homogeneous' societal organisation is responsible for the creation of many refugee crises. Decolonisation and modern state-building, often concomitant with the rise of nationalist and separatist movements, also provided fertile ground for refugee movements to occur (Zolberg, 1993). The term nation-state is based on assumptions of ethnic-homogeneity and political representativeness that, in empirical terms, do not mirror the social reality of the old and modern world (Warner, 1994). The relation between the individual and the group is not grounded in physical spaces; it is the relations between people that form the grounds of human existence.

In light of this, the study of refugee return needs to take into account that during exile refugees and other migrants undergo profound socio-cultural changes and acquire new identities, experiences, and conceptions of home that inform the interaction with the homeland and their societies of origin (Hammond, 1999). Temporary visits to the

homeland help refugees' in renegotiating their relationship with and their reintegration in their home countries (Muggeridge et al., 2006; Oeppen, 2013). The refugee experience may over time exhibit features of voluntary migration patterns and create new opportunity structures that influence refugees' decisions to remain and integrate in the host society or to seek better opportunities elsewhere (Richmond, 1993; Zetter, 1999). In the era of globalisation the time and distance between peoples and cultures has been dramatically reduced thanks to technological advancements and reduced prices in communication and transportation. Forced migrants are exposed to a constant flow of multi-media information picturing extreme inequalities of wealth, resources and opportunities between different countries and regions of the world, that aliment their aspirations and plans for better living conditions and personal development. New information and communication technologies allow refugees to develop and maintain social networks, relationships of various nature and purpose that transcend territorial borders and spaces (Faist, 2000; Massey, 2005; Vertovec, 2008).

In policy-making, solutions to refugee crises have been dominated by the sedentary bias (Van Hear, 2006). In contrast, refugees' experiences have demonstrated that sustainable return can be neither permanent nor sedentary and requires time and significant psychological, socio-cultural, economic and material adjustments. (Stepputat, 2006; Eastmond, 2006; Monsutti, 2008). Return is a tentative and gradual process, which entails returnees' failed and successful attempts to negotiate their presence and active role in their home communities, which since they left, have undertaken profound economic and socio-political transformations (Iaria, 2012). Refugee secondary, circular movements and transnational livelihoods do not necessarily take place when refugees have failed to re-establish livelihoods in the country of origin. Rather, returnees' engagement in cross-border mobility and activities is often an indicator of progressive stabilisation and normalisation of living conditions in war-affected societies, where seasonal and international migration was a livelihood long before the conflict generated mass exodus (Bakewell, 2002; Horst, 2006; Monsutti, 2008). Under favourable conditions, refugees can contribute to the reconstruction of economic infrastructures and the socio-political fabric of their home country through circular migration and transnational social networks, by exposing the areas of origin to a constant flow of economic and social remittances (Levitt, 2001).

In the search for durable solutions to refugee displacement, and in particular in the development of return and reintegration assistance, it is necessary to consider that the 'sustainability' of return goes beyond the long-term outcomes for the individual returnees, to collective outcomes for people in the receiving communities and countries of origin (Black and Gent, 2006b). The absorptive capacity of the receiving community and local economy must be placed against prospective returnees' demand for basic services and employment opportunities (Cassarino, 2004).

In 1989, Cuny and Stein observed that despite the great efforts and resources employed in organised repatriations, each year tens or hundreds of thousands of refugees returned outside the framework of international protection and assistance (Cuny and Stein, 1989). This observation is still valid today (Stigter, 2006; Monsutti, 2008; Long, 2010). People decide to go back spontaneously without an amnesty, a change of regime or an end to the causes of the mass exodus, without peace and repatriation agreements, without international knowledge. The scope of spontaneous return flows is often a hundred to two hundred times greater than the UNHCR assisted returns (Cuny and Stein, 1989; Rogge, 1994). This difference in scale between spontaneous and assisted repatriations highlights that the parameters and criteria used by the refugees to determine when and how it is appropriate to return often differ from those used by international humanitarian assistance providers and other institutional stakeholders (Cuny and Stein, 1989; Rogge, 1994). The bureaucratic and technical parameters applied by institutional actors derive from complex and enduring practices of forced migration governance, which construct refugees as helpless victims and passive recipients of external interventions (Hyndman, 2000) living a state of uprootedness until their re-integration into the 'national order of things' (Malkki, 1995; 1996).

Yet, the fact that most refugees return outside major international legal frameworks exposes the erroneous assumptions and structural contradictions of donor-managed repatriation programmes, and highlights the agency and resilience of forced migrants who rely on their own independent means to devise solutions to their problems, regardless of the decisions and actions of governments or supra-national institutions (Hendrie, 2001). In the past decade different studies have investigated the spontaneous returns and transnational livelihoods of refugee populations in the global South (Bakewell, 2002; Eastmond, 2006; Hammond, 2006; Stepputat, 2006; Horst, 2006; Monsutti, 2010). The

growing body of empirical and theoretical knowledge on the interaction between migrant return and transnationalism poses a number of questions to dominant institutional understandings and operational approaches to refugee return. Is return a sedentary and permanent end-state or a process that takes time and entails various degrees and forms of transnational mobility and livelihood strategies? Is it possible to establish absolute and exclusive distinctions between voluntary and involuntary migration? Should the refugees accommodate the bureaucratic categories adopted by the international refugee regime or should institutional approaches be revised to be more responsive to the experiences and needs of forced migrant populations? The discrepancy between assisted and unassisted returns is glossed over for political reasons, leading to inadequate knowledge and understanding of spontaneous return movements, their nature and dynamics, and their impact on the reconciliation and reconstruction of war-affected societies. Instead of ignoring or dismissing refugee spontaneous returns and other independent livelihood strategies as “unauthorised” or “irregular” activities because they go against states’ political and economic agendas (Hendrie, 1991), they could be included among the lessons to be learned in order to assist refugees to find durable solutions to their protracted displacement.

This study of Iraqi refugees’ assisted and spontaneous return wishes to inform the academic and policy debates described above by demonstrating that in the absence of sufficient external assistance and institutional permanent solutions, the Iraqi forced migrants resort to transnational livelihoods as alternative survival strategies that allow them to overcome their immediate problems and explore opportunities for the future. Iraqi refugees’ transnational mobility and livelihoods constitute a precondition for their sustainable return and a means to better not only returnees’ living conditions but also the socio-economic wellbeing of home and host communities through the continuous flow of economic, social and human capital. The home and the host governments and the international refugee regime should facilitate instead of deterring or preventing refugees’ transnational mobility, especially if such movements are the expression of forced migrants’ informed and free will and their response to unbearable structural forces and barriers that impinge on their fundamental human rights. This is one of the key arguments presented in greater depth in the chapters of the thesis outlined below.

1.4 Outline of the thesis

The thesis is organised in eight chapters. Chapter two presents the theoretical framework built to answer the main research question of this thesis. The framework combines International Relations theories with transnational approaches in Migration Studies to develop a multi-level analysis of Iraqis' return. From International Relations and Geography the framework borrows the macro-scale analytical concepts of regional geopolitics, regimes and governmentality to examine the structural and normative context of Iraqis' displacement and return. It draws upon transnational approaches in Migration Studies to explore the nature and dynamics of refugee return through a micro-level analysis of individual and collective actors' reactions to existing structural and normative factors, their decision-making processes and transnational migration patterns.

Chapter three introduces the methodological approach that has been adopted in the design and implementation of the research. The methodological discussion includes the choice of research question, the sources of qualitative and quantitative data used in the study, the research settings in Syria and Jordan, access to and recruitment of research participants, sampling techniques and the profiles of the Iraqi research participants, and the main research methods adopted for the study. The chapter concludes with a reflection of the ethical and methodological challenges faced in the research including my own experience of expulsion from Syria.

Chapter three sets the historical context of the displacement and return of Iraqi refugees generated by the 2003 US-led invasion of Iraq. It reviews the last four decades of Iraqi history and argues that population displacement has been systematically used as a nation-building and governance tool in Iraq. Understanding the causes and nature of refugee return in the post-2003 Iraqi context requires a detailed analysis of the multiple patterns of displacement of various Iraqi social groups over the past four decades of Saddam Hussein's Ba'ath regime (1968-2003). These more recent episodes are directly related to the post-2003 political and economic transformations in Iraq and have forged the life experiences and migratory patterns of the Iraqi participants in this study.

Chapter five examines the interaction between the international refugee regime and regional and national asylum and migration management regimes within which the Iraqi refugee displacement takes shape. The chapter finds that the Jordanian and the Syrian

governments govern refugee populations in their territories through a migration management regime which developed out of past experiences with refugee flows in the region and traditional practice and custom. The two host states have not ratified the 1951 Geneva Convention and have limited resources to provide protection and assistance to high numbers of forced migrants. Consequently the Syrian and the Jordanian authorities have incorporated 'selective' mobility in their strategic management of the Iraqi protracted displacement, treating the Iraqi people as 'guests' or 'migrants' with temporary humanitarian needs. The two host states have not adhered to and incorporated international refugee law standards in their national normative systems partly due to the historical geopolitical disputes surrounding the formation of the international refugee regime, and partly due to differences between the dominant actors in the international refugee regime and regional state actors in terms of strategic interests in related foreign and domestic policy areas such as national security, economic growth and development.

Chapter six explores the relationship between refugee return and transnationalism, in the context of the Iraqi refugees' protracted displacement in Syria and Jordan. The analysis is theoretically informed by transnational migration approaches that challenge sedentary and permanent conceptions of return and conceive it as a complex process that unfolds over a long period of time and entails various degrees and modalities of transnational mobility, identities, social networks, and livelihoods, influencing the socio-economic development of the 'transmigrants' and of their host and home societies. The findings confirm previous studies stressing the importance of transnational migration to ensure the sustainable return of forced migrants to war affected societies undergoing profound political and socio-economic transformations and supports calls for the incorporation of legal international migration opportunities into traditional policy frameworks aimed at facilitating the safe and dignified return of refugee populations.

Chapter seven investigates the role of communication and information in the context of Iraqi refugees' displacement and return from Syria and Jordan. The chapter argues that the lack of institutional information in the Iraqi refugees' context is partly due to the limited institutional presence and operational capacity in Iraq as well as to problems of cross-institutional information-sharing and cooperation. The provision of institutional information, or the lack thereof, can also be seen as a governance tool adopted by state and non-state actors to control and manage the Iraqi displaced and indirectly steer their

unassisted return and cross-border mobility in the region. The field evidence presented in this chapter lends critical empirical content to address theoretical questions about processes of production and communication of knowledge and information in situations of conflict and displacement. The findings highlight the agency of refugees and beneficiaries of humanitarian assistance, who, compensated for the lack of reliable institutional information and advice, with their informal information and communication systems based on the use of modern information and communication technologies and their transnational mobility and social networks.

Chapter eight summarises the key research findings and proposes answers to the various questions addressed in this research. It synthesises the theoretical and empirical contributions of this multi-disciplinary study, discusses its most evident strengths and limitations and concludes with some suggestions for future research.

Chapter Two: Explaining refugee return and transnationalism

2.1 Introduction

This chapter presents the theoretical framework developed to answer the main research question of this thesis: what are the causes and nature of refugee return in the context of the Iraqi refugees displaced to Syria and Jordan after the 2003 US-led occupation of Iraq? To address this question the framework combines International Relations theories with transnational approaches in Migration Studies, to develop a multi-level analysis of: (1) the global and regional geopolitics shaping migration and asylum regimes in the Middle East; (2) the impact of such regimes on Iraqis' displacement and return (3) Iraqis' reactions to existing policy interventions, their decision-making processes and practices of return.

International Relations and Geography lend to the framework the macro-scale analytical concepts of regional geopolitics, regimes and governmentality to examine the structural and normative context of Iraqis' displacement and return. Transnational approaches in Migration Studies are employed to explore the nature and dynamics of refugee return through a micro-level analysis of individual and collective actors' reactions to existing structural and normative factors, their decision-making processes and migratory behaviours.

The chapter is divided into six sections. Section two provides a definition of the concept of regionalism and a discussion of regional inter-state cooperation on refugee issues. Section three is dedicated to the concept of regimes and to the complex interaction between international and national asylum and migration systems. Section four presents the notion of governmentality and explores the application of this concept to study the policies and practices adopted by state and non-state actors to manage migrant and refugee groups in different contexts. Section five introduces transnational approaches in Migration Studies, and their conceptual and empirical contribution to understanding the nature and dynamics of return migration. The transnational turn in Migration Studies challenges sedentary and permanent understandings of return and highlights the links between migrant return and transnationalism. Another important contribution made by transnational migration perspectives is the emphasis on the blurred distinction between 'voluntary' and 'involuntary' migrants and the mixed motivations driving migratory

behaviours in an increasingly globalised world. Section seven offers some concluding remarks.

2.2 Regionalism and transnational migration

Both 'region' and 'regionalism' are fuzzy concepts and the definitions of these terms have been subject of academic debates since the late 1960s. As Hurrell explained (1995:39) geographical proximity and contiguity are helpful criteria to distinguish regionalism from other forms of 'less than global' organisation but they do not provide a useful tool to understand the more social and cultural aspects and dynamics of regions and regionalism:

There are no 'natural' regions and definitions of 'region' and indicators of 'regioness' vary according to the particular problem or question under investigation. Moreover it is how political actors perceive and interpret the idea of a 'region' and notions of 'regioness' that is critical: all regions are socially constructed and hence politically contested. This makes it especially important to distinguish between regionalism as description and regionalism as prescription - regionalism as a moral position or as a doctrine as to how international relations ought to be organised.

Regionalism has often been analysed in terms of the degree of social cohesiveness (ethnicity, race, religion, culture, history, consciousness of a common heritage); economic cohesiveness (trade patterns, economic complementarity), political cohesiveness (regime type, ideology), and organisational cohesiveness (existence of formal regional institutions). Hurrell (1995) lists five variants of regionalism based on the processes that lead to the emergence of different regional arrangements and on the nature of those arrangements: 1) regionalisation, 2) regional awareness and identity, 3) regional inter-state cooperation, 4) state promoted regional integration and 5) regional cohesion.

Regionalism is also examined in terms of patterns of economic and political interdependence, and the extent to which that interdependence (and the real or perceived possibility of its disruption) leads to the establishment of institutions that facilitate inter-state cooperation and reduce the potential costs on the regional and international actors involved (Keohane and Nye, 1989). For actors outside the region, regionalism is significant both in economic and political terms. In economic terms regionalism could be detrimental if regional actors develop preferential arrangements with some extra-regional partners to the detriment of others. At a political level changes in regional geopolitics can bring about a redistribution of political power at an international level. For those inside the region, regionalism matters when exclusion from regional arrangements results in costs, either at an economic or political level (such as reduced economic interactions or

limited foreign policy options and influence in the region), or when the region becomes the organising unit for policy making for states within the region across a range of important issues. The high degree of complex interdependence among states within a region drives states' attempts and efforts to cooperate in a number of policy areas of common concern (Keohane and Nye, 1989). In the experience of various supranational institutions such as the European Union, the North American Free Trade Agreement (NAFTA) and the Association of Southeast Asian Nations (ASEAN), regional integration is driven by economic interests and interactions. As flows of goods, capital, services and people across regional borders increase, so states' political performance and actions assume greater reciprocal influence and impact. In most regions, cross-border flows of goods and economic capital are the first to be welcomed by states, while the transnational movement of people is usually the final, and often the most controversial stage of regional integration processes (Betts, 2009).

The Middle East, however, seems to be an exception to the rule, in that transnational mobility of labour has been a powerful driver of regional economic integration (Shafik, 1998). The financial remittances generated by migrant workers in periods of economic boom in the 1970s and 1980s have been a critical determinant of integration by providing a mutually beneficial mechanism for sharing the oil wealth of the labour-importing oil-rich states across the region, while creating employment opportunities for the underutilised human resources from the oil-poor labour-exporting countries (Birks et al., 1986; Shafik, 1998; Thiollet, 2011). Moreover voluntary and involuntary population movements in the Arab Muslim world have factored in the development of trans-regional and transnational awareness and identities like pan-Arabism and a sense of belonging to an Islamic community that transcends nation-state borders (Shami, 1993; 1996; Mufti, 1996; Barnett, 1996; Sheikh, 2003). These transnational socio-cultural structures were built and consolidated over the centuries, long before the advent of colonial rule in the Middle East, and have survived and evolved in reaction to processes of nation-state formation and de-colonisation (Shami, 1993; 1996; Jankowski and Gershoni, 1997). Studies of conflict, dispossession and forced migration in the Middle East highlight how transnational linkages such as those created by Arab nationalism, are salient in shaping identity, attributing mutual responsibility and informing geographical trajectories of migration flows (Suhrke, 1999; Chatty, 2010; Phoenix, 2012). As will be discussed in the following section the predominantly regional nature of forced and voluntary migration in

the Middle East places it among the key areas of institutional interaction and joint intervention among states and other actors in the region.

2.3 Institutional cooperation in the area of asylum and migration

Forced migration is an inherently regional phenomenon. Since the end of the Cold War, the majority of the world's refugees are produced in developing regions of the global South and remain confined within the same region, in neighbouring countries of asylum. Developed countries in the north have increasingly adopted restrictive asylum and migration policies to prevent and control the inflow of asylum seekers and refugees in their territories. Refugee and IDP movements are generally a manifestation of conflicts with regional dimensions and spill-over effects. For instance, the conflicts in the 1990s in the Balkans, in West Africa and the Great Lakes region cannot be analysed in isolation from the broader regional context (Loescher et al., 2007). Refugee flows are increasingly perceived by host and home states, as a source of regional insecurity and a socio-economic burden on host societies (Loescher and Milner, 2005; Loescher et al., 2007).

Some scholars regard the provision of protection and durable solutions to refugees and IDPs as a global public good since the security benefits stemming from one state's provision of protection and material assistance to the forced migrant population accrue to the international community as a whole, irrespective of whether international donor states share the responsibility and the economic burden of protection (Suhrke, 1999; Hathaway, 1997; 2003). Other scholars, however, argue that the provision of protection and durable solutions to refugee problems may be more appropriately considered a regional rather than a global good because the security and humanitarian benefits that result from a given state's contribution to refugee and IDP protection are usually specific to a given region and enjoyed mainly by neighbouring states, regardless of whether they share the responsibility and the costs of refugee protection (Betts, 2008; 2009).

Given the regional character of forced migration, states within a region often attempt to cooperate and establish shared asylum and migration policy frameworks. Regional cooperation in the area of forced migration has generally emerged as a result of pre-existing structures of regional cooperation in other issue-areas such as trade and the cross border flow of capital, goods and labour. Different regions and regional actors establish different cooperative arrangements and achieve various degrees of cooperation in the area

of asylum and migration management depending on the degree of regional integration and the level of institutionalisation and centralisation of authority. Betts (2009) identified five main varieties of regional cooperation in the area of forced migration: 1) common legal frameworks, 2) ad hoc cooperation 3) policy harmonisation, 4) informal dialogue 5) and coalition bargaining. Regional actors such as the European Union (EU), the Organisation of African Unity (OAU) and the Association of Southeast Asian Nations (ASEAN) have played an increasingly critical role in influencing international refugee policy frameworks and providing funding and technical expertise in humanitarian and relief interventions in regional refugee crises. The international refugee regime is based on the 1951 Convention Related to the Status of Refugees, an international legal instrument that was originally conceived as a regional treaty, with its geographical and temporal coverage limited to the refugees generated in Europe before 1951. The spatial and temporal scope of this treaty was expanded by the 1967 Protocol that extended the right to seek asylum to refugees generated outside Europe after 1951. The recognition that forced migration patterns vary in different regions, led to the creation of additional regional instruments to supplement the 1951 Convention and its 1967 Protocol. In 1969 the OAU adopted a refugee treaty for Africa, which differs from the 1951 Convention as it grants refugee status to those fleeing not only persecution but also generalised violence. The African Union has also developed an African Union Convention on Internally Displaced Persons, the first form of regional multilateral legal framework on IDP issues that draws on the UN Guiding Principles on Internal Displacement (Betts, 2009). Another regional refugee treaty is the 1984 Cartagena Declaration, a non-binding agreement which was adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, and which incorporates all of the aspects of the 1951 Convention but also includes a range of detailed commitments to peace, democratisation, regional security and economic co-operation. In 2004, the European Council passed a directive on asylum, which went beyond the 1951 Convention, by ensuring access to protection for people who are persecuted by non-state actors and people fleeing gender-based violence. Furthermore, regional human rights instruments such as the European Convention on Human Rights (ECHR) sets standards that require the European states to ensure the protection of a range of people who may not necessarily fall under the category of political refugees. These regional legal frameworks and arrangements usually complement and reinforce – but sometimes also contradict and clash with - international principles and legal and normative frameworks for refugee and

IDP protection.

The interaction between international and domestic norms and the mechanisms by which international norms are incorporated into domestic normative systems have been researched by some constructivist scholars in International Relations. For instance, Checkel (1999) argued that states' differential responses to the same international norms depend on the different processes of internalisation of such norms. Risse-Kappen et al. (1999) developed a comparative methodology to explain the variation of states' commitment to and compliance with international human rights norms by focusing on the domestic political (e.g., regime type) and social (e.g., liberal democratic, totalitarian autocratic) structure of ten countries under investigation. In a study of states' responses to international refugee norms, Gurowitz (2006) argued that states with insecure international identities such as Japan, are more responsive to international norms than countries with secure international identities such as Germany.

Some other constructivist scholars have focused on the role of international organisations in producing and disseminating international norms and models of behaviour and political organisation in specific issue areas (Finnemore and Sikkink, 1998; 2001). For these scholars, international organisations constitute key agents of social construction and powerful promoters of particular normative views because they are commonly conferred authority, moral legitimacy, credibility and political neutrality. As a consequence, the normative standards and social models that they promote are received as efficient and effective. Barnett and Finnemore (1999), however, have researched the 'pathologies' of international organisations, and shown how international organisations can become captives of bureaucratic inertia and conservative actors that resist institutional change and normative reform, making their organisational structure repressive, ineffective and even counterproductive. Finnemore (2001) argues that the constructivist research agenda in IR has mainly focused on the diffusion of so-called 'good' norms such as respect for human rights and for the environment and the promotion of 'democracy', while less research has focused on the disconnect and often tension between western-sponsored international norms and demands and local socio-cultural processes and normative structures.

This study builds upon this line of inquiry but instead of limiting the analysis to the interaction between international and domestic 'norms' – shared expectations about

appropriate behaviour held by a collective of actors – (Checkel, 1999), it uses the broader concept of ‘regime’ as an analytical tool to investigate the interaction of international and national legal and normative frameworks for refugee protection and durable solutions, which determine the causes and nature of Iraqi refugees' return from Syria and Jordan. The next parts of this chapter will therefore offer a definition of regime and reflect on how this analytical tool is useful in investigating how international normative structures and arrangements for the protection and assistance of refugee populations have been incorporated into Syrian and Jordanian national policy frameworks to address refugee problems in their territories. The examination of the interaction between the international and regional regimes governing forced migration in the Middle East, and their impact on Syrian and Jordanian migration and asylum laws and policies, is essential to explain Iraqi refugees' return and transnational livelihoods.

2.4 Regimes

Compared to the concepts of region and regionalism, the definition of regime is less ambiguous and different academics offer compatible definitions of ‘regime’. Krasner (1983:2) has collated and consolidated the various understandings of regimes into the following definition:

Regimes are sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behaviour defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective choice. This usage is consistent with other recent formulations. Keohane and Nye, for instance, define regimes as "sets of governing arrangements" that include "networks of rules, norms and procedures that regularise behaviour and control its effects". Haas argues that a regime encompasses a mutually coherent set of procedures, rules and norms. Hedley Bull, using a somewhat different terminology, refers to the importance of rules and institutions in international society where rules refer to "general imperative principles which require or authorise prescribed classes of persons or groups to behave in prescribed ways". Institutions for Bull help to secure adherence to rules by formulating, communicating, administering, enforcing, interpreting, legitimating, and adapting them.

Krasner (1983:4-5) stresses the distinction between principles and norms on the one hand, and rules and procedures on the other. Principles and norms constitute the defining characteristics of a regime. Changes in rules and decision-making procedures are changes within regimes, while changes in principles and norms are changes of the regime itself. When norms and principles are altered or abandoned, the old regime either disappears from a given issue area or is replaced with a new one. A regime is weakened when principles, norms and decision making procedures become less coherent, or when the

regime-governed behaviours and practice are inconsistent with its principles. For instance, special or differential treatment of specific states within a regime is an indicator of the weakening of the regime, even if it has not been replaced by another structure.

From a neo-realist structuralist perspective (Grieco, 1998; Mearsheimer, 1994) regimes have no independent causal impact on states' behaviours and inter-state cooperation in specific issue areas. The concept of regime is criticised as misleading because it obfuscates the real drivers of state behaviour: interests and power relations. International regimes are dependent on the prevailing balance of power and state self-interest in the international system (Mearsheimer, 1994). As soon as there is a shift in power relations or in perceptions of national interest the arrangements negotiated by states within the regime are easily upset. As interests and power change, state behaviour changes too.

Critics of the realist approach (Young, 1980; 1989), however, argue that regimes must be understood as more than temporary arrangements and ad hoc agreements. Indeed, regimes are established to facilitate a form of longer-term inter-state cooperation that is not driven by short-term calculations of self-interest. Regime-governed behaviour is not solely based on short-term calculations of interest because regimes encompass principles and norms that are the product of the social environment in which states interact and can constitute the basis of enduring inter-state cooperation out of a sense of mutual obligation, commitment, interdependence, and expectations of reciprocity. Young (1980:93-113) stresses that: 'regimes are social institutions, [...] and therefore human artifacts, whose distinguishing feature is the conjunction or convergence of expectations and recognised patterns of behaviour or practice'.

Yet the question remains as to whether the concept of 'regime' is useful for investigating the causes and nature of Iraqis' return from Syria and Jordan. This thesis argues that it is, because Iraqis' return is taking place within a dynamic normative environment formed by the international refugee regime and the Syrian and Jordanian national migration regimes. To explain Iraqis' return, therefore, it is necessary to understand how these regimes emerged, how they interact, and the consequences of their interaction for Iraqis' return.

These questions can be pursued by applying Young's (1980) typology of regime formation: (1) regimes that emerge as spontaneous orders, (2) regimes that emerge as

negotiated orders and (3) regimes that emerge as imposed orders.

(1) Regimes that emerge as spontaneous orders do not involve the conscious consent and agreement of participants, and are not formally expressed in the form of a contract. This typology of regimes is more common at a domestic than at an international level (Young, 1980). Regimes that emerge as negotiated or imposed orders are instead prevalent in the international realm and are therefore discussed in greater length below.

(2) Negotiated regimes result from conscious efforts to achieve an agreement among different participants and can take either the form of constitutional contracts or legislative bargains. Constitutional contracts imply the development of regimes that are directly negotiated by the actors affected by such regimes. Legislative bargains instead are not directly negotiated by the affected actors who are only represented, more or less effectively, in the negotiations. The effectiveness of the representation depends on the existence of mechanisms to ensure high levels of accountability and transparency in the relationship between the affected actors and their representatives. The analysis of negotiated regimes requires a special focus on the institutional bargaining process (Young, 1989; 1991), especially on potentially disruptive dynamics such as disputes regarding participants' position and role in the negotiations, the contents and agenda of the negotiations, problems of free riding and the absence of effective enforcement mechanisms that can lead to disagreements on the terms of a negotiated order and therefore prevent the formation or the efficient implementation of regimes.

(3) Regimes emerged as imposed orders, instead, are designed and promoted by a dominant actor or a group of dominant actors, often without the explicit consent of subordinate actors and in the absence of a unanimous formal expression of legitimacy. Young (1980) divides the category of imposed regimes into two sub-categories: overt hegemony and de facto imposition. Overt hegemony entails one or more dominant actors openly and explicitly formulating institutional arrangements and forcing the subordinate actors to comply with them.

De facto imposed orders occur when the dominant actors establish self-serving institutional arrangements and induce other actors to conform to the terms of these imposed orders through a combination of co-option and through the manipulation of

political and economic incentives. Young (1980:101) observes that the analysis of imposed regimes relies on the traditional power-politics paradigm, which is theoretically and empirically contested by some critical International Relations theorists who assert that imposed regimes are not necessarily sustained through the use of military power but through other mechanisms of hegemonic power (Cox, 1983; O'Meara, 1984; Keeley, 1990). From his part, Young clarifies that imposed regimes are not necessarily sustained through the use of force. Once imposed orders have been established they are consolidated through institutionalisation processes: actors' obedience and subordination can be nurtured through less coercive forms of hegemonic power relying on the structural and cognitive components of institutionalised social relationships (Young, 1980). Cox (1983:172) explains that the naturalisation of hegemonic world orders takes place, *inter alia*, through international organisations, which constitute powerful mechanisms of hegemony because they:

- (1) embody the rules of the expansion of the hegemonic world order; (2) they are themselves the product of the hegemonic world order; (3) they ideologically legitimate the norms of the hegemonic world order; (4) they co-opt the elites from peripheral and developing countries and (5) they absorb and inhibit counter-hegemonic ideas.

Similarly to other social institutions, regimes take on a life of their own and develop feedback mechanisms that reproduce and reinforce the interests and power-dynamics that led to their creation and persistence (Young, 1980). The predominance of negotiated orders in the international system should not divert attention from the fact that the most successful imposed orders have not been necessarily characterised by the continuous use of force (Young, 1980). Hegemonic power entails significant costs in terms of creating sufficient resources and incentives to ensure subordinate actors' conformity and to prevent deviant behaviours that could upset the established order and undermine the interests and power base of the dominant actors (Young, 1991). The typology of regimes and orders identified by Young are not mutually exclusive and overtime imposed regimes may become less expensive as they are absorbed and accepted by the subordinate actors and eventually codified into a negotiated regime.

Why is it important whether international regimes emerge as spontaneous, negotiated or imposed orders? It is important because it has implications in terms of the degree of actors' adherence and conformity to the regime and ultimately in terms of the outcomes of the interaction between international and national normative systems. Young's theory

of regime formation and his typology of regimes are a useful analytical tool to explain the emergence and interaction of the regimes shaping Iraqis' displacement and return from Syria and Jordan. Perhaps the greatest merit of this explanatory framework is that it emphasises that regimes are social institutions, which may not necessarily function as places of cooperative and voluntary interactions but may be sites of non-cooperation, contestation and struggle. Young also offers an important contribution by highlighting that the actors involved in the design and implementation of international regimes are not only states but also non-state actors such as UN agencies and other transnational private entities (Young, 1980). His explanatory framework, however, does not offer further guidance to identify the actors participating in international regimes and the patterns and outcomes of their interaction, especially in cases of actors' non-adherence to international regimes.

This gap in the explanatory framework could be filled with the categories of actors that Keeley (1990) developed in his Foucauldian analysis of neo-liberal regimes. He argued that neo-liberal institutionalist approaches assume, and to a large extent prescribe, that international regimes are benevolent and legitimate institutional arrangements and that all actors see as the most desirable and legitimate the interests of the dominant actors in the international regime (Keeley, 1990:84). This approach does not allow for the existence of disagreement, for alternative and competing views, and obscures how regimes may actually be perceived by non-conforming actors. His alternative approach to regime theory instead identifies four groups of actors which have different status and exhibit different degrees of conformity to a certain regime: the conformist and accepting actors, the free riders, the non-conformist and deviant actors, and the outsiders (Keeley, 1990:97).

1) The first group comprises actors who willingly accept and cooperate with the regime. Their disputes may be of technical nature or over relative positions. Although they accept both the hegemonic power and its discursive and physical apparatus, their disputes with other actors in the regime may lead to its erosion. If the hegemonic power fails to provide a convincing discourse and its techniques prove ineffective in managing a specific issue-area, this will lead to the emergence of new discourses and pressures to change the regime or to save it through revision and transformation of some of its components.

- 2) The second group is formed by the so-called free riders, the actors who recognise the regime as legitimate but who want others to bear the costs of supporting it, while they do not help maintain it themselves. These actors may undermine the regime by reducing its capability to manage a specific issue-area or by creating the conditions for disputes over problems of burden-sharing both in terms of costs and responsibilities.

- 3) The third group is constituted by the non-conforming and deviant actors, who resist and challenge the order on the basis of subjugated or alternative forms of knowledge and networks of relations. Although these actors refuse to participate or want to break free from the regime, they are contained within the regime's community and they are vulnerable to pressures from the dominant actors to comply with the regime requirements. If they do not conform they risk being punished or isolated by the supporters of the regime.

- 4) The fourth group is formed by the outsiders, communities organised in other public spaces and spheres of influence. These actors may strain a regime by providing alternative resources and associations for freedom-seeking actors, or competing forms of knowledge that can destroy or alter the dominant regime. These actors are also targets for regime expansion.

These four-fold typology of actors can be used in the case of Iraqis' displacement and return to identify the key actors, the dynamics of their interaction, and the outcomes and consequences in terms of the level and modalities of cooperation between different actors in the implementation of the principles, norms and procedures of the international refugee regime in a specific geopolitical context. Keeley (1990) indicates that the same actors may be simultaneously members of different but overlapping regimes, and that this could lead them to pursue contradicting policies, whether because of domestic policy incoherence or because the regimes are incompatible and the actors do not conform with one regime while they support the other. The existence of regime complexity, with multiple, overlapping, parallel or nested institutions (Betts, 2010) allows states to engage in cross-institutional strategies (Alter and Meunier, 2009), such as strategically choosing between multiple competing institutions. Alter and Meunier (2009) identified three types of cross-institutional strategies facilitated by regime complexity: regime shifting, forum shopping and strategic inconsistency. Regime shifting occurs when states move from

addressing problems through a regime to addressing the same problems through an alternative parallel regime, possibly relocating the most relevant policies for a given issue-area from one regime to another. Forum shopping occurs where actors select the international venues based on where they are best able to promote specific policy preferences. Strategic inconsistency occurs where contradictory rules are created in a parallel regime with the intention of undermining a rule in another institutional arrangement. These different forms of strategic behaviour will be applied in the empirical investigation of the interaction between the international refugee regime and the national migration and asylum systems of Syria and Jordan, two states non-signatories of the 1951 Geneva Convention Related to the Status of Refugees.

The theoretical framework developed above is useful in investigating why and how international and regional actors interact more or less cooperatively to deal with refugee problems in the Middle East. Yet this framework is less helpful in investigating the forms of knowledge that inform states and other institutional actors' attitudes, policies and practices towards refugee and migrant populations. Institutional attitudes and practices towards the refugees can be better investigated using the Foucauldian concept of governmentality that has been applied in recent years to highlight the subtle modes of migration governance used by states and other institutional and non-institutional actors that exercise forms of power other than physical coercion and laws to manage migrant populations (Foucault, 1991). The concept of governmentality and its application to the Iraqi case study is discussed in the following section.

2.5 Governmentality

The notion of governmentality was developed by the French philosopher Michel Foucault in a series of lectures given at the Collège de France in the late 1970s and early 1980s. By governmentality Foucault (1991:102) meant three things:

1. The ensemble formed by the institutions, procedures, analyses and reflections, the calculations and techniques that allow the exercise of this specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security.
2. The tendency which, over a prolonged period and throughout the West, has steadily led towards the pre-eminence over all other forms of this type of power which may be termed government, resulting, on the one hand, in the formation of a whole series of specific governmental apparatuses and, on the other, in the development of a whole complex of savoirs.

3. The process, or rather, the result of the process, through which the state of justice of the Middle Ages, transformed into the administrative state during the fifteenth and sixteenth centuries, gradually becomes 'governmentalised'.

In his investigation, he used the term 'governmentality' interchangeably with the expression 'governmental rationality'. He referred to government as 'the conduct of conduct' (Gordon, 1991:4) or as the power of shaping, guiding and steering the conduct of individuals and populations through the use of a set of non-coercive and non-violent activities, practices, techniques and technologies that 'without the full awareness of the people, will make possible the stimulation of birth rates, the directing of population flows into certain regions and activities, etc.' (Foucault, 1991:100). The idea of government in its broad sense comprises any form of control and guidance at the level of the self or the individual, at the level of relations and interactions within social institutions and communities as well as civil-state relations. The aims of government are not necessarily achieved through laws but through a range of direct or indirect multi-form tactics and techniques and the aim of government rests in the things it orders and manages and in the perfecting of the processes which it directs (Foucault, 1991:95-96). Rationality corresponds to a way of knowing and thinking about the nature of government, including questions about who can govern and how, and what governmental practices consist of and who is the object of government.

The conceptualisation of government as 'conduct of conduct' emerged from Foucault's observations and reflections about the interplay between power and knowledge and its connection with the idea of political sovereignty. For Foucault the state is not the source but the end product of decentred power relations that traverse the whole social body. Power does not emanate from a single centre and government is not exercised only by state apparatuses, but by a range of other social actors, including religious and civil society organisations, professional and voluntary associations, the market as well as individuals themselves. Moreover power is not only exercised over others, it is also self-discipline and control. Foucault identified forms of oppression and domination generally associated with manifestations of power, but he argued that power has not only a negative and violent nature it is also productive. In an interview with Fontana and Pasquino, he asked this rhetorical question (Foucault 1980:119):

If power were never anything but repressive, if it never did anything but to say no, do you really think that people would be brought to obey it? What makes power be accepted is

not simply is prohibitive force but that it traverses and produces things, it induces pleasure, forms of knowledge, produces discourse. It needs to be considered as a productive network that runs through the whole social body and, much more than a negative instance whose function is repression.

Power is productive in the sense that certain discourses – understood as modes of interpretation and representation of reality (Campbell, 1992) - prevail over others constituting some subjective positions as the natural ones. Actors and actions therefore do not exist outside discourse, they are produced through discourse. The production and dissemination of specific forms of knowledge is an integral aspect of power. Power is exercised when states and other institutional actors manage to establish themselves as the main repositories of knowledge, which enables them to govern a specific issue. Speaking from a position of knowledge means exercising authority over a given issue (Kalm, 2010).

This implies that power can also be exercised through the shaping of ways of knowing, understanding, thinking and behaving in a way that is consistent with the will of those who govern. Hence, governmentality as the 'conduct of conduct' comprises not only the measures of influence that affect behaviours directly by force or by law, but also indirect and less visible techniques that work on individuals' self-regulation (Kalm, 2010). The study of these less visible and indirect techniques is critical because it is often through these implicit governmental practices that enduring forms of domination are established and maintained (Foucault, 1991).

A common objection that Foucault has received from exponents of the Marxist left is that his concept of governmentality focused on power relations and on the detailed techniques and practices of power over individuals and failed to address or shed light on global politics or the relations between the state and the wider society (Gordon, 1991). Foucault's response to this criticism was that there was no methodological discontinuity between the micro- and macro-physical dimensions of power and that the same analytical approach used to study techniques and practices for governing individuals within particular local institutions such as prisons and clinics could also be used to study techniques and practices used for governing populations of subjects and over an entire society (Gordon, 1991). The concept of governmentality has indeed been applied by a number of scholars to study the less visible and yet extremely powerful practices of

government devised by states and other institutional actors to govern migrant and refugee populations.

2.5.1 The governmentality of forced migration

A number of social scientists have built upon the work of Foucault on governmentality and offered interesting theoretical and empirical applications of this concept in their studies of voluntary and forced migration. Painter (2006) problematises the essentialised conception of the state and the oppositional relationship between state and society and advocates for an anti-essentialist approach that critically assesses dominant understandings and conceptions of the state that influence methodologies in migration research. Hyndman and Mountz (2007) investigate the strategic 'absence' of the state as an explicit strategy of refugee control and exclusion through the systematic positioning of the migrants 'outside' official categories, where moral and legal protection mechanisms are ambiguous or suspended. The strategic non-presence of states enables government authorities to simultaneously commit to a range of international agreements concerning the rights of migrants (so as to be recognised and applauded by the international community) while at the same time avoiding the responsibilities inherent in these agreements through the maintenance of zones of legal ambiguity and uncertainty.

The focus on the strategic 'absence' of the state opens new lines of inquiry concerning the interaction between migrants and other actors involved in migration governance whose identities, subjective positions and decision making processes are constituted as sites of social struggle, dispute and resistance and are affected by everyday societal processes of inclusion and exclusion (Silvey, 2007). The subjective positions, identities and experiences of migrants and refugees are discursively produced and contested by institutional knowledge and culture (Duvell and Jordan, 2003) through the language used to discuss and debate asylum and migration-related issues (Malkki, 1996); through media depictions of asylum seekers and refugees and their representation in policy documents (Cwerner, 2004; Finney and Robinson, 2008) as well as the spatial, temporal and bureaucratic management of refugee and migrant populations (Hyndman, 2000; Weber, 2003; Gill 2010).

The constitution of subjectivities is not only a discursive process; it has also material aspects and empirical manifestations observable in physical surroundings.

Poststructuralist researchers (Epstein et al., 1999; Epstein, 2007) have studied how biometric passports, visa restrictions, and the way entry is regulated at airports govern who gains access and how one should look and act to gain such access. Material technologies such as the incorporation of chips into passports, online applications for entry into a country, large data bases containing huge amounts of information function together with discourses and policies in migration governance to affect the decision-making processes and behaviours of migrant and refugee populations. The combination of these political rationalities, techniques and technologies can elicit the emergence and dominance of certain forms of knowledge and interpretation of the asylum and migration experience over others (Kalm, 2010) and can prompt the migrants and other stakeholders to conducting themselves in ways consistent with the agendas of powerful interest groups that control national and international migration and refugee regimes (Lippert, 1999).

The notion of governmentality offers a way to explain how individual and collective subjectivities and behaviours in asylum and refugee contexts can be elicited by the state, not through legal or coercive activities, but by creating within subjects the desire to conduct themselves in a specific manner. Such an ability goes beyond the conventional forms of governance that rely upon legal and coercive means and financial incentives to direct the self-disciplining of individuals, to encompass forms of power such as persuasion, seduction and ideological indoctrination, which generate a deeper degree of self-identification and regulation among subjects (Gill, 2010).

The concept of governmentality can be applied to investigate the non-coercive and indirect techniques and mechanisms characterising the national and international regimes that govern the Iraqi refugee displacement in Syria and Jordan. From a governmentality perspective not only governments but the whole range of actors, who can be both individuals and institutions, produce discourses that inform policies and structure behaviour. Behaviour is partly determined by legal and normative structures but it is also the product of a set of informal assumptions, beliefs and attitudes that nourish legal and policy frameworks. Hence, to understand the causes and nature of Iraqi refugees' return from Syria and Jordan it is necessary to explore the governmental techniques of the migration and asylum regimes in these two countries and in the rest of the Middle East.

In the Iraqi displacement context, the home and host states and the international aid and

development organisations have managed the Iraqi displaced and steered their return and cross-border mobility in the region through the provision, or the lack thereof, of assistance and information. Institutional actors have played a critical role as producers and disseminators of particular understandings of the Iraqi forced migration experience and such 'expert' knowledge and information have been the basis of policies and practices. The Iraqi people have been discursively constituted by the home and host states and the international refugee regime as 'refugees' 'guests', 'brothers' and 'temporary residents' and these bureaucratic categories formed the vocabulary not only of government officials, policy-makers and international humanitarian actors but also of the Iraqi people themselves who, more or less consciously, identify with the categories constructed for them, reproduce and perpetuate them, but can also manipulate such categories to achieve personal aims.

In his 1978 lectures on biopolitics and governmentality, Foucault presented the idea of the 'strategic reversibility of power relations' and argued that modern biopolitics generate a new kind of counter-politics. As governmental practices exercise themselves in everyday life by shaping and steering individual conduct, individuals have the agency and capacity to turn around the terms of prevailing governmental practices and reformulate these terms to render them consistent with the needs and imperatives of their lives. This strategic reversal of power relations is the basis for political and social resistance and counter-demands. Thus those forced migrants who have conventionally been depicted in a subordinate position of power as voiceless victims and passive recipients of external 'assistance' (Malkki, 1996), can instead find the way to instrumentalise the refugee and migration discourses and policies created to manage them to pursue their interests and needs, and doing so they actively participate in the transformation of existing power structures that affect their lives and behaviours.

The analytical instruments of governmentality, regimes and regional geopolitics presented above serve to produce a macro-level explanation of the causes and dynamics of Iraqi refugees' return by focusing on the relations and interactions between states and international institutional actors which govern global asylum and migration regimes and the meso-level legal and normative environment within which refugees' lives unfold in the host countries.

The great challenge in the study of migration in general, and refugee return in particular, is to develop a theoretical and empirical research linking the macro-structural context (i.e. state and supra-state actors and processes) to micro-level phenomena (i.e. individual agency, choices, experiences and actions). This research addresses this difficulty by complementing the analysis of the regional geopolitical context and the national and international migration and asylum regimes shaping Iraqi refugees' displacement and return, with transnational migration perspectives, developed by anthropologists and geographers, which offer a micro analysis of forced migrants' individual choices, experiences and responses to normative and structural factors. The next section introduces transnational approaches in migration research.

2.6 Migrant transnationalism

Migrant transnationalism is a conceptual framework that was developed by scholars of Anthropology in the United States (Glick Schiller et al., 1992; Glick Schiller et al., 1999) following the fall of the Soviet Union and the concomitant global expansion of the capitalist economic system rejoining the western and eastern blocks. However, it has rapidly gained ground as a theoretical lens both within British and European Anthropology (Vertovec, 1999; Faist, 2000; Kivisto, 2001).

In Anthropology, Nina Glick Shiller, Linda Basch and Cristina Blanc-Szanton were among the first to use the term 'transnationalism' to describe immigrants' way of life across-borders and their maintenance of sustained 'ties to home, even when their countries of origin and settlement are geographically distant' (Glick Schiller et al., 1992:ix). They coined the term 'transmigrants' to refer to 'migrants who establish and maintain a multiplicity of familial, economic, social, organisational, religious, and political relations that span borders' (Glick Schiller et al., 1992:ix). This definition was followed by a number of conceptualisations that capture variations of transnationalism such as: transnational social fields (Levitt and Glick Schiller, 2004), transnational communities (Vertovec, 1999), transnational social formations (Smith and Guarnizo, 1998) transnational social spaces (Faist, 2000; Pries, 1999) and transnational social networks (Koser, 1997).

Migrant transnationalism was initially presented as a new phenomenon distinguishable in scope and nature from previous migration experiences (Glick Schiller et al., 1992;

Schiller et al., 1992). Other scholars, however (Foner, 1997; Kivisto, 2001) recognised the growing scope and density of contemporary migration flows but also highlighted significant continuities with migration patterns in earlier eras. The various views have finally concurred that transnationalism is not a new phenomenon but a new analytical framework that allows overcoming some deep rooted biases in the study of international migration (Portes, 2003).

One of the biases confronted by transnational approaches is methodological nationalism. Wimmer and Glick Schiller (2003:576) define methodological nationalism as ‘the naturalisation of the nation-state by the social sciences’. The epistemological and methodological positions prevailing in western social sciences in general and Migration Studies in particular have been strongly influenced by processes of modern nation-state formation. As a result, populations were studied as sedentary, bounded units, ‘rooted’ in the soil of the homeland where they cultivate a specific system of traditions and socio-cultural values institutionalised through the status of citizenship (Levitt and Nyberg-Sørensen, 2004). The hegemony of the nation-state project is evident in the predominantly sedentary, territorially-bounded and homogenising perceptions of culture, society and migration, which underlined theories of migrant assimilation and ethnic pluralism dominant in Europe and in the US until the late 1980s (Wimmer and Glick Schiller, 2003). This reasoning underpinned the assumption that migrants’ gradual integration in the host countries coincided with the abandonment of ties with the homeland (Park, 1950; Cassarino, 2004). The state-centric view has led to the creation of exclusive and dichotomous categories such as ‘citizen’ or ‘denizen’ or ‘alien’; ‘emigrant’ or ‘immigrant’, ‘temporary migrant’ or ‘permanent migrant’; and ‘settler’ or ‘returnee’ depending on the formal status, place of final destination and the duration of the migration experience.

Transnationalism, in contrast, examines social reality from above the nation-state box and acknowledges the growing economic, socio-political and environmental interconnectedness and interdependence between migrant source and destination countries (Smith, 1999). It redirects the focus of analysis from place to mobility (Portes, 2003), designates the expansion of nations, societies and cultures across state borders (Smith and Guarnizo, 1998; Mahler, 1998; Faist, 2000) and understands the migration experience as a complex social process in which immigrants develop multi-focal

identities and multifarious feelings of belonging (Rouse, 1995; Vertovec, 2001; Al-Ali and Koser, 2002) and establish social ties and networks that cross political, geographic and cultural frontiers in multiple directions (Koser, 1997).

Understanding the causes and nature of transnationalism and its impact on migrant adaptation in host societies has been the primary objective of most studies of transnational migration (Portes et al., 1999; Faist, 2000; Riccio, 2001; Levitt and Glick Schiller, 2004; Vertovec, 2008). A more recent and less explored component of the research agenda investigates how migrant transnational lives influence understandings and practices of return 'home' and the impact of return and transnational migration on the development of home and host societies (Black and Koser, 1999; Ghosh, 2000; Cassarino, 2004; Black and King, 2004; King and Vullnetari, 2009; King and Christou, 2010; Christou, 2010). The following section concentrates on transnational understandings of return migration.

2.6.1 Transnational understandings of return migration

From a transnational perspective return is not the end of the migration cycle (Black and Koser, 1999) and does not entail the breaking of contacts and relations with former host societies (Black and Gent, 2006b). As Faist (2000:198) explains: 'the reality of transnational social spaces indicates, first, that migration and re-migration may not be definite, irrevocable and irreversible decisions - transnational lives in themselves may become a strategy of survival and betterment'. A number of studies have focused on circular migration and return visits to home communities and have shown that transnational practices facilitate migrants' informed decisions about physically resettling in the home societies (Koser, 1997; Duval, 2004; Oeppen, 2013). Migrants' notions of 'home' may be extremely complex: they may have more than one local referent and the original home may have become a myth, a place of nostalgia compared to other more practical homes (Al Rasheed, 1994; Zetter, 1999). Transnational livelihoods have a profound impact on migrants' identities, educational and social statuses and their relationship with the areas of origin. The term reintegration could be replaced with the term integration, which denotes the fact that migrants return occurs in the face of substantial changes in the economy, society and the environment (Hammond, 1999). Muggeridge and Dona (2006) explain that return visits provide an opportunity for individuals and families to compare their imaginings of 'home' with reality and to

negotiate new roles and sense of belonging and membership in home communities, especially for the second- generation returnees who ‘return’ to the ‘ancestral homeland’ where they were not born but where they have nevertheless established and maintain strong material, affective and cultural bonds (Christou and King, 2006; De Bree et al., 2010; King and Christou, 2010).

In recent years transnational migration research has also focused on the implications of international mobility and migrant transnationalism not only prior but also after return. Black and Gent (2006a; 2006b) have reflected on whether 'sustainable' return and reintegration indicators should include both long-term outcomes for the individual returnees and for people in the receiving communities and countries of origin. Long (2010) examine post-return mobility and its incorporation in policy frameworks for sustainable solutions to refugee problems. Levitt and Sørensen (2004) highlight the potential for migrants' transnational livelihoods to contribute to the economic and socio-political development in both home and host societies. In some refugee contexts refugees' access to transnational livelihood strategies has proved to be a stabilising factor not only for the returnees but also for receiving societies with limited absorption capacity (Stepputat, 2006, Horst, 2006; Stigter, 2006; Monsutti, 2008). Cassarino (2004) correctly stresses that return has a more positive impact on both the returnees and the receiving communities if it takes place as a result of voluntary and autonomous decisions and if the migration experience constitutes an opportunity to acquire and mobilise the tangible and intangible resources necessary for a smooth reintegration. Migrants' decision-making processes about return and their ability to prepare for this process are influenced by the causes of the initial movement and by historically contingent socio-economic and political dynamics in home and host countries that affect migrants' real and perceived conditions, intentions and migratory behaviours especially in situations of conflict or post-conflict transformations.

Transnational perspectives envision return in terms of the mutually transformative interaction between individual agency and external structural factors. The reasons for return are multiple and connect migrants' personal motivations and projects to broader structures, norms and historically contingent events in home and host societies. Transnational migrants use the acquired assets, resources, skills and experiences to embark in the return process and try to integrate in home societies without forgoing the

skills and values acquired abroad and without denying the values and identities developed through the migration experience. In this way, transnational migration may influence the return and reintegration process and migrants with newly acquired resources and skills can act as catalysts of change and development in both home and host societies.

Return and transnationalism may seem completely different and mutually exclusive trajectories of the migration experience. However, migrants' transnational activity may increase proportionally with the possibility of return, since faced with the prospect of return migrants may start considering more seriously the potential benefits and costs of transnational mobility, networks and practices between home and host societies (Black and Gent, 2006b). Transnational approaches have stressed the mixed nature of migration motivations and the blurred distinction between 'voluntary' and 'involuntary' migrant categories. Over time, voluntary and involuntary population movements, individual or collective, interweave and overlap in dynamic ways giving rise to mixed migration flows.

Transnational migration scholars have included in the exploration of the interaction between migrant agency and structure, refugees and other forced migrant populations and stimulated interesting debates over the 'voluntariness' of return and transnationalism in specific refugee contexts (Al-Ali et al., 2001; Van Hear, 2006). Forced displacement often leads to labour migration as a coping strategy and the expulsion of labour migrants constitutes a type of forced displacement (Van Hear, 1995). In the following section, the complex continuum between reactive and proactive migration (Richmond, 1993) is examined in greater detail in relation to the interaction between refugee return and transnational mobility.

2.6.2 Refugee return and transnational mobility

It is generally assumed that refugees and other forcibly displaced persons desire to return to their place of origin as soon as the factors that caused their forced displacement cease to exist. Return is seen as the best way to overcome the feeling of instability, uprootedness and placelessness provoked by the forced migration experience and the associated loss of culture and identity (Cernea, 2000) and to promote peace-building and reconstruction in war torn affected societies (Petrin, 2002). A juridical state-centric perspective sees repatriation as the natural solution to refugee problems because it entails the re-establishment of the interrupted legal relation between the state and the refugee,

who through going back, seeks the restoration of his lost citizenship rights (Goodwin-Gill, 1989).

Long (2010:7), however, stresses the conceptual distinction between repatriation and return, explaining that return to a physical place does not necessarily correspond to repatriation since the reconciliation of national state sovereignty with individual rights and freedoms is easier to accomplish in theory than in practice. Indeed, under circumstances of conflict or post-conflict transformation the repatriation of refugees, intended as the restoration of their lost citizenship rights, may not be achieved through physical and permanent return. This is due to the fact that many developing societies that generate refugees are rarely able, or willing, to grant their people full citizenship rights.

Kibreab (2003) concludes that the massive return movements that took place in developing countries in the past three decades are less driven by refugees' nostalgic desire and expectation to recoup the lost rights through return than by inauspicious structural conditions and unfavourable host governments' policies and practices, which render forced migrants' existence abroad untenable and leave them with no alternative but to return to unsatisfactory conditions in their countries of origin.

Kibreab's analysis focuses on access to rights and hypothesises that after the cessation of the causes of displacement, in contexts where refugees achieve citizenship rights and decent living standards in the host societies the desire to return diminishes, while in contexts where refugees' living conditions in exile are unbearable and there is no opportunity to achieve the sought rights the tendency towards return increases. This is a powerful analytical framework to explain why millions of refugees in the developing South have been 'voting with their feet' homewards, while the 'lucky' refugees who have obtained asylum in the developed north have no interest in return.

Such a perspective, however, links access to rights and resources to permanent settlement in a place and overlooks opportunity structures engendered by mobility and transnationalism and their impact on migrants' attitudes and decision-making processes about return. In other words, some migrants may perceive the right to freely move across international borders and established livelihoods wherever they wish, as vital as all the other rights attached to citizenship. As Richmond (1993:15) eloquently explains:

There is a contradiction between the long run trend of the global economy toward a 'borderless world', which Ohmae (1990:xii-xiii) describes as 'ensuring the free flow of information, money, goods and services as well as the free migration of people and corporations', and the reality of a world of 'closed borders' and 'reluctant hosts', shutting the doors to refugees and all but a select few economic migrants (Dowty 1987; Joly and Cohen 1989; Matas and Simon 1989; Richmond, 1991). There is a similar contradiction between the right to emigrate which is entrenched in the UN Declaration of Human Rights and the lack of any corresponding obligation on the part of states to admit anyone seeking entry. On the contrary, the right to refuse entry is regarded as inherent in the concept of sovereignty.

Article 13 of the Universal Declaration of Human Rights stipulates that 'Everyone has the right to freedom of movement and residence within the borders of each state (1) and that everyone has the right to leave any country, including his own, and return to his country' (2). The highly discriminatory application of this universal principle, however, causes unequal access for nationals of developed and developing societies to fundamental rights, resources and personal development opportunities. In light of this, it is unsurprising that refugees and migrants from developing countries prioritise their freedom of movement and attempt to secure this right through the attainment of permanent residence or citizenship status in a country whose citizens are not subject to restrictive international migration regimes. Thus access to residence and citizenship rights in a third country, either through asylum or regular migration opportunities, becomes instrumental to exercising the right to freedom of movement across international borders without discrimination. The reactive behaviour of forced migrants, whose original movement is the product of coercion or severe restrictions on individual freedoms, may, over time and under favourable structural conditions, evolve into a more proactive rational choice behaviour, seeking to maximise the net advantages derived by the original forced displacement. This approach posits a complex continuum between causes and effects of migration, and the existence of a feedback mechanism whereby 'effects' can become the new 'causes' or drivers of migration decisions and behaviours (Richmond, 1993; Zetter, 1999).

This perspective also highlights the heterogeneity of actors' responses to same or similar structural conditions. The real significance of specific predisposing factors, structural constraints, precipitating events and enabling circumstances changes among the social actors involved. A more resonant approach with social reality emphasises the diversity and multiplicity of migrants' profiles, circumstances, interests and projects and envisages

differential patterns of behaviour and action, arising within similar structures (Richmond, 1993). Chapter six applies the conceptual exploration of the continuum between reactive and proactive migratory behaviours and the relationship between return and transnationalism to understand the nature of refugee return in the context of the protracted Iraqi displacement in Syria and Jordan.

2.7 Conclusion

One of the great challenges in the study of migration in general, and refugee return and transnationalism in particular, is to develop an explanatory framework that adequately links different scales and levels of conceptual and empirical research, the macro-structural context and the micro-level realities of individuals and families. This research seeks to overcome this difficulty by combining the analysis of the regional geopolitical context and the national and international migration and asylum regimes shaping Iraqi refugees' displacement, with a transnational migration perspective which offers a micro analysis of individual choices, experiences and reactions to external interventions and contextual factors.

Taking a regional approach is useful in investigating the geopolitical dynamics that influence refugee return and transnationalism in situations of conflict or post-conflict transformations in the Middle East. Refugees' returns take place within a dynamic environment characterised by the interaction between the international refugee regime and regional and national migration and asylum legal and normative frameworks which determine Iraqi refugees' condition of protracted displacement. The emergence and evolution of international and regional migration regimes are influenced by international and regional geopolitics which link them to other policy areas such as national and regional security, economic exchanges and political relations between states and other actors in the region and in wider international community.

The concept of governmentality is used to explore attitudes and practices of governance adopted by state and non-state actors involved in the management of migrant and refugee communities. Governmentality approaches highlight that migration governance is exercised through forms of power other than physical coercion and legislative instruments. In the Iraqi displacement context, the home and host states and the international refugee regime represented by the UNHCR have engaged in the production

of particular forms of bureaucratic knowledge and information as a migration management tool and have constituted the Iraqi people as ‘refugees’ ‘guests’, ‘brothers’ and ‘temporary residents’. These categories and their underlying assumptions formed the basis of policies and practices towards the Iraqi migrants living in Syria and Jordan. The institutional construction and dissemination of particular forms of knowledge and understandings of the ‘identity’ ‘status’ and ‘real conditions’ of the Iraqi people in neighbouring countries, is one of the management strategies adopted by institutional actors to elicit desired behaviours among the Iraqi forced migrants and to facilitate the governance of this highly mobile population.

Forced migrants resist oppressive power structures and react to institutional policies and interventions by playing around with official immigration and asylum statuses created for them in order to enhance their freedom of movement and engage in transnational mobility and livelihoods as alternative solutions to their protracted displacement. The methodological instruments offered by transnational approaches are useful in producing an in-depth qualitative study of the nature and dynamics of Iraqis’ return. They are crucial in producing empirical findings about refugees’ expression of agency, decision-making processes and practices of return and their responses to contextual factors and existing policy interventions that have a direct impact on their well-being and life projects.

Chapter Three: Research methodology

3.1 Introduction

This chapter presents the methodological approach that has guided the design and implementation of the thesis. The chapter is organised into eight sections. Section two starts with the choice of research question. The sources of qualitative and quantitative data used in the study are presented in section three. The main research settings, Syria and Jordan, and particularly their respective capital cities, are the focus of section four. The access to and recruitment of research participants in Syria and Jordan are discussed in section five followed by the description of the sampling criteria and the profiles of the Iraqi research participants in section six. The main research methods adopted for the study are examined in detail in section seven. Section eight provides a critical reflection on the ethical and methodological challenges faced in the research including my experience of expulsion from Syria. Section nine offers some conclusive remarks.

3.2 Choosing a research Question

In addition to the academic justification for research on Iraqi refugees' return from Syria and Jordan outlined in chapter one, the choice to research Iraqi refugees' return from Syria and Jordan was personally influenced by a desire to continue working with members of migrant and refugee communities and to broaden my knowledge and understanding of the complex realities of forced migration and displacement in the Middle East.

In the academic year 2005-2006 I studied Arabic at the Language Centre of the University of Jordan, Amman. While learning Arabic, I worked with the United Nations Relief and Works Agency (UNRWA) as a volunteer English teacher for Palestinian children and women in Madaba Refugee Camp. During the time I lived in Amman I encountered several Iraqis who crossed into Jordan in search for protection from the escalating conflict and ethno-sectarian violence in their country. The Iraqis' accounts of devastation, violence and dispossession that they experienced back home were shocking and saddening and prompted me to investigate and better understand the political causes and socio-economic consequences of the Iraqi humanitarian crisis provoked by the 2003 US-led invasion of Iraq and to offer possible solutions to the Iraqi refugee displacement. The search materialised two years later, in 2008, in the form of a proposal for a doctoral

research project.

At the time of the writing of the research proposal, the Iraqi displacement in the Middle East had evolved into a situation of protracted refugee displacement ‘with no solution in sight’ (Crisp, 2005). The spontaneous return of the Iraqi refugees to their homeland under circumstances of low-intensity conflict or post-conflict transformation seemed the most likely scenario given that the other two durable solutions of ‘local integration’ and ‘third country resettlement’ promoted by the UNHCR had been scarcely explored by the host countries and the international refugee regime. One of the motivations of the study was therefore to contribute to finding ways to assist Iraqis’ spontaneous returns and the populations in the host and home areas. The provision of effective return and reintegration assistance required studying and understanding the causes and nature of Iraqi refugees’ assisted and self-returns from Syria and Jordan. This was and still is the principal question and concern of this research project.

3.3 Qualitative and quantitative data sources

The intention in this thesis was to develop an interdisciplinary research project with a methodological approach that complements quantitative data with qualitative evidence (Creswell, 2007). Such an approach derives from a need to triangulate and corroborate statistical information provided by institutional agents with detailed qualitative information on Iraqi returnees’ profiles, decision-making processes and lived experiences. However, the balance of the project lies with qualitative data and sources for the reasons outlined below.

The production, analysis and dissemination of statistical information is an essential component of migration and refugee research, as the data are used to attract and justify donor funding and to plan and allocate financial budgets for the implementation of humanitarian and development programmes (Jacobsen and Landau, 2003). In the Iraqi displacement context, however, there are no accurate official statistics about Iraqis’ displacement and return movements. The data sets produced and disseminated by Syrian, Jordanian and Iraqi ministries and government agencies are often inaccurate and incomplete, sometimes retroactively changed and even contradicting. Data generated by UNHCR and other INGOs, however, should not be deemed necessarily more accurate and reliable than those provided by national authorities. (Perthes, 1997; ICG, 2008). The

absence of accurate official data is due to the lack of funding and methodological, infrastructural and organisational limits which cause delays in the returnee registration process, and local border authorities' inability to track and distinguish permanent returns from circular migration and routine cross-border movements (e.g. contractors and businessmen, taxi and truck drivers, officials and visitors).

Moreover imprecise data may stem from political interests in withholding or disguising particular facts or developments. In the case of the Iraqi refugees' humanitarian crisis, for instance, there is a discrepancy between the estimates of Iraqis hosted in neighbouring countries, as reported by UNHCR and IOM, and the claims of independent researchers working in the field. According to Chatelard (2008), the Iraqi refugee crisis, as presented by official reports and the press is a construct (a fictitious crisis) meant to attract funding for UNHCR, NGOs and host governments and to reinforce human rights advocates' discourse on the illegitimacy of the American invasion of Iraq. Moreover, she claims that the incredibly high figures presented to the public opinion have no sound and scientific bases. The only figures that can be regarded as accurate are those compiled through the UNHCR's registration system; such figures are much lower (i.e., 55,000 Iraqis in Jordan and 140,000 Iraqis in Syria) than those presented in official reports (i.e., 500,000 Iraqis in Jordan and 1.4 million Iraqis in Syria) (UNHCR, 2008). A possible explanation of the enormous difference between the competing data sets could be the failure of state and international agencies' counting systems to differentiate between the number of Iraqis who arrived in Jordan and Syria following the 2003 war and the Iraqis who have left or were displaced before the last conflict in Iraq (Chatelard, 2008).

The lack of accurate statistical data, however, should not lead to the assumption that no relevant statements on the Iraqi refugees' displacement and return can be made. Rather, the idea that more quantitative data would necessarily lead to a deeper understanding of the phenomena under scrutiny, represents too deep a faith in figures (Perthes, 1997). Statistical data can be useful to grasp the scale and socio-economic aspects of refugees' repatriations, but they cannot fully represent the complex individual and societal processes and transformations involved in refugee return. Being aware of such quantitative deficiencies this research handled available statistical information with care and triangulated and complemented it with unofficial and unpublished information and with qualitative evidence and findings generated through various qualitative research

methods discussed in detail in the following sections. Such research methods were tested during a pilot study in Amman and Damascus, in April 2008 (Iaria, 2010) and proved to be valuable tools in collecting a range of information:

- participants' bio-data and demographic features
- information about the nature of participants' settlement in exile and in areas of origin; length of time in exile; frequency, duration, reasons and outcomes of their visits in the home areas
- refugees' intentions and projects regarding return to Iraq
- refugees' transnational livelihoods and spontaneous cross-border activities
- return and reintegration information generated and disseminated by (non) institutional actors
- institutional attitudes, opinions and practices regarding Iraqi refugees' return
- qualitative and quantitative data on voluntary return policies and projects, and return and reintegration assistance, opportunities and challenges

The qualitative findings generated by this study do not constitute an objective and statistically generalizable representation of the social phenomena observed. Rather, the research findings have been contextually, inter-subjectively and cross-culturally constructed and are therefore susceptible to constant revision and reinterpretation (Angen, 2000; Whittemore, 2001). The scholarly contribution of this research project is the result of the researcher's cross-cultural dialogue (Kvale, 1996) and collaboration with numerous research participants and colleagues who have contributed their time, knowledge and experiences for the successful completion of this research.

This interpretative and reflexive methodological approach is in line with the constructivist (Young 1980; 1989; Hurrell, 1995a; 1995b; Finnemore and Sikkink, 1998; 2001) and critical epistemological and ontological approaches (Foucault, 1980; 1991; Cox, 1983, Keeley 1990; Richmond, 1993; Wimmer and Glick Schiller, 2003; Kalm 2010) employed to build the theoretical framework of this research. From a constructivist perspective social phenomena and structures are 'ontologically dependent upon (although they are not reducible to) the practices and self-understandings of agents, [...] and the causal powers, interests and identities of agents, in their turn, are constituted and

therefore explained by social structures' (Wendt, 1987:359). Similarly, a poststructuralist approach emphasises the relationship between power, language and knowledge (Foucault, 1991) stressing that: 'the world exists independently of language, but we can never *know* that (beyond the fact of its assertion), because the existence of the world is literally inconceivable outside of language and our traditions of interpretation' (Campbell, 1992:6).

This methodological approach also sustains the mutually constitutive and transformative interplay between structure and agency and recognises the central role of human action and consciousness in social change. All forms of external intervention enter the existing life worlds of the agents and the social groups affected, and in this way they are mediated and transformed by these same actors (Long, 2001). This type of analysis looks into the power relations between various social actors, who negotiate to expand or maintain their room for manoeuvre, often exploiting and transforming structural conditions. Hence, it is essential to take account of the ways in which social actors engage in struggles over power and negotiate the attribution of social meaning to specific events, interventions and socio-cultural norms (Long, 2001).

Therefore, from a constructivist and poststructuralist point of view it would be mistaken to explain dynamic social phenomena such as forced migration only within the framework of external structural conditions. While accepting that external forces permeate all levels of society and may have effects on actors' social reality, there are also individual dynamics operating at the level of the human agency which cannot be ignored (Long, 2001). The real significance of certain social structures varies among the actors involved. For this reason, it is unsatisfactory to assume that all actors subject to same or similar structural constraints react in the same manner. While some agents are constrained by certain structures, others are empowered by them. Structures constitute an important set of constraining/enabling possibilities that encroach upon different actors' projects generating various responses and outcomes (Wendt, 1987).

3.4 Syria and Jordan: multi-sited research setting

Given the impossibility of conducting fieldwork in Iraq and collecting first-hand information about Iraqi returnees' experiences after return, the research was based on an extensive period of fieldwork in Jordan and Syria, the main recipient countries of Iraqi

refugees (UNHCR, 2009). The fieldwork, which took place between January 2010 and March 2011, was multiply situated and organised in two phases. The first phase was in Damascus, the Syrian capital (five months) and the second phase in Amman, the Jordanian capital (seven months). Research activities in Syria were abruptly interrupted five months into fieldwork due to my expulsion from the country, a key event in the research process and an intense personal experience discussed in greater detail in the last section of this chapter.

Returning to the research setting, Damascus and Amman governorates were selected as the main fieldwork sites because the majority of refugees displaced after the 2003 Iraq conflict originated from urban areas in Iraq and have taken up residence in major urban areas in the countries of asylum instead of being allocated spaces in appositely built refugee camps (Crisp et al., 2009). The refugee population investigated in the two capitals does not include the Palestinian refugees who fled Iraq after 2003, who were not allowed to enter Syria and Jordan and were instead stranded in the Al-Waleed and Al-Karama camps situated respectively near the Iraqi borders with Syria and Jordan.

Most Iraqi families met in Amman and Damascus have experienced downward socio-economic assimilation and have settled in peripheral neighbourhoods of the two capital cities. In Damascus, the less advantaged families were found in neighbourhoods such as Jaramana, Saida Zainab, Duma and Harasta and in the Palestinian refugee camp of Al-Yarmouk. Wealthier Iraqi participants in Damascus lived in rented apartments in Kafar Sousah, Mezzeh, Mouhajirin, Masaken Barza and Al-Qudsyah areas. In Amman, disadvantaged Iraqi families resided in Al-Hashemi Al-Shamali, Marka and Zarqa' refugee camp on the outskirts of Amman. More affluent Iraqi households were found in middle-class neighbourhoods such as Jabal Amman (Dawar Al-Thani and Dawar Al-Thaleth), Al-Ashrafiyah, Garden Street, Shmisani, Um Uthayna and Al-Jubeiha. Figures 3.1, 3.2 and 3.3 illustrate the distribution of fieldwork sites in the main research settings, the cities and outskirts of Damascus and Amman.

Fieldwork sites in the city of Damascus

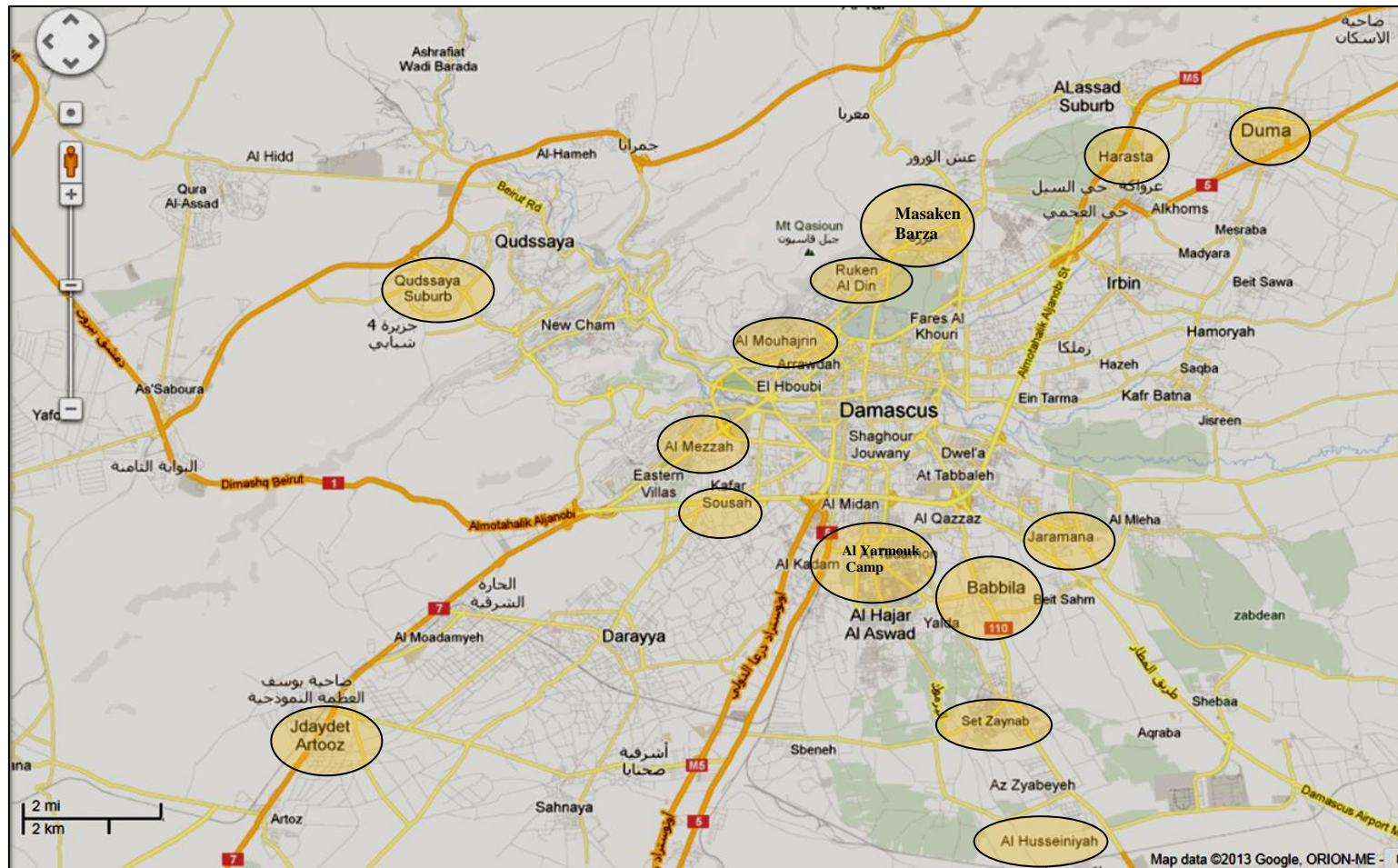


Fig. 3.1 - Fieldwork sites in the city of Damascus

Source: Map data © Google 2013, Orion-ME

Fieldwork sites in the city of Amman

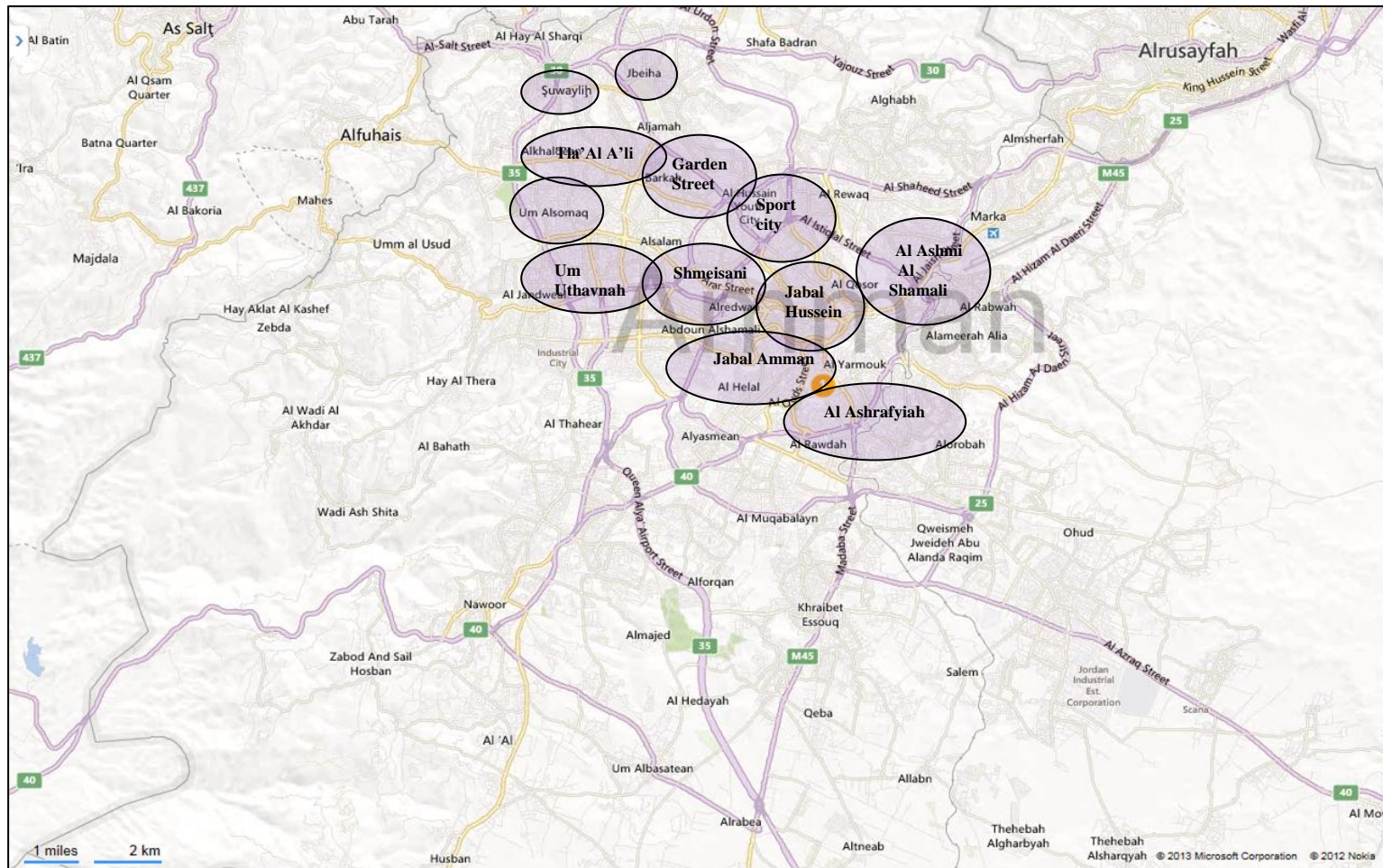


Fig. 3.2 - Fieldwork sites in the city of Amman

Source: Bing Maps, © Nokia 2013 Microsoft

societies and their migratory plans. Iraq and its neighbours share socio-cultural features deriving from the historical nomadic and tribal lifestyle of the Arab people in the Middle East (Al-Wardi, 1995; Fattah, 2009). The Iraqi people and the members of the host societies co-exist and interact within important transnational social spaces of identification and belonging based on kinship, ethno-cultural, linguistic, and religious identities (Matar, 1997; Chatelard, 2009). The migration dynamics and trajectories of the Iraqi refugees are influenced by the fact that neither host country is signatory of the 1951 Refugee Convention or its 1967 Protocol (Olwan, 2009). The host governments have limited experience in working with UNHCR and they lack developed refugee legislation and institutions (Crisp et al., 2009). Syria's and Jordan's socio-economic and political systems have developed in different directions and their historical and present relations with Iraq and with western states are complex and diverging (Bin Talal, 1993; Perthes, 1997; Lasensky, 2006; Hinnebusch, 2006). These geopolitical and socio-economic factors affect Iraqis' decision-making processes and contribute in shaping refugees' differential livelihood strategies and coping mechanisms in the two host countries.

The comparative perspective has guided the empirical analysis and discussion of the regimes and geopolitics that shape the Iraqi displacement and return from Syria and Jordan in chapter five; and the exploration of Iraqi refugees' transnational livelihoods and information and communication systems in chapters six and seven. Jordan's and Syria's attitude towards the Iraqi refugees has been influenced by international politics and by past and current political and economic relations between Iraq and its neighbours. The analysis included the policies and types of intervention adopted by the Iraqi government, and the relevant UN agencies in the two host countries to facilitate the return and reintegration of Iraqi refugees and their participation in the national political dialogue and reconstruction process. A comparative approach offered the opportunity to identify similarities and inequalities in refugees' demographic and socio-economic profiles, pre-flight histories, livelihood strategies and coping mechanisms in the two host countries and their differential reactions to more or less favourable return and reintegration policies implemented by the Iraqi government and the international refugee regime.

3.5 Access to and recruitment of research participants

Gaining access to Iraqi refugees' social settings and recruiting research participants was a

challenging but rewarding task that entailed overcoming logistical and methodological problems including time limitations, difficulties in reaching out participants in remote areas, lack of formal clearance from the host authorities and gatekeepers' and participants' distrust of the research motivations and activities. These field constraints have inevitably limited the generalizability of findings, as it was impossible to gain full and equal access to all members of the Iraqi refugee communities in Syria and Jordan. A more comprehensive study of Iraqis' migration experiences, attitudes and practices of return would need better access to the researched groups, a larger sample and greater operational support with data collection.

The original aim of this qualitative research, however, was not to achieve statistical representativeness but to follow many access points and trails so as to generate a less biased sample of informants (Atkinson et al., 2001; Rapley, 2007). The initial access points included contacts provided by friends, colleagues and Iraqi nationals living in the UK and Iraqi refugees who participated to the pilot study in 2008. Interviews and casual conversations with representatives of national authorities, UNHCR, IOM and other INGOs were arranged through telephone and email appointments and conducted in embassies, INGO field offices and local community centres.

The inability to obtain a research visa from the Syrian and the Jordanian governments was an obstacle in accessing Syrian and Jordanian state officials and institutional information produced by the host governments. Compared to their Jordanian counterparts Syrian national authorities were inaccessible; the Syrian government's views about the research topic are thus underrepresented in this study. The lack of direct access to state authorities was partly redressed through in depth analysis of the official and legal documents produced in Arabic and in English by these very institutions. The documentary analysis concentrated on the immigration and residency policies and executive regulations adopted by the Syrian and the Jordanian governments towards the Iraqi nationals. Prolonged observations in Iraqi high concentration areas in Damascus and Amman, was also critical to directly investigating measures and practices adopted by the host authorities to manage the Iraqi communities in their territories.

Given the lack of any viable route for formal authorisation to conduct independent

research in Syria and Jordan, and on the advice of scholars in both countries and in the UK, I sought and obtained affiliation with local and international research institutes and humanitarian organisations in order to secure institutional backing, protection and logistical support. These institutions facilitated networking opportunities with other INGOs working with the Iraqi displaced in Amman and Damascus but were also powerful gatekeepers controlling access to the Iraqi research participants.

3.5.1 Syria

In Syria I worked as an Intern in the Registration Unit of the UNHCR, based in the UN compound in Kafer Sousah, Damascus, and in the Registration and Food Distribution Centre in Duma, near Damascus. The collaboration with the UNHCR entailed both methodological opportunities and constraints (Rapley, 2007). The UNHCR facilitated access into one of the most important interactional settings of the Iraqi refugees, the registration and aid distribution centre co-managed by the UNHCR the World Food Programme (WFP) and the Syrian Arab Red Crescent (SARC), where I conducted interviews and casual conversations with Iraqi refugees and returnees and with INGO staff, and investigated the UNHCR voluntary return assistance policies and practices from the privileged position of an “intern”. Wearing a UNHCR badge and being seen as a UN staff was often the key to Iraqis’ trust and consent to participate in interviews and other research activities. Yet conducting research under the auspices, and control, of the UNHCR was at times constraining.

The support of a UN agency to the research project came at the cost of restrictive conditions being imposed on research activities, especially given the politically sensitive nature of the study. For instance, the use of recording equipment and digital cameras inside the Registration and Food Distribution Centre in Duma was restricted to authorised staff. The dissemination and publication of “internal” information, documents, audio and video material is protected by UNHCR privacy and confidentiality regulations and requires official clearance by the head of the UNHCR Information and Communication Unit. Perhaps the major constraint arising from the collaboration with the UNHCR was my inability to share critical assessments of the UNHCR protection and assistance policies and practices with the relevant UNHCR Syria management and staff. This was partly due to the fear of causing problems between UNHCR colleagues and their line

managers but also by the increasing awareness that the UNHCR managers did not welcome outsiders' critical assessments of their work and performance. Faced with my request for greater access to UNHCR assistance programmes for the Iraqi refugees, the UNHCR Syria Country Representative made it clear that I was not a member of staff and that I did not have the clearance to access certain locations and pieces of information and make evaluations of UNHCR Syria projects. The UNHCR's resistance in granting access to and disclosing information about its activities may be due to security concerns, or may be aimed at concealing operational and organisational problems which are not supposed to emerge in independent reports, or an attempt to avoid the pressures stemming from local authorities' monitoring and restrictions on the presence and operations of the UNHCR in Syria. Gaining access through a powerful gatekeeper such as the UNHCR required adopting a "flexible" approach to fieldwork and entailed significant methodological limitations (Bloch, 1999). Recruiting research participants in the Duma Centre, for instance, limited the scope of the sample to Iraqis registered as *prima facie* refugees with the UNHCR. To control for this bias and include in the sample Iraqis who were not registered with the UNHCR it was necessary to access and recruit research participants outside of the UN premises and without using the status of UNHCR intern.

An alternative strategy adopted to meet Iraqis outside of the UNHCR environment, was establishing contacts with a number of Iraqi socio-cultural groups and associations in Damascus. Soon after my arrival in Syria, I joined the AIKIDO club in Jaramana, one of the neighbourhoods of Damascus highly populated by Iraqi nationals. The AIKIDO trainer was an Iraqi man who participated in the pilot study of this research project in 2008 and who invited me to go to the AIKIDO practice every Friday and engage with a group of young Iraqi men and a Russian woman. Over time, the relationship with the AIKIDO fighters developed outside of the gym and the young men introduced me to their families and friends, some of whom accepted to participate in the research activities. Despite using a snow-balling method, the recruitment of participants was done following different access points and trails so as to meet the desired variety in the sampling process (Atkinson et al., 2001). Alongside the AIKIDO training, I regularly visited and engaged with various Iraqi associations in Damascus including the Iraqi artists café in Jaramana, the Journalists Club and the Iraqi Cultural Centre in Al-'Afef area and the Iraqi Youth Assembly, all of which organised regular social and cultural gatherings and events where

new Iraqi participants were approached and encouraged to participate in the research.

In the recruitment process, my personal features, socio-cultural background and behaviour did not constitute major obstacles to establishing good relationships with potential informants and inviting them to participate to the interviews (Hamzeh and Oliver, 2010). Rather, the Iraqis demonstrated curiosity and sympathy towards the young Italian researcher who could speak Arabic and who was interested in their lives and opinions. Iraqis from a middle-class intellectual background who had lived in the US or Europe and were more familiar with western education, cultural values and practices were more willing to participate; they did not perceive me and the research activities as a potential threat. The recruitment of less educated participants, with little knowledge and experience of western academic research, proved sometimes more problematic. Some Iraqis harboured suspicion towards the inquisitive Italian woman who wanted to use a voice-recorder and take notes about them; they probably associated my methods with those used by the state bureaucracies and security agencies that they dreaded and escaped from in their country of origin. In order to encourage the participation of worried Iraqis, I stressed the independent nature of my research, that I did not work for any state or non-state institution and I sought to reassure them that the information that they shared would have been treated as confidential and anonymous.

3.5.2 Jordan

In Jordan I was a Research Fellow sponsored by the Council for British Research in the Levant (CBRL) based at the British Institute in Amman. The affiliation with the British Institute was essential in achieving the personal protection, financial and logistical support necessary to conduct fieldwork and network with a range of local institutions and NGOs implementing research, assistance, development projects and other socio-cultural activities involving the Iraqis in Jordan. The British Institute is connected with Iraqis in Amman through the Iraqi Research Fellowship Programme sponsored by the UK-based Council for Assisting Refugee Academics (CARA). The Iraqi academics beneficiaries of this programme work with local and international research institutions in Amman and Iraqi universities for the implementation of research projects focusing on various aspects of contemporary Iraqi society. In September 2010 CARA organised a five-day workshop where I had the opportunity to meet Iraqi researchers based inside and outside of Iraq and

some of them accepted to be interviewed. The contributions of the Iraqi academics met through CARA were essential but represented only one group of Iraqis displaced in Jordan. The group of participants had to include less advantaged and qualified members of the Iraqi migrant community in Amman.

The sample was expanded by establishing contacts with a number of INGOs providing assistance and services to less skilled and wealthy Iraqis living in various areas in Amman. In particular working as a voluntary teacher of English, was the main strategy to access Iraqi beneficiaries of free vocational training classes sponsored and managed by a number of humanitarian and charity organisations. The gatekeepers were the Jesuit Refugee Service running evening non-formal education classes in a Christian school in Al-Ashrafyia; Terre Des Hommes Italy in partnership with the Jordanian Soldier Family Welfare Society implementing a UNHCR/UNICEF-funded project in a community centre providing assistance to vulnerable women and children in Zarqa'; and the Japanese-funded Women's Federation for World Peace offering vocational training classes for Iraqi refugees in Al-Hashemi Al-Shimali.

Both in Syria and Jordan, establishing and maintaining good relations with the Iraqis presented several difficulties. In some cases research participants required their contributions to be anonymous and preferred not to be voice-recorded, as they were afraid that the information they disclosed could be used against them and their families. Some participants had negative perceptions or violent memories of previous interviews with state bureaucracies and social control agencies, and therefore had become 'question-wise' (Hynes, 2003) and resorted to concealment, obfuscation or deception to prevent me from observing and understanding their personal circumstances and intentions (Lee, 1993).

On the other hand, some Iraqis participated to research activities, simply out of curiosity or because they appreciated the therapeutic qualities of interviews (Dyregrov et al., 2000). A number of interviewees considered the interview process as an opportunity to express their sadness and disappointment towards state institutions and humanitarian agencies which fail to assist them. For others, conversations with the young female researcher helped them making sense of their dramatic experiences, come to terms with

their conditions in exile and try to devise solutions to their problems. The trust-building process entailed the establishment of a relationship of reciprocity and mutual understanding between me and the research participants (Jacobsen and Landau, 2003). Speaking Arabic and being familiar with Arab and Muslim culture and society, I could directly introduce myself and the research project in the language of the participants and engage in effective cross-cultural communication by minimising potentially irritating aspects of my personality and accommodating to the cultural diversity and moral values of the research subjects (Lietz et al., 2006). Teaching English in various classes of mixed age and sex students on a weekly basis, I established lasting and trustworthy relations with Iraqi women and men with very different pre-and post-flight histories. The next section presents the sample of respondents, which both in Damascus and Amman was heterogeneous in terms of participants' ethno-religious background, demographic features and socio-economic status.

3.6 Research participants

Research activities were conducted with 40 Iraqi participants in Damascus and 51 Iraqi participants in Amman. The number of participants in Syria is lower because interviews in Damascus were abruptly interrupted due to my expulsion from the country. All participants in Syria and in Jordan met the following initial sampling criteria:

- fled Iraq after 2003
- are or are not registered with the UNHCR
- sought or did not seek resettlement to a third country of asylum
- have or have not adopted transnational livelihood strategies
- come from any ethno-religious, educational or socio-economic background
- have resided (legally or illegally) in the host country for at least six months
- have returned to any area of Iraq

The respondents arrived in the two host countries between 2003 and 2009; many of them had already been in Syria and Jordan before 2003, for various reasons and periods of time. The existing knowledge and connections facilitated their arrival and initial settlement in the host societies. Before flight, 72 participants resided in different areas of Baghdad; 8 in Mosul, Ninawa; 3 in Al-Emara, Misan; 3 in the governorate of Basra, 2 in

Al-Falluja, Al-Anbar; 1 in the governorate of Karbala, 1 in Samara', Salah Al-Din, and 1 in the governorate of An-Najaf. Their length of stay abroad before their first return varied from six months to over three years. The following charts graphically illustrate the sex, age, ethno-religious background, legal status of the participants in Syria and Jordan.

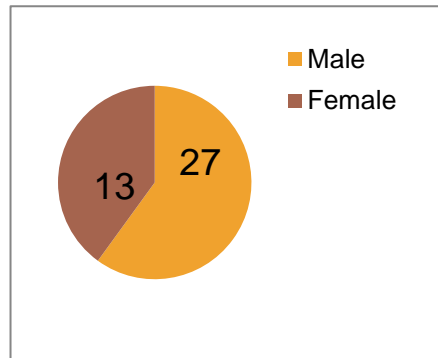


Fig. 3.4 - Sex of Iraqis in Syria

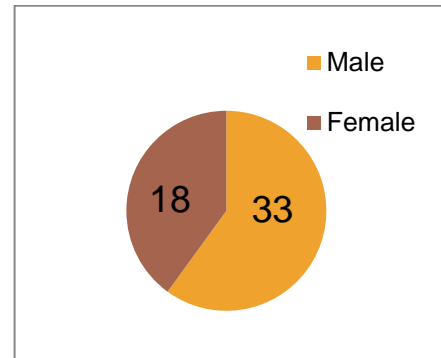


Fig. 1.5 - Sex of Iraqis in Jordan

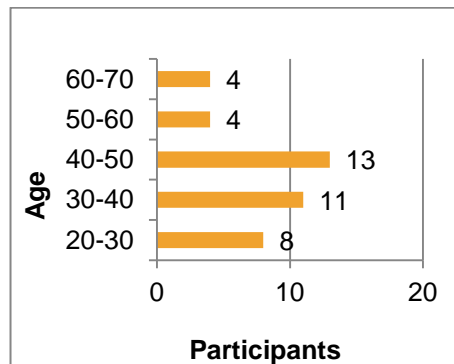


Fig. 3.6 –Age of Iraqis in Syria

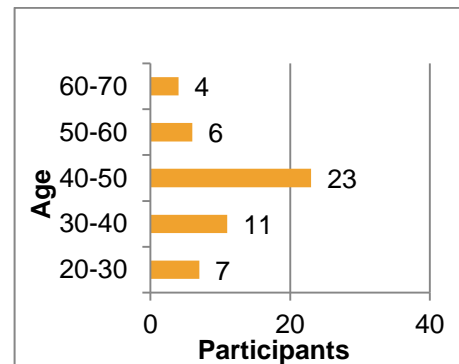


Fig. 3.7 – Age of Iraqis in Jordan

In Syria the interviewees were 27 men aged between 22 and 69 years and 13 women aged between 22 and 64 years. In Jordan interviews were conducted with 33 men aged between 22 and 63 years and 18 women aged between 30 and 60 years. Most female participants embarked in the return process with their families and some of them were interviewed in the presence of their husbands, who, conforming to Iraqi socio-cultural customs, tended to talk on behalf of the whole family. This has reduced the women's freedom to express their opinions and discuss in more depth their personal experiences.

Despite the high average level of education among the Iraqis interviewed in Syria and Jordan, only a few managed to find regular work opportunities in the host countries due to restrictions in obtaining work permits. Their welfare depended on transnational family ties and networks of solidarity and financial support, money transfers and savings from sales of land and properties in Iraq, INGOs cash and in-kind assistance, informal work in the local labour market and, for the wealthiest, the establishment of private businesses and cross-border trade between Iraq and the neighbouring host countries. Iraqi refugees' pre and post-flight socio-economic circumstances determine their ability to secure legal status in the host countries and consequently enhance their cross-border mobility. The inability to freely move across-borders reduces Iraqis' access to resources and opportunities available in Iraq and in other countries, thereby impeding their socio-economic betterment. The asylum and immigration status of respondents is therefore a key factor influencing their living conditions in exile and their decisions about return.

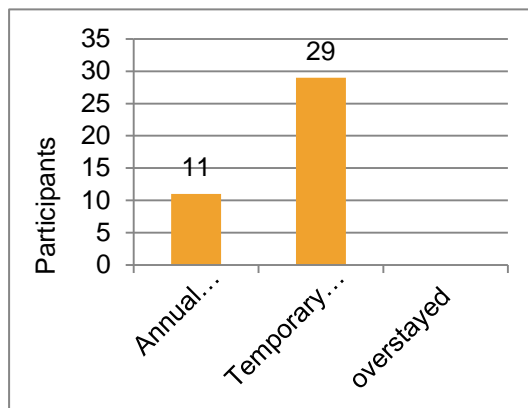


Fig. 3.8 - Legal status of Iraqis in Syria

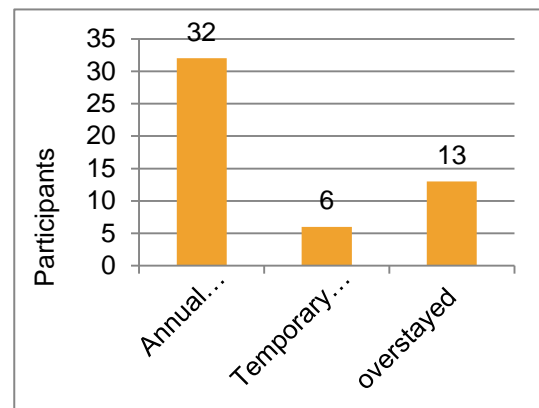


Fig. 3.9 – legal status of Iraqis in Jordan

In Syria, 29 participants held a short-term residence permit and 11 participants had an annual residence permit. Among the respondents in Syria, 30 registered with the UNHCR and sought resettlement, 1 registered but did not want to be resettled, 3 did not register with the UNHCR, 2 returned from resettlement in the USA, and 2 accepted UNHCR Vol. Rep. assistance to return. In Jordan, 32 participants obtained an annual residence permit, 6 held a short-term residence permit and 13 overstayed. Among these, 24 respondents did not register with the UNHCR, 18 registered and sought resettlement to a third country, 4 registered and their application for resettlement was rejected, and 5 registered but did not

seek resettlement to another country. Holding a valid residence permit is a source of security because it facilitates going to Iraq and re-entering Syria and Jordan at any time, without facing immigration restrictions and expensive visa fees. In Syria both holders of short- and long-term residence permits can engage in cross-border movements while in Jordan cross-border mobility is allowed only to holders of long-term residence permits. Without a valid residence permit Iraqis' cross-border mobility is restricted thereby impeding their socio-economic betterment through access to resources and opportunities available in Iraq and in other countries (Mason, 2011).

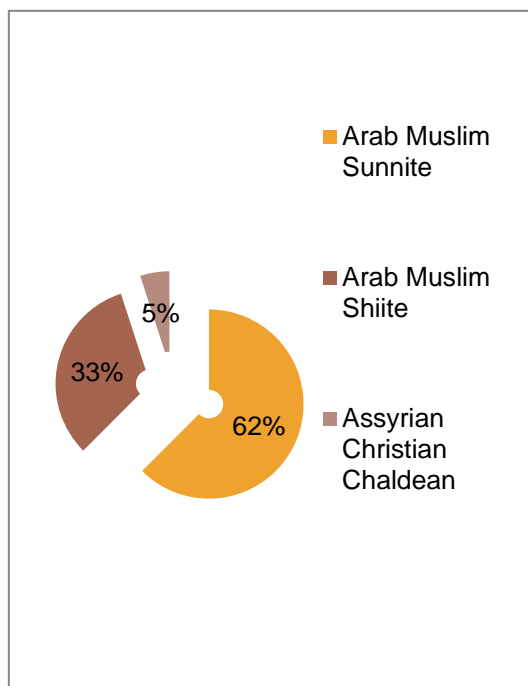


Fig. 3.10 - Ethno-sectarian background of Iraqis in Syria

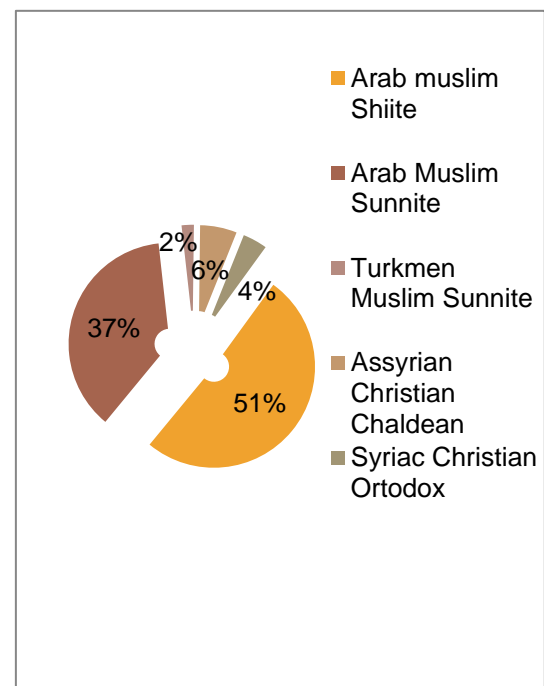


Fig. 3.11 - Ethno-sectarian background of Iraqis in Jordan

Another important determinant of decisions and practices of return is the ethno-religious background of the Iraqi individuals and families in this study. Most interviewees in Syria and Jordan are Arab Muslims. In Syria 62% of the participants were Muslim Sunnites, 33% were Muslim Shiites and the remaining 5% were members of the Assyrian Christian Chaldean minority. In Jordan 51% of the participants were Muslim Shiites, 37% were Muslim Sunnites, 6% were Assyrian Christians, 4% Christian Orthodox and 2% Turkmen. Members of the ethno-religious minorities are better represented in the sample

of participants in Jordan, because the Jesuit Refugee Service encouraged some members of these communities to take part in the research. Some of the Muslim participants disclosed their sectarian membership only after expressing their disapproval and condemnation of the ethno-sectarian identity politics that have caused divisions and violence in their country. The migratory trajectories of refugees' return and their reintegration experiences have been affected by the phenomenon of ethnically-based territorial and administrative polarisation that has forced some participants to abandon their houses and jobs and move from religious and ethnically mixed areas to homogeneous ones in search of safe havens.

3.7 Research Methods

The qualitative research techniques employed for this study included: extensive participant observation of refugees' interactional settings, transnational networks, movements and cross-border activities; open-ended and semi-structured interviews and casual conversations with Iraqis, members of host communities, INGO staff, local authorities and other key research participants. These field research methods were accompanied by qualitative analysis of documents, literary works and media sources concerning the research topic. A more detailed assessment of the merits and flaws of the principal methods used in the research is provided below.

3.7.1 Participant observation

Prolonged engagement and participant observation in the two main research settings, Damascus and Amman, enabled the collection of first-hand information on Iraqi refugees' humanitarian conditions and livelihood strategies in the host countries, and the direct observation of the causes, nature and scale of Iraqis' return and cross-border activities from Syria and Jordan. Being in the field for over one year was essential to achieve good knowledge and understanding of the economic and socio-political developments in Syria and Jordan, to become thoroughly familiar with the host cultures, improve my linguistic and communication skills in Arabic, find key informants and research participants and establish trustful relationships with them. During the first three months of the fieldwork, I concentrated on learning the Iraqi Arabic dialect necessary to communicate and conduct interviews.

In Damascus I was initially hosted by a Palestinian family who left Haifa during the

Nakba of 1948 and relocated in Damascus, in the predominantly Palestinian and Kurdish working class area of Rukn Ad-Din. Spending time with the Palestinian family and their social networks was crucial in observing the ambivalent attitude of solidarity and suspicion of some Palestinians towards the Iraqi refugees in Syria. Their perceptions and practices towards the Iraqis and other migrant communities are influenced by their personal histories and circumstances and by the fact that despite many of them having been born and having grown up in Syria and despite their enjoyment of similar rights and duties to Syrian nationals, they consider themselves as second class citizens because the Syrian authorities only grant them temporary residence permits. As mentioned in chapter two, denying the Palestinian refugees citizenship rights and permanent integration opportunities, Syria, Jordan and the other Arab states take the political stance that the only acceptable solution to the Palestinian refugee problem is return to their homeland.

The Palestinian family demonstrated exceptional generosity by offering to host me for the entire duration of the fieldwork in Syria. However, living with a family entailed respecting the rules of the household and observing the gendered social and cultural norms of the conservative host community. Being a woman, I would have not been allowed to remain outside of the house until late at night to conduct fieldwork, for instance. In order to maintain my autonomy without disrespecting the needs and gendered socio-cultural expectations of the family I decided to move to a more independent accommodation.

Both in Syria and Jordan, my decision not to live in a neighbourhood where fieldwork took place stemmed from the need to create a balance between the research activities and other aspects of life in the host countries. On various occasions being able to exit the research sites and go home was a necessary break from the tiring and emotionally wearing encounters and experiences of fieldwork and an opportunity for preliminary reflections and analysis. In Damascus, 'home' was a rented room in a two storey Damascene house in the old Christian quarter of Bab Tuma. That was an ideal accommodation because the other tenants led separate lives and did not interfere with my research activities. The house is also centrally located and relatively well connected through public transport to the UNHCR compound in Kafer Sousah, and to Jaramana and Saida Zainab, the areas of Damascus with the highest concentration of Iraqis.

In Amman, as part of the CBRL Research Fellowship grant, I was offered shared accommodation in the hostel of the British Institute, in Tala' Al-'Ali. Living in the British Institute was an opportunity to interact with Iraqi, Jordanian and international researchers and practitioners connected to the CBRL in Amman and broaden my knowledge and understanding of migration and refugee realities in Jordan and in the Middle East. Having the institute as a base was also logistically convenient to reduce fieldwork expenses and live in a clean environment with twenty-four hour access to a well-furnished library, free wireless internet connection, workspace and printing facilities.

On the other hand, living in a gated expatriate community in a residential area of Amman was an obstacle to my full participant observation of refugees' living conditions and interactional settings. To overcome this obstacle I spent entire days outside of the institute, working as a voluntary English teacher in the humanitarian projects run by the Jesuit Refugee service in Al-Ashrafiya, by Terre Des Hommes and the Jordanian Soldier Family Welfare Society in Zarqa' and by the Women's Federation for World Peace in Al-Hashemi Al-Shimali. While the number of Iraqi beneficiaries in the vocational training programmes in Zarqa' and Al-Hashemi Al-Shimali did not exceed 40 students, the courses organised by the Jesuit Refugee Service received every two months an average of two hundred Iraqi students from various ethno-religious and socio-economic backgrounds.

The classrooms where the vocational training courses took place were key fieldwork sites where I learnt about the Iraqi students, their histories and life projects while facilitating learning activities aimed at developing their conversation skills in English. Every week three mixed classes of men and women of ages ranging between fourteen and sixty years, would engage in group discussions surrounding the situation in Iraq, life in exile, resettlement opportunities, return intentions and experiences and the factors affecting their ability to re-establish livelihoods back home. From their contributions in debates it was possible to identify the Iraqis who met the sampling criteria of the research and who could subsequently participate in semi-structured interviews outside of the school context. All the students were informed since the very first lesson that the new teacher

was a doctoral student conducting research about Iraqis' return from Syria and Jordan. This did not have a negative impact on rapport building, although, as it will be discussed later, some students accepted to participate in the research but preferred not to be voice recorded or to be named in the study.

Throughout the period of fieldwork in Damascus and Amman, participant observation of refugees' small-scale interactional settings and cross-border activities, and the simultaneous analysis of data generated from interviews with refugees and other key informants led to a constant test of initial theoretical assumptions and new emerging hypotheses (Morse et al., 2002). The fieldwork exercises equipped me with enough knowledge and confidence to detect discrepancies between my interpretations and understandings of the social phenomena observed and those presented in official documents and interviews generated with research participants. The next section will discuss in greater detail the interview techniques adopted for this research.

3.7.2 Open-ended and semi-structured interviews

The choice of open-ended and semi-structured interviews as a research tool for this project emphasises the importance of research subjects as "initiators" of information that guides the research rather than as passive "respondents" presented with a pre-established set of closed-ended questions and limited answers. Interviews combined with participant observation were a valuable instrument to explore Iraqis' attitudes towards return, their desire and commitment to re-building their lives in the country of origin, and their spontaneous cross-border livelihoods. Interviews with institutional actors allowed the collection of quantitative and qualitative data on outcomes of official information campaigns, voluntary return policies and projects implemented by the home and host governments and the international refugee regime.

In total 91 semi-structured interviews were conducted with Iraqi participants, in Arabic and in English: 40 interviews took place in Damascus and its outskirts and 51 in Amman and Zarqa'. In both research settings additional qualitative evidence about the broader research context was generated through interviews and informal conversations with a number of Syrian, Jordanian and Palestinian nationals, staff of local and international organisations (e.g., UNHCR, UNDP, IOM, Caritas Jordan, Terre Des Hommes, Intersos,

Danish Refugee Council etc.) working in Iraq and in the countries of first asylum, personnel of the Iraqi embassies in Amman and Damascus and officers of other relevant authorities. The majority of the interviews with Iraqis and members of the host communities took place in family homes or in public spaces such as parks and cafeterias. The interviews with representatives of local and international NGOs and government officers were conducted either in offices or community centres where humanitarian assistance projects are implemented.

Different interview schedules and recording techniques were used depending on the research focus, the interview setting, time constraints, and the position of the interviewer and the interviewee (Dunne et al., 2005). The interview schedule (see appendix I) used to conduct interviews with the Iraqi participants was produced during a pilot study in Syria and Jordan in April 2008 and was structured around three sets of open-ended questions exploring 1) the migratory trajectories and livelihood strategies of the participants before and after flight 2) the information they had on return and reintegration challenges and opportunities and 3) their future life projects. The schedule was used in each interview as a reminder of the topics that needed to be covered. Often, however, the interview interaction did not follow the schedule because participants' responses prompted follow up questions, changing the trajectory of the conversation in other interesting directions.

The use of open-ended and semi-structured interviews created a balance between the need to control the direction of the investigation and allowing space for interviewees to freely express their thoughts, concerns and suggestions, thereby actively participating in determining salient – yet still unexplored - aspects of the topics discussed (Gubrium et al., 2002). Semi-structured and 'off the record' interviews were used to promote the participation of some knowledgeable informants (e.g. personnel of embassies and UN representatives) who had busy work schedules and were unwilling to talk 'on the record' about their employers' policies and practices. Rapley (2007) indicates that crucial information and contradictory talk is often produced off-tape. Some fearful and mistrustful Iraqi participants refused to take part in recorded research activities, even where confidentiality and anonymity had been ensured. To encourage their participation I avoided using the voice-recorder and employed alternative recording techniques, such as note-taking and relying on my subjective memory. Face-to-face interviews offered the

opportunity to observe interviewees' facial and bodily expressions and attitudinal and behavioural manifestations such as omissions, hesitation and anxiety. Interviewees' attitudinal and behavioural expressions constitute significant extra-linguistic items, which have been included in the analysis and interpretation of interview responses.

3.7.3 Transcription and translation

Most interviews with the Iraqis in Damascus and Amman were voice recorded, transcribed and translated in the field, usually within three days of the interview taking place. The presentation of interview material in the form of texts and transcripts entails the de-contextualisation of the data from the circumstances of their production (Kvale, 1996). Transcripts in isolation are a poor basis for interpretation. The immediate transcription/translation of the interview material was therefore critical to incorporating the contextual, spatial, temporal and social dimensions of the interview-talk in the interpretation. Each interview was accompanied by a detailed description of the interview setting and time, respondents' personal details and socio-cultural background, researcher-interviewees power and gendered dynamics during the talk and interaction, non-verbal communication items such as attitudinal and behavioural manifestations, vocal intonation and facial and bodily expressions.

The average duration of voice-recordings is 50 minutes. Interviews conducted at the beginning of fieldwork, when I was still familiarising with the research setting and had less confidence in conducting interviews in Arabic, lasted around 30 minutes; while some of the open-ended interviews conducted towards the end of the field research lasted almost two hours. The voice recordings in Arabic were simultaneously translated and transcribed into English. It took around five hours to produce an accurate translation/transcription of an hour long interview and the final product was a relatively long piece of written text in English.

More precisely, the meanings conveyed through a form of Iraqi colloquial Arabic, have been translated into standard written English. Each language shapes and delimits its own socio-cultural meanings and specificities in a different way. Speaking a language entails acquiring a particular view and understanding of social reality, which is reflected in the narratives of a specific culture or sub-culture. In order to increase the trustworthiness and

reliability of the translation/transcription of the interview material it was fundamental to pay special attention to the functional and structural differences between the oral and written versions of the two languages used in this research project, Arabic and English. For instance, rhetorical forms inherent in Iraqi Arabic dialect, (e.g. phrases, cultural allusions, idioms, metaphors and comical or ironical expressions) could have been easily overlooked and thereby lost during the translation/transcription of interview material into written standard English. 'What is said in the hermeneutical tradition of translators also pertains to transcribers: traduire trahit – translators are traitors' (Kvale, 1996:166). For instance, during an interview Ahmed, a 25 year-old electrical engineer used two particular Arabic words, *Imamah* and *Tarbush*, which are the head coverings worn respectively by Shia and Sunni clerics in Iraq:

People have begun to realise what the real role of the citizen is ehhe and that nothing can help a person but his work, not his *Imamah* or *Tarbush* [types of head covering used respectively by Shia and Sunni clerics, symbols of Iraqis' religious affiliations and convictions]. The work of a person is the root of human existence.

In the translation/transcription of the interview these words have been purposely transliterated since they do not have an English equivalent. The transliteration of Arabic sounds in Latin letters is accompanied by an explanation in square brackets, which facilitates readers' understanding of the meaning and use of these words in the context of the interview. Ahmed used these terms in a metaphorical sense to express that Iraqis have begun realising that their work, and not their religious convictions and affiliations, is the basis of their survival. Researchers' ability to communicate in the language of the respondents and their familiarity and sensitivity towards the set of cultural and moral values and practices of their informants can represent crucial resources to achieve a deep understanding of the phenomena observed.

In order to enhance the quality of the translation and the reliability of findings, the same recorded material, especially the more obscure passages of interviews were exposed to the check of three competent persons (Kvale, 1996). I conducted the interviews in Arabic and translated them into English. An Iraqi Arabic mother-tongue research assistant then checked the translation from Arabic into English and discussed with me nuances in the interpretation of the interview data. The inter-subjective agreement of two researchers on the same interview was desirable to counteract haphazard subjectivity and increase the

reliability of the translations/transcriptions of the interview material (Silverman, 1993; 2004). Finally, the English translation of the interview was presented to an English mother tongue proof reader, who revised its quality. Overall, the three researchers reached a good degree of agreement on what has been said during the interview-talk and on the manner of its presentation in the form of a written English text. The translated interviews are therefore the result of the inter-subjective exchange between competent and committed persons from different socio-cultural and linguistic backgrounds, who collaborated for the production of cross-culturally constructed and shared meanings.

3.7.4 Analysis and interpretation

The theoretical questions of this research project were explored through analysis of both the content of interviews and the external contextual factors and circumstances of their production (Seale et al., 2007). A good part of this analytic work was undertaken during the interview itself (Kvale, 1996). The interview interaction is a moment of knowledge production through the negotiation of meanings and understandings between the interviewer and the interviewee. The interviewer co-generates together with respondents, meaningful locally-generated qualitative data about the topic under scrutiny. The interview material has been critical to strengthening - or of course to questioning – prior analytical assumptions. Follow up questions were essential to seek clarification about the meaning interviewees attributed to key terms and concepts discussed in previous interviews or that arose from the analysis of documents. Kvale (1996) calls such form of analysis 'interpreting as you go' and indicates that this research practice renders the final analysis of interview data more amenable and facilitates the production of more robust research findings.

Field notes, including hundreds of minutes of interviews transcribed and translated into English text, photographs taken in the Damascus and Amman, and pdf documents and other textual material collected in the field were organised and analysed in further depth with the support of NVivo 9. This software allowed me to handle large amounts of qualitative data and provided an easier and more precise way to code and query the interview material by sorting it in tree nodes. The creation of initial tree nodes, or analytical categories for the analysis, followed the structure of the semi-structured interviews. For example, the root node named “information”, was divided in various tree

nodes including: 'sources of information', 'means of information', 'access and use of information and communication technologies' 'nature and content of information', 'reactions to available information', 'perceptions, expectations and dreams', imaginings vs. realities of home' among other analytical themes. Having set up the initial skeleton of nodes, all the interviews were browsed and searched and extracts, phrases and sentences were coded with the relevant nodes. Often, while reading the interviews empirical evidence stimulated new ideas, which were turned into new tree nodes through the 'In Vivo' function and stimulated further coding and deeper insight. The computer software was helpful in managing the large amount of qualitative data but it provided little assistance in the creative work, the analysis, which totally depended on my subjective interpretative capacity (Gibbs, 2002).

From a realist approach, researchers' neutrality is an essential practice to guarantee the validity of the analysis and the resulting findings (Guba and Lincoln, 1994). If analysts are not neutral they will unduly contaminate the data with their personal judgments. In contrast, interpretative and constructivist approaches in social research criticise attempts at neutrality because they create asymmetrical relationships in which the research participants are seen as objects rather than as human beings (Gubrium et al., 2002). This research embraced interpretative and constructivist positions that see the interview as a cooperative and interactional event. The interview-talk is locally and collaboratively produced and emerges from the engagement of interviewers and interviewees in a communicative interaction oriented towards cross-cultural understanding and the production of more reflexive and in- depth knowledge of the phenomena discussed (Silverman, 2004). The analysis of the interviews and the production and dissemination of findings are mainly driven by the subjective knowledge, experiences and aims of the researcher, who affects the interviewees as much as the interviewees and the setting affects the researcher (Lee, 1993). This research project has had a short and long-term impact on both the participants and the researcher and has raised a series of ethical issues that warrant further exploration in the following section.

3.8 Ethical considerations

Researching members of the Iraqi refugee communities in Syria and Jordan required the consideration of particular ethical issues. Working with vulnerable groups such as the

Iraqi refugees, I had to anticipate the repercussions of the research activities (Goodhand, 2000). My presence and actions could have involuntarily caused harm by endangering the physical security, privacy, social status and psychological wellbeing of the research participants (Guillemin and Gillam, 2004). For these reasons, I felt the responsibility to respect research participants' privacy and anonymity and protect their wellbeing and legal right by obtaining their informed consent to participate in the study and by ensuring confidentiality and anonymity both during field exercises and in publishing and disseminating the research findings (Wiles et al., 2008).

3.8.1 Informed consent

Both in Syria and Jordan, conducting research activities with the support of institutional actors and gatekeepers including the UNHCR, Terre Des Hommes, the Jordanian Soldier Family Welfare Society, and the Jesuit Refugee Service, meant that participants' informed consent was as a prerequisite to secure access to the researched groups. A series of safety, privacy and confidentiality guidelines had to be respected in order to conduct observations, take pictures and carry out other research activities with beneficiaries in the INGO premises.

To conduct fieldwork in the UNHCR Registration and Food Distribution Centre in Douma, for instance, I had to obtain the formal authorisation of the UNCHR management in Kafer Sousah. An outline of the research, in Arabic and in English, was circulated by email to all the foreign and Syrian UNHCR officers working in the registration and food distribution centre to inform them of the research project and to seek their collaboration. The registration officers were instructed to encourage Iraqi beneficiaries who met the sampling criteria (described in section 6) to participate in the study. In order to encourage Iraqis' participation in the research it was extremely important to provide them with an accurate explanation of the aims and nature of the research and to clarify that participation in the study had no impact on their access to UNHCR assistance. The UNHCR officers stressed that the UNHCR was only facilitating independent research on 'Challenges and Opportunities for Return to Iraq' that focused on Iraqis' decision-making processes and the factors that affected their ability to return to Iraq. The Iraqis were also informed that the research activities consisted in an interview with an Arabic-speaking Italian researcher who was going to ask them some questions about their current living

conditions and future plans. The Iraqis were aware that their participation in the study was on a voluntary basis and that the results of the interview would be confidential and anonymous. Before starting the interview, I would introduce myself personally, ask the participants to read the summary of the research, give them the opportunity to seek clarifications about the research project and about my role and then sign an interview consent form, drafted in Arabic and in English (see appendix II).

A similar approach was adopted with Iraqis met outside of the UNHCR premises and with the research participants recruited in Jordan. In every appointment with institutional gatekeepers, Iraqi interviewees or other key informants, I showed an introductory letter in English and Arabic from the university, the outline of the research project in Arabic and in English, and the interview consent form to be signed by the participants. Overall, this strategy combined with the provision of additional oral information and assurances regarding my background and institutional affiliation proved effective to achieve a higher level of informed consent among participants (Sin, 2005).

In some cases, however informed consent was not achieved and participants refused to take part in the research. In one instance, a research participant with a high political profile decided to withdraw his participation and interrupt the interview process immediately after I introduced myself and revealed my affiliation to a British university. He did not clarify the reason for his withdrawal and summarily asked me to leave the interview setting. It is unclear what caused such a response from the interviewee. I was quite shocked and disappointed but accepted his decision to interrupt the interview. Insisting on continuing the interview would have been an imposition on his will, and could have put both the interviewee and myself in a difficult if not even unsafe position given the political sensitivity of the research topic. MacDonald et al. (1998) highlight that researchers seek participants' informed consent and are entrusted critical information, while they themselves cannot be completely aware of the potentially dangerous uses such information can have at the time they start fieldwork.

3.8.2 Confidentiality and anonymity

The consideration of both the immediate and long-term effects of Iraqi refugees' involvement in the research was one of my main concerns throughout the fieldwork in

Syria and Jordan. Iraqis' participation in the research could have had a negative impact on their lives in their host communities, especially when and if representatives of Iraqi or host authorities or members of the Iraqi refugee community opposed the research project or its results. Should the institutional reaction to the study have been adverse, the Iraqi research participants might have faced harassment or even forms of retaliation and would have had nowhere else to turn for protection.

In order to ensure the safety of research participants, field notes were anonymised, the names of key participants and interviewees were not spelled out in computer files. The field reports, pictures, interview material and other sensitive documents and evidence were stored in an NVivo project file protected by a password. As it will be explained in the next section, when faced with the risk of being expelled from Syria, I also took additional measures to ensure that the research material collected in Damascus, including the contact details of research participants stored on my mobile phone, did not end up in the hands of the Syrian authorities or other potentially dangerous actors.

Few research participants expressed their desire to be named in the final reports and publications resulting from the research. Most research participants accepted to participate in the study at the condition that their statements were kept anonymous. The anonymity of interviewees and other key informants in presentations and discussion of research findings and in written publications has been ensured through the replacement of their real names with pseudonyms and with the omission of other distinctive identification traits such as the former and current employment titles of high profile research participants.

Given the lack of official research authorisation from the host authorities, I tried to ensure my own safety and wellbeing by avoiding questioning from strangers and introducing myself as a student of Arabic language on a temporary learning trip in Damascus and Amman. The lack of authorisation to conduct research in Syria and Jordan was in itself a serious ethical concern, particularly given that Iraqi refugees' return can be perceived as a politically sensitive topic in the host societies and it is therefore hard to explore without attracting undesired suspicions and attentions. The final section of this chapter considers the consequences that I have faced for having conducted research without the

authorisation of the Syrian authorities: expulsion.

3.8.3 Persona non grata: reflections on my expulsion from Syria

The search for official authorisation to conduct research in Syria and Jordan started at the end of 2008. In an email exchange with the funding institution of the fieldwork for this project, the Research Director of the CBRL in Amman stated: ‘Our social science scholars usually just travel on tourist visas. I am not even sure there are research visas!’ The academic supervisors of this research project were also not familiar with the research visa procedures in the two countries and had no contacts with Syrian and Jordanian academic institutions that could facilitate the field research. Dozens of emails were sent to establish contacts with research institutes, universities and humanitarian organisations in Syria. Most agencies were able to provide neither financial assistance nor support to obtain an entry visa. Email discussions about collaboration were therefore fruitless until I arrived in Damascus and could personally attend meetings and interviews.

Immediately after my arrival in Syria, I sought assistance from the Italian embassy in Damascus in order to gain permission from the Syrian authorities to conduct fieldwork. Research activities did not start until I had obtained a temporary residence and an institutional affiliation with the UNHCR in Syria. The affiliation with the UNHCR was not a real internship; it was a cover to carry out research activities with the Iraqi refugees in the relatively safer environment of Duma Registration and Food Distribution Centre. The UNHCR provided great logistical support but the UN agency could not guarantee my legal and personal security because the UNHCR management never informed their Syrian counterparts that the agency hosted an independent researcher studying the conditions of Iraqi refugees in Syria. Having some form of institutional support from the Italian embassy and from the UNHCR nevertheless provided a degree of safety enabling the research to proceed.

In meetings with key informants I always presented myself and the research with a letter of introduction from the university and the outline of the research project in English and Arabic, and mentioned my affiliation with the UNHCR. Being clear and honest with potential informants about my identity and activities was ethically correct, necessary to obtain participants’ trust and informed consent and to increase my personal safety.

Conducting overt research, however, entailed the risk of being identified by actors who could oppose and even impede the research activities. This risk became reality five months into the fieldwork in Damascus.

At the beginning of May, I started a round of interviews with some Iraqi Ba'athists and members of the Iraqi political opposition groups in Damascus. This was the most politically sensitive part of the research looking at the participation of Iraqi refugees' in the political dialogue and national reconstruction process in Iraq. An interview with the head of the National Council of the Iraqi Tribes, Sheikh Al-Duleimi was scheduled for the 15th of May. I went to the appointment at the office of the Council in Mezzeh area but the meeting never took place. After reading the letter of introduction from the university and the outline of the research project, Sheikh Al-Dulaimi asked me to reschedule the appointment for the following week as he claimed to have another commitment that afternoon.

On the 18th of May I received a SMS message from my Iraqi research assistant and son of a member of the Iraqi Ba'ath party in exile in Damascus. The young man apologised; he had found a job outside of Damascus and he informed me that he could no longer work for the research project. Surprised by the content and form of the message, I tried to call him but he would not answer the phone. My communication with the research assistant was totally interrupted since then. I interpreted the sudden and somehow mysterious departure of the research assistant as an indication that the young man had been advised to stay away from me to avoid problems with the Syrian authorities. Three days later I received a phone call from the secretary of Sheikh Al-Dulaimi, who instead of rearranging an appointment, asked questions about me, my institutional affiliation and my activities in Damascus. The phone conversation was most probably monitored and recorded by the Syrian intelligence.

Those events heralded the end of my research activities in Damascus. Being aware that the local authorities were watching me, I started thinking of possible ways to protect the participants, the evidence collected in previous months and my person. The appointment to renew my residence permit was at the beginning of June. In previous months, other foreign nationals had been ordered to leave the country without explanation or

clarification. There was a high possibility that I would receive a similar treatment, if not even worse, given that I had entered Syria on a tourist visa and I was found engaging in arguably illegal activities. In Syria, as in other Middle Eastern countries, holding politically sensitive information without official authorisation is tantamount to a public security crime and is punishable with imprisonment (Sholkami, 1999).

Given the gravity of the situation, I decided to inform the UNHCR Country Representative and seek assistance from some friends working in the Italian embassy, who, in case I was arrested, agreed to take responsibility for collecting the laptop, the research material and my personal belongings and to keep them under the custody of the Italian embassy until it was possible to safely send them to Italy or to the UK.

On the morning of the 28 of May I left the laptop, my mobile and the most sensitive research material in the UNHCR compound and went to the Syrian Immigration Office in Baramke to renew my residence permit. At the Immigration Office instead of renewing my residence permit I was stopped and told that the Syrian Intelligence ordered my immediate expulsion. I spent fourteen hours under the custody of the Syrian immigration authorities and, at 4am of the following day, I was escorted in a military vehicle to Damascus airport to be repatriated to Italy. Ironically, the hours spent under arrest were the only opportunity I had to engage in honest conversations about my research topic with the Syrian immigration officers, who treated me with respect and, following my request, informed the Italian embassy of my imminent expulsion from the country. A delegation from the embassy visited me at the Immigration Department to assess my condition and provide me with moral and material assistance. I requested one of the personnel of the Italian embassy to collect and transport the laptop and the other research material from the UNHCR compound to the embassy, in order to prevent its confiscation from the Syrian authorities. The UNHCR purchased my flight to Italy and I subsequently refunded the UN agency the cost of the flight. The laptop, the mobile and the other research material flew back to Italy a month later in the luggage of an Italian Minister Plenipotentiary. After a long stressful wait, I was informed that my belongings were waiting to be collected at the Foreign Ministry in Rome.

The Syrian authorities never clarified the reasons of my expulsion; there may have been a

combination of reasons. I violated Syrian immigration regulations by entering the country and conducting research on a tourist visa. The topic of Iraqi refugees' return from Syria and the approach adopted to investigate it was evidently felt too politically sensitive and intrusive by the Syrian intelligence. The expulsion of a foreign researcher could also be a demonstration of power by the Syrian authorities and a political statement against any form of unwelcome interference of international actors - including the Italian embassy in Damascus, the UNHCR and a British university - in Syrian internal affairs. The consequence of conducting research activities in Syria without permission was unequivocal; I was expelled and I have been banned from re-entering Syria for the next five years.

The expulsion from Syria constituted an extremely unpleasant precedent that could not be repeated in the second part of the research in Jordan. In consultation with my academic supervisors and other scholars and practitioners with experience of research and work in Jordan, it was decided that in the absence of legal mechanisms to obtain a research visa from the host authorities, the best way to proceed was to request affiliation to a Jordanian research centre with official connections and some interest in the issue of Iraqi refugees in Jordan. After engaging in a long email exchange, I pursued a research affiliation with the Regional Human Security Centre in Amman and at the beginning of August I travelled - again on a tourist visa - to Jordan to start the second phase of the field research.

My expulsion was a shaking experience and a critical event in the research process that induced me to reflect about a number of questions. Is it ethically correct to conduct research without having the permission of host governments? On what grounds can governments refuse to allow research to be conducted, especially when governments' performance in specific policy areas is the focus of research? Why is the production and dissemination of certain knowledge and information restricted? Why are researchers, journalists and other professionals obliged to infringe the law and incur personal risks in order to generate knowledge about certain social realities? Who benefits from the production and dissemination of such knowledge? What are the political and social implications of research activities, for the various participants and stakeholders? These are some of the critical ethical and methodological concerns which have far-reaching

implications well beyond my personal experience of fieldwork and expulsion from Syria, and which have been taken into account in the production of the findings presented in the following chapters.

3.9 Conclusion

This chapter has described the methodological approach and research techniques adopted to investigate Iraqi refugees' return from Syria and Jordan. Prolonged engagement and participant observation in the field combined with open-ended and semi-structured interviews proved to be effective research tools to gather a wide range of information on the research topic. Embracing constructivist and interpretative perspectives in the sampling of participants, in the interview process, in the transcription/translation of interview material and in the analysis and interpretations of the data allowed self-reflexivity and the acknowledgement of both the merits and limitations of the research methods. Clarifying my bias and ethical concerns was also fundamental to ensure the accuracy and reliability of findings. The research was designed to promote Iraqi refugees' participation in the production of knowledge and information which is necessary to plan and implement more effective refugee return and reintegration assistance programmes. The research endeavoured to treat contrasting information and diverse voices, especially those of silenced and marginalised Iraqi refugees, in an equitable manner and aimed at producing findings which have a positive impact on the lives and well-being of research participants.

Chapter Four: Displacement and return in Iraq since 1968

4.1 Introduction

The chapter sets the historical context of the displacement and return of Iraqi refugees generated by the 2003 US-led invasion of Iraq. A comprehensive historical review of displacement and return in Iraq would include the mass deportations under the Mesopotamian kings, the voluntary and involuntary migrations during the Arab Muslim Caliphates, the Mongol invasions, the shifting national borders of the Ottoman Empire, the population transfers of the British Mandatory rule, the Jewish Farhoud and the exile of political dissidents in the period of transition from the monarchy to the republic (Roux, 1964; Tripp, 2007; Morad, 2008; Fattah, 2009; Etheredge, 2011). A common element that emerges from the study of these historical periods is the systematic use of population displacement as a nation-building and governance tool in Iraq. Understanding the causes and nature of refugee return in the post-2003 Iraqi context requires a detailed analysis of the multiple patterns of displacement of various Iraqi social groups over the past four decades of Saddam Hussein's Ba'ath regime (1968-2003). These more recent episodes are directly related to the post-2003 political and economic transformations in Iraq and have forged the life experiences and migratory patterns of the Iraqi participants in this study.

This chapter is divided into eight sections. Section two looks at the exercise of mass population displacement and other repressive and totalitarian nation-building and governance practices employed by the Ba'ath regime in the past four decades. Section three explores the patterns of internal and external forced migration during the thirteen-year long UN economic embargo against Iraq. Section four concentrates on the 2003 US-led invasion of Iraq and the return of the Iraqi opposition parties and militias from exile to manage the post-invasion reconstruction process. Section five examines the escalation of the anti-occupation insurgency and the ethno-sectarian conflict that caused the most recent refugee problem. Section six offers a quantitative and qualitative analysis of the post-2003 population displacement and return in Iraq. Section seven explores the attitudes and policies of the new Iraqi regime towards the Iraqi refugees and their return home. Section eight draws together the main conceptual and empirical points developed in the chapter.

4.2 Saddam Hussein's regime and its use of displacement as a governance tool

The Baa'th party headed by Ahmed Hassan al-Bakr and Saddam Hussein came to power with a bloodless military coup on 17 July 1968 deposing President Abdul Rahman Arif, who faced increased opposition against his military regime unable to tackle the economic problems causing working-class and peasants arrest, the Kurdish nationalist rebellion and the growing social movement demanding democracy in Iraq (Tripp, 2007). From the onset Saddam Hussein's Ba'ath rule (1968-2003) did not bring democracy in Iraqi politics; rather it violently repressed any expression of dissent. The Ba'athist tendency to centralise power and govern the population through the military and the intelligence apparatus created a vacuum between the state and the citizenry, who were left with little if any say on the domestic and foreign affairs of the country. The Ba'ath regime used extreme levels of physical and structural violence supported by oil wealth to co-opt or eradicate any independent vestiges of civil society (Makiya, 1994). The autonomous social institutions that emerged and flourished under Brigadier Abd-Al-Karim Qasim's rule (1958-1963) were removed and replaced by the 'shadow state', an extensive network of patronage, fear and violence that reshaped Iraqi society according to the will of Saddam Hussein and his regime (Dodge, 2003). In order to curb demands for democratic rights and broaden its popular support base, the regime directed a process of Ba'athisation of the state organs, the social institutions, the educational system and the cultural life of the whole nation. Any form of resistance to this process was criminalised and punished through imprisonment, torture, disappearance and death (Al-Jazairi, 1994). These governance strategies were accompanied by state-sanctioned and enforced mass deportation campaigns and population displacement against those who refused to align with the Ba'athist Pan-Arab Socialist ideology and the totalitarian practices of its ruling junta (Al-Jazairi, 1994). Since the beginning of Saddam Hussein's regime in 1968 the Kurdish people, the Shi'a Arabs and members of political opposition parties such as the Iraqi communists were targets of continued Ba'athist oppression.

4.2.1 The Algiers Agreement and the Arabisation policies in Iraqi Kurdistan

The Kurds representing about 15-20 percent of the Iraqi population (Anderson et al., 2010) suffered, along with the Turkmen and the Christian Assyrian minorities, the tragic

consequences of the Arabisation policies enforced by the Ba'ath regime in the 1970s (Gunter, 1992). Among the oldest inhabitants of northern Iraq, the Kurds were not granted independence when the modern state of Iraq was created out of the three former Ottoman vilayets of Mosul, Baghdad and Basra at the end of World War I. The result was intermittent Kurdish nationalist rebellions beginning under the British Mandate in 1919, 1923 and 1931, by the Kurdish leader Shaikh Mahmud Barzinji and continuing by his successor, Mulla Mustafa Barzani the head of the Kurdish Democratic Party (KDP) until his death in 1979. In 1975 the Algiers Agreement between the Iraqi and the Iranian governments ended Iranian support for the Kurdish rebellions and the KDP leadership fled to Iran followed by more than 100,000 Kurdish Peshmerga fighters and their families (Stansfield, 2007). Immediately after, the Iraqi regime expelled around 50,000 Faili Shi'a Kurds living on the Iraqi side of the Zagros mountains, with the pretext that they had Persian origins and replaced them with Arab immigrants from central and southern Iraq (Gunter, 1992). The regime forcibly removed thousands of Kurds from their villages in the north-eastern border regions, where the Kurdish insurgents received weapons from Iran, and relocated them in the plains of southern Kurdistan or to the south of Iraq. The aim of this policy, as stated by the Iraqi government, was to offer better living conditions to the Iraqi Kurds, who were relocated in new housing projects with access to water, electricity and schools (Franzén, 2011). The implicit objective was to cut off Iraqi Kurds from their kinsmen and supporters in Syria, Turkey and Iran and protect Iraq from transnational organised attacks, and to secure the oil fields of Mosul and Kirkuk out of Kurdish hands (Franzén, 2011). Expulsions and involuntary population transfers were also ethno-sectarian engineering strategies to prevent Kurdish secessionist attempts, a dangerous example that, if followed by the large Shi'a Iraqi communities populating the southern regions, could have led to the territorial disintegration of the Iraqi state (Gunter, 1992). The Kurdish leaderships protested against the ethno-sectarian cleansing executed by the central government to destroy Kurdish national identity and disrupt the livelihood of a community whose traditions and culture depended on their historical relationship with the Zagros mountains (Sluglett, 1989). The deportations led to the resumption of Kurdish guerrilla warfare that intensified alongside dissident actions of the Shi'a militant groups in the 1980s.

4.2.2 The Islamic Revolution and the expulsion of Shi'a Iraqis

Shi'a Arabs form the majority ethno-sectarian group in Iraq, reaching about 55-60 percent of the total population (Anderson et al., 2010). The relationship between the Iraqi Shi'a Arabs and the central government in Baghdad was relatively peaceful until it was altered by the success of the 1979 Islamic Revolution in Iran that brought the secular rule of the Shah to an end and replaced it with the Islamic state of Ayatollah Khomeini. Militant Iraqi Shi'a groups such as the Dawa (the Islamic Call), were inspired by events in Teheran and started working underground to bring about a similar transformation in Iraq (Tripp, 2007). Such dissident actions triggered a campaign of repression and arrests of Shi'a spiritual leaders such as Ayatollah Muhammed Baqir Al-Sadr who was arrested in June 1979. The Shi'a community reacted with huge public protests against the regime in Najaf, Kerbala', Kufa and Madinat Al-Thawra, the Shi'a housing estate in Baghdad. Order was only restored after the arrest of around five thousand members of the Shi'a community, some of whom were executed, and some expelled from Iraq under charges of being ethnic Persians (Fattah, 2009). The Ba'ath policies of forced ethnic homogenisation affected the population of eastern and southern Iraq, traditional transit zones between the Arab and the Persian worlds which, before the rise of the Ba'ath regime, were populated by a significant number of ethnic Persians in the same way as large numbers of ethnic Arabs settled in Iran (Etheredge, 2011). Between 1969 and 1980, however, the regime deported many Shi'a Iraqis regarded as Persians or Persian sympathisers. The displacement of members of the Iraqi Shi'a population continued throughout the Iran-Iraq war (1980 - 1988) and after the invasion of Kuwait in 1991.

4.2.3 The Iran-Iraq war and the exodus of the Kurds and the Shi'a Arabs

The Iran-Iraq war from September 1980 to August 1988 was the longest conventional war of the 20th century. It began when Iraqi forces invaded Iran. At the heart of the conflict was an unresolved border dispute between the two neighbours and Iraqi fears of the increasing political activism and insurgent tendencies of the long-suppressed Iraqi Shi'a majority instigated by the Islamic Revolution in Iran. Throughout the eight years the two rival armies engaged in a war of attrition, neither managing to achieve final victory. The war eventually ended with a UN brokered cease fire in the form of UNSCR 598 which was accepted by both sides. The economic, material and human costs of the war for both countries were tremendous with over a million casualties and immense

environmental and infrastructural destruction (Takeyh, 2010). In the aftermath of the war Iraq was criticised by international investigators for using chemical weapons of mass destruction against the Iranian troops and civilians, including Iraqi Kurds, and Iran for deploying boy soldiers in its human-waves assaults on the southern front (McNaughter, 1990).

During the Iran-Iraq war the Peshmerga - the paramilitary groups controlled by the two dominant Kurdish nationalist parties the Kurdish Democratic Party (KDP) of Massoud Barzani and the Patriotic Union of Kurdistan (PUK) of Jalal Talabani - fought alongside the Iranian troops, initially achieving a series of military successes and seizing a number of strategic villages and border zones with Turkey and Iran. In February 1986 the Iraqi troops and their anti-Iranian Kurdish allies were forced out of Suleimaniya and in 1988 the KDP captured the northern border town of Deirloom, demolishing an Iraqi intelligence centre, the local Ba'athist headquarters and the district's governor office (Gunter, 1992). When Kurdish hopes of victory started materialising the Iraqi government incremented its use of chemical weapons as a counteroffensive strategy. Chemical warfare was adopted by the Iraqi army as early as 1983 but the scale of the operations was significantly smaller compared to the al-Anfal campaign in Halabja and surrounding villages. From April 1987, the Iraqi government bombarded Kurdish villages with mustard, nerve and cyanide gases every time the Iraqi army suffered a military defeat at the hands of the Peshmerga. Thousands of Kurdish villagers, mostly children, women and elderly people succumbed to lethal gases, with an estimated 5000 people who were killed only in Halabja in 1988 (Gunter, 1992). Terrorised by this brutal actions at least 60,000 Kurdish refugees fled across the Turkish border in 1988 (Gunter, 1992). The Turkish authorities, despite their own internal problems with the Turkish Kurdish insurgency organised by the Kurdistan Workers' Party (PKK), offered emergency assistance for the Iraqi Kurds in tent camps at the Turkey-Iraq border but refused to grant them refugee status and long-term resettlement rights. By the spring 1989 hundreds of Iraqi Kurds, particularly children, were dying due to the freezing cold and the lack of basic needs. The Turkish authorities blamed the West for not sharing the burden of the emergency situation (Gunter, 1992). In the summer of 1989, the KDP accused the Turkish government of secretly sending more than 20,000 Iraqi Kurds to Iran. Turkey denied having sent any Iraqi Kurds to Iran and claimed that those who had entered did so on an independent and voluntary basis. By

1991 around 30,000 Iraqi Kurds still remained in Turkey when the post-Gulf War failed uprising led to another, but this time much greater, wave of refugees from Iraq to seek protection again mainly in Turkey and Iran (Gunter, 1992).

In southern Iraq, the mass deportations of Iraqi Shi'as continued throughout the Iran-Iraq war (1980 - 1988) and well after the invasion of Kuwait in 1991. After a year under house arrest, in 1980 Ayatollah Baqir al-Sadr and his sister bint al-Huda were summarily executed in Baghdad while the Ba'ath regime put Ayatollah al-Khoi, the highest ranking Muftahed in Iraq at that time, under house arrest in Najaf. The aim of the regime was to force the otherwise too powerful Shi'a religious leadership into obedience (Alborzi, 2006). These measures were accompanied by the expulsion and confiscation of private properties of around thirty to forty thousand Iraqi Shi'a of alleged Persian origins, or simply suspected of showing sympathy for the Islamic Republic of Iran. The Ba'athist ethnic cleansing of Iraqi Shi'a was legalised by a Presidential Decree in 1981, which granted respectively 4,000 Iraqi dinars to military officers and 2,500 Iraqi dinars to civilian men who divorced their wives of Iranian origins and facilitated their deportation. This law obliged Iraqi men to repudiate their wives and children because of their "Iranian" blood and forced them to participate in the state-sanctioned mass deportation of about one million Iraqis accused of being ethnic Persians on the mere grounds of their Shi'a origins (Matar, 1997:21). During the 1980-1988 Iran-Iraq war and the 1990-1991 Gulf war Iran received an influx of 1.2 million Iraqis (Rajaei, 2000).

4.2.4 The Post-Gulf War uprisings and the flight of Kurdish and Shi'a Arab refugees

In the immediate aftermath of the UN sanctioned liberation of Kuwait from the Iraqi occupation in 1991, a chain of spontaneous uprisings swept the southern Shi'a regions and the Kurdish northern areas of Iraq. As Saddam Hussein's retreating army started repressing the rebellions with the support of heavy artillery and airplane bombardments, the Kurdish leaders Barzani and Talabani appealed to the Bush administration for help reminding the US president of his direct calls upon the Iraqi people to revolt against Saddam Hussein's dictatorship (Yousif, 1991). The United States, however, did not intervene in support of the Iraqi civilian rebellion maybe because the US lacked the legal mandate to continue to use force against the Iraqi army after the latter had withdrawn from Kuwait, but more plausibly because the Bush administration feared that the collapse

of the Ba'ath regime could have brought to power a Shi'a pro-Iranian government eventually leading to a Lebanisation of post-Saddam Iraq (Alborzi, 2006).

The lack of external intervention gave time to Saddam's military forces to reorganise and respond with a harsh clamp down on rebels in northern and southern Iraq. The failed rebellions rapidly turned into a human tragedy with hundreds of thousands of Iraqis from the Kurdish areas in the north and from the Shi'a cities in the south fleeing by any possible means to the Iranian and Turkish borders. In the south the army launched a violent counter-offensive in the predominantly Shi'a cities of Najaf, Emara, Nassirya, Karbala' and Basra, leading to the flight of more than fifty thousand refugees who found shelter in Saudi Arabia, Iran, and in the southern Marshlands. After the government restored control over the Shi'a population, the regime resumed its persecution of Shi'a clerics and in 1999 Ayatollah Sadiq al-Sadr and both his sons suffered the fate of their predecessors (Tripp, 2007).

In the same years around forty thousand Marsh Arabs (also called Ma'dan people) became the target of retaliation by the government in Baghdad for having participated in the 1991 uprising. The central government displaced the Ma'dan people from the wetland region of the southern Marshes, their historical homeland and source of livelihood, to implement a massive hydro-engineering project that completely drained the marshes causing serious environmental and ecological damage (Al-Bayati, 1989; Davis, 2005a). These events and the plight of the Iraqi refugees from the south received less attention from the international media, who concentrated instead on the flight of Iraqi Kurds into Turkey and Iran (Alborzi, 2006).

The Iranian authorities reported that by early May the number of Iraqi refugees in Iran had surpassed 1.1 million while the governor of the southern region of Turkey reported that 468,000 Iraqi refugees were stranded at Turkey's border region with Iraq and these new arrivals joined the 30,000 Iraqi Kurds who formed the previous refugee wave (Gunter, 1992). It was impossible for the host countries to manage the huge influx of refugees from Iraq without international support. The Turkish authorities considered Iraqis' return as the only possible solution and called upon the international community to put pressure on the Iraqi government for the safe return of the Iraqi refugees to their own

homes (Gunter, 1992).

In 1988 western countries did not share the burden of the Iraqi Kurd refugee problem, for which they were not directly responsible. This time, however, the US the UK and their Arab and non-Arab allies who played a decisive role in the war and in fomenting the following uprisings and could not easily disclaim responsibility. The international community took action by passing UNSCR 688 which required the Iraqi regime to immediately end the repression of its own population (Tripp, 2007). Then the US, the UK and France established, without explicit UN mandate, safe-havens for the Kurds in the north and the Shi'a Arabs in the south through no-fly zones patrolled by the Allied air forces (Benard, 2004). The imposition of the no fly-zone created a precedent in the history of international relations when the international community collectively justified the violation of the territorial sovereignty of a UN member state to protect the human rights of its civilian population.

The implementation of UN humanitarian operations in northern Iraq began in May 1991 with the objective to support refugees' return home. Once this was accomplished in June, the humanitarian operations were handed over to the UNHCR which mainly focused on the protection of returnees and the implementation of short-term sanitation and water projects in return areas. During the first half of 1992 the Iraqi Kurds took advantage of the new international order and their relatively safe position in Iraq and started creating a de facto autonomous regional government in Kurdistan. Thereafter the Kurds were largely independent until the establishment of a new Iraqi provisional government after the US-led invasion of Iraq in 2003.

4.3 Forced migration in the years of the UN embargo against Iraq

After the 1990-1991 Gulf War the dependence of the Iraqi people upon the state increased dramatically when the UN sanctioned an economic embargo against Iraq aimed at punishing Saddam Hussein for invading Kuwait and compelling his regime to comply with UNSC disarmament resolutions. Under UNSCR 986, the Oil for Food programme started and, under UN supervision, Iraq was allowed to export up to \$2 billion in crude oil and petroleum products while the proceeds of oil exports were used to import and distribute food and humanitarian aid to the Iraqi population. Around sixty percent of the

population depended on these handouts for their survival (Arnove, 2000). The rationing system constituted a strategic governance tool through which the regime secured its control and power over the population (Dodge, 2003). Through the application process for obtaining the food parcels and a system of food ration cards the Iraqi regime gathered crucial information regarding each household receiving assistance. The food distribution system restricted Iraqi people's freedom of movement; the ration card holders could only collect their food parcel within the same region each month (Dodge, 2003). The more efficient food distribution mechanisms in the capital combined with greater employment opportunities, led many Iraqi families to leave their homes in rural areas, particularly the southern Shi'a war zones, and permanently resettle in Baghdad. Governmental efforts to limit the inflow of immigrants from rural areas were unsuccessful and by the beginning of the 21st century Shi'a Arabs represented a majority in the capital. Many of these migrants found residence in the poor Shi'a Arab housing complex known as Saddam's City between 1982 and 2003 and afterwards renamed Al-Thawra (the revolution) quarter, which alone houses around 2 million people (Etheredge, 2011).

Under thirteen years of UN economic sanctions the social and economic infrastructure of the state gradually collapsed and was replaced by the shadow state (Dodge, 2003). In those years state employees received salaries as low as \$2 dollars per month and depended on bribes to sustain their families (Arnove, 2000). Access to employment opportunities, welfare and social protection schemes did not depend on individual needs, qualifications and skills but on the right connections (*wasta*) and affiliations with the Ba'ath party and its tribal allies. The increasing economic hardships and the lack of prospects for a better future persuaded a significant number of Iraqis, particularly those who were wealthy and ready to risk becoming victims of the brutality of the regime, to either seek refuge in the northern Kurdistan region, where living conditions had improved significantly under international protection, or to leave Iraq altogether and seek asylum in neighbouring or western countries. In those years an estimated one to two million Iraqis, many of them unregistered refugees, escaped and found refuge in various countries including Iran, Syria and Jordan (Chatelard, 2010; Mason, 2011). The Iraqi government considered the Iraqis who left the country without authorisation as spies or traitors and refused to renew the passports of many Iraqi intellectuals (Makiya, 1994: 201). Among the Iraqis who found refuge abroad there were political exiles whose ideological stances

were not tolerated by the regime, but there were also individuals who were harassed by the state because they had no political or ideological orientations and refused to be affiliated with Ba'athism (Al Rasheed, 1994).

International and Arab support for the Iraqi regime during the Iran-Iraq war made the position of exiles in Iran, Syria and Turkey increasingly difficult at a time when persecution was reaching extremely high levels. Many members of the Iraqi opposition eventually sought refuge in Europe and in the US, with London emerging as a centre of activity for the Iraqi opposition parties, including the Iraqi Communist Party, the Arab Nationalist Party and the Islamic Movement (Francke, 1994; Al Rasheed, 1994) Ismael (2011:216) argues that western states nurtured sectarian power politics in Iraq long before the 2003 US-led invasion. He claims that in the 1980s the British fostered an alternative centre of Iraqi Shi'a authority, as the seminaries of Sayyidah Zainab in Damascus were removed of their leaders and teachers who were hosted in London. The British Intelligence prepared for the post-Saddam era by building a reservoir of 'Ulama favourable to British influence' (Ismael, 2011:216). This practice – if correctly reported – mirrors policies that were used by the British Mandate in the 1920s and 1930s, when ex-Ottoman officers and Sunni tribal leaders were co-opted into the power structures of the new Iraqi state (Dodge, 2003).

From 1991 onwards Anglo-American policy-makers sought to exploit internal ethno-sectarian tensions to remove the Ba'ath regime (Ismael, 2011). In parallel to the UN sanctions regime and the intermittent bombardment of Iraqi territories under the enforcement of the no-fly zone, in 1998 the United States Congress passed the Iraq Liberation Act, which was subsequently signed into law by President Clinton, with the explicit objective to remove Saddam Hussein from power. As part of this policy approach towards Iraq, the US administration authorised the allocation of funds for the Iraqi opposition in exile and the training of selected sectarian groups including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the two main Kurdish factions the PUK and the KDP and the Islamic Movement of Iraqi Kurdistan, alongside secular groupings including Ahmad Chalabi's Iraqi National Congress (Francke, 1994; Graham-Brown, 1999). These groups together with the Dawa Party, the communists, and smaller formations of independent democrats and Arab nationalists were the principal

components of the Iraqi Opposition. All these groups sought to overthrow the Ba'ath regime, they all accepted the principle of democratic elections and constitutional government and the need for a special status for the Kurds based on a degree of self-government within a federal Iraqi state (Zaher, 1989; Chalabi, 1994). After meeting at the Beirut conference in March 1991 and at the Vienna conference in June 1992, these political entities unified and formed the Iraqi National Congress (INC), which had headquarters in Iraqi Kurdistan. In 1993, growing internal tensions led to the withdrawal of the Dawa party from the INC. Political rivals criticised the INC for having conceded too much to Kurdish demands for federalism and for having placed too much importance on Shi'a Islamist representation to the detriment of Iraqi nationalist orientations. Moreover, the proportional representation system used by the INC to select the members of its governing body was criticised for underplaying Iraqi political differentiation and consecrating the ethnic and sectarian divisions in Iraqi society (Francke, 1994). The INC was also opposed by other Iraqi and Arab political formations for its heavy dependence on western support and for underestimating the influence of neighbouring countries in regional politics (Francke, 1994). The dissenting nationalist groups made several attempts in the following years to form a rival coalition including the establishment in Damascus in 1992 of a Committee for National Coordination, and in 1993 of a nationalist democratic front (Francke, 1994). These alliances however, remained operative mainly in Syria and did not manage to establish a comprehensive front that could incorporate or dissolve the INC. British and US intelligence succeeded in co-opting a class of local leaders to form the core of the future post-Saddam Iraqi state. The Iraqi political opposition parties and the Shi'a 'Ulama and their militias, which prospered with British and US financial and military assistance in the 1980s and 1990s reappeared in Iraq after the collapse of Saddam Hussein's regime, and were key promoters of the sectarian policies designed by the occupation to govern post-Saddam Iraq (Dodge, 2003, Ismael, 2011). However, Makiya (1994:187-188) explained that under the republic of fear, the Iraqis in exile were unable to maintain contacts with their families and communities who lived under the repressive Ba'ath rule and were totally cut off from the dramatically changed realities and conditions inside Iraq. Divorced from these changed realities, the Iraqi exiles developed romanticised views and ideologies of their home country and this was evident in their public statements and actions concerning the country's conditions and future.

4.4 The US occupation of Iraq and the return of pre-2003 refugees

In March 2003, a coalition of countries headed by the US and the UK waged war against the authoritarian regime of Saddam Hussein with the stated aim to disarming Iraq of its alleged weapons of mass destruction (WMD), fighting terrorism, and establishing a democratic society in Iraq. Unlike the 1991 Gulf War, the 2003 invasion was not authorised by the United Nations and its legitimacy and credibility has been widely discussed at international level (Bellamy 2004). When Baghdad fell and the Iraqi army started withdrawing from the north, the Kurdish Peshmerga attacked Kirkuk and other key cities in northern Iraq and launched brutal assaults against the Arab population implanted in these areas by the former regime.

Following the end of combat operations in 2003, Iraq was internationally recognised under US military occupation and the Coalition Provisional Authority (CPA) was established to manage the post-conflict stabilisation and reconstruction phase, including the displacement problem. The ineffectiveness of the US-led post-invasion reconstruction mission in Iraq was denounced by Arab and international observers (Cockburn, 2006; Barakat, 2008; Dodge, 2009; Field and Zahedi 2010) affirming that the US policy makers failed in coping with the post-Saddam disorder because of their limited knowledge and understanding of the country, its people and their actual needs. The CPA's interaction with the occupied Iraqi population was extremely limited and it suffered from a chronic shortage of Arabic-speaking regional experts on post-conflict rehabilitation and reconstruction efforts (Dobbins, 2009). American and British military and civilian officers had little accurate information about the country and relied, without verification, on Iraqis who proclaimed themselves as representatives of the needs of the wider Iraqi population. Driven by the strategic objective of impeding Iranian influence to gain ground in Iraq, the US sought the support of local Shi'a communities by bringing back from exile secular or moderate religious figures such as Sayyid Abdul Majid al-Khoi and Ahmad Chalabi, the leader of the exiled Iraqi National Congress, and installing them in positions of power. Yet 'a survey disclosed that many of Iraq's Islamist parties either did not like Mr Chalabi or had never heard of him' (Rai, 2003:155). As for Al-Khoi, he was killed by an outraged and armed crowd in front of the Ali Mosque in Najaf, only one week after his return to Iraq from exile in London (BBC News, 10 April 2003).

Despite early signs of local resistance against political leaders brought from outside, the first Iraqi Governing Council, was constituted by Iraqi political exiles such as Ahmed Chalabi, Ayad Allawi and Ibrahim al-Jaafari and Kurdish leaders including Masoud Barzani and Jalal Talabani chosen by the CPA administrator, Paul Bremer III, with the help of UN, US and British regional experts. The Governing Council, with a rotating chairman, initially had an advisory role but its decision-making power subsequently increased and its members became key figures in future Iraqi governments. Having suffered torture and persecution from the previous regime the exponents of Iraqi exiled parties were prepared to collaborate with the Anglo-American occupying forces to eliminate the Ba'ath regime and its leader Saddam Hussein (Chalabi, 1994). The US occupying authorities regarded the Iraqi exiles as an effective socio-political tool to reshape Iraqi political power structures in ways favourable to American projects in Iraq (Ismael, 2011) but they had not envisaged the possible repercussions of divisions and competition between the returned exiles and those who remained in Iraq throughout Saddam Hussein's regime. The Iraqi émigrés' intermediary role was less successful than the Coalition forces had expected. Despite the large sums of money spent to set up party offices around Baghdad and publishing propaganda and newspapers, the two exiled groups with more secular tendencies, the Iraqi National Congress and the Iraqi National Accord, failed to garner popular support in post-Saddam Iraqi society (Hashim, 2006). Their indifference towards the conditions of ordinary Iraqis and their constant struggle and competition over power instead elicited anger and hostility on the part of many Iraqi citizens, who perceived them as profiteers brought back on US military tanks (Barakat, 2008; 2010).

Their unpopularity was exacerbated by their direct involvement in the design and implementation of a set of controversial policies including the De-Ba'athification order, the dissolution of the national army and the state security apparatus and the creation of a new national army whose officer corps were recruited on ethno-sectarian grounds reinforcing ethno-sectarian divisions and violence instead of promoting national unity and reconciliation (Al-'Agili, 2008). The various elements of the new Iraqi army followed loyalties and orders from a particular ethno-sectarian or political group rather than from the central government (Al-'Agili, 2008; Al-Hamdani, 2008).

The CPA orders to purge some 30,000 senior Ba'ath Party members from public employment and dismantle the Iraqi national army and other national institutions that the largely Sunni Arab leadership had built in the past eighty years was received as a direct assault on the Sunni Arab community, which felt marginalised and discriminated against in the future Iraq where the Kurds and the Shi'a were US favoured partners (Hashim, 2006). Shi'a and Kurdish resentments against the Sunni community are connected to the fact that the Sunni minority's supremacy was initially illegitimately imposed by the British and then sustained by dictatorial regimes (Dodge, 2003). Kurdish and Shi'a Iraqis also accused the former ruling Sunni elite for the violations of minority rights and the extreme violence which they suffered during the previous decades. A less aggressive US post-Saddam policy of reconciliation could arguably have mitigated the antagonism against members of the Sunni community by facilitating their participation in a gradual transition to a new political order in Iraq (Hashim, 2006). Instead the hastily conceived and arbitrarily implemented policies caused a mounting Sunni insurgency against the US occupation and fuelled violence between the various Iraqi ethno-sectarian groups that escalated to a full-blown civil war in 2006 and 2007 following the bombing of the Al-Askari Mosque in Samarra'.

4.5 The anti-occupation insurgency and the ethno-sectarian conflict

In the aftermath of the 'liberation' war, the US military and civil authorities in Iraq disappointed the expectations of ordinary Iraqis by neglecting their right to human rather than military security (Barakat, 2008). The US army and its regional allies aimed at fighting terrorism and establishing regional security more than coordinating a peaceful reconstruction effort. Physical and personal insecurity in Iraq is caused by infrastructural underdevelopment; the lack of basic services, high levels of unemployment; and the absence of legitimate governance and rule of law causing growing and unchecked corruption, criminality and violence (Ghanim, 2011). Access to basic needs such as food, health, education, and respect of religious and cultural values may constitute the major security concerns of individuals and social groups (Barakat, 2008; Barakat and Milton 2010). The CPA failed to cope with the structural and social roots of the conflict. The country was ruled by incompetent policy-makers without a settled policy and an effective economic reconstruction plan (Cockburn, 2006).

Actions taken in the first years of the occupation such as the siege and destruction of Fallujah and Najaf, the Abu Graib scandal, the Blackwater killings and the US army indifference, and in some instances involvement, in the looting and destruction of Iraqi cultural heritage sites such as the rests of ancient Babylon and the National Museum, contributed to augmenting the level of collective humiliation and indignation among the Iraqi people and to the transformation of spontaneous anti-occupation resistance into organised insurgency (Fontan, 2006; Ismael, 2011). The Iraqi opposition to the US occupation was expressed, among others, by the Secretary General of the Association of Muslim Scholars, Sheikh Harith Al-Dari (2009), at the National Accord Conference held in Cairo on the 15th November 2005:

It is the endless acts of brutality that we have always warned against that is making the resistance take a wider scale. [...] Today the Iraqis suffer from serious wounds in their dignity: the scandals of Abu Graib, the attacks to the Koran, the breakings into mosques, the massacres of Fallujah and Najaf among other Iraqi cities, the imprisonment of women and similar violent events led the Iraqis to consider the end of the occupation of their country as the only viable way out from this situation.

After the state collapsed and law and order turned into chaos under the US occupation, panic spread among the Iraqi people who divided and sought protection from families, tribes, clans, religious authorities, civil groups, political parties and any other force or power that could shelter them. The feeling of national belonging was suspended and replaced by communal loyalties that started competing to achieve a place of authority in the new political power structure (Saleh, 2008). In a desperate search for security, the post-2003 Iraqi society has fallen into the trap of symbolic ethno-sectarian politics (Kaufman, 2006) constructed by foreign powers, local parties and religious leaders who manipulated historical ethnic and religious resentments and divisions to achieve political and material goals and to justify the adoption of extremist policies and practices purportedly aimed at defending their people's security and interests. The political process has thereby become a dangerous sociological experiment resulting in the exaggeration of the sense of ethno-sectarian belonging and in the escalation of the internal Sunni-Shi'a violent conflict over access to resources and political power that affected all Iraqis regardless of their ethnic, religious and sectarian affiliation.

Divisions between the three main communities, the Shi'a, the Kurds and the Sunni have deepened with the institutionalisation of ethno-sectarianism as the organising principle of

contemporary Iraqi politics (Hashim, 2006; Barakat and Milton, 2010). Iraq has been subject to a process of ethnically-based territorial polarisation enshrined by the new constitution and the establishment of a federal government after the elections of December and January 2005.

In January 2005, there was a nationwide vote for a Transitional National Assembly (TNA) which would draft the constitution. The structure of these elections predetermined the Shi'a and Kurdish victory, as the electoral system was based on proportional representation, with Iraq considered as a single electoral constituency (ICG, 2005a; 2005b). The members of the Sunni Arab community boycotted the elections partly because of fear of violence and partly because they perceived the process as an illegitimate foreign imposition. The Sunni Arab boycott led to serious electoral and political consequences: the Interim Government was controlled by a Shi'a-Kurdish coalition and the Sunni minority was under-represented in the parliament and in the negotiations concerning the constitution. A result of the Sunnis' exclusion from official political negotiations was the mounting sectarian strife and insurgency against the US military forces. Eventually, the US civil administration realised that the constitution-making process could not take place without involving the Sunni element of the Iraqi society. Thus, on the 5th of July, fifteen unelected representatives of the Sunni Arab community were added to the 55-member Constitutional Committee with full voting power, accompanied by one representative of the Sabeen community.

Following these elections, it took three months for a stable government to be established and another month before the TNA appointed a committee to write the constitution. At the third election on the 15th of December, the Iraqis were asked to vote for a permanent Iraqi parliament serving a four year term. This time the elections were performed according to a new district-based system of proportional representation within the eighteen Iraqi governorates (ICG, 2005a; 2005b). A number of seats were reserved for Sunni Arabs' representation in the government regardless of their actual participation in the elections. This time the voter turnout was rather high at 79.6 percent and Sunni Arabs participated in the elections but the outcomes confirmed the ethnically-based and sectarian distribution of votes and the demographic predominance of the Shi'a-Kurdish majority over the Sunni minority (Ghanim, 2011). Although some Iraqis may have cast

cross-ethnic and cross-sectarian votes, the majority of the Iraqi people voted for parties which traded on their ethnic or confessional identities (ICG, 2005a; 2005b). Party leaders managed to gain votes and political power by adopting a chauvinistic rhetoric and manipulating intra-ethnic and confessional competition and hostilities. The consolidation of political power by evoking Iraqis' collective memory of past traumas and fomenting irrational fear and hatred toward the 'other' has become an inescapable trap. Once intra-ethnic and sectarian violence had been triggered, it rapidly escalated into civil conflict and to a new mass population displacement.

4.6 The post-2003 population displacement and return in Iraq

From the end of military operations in May 2003 to the destruction of Al-Askari Mosque in Samarra' on 22 February 2006, population displacement was mainly provoked by the US-led military campaigns against the growing Iraqi insurgency including the flight of around 200,000 people during the US military siege of Fallujah in November 2004. In the same period intra-communal tensions started surfacing, aggravated by the return of an estimated 325,000 pre-2003 refugees principally Kurds and Shi'a, who spontaneously returned from Iran (Ferris, 2007) to end up in a state of secondary internal displacement due to the unpreparedness of the Iraqi Interim Government and the lack of housing, infrastructures and public services (Sassoon, 2009).

Disputes over property and land were the main source of intra-communal tensions. Many Kurds returned to the northern areas of Kirkuk and Tameem where their lands and properties had been completely destroyed by the former regime and set up tents near their former homes. At the same time, thousands of Arabs living in formerly Kurdish homes were displaced by returning IDPs and were forced to return south (Ferris, 2007). An estimated 400,000 Iraqi Shi'as who found refuge in Iran from Saddam's persecution also started to return (Van Engeland-Nourai, 2008). These were people who had either been deported by the Iraqi security apparatus or were forced to escape the regime's political persecution and ethnic-homogenisation policies in the previous decades. Although in 2003, the south of Iraq was relatively safe for the Shi'a, growing sectarian violence, criminality, and military operations, created a climate of constant insecurity and fear which provoked further population displacement.

The climate of ethno-sectarian intolerance, mistrust and violence culminated in the bombing of Al-Askari Mosque in February 2006, triggering a new wave of acute displacement of people who were forced from mixed areas to single-sect ones. Displacement became the strategic objective in the armed struggle between the Sunnis and Shi'as fighting to consolidate territorial and political control (Sassoon, 2009). Ethno-sectarian tensions turned into a full-blown civil conflict and the Iraqi displaced and dispossessed became the victims of indiscriminate political violence and ethnic cleansing. The IOM Mid-Year Review (2007:1) describes the displacement in Iraq as follows:

Displacement due to sectarian violence generally saw Internally Displaced Persons (IDPs) moving from religious and ethnically mixed communities to homogenous ones. Shias tended to move from the center to the south, while Sunnis tended to move from the south to the upper center, especially to Anbar. In large cities like Baghdad and Baquba, both Sunnis and Shias were displaced within the city to homogenous neighborhoods. Christians primarily fled to Ninewa and the northern three governorates, and Kurds were usually displaced within Diyala and Kirkuk and to the northern three governorates.

The sectarian-induced displacement contributed to a territorial polarisation of Iraq. This new demographic segregation is likely to have a long-lasting political and economic impact on the country, and is likely to lead to a radical transformation of the future structure of the Iraqi society. About 70% of the Iraqi IDPs come from Baghdad and so far have relied on family ties and social networks' support to find safe havens in other urban areas (IOM, 2007). However, since 2007 many governorates have started facing resource and financial constraints and can no longer absorb growing numbers of people. The majority of Iraqi IDPs lived in degrading conditions and lacked food, drinkable water, basic sanitation, electricity, education, employment, and health care. The arrival of new displaced persons caused widespread resentment as prices increased and basic services were further strained. The southern governorates, which in 2006 welcomed IDPs, began imposing restrictions on entry due to these economic and security problems. The three northern governorates of Erbil, Dahuk and Sulaymaniyah also restricted IDPs access to their territory unless they were sponsored by someone living within the governorate (Weiss Fagen, 2007). The lack of political and economic improvements and the persisting sectarian violence led a growing number of Iraqis to seek refuge across the country's borders.

According to UNHCR estimates, by April 2008 over 4 million Iraqis have been displaced

around the world, including some 2.2 million inside Iraq and over 2 million within neighbouring states. In particular, it is estimated that Syria hosted 1.5 million refugees and Jordan 500,000 people (UNHCR, 2009a). As noted before, however, there are concerns that the governments of Syria and Jordan, the main recipient countries of Iraqi refugees, inflated the refugee figures to justify increased funding appeals (Chatelard, 2011; Dodd, 2011).

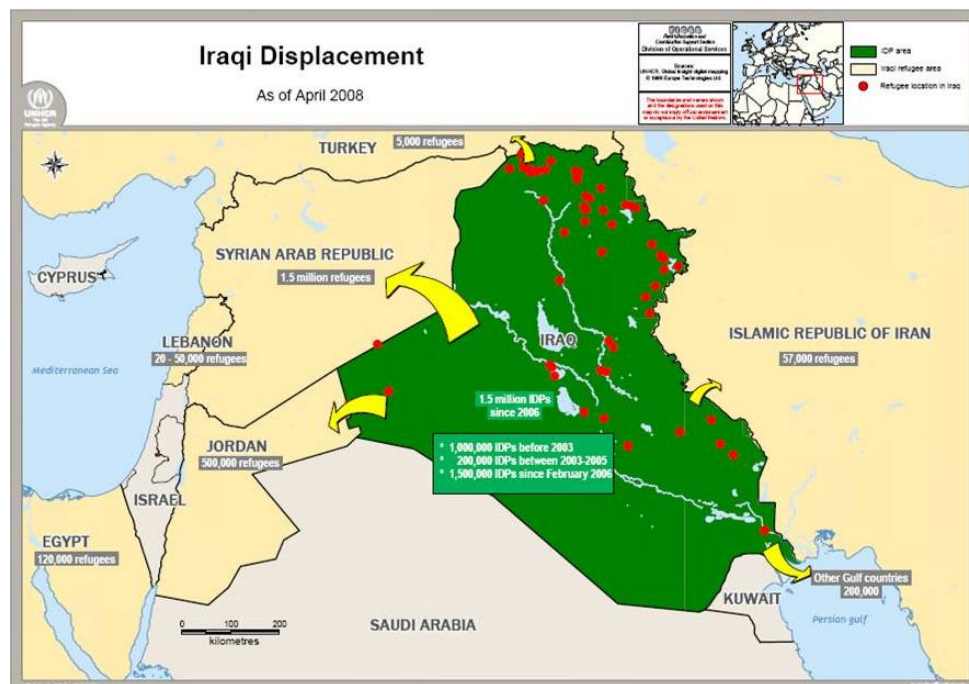


Figure 4.1 - Iraqi displacement 2003-2008

Source: UNHCR 2009

The majority of the Iraqi refugees hosted by neighbouring countries represent the Iraqi middle-class; the professionals, the intellectuals and the members of the political class are deemed essential in order to rebuild their country and to reconstruct social and economic institutions (Weiss Fagen, 2007). However, this group of Iraqis also has financial and social capital that enables them and their families to remain outside Iraq until the situation stabilises. Refugees' return and participation in the reconstruction and reconciliation process in their home areas greatly depends on the policies and practices adopted by the post-2003 Iraqi governments to facilitate their return and reintegration in the home communities.

4.7 The policies of the new Iraqi regime towards the refugees

The response of the new Iraqi governments to the post-2003 Iraqi displacement problem has been slow and characterised by a combination of lack of capacity and ambivalent political perceptions towards different groups of displaced Iraqis. At the beginning of the refugee crisis, in early 2007, the Iraqi government was expected to allocate the surpluses of the national budget of fiscal year 2007 for the provision of humanitarian assistance to the Iraqi refugees in neighbouring countries (Leenders, 2008).

Despite mutual suspicion and disputes over the refugee figures, in 2008 the Iraqi government provided a financial grant of \$25 million, \$15 million to Syria and \$10 to Jordan, for the provision of humanitarian assistance to the Iraqi refugee populations in their territories (Leenders, 2008). After the 2007 US military 'surge' in troops, the security situation in Iraq improved and under the Status-of-Forces Agreement (SOFA) of 30 June 2009, the Iraqi authorities formally took over responsibility for the security of the country. Concomitant with progress in the security situation and reconstruction efforts, Iraqis who were internally and externally displaced were increasingly expected to return home. The EU countries jointly started funding voluntary return and reintegration programmes, including the IOM's new Return & Rebuild programme co-funded by the UK government and the EU, which offered financial incentives to encourage the 'voluntary' return of Iraqi rejected asylum seekers whose only legal alternative is 'going back'. In the same year, the UN Assistance Mission for Iraq (UNAMI), UNHCR, IOM and the Iraqi Ministry of Displacement and Migration started providing cash grants of one million Iraqi Dinars (corresponding to US \$800) to Iraqi IDP and refugee families who chose to return (UNHCR, 2008). In 2009 a group of Iraqi MPs proposed the allocation of 3 to 5 percent of the annual oil revenues for the implementation of refugee protection and assistance projects, but the proposal was rejected by the ruling majority (Leenders, 2008).

In addition to cash grants and transportation incentives to promote the voluntary return of the Iraqi refugees, the Council of Ministers, passed Decree No (441) of 2004 to promote and facilitate the return and reintegration of highly qualified Iraqis in their former work places. The scope of the decree included holders of higher education degrees who were removed by the previous regime or fled Iraq before the 1 of January 2008, and resided

abroad for at least one year prior to their return. The Iraqi government also enforced decree No. 262 and orders 83 and 101/S, which respectively established administrative support mechanisms for displaced persons who want to return to Baghdad, and the procedures for the confiscation of occupied properties. Other national policies adopted by the Iraqi Government or the relevant ministries to tackle the population displacement or related problems included the National Policy on Displacement, the Iraq National Housing Policy and the Iraq National Development Plan for the years 2010–2014.

These policy developments attracted strong criticism from various practitioners and academics (Ferris, 2009; Marfleet and Chatty, 2009; Dodd, 2011; Chatelard, 2011), who argued that the US and the European donor countries' were inducing premature 'voluntary return' through the provision of cash and in kind incentives for prospective returnees and through the relocation of humanitarian and development assistance funds from the host countries to Iraq. These policies mirrored western donors' preference for 'regional solutions' over Iraqi refugees' resettlement to the West (Berman, 2010). Marfleet and Chatty (2009) warned that the statements of the American and the Iraqi administration regarding increased security in Iraq contrasted with the reality on the ground and that neither the US forces nor the Iraqi authorities were able to ensure the safe and dignified return of refugees.

The Iraqi governments' policies and practices towards the displacement and return of the Iraqi refugees mirrored ambivalent political stances towards the various forced migrants who escaped Iraq in the past four decades, especially towards the Iraqis displaced between 2003 and 2006, whose displacement is connected to the change of regime in Iraq and the return of the forced migrants displaced before 2003 (Romano, 2005). Van der Auweraert (2011) describes how the mechanisms in place for property and land restitution in Iraq favour one group over another and are likely to have a negative impact in terms of national reconciliation and peace building. While victims of the former regime have access to mechanisms for land and property rights compensation such as the Property Claims Commission dealing with claims from persons displaced in the period from 1968 to March 2003, Iraqi victims of land and property rights violations after 2003 have no other option but to seek justice through the ordinary Iraqi court system.

Similar bureaucratic categories have been applied to identify the Iraqi migrants eligible for different forms of return and reintegration assistance depending on the time, causes and dynamics of their displacement. The guidelines of the MoDM (2010) establish that the Iraqi people who were removed or were forced to leave Iraq before the fall of the former regime are eligible for a plot of land of 200-250 square meters along other types of financial and material incentives. The Iraqis who were either internally displaced or fled to neighbouring countries between 1 January 2006 and 1 January 2008 and who resided in the host country for at least eight months prior to their return, are instead eligible for a financial grant varying from 100,000 to 1 million Iraqi dinars (from \$80 to \$800) (MoDM, 2010). The allocation of assistance is based on the general assumption that the Iraqis displaced by the former regime are victims deserving compensation for the past injustices and losses, while the Iraqis displaced after 2003, especially those displaced between 2003 and 2006 are vulnerable persons in need of ordinary and short-term assistance. Such return and reintegration policies based on temporal criteria and political distinctions between forced migrants generated before and after the fall of the Iraqi Ba'ath regime risk glossing over the complex and overlapping implications of the multiple displacement phases experienced by the Iraqi people in the past decades and ultimately exclude needy Iraqis from institutional assistance channels (Van der Auweraert, 2011). Given the different waves of displacement and return that occurred at different times and with distinct political reasons and consequences, the current displacement problem in Iraq cannot be dealt with as a single displacement file, because there are overlapping problems and needs that must be addressed (Van der Auweraert, 2011).

The Iraqi government's stance towards the post-2003 refugees has been interpreted as a strategy of the ruling parties' to weaken potential political opposition and punish the members of the Arab Sunni and other minorities for having supported or enjoyed benefits from the former regime (Leenders, 2010; Van der Auweraert, 2011). The political ambivalence towards this specific group of refugees emerged in the words of the Iraqi Kurdish Consul Barivan during an interview with the researcher in Damascus in April 2010:

There is a group of Iraqis here in Syria who are against the current political process in Iraq. We don't know their number; we don't know who they are; and we don't know

whether they are in need of assistance or not. The Iraqi government does not take any responsibility for assisting them because these Iraqis are against the political process and they are harming the Iraqi people. [...]

The Iraqi government has made it clear: it will not harm anybody who hasn't harmed or killed the Iraqi people. So even the members of the Ba'ath party who are not charged with crimes and who didn't kill people can go back to Iraq. There are former officers who are now working in the army; half of the employees of our ministry [the Ministry of Foreign Affairs] were working for the former regime and nobody touched them. The high ranking party men and military personnel of the former regime; they won't be able to return to their jobs, as far as I know. Of course, there is a list of people wanted by the Iraqi government. Otherwise, there are no bans on any Iraqi; we are here in this embassy to give assistance and provide documents to any Iraqi, anybody who comes to us, even the children of those Ba'athists. They come here and we are obliged to provide them with the documentation and assistance they seek.

The return of members of the Ba'ath party and of the resistance movement against the US occupation in Iraq is a highly political issue and a source of controversy between the ruling parties engaged in the struggle over government seats, control over territory and resources in post-Saddam Iraq. The competing factions have used internally and externally displaced populations as political tools or weapons to achieve particular interests and goals (Romano, 2005).

The return of Iraqi refugees is likely to heighten disputes over the demographic composition of certain areas and internal territorial boundaries between the Kurdistan Autonomous Region and the rest of Iraq. The administrative status of key regions and cities such as the oil-rich city of Kirkuk has caused Kurdish-Arab conflict and led to the cancellation of a long due population census in 2010 (BBC news, 6 December 2010). The struggle between the Kurdish Regional Government and the Iraqi Government's Ministry of Oil canters on the interpretation of the constitution's provisions for the management of Iraq's oil reserves and the clauses of the oil law that stipulate the right of Kurdish regional authorities to sign Exploration and Production Sharing Agreements (EPSAs) independently of the central government in Baghdad (Anderson, 2009).

Nonetheless, the return of the Iraqi refugees is also a key aspect of the national political reconciliation process. The Head of the Iraqiya parliamentary coalition, Dr Salman al-Jumaili explained in an interview with the researcher in Amman in January 2011:

Another important factor affecting the return of Iraqi refugees is the undertaking of a real national reconciliation process. Many Iraqis, especially those who live in Syria, are afraid to return because they fear legal repercussions, revenge, or reprisals against them as it happened with the aviation officers who went to war against Iran. The national

reconciliation process should comprise a series of laws and measures established by the state, including an amnesty for all those who committed violations and crimes before 2003, unless those crimes were committed against other people.

The Accountability and Justice Law was one of the main questions discussed by the various political parties in the context of the reconciliation initiative proposed by Masoud Barzani. We [the Iraqiya MPs] proposed the abrogation of the law but the other parties rejected our proposal. They were only ready to review and amend the restrictive measures applied to the Ba'athists and the officers of the former regime.

The majority of the members of the Iraqiya List are from Sunni governorates, which are inhabited by a large proportion of Ba'athists and former officers. In the 2010 elections, a high percentage of the votes in Syria and Jordan went to the Iraqiya List due to the presence of the Ba'athists and the ex-officers. This is our electorate and if we want to keep these votes, we need to address the issue of national reconciliation.

The 2010 parliamentary elections were postponed from January 16th to March 7th, due to the political stalemate over amendments to the 2005 electoral law and the consequent deteriorating security situation. The Arab-Kurdish struggle over the electorate of the oil-rich city of Kirkuk was followed, in December 2009, by Sunni Vice-President Tariq Al-Hashemi's veto of the election law, which failed to allocate enough seats to exiled Iraqis, a significant number of whom are Sunni Arabs, ex-Baathists, members of ethno-religious minorities and political opposition groups (UNHCR, 2009). Eventually, the Iraqi parliament passed a new electoral law stipulating that external ballots would not compete for the eight compensatory seats in a nineteenth special district but would be counted as internal votes in refugees' governorates of origin. Only 272,016 of the estimated 1,903,519 Iraqis across sixteen host countries participated in the OCV elections (UNHCR, 2010; IHEC, 2010). The voter turnout among the Iraqi forced migrant population was low due to refugees feeling increasingly detached from Iraq's politics and abandoned by their government. Iraqis' intention to cast their vote was also discouraged by the episodes of violence in Baghdad connected to the decision of Iraq's Accountability and Justice Commission (AJC) to cancel the certification of 9 political entities and ban over 500 candidates, allegedly linked to the outlawed Ba'ath party, from running for office. The actions of the Al-Maliki government only one month before the elections contributed to Iraqi refugees' cynicism regarding the transparency of the electoral process (Husseiny, 2010).

While the inclusion of the refugee population in the electoral process is a positive development, the Iraqi state's policies towards the Iraqi refugees seem to suggest an ambivalent stance towards their return and participation in the national reconstruction and

reconciliation process. Refugees' potential for political activism upon return is perceived as a threat to the established ruling system. In negotiating their return and reintegration in the country of origin, the Ba'athists and other groups of refugees are demanding radical political reforms and changes in the current governance structures (ICG, 2008).

The Iraqi authorities are cautious about refugees' return and direct participation in the national political dialogue and reconciliation process. More welcome instead is refugees' financial and material capital from abroad, to facilitate the reconstruction of the country's economy and infrastructure. Faced with substantial migration out-flows, the post-2003 Iraqi governments have undertaken a gradual reconfiguration of Iraqi customs and have undertaken legislative and institutional reform, with the adoption in 2006 of a new Nationality Law that unlike the prohibitive previous law No. 46 of 1963, allows the Iraqi citizens to hold dual nationality.

The Iraqi government that passed this law is dominated by former exiles with foreign passports who returned to Iraq after the 2003 US-led invasion. Article IV of the 2006 law requires that an Iraqi holder of a foreign nationality 'shall not assume a top level sovereign or security position, unless he/ she has renounced that nationality' (Iraqi Nationality Law, 2006). The enforcement of this law shows the Iraqi government's awareness of the transnational nature of the Iraqi society, whose members, displaced by decades of conflict and economic sanctions, have now acquired residence and citizenship rights in other states and established complex and multi-directional transnational networks and practices connecting Iraqi migrants in various countries of the world. The 2006 law could be interpreted as an attempt by the Iraqi government to preserve the individual freedoms of the Iraqis abroad by adopting a de-territorialised and transnational understanding of citizenship (Basch et al., 1994) and reincorporating into the Iraqi polity the citizens who migrated to other countries with their economic and socio-political assets. In the period of post-conflict transition, the Iraqi government may also regard the international mobility of its citizens as a necessary condition to the sustainable reconstruction process in Iraq. The large-scale and sudden return of refugees and IDPs is likely to strain the limited absorption capacity of the home country and reignite intra-ethnic and sectarian tensions and conflict over access to scarce resources and services.

4.8 Conclusion

This chapter has explored the history of population displacement and return in Iraq from the rise of Saddam Hussein's regime to power in 1968 to the present days. Population movement is a phenomenon that characterizes pre- and post- 2003 Iraqi history. Situated at the cross road of three continents and in the passage way between Central Asia and the Mediterranean, the Iraqi nation-state was built out of mobile peoples who in different epochs reached into present-day Syria, Iran, Turkey and the Arabian Peninsula. Transnational boundaries have been a key factor in the development of Iraqi society, along with the dynamic socio-cultural and economic integration of its inhabitants as opposed to their political integration that was instead often imposed on rival sub-regional communities by centralised political dynasties, empires and regimes (Fattah, 2009).

The transnational nature of Iraqi society is also the product of the systematic use of population displacement as a nation building and governance tool in Iraq. This is not to argue that Iraq is an exception in that it is the only artificially built nation-state in the Middle East, but rather to reinforce the claim that population displacement has been among the key instruments used in modern nation-state building in different contexts, including the West. Iraqi society is constantly changing along with the groups that are included and excluded from the Iraqi polity in different historical periods. The legacy of numerous and overlapping episodes of population displacement and return to Iraq requires the present Iraqi governments to adopt an integrated approach to tackle the internal and external displacement problem as a case of multiple displacement.

The Iraqi authorities have taken an ambivalent stance towards the large scale return of refugees. Repatriation rarely results in the achievement of full citizenship rights and Iraqis' potential and commitment to return and engage in developments at home is affected by the social, economic and political changes that have occurred in Iraq during their absence. The post-2003 Iraqi governments face great challenges and are unable, or unwilling, to grant returning refugees their fundamental rights and freedoms. The Iraqi post-war economy has limited absorptive capacity to integrate returnees and meet their demands for basic services, employment and development opportunities. The institutional neglect of the needs and aspirations of the Iraqi returnees is likely to increase their vulnerability and threaten the sustainability of their return inducing some to re-migrate.

As will be shown in the following chapters, Iraqis' flight, return and following re-migrations are integral phases of the complex forced migration experience. The protracted wars in Iraq caused progressive fragmentation and global dispersion of Iraqi families, who established transnational linkages and practices connecting the home and host societies. In the absence of strong family ties in the home areas, some Iraqis have low motivations and support to re-establish permanent livelihoods in their home communities. Yet they may still seek the assistance of the home state to return or recoup their lost citizenship rights and properties in order to integrate them into their transnational livelihoods.

Chapter Five: Regimes and geopolitics shaping the Iraqi displacement to Syria and Jordan

5.1 Introduction

This chapter draws upon the theoretical discussion of regime formation and transformation (Krasner, 1983; Young, 1980; 1989; 1991) in specific global and regional geopolitical contexts to explain the interaction between the international refugee regime and the Syrian and Jordanian national asylum and migration management systems.

Understanding the interaction between national and international regimes demands a flexible and inclusive explanatory framework, which considers traditional power-politics and strategic interests (Loescher, 1986; Keohane and Nye, 1989; Mearsheimer, 1994), but also the historical and geopolitical context of regime formation and implementation, and the identities, experiences and socio-cultural beliefs of the state and non-state actors engaging with a given regime (Keeley, 1990; Hurrell, 1995b; Jönsson, 1995).

In the case of the Iraqi displacement in Syria and Jordan, Iraqis' spontaneous return and transnational livelihoods between Iraq, Syria and Jordan result from the uneasy interaction between the international refugee regime and national normative systems, which have yet to reach an agreement on a common legal framework for durable solutions to the Iraqi displacement. Given their non-adherence to the international refugee regime, the Jordanian and the Syrian governments have regulated the presence of refugee populations in their territories through a migration management regime which developed out of past experiences with refugee flows in the region and their traditional interactions with neighbouring governments and international donors.

The chapter is organised in seven sections. Section two offers a detailed description of the emergence of the international refugee regime as a *de facto* imposed order and then discusses the related problem of burden-sharing which led to the North-South impasse (Betts, 2008; 2009). Section three discusses the historical geopolitical dynamics that prompted the Syrian and Jordanian refusal to ratify the 1951 Geneva Convention Related to the Status of Refugees and the consequent non-conforming stance of these two states towards the international refugee regime. Sections four, five and six then analyse the

national temporary protection regimes governing the Iraqi displacement in Syria and Jordan and explore the international and regional geopolitical factors that influence host states' management of the Iraqi refugees, particularly their political and economic relations with Iraqi regimes and the United States before and after 2003. The attitudes and policies of the home and host states and the international refugee regime towards Iraqis displaced by the 2003 conflict are driven by their relations with international and regional actors and their strategic interests in foreign and domestic policy areas such as national security, economic growth and development. Section seven sums up the key arguments of the chapter and provides some concluding remarks.

5.2 The international refugee regime and the North-South impasse

The international refugee regime is the product of the European social and political culture that emerged during World War I and II, concomitant with the redrawing of territorial state borders in Europe and the global expansion of the Westphalian nation-state system. Both provoked massive human displacement and required a collective response to provide protection and durable solutions to refugee predicaments. The regime was officially established at the end of World War II, pursuant to UN General Assembly resolution 429 (V) of 1950. The pillars of the regime are the 1951 Geneva Convention Related to the Status of Refugees and its implementing agency the United Nations High Commissioner for Refugees (UNHCR). The Convention establishes the definition of 'refugee' and the rights and duties which all refugees are subject to. The definition of refugee originally provided international protection and durable solutions only to people who (UNHCR, 1951: Art A(2)):

As a result of events occurring before 1 January 1951 and owing to 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 avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The Convention was supplemented in 1967 with a Protocol that removed the spatial and time limitations of the definition of refugee and extended the scope of this human rights instrument to post-1951 refugee flows in other regions of the world. The Convention also entrusted the UNHCR as the body responsible for monitoring its implementation. The mandate of the UNHCR is to work with states to guarantee refugees' access to protection

and durable solutions. The UNHCR was initially created as a temporary organisation to provide assistance to European refugees generated during World War II. Its mandate was subsequently extended and nowadays this UN agency has more than 7,190 staff worldwide and an annual budget of around \$2 billion funding, mainly donated by few key western donors with remarkable influence on the agency's evolving mandate and operational approach (Betts et al., 2012).

In order to guarantee the international protection of refugees the refugee regime endorsed two core norms: asylum and burden-sharing. Asylum refers to the obligation of state parties to the Convention to provide protection to refugees on their territory. Burden-sharing, by contrast, relates instead to the obligation of states to contribute to the protection of refugees who are in the territory of another state. In legal terms, the norm of asylum is well established and supported by a strong and legally binding framework, while the norm of burden-sharing is a soft law with no legally binding effect upon the member states (Betts, 2009a; 2009b). The disjuncture between these two norms has serious consequences with respect to the provision of protection to the growing number of refugees who are generated and mostly remain confined in conflict-affected regions in the global South (Betts, 2009a; 2009b). In practice, it means that southern state parties to the Convention that neighbour refugee generating countries, are compelled to provide asylum and bear the costs of refugee protection while northern countries who are geographically distant from refugee generating countries will not be legally bound to provide asylum or contribute financially to the protection of refugees in the global South.

Betts (2008; 2009a) has called this imbalance in the international refugee regime the 'North-South impasse', in which northern states have had very little incentive to cooperate in burden-sharing and southern states have had limited ability to pressure northern states to share the costs and responsibilities of global refugee problems. This impasse has had negative consequences for refugees' access to protection and durable solutions. Taking a rational choice perspective, Betts (2011) uses the concept of substantive issue-linkage to argue that states' attitudes towards refugee problems and their motivations to share the burden of refugee protection are influenced by the relation between the refugee problem and other issues in related policy areas such as security and border management, trade and investment, immigration and development. This argument

builds upon Loescher's claim (1986; 1990) that the driving factors in states' refugee policies are foreign and domestic political and economic affairs. Consequently, in order to understand states' attitudes and policies towards refugee problems and their commitment, or the lack thereof, to contribute to refugee protection it is necessary to explore the links between the refugee problem and states' wider foreign and domestic policy concerns in specific geopolitical contexts. States are more prone to contribute to refugee protection when doing so serves their interests and goals in other interconnected policy areas. States, commit to international cooperation when they perceive that sharing the burden of refugee protection in the territories of other states will accrue benefits to the international community as a whole but also and more importantly to themselves.

It has been argued, that since its foundation, western donor states have instrumentalised the international refugee system to serve their geopolitical and economic interests rather than to protect fundamental human rights and find durable solutions for people displaced by conflicts (Harrell Bond, 1989; Chimni, 1999). Similarly Hathaway (1990; 1997) has analysed the historical emergence of the international refugee system and found that its western founders did not design the international legal framework for refugee protection according to principles of comprehensive humanitarianism and universal human rights. Rather, this framework was informed by a Eurocentric and particularistic legal mandate that supported a selective and unfair definition of burden-sharing. In his words (Hathaway, 1990:156):

The imposition of the date and a geographic limitation indicated a preference of western states for meeting the needs of non-European refugees by regional rather than international solutions. A common view was that the needs of European refugees were the proper object of a universal convention, while the needs of non-European refugees ought to be dealt with in adjacent states. While European refugees required guarantees of rights in states of asylum or resettlement, it was argued that non-European refugees did not need legal protection. Non-European refugees might legitimately seek material assistance from the international community via the work of the UN High Commissioner for Refugees (UNHCR), but this direct and discretionary financial responsibility would constitute the full extent of the obligation of western states toward non-European refugees. Thus, a two-tiered protection scheme for refugees was established, premised on the perception that binding, legal protection in the context of residence abroad was an appropriate answer for Europeans only.

States took direct control of the refugee status determination process establishing an international legal framework that allows the screening of applicants for refugee protection based on a series of eligibility criteria established by single western donor

states or states of resettlement according to their foreign and domestic strategic interests. The result has been the transfer to individual states of the authority to administer refugee law according to their own interests and the creation of a two-tiered protection framework that relieves western states from sharing the responsibility and the economic costs of the provision of protection to asylum seekers and refugees who never make it to their territories and remain in first countries of asylum in the global South. Hathaway (1997) argues that the current framework of refugee protection is largely inconsistent with the attainment of either humanitarian or universal human rights principles and should therefore be changed. Western states' reluctance to reciprocate efforts and resources and provide protection to non-European migrants in the form of asylum, and the discretionary nature of their financial contributions towards countries hosting high numbers of refugees explains why some governments of developing countries, including the two Arab states under scrutiny in this study, refused to become members of the international refugee regime.

The international refugee regime emerged as a *de facto* imposed order (Young, 1980) established by western powers with neither the direct participation nor the explicit consent of subordinate actors in the international community (Hathaway, 1997). The legitimacy of the regime was undermined by the lack of inclusive negotiations and the absence of a unanimous formal consent from the actors in the international community. Syria, Jordan and other Arab states did not accept this imposed normative order because they were not persuaded by the western neo-liberal discourse that the international refugee regime was designed to equitably share the responsibility and costs of delivering collective security and goods in the form of protection and durable solutions to refugee problems worldwide (Bin Talal, 1993). They perceived the regime as a less benevolent and discriminatory system delivering refugee protection according to the principles and interests of the dominant actors in the international community rather than universal values of human rights and humanitarianism (Hathaway, 1997; 2003; Cox, 1983). The absence of a sense of community of values, moral concerns and shared identity and goals among different actors, undermines patterns of spontaneous and voluntary cooperation and leads to actors' non-conforming behaviour towards established social orders and institutional arrangements (Jönsson, 1995; Hurrell, 1995b).

5.3 Geopolitics of Syrian and Jordanian non-adherence to the international refugee regime

The intrinsically discriminating nature of the international refugee regime in terms of the distribution of the costs associated with the provision of protection through asylum and burden-sharing partly explains the refusal of the Syrian Arab Republic, the Hashemite Kingdom of Jordan, and the Republic of Iraq among other Arab states, to ratify the 1951 Geneva Convention and the 1967 protocol related to the status of refugees. For most Arab states the refusal to become parties to the 1951 Convention also had geopolitical significance.

For Syria and Jordan, the accession to the Refugee Convention would have meant becoming legally obliged to provide a durable solution in the form of local integration to the hundreds of thousands of Palestinian refugees who found refuge in their territories after being displaced by the Israeli-Arab conflicts of 1948 and 1967. Signing the 1951 Convention and its 1967 protocol would have created an official alternative solution to the Palestinian statelessness because according to Art. 34 of the 1951 Convention on naturalisation ‘the Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees [...]’ in their territories. The implementation of this clause would have served Israeli plans for the permanent resettlement and absorption of the displaced Palestinian Arab refugee population in the remaining Arab states in the region and would have rendered automatically irrelevant the claims of millions of Palestinian refugees and their offspring to their rights of return to their homeland, to compensation and to national self-determination, formally acknowledged in 1948 with UN Resolution 194. Given Arab states’ inability to force Israel to accept Palestinians’ repatriation, the only way they have to support and encourage the Palestinian cause is by denying the refugees citizenship rights and permanent integration opportunities. In this way the Arab states adjust to de facto protracted exile of the refugees while insisting that return is the only acceptable permanent solution to the Palestinian refugees’ predicament. It could be argued that Arab states’ non-adherence to the 1951 Convention is unjustifiable because article 1 of this international legal instrument excludes the Palestinian refugees from its scope. Nevertheless, the Arab host states defend their position expressing the fear of a possible expansion of the UNHCR mandate over the Palestinians if the United Nations Relief and Work Agency for Palestinian Refugees (UNRWA) was dissolved (Olwan,

2009).

Moreover, Syria's and Jordan's nationality laws respectively enforced since 1969 and 1954 are based on the principle of *ius sanguinis*, that is nationality by paternal descent, which virtually prohibits the naturalisation of long term foreign residents of Arab and non-Arab origins. With some politically driven exceptions such as the nationalisation of 1948 Palestinian refugees who resided in Jordan between 20 December 1949 and 16 February 1954, this legal principle and governing strategy has been historically enacted by the two host governments in order to prevent demographic changes that could lead to shifts in balance-of-power between the various ethnic, confessional and social groupings in the two countries and consequently to claims from emerging minorities and interest groups for greater inclusion and representation in government, and for the restructuring of national political power sharing arrangements (Fargues, 1993; McColl, 1993; Tobin, 2012; Khatib et al., 2012).

Having mentioned the two principal reasons for Syria's and Jordan's refusal to become parties of the 1951 Geneva Convention, this chapter now explores the alternative legal and normative regimes that the two Arab states have developed to handle refugee problems in general and particularly the Iraqi displacement following the 2003 US occupation of Iraq. It does so on the basis of interviews with policy makers, representatives of home and host authorities and INGOs in the two countries, close reading and analysis of legal and policy documents, as well as prolonged observations of practice in the field and Iraqis reactions to such institutional interventions.

5.4 The temporary protection regimes in Syria and Jordan

The post-2003 Iraqi refugees' displacement is managed within a legal and normative environment formed by the international refugee regime, which is based on the 1951 Geneva Convention and the 1967 Protocol Related to the Status of Refugees implemented and monitored by the UNHCR and the regional and national migration and asylum regimes in force in the host states. Thus although Syria and Jordan are not signatories of the 1951 Geneva Convention and the related protocol and have therefore no legal obligations to observe the principles of international refugee law, they and the UNHCR have engaged in negotiations which led to the drafting of the Arab Agreement

on the Regulation of the Conditions of Refugees by the Arab League in 1993 (League of Arab States, 2008). This document draws heavily on the 1951 Convention and is an attempt to define the category of ‘refugee’ in the Arab world and to develop a regional legal and normative framework to manage refugee movements and find collective solutions to their predicaments. Twenty years have passed since the drafting of the agreement and most Arab states, with the exception of Egypt, have not ratified it. Despite this, the UNHCR continued the negotiations with the Arab League which led to the signing of a agreement between the two parties in June 2000 (General Assembly, 21 September 2000). The agreement formed of 8 clauses provides a basis for strengthening the cooperation and coordination between the two parties in the area of refugees and durable solutions to refugee problems. As discussed below, the Syrian Arab Republic and the Hashemite Kingdom of Jordan have as a result integrated international and regional refugee law into national asylum and migration legislation to varying degrees.

5.5 Syrian management of the Iraqi forced migrant population

The Syrian government has not ratified the 1951 Geneva Convention or the 1968 protocol related to the Status of Refugees. Syria does not have a comprehensive asylum legislation to grant Iraqis the refugee status and guarantee the rights attached to it. Nonetheless the UNHCR started operating in the country in 1991 and there has been an exchange of letters between the Syrian government and UNHCR, even if no Memorandum of Understanding has been signed to date. With a number of reported exceptions (Hilal and Samy, 2008), the Syrian authorities have respected the principle of non-refoulement by not forcibly returning Iraqi nationals to their home country, where their lives and wellbeing may be in danger. Despite Syria's limited resources and institutional capacity, Iraqi migrants have also been given access to national public services such as primary education and healthcare along with humanitarian assistance provided by Syrian and international NGOs. Working as an Intern in the Duma Registration and Food Distribution Centre and in the Damascus Office, I could directly observe the availability and quality of services provided by the Syrian and International organisations to the Iraqis, between January and May 2010¹.

¹ A number of Iraqi families complained about the quality of the food package they received from humanitarian assistance providers in Syria. According to the families, the food distributed in the



Fig. 5.1 - Duma Food and Assistance Distribution Centre, February 2010



Fig. 5.2 - UNHCR food rations sold in a local market in Damascus, March 2010

humanitarian parcels was of poor quality, sometimes expired or not appropriate to meet the alimentary habits and needs of the Iraqi people. Because of the perceived poor quality of the food assistance, some Iraqis reported selling their food rations in the local market for the amount of 800 Syrian Pounds (£10.00)

The UNHCR coordinates with the Syrian Arab Red Crescent and local and international organisations to provide assistance in the areas of healthcare, education and vocational training, food, cash and in-kind assistance, community services, outreach and legal assistance for refugees who need support to renew their residence permits or face legal problems with the host authorities. The Syrian authorities have generally guaranteed UN case workers' access to detained asylum seekers and refugees but the agency was unable to regularly monitor their condition or refugee movements at the borders (Hilal and Samy, 2008). In the absence of a Syrian national office specialised in refugee issues the UNHCR offices and centres in Damascus and Duma conduct registrations and the refugee status determination. In the absence of an official mechanism to extend legal status to UNHCR-recognised refugees, Iraqi forced migrants' entrance and stay in the country is regulated in accordance with Legislative Decree No. 29 of 15 January 1970 on the Entry, Exit and Residence of Aliens in the Syrian Arab Republic (Syrian Arab Republic, 1970). This law is implemented through executive regulations and residency policies that continually change along with Syria's economic and political concerns and its relations with Iraq and the international community.

In 2003 the Syrian government adopted an open door policy towards Iraqi refugees escaping the US-led war against Saddam Hussein's regime. The Syrian government authorised the implementation of a Temporary Protection Regime (TPR) that allowed the UNHCR to grant the *prima facie* refugee status to most Iraqi externally displaced registered with the UN agency (Berman, 2010). Being registered as refugees with the UNHCR, however, did not automatically entitle the Iraqi migrants residency status in the country. Their presence was regulated through special entry and residency rules and in October 2007, due to differences between the Syrian and the Iraqi government of Prime Minister Al-Maliki over sharing the financial responsibility for the Iraqi refugee population, Syria suspended the initial consent to the Temporary Protection Regime and imposed visa restrictions on the Iraqi nationals trying to access the country.

At the time of the research in 2010, this visa regime was still in place and Iraqis had to

purchase entry visas either from the Syrian embassy in Baghdad for \$50 or from specialised travel agencies that reportedly triple charged the Iraqis for a Syrian visa². The Syrian immigration authorities were granting annual residence permits to highly skilled Iraqis employable in the local labour market, members of the Iraqi Ba'ath party, members of the Council of the Iraqi Tribes³, families with children enrolled in Syrian schools, Iraqis undertaking medical treatment in Syria, Iraqi owners of properties/businesses in Syria and Iraqi professionals registered with the Iraqi Chamber of Commerce or Artist Unions. Those refugees who did not belong to these categories applied for a humanitarian permit of stay valid for three months and renewable for another three months at the Immigration and Passports Department⁴. Iraqis interviewed for this study reported that they had renewed their short-term permits of stay several times, at no cost. Iraqis in possession of valid residence permits could obtain an exit and re-entry authorisation from the Syrian Immigration Authorities, which allowed them to travel back and forth between Syria and Iraq without incurring new entry visa costs. The exit and re-entry authorisation expired three months after its date of issue.

Syrian immigration and residency policies towards the Iraqi displaced appear to have been motivated by the regime's strategic goals in other domestic and foreign policy areas, including political calculations against US and international pressures and sanctions, attachment to international financial assistance in a period of economic crisis and ambitions to deepen political influence and trade relations in post-Saddam Iraq. The link between Syrian attitudes and policies towards the Iraqi displacement and its international and regional geopolitical strategic role is discussed in further details below.

5.5.1 The geopolitics of Syria's management of the Iraqi displacement

Syria publicly denounced the illegality and illegitimacy of the US-led military operations

² A number of Iraqi research participants reported being charged extra fees, commissions or having to pay bribes to Iraqi and Syrian agents, embassy personnel, border and immigration officers in order to obtain entry visas or to renew their residence permits in Syria.

³ During fieldwork interviews were conducted with a number of Iraqis who obtained their annual residence permit through the subsidiary work of Iraqi institutions such as the Council of Iraqi Tribes, an association that plays a coordinating and mediating role between the Iraqi people and the Syrian authorities. The Iraqis who applied for a Syrian residence permit through the Council obtain annual residence permits while Iraqis who did not go through these channels obtained temporary residence permits.

⁴ Interview of the researcher with Senior UNHCR Syria Protection Officers and Legal Advisors in Kafer Sousah, Damascus, 30 March 2010

in Iraq since March 2003. Syrian analysts and commentators explained that none of Iraq's neighbours felt that Iraq was a threat, and that weapons of mass destruction were a mere pretext for a war motivated by the interests of Israel and US companies that sought to profit from post-war reconstruction contracts in Iraq (Hinnebusch, 2006). The Syrian regime's self-proclaimed role as a promoter of Pan-Arab unity against the Israeli occupation of Palestine and US imperialist projects in the Middle East is confirmed by the presence in its territory of activists of the Palestinian militant group Hamas and more recently of the Iraqi resistance movement, including exponents of the outlawed Iraqi Ba'ath party and the Nationalist and Islamic Patriotic Front for the Liberation of Iraq, a platform of anti-occupation organisations formed by former military officers, politicians and intellectuals with Arab nationalist, socialist and communist orientations⁵.

Damascus' close ties with Iran and Hizbollah in Lebanon, combined with its hospitality towards Palestinian and Iraqi opposition groups has been a source of continued tensions in Syrian-Iraqi-US relations. Despite reciprocal commitments to cooperate in the area of border security since 2003 the Syrian authorities have been repeatedly accused by the Iraqi and US governments of protecting infiltrators responsible for terrorist attacks in Iraq (The Guardian, 9 December 2009). In 2009 Syria and Iraq recalled their ambassadors after Syria refused to extradite two high-ranking members of the Iraqi Ba'ath party accused by the Iraqi authorities of being involved in financing and coordinating the bombing of the Iraqi Ministries of Finance and Foreign Affairs in Baghdad in August 2009 (Oudat, 2009).

Syria's controversial role opposing the US-backed new political order in Iraq, and supporting Hizbollah's asymmetrical guerrilla warfare against Israel in southern Lebanon, has had serious economic repercussions for the country. During the 2003 invasion of Iraq US forces bombed and closed the Kirkuk-Baniyas crude oil pipeline, which had been reopened in 2000 in breach of UN sanctions, allowing the Syrian government earn around \$1 billion per year in oil revenues, a critical economic buffer

⁵ Both in Damascus and Amman, the researcher conducted a number of interviews with Iraqi exiled Ba'athists, high ranking officers of the former Iraqi military and police forces and intellectuals members of opposition parties to the post-2003 US-installed political order in Iraq.

that helped the al-Asad regime to reinforce its political support base to implement domestic reforms at his slow and deliberate pace (Sharp, 2012).

Syria's inclusion on the State Department's State Sponsors of Terrorism List in 1979 had already deprived the country of essential US development aid: in 1981, the last US aid programs in water supply, irrigation, rural roads, electrification, health and agricultural research were closed. Since then Syria has received no financial aid from the United States (Hinnebusch, 2006). Between 2003 and 2006 the US Congress passed legislation and President Bush signed new executive orders that sharpened US sanctions against Syria including: (1) sanctions related to the 2003 Syria Accountability and Lebanese Sovereignty Act (SALSA) that, inter alia, prohibit most US exports to Syria except food and medicine; (2) presidential sanctions that deny certain Syrian citizens and entities access to the US financial system due to their alleged participation in proliferation of weapons of mass destruction, association with Al Qaeda, the Taliban, or Osama bin Laden, or destabilising activities in Iraq and Lebanon; and (3) sanctions resulting from the US Patriot Act levied specifically against the Commercial Bank of Syria in 2006. In May 2010 the Obama administration renewed these sets of sanctions against Syria (BBC News, 4 May 2010).

European and Arab donors' lack of political interest towards or trust in the Syrian government was evident in the limited amount of financial aid they offered to share the costs of the Iraqi refugee crisis borne by the Syrian government. The financial support Syria received included \$18 million granted by the EU directly to the Syrian state and another \$10 million donated by the United Arab Emirates through the UNHCR, along with other small donations that were insignificant vis-à-vis the amount needed to support the Iraqi refugee population in Syria (Sasson, 2009). As a general trend international aid materialised unevenly and largely reflected host countries' diplomatic relations with the US and international donors rather than the size of the refugee population in each country: Jordan received nearly twice as much as Syria and 1.4 times as much as Lebanon (AI, 2008; Seeley, 2010)

Syria tried to improve its relations with Iraq and the US by boosting surveillance over its 600-km-long eastern border with Iraq and more effectively controlling the movement of

people and goods entering Iraq from its border points with the aim of stopping the flow of militants (The Washington Times, 23 September 2004). The Syrian regime also refrained from opposing the so-called Roadmap to Middle East Peace, closed down the Damascus-based press offices of the militant Palestinian factions, put Hizbollah under pressure to refrain from attacking Israel from southern Lebanon, and offered to resume peace negotiations with Israel (Hinnebusch, 2006). In this tense political climate the Syrian authorities also restricted Iraqi refugees' freedom of expression and assembly and restrained their engagement in transnational political activism. These measures bore positive fruit as by 2010-2011, relations between Damascus and Baghdad had dramatically improved (Al Jazeera, 10 October 2010).

The ambivalence of Syrian relations with Iraq reflected the fact that Syria was caught between its desire to resist the reality of regime change and occupation on the one hand, and its need to ensure its own security and stability by remaining within UN legitimacy and by rehabilitating and expanding its economic and political agenda in Iraq (Zisser, 2009). The Syrian government used the presence of hundreds of thousands of Iraqi refugees in Syria as a bargaining card to obtain international recognition and financial aid and to wring concessions on Syrian-US relations on issues such as unilateral sanctions, Syria's role in Lebanon, the peace negotiations with Israel and the recovery of the Golan Heights lost in the Six-Day War in June 1967 (Alborzi, 2006; ICG, 2008). The al-Asad's regime had to establish friendly relations with the new Iraqi leadership mainly formed of Iraqi politicians installed into power by the US occupiers, while also pursuing its strategic objectives in building and reinforcing relations with some members of the Iraqi society and political groups, especially the Shi'as close to Iran, and the Ba'athists, with whom Syria had close relations since Saddam Hussein's era (Leenders, 2009). For the Syrian Ba'ath strengthening ties with these actors is necessary to extend its influence into present and future Iraqi affairs and to counter the US hegemonic project in Iraq and in the Middle East (Hinnebusch and Quilliam, 2006). The Syrian flexible immigration and residency policies reflected the regime's ultimate goal in promoting lasting friendly relations with Iraq by cultivating connections with representatives of most Iraqi forces involved in the economic and political reconstruction process. The Syrian attitude and regulations have facilitated Iraqis' circular movements, their transnational livelihoods, their social and business networks, and their decisions and preparation for return

(Berman, 2010).

5.6 Jordanian management of the Iraqi forced migrant population

Jordan signed the first formal cooperation agreement with the UNHCR in 1997, despite the agency having already opened an office in the Jordanian capital, Amman, in 1991 to provide assistance and facilitate the refugee status determination of Iraqi refugees fleeing the Gulf War (Alborzi, 2006). The agreement authorised the agency to operate in the kingdom to help refugees and other persons under its mandate, with the exception of the Palestinian refugees who are under the mandate of UNWRA. In 1998, the UNHCR and the State of Jordan signed a memorandum of understanding, an ad hoc agreement which between the two parties which accept to collaborate following some of the principles contained in the 1951 Geneva Convention, which Jordan has not ratified (Olwan, 2002). In the MoU Jordan endorsed the principle of non-refoulement, enshrined in article 33 of the 1951 Geneva Convention and included in Article 2 of the MoU. Some articles of the MoU, however, are written in an ambiguous language and are therefore open to interpretation and manipulation. For instance, Olwan claims that the text of Article 2 of the MoU endorsing the principle of non-refoulement is ambiguous as it refers ‘to any refugee who seeks asylum in the Hashemite Kingdom of Jordan’, which leaves open the question of whether it only refers to persons who have been granted refugee status or it also includes asylum seekers whose status has yet to be determined (Olwan, 2002). The Memorandum is clear with respect to the persons whose asylum applications have been rejected by the UNHCR: these persons are not covered by the principle of non-refoulement. Article 5 is also a source of contention between the two parties; it states that the UNHCR shall endeavour to find durable solutions for the refugees, so that their temporary residence in Jordan does not exceed six months (Art. 5 and 10). The language used in the text however, does not bind the UNHCR to find a durable solution for the refugees, the UN agency is only bound to ‘endeavour’ to find durable solutions for the refugees (Olwan, 2002). The only two available durable solutions are voluntary return to the home country or resettlement to a third state since the MoU does not posit the permanent resettlement of the refugees in Jordan and it requires that refugees’ temporary residence in Jordan shall not exceed six months. But in practice, the period of six months of residence is exceeded because the UNHCR does not have the capacity to process every asylum application and find durable solutions for the refugees within six months.

Moreover, the MoU is silent on the case where it is not possible for the UNHCR to find a third country for resettlement and the forced migrants are unwilling to return to their country of origin. Art. 10 of the MoU attempts to address the impracticability of the six months residence limit by granting to the recognised refugees an amnesty from overstay fines and the exit tax (Olwan, 2002). In the absence of a national body responsible for the refugee status determination, the UNHCR office in Amman is in charge of screening asylum applications and conducting the refugee status determination (Olwan, 2009).

There are other details of the agreement that could be further analysed but what is perhaps more important is that overall this legal document has formalised the shift in responsibility between the Jordanian government and the UNHCR, leading to the officialisation of the role of the UNHCR as a ‘surrogate state’ (Slaughter and Crisp, 2009) that acts as a substitute for the host governments in the provision of refugee protection. As Kagan explains (2011:11):

A refugee arriving in a major Arab state will not be in a total vacuum. There are some systems in place to receive people fleeing persecution; some refugees are able to find shelter, though many people are likely to fall through the cracks and the amount of protection available is certainly quite limited. The systems that exist on the ground for refugees in the Middle East are essentially off the radar screen of conventional thinking in the field of international law because they rely on shifting responsibility from state to the UN. The difference in the Middle East is that there are two relevant UN refugee agencies, UNRWA for Palestinians and UNHCR for non-Palestinians, and urban settings have long been more prominent than rural encampments of refugees.

Kagan (2011) disagrees with Zaiotti’s (2006) claim that most Middle Eastern countries lack a legal and normative regime to govern refugee populations. Indeed in his opinion in Middle Eastern countries there are formal mechanisms for refugee protection but these systems are ‘off conventional international law radars’ (Kagan 2011:11) because they entail a shift of responsibility from the state to the UN organisations. Kagan continues his argument by presenting the limits of the UN as a surrogate state explaining that the ability of UN agencies to provide assistance and durable solutions is affected by their limited influence on host governments, insufficient financial budget and constrained operational capacity. Hence, the UN agencies cannot fully replace the state in the provision of services and the needs of the beneficiaries remain unmet (Kagan, 2011). The argument about the unsustainability of the UN as a surrogate state is compelling. However, Kagan

ignores two important facts. Firstly, his discussion disregards the agency of the refugees who are not passive recipients of assistance. He does not seem to recognise that where the state and the UN agencies fail to provide, the refugees devise alternative solutions to their problems resorting to the informal means at their disposal. Secondly, like most other scholars and practitioners, Kagan suggests that persuading neighbouring Middle Eastern countries to facilitate the permanent settlement and integration of refugees in their territories is the ideal solution to the Iraqi refugee problem (Jacobsen, 2001; Zaiotti, 2006; Kagan, 2011). He underestimates the extent to which in the absence of a static or sedentary solution to the Iraqi protracted displacement, the two host states have incorporated 'selective' mobility in their strategic governance of the Iraqi refugee population (Chatelard, 2002; 2010; Mason, 2011). The host authorities do not treat the Iraqi people as 'refugees' [laji'in] in need of international protection and humanitarian assistance but as 'migrants' [muhajirin] or temporary 'guests' [dhuyuf] with special humanitarian needs (Olwan, 2009; Fawaz, 2009; Mason 2011).

In comparison with the Syrian management of the Iraqi migrant population, the Jordanian authorities have adopted more selective rules which facilitate temporary visits to Iraq and circular movements only for holders of long-term resident permits. Since 2005, in order to obtain an annual residence permit, Iraqis have to meet strict requirements, such as possessing major in-country investments or depositing large sums of money in a local bank account (ICG, 2008). For the less affluent refugees the renewal of residence permits has become impossible. The Iraqis who could not afford the costs of the permit of stay have overstayed their visas and are now residing illegally in Jordan⁶. Normally, foreign citizens who overstay their visas and have to pay fines which amount to 1.5 Jordanian dinars (about US \$2) per day and are banned from returning to Jordan. Since February 2008, the Jordanian authorities have granted Iraqi residents living illegally in the country the chance to rectify their legal status by waiving visa fines and granting a re-entry authorisation for those who return to Iraq (IRIN, 2008). There is no official assessment of the effectiveness of these initiatives in augmenting the number of Iraqi returnees, but there is a widespread concern among the Iraqi forced migrants that once they leave the

⁶ Interviews with Iraqi research participants in Amman who overstayed their temporary residence permits.

country it would be extremely difficult to re-enter Jordan again⁷. The royal pardon does not grant longer residence permits to the Iraqis who leave and re-enter Jordan; upon their return from Iraq they are only eligible for a three-month residence permit after which they again face illegality and monetary fines. Jordan's more selective regulations have induced less affluent Iraqi migrants into illegality and consequently prevented them from embarking on cross-border movements and activities (Mason, 2011). The Jordanian approach towards the Iraqi displaced population in its territory is connected to the Hashemite Kingdom's wider international and regional geopolitical and economic objectives discussed in the following part of this chapter.



Fig. 5.3 - Iraqis attending non-formal education classes organised by the Jesuit Refugee Service in Al-Ashrafia, Amman, Jordan, November 2010

5.6.1 The geopolitics of Jordan's management of the Iraqi displacement

Compared to the Syrian government, the Jordanian regime was less resolute but still opposed the 2003 US-led occupation of Iraq. In the 1990s, the late King Hussein's decision to stand by Saddam Hussein in the Gulf War had serious repercussions such as

⁷ Interview of the researcher with Jordanian Legal Aid firm staff

the discontinuation of US aid to Jordan and the forcible return of over 300,000 Jordanian migrant workers from Kuwait and the other oil-rich Gulf Countries (Van Hear, 1995). Remembering the costs of his father's decisions, King Abdallah II adopted a different stance towards the 2003 US-led occupation of Iraq. He publicly opposed military aggression and tried to convince the Bush administration that a diplomatic solution to the Iraq crisis would prove more effective than another war, a mistake that could have caused serious repercussions in the whole region (BBC News, 29 July 2002). The king distanced himself from the US neoconservative policy but also urged Saddam Hussein to comply with the UNSC disarmament resolutions to spare the Iraqi people the consequences that would result from non-compliance (Hinnebusch and Quilliam, 2006). Despite Jordan affirming that it would neither participate in a military offensive against Iraq nor allow its territory to be used as a base for launching foreign military operations inside Iraq, it was reported that US military troops stationed in Jordan were operative in Iraq (Quilliam, 2006). The Jordanian regime's position towards the 2003 Iraq War was the product of a combination of present economic and political concerns and Jordanians' past experience of war and refugee crises generated in Iraq in previous decades. The Jordanian approach towards the 2003 Iraqi displacement evolved in response to a rapidly evolving regional context.

The visa regime, for example, was introduced as a security measure after the November 2005 bombing of three hotels in Amman, which caused massive destruction and killed 60 people (Mattar, 14 February 2008). A terrorist cell of al-Qaeda in Iraq led by a Jordanian national, Abu Musab al-Zarqawi, claimed responsibility for the attacks which triggered fears of terrorist acts by Iraqis. Leenders (2010:1580) explains that the memories of violent confrontation between the Jordanian military and the Palestine Liberation Organisation (PLO) militants during the tragic events of 'Black September' in 1970, prompt Jordanian officials to draw parallels 'when assessing the propensity for political violence among Iraqi refugees'. Moreover, the Jordanian authorities and some members of the Transjordanian tribal groups perceive the massive influx of Iraqi forced migrants as further altering the already fragile political and demographic composition of the Jordanian society, two thirds of which are already citizens of Palestinian descent and Palestinian refugees (Leenders, 2010).

The Arab Sunni-dominated regime of Jordan, shares with the leaders of Bahrain, Saudi Arabia, and Egypt, the fear that the establishment of a pro-Iranian Shi'a-dominated Iraqi government could facilitate the rise of Iran as a regional nuclear and hegemonic power in the Middle East (Rahigh-Aghsan and Viggo- Jakobsen, 2010). The change of regime in Iraq could also reinvigorate radical Islamist attempts to fill the vacuum left by the collapse of Pan-Arab nationalism with their own anti-Israeli and anti-US ideologies that have already attracted the sympathy of Muslims in the region, including the Islamic Salvation Front (FIS) in Algeria; the National Islamic Movement in Sudan; Hizbollah, Hamas, and Islamic Jihad in Palestine and Lebanon; the Muslim Brotherhood and the Jordanian Islamic Action Front in Jordan; the al-Nahda Party in Tunisia, and the Jihad Group in Egypt (Talhami, 2009; Hazran, 2010). The outbreak of ethno-sectarian violence between members of Sunni and Shi'a groups in Iraq and Lebanon in 2006 and the Shi'a-led protests in Saudi Arabia and Bahrain since 2011 are seen by the Arab Sunni leaders as indicators of the ongoing shift in ideological power balance and an alarming Shi'a rise in the region.

In this context, the Jordanian authorities have raised concerns over Iran's political manipulation of Iraqi Shi'a refugees seen as a means of diffusion of political Shi'ism into the host societies (Leenders, 2010). International Crisis Group reported that the Jordanian authorities have implemented a series of measures and tactics to limit public expressions of Iraqi Shi'a identity and activities in Jordan (2008:12):

Anecdotal evidence suggests various forms of official and more informal harassment and discrimination: a prohibition on opening huseiniyat (Shiite houses of prayer); teachers telling Shiite children they are not true Muslims; preachers giving Friday sermons in support of jihadis in Iraq (at a time when these were explicitly targeting Shiites); popular use of the derogatory term rafidin ("rejectionists") to describe Shiites; and border officials often asking entering Iraqis whether they are Sunni or Shiite.

Officially the Ministries of Planning and Social Development are in charge of the Iraqi refugee file in Jordan, but key decisions such as the granting of residency permits and the overseeing of assistance are taken by the Ministry of Interior and the secret services, which reportedly regularly summon Iraqis for questioning (ICG, 2008:12). There are reports that the Jordanian border authorities have checked the ethno-sectarian affiliation of Iraqis seeking entry to Jordan and denied access to young male Iraqis (UNHCR and Home Office, 22 June 2007). The Jordanian immigration authorities do not provide

information concerning the rejection of Iraqi applications for residency permits or renewals, leaving the applicants in a state of uncertainty⁸. Moreover, Iraqis in Jordan report that they are not allowed to set up charitable organisations to assist needy fellow Iraqis or to engage in political activism.

The restrictive entry and residency regulations have provoked protests among the Iraqis living in Jordan, particularly wealthy businessmen and investors who, because of difficulties in renewing the residency permits, threatened to transfer their financial assets and explore new investment opportunities in other countries in the region, particularly in Lebanon (Hazaimah, 20 February 2009). In 2009, following directives issued by King Abdullah II, the host authorities took steps to relax the rules which constituted a source of complaint (Hazaimah, 20 February 2009). The new instructions covered the status of Iraqi businessmen and investors, Iraqis residents in the Kingdom and those wishing to go to Jordan. Under the new regulations, a special office was opened at the Karamah border crossing with Iraq to facilitate the entry of Iraqi diplomats, official delegations and holders of an investor card issued by the Jordan Investment Board (JIB) (Hazaimah, 20 February 2009). The relaxation of visa and residency procedures, however, was beneficial only to the affluent Iraqi people with significant transnational financial capital and business networks to invest in the Jordanian economy. In 2010, the Iraqi ambassador to Jordan, Saad Hayyani noted that ‘the insistence of the Jordanian authorities upon using a private sector company to process visa applications for Iraqis makes it difficult for most Iraqis to obtain entry into Jordan, discouraging them from visiting for investment purposes or medical treatment, and inducing them to consider other destinations’ (Iraq business news, 9 August 2010).

During the years of the UN-sanctioned economic embargo against Iraq until the 2003-US occupation, Jordan had been Iraq’s principal trading partner. Bilateral trade between the two countries represented 20 percent of Jordan's \$6 billion income in external trade (Quilliam, 2006). Iraq had traditionally sold cheap crude oil to Jordan in exchange for access to transit/ smuggling routes and transportation services from and to the strategic

⁸ Interviews with Iraqi research participants in Jordan.

Aqaba Port. In 2001, Jordan gained from Iraq half of its crude oil free of charge and received a discount of 40 percent, that is above \$20 discount, per barrel on the other half (Quilliam, 2006). Due to the economic interdependence between Iraq and its neighbours, Jordan, Turkey and Syria strongly opposed US proposals to implement smart sanctions against Iraq, worrying about the damage their economies would suffer if Baghdad responded to a new resolution by suspending trade with them (AlKadiri, 2001). In the wake of the 2003 war Jordan needed guarantees from the United States that if Saddam Hussein's regime were deposed, Jordan would still remain the recipient of favourable trade with the new Iraqi government. The 2003 Iraq war has definitely disrupted Jordan's close economic and political ties with Iraq.

After the 2003 war, Turkey and Iran have replaced Jordan as Iraq's principal trading partner: Iraq's imports in 2009 from Iran and Turkey stood at \$4 billion and \$6 billion respectively against just \$1 billion from Jordan (Iraq Business Council, 9 August 2010). The expected privileged trade relations between Jordan and the new Iraqi regime have not materialised apparently due to tensions over ethno-sectarian differences between the Sunni-dominated Jordanian regime and the new Iraqi government formed by an alliance of Kurds and Shi'a Arabs linked to Iran (Sharp, 2012). The new Iraqi political leadership is also reluctant to do business with Jordan as they contend that Jordanian-Iraqi trade ties during Saddam Hussein's era helped entrench the Ba'athist repressive rule in Iraq (Schenker, 2003; Lasensky, 2006).

In this difficult period of political transition Jordan's dependence on foreign aid has increased, especially after its economic partnership with Iraq was interrupted. The US and European donors appreciated the delicate geopolitical position of the country and rewarded Jordan's diplomatic moderation with substantial economic aid before and after the 2003 war. The close ties with the United States materialised in a free trade accord and debt rescheduling agreement with the Paris Club creditors in 2002 (Quilliam, 2006). In 2003, Jordan's strategic utility to the US was confirmed by the Bush administration with a payment of \$700 million to mitigate the loss in tourism caused by the war in addition to the usual \$450 million annual economic, military and food aid (Quilliam, 2006). In November 2003 the EU granted Jordan €35 million in emergency funds. In 2008 the US and Jordanian governments signed a five-year-aid agreement whereby the United States

will provide a total of \$660 million in annual foreign assistance to Jordan over the period 2010-2014 (Sharp, 2012).

Part of the US economic and military aid is destined to the Jordanian intelligence apparatus that monitor the presence and activities in its territory of members of Saddam Hussein's family such as his wife and daughter, Sajida Khairallah Talfah and Raghda Saddam Hussein, of former and neo-Ba'athists and of opponents to the US occupation such as Sheikh Hareth al-Dari, the head of the Association of Muslim Scholars of Iraq, all accused by the Iraqi and US authorities of financing terrorist groups and the insurgency in Iraq (Sharp, 2012). The presence of these high profile figures in Jordan has highlighted the mediating role played by the Jordanian government in the post-conflict reconciliation phase; key negotiations between the US occupying authorities and members of the Iraqi opposition have taken place in Amman. The renewed US financial support to Jordan at a time when most the US foreign aid budget is spent to cover US operations in Iraq and Afghanistan, highlights the strategic importance of the Hashemite Kingdom in US policy in the Middle East (Sharp, 2012).

Moreover, since the beginning of 2010 Iraqi-Jordanian relations have improved and the neighbouring governments have engaged in a series of negotiations leading to the signing of the bilateral Free Trade Agreement (FTA) that has enhanced cooperation in trade and investments within the framework of Jordan's Qualifying Industrial Zones and of the Jordanian Investment Promotion Laws of 1995 (Iraq business news, 9 August 2010). Iraqi-Jordanian trade has seen a rapid increase from JD387m (\$543.8m) in 2007 to JD842m (\$1.2bn) in 2011 (Oxford Business News, 2012). For the Jordanian authorities the presence of Iraqi politicians, businessmen and investors directing from Amman cross-border business and contracts performed in Iraq is fundamental to maximising profitable relations. Prompted by national security and economic calculations, the Jordanian government has therefore relaxed immigration and residency restrictions only in favour of the more affluent Iraqis, while keeping restrictions for the Iraqis with less financial assets. Lacking the material funds, the latter are unable to engage in cross-border movements to personally assess the situation at home, take decisions about return, mobilise resources and actively participate in economic and socio-political developments linking the home and host countries.

5.7 Conclusion

It is interesting to notice the tension between international and domestic normative approaches to solutions to the Iraqi protracted displacement. Iraqi refugees' returns and circular migration strategies are not the product of international multi-lateral agreements or of regional refugee protection frameworks. They are governed within host governments' national migration management regimes. The migration policy approaches of the host governments with respect to Iraqis' return and regional mobility do not conform to the political agenda of the international refugee regime. The international community recognises the Iraqi forced migrants as refugees but it is slow to share the responsibility of refugee protection through the allocation of resettlement places, and only contributes limited financial assistance to share the costs of refugee protection so long as the displacement problem remains regionally contained.

On the other hand, the Jordanian and Syrian governments are not signatories of the Geneva Convention and of regional legal and normative instruments on refugee issues. Having limited resources to provide protection and assistance to high numbers of forced migrants, the host authorities have incorporated 'selective' mobility in their strategic management of the Iraqi protracted displacement, treating the Iraqis not as 'refugees' but as 'guests' or 'migrants' with temporary humanitarian needs.

The diverging political and economic interests and stances of international donor and host states are reflected in the UNHCR's cautious position with respect to return as a durable solution to the Iraqi displacement. The Refugee agency does not promote 'voluntary' return and maintains that due to persisting insecurity concerns and to the scarce progress in reconstruction efforts, conditions in Iraq are still not conducive to large-scale returns. However, faced with increasing spontaneous return movements from neighbouring countries of asylum, in 2008 the UN agency has started a Voluntary Repatriation Programme based on an individual case management system, which facilitates the return of Iraqis who, despite the insecurity and political instability, wish to return to their country.

The analysis of the uneasy interaction between the international and national migration and asylum regimes in this case study stresses the importance of the historical and geopolitical context on the emergence and implementation of specific international regimes, and on the causes of actors' non-cooperation within certain international institutional arrangements. Actors' more or less cooperative interaction with the principles, norms and operational procedures of international regimes is partly the product of the distribution of power in the international state-system or in terms of absolute and relative gains but also of their different moral and political stance on specific international and regional geopolitical issues and disputes.

In the case of the Iraqi displacement, the two host states' refusal to conform to the norms and procedures of the international refugee regime is partly explained by their rejection of a de facto imposed hegemonic order established by western powers to shift the political and economic burden of providing protection and durable solutions to global refugee problems. The geopolitical context and historical events in the Middle East, particularly the 1948 Israeli-Arab conflict and the notorious question of Palestinian refugees' right to return, have also affected the formation of the international refugee regime and its interaction with the Syrian and Jordanian national normative systems for the past six decades.

The two host countries follow international refugee principles and norms only to the extent that enables them to shift the economic costs and political responsibility for the provision of protection and assistance for the Iraqi displaced to the UNHCR and other interested international organisations. This does not prevent Syria and Jordan from managing the Iraqi displacement problem building upon the accumulated knowledge and experience of managing population displacement in the region and on their traditional socio-political and economic interactions with neighbouring nation states and international key players. Such experiential knowledge includes host countries' security concerns and calculations of the long-term impact of involuntary migrants' presence and cross-border activities on host countries' socio-economic development. The relationship of interdependence between the three neighbouring countries is confirmed by historical bilateral trade and investment agreements in the energy, transit routes and transportation sectors (Brand, 1994). For Syria and Jordan, hosting Iraqi transnational migrants,

especially wealthy and powerful Iraqi politicians, businessmen and merchant families, who have controlled Iraq's agricultural and industrial sectors for the past century, guarantees continued profitable transactions with Iraq in the post-war reconstruction phase. Van Hear (1995) has emphasised that involuntary population influxes can bring great benefits to receiving societies in terms of acquisition of human, social and economic capital needed for local development.

The analysis of regional geopolitics and regimes is useful to explain the policies and practices adopted by international refugee agencies, home and host states to govern refugee populations in the Middle East. Yet this type of investigation is less helpful to examine the interaction of states and other institutional actors with the migrant populations. Institutional attitudes and practices towards the refugees, can be better investigated adopting the concept of governmentality (Foucault, 1991) that has been applied in recent years to highlight the mentalities of states and other institutional and non-institutional actors, who exercise forms of power other than physical coercion and laws to govern migrant populations. The governmental rationalities behind migration and asylum governance in the Iraqi case study and Iraqi people's reactions to such institutional rationales and interventions will be further discussed in the chapters on the role of information in the context of Iraqi refugees' return from Syria and Jordan and Iraqi refugees' return and transnational livelihoods.

Chapter Six: Return and Transnational Livelihoods

6.1 Introduction

This chapter explores the relationship between refugee return and transnationalism, in the context of the Iraqi refugees' displacement in Syria and Jordan. It is theoretically informed by transnational migration approaches that challenge a sedentary and permanent conception of return and conceive it as a complex process that unfolds over a long period of time and entails various degrees and modalities of transnational mobility (Carling, 2009) identities (Kivisto, 2001; Vertovec, 2001), social networks (Koser, 1997; Faist, 2000) and livelihoods (Sørensen and Olwig, 2002; Stepputat, 2004; 2006) influencing the socio-economic development of the 'transmigrants' (Glick Shiller et al., 1999) and of their host and home societies (Black and Gent, 2006b).

The empirical findings⁹ are presented in four sections. The first section explores Iraqis' willingness to return and argues that their decision to go back is less driven by improvements in the home country than by their desire to rebuild their lives back home and to overcome the difficult legal and socio-economic conditions in neighbouring countries. The second section explores Iraqi returnees' experiences based on accounts of their return and subsequent re-migration to Syria and Jordan. Iraqi returnees' personal characteristics, the pre- and post-flight circumstances affect their ability to mobilise resources and prepare for return. The micro- and macro- transformations occurring in post-Saddam Iraq also have a strong bearing on refugees' return and reintegration in their home communities. The third section investigates the relationship between transnational mobility and return and finds that for most Iraqis in Syria and Jordan, access to legal transnational mobility opportunities is a precondition for their sustainable return to home areas undergoing post-conflict political transition and socio-economic transformations. The final section illustrates the variety of post-return transnational livelihood strategies pursued by Iraqi returnee families in the absence of immediate permanent settlement and

⁹ The findings presented in this chapter are in the process of being published in the form of journal articles. The article 'Attempting return: Iraqis' re-migration from Iraq was published in 2012 in the special issue of *Refuge* on Iraqi refugees, volume 18 (1). The second article 'Post-return transnationalism and the Iraqi displacement in Syria and Jordan' has been accepted by the editors of a special issue on return and transnationalism to be submitted for publication in *International Migration*.

integration opportunities in the home and host societies.

6.2 The desire to return and the lack of alternatives

The decision to go back to areas affected by lack of security, basic infrastructure and public services is extremely difficult. Within the limits of available information, uncertainty, legal and socio-economic constraints in host and home countries, Iraqi refugees evaluate their human conditions and life circumstances and attempt to devise solutions to their problems, taking critical decisions about their future. The participants in this study demonstrated different degrees of willingness to return. Some of the Iraqis interviewed in Syria and Jordan left Iraq after being targets of direct persecution, violence, and/or witnesses of killings, kidnappings and forced removal of family members. They attributed the crimes and gross human rights violations which they had suffered to the military operations launched by the US-led forces and the subsequent escalation of politically incited ethno-sectarian conflict. The physical abuses some participants endured left them with irreversible damage to their body organs, severe burns, disfigurement, scarring and broken bones. Their physical disability was aggravated by traumas derived from the loss of family members and loved ones, their houses, land, properties and jobs. The decision to return was taken by these respondents with apprehension about being exposed to renewed abuse and violence given the absence of security and rule of law in their country. The new Iraqi government and its security apparatus were depicted as "weak", "powerless", "corrupted" and "sectarian" institutions, which, instead of unifying forces to protect their people's security and interests, were entangled in divisive ethno-sectarian politics that culminated in internal armed strife over power and resources.

Other participants were not direct targets of violence, but fled, alone or with their families, in order to avoid becoming victims of the armed conflict and economic depression associated with it. For these research participants return was not a matter of "free choice" but more a reaction to the lack of alternatives. As in other displacement crises, the precarious legal status and the lack of means of subsistence and future prospects in the neighbouring countries of asylum, combined with the scarcity of assistance and opportunities for resettlement in the West led a number of respondents to consider return as the only available option (Kibreab, 2003). Abu Mustafa, a 59 year old

carpenter, stated that if he had enough resources to live in Syria he wouldn't have gone back to Iraq:

I went back for economic reasons. I can't afford living here anymore. I have a sick wife and a disabled child. I thought that the UN would have provided us with support, but the UN is not helping us financially because I'm not over 60. If I received cash assistance from the UN and I could work in Syria, I could afford living here.

Many families left Iraq in haste and with little funds to invest in their socio-economic integration in the neighbouring societies. Living in a situation of protracted displacement, they exhausted their savings and faced economic downward assimilation, competing with the less advantaged members of the host communities over access to affordable housing, informal employment and scarce education opportunities for their children, who in some cases drop out of school to work and support their families. Karima, a 64 year-old housewife and mother of five described the economic and social integration problems her family faced in Syria:

None of my family members has a job here. When we arrived, we didn't have much money with us and we couldn't work. We had some gold; we sold it and survived on the money we made. When we finished the gold we sought support from our relatives who sent us money.

Karima's family relied on unsustainable forms of subsistence such as limited savings and borrowings from families and friends in Iraq and other countries, access to public services subsidised by the host government, casual jobs and limited assistance from international humanitarian agencies. The high dependency of the Iraqi family on transfers and savings rendered their socio-economic condition very vulnerable, and their social integration potential in the host society was severely constrained by the economic hardships they experienced. For Karima, return was the way to escape the distress and anxieties associated with providing her family with decent accommodation and essential needs in the host country.

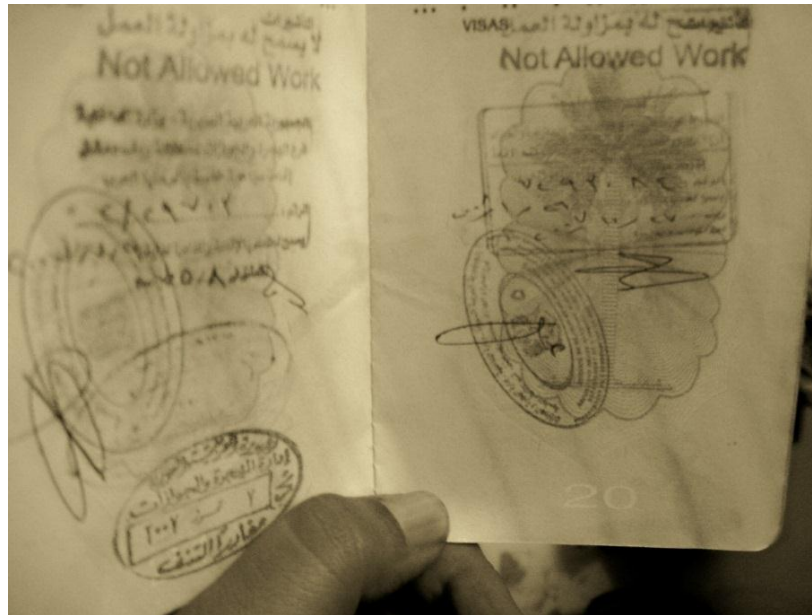


Fig. 6.1 - Syrian visa stamp: "NOT ALLOWED WORK" on Iraqi passport

The participants who registered with the UNHCR and sought resettlement to a third country mentioned the lack of progress in their asylum applications as another important reason for their decision to return. The reluctance of third-party governments to accept high numbers of refugees combined with the UNHCR's limited resources and operational capacity to deal with a substantial amount of asylum applications caused backlogs in the allocation of resettlement places (Bowser, 2008). A number of participants met in Syria, expressed disappointment and frustration at the UNHCR's delay in examining their refugee files, which were pending for over three years. The long hours spent outside UNHCR offices, queuing to listen to a stressed and overworked UN employee saying "come back in six months, your case is still under scrutiny" crushed their hopes and left the migrants in a wearing state of uncertainty about the future. The sense of temporariness and liminality in the host countries was evident in the participants' choice to spend their limited funds fulfilling their immediate needs rather than investing in longer-term integration projects. Overwhelmed by the psychologically and physically challenging living conditions in exile, some took the quick decision to go back without carefully planning their return.



Fig. 6.2 - Land Rover laden with Iraqi belongings departing from Damascus to Baghdad

Other participants, most of whom were interviewed in Jordan, were economically more advantaged: their well-being depended on state salaries, pensions and the income generated through rents and sales of lands and properties in Iraq. They left Iraq with the initial intention of finding temporary shelter, assistance and socio-economic opportunities in neighbouring countries until the situation at home had improved and they were able to return and resume their 'normal' life. Their lack of interest in permanent resettlement abroad and their greater willingness to return were also driven by their weak family ties and informal support networks outside of Iraq. In the words of Nour, a 42 year old civil society activist who moved to Amman with his wife and two children:

When I first came to Jordan I wasn't thinking to leave the Middle East and I was planning to return to Iraq as soon as the situation improved. Iraqis from Sunni and tribal areas, especially from [...], don't think of travelling abroad because migrating entails a series of compromises and losses. The Iraqis who go to the USA complain and suffer because they find it hard to bring their children up in a society very distant from our cultural values and traditions. Migrating has a price. If you travel to the USA through the UN you'll receive support for the first eight months. Then you'll have to take up jobs which are unsuitable to your qualifications, your skills and your dignity, like washing dishes in restaurants.

For Nour the migration experience entailed more compromises and losses than advantages: he was not ready to travel far from his homeland and re-build his life from scratch in a different socio-cultural environment, where he and his family would have had

no support networks and therefore were likely to face communication barriers, economic hardships and social integration problems. He counterweighted the high costs and challenges of living in a foreign society with his strong desire to reunite with his families and friends whom he had left behind, recoup his lost rights and properties and resume his pre-war activities in his home community.

In the absence of income-generating opportunities in the host countries some participants decided to take the risk and return to Iraq, where they expected to find or resume their old professions and earn wages substantially higher than in neighbouring Syria and Jordan. Ali a 25 year-old IT professional, took up precarious and under-paid jobs in the Jordanian informal labour market until he decided to return to pursue better opportunities in his country:

At the beginning I wasn't doing anything. Then I found a job as an IT technician in a publishing house here in Amman. I worked there for six months but then I got an offer in Baghdad and the wage there was four or five times higher than my wage in Jordan. It was worth going even if it was dangerous.

Post-Saddam Iraq is in a period of political uncertainty and slow economic growth. In 2008, the Iraqi government granted a large wage increase in the public sector to compensate for the erosion of real wages that had occurred during previous years. Since mid-2009, oil export earnings have returned to pre-2003 levels and government revenues have recovered and are expected to increase, along with global oil prices (IMF, 2010). Some participants were attracted by the news of economic progress and decided to return despite the difficult security and political circumstances to earn high incomes to support their families. As will be discussed in the next section, Iraqi participants' personal characteristics, their pre-and post-flight circumstances and the micro- and macro-transformations occurring in post-Saddam Iraq affected their return and reintegration experiences. Adapting to the changing circumstances at home sometimes entailed tough compromises, even forsaking the skills, values and identities acquired abroad. Those who could not achieve a satisfactory adjustment with the changing conditions at home faced integration challenges and problems and eventually opted for re-migration.

6.3 Attempting return and re-migration from Iraq

After living in the safety of neighbouring Syria and Jordan for a prolonged period of

time, some participants had difficulties in adapting to the unsafe and poor living conditions in war-torn home areas. Upon return, their nostalgic memories of Iraq's beautiful cities and natural landscapes have been replaced by images of destruction and dilapidation of historic streets, buildings, and national heritage sites with few visible signs of reconstruction. Some participants described areas of return as "enormous piles of dust and dirt", where high concrete walls and numerous checkpoints hamper people's freedom of movement, divide cities into homogeneous ethno-sectarian areas and create an atmosphere of fear and suspicion among former neighbours. For some participants physical reintegration was an exhausting and frustrating process given the unreliable provision of electricity, health care facilities and other essential public services. They could not endure the general lack of security and the harsh climate and living conditions in their home country. Rami, a 68 year-old retired School Coordinator re-migrated with his younger son to Syria because he could not bear the general lack of security and public services in Iraq. He expressed frustration at the Iraqi authorities' failure to use public money to improve the living conditions of the Iraqi people:

Our rulers haven't managed to do the simplest thing, repairing the electricity system. Iraq is a rich country; our national budget amounts to billions of dollars each year, why can't they repair the national infrastructure with all that money? Why don't they fix the electricity in Iraq? Why? [...]

The explosions, the killings and terror in the country, the lack of electricity and infrastructure are all meant to distract the Iraqi people from high-level politics. We spend most of our time worrying about our security and how to survive in those miserable conditions. We don't have the time and the energy to worry about anything else. We don't think about politics, we don't think of personal development opportunities, we spend the entire day thinking: is the electricity back or not?

After the end of the war, the CPA and the subsequent Iraqi governments failed to live up to the expectations of Iraqi citizens by neglecting their need to human rather than military security (Bilgin, 2004; Barakat, 2005). Iraq's transitional period has been characterised by uneven distribution of national resources, socio-economic inequalities, high levels of unemployment and destitution and a lack of legal protection. These factors caused widespread popular discontent and a growing involvement of Iraqis in conservative religious groups and insurgent movements, which took up the role of alternative guarantors of physical and human security (MacQueen and Akbarzadeh, 2008; Pirnie et al., 2008).

Some participants went back to their areas of residence before flight where they owned a house, which was not damaged, expropriated or occupied by others. Abu Mustafa and his family returned to their house in a neighbourhood of Baghdad. He clarified that he was not afraid of his neighbours; he feared the violence resulting from the power struggle between political parties and their respective militia groups:

I went back to the place where I have lived for the past twenty years. We have a house there and we are in good relations with everyone in the neighborhood. The people who don't work for the government or for the security apparatus are less likely to be target of attacks. But the security was generally unstable: there were sudden explosions of car bombs in the streets and the armed groups linked to the government forcibly removed and arrested people from their houses. The political parties created unrest and instilled fear among the people.

Others were not able to return to their home areas because their properties were destroyed or occupied in the course of the episodes of ethno-sectarian cleansing that occurred during the recent conflict. The Iraqi mosaic of ethno-religious groups have co-existed in relative peace for centuries and Iraqi families and tribal confederations are the product of inter-ethnic and inter-sectarian marriages (Matar, 1997; Batatu, 2004). The pre-1963 Iraqi nationalist movements were cross-ethnic in nature and prioritised domestic development over membership in a supra-national Pan-Arab entity. Brigadier Abd al-Karim Qasim (1958-1963) was the main promoter of a form of inclusive and pluralist Iraqi nationalism. The succeeding Ba'ath regimes endorsed instead a Pan-Arab unity discourse emphasising a xenophobic and chauvinist interpretation of Arabism that promoted Sunni Arab domination of Iraqi politics and society, repressing Kurdish and Shi'a claims to ethno-sectarian self-determination (Davis, 2005; Bunton, 2008). Under Saddam Hussein (1968-2003) the Ba'ath regime indoctrinated the people to believe that the Iraqi nation was equivalent to the president or that being loyal to Iraq meant being loyal to Saddam (Saleh, 2008). For over three decades the Iraqi people were exposed to this equation through the state-controlled media outlets, its educational institutions and its party cadres. When in 2003 the dictator fell and hid in a hole under the ground, Iraqis' feelings of loyalty disappeared with him. According to Saleh, after the 'big tent' of the state collapsed and law and order turned into chaos, panic spread among the people who divided and sought protection from families, tribes, clans, religious authorities, civil groups, political parties and any other force that could shelter them. The feeling of belonging to the Iraqi nation was suspended and replaced by innumerable loyalties that started competing to achieve a place of authority in the new political power structure. The CPA and the subsequent Iraqi

governments enforced constitutional laws and policies such as the 2005 electoral law, the De-Ba'athification order and the dissolution of the Iraqi national army that reinforced ethno-sectarian divisions and led to the territorial polarisation of previously religious and ethnically mixed areas and communities (Bellamy, 2004; Caspersen, 2004; International Crisis Group, 2005a; 2005b; 2006).

For some respondents the relationships with family members and friends who stayed behind has changed along with the surrounding environment. The time spent sheltering in the host countries has offered the forced migrants room to recover from the traumas of the conflict, regain health, learn new things and look forward to a more hopeful and peaceful future. In contrast, they have depicted their relatives and friends who remained in Iraq during and after the war as "fearful", "worried" and "stressed"; and prone to suspicious and aggressive behaviour as a response to the multitude of dangers and the depriving living conditions. Iman, a 43 year-old single woman returned to Basra to live in her brother's household and faced difficulties interacting with other members of her home community, which, during her absence, had become increasingly religious and conservative:

People have changed. The circumstances in our country changed their minds and their personalities. I don't know, people have become very religious and conservative. If before we were afraid of elements of a single party, the Ba'ath, now we are afraid and distrustful of everyone because there are so many political groups ready to use force to obtain control and power. Now when you are in front of someone, you don't know which side he belongs to.

During the Ba'ath era, there was a single centre of power and social control and Iraqis could recognise and thereby avoid the sources of threats. In contrast, after the fall of the regime, they feel they can no longer guarantee their safety, since they are exposed to unknown perils from several sides. The US military troops, foreign terrorists and the various political and religious parties ruling the country are ready to use arbitrary force to impose their power and control over national resources.



Fig. 6.4 - Commemoration of the 1991 US bombing of the Al-Amiriyah shelter in Baghdad, painting by Iraqi artist Fuad Hamdi, Iraqi Cultural Forum, Damascus, 13 February 2010

One of the alleged goals of the US-led invasion was to bring democracy and freedom of expression to the Iraqi people. Ten years since the end of military operations in Iraq, these objectives have evidently not been achieved. The US disengagement strategy has progressively left the country in the hands of conservative religious authorities and political parties, which repress citizens' freedom of expression and have committed gross human rights violations, including the arrest and detention of thousands of civilians without charge and fair trials (Amnesty International, 2011). After more than four decades of largely secular Ba'athist rule, radical factions in Iraq's Sunni and Shi'a communities have asserted political control over society, leading to the prevalence of conservative religious values and habits such as pressures on women, including Christians, to wear the veil. Rand, a 30 year-old female interviewee was forced out of Iraq in 2009 for the second time after she was target of renewed death threats by a group of unknown armed men, who, the previous year, attacked her because she ran a "*Haram*" (forbidden) beauty salon. The assaulters brutally beat her and threw sulphuric acid at her face, causing her disfigurement and the loss of one eye. The perpetrators of this horrible

act remain at large; the Iraqi police never opened an investigation into this violent crime.

Some participants in this study have re-migrated after being subjected to abuses of power committed by the very authorities that were supposed to protect them. Ala', a 39 year-old man returned with his family from Jordan to Iraq in 2006. He re-opened his supermarket in Baghdad but he reported that the local police harassed him and the other shop owners in the area and extorted bribes in exchange for protection. He took the brave decision to report the injustices he was enduring to the governorate authorities. As a result, he said his shop was destroyed, he was physically assaulted by security officers and had to escape again from Iraq to protect his family.

Other returnees felt neglected by the new Iraqi government, which adopted a series of policies and measures that promoted social inequalities and discrimination rather than national reconciliation and rehabilitation. Yousef returned with his family to Baghdad to reclaim his house, which had been expropriated by members of the new Iraqi National Guard. He said he was forced to go back to Syria after his failed attempt to seek justice and the restitution of his property. While victims of the former regime have access to appositely established mechanisms for land and property rights compensation, Iraqi victims of land and property rights violations after 2003 have no other option but to seek justice through the ordinary Iraqi court system (Romano, 2005; Van der Auweraert, 2009). They have to go back and file a reclaim with no guarantee of being compensated for the harms suffered. Despite the great need for protection and compensation for their losses, the lack of confidence and mistrust towards public authorities prevents returnee families from registering with the Ministry of Migration and Displacement for reintegration assistance. Afraid of being identified and located by potentially dangerous agents, many returnees avoid state authorities altogether. This type of return and reintegration assistance favours one group over another and is likely to have a negative impact in terms of national reconciliation and peace building since it may sow the seeds for future strife.

The situation of one of this study's participants, Dr Samir, a 59 year old former civil servant who was subject to the Accountability and Justice Law was even more sensitive. He felt he was victim of a grave injustice; the de-Ba'athification regulations were applied

to his case not based on evidence of his individual responsibility but rather on the assumption that being a Ba'ath party member he shared the responsibility for the crimes of the previous regime. As a result, his properties were confiscated, he was forced out of employment, lost his pension rights and, upon return, he was again exposed to threats and retribution from elements of the Bader Organisation linked to the Islamic Supreme Council of Iraq (ISCI). The government has used the Accountability and Justice Law as a weapon of collective punishment and a means of eliminating potential agents of dissent or opposition to the newly established political order in Iraq (Sissons, 2008).

Some returnees gave up their rights to social welfare and services from state institutions in order to preserve their dignity and avoid the frustration of dealing with the disorganised and corrupt Iraqi bureaucratic system. In order to obtain support from local authorities some respondents had to pay bribes or use their "*wastas*" (personal recommendations and connections) with the sectarian political groups, which controlled the various ministries and public offices. The system of patronage and widespread corruption has developed and rapidly proliferated since the 1990s, in reaction to the protracted wars and the devastating effects of the thirteen years of UN economic sanctions against Iraq, when state employees received salaries as low as \$2 dollars per month and depended on bribes to sustain their families (Arnove, 2000). Obtaining job opportunities and access to welfare and social protection schemes did not depend on individual needs, qualifications and skills but on the right connections and affiliations (Arnove, 2000). Indeed, the change of regime has not brought improvements in this sense. Before, Iraqi people had to be members of one single institution, the Ba'ath party, in order to ensure employment and socio-economic mobility. Now the new ethno-sectarian political order has reshaped the system of patronage into multiple channels of political loyalism that hamper people's rights to equal opportunities. This situation has led one of the interviewees to claim: "Today, corruption is the only institution that can be called national in Iraq; it involves Iraqis from all ethno-sectarian backgrounds and there is coordination between them".

These institutionalised practices prevent the socio-economic reintegration of those who are qualified for certain positions but do not wish to be associated with any religious or political group and refuse to be part of this system of ethno-sectarian discrimination. The

participants who returned with the intention of actively contributing their knowledge and skills to the national political reconciliation and reconstruction process have been prevented from doing so by the prevailing system and by new threats of persecution and violence. Bader holds a PhD in Political Science and returned to work in an Iraqi university. During a conference on the role of religious parties in national politics he made a contribution for which he was assaulted by the outraged audience:

I decided to leave again Iraq because I couldn't find the right work environment. There isn't academic freedom in Iraq. [...] I used to speak about democracy, the religious parties and the administrative corruption in Iraq. I presented my arguments to an Iraqi conservative audience and many people were offended by my words and tried to attack me. This episode made me flee again. If I wanted to keep working in my country I would have to be quiet and keep a low profile. This is not my nature and I told them as well: we are not in the republic of bananas where you can cut our tongues to shut us up. In Iraq we have religious authorities very similar to the Inquisition in medieval Europe.

After this episode, he had to leave the country and his job again and re-settled with his family in Jordan. This experience convinced him that the Iraqi society is not yet ready to offer him an open and democratic work environment, where he can freely express his opinion without fear of subsequent retaliation.

Under the above mentioned circumstances, these Iraqi migrants' attempts to return were unsurprisingly unsuccessful. Nonetheless, the failed return experiences produced diverse reactions among the research participants. The abortive returns made some lose hope of ever re-establishing their lives back home and have spurred them to seek onward migration opportunities and an alternative "home" in a western country, where they hope to achieve personal security, stability and a better future. On the other hand, the challenging post-return experiences in the home areas have not dissuaded some other participants from returning to Iraq. A growing body of theoretical and empirical research demonstrates that refugee return may be neither permanent nor sedentary (Bakewell 2002; Stefansson, 2004; Black and Gent, 2006a; Eastmond, 2006; Stepputat, 2004; 2006; Huttenen, 2010) and that refugee secondary, circular movements and transnational mobility and livelihoods amongst refugees can be an indicator of progressive normalisation of living conditions in war-affected societies, where seasonal and international migration was a livelihood even before the conflict generated mass exodus (Bakewell, 2000; 2002; Juergensen, 2002; Stigter, 2006; Monsutti, 2008). The next section will explore the links between return and transnational mobility in the Iraqi

displacement context and show how a significant number of Iraqi respondents considered access to legal cross-border mobility opportunities as a precondition for their sustainable return.

6.4 Sustainable return through transnational mobility

The voluntary return of refugees and internally displaced persons is interpreted as evidence of restored security and political stability, improved civil-state relations and public confidence in reconstruction efforts in war-torn countries (Petrin, 2002; Ferris, 2009). In legal terms, return is seen as the natural solution to refugee problems because it entails the physical return to the homeland and the re-establishment of the interrupted relation between the state and the refugee, who, going back, is entitled to seek the restoration of his lost citizenship rights (Goodwin-Gill, 1989; Hathaway, 2005). According to this reasoning, the success of return has been measured in terms of the number of refugees who return rather than the sustainability of their reintegration in the home country. Understandings of refugee return as going back to the status quo ante demote the relevance of institutional monitoring and evaluation of refugees' experiences and needs after repatriation (Harvey, 1990) and justify the lack of investigation of what actually means to return home for the refugees (Bakewell, 2000). This conception of permanent and sedentary return informs states' and international agencies' evaluation of returnees' secondary movements as evidence of the unsustainability of the return experience (Black et al., 2004).

Black and King (2004), challenge sedentary understandings of return by conceptualising transnational migration as a form of return, a process that takes place over a prolonged period of time and involves stages of preparation and various degrees and modalities of transnational mobility and livelihoods, which may be fundamental to ensure forced migrants' safe and sustainable return and integration in home societies undergoing post-conflict political and socio-economic transformations (Black and King, 2004; Black and Gent, 2006b).

Indeed, transnational mobility plays a crucial role in the strategic decisions and practices of return of most Iraqi interviewees in Syria and Jordan. Yahya, a 49 year old PhD in Arabic literature does not seek transnational mobility opportunities with the intention to

emigrate and resettle permanently in another country. For him access to transnational mobility is vital because he can go back to his home area under circumstances of low-intensity conflict without losing the possibility of re-migrating if he needs to:

The decision to return is a difficult one. If I go back permanently, I will lose my residence permit in Jordan and if I want to come here again I will have to re-apply for the visa and for a residence permit. You see, I think that those who apply for refugee status and want to be resettled abroad, do it mainly to obtain a foreign passport that enables them to travel to a safe place whenever they wish. In 2008, my family was in Algeria and I was in Baghdad. Syria and Jordan had closed their borders and imposed strict visa regulations on Iraqis' movement. For the first time in my life I felt like a prisoner, I realised that I was very vulnerable. If someone wanted to hurt me or arrest me I couldn't protect myself or escape, I was stuck in Iraq. My wife couldn't come to Iraq with my child because of the security situation, I couldn't go to Algeria because I didn't have the visa; we could have remained apart for years. So when I think of returning to Iraq, I worry about being always able to leave the country in case I need to.

The permanent and sedentary approach to refugee return links access to rights and resources to settlement in a physical place. Such a perspective, however, is paradoxical given that refugees often return to home countries affected by conflict and ruled by fragile governments that are unable to provide stability, security and fundamental civil rights and needs, the lack of which induce them to become refugees in the first place (Kibreab, 2003; Ferris, 2009).

This perspective also overlooks opportunity structures engendered by transnational mobility and their impact on migrants' decision-making processes and practices of return. Some returnees may seek to secure their freedom of movement across international borders as a precautionary measure and in search for alternative opportunities and resources unachievable back home. The awareness of the precarious conditions in home areas prompts refugees and migrants to secure their freedom of movement through the attainment of permanent residence or citizenship status in a country whose citizens are not subject to restrictive international migration regimes. Thus access to residence and citizenship rights in a third country, either through asylum or regular migration opportunities, becomes instrumental in exercising the right to freedom of movement across international borders without discrimination. It may sound counterintuitive, but for the Iraqi interviewees in Syria and Jordan access to legal transnational mobility opportunities is a precondition for embarking on the return process. Faris, a 45-year old computer engineer renewed his temporary residence permit in Syria two days before

returning to Baghdad:

V: You are going back to Iraq in few days but you also renewed your residence permit in Syria, can you explain me why?

F: I take precautions; I may stay in Iraq for a couple of months and then return to Syria in Summer. I have this paper; it's worth keeping it valid, right? So I can come back whenever I wish.

Most participants keep renewing their Jordanian and Syrian residence permits several months, and even years, after their return to Iraq. The residence status grants the Iraqi people freedom of movement across borders without facing immigration restrictions and without being charged expensive entry-visa fees. Transnational mobility is practiced to increase returnees' physical security in the face of unstable and wearing living conditions in the home areas and to keep options of material and immaterial resource mobilisation as open and as diversified as possible (Stepputat, 2004; 2006). Hala, a 49 year-old returnee from Jordan and director of the Iraqi Health Organisation in Baghdad explained:

I come to Jordan very frequently, I can't stay in Baghdad more than six weeks; after a while I need to breathe. It's too tense over there. If I knew for one second that I couldn't come out to a safe haven then I wouldn't go to Baghdad. If I didn't have the annual residence permit I would never go back. But because I know that I can come here [Amman] whenever I want, then I go back.

Returns are taking place in regions still affected by low-intensity violence and in areas marked by food and water insecurity, lack of affordable housing, inadequate infrastructures and services, and a system of factional patronage and corruption controlling access to employment opportunities (Home Office, 2011). In these circumstances living conditions in the home areas are difficult and the Iraqis who have re-established livelihoods in Iraq, take advantage of their resident status in Syria and Jordan to pay temporary visits, rest and recover from the stressful lifestyle back home. Return to Iraq is largely dependent on returnees' ability to engage in circular migration and ensure their periodic access to a more relaxed and comfortable environment that enhances their physical and mental wellbeing. Most returnees exclude the possibility of going to Iraq without securing beforehand legal residence status in the host countries and without obtaining the re-entry authorisation from the host authorities. Zainab, a 43 year-old woman whose brothers are resident in Amman since the 1990s claimed:

V: Would you return to Iraq without renewing your residence permit in Jordan?

N: No, I wouldn't because I come often to Jordan to visit my family. There is a possibility that I get tired in Iraq and I decide to move back to Jordan and settle here again. We never know what is going to happen in Iraq, the situation is still unstable.

Iraqi people's search for regional and international mobility is also spurred by the need to remain in close contact with extended families spread in various countries in the Middle East and further afield. Migrants' notion of 'home' may be extremely complex: it may signify a social more than as a physical space that extends beyond one physical location and local referent to include several sites of socio-cultural relations and meanings (Eastmond, 2006) and the original home may become a myth, a place of nostalgia compared to other more practical homes (Al Rasheed, 1994; Zetter, 1999). The long-term integration of migrant and refugee communities in the host societies has led to the establishment of multi-directional transnational networks of relationships, regular and sustained social contacts linking Iraqi returnees to members of their national community in the wider diaspora (Koser, 2002; Vertovec, 2008). The sustainability of return may depend on returnees' access to the social and business networks that they have established abroad and that constitute a source of continued material and moral wellbeing after return to their home societies. The geographical proximity between Iraq and neighbouring Syria and Jordan as well as improved technology and low cost communication and transportation increase the intensity and scope of circular flows of persons, money, goods, information and ideas in the region. Some respondents have already visited their areas of origin several times for periods that ranged between one week and one year. These spontaneous return movements have been acknowledged by the UNHCR (2009): 'Recent increases in no-show rates for food and cash assistance may be an indicator that significant numbers of Iraqis are travelling to Iraq without deregistering from UNHCR'.

The UNHCR has acknowledged the importance of transnational mobility and livelihoods as a means of increasing the protection space for Iraqi refugees in the Middle East (Crisp et al., 2009) but the agency has yet to review its operational approaches to voluntary refugee return accordingly. In policy and practice the three durable solutions of "resettlement to a third country," "local integration in the first country of asylum", and "voluntary repatriation" are still regarded as discrete options or stages in a refugee

“cycle.” (Van Hear, 2006). The governments of western countries of resettlement consider the Iraqi asylum seekers who have adopted cross-border livelihood strategies less eligible for refugee status. Forced migrants’ circular movements reduce their chances to be granted resettlement. The asylum claims of Iraqi circular migrants are dismissed as lacking credibility because it is assumed that the real “refugee” is unable to return to Iraq. Iraqis’ return movements are interpreted as an indicator that the circumstances that caused their displacement no longer exist and therefore asylum applicants who engage in transnational mobility should not be treated as refugees but as normal migrants. In interviews with UNHCR resettlement officers, Iraqi asylum seekers are advised not to pay frequent and lengthy visits to Iraq in order to be eligible for resettlement¹⁰.

In order to be eligible for resettlement opportunities and other forms of assistance many Iraqis have followed the instructions and requirements of assistance providers and renounced the possibility of engaging in cross-border mobility and livelihood strategies, often at very high material and emotional costs. Alia, a 47 year old woman explained how the living conditions of her family in the host country deteriorated after her husband was advised by the UNHCR Syria to stop going back and forth between Syria and Erbil to work as an agricultural engineer in a Kurdish poultry factory:

Here he can't work. If he doesn't return to Erbil and works how are we going to survive? We are five people in this family. The UNHCR treats us as refugees, we can't go back because we are persecuted. But how does the organisation expect us to survive without any assistance and without being allowed to work in the host country? Why don't they think that going back to Iraq is our only option to make a living?

The UNHCR exercises enormous influence on the decision-making processes and migratory behaviour of refugees and asylum seekers by constructing and enforcing particular bureaucratic knowledges and categories of ‘refugeehood’, which inform the agency’s protection and assistance practices. In his work on governmentality Foucault (1991:4) identified the ‘conduct of conduct’, which is the power of constructing and guiding the conduct of individuals and populations, without their full awareness and consent, through the use of subtle and non-coercive methods and technologies that constitute incredibly powerful instruments and techniques of governance shaping and

¹⁰ Interview of the author with UNHCR Syria Protection Officers

limiting the lives and freedoms of populations and individuals.

The UNHCR and some third-party governments discourage Iraqi asylum seekers' circular migration between Iraq, Syria, and Jordan, since this practice hampers national governments' and international organisations' ability to manage highly mobile displaced communities. A growing number of Iraqi forced migrants nevertheless disregard the institutional requirements and adopt transnational livelihoods as a risk diversification strategy and a way to explore opportunities for the future. Ahmed sought UNHCR assistance to return to Iraq, but he decided not to benefit from the Vol. Rep. package because he was not ready to renounce to the annual residence permit that he had just renewed, in order to obtain the negligible sum of \$350 to cover the costs of transportation to go back to Iraq from Syria:

V: Did you receive assistance to return to Iraq?

A: We didn't receive any assistance, I went to the UN to seek assistance and the officer told me that they would give \$350 to my family to return, \$100 per adult and \$50 per child. I thanked the UN officer for the help. But then he told me that if we accepted the UN assistance they would have cancelled our residence permits. We didn't obtain the residence permit from the UN, why should they cancel it? I didn't accept the assistance because I don't want to lose my residence status. Now, we can come and visit my parents whenever we wish. Without residence permit we will have to apply for a new entry-visa every time we want to visit them.

The individual case management set up by the UNHCR in October 2008 to facilitate the voluntary return of Iraqi refugees from neighbouring countries of asylum provides limited material assistance and imposes on potential applicants 1) the cancellation of their refugee status and the consequent loss of access to the associated international protection and material assistance 2) and the cancellation of their residency permit in the host country. These conditions are based on the supposition that returnees 'voluntarily' re-establish permanent livelihoods in their country of origin'¹¹. The assumptions and eligibility criteria attached to the UNHCR Voluntary Repatriation assistance are unrealistic and counterproductive; instead of supporting refugees' safe and dignified return by protecting their right to free movement and their legal status in the host

¹¹ Interview of the author with UNHCR Syria Senior Protection Officer

countries, such policies increase migrants' legal vulnerability and restrict their ability to move across borders and make informed choice about return. Eastmond (2006:144) correctly stresses that interventions based on the presumption that return is 'going back to pre-war homes to remain there, 'fail to take account of other patterns of return and home-making that may be more sustainable for the individual'. Not surprisingly, between 2007 and 2011 only 4,479 Iraqi refugees returned facilitated by the UNHCR while the estimated number of unassisted returns in the same period reached 201,307 individuals.⁴⁹ This raises critical questions about dominant understandings and operational approaches to refugee return and transnational mobility (UNHCR Iraq, 2012). Most Iraqis who adopted temporary return and transnational livelihood strategies do not seek the Vol. Rep. assistance because they do not want to lose their residence rights in the host countries. Moreover, leaving the UNHCR file open, allows them to come back from Iraq every two months or so to collect the cash, food and in-kind assistance provided by the UNHCR and other agencies.

Refugees' refusal to identify with and behave in conformity with the institutional bureaucratic categories constructed for them or to live in designated refugee camps, or their engagement in temporary return and transnational livelihood strategies (Grabska, 2005; Iaria, 2012) should not be considered as evidence of the lack of credibility of their 'refugeehood' and be used to restrict their access to legal rights and financial assistance. Rather refugees' expressions of agency, independent livelihood strategies and solutions should inform more effective national and international policies and practices aimed at promoting the safe and sustainable return of forced migrants to their home countries under circumstances of conflict or post-conflict reconstruction. The next section offers a conceptual definition of post-return transnationalism and illustrates the variety of independent transnational livelihood strategies pursued by Iraqi returnee families in the absence of immediate settlement and integration opportunities in the home and host societies.

6.5 The 'post-return' transnational livelihoods of Iraqi returnees

Is it appropriate to talk about 'post-return' transnationalism' if return is not the end of the refugee cycle, but a dynamic part of the ongoing migration experience? (Black and Koser, 1999) For the sake of conceptual and empirical clarity, this research uses a

subjective definition of 'post-return transnationalism' to explore the lived experiences of Iraqis who self-proclaimed themselves as having returned and re-established their principal residence in the home country despite their livelihoods rest on their transnational mobility, social networks and activities linking Iraq to neighbouring Syria and Jordan. De Bree (2010) emphasises that due to a certain receiving country bias in the transnational migration research agenda, the pre-return transnational orientations and practices of migrants have received much greater attention than their post-return reintegration experiences and transnational livelihoods. This section addresses this concern by looking at the post-return transnational mobility and livelihoods of Iraqi returning refugees from Syria and Jordan. It finds that a number of Iraqi interviewees engage in transnational mobility after return and for them the transnational social and professional networks that they have established in Syria and Jordan during displacement constitute a critical source of continued material wellbeing and moral resilience. When asked about her transnational life Hala commented:

Well, I'm in Jordan and in Baghdad, I think I'm more in Baghdad than in Jordan. In Baghdad there's my work, I kind of went back to my life in Baghdad with my husband but my children are staying here [Amman]. This is how I manage to work in Baghdad, if I know that they are safe here then I can work, and if I work with my husband there [Baghdad] I can support them to live peacefully here [Amman].

[...] we are in transit; we are sometimes here sometimes there. If the situation in Iraq is bad, we come here for a week or so, until things there get better. If there's a religious ceremony and we can't work there, we come here and spend some time with our children.

[...] I stay for few days, see my children, see what is needed here, cover the bills and I rush back to Iraq. This is how it is. It's interesting because it's not only me. I come on the flights and I see all sorts of politicians, business people, humanitarian people, I think we all live the same life, very funny, people in transit. Most of them have houses here in Jordan and work in Iraq.

Conceptualising Iraqis' livelihoods as taking place within transnational social fields (Levitt, 2004) allows the analysis to expand beyond those who returned to those who remained in the countries of refuge but are connected to returnees through the networks of social relations they established and sustain across borders. Transnational and diasporic connections between returnees and the members of their families and social networks constitute crucial support mechanisms for entire families and migrant communities. Sørensen and Olwig (2002) identified a typology of mobile livelihoods, 'staggered repatriation' that includes fragmented families, with one or two members,

usually male, returning to the home country in search for socio-economic opportunities, while women and school-age children remain in the country of asylum. Such livelihood strategy is perceived by the migrants as a safety net, since it allows them to reduce the economic and security risks of return. Dr Samir, the former civil servant who was subjected to the Accountability and Justice Law, left Iraq to Syria with his family in late 2006. Due to the absence of regular income-generating opportunities in the host country, in 2010 he decided to take the risk and return to Iraq to find a new job. He did not return to Baghdad, his area of residence before flight, he found employment in Erbil, in the Kurdistan region, where he took up a teaching position in a private university. He has embarked on the return experience alone, while his wife and two children remained in Damascus. When asked whether he was going to be fine away from his family, he replied:

We'll be apart only for a short period of time, until the children complete their school here [Damascus]. If I have three or four days off work I can come and see them. Now that I have a residence permit for one year I'm entitled to a multi-entry visa with which I can go out and come back as I wish. But this situation is temporary. If the conditions in Iraq change after the elections, if there are improvements in the security situation, [...] I'll take my family back with me.

The wellbeing of members of a household may be predicated on the return or indeed the onward migration of other family members (Monsutti, 2006; 2008; Van Hear, 2006). In line with earlier studies, Iraqis' strong desire and aspirations for 'permanent return' contrast with the temporary and transnational return strategies that they have developed in order to fulfil their immediate and longer-term needs unachievable through immediate permanent resettlement in their home societies (Eastmond, 2006; Sinatti, 2011).

Under favourable conditions, refugees and returnees can improve their lives and contribute to the reconstruction of economic infrastructures and the socio-political fabric of their home country through transnational activities and networks, by exposing the areas of origin to a constant flow of material and social remittances (Levitt, 2004). Nour, the 42 year old civil society activist mentioned earlier, returned to Iraq with his family in 2008. A few months after his return to Iraq, he moved back to Amman, where he had been offered a PhD place in a Jordanian private university. His wife and children have permanently resettled in Iraq, where they enjoy the protection and support of their

extended families and tribe. Every three months he visits them in Iraq and upon the completion of his doctoral studies he plans to join his family and find work in an Iraqi university. His aspiration is to use the postgraduate qualification and skills he is acquiring in Jordan to contribute to the nation-building process in his country:

I'll complete my PhD in International and Islamic Law and I hope I will be able to make a contribution in my field of expertise. [...]

I am convinced that in Iraq we need a strong Sunni political entity able to restrain the Shi'as and the Kurds and restore the necessary power balance. I would like to participate in person in the empowerment of the Iraqi Sunni community.

Those migrants with enough financial and material resources, try to optimise life in exile and turn it into an opportunity to acquire skills and experience that they can employ to facilitate their post-return reintegration and their participation in Iraq's reconstruction. Whether transnational livelihoods after return will benefit the Iraqi returnees and promote reconstruction and reconciliation in the areas of return depends on returnees' material and social assets, skills and attitudes, and whether the home government will adopt flexible and encouraging policies, will offer socio-economic integration opportunities and will create a stable and propitious political environment (Ghosh, 2000).

Refugees' post-return transnationalism is conditioned by structural inequalities such as refugees' position within past and present political power structures, their socio-economic status, age, ethnicity and religion, pre and post-flight circumstances that affect their access and mobilisation of resources before and after return (Cassarino, 2004; Horst, 2006). The Iraqi participants interviewed in Syria and Jordan are a group of returnees who could mobilise the necessary resources, connections and support mechanisms to pursue mobile and transnational lifestyles after return. Future studies will need to expand the investigation to returnee areas in central and southern Iraq and explore the experiences of Iraqi returnees who may be less, if at all, transnationally active.

6.6 Conclusion

This chapter has explored the nature and dynamics of return in the context of the Iraqi refugees displaced to Syria and Jordan after 2003. It offers interesting answers to theoretical and empirical questions concerning the relationship between refugees' return and transnational migration. The empirical findings presented in this chapter demonstrate

that return is a complex psychological, social and physical process that occurs over a long period of time and entails various degrees and modalities of cross-border mobility, transnational livelihoods and networks connecting the refugees to host and home societies.

The lack of resettlement opportunities and difficult living conditions in neighbouring countries influence refugees' decision-making processes and migratory plans. Iraqi refugees' return depends on their varying degrees of willingness and readiness to interact with the socio-political and economic transformations occurring in areas of return. The legal and socio-economic obstacles faced in Syria and Jordan limit their ability to mobilise resources before return. Consequently many refugees have to rely on pre-existing resources in order to return and reintegrate in their home areas. Those with enough financial and material resources, optimise life in exile and turn it into an opportunity to acquire skills and experience that could facilitate their post-return reintegration and their participation in Iraq's reconstruction.

Iraqis' potential and commitment to return and engage in developments at home is affected by the social, economic and political changes that have occurred in Iraq during their absence. Repatriation rarely results in the achievement of full citizenship rights. The transitional governments in Iraq have faced great challenges and have been seldom able, or willing, to grant returning refugees their fundamental rights and freedoms. In post-war Iraq, neither the economy nor receiving communities have had sufficient absorptive capacity to integrate returnees and meet their demands for basic services, employment and development opportunities. The institutional neglect of the needs and aspirations of the Iraqi returnees has increased their vulnerability and threatens the sustainability of their return inducing some to re-migrate.

In the absence of permanent integration opportunities in the home areas, a growing number of Iraqis pursue various types and modalities of transnational mobility and livelihoods after their return. A precautionary measure adopted by most unassisted returnees is renewing their residence permit before their departure to Iraq. Holding a valid residence permit allows them to re-enter Syria and Jordan at any time, without facing immigration restrictions and without being charged expensive entry-visa fees.

Some Iraqi families reside in Syria and Jordan while members of the family, generally males, go to Iraq to work and send/bring money back. Some other families have permanently resettled in Iraq and regularly visit Syria and Jordan to undertake medical treatment, run businesses and rest from the hard living and work conditions in Iraq. Some refugees visit Iraq to collect pensions, rents and check on their properties and businesses. The evidence about refugees' transnational mobility and livelihoods before and after return suggests that access to transnational mobility opportunities is a precondition for embarking on a sustainable return process.

The international refugee regime has acknowledged the importance of Iraqis' transnational mobility and livelihoods between Iraq and neighbouring countries of asylum. Yet the policies of UNHCR and western donors are still informed by a permanent and sedentary conception of return as a durable solution that impedes the provision of adequate protection and assistance to Iraqi returnees. Prospective returnees react to irresponsive and counterproductive return policies and interventions by embarking on the return process unassisted and juggling with official immigration and asylum statuses in order to enhance their freedom to engage in transnational mobility and livelihoods as alternative solutions to their protracted displacement. Between 2003 and 2011, the number of Iraqi beneficiaries of the UNHCR Voluntary Return Programme has been very low compared to the estimated number of Iraqis who returned unassisted.

The recurrent discrepancy between the number of assisted and spontaneous returns in various displacement contexts prompts critical questions about dominant understandings and operational approaches to refugee return and transnational mobility. Should refugees accommodate to the bureaucratic requirements of the international refugee regime and governments or should institutional approaches be revised to be more responsive to the lived experiences and needs of forced migrant populations? Is return a sedentary and permanent act or a dynamic and gradual process? Is it possible to establish a clear-cut distinction between voluntary and forced migration experiences? Due to political disinterest these questions are often underestimated, leading to inadequate knowledge and understanding of spontaneous refugee return movements, their nature and dynamics, and their impact on the reconciliation and reconstruction of war-affected societies. Further research on returning refugees' transnational mobility and livelihoods would be valuable

to increase knowledge and understanding of the complex individual and societal processes of return migration to conflict or post-conflict societies and to inform more effective policies and interventions aimed at increasing protection and assistance for refugees in situations of protracted displacement.

Chapter Seven: The role of communication and information in Iraqi refugees' displacement and return

7.1 Introduction

The chapter investigates the role of information and communication in the context of Iraqi refugees' return from Syria and Jordan. Iraqi refugees' desire to return and their commitment to re-building their own lives in the country of origin depend on their perceptions and expectations of 'home', which can differ from those of other stakeholders. The decision to return entails refugees' subjective comparison of the degree of economic and socio-cultural integration achieved in exile vis-à-vis information concerning conditions in return areas. Clearly, refugees can directly assess their living conditions in the countries of asylum. In contrast, accurate and reliable information on the security situation in Iraq, and challenges and opportunities for return are not always readily available. The Iraqi authorities and the international humanitarian actors have not provided Iraqi refugees with updated information on conditions in return areas and advice on the available reintegration assistance.

The chapter argues that the lack of information provided by institutions is partly due to their limited institutional presence and operational capacity in Iraq as well as to problems of cross-institutional information-sharing and cooperation (Constant et al., 1994; Tsai, 2002; Kim and Lee, 2006; Tung-Mou and Maxwell, 2011). However, the provision of institutional information, or the lack thereof, can also be seen as a governance tool adopted by state and non-state actors to control and manage the Iraqi displaced and indirectly steer their unassisted return and cross-border mobility in the region. The theoretical and empirical discussion of the role of information and communication draws upon the Foucauldian notion of governmentality (Foucault, 1980; 1991) and its re-elaboration and application in migration and refugee studies (Epstein et al., 1999; Hyndman, 2000; Hyndman and Mountz, 2007; Epstein, 2007; Pécoud, 2010).

Iraqis in Syria and Jordan have responded to the absence of reliable and updated institutional information and advice by developing their own informal information and communication systems that enable them to collect and disseminate personalised information on challenges and opportunities for return. Their communication and

information systems are based on the use of modern information and communication technologies (ICTs) and on their transnational mobility and social networks. Institutional actors could improve their performance by making their policies and practices more transparent and accountable to their beneficiaries and by incorporating refugees' informal communication and information systems into official return assistance programmes, which maximise the participation of returnees and members of receiving communities as key information agents.

The findings¹² are presented in five sections. Section two investigates problems of cross-institutional information-sharing and cooperation in the context of the Iraqi displacement in Syria and Jordan. Section three applies the concept of governmentality to show how information and communication systems are instrumentalised by state and non-state actors as migration governance tools to manage the Iraqi displaced and steer their decisions and practices of return. Section four highlights Iraqis' agency and the independent communication and information systems that they have developed in the absence of accurate and reliable institutional information and advice. Section five draws some conclusions and recommendations for the establishment of integrated refugee information systems.

7.2 Cross-institutional information-sharing and cooperation in the Iraqi displacement context

In October 2010 the UNHCR published the results of a survey of Iraqi refugees' post-return experience. According to the poll carried out by the refugee agency: "A majority of Iraqi refugees who have returned to Baghdad from neighbouring countries have regretted their decision, citing insecurity, economic hardship and a lack of basic public services" (UNHCR, 19 October 2010). The UNHCR reported that many of the returnees stated

¹² The findings presented in this chapter have been disseminated in a preliminary research report on 'Iraqi refugees' repatriation from Syria and Jordan: facilitating well-informed decisions', published in 2010 in the Bulletin of the Council for British Research in the Levant, Vol. 5; and in a feature article on 'Iraqi refugees' informal information systems in Syria and Jordan', published in the Bulletin of the Council for British Research in the Levant, Vol. 6.

that they were obliged to return to Iraq due to the economic hardships they faced in asylum states, and that more than one third said that they may re-migrate to nearby countries again if conditions in Iraq do not improve (UNHCR, 19 October 2010). These findings make one wonder whether the Iraqi returnees took well-informed decisions about return. Were the refugees aware of the evidently unsatisfactory conditions in their home country when they decided to go back? How did they obtain information about the security situation in Iraq? It is not clear whether the UNHCR Return Monitoring Team investigated the sources, nature and impact of the available information on Iraqi returnees' decision-making processes. It is certain, however, that since the end of the US-led invasion of Iraq until March 2011, the time of completion of the fieldwork for this research project, the international humanitarian agencies and the Iraqi authorities charged with protecting and assisting the refugees had yet to establish effective information and communication systems to facilitate prospective returnees' well-informed and voluntary decisions about return. The lack of information campaigns to raise Iraqi refugees' awareness of prevailing conditions in home areas is connected to the fact that the UNHCR is not promoting large-scale repatriation to Iraq. The UNHCR Handbook on Voluntary Repatriation/International Protection states (1996:32):

Where UNHCR is only facilitating (spontaneous) repatriation, information campaigns with a view to promoting voluntary repatriation are not normally appropriate. However, the provision of accurate and objective information on the situation in the country of origin by UNHCR will be an important activity. When providing information in the absence of an intent to promote repatriation, some of the following methods of information-sharing may still be useful.

The methods of small-scale information-sharing endorsed in the handbook include: posters and leaflets, verbal presentations at public or community meetings, broadcasts on public address systems, audio tapes, videos or films, establishment of refugee information committees, house-to-house visits by UNHCR staff and information committee members, individual counselling, approaching refugees through NGO networks, churches and other groups, visits by authorities of the home country to the refugees, provided that the refugees have been consulted and have no objections or reservations (UNHCR, 1996).

During the period of field research in Syria and Jordan the home government, the UNHCR and other international humanitarian agencies employed these methods occasionally to inform the refugees about return and reintegration assistance. Yet, the

available information focused on the assistance available to refugees who wished to go back; there was virtually no institutional information about conditions in return areas and assistance available in Iraq. What are the reasons of the lack of institutional information in the Iraqi displacement context? The findings presented below indicate that the lack of updated information and advice to potential returnees has been partly caused by the unstable security situation and the limited institutional presence and operational capacity in Iraq. Problems with inter-agency and inter-ministerial information-sharing, coordination and collaboration have also complicated the provision of reliable information to refugees.

International organisations' monitoring and operations in return areas dramatically decreased with the enforcement of the UN restrictions on the deployment and movement of international staff following the bomb attack against the United Nations Headquarters in the Canal Hotel in Baghdad on the 19th of August 2003 that provoked the death of the Secretary General's Special Representative, Sérgio Vieira de Mello, along with other twenty UN staff. The UN-funded return and reintegration programmes inside Iraq have therefore been implemented by Iraqi staff and local NGOs. For its operations in Iraq, the UNHCR has developed Project Tracking and IDP databases that purportedly allow it to implement projects at a lower risk to all stakeholders and to improve financial accountability, oversight and transparency (Harper, 2011). Interviews and informal conversations with personnel of the UNHCR, IOM and other INGOs working with the Iraqi refugees in Syria, Jordan and Iraq, however, have revealed that these agencies have limited information about the reality on the ground in Iraq and about the assistance offered by Iraqi and international agencies in return areas. According to an IOM Iraq Displacement Monitoring Officer based in Amman, the lack of security has hindered the establishment of effective information-sharing and coordination mechanisms between different humanitarian assistance providers on the ground and the responsible Iraqi authorities:

There are outreach teams working for various organisations and there's not yet coordination or enough coordination at the field level. For example, there's an outreach team and they know something that our outreach team doesn't know. Right now, the way this work is that the information that they collect in the field goes to their Baghdad offices and our information goes to our Baghdad office and then, maybe the two agencies talk. Unfortunately that developed because of security concerns. For a long time and in some cases until now our staff keep their identities and their employers secret because it's dangerous to work for international organisations. Certainly you don't want it to get to be known that there's a whole bunch of UN representatives that are having a meeting, you

know, on such and such a day in such governorate. It's just not safe. Because of that the coordination still continues to happen at a very centralised level. I don't know what the solution is except for trying to work very carefully, I certainly think that it is positive when you can have more direct coordination at the field because things happen more quickly; those who work in the field are more knowledgeable about what's going on than the people in the head office in Baghdad.

The INGO officers interviewed for this study showed understanding of the importance of cross-institutional information sharing but because of the centralised nature of authority and control, bureaucratic organisational boundaries, internal operative guidelines and procedures, and information clearance mechanisms (Constant et al., 1994; Tsai, 2002; Kim and Lee, 2006; Tung-Mou and Maxwell, 2011) they seemed less aware of what information could be shared with and retrieved from other institutional and non-institutional partners, including the Iraqi authorities. Lack of time and human resources also complicated inter-agency communication and information sharing. Pressures due to time and staff shortages led the various international humanitarian agencies in Syria and Jordan to prioritise projects and issues under their direct responsibility over cross-organisational information sharing initiatives. Moreover, despite the adoption of the Cluster Approach to strengthen the coordinated response of the international humanitarian regime in emergency situations, the UN agencies working with the Iraqi refugees appeared reluctant to share with potential competitors information and knowledge, which they produced investing their budget, staff, networks, and time and which is the basis of future funding proposals for their programmes (Willem and Buelens, 2007; Pardo et al., 2006, Pardo et al., 2007). The limited information-sharing and cooperation between the UNHCR and IOM, for example, could plausibly be seen as a strategy for securing a relevant role as leading service provider in the increasingly competitive international migration and refugee regime complex (Betts, 2009; 2010). When asked how IOM produces and disseminates information about the available return and reintegration assistance to potential beneficiaries and other stakeholders, the IOM Capacity building officer answered:

To be honest, I don't have a clear picture about the assistance provided to the returnees and it is something I want to learn more about. We have approached some donors about the implementation of a referral system at the border crossings but it hasn't led to funding for a project yet. We do understand that this [the lack of information] is a gap and we are keeping it in mind. I would have assumed that even if the UNHCR Iraq does not provide any information about the government to the returnees, they should have an overview, if they don't I wouldn't know...I assume that the UNHCR Iraq would know about the assistance provided by the Iraqi authorities [...] When I go to Baghdad next week, I want

to have a chat with UNHCR colleagues, just for my personal information.

Above and beyond problems of inter-agency communication and information sharing, the representatives of IOM and UNHCR interviewed for this study reported facing difficulties in obtaining information from the Iraqi authorities. The Iraqi embassies in Syria and Jordan have scarce resources and depend on the information and directives arriving from Baghdad. Problems of communication and information sharing between the various Iraqi ministries and other executive authorities lead to embassies facing delays and obstacles in inter-institutional collaboration. During an off-the-record and unrecorded interview with the researcher, a high-profile member of staff of the Iraqi embassy in Amman was unprepared to answer most questions concerning the return and reintegration assistance provided to Iraqi returnee families by the Iraqi government. He justified his lack of knowledge by asserting that the various ministries do not share information with the embassies and, if they share information, they do it with delays and other problems. He claimed that the lack of communication and information sharing between the various Iraqi ministries exposed the staff of the Iraqi embassy to the complaints of the Iraqi visitors and the negative judgment of foreign observers. He added that the absence of directives from Iraq sometimes resulted in bureaucratic backlogs and mistakes.



Fig. 7.1 - Public announcements of return and reintegration opportunities for Iraqi health professionals and military officers who served during the former regime

According to the IOM officer implementing the capacity building projects for the MoDM staff in Baghdad, the ministry did not implement a public information campaign about the return and reintegration assistance provided by the Iraqi authorities due to the seven-months long political stalemate after the 2010 general elections and to the failure of the winning political coalitions to reach a power-sharing agreement and form a new government:

What people can see is a minister but he no longer has the authority. He's only a figure, he takes simple decisions but he cannot take decisions about the budget of the ministry, for example. Launching a large-scale public campaign requires a lot of money but the allocation of the budget for the MoDM and for all the other ministries is on hold. In stable countries there is a strategic plan that is approved and doesn't change even when a new government is elected. But this government and this ministry don't have a strategic plan; so basically they cannot approve any budget of any ministry until a new government is formed. This is why they didn't do any public campaign to promote return.

Internal political instability and competition between the ruling ethno-sectarian parties has complicated communication, information sharing and coordination between the various Iraqi ministries, which are divided and controlled according to the post-2003 *muhasasa* system, that is the division of the state ministries among the ethno-sectarian factions that won the 2010 elections and have negotiated the uneasy power-sharing deal in Iraq. The IOM Capacity Building Officer described the challenges faced by the organisation to facilitate an inter-ministerial task-force between the various ministries involved in border management:

The MoDM is relatively small compared to the MoI [Ministry of Interior] which is huge. The bigger and older the ministry is, the more difficult to change its internal structures and habits and make it exchange information, not only within departments but also with other ministries. This is why we had this inter-ministerial task force that really is just meetings but this is how we make people from different ministries meet and share information and ideas. We do recognize, even after all these years, that this is one of the key problems they [the Iraqi authorities] have. It becomes even more acute at the border. In many countries around the world, you have one border agency, for example in Canada or in the US, one agency takes care of the borders, but in Iraq you have many ministries involved in the management of border crossings. Imagine, you have a very little border crossing and the various ministries have offices literally next to each other but if you ask them: do you guys meet? Do you guys talk to each other? Do you share information? They are there right next to each other, they see each other on a daily basis but they don't talk, they don't. This is one of the smallest border-crossings, they are all in the same building. So you can imagine in Baghdad, where they are all in different buildings in different areas, with all the problems and issues that they face. They don't understand the advantage of sharing information. Information is something that they secure carefully.

Government offices may resist sharing information because it is a source and an

instrument of power and control over resources. Moreover, Iraqi ministries may resist cross-institutional information sharing as it may increase their visibility and the exposure of their performance to public scrutiny and evaluation (Pardo et al., 2007). Despite the lack of security and the limited technical and operational capacity and despite the inter-agency and inter-ministerial distrust and competitive relationships, the Iraqi authorities, the UNHCR and IOM have jointly produced some information on the displacement situation in Iraq. As the following part of this chapter shows, however, there is a mismatch between the information produced and disseminated by institutional actors and the information sought and consumed by the Iraqi displaced.

The Foucauldian concept of governmentality introduced in chapter two is used in the following section to analyse how, in this refugee context, the provision of information, or the lack thereof, has been an instrument of migration control, or better a strategy of remote control adopted by state and non-state actors in order to influence and guide the decisions and the migratory behaviours of the Iraqi displaced. The following analysis of the information generated and disseminated by state authorities and international organisations through official means including reports, posters and leaflets about voluntary return assistance and counselling sessions with UN protection officers, reveals the techniques of self-discipline or self-government devised by these powerful institutional actors to manage the Iraqi forced migrants.

7.3 Information and communication systems as migration governance tools

Similarly to other refugee situations, the home and host governments and international organisations generate information about the Iraqi displacement and return through the categorisation, counting, and coding of refugees (Hyndman, 2000; 2007). The information produced through these exercises is disseminated in the form of statistical reports, return updates, fact sheets, charts, maps, monitoring and need assessments and other standardised informative materials accessible on online databases such as the UNHCR Project Tracking and IDP databases, ReliefWeb, IRIN and IAU for an audience of international donors, governments, humanitarian practitioners and academics but seldom accessed and used by the forced migrants.

This type of information is useful for institutional planning but refugees do not use it because it is either not easily accessible, being mostly disseminated on English language online databases, or when accessible, is not tailored to meet their concerns and needs (Walsh et al., 1999). Institutional information on conditions in home areas is often too general and does not target specific places in home areas or particular individuals or groups in the home and host countries (Koser, 1997). It does not focus on refugees' personal characteristics such as gender, age, health conditions, nature of settlement and length of time in displacement and different economic and socio-cultural priorities and projects between first generation migrants and later generations born in exile.

Moreover, it has been argued that such forms of standardised knowledge and information constitute a governance tool that constructs refugees as deviant numerical objects that need to be ordered and managed (Hyndman, 2000). Humanitarian discourses and practices tend to deprive refugees of their historically and culturally diverse identities and present them as undifferentiated masses of agency-less and speechless humanity whose personal interests and needs no longer drive their actions (Malkki 1995; 1996). The 'victimisation' of refugees legitimises the design and implementation of policies and practices that relegate refugees to passive recipients of humanitarian and development interventions planned and implemented in absentia by 'expert' foreign interveners (Barakat, 2008). The translation of refugees' lived experiences into standardised cartographic, statistical and textual data constitute acts of management and social surveillance and enact unequal and asymmetric power relations between the refugees and institutional actors who use these techniques of power to govern displaced populations often resenting and resisting these practices as culturally inappropriate (Hyndman, 2000). Government agencies generally inform repatriation policies and plan development interventions only by consulting institutional actors such as UN agencies, think-tanks, military sources, and embassy personnel. Returnees and members of receiving communities are hardly regarded as precious sources and mediators of information who can contribute with their knowledge to policy-making, project planning and resource mobilisation (Ghosh, 2000; Dumper, 2006). Information and communication systems have been used as a governance tool in a number of ways in the Iraqi refugee context where the asymmetric interaction between the refugees and the UN case workers often translated into encounters aimed at extracting personal information from the migrants in

order to assess the credibility of their claims rather than providing them with useful information and advice about return and reintegration assistance.

A number of Iraqi interviewees have expressed frustration at the UNHCR and IOM's delay in examining their asylum applications, some of which have been pending for over three years. In a number of cases, refugees have protested about the tendency of UNHCR and IOM to withhold the notification of refusal of their resettlement applications until it was too late for the migrants to present an appeal against the decision. Oday, a 40-year-old engineer, complained about the lack of clarity and transparency in INGOs dealings with the Iraqi asylum seekers:

The UN is supposed to inform the Iraqis either of the approval or the rejection of their applications, so that we know and can seek other ways and look after our future. I am hanging on to my last shred of hope. They have to deal with us in a clear way. We know that they try to help us, and we know that the issue is not solely in their hands and that they respond to external requirements, but there must be clarity from their part. People want to know their destiny.

In informal conversations, humanitarian actors justified their lack of clarity as a necessary measure to ensure field staff security and to enhance their management of a large and highly mobile refugee population often holding unrealistic expectations about the availability, scope and nature of institutional assistance (Iaria, 2011; Saltsman, 2012). According to the humanitarian reasoning, refugees' increased awareness of eligibility criteria and other internal guidelines would prompt them to manipulate humanitarian aid policies or make false statements in order to obtain resettlement or more financial and material assistance. The lack of institutional transparency and clarity was therefore a strategic management choice that limited the refugees' control over their personal circumstances and their ability to independently devise alternative solutions to their problems. These ambiguous governmental practices added to the stress of refugees who had often already suffered traumas and human rights violations.

A number of voluntary repatriation counselling sessions at the UNHCR Registration and Food Distribution Centre in Duma, Syria, were observed as part of this research. During the VRP counselling, the protection clerks solicited personal information from the refugees in order to assess their willingness and readiness to return to Iraq without clarifying the need for such information. In return the refugees received scant information

and advice about the security and socio-economic conditions in Iraq and assistance available upon return.

When interviewed, a senior UNHCR Syria Registration Officer in charge of the VRP counselling claimed to be unfamiliar with the type of return and reintegration assistance provided by the UNHCR Iraq and the Iraqi authorities. He had not been briefed by his supervisors on such information. He could provide prospective returnees with mobile numbers and email contacts of the Return, Integration and Community Centres (RICCs), the Return Assistance Centres (RACs) and Protection and Assistance Centres (PACs) in the various Iraqi governorates, but there was no clear information regarding the type of assistance provided by these centres. He claimed that his role as a VRP counsellor was exclusively to inform the refugees of UNHCR Syria return assistance. Providing information concerning other UNHCR regional offices was not his responsibility. He suggested that the refugees could obtain further information by directly contacting the UNHCR Iraq offices and the Iraqi embassy in Syria. As part of the VRP counselling, refugees were originally offered the opportunity to meet Iraqi MoDM officials to acquire information on security and socio-economic conditions in Iraq and the availability of reintegration assistance. In the UNHCR Registration centre in Duma, the MoDM officials were not present to meet potential returnees.

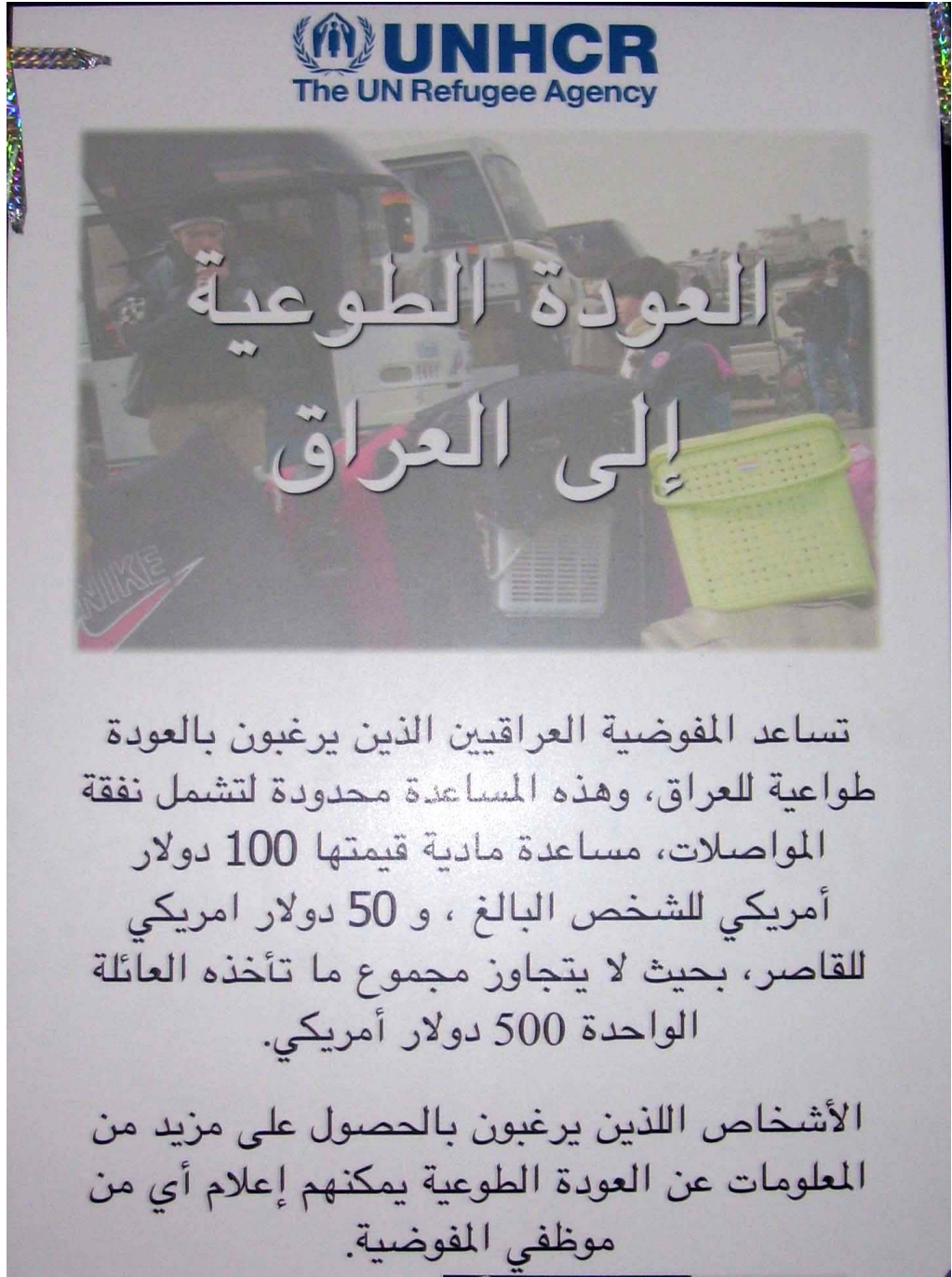


Fig. 7.2- Informative poster in Arabic about the UNHCR Vol. Rep. Program affixed on the wall of a community centre in Zarqa, Jordan, February 2011

The absent or limited interaction of the Iraqi authorities with the Iraqi nationals in the host countries was a recurrent theme in the interviews with Iraqi refugees in Syria and Jordan, who expressed a sense of abandonment, lack of confidence and disappointment with the performance of the new Iraqi government. The doubts and distrust of the Iraqi refugees were alimented either by their disappointing personal experiences and interactions with Iraqi authorities or by other people's accounts of institutional inability,

and sometimes unwillingness, to provide information and assistance to refugees and returnees. The lack of confidence towards the Iraqi authorities was voiced by Abu Zainab, the president of an Iraqi association assisting Iraqi refugees in Syria:

When a senior figure in the Iraqi Ministry of Displacement and Migration announced the intention to repatriate all Iraqis in exile, I told him: - if the ministry is not able to return Iraqis from one area to another within Iraq, how could it possibly repatriate Iraqis from abroad?! - Many Iraqis before leaving Iraq were living in rented houses; now if they go back they will need affordable accommodation and a job.

Guided by scepticism and doubts about the willingness and ability of the Iraqi authorities to provide any assistance, a significant number of Iraqi participants have returned to Iraq by relying on their informal support networks. Raed, a 68-year-old professor of physics, returned to Iraq unassisted after he learnt that the Iraqi authorities did not honour promises of assistance:

The Iraqi government claims to assist Iraqi returnees but they just make propaganda. I heard on the news that they merely provided two buses for the people who registered to return with their assistance. Some Iraqis arrived at the borders and were left there for three days waiting for transports to arrive from Baghdad to take them home.

Previous research has highlighted how state and non-state actors can construct and disseminate specific forms of knowledge and information to influence migrants' perceptions, decisions and migratory projects (Walsh et al., 1999, Pécoud, 2010). Hyndman and Mountz (2007) have interpreted the strategic 'absence' of the state as a technique of refugee control and exclusion through the systematic positioning of the migrants outside official assistance channels, where moral and legal protection mechanisms are ambiguous or suspended. The strategic non-presence of state authorities enables governments to simultaneously maintain the façade of responsibility and commitment to a range of international agreements concerning the rights of migrants and refugees, while at the same time avoiding the accountability inherent in these agreements through the maintenance of zones of legal ambiguity and uncertainty.

The absence of state guarantees for returnees' safety and the lack of information about institutional return and reintegration assistance has had a negative influence on Iraqis' decisions and actions with respect to return. The lack of institutional information, protection and assistance created apprehension among Iraqi interviewees, whose fear of

return was grounded on the perceived risk of being exposed to renewed abuses and violence given the absence of security and law enforcement in their country. The fear of being identified by potentially dangerous agents led some Iraqi families not to report their return to the state authorities and not to seek reintegration services. Abu Ahmad, a 40-year old plumber accepted the UNHCR Vol. Rep. cash grant to cover the travel expenses for his family to go back to Iraq but upon his return to Baghdad he did not seek return and reintegration assistance from the local authorities and UN offices for fear of being questioned and becoming a target of institutionalised social control and violence:

[...] I won't go to the UN office in Baghdad, I won't go to avoid problems, I don't want to present myself and tell them that I was a refugee in Syria.

V: Why don't you want to go? Don't you need assistance? They may be able to help you.

AA: I told you, if I return to Baghdad I won't go, but if I return to Sulaimaniya I will go and seek assistance. In Baghdad, the security situation is not good, they will ask me many questions and I don't want them to know.

Despite the great need for protection and compensation for their losses, the lack of confidence and mistrust towards public authorities prevents returnee families from registering with the Ministry of Migration and Displacement for reintegration assistance. In order to obtain information and support from local authorities some respondents had to pay bribes or use their personal recommendations and connections with the sectarian political groups, which controlled the various ministries and public offices. Some returnees gave up their rights to social welfare and services from state institutions in order to preserve their dignity and avoid the frustration of dealing with the disorganised and corrupted Iraqi bureaucratic system.

For the above mentioned reasons, the Iraqis participants in this study questioned the motivations of the Iraqi authorities and international humanitarian assistance providers and received institutional messages with scepticism and distrust. In the absence of reliable, updated and relevant institutional information, the Iraqi refugees have developed their own communication and information systems by collecting and disseminating personalised information on challenges and opportunities for repatriation, instead of passively receiving it from institutional sources. As will be discussed in further detail below, Iraqi refugees' informal information and support mechanisms are based on the use

of modern information and communication technologies (ICTs) and their own transnational mobility and social networks.

7.4 Iraqi refugees' informal communication and information systems

This qualitative study conducted with a total of 70 Iraqi participants, 35 in Syria and 35 in Jordan, found that in the absence of the provision of accurate and relevant institutional information, many Iraqi refugees have developed informal information production and sharing systems based on the use of modern information and communication technologies (ICTs) and their transnational mobility and social networks. Research participants reported that they obtained information through phone calls to family and friends in Iraq, the news on satellite TV channels, visits to and from home areas and word of mouth communications with other Iraqis living or transiting in the host countries. The following chart illustrates the frequency with which the research participants in Syria and Jordan used the different means of information. The chart shows responses to the open question: “how do you obtain information about your country of origin?” The cases in the Y axes correspond to the number of participants who reported using the information means listed in the X axes. The chart illustrates that both in Syria and Jordan all the participants reported using more than one means of information.

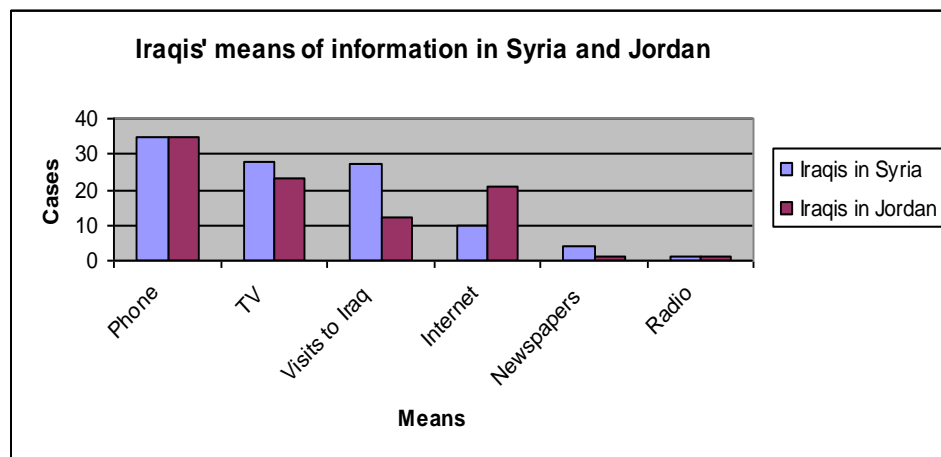


Fig. 7.2 - Iraqis' means of information in Syria and Jordan

Each means is discussed separately below, with the exception of Iraqi hard-copy newspapers and the radio that are the least used media in the neighbouring countries of asylum as they are not easily accessible. The patterns of usage of such media are

influenced by the ICT infrastructure and services available in the home and host countries, but also by the legal status and socio-economic characteristics of the Iraqi migrants.

7.4.1 Mobile phones

A number of studies have highlighted the increasing reliance of migrant and refugee communities on mobile phones in order to bypass physical distance and time constraints in communication (Horst, 2006; Wall, 2011; Danielson, 2012). Mobile phone calls are also the principal channels of communication of Iraqis in Syria and Jordan. In both home and host countries, mobile technology penetration is higher than internet penetration and mobile phone technology is accessible at affordable prices. In Iraq, land-line services are almost non-existent outside of Baghdad. Consequently, since their launch in 2004, mobile phone services have boomed to reach penetration rates as high as 75.4%. Mobile-cellular penetration rates in Syria are low compared to the rest of the region at 54.8%. In contrast, the Jordanian mobile market is among the most liberalised in the region with several operators competing for customers, resulting in reduced mobile phone roaming charges. The affordable prices have led to very high active subscriber numbers with 116% of the total population (ITU, 2012).

There are no official statistics about the level of usage of mobile phones among Iraqis in Syria and Jordan. However, all the Iraqi respondents in this study were in possession of and used a personal mobile phone to exchange national and international phone calls, including calls to and from Iraq. The widespread usage of this innovative communication technology allowed UNHCR field offices in Damascus and Amman to contact the registered asylum seekers by calling them or sending them SMS messages to inform them of available assistance. In 2008, the UNHCR Return Monitoring Team conducted follow-up interviews by phone to check the conditions of returning refugees¹³.

All interviewees reported using the vocal and SMS functions to communicate with family and friends in Iraq and check on their safety and wellbeing on a daily or weekly basis. Phone calls play a crucial role in the establishment, maintenance and

¹³ Interview with a UNHCR Return Monitoring Officer, Damascus, Kafer Sousah , 20 April 2009.

transformation of migrant transnational social relations (Vertovec, 2004). Sharing audio, text and visual messages allowed most participants to maintain their virtual presence and ties with meaningful others boosting their emotional resilience in a situation of physical long-distance separation.



Fig. 7.4 - Iraqi young woman sends SMS from her mobile phone, Amman, Jordan, March 2011

For detailed information about the security situation and return and reintegration opportunities in their home areas, most Iraqis rely on daily or weekly phone calls to relatives and friends. Maha, a 34-year-old refugee with a degree in English literature, called her friends to seek information about postgraduate education opportunities in Iraq:

There is a doctor who was teaching in a university here in Amman. She went back to Iraq and she told me to call her if I need any information. So I call her from time to time to know how she is and to seek information about PhD opportunities in Iraq.

In the absence of reliable institutional information, the Iraqis trusted information generated by themselves or by trustworthy informal sources and agents, who produced news oriented towards their own personal concerns (Walsh et al., 1999). Phone communications with family members, friends and other trustworthy people were considered the principal means of information but some Iraqi interviewees showed awareness that personal information agents may more or less consciously alter qualitative

features such as the nature, scope, accuracy and directedness (Koser, 1993) of the information they convey. When asked about his sources of information concerning the security situation in his home area, Abu Jaber, a 39 year old man replied:

I cancelled my trips to Iraq several times. In 2007, one year after my arrival in Jordan, I thought of going back permanently. I called my relatives... my family are my source of reliable information. They told me that the situation was improving in the Salwa areas where people started fighting terrorists back and collaborate with the Americans to find criminals and send them to justice. The person who told me this may be honest but his information was limited to the area where he lives. He didn't know whether the way from Baghdad to Amman was safe for instance. I called a driver who goes back and forth between Amman and Baghdad and I asked him information about the situation at home. I called many people and they told me that the situation was bad and they discouraged me from going back to Iraq.

Refugees' decision-making processes are strongly influenced by the available information about conditions in home areas, how it is circulated amongst them, and how they subjectively evaluate and react to it (Koser, 1997). The information acquired through informal social networks contributes to raising refugees' expectations about their post-return experience (Turton et al., 2002). In some cases, Iraqi refugees have realised only upon their return that the information obtained by informal sources was less accurate or objective than they expected.

7.4.2 Satellite TV channels

During Saddam Hussein's regime, TV broadcasting was under strict state control and censorship; watching satellite TV channels was banned and was punished by imprisonment and fines (UNDP and GoI, 2008). Tareq, a 53 year old mechanical engineer shared memories of the isolation of the Iraqi society before and during the years of the economic embargo:

You see, the Iraqi people have been closed in their own world for a long time. Even before the embargo, in Iraq there was no satellite TV, no internet, no mobile phones, it was also very hard to obtain permission from the regime to travel abroad. [...] For many years the country was deprived of any technological development. For security reasons Saddam forbade the use of mobile phones. He forbade satellite TV systems to prevent the Iraqis from entering in contact with the western culture and way of life.

The collapse of the Iraqi Ba'athist rule in 2003 opened the doors for ICT imports and heralded greater freedom of expression, independent media and political pluralism in Iraq. Shortly following the end of the Coalition military operations, hundreds of local and foreign private TV and radio stations were established in addition to the national public

broadcaster, Al-Iraqiya. A growing number of Iraqi homes were equipped with relatively inexpensive satellite TV hardware and software, enabling the Iraqis to watch and engage with free national and international TV channels. According to the Irex Audience Measurement Survey, the television is the first source of information inside Iraq with a daily average of 16 million Iraqis watching the news on the TV (Irex, 2010). The increasing availability in Iraq of new communication and information technologies has enabled the migrants to reach beyond their physical location and become members of transnational communication networks linking home and host societies and to participate from a distance in Iraqi socio-cultural life and politics (Chatelard, 2009).

Most research participants in Syria and Jordan have access to satellite TV systems either at home or in public places such as cafés, restaurants, shops, and offices of private businesses. They reported watching the news about Iraq on a number of national and foreign satellite TV channels available without restrictions. Iraqi interviewees in Syria and Jordan confirmed that the TV is a fundamental means of information, yet they had trust issues with Iraqi TV channels sometimes seen as inaccurate information agents. Mustafa, a 45 year old Iraqi owner of an import export company based in Amman explained:

Sometimes I watch the news on the TV and the internet but it's basic information about official events. The media don't disseminate information accurate 100%. For example in the news they say that there was an explosion that caused one victim and 10 injured. You have a friend who lives near the place of the explosion and he says that the explosion caused 10 victims and 50 injured. On TV sometimes they alter reality by disseminating inaccurate information. I obtain more accurate and detailed information from the people who are there [in Iraq].

Freedom of expression is a novelty in Iraq and the country is in the process of developing a comprehensive regulatory framework for the work of the media in the peace-building and reconstruction process. The Communications and Media Commission of Iraq (CMC) was established in 2004 with the aim of setting the legal framework and the editorial guidelines for the content of TV and radio programs. The CMC has faced the challenge of creating a code of practice that balances the principle of 'freedom of speech' with preventing the use of the media to incite ethno-sectarian divisions and violence in the Iraqi society (Salloum, 21 December 2009). Some participants showed a high degree of awareness and criticism of the performance of Iraqi and international media outlets and

the information they disseminate. In the words of Ahmed, a 32-year old TV director of an Iraqi satellite channel:

The plurality of the media in Iraq is supposed to enhance freedom of information. But political parties manipulate the media to spread news that only reflects their views and interests. [...] There are media linked to religious groups, some linked to political parties, others to the Ba'ath; you can understand their affiliation and orientation by reading their news headings. Al-Sharqiya is the first TV channel in Iraq and it's independent, Al-Baghdadia and Al-Summaria are also independent channels.

The sectarian and political ownership of the media entails that the information that each channel disseminates reflects the ideas and interests of its sponsors and therefore lacks objectivity and impartiality (Al-Marashi, 2007). In his study of media consumption among members of Arab migrant groups in Berlin, Rinnawi (2012:1451) argues that Arab satellite media reinforce migrants' transnational political and religious engagement by promoting a form of 'instant Arab nationalism' while the media become a 'cyber mufti'. Aware of the politicisation of information, most Iraqi participants filtered and cross-checked the messages they received from media outlets with information produced through more independent systems, such as personal visits or email and phone communications with family and friends in Iraq.

7.4.3 Internet

Most studies on refugees' usage of web-based technologies have been conducted in resettlement countries in the global north (Kabbar and Crump, 2006; Leung 2010, 2011; Flemming, 2011; Oiarzabal and Reips 2012) mainly due to more developed infrastructure and facilities. Despite the limited regional access to affordable and efficient internet services, the internet plays an increasingly crucial role as a communication and information means among the Iraqi displaced in Syria and Jordan. At present, internet infrastructure and facilities in Jordan are better developed and more affordable than in Syria and in Iraq. Internet penetration rates in Iraq are among the lowest in the region, due to the lack of high-speed internet backbone infrastructure and delays in the establishment of a national telecommunications regulatory framework. Internet usage among the Iraqi people in Iraq, Syria and Jordan also varies depending on individuals' age, socio-economic characteristics and computer skills.

In Iraq a number of capacity building projects have been implemented to improve the

state of ICT facilities in the public and private sector, to increase computer awareness and provide training courses for beginners in educational institutions (UNDP and GoI, 2008). Private internet services, restricted during the Ba'ath regime, have begun proliferating thanks to the availability of personal computers in the retail market and satellite broadband systems. However, due to underdeveloped infrastructure and the high prices set by network providers only 2.5% percent of the Iraqi population uses the internet (ITU, 2012). Most users inside Iraq access computer and internet services in public places such as internet cafés but the unstable security conditions may prevent Iraqi people's movement and the ability to use public internet facilities. The Irex study indicates that with improvements in the security situation and in the reconstruction of the country, the internet market will rapidly grow and will challenge other information means like the radio and newspapers (Irex, 2010).

In Jordan internet penetration rate is at around 38% but the government has worked to extend it to 50% by the end of 2015 through the provision of a fibre optics broadband network (ITU, 2012). Internet penetration is lower in rural than in urban areas where there is a dense usage of home wired and wireless connections. In the major urban and tourism centres like Amman, Irbid and Aqaba, internet services are also available for free in hotels, cafés and restaurants. In recent years, the installation of broadband networks to connect public education institutions to the internet has led to the rapid expansion of ICT usage among young people in universities, schools, and community colleges. The Jordanian authorities do not impose strict censorship on online social networking platforms such as Facebook, Twitter and YouTube. Similarly to other cases of migrant transnational political mobilisation and activism in the cyberspace (Graham and Khosravi, 2002; Bernal, 2006; Rinnawi, 2012) online social media have attracted a growing number of young Arab people and were employed in both Iraq's and Jordan's 2010 parliamentary elections as powerful communication and political propaganda tools in alternative to more traditional familial and tribal communication and support systems.

Internet penetration rate in Syria is lower than in Jordan at 20.7% due to delays in developing the state-controlled infrastructure (ITU, 2012). The high prices and low-performance of broadband services has discouraged home internet subscriptions while internet usage in public facilities has increased, particularly among young people in urban

centres. The Iraqis interviewed in Syria mainly accessed computer and internet services in high-traffic public spaces such as restaurants and Internet cafes. The high demand for Internet access in areas with a high concentration of Iraqis, particularly young unemployed Iraqi men, drove the expansion of internet facilities for commercial use, often owned by Iraqis in partnership with Syrian nationals. The mobile phone and internet markets are heavily controlled and regulated by the Syrian government. At the time of the fieldwork for this study the Syrian authorities blocked personal blogs along with other popular social networking web sites like Facebook and YouTube and imposed strict internet censorship to prevent political opposition groups and human rights activists from mobilising and coordinating protests. Moreover, internet cafes in Damascus were monitored by surveillance cameras and the owners of the commercial activities had to keep a record of names of customers. However, experienced internet users in Syria circumvent state censorship and access forbidden web sites by using international proxies.

The access to and usage of internet among Iraqi participants interviewed in Syria and Jordan varied depending on their age, socio-economic characteristics and computer skills and the characteristics of the people they communicated with through the internet. The lack of large-scale survey data make empirical generalisations difficult; yet, during fieldwork it was evident that many of the Iraqi refugees living in Syria come from a poorer socio-economic background compared to the Iraqis who found refuge in Jordan. The lower-socio-economic profile of the Iraqis in Syria is confirmed by the fact that the Iraqis resident in Jordan had the financial resources to meet stringent residence requirements including the deposit of large sums of money in local bank accounts while the Iraqis in Syria obtained residence rights without meeting similar financial conditions. Most research participants in Jordan could afford a personal computer and some of them had wired or wireless internet connections at home or in their offices. Most Iraqi participants in Jordan hold higher education degrees and know how to use the computer and the internet to exchange emails, participate in chat rooms, make video calls and work. Rand, a 35 year old Iraqi woman with a Diploma in Pedagogy preferred seeking information by making phone calls than surfing the internet:

Sometimes I check my emails but I don't search the internet for information. I can obtain audio-visual information from the TV more easily than from the internet. The telephone

is also faster to get information. Searching for information about Iraq on the internet takes a long time...I have to sit in front of the computer for hours. Sometimes the internet is not a reliable means of information as well, isn't it?

Interestingly, among the participants who mentioned the internet as a means of information, only the most educated reported to read online documents and newspapers, mainly in Arabic and sometimes in other languages. In the interviews the quality of the web content did not emerge as a major theme of discussion because the information acquired through the internet, was mainly of a personal nature and generated from email exchanges and chats with families and friends and not from official websites.

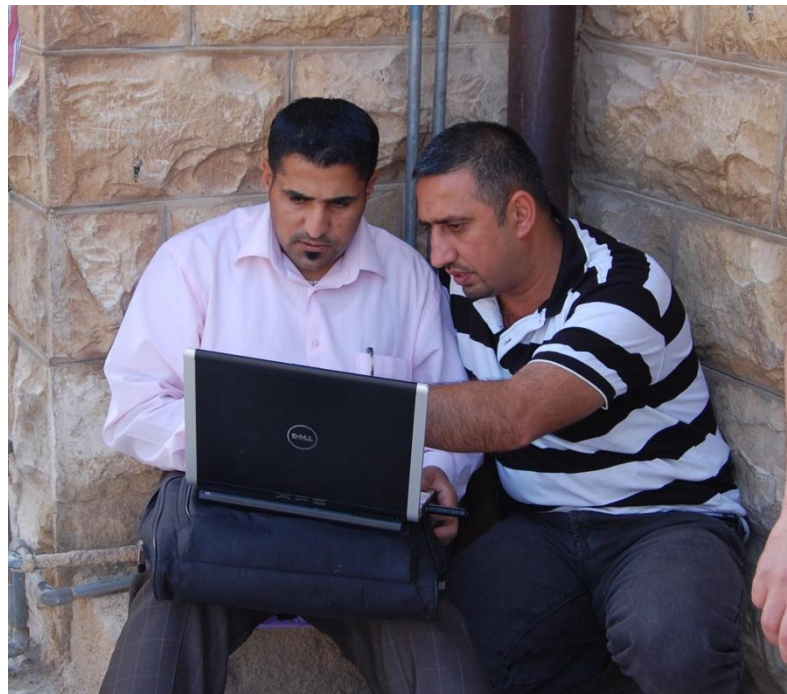


Fig. 7.3 - Iraqi students work with a laptop computer in the court yard of a church, Amman, Jordan, May 2011

In Syria, wealthy and literate research participants also knew how to use the computer and the internet to exchange emails, participate in chat rooms, make calls and work. Samir, a 59 year old male with a PhD in International Law, found a remedy to the lack of job opportunities in Syria by working online from home. He translated research papers and academic articles from English and French into Arabic for websites based in Jordan and the Gulf Countries:

Here [in Syria] there are very few job opportunities; I am doing some translation from

English and French into Arabic. I translate pieces of research and articles for some web sites; I earn between \$500 and \$600 per month and I work from home like Europeans do. But this money is not enough to cover all my family's living expenses here in Syria.

For the most educated and skilled Iraqis the internet was not only a critical means of obtaining information about the home country but also a source of livelihood and an instrument to play an active social role both in the host and home society. Danielson (2012) investigated refugee communication and information systems in the urban setting of Cairo. She observed that in Cairo a number of refugee-led attempts to set up web-based informative initiatives for refugees failed due to lack of funding and the departure of the initiators of the projects. Similar projects were undertaken more or less successfully by some Iraqis both in Amman and Damascus. For instance, Oday, a 40 year old computer engineer and the president of the Iraqi Youth Assembly, a semi-licensed Iraqi civil society organisation based in Damascus, created an Arabic-language website¹⁴ containing text and audio-visual information on the socio-cultural activities and vocational training courses run by the organisation for the Iraqi youth in Syria. Firas, a 35 year-old male photographer who has now been resettled to New York, created his own blog in English, 'Native without a Nation'¹⁵ and launched an online fund-raising campaign for Iraqi refugee children in Syria. At the time of the field research Oday's website was accessible to internet users in Syria, while Firas' blog was blocked by the Syrian authorities for unclear reasons.

Other Iraqis interviewed in Syria were less affluent, educated and computer literate. The lack of computer skills accompanied by insufficient dedicated web content in Arabic restricted these participants' ability to access information through the internet. Wael, for example is a 40 year old male driver who could not complete his primary school studies in Iraq because he had to work to help his family. His living conditions in Syria were harsh: he lived with his wife and two children in a small, unhealthy and empty room in Saida Zainab in the rural outskirts of Damascus and their wellbeing depended on

¹⁴ The web site of the Iraqi Youth Assembly was accessible online at
< <http://www.iraqiy.com/index.php/2010-07-11-21-10-38/3-newsflash/41-newsflash-5.html> >

¹⁵ The web site of Native Without a Nation is accessible online at
< <http://nativewithoutanation.blogspot.com/> >

inadequate humanitarian assistance, charity, and occasional low-paid jobs. Wael's family could not afford a television at home or a computer. His writing and reading skills in Arabic, his mother tongue, were limited. His illiteracy and lack of computer skills restricted his ability to access information from other sources. Wael is one of the many Iraqi heads of household who, in their struggle to survive in Syria with their families, had no time to attend free English language and computer training courses offered by humanitarian assistance providers. They mainly relied on phone calls and personal visits to and from Iraq to acquire information about the security situation and return and reintegration opportunities.

7.4.4 Cross-border mobility, visits and word of mouth communication

For the Iraqis cross-border mobility and visits between Iraq, Syria, Jordan and countries further afield is another critical livelihood strategy and an effective way of acquiring personalised information. Over three decades of war and economic sanctions in Iraq have caused the progressive fragmentation and global dispersion of Iraqi families, and the establishment of transnational networks and practices connecting Iraqi migrants in various countries of the world. Damascus and Amman, the neighbouring capitals and main recipient cities of Iraqi refugees, have become critical hubs of information. They are places of transit, encounter and interaction for members of different Iraqi migrant groups travelling to and from Iraq (Chatelard, 2002; 2010). Yousef, a 49-year-old with a PhD in Arabic literature, stressed that Iraqi political networks extend into Jordan, where it is possible to obtain both public and non-public information:

Amman is a fundamental place of transit for the Iraqis. Every week here in Amman I meet at least five or six Iraqis who are members of the parliament or senior officers in the state apparatus. Here we have the opportunity to obtain public information and also news which are not publicly accessible.

During their temporary visits to the home areas the Iraqis can directly assess the security situation and explore challenges and opportunities for return and reintegration in their home areas. Ammar, a 62 year old retired engineer who worked for the state-controlled oil company in Basra, decided to remain in Amman after his visit back home:

V: What was your impression of your home area when you went back?

A: Static, there's been no progress... no infrastructure, no services, no improvements in terms of electricity, health and education. As far as I could see, in Basra city centre very

little has been done to improve people's living conditions. Sometimes you can see in the streets that there are some reconstruction works of pavements, they have planted some trees but they died soon because of the lack of water. Things are being done without plans, over a short-time frame, so nothing lasts. Effectively, I didn't sense any improvement since the time I left.

V: Are you planning to return?

A: Not now because nothing has improved since the time I left. For me personally if I want to go back, I need to settle in a safe place where I can do some work, I have freedom of movement, where there are services and some of the common entertainments that no longer exist in Iraq. Yesterday I saw one of the lousy things that happened in Basra. A circus came down to Basra from Erbil, just a normal circus that was going to be in Basra for thirty days to offer some entertainment for the people. Yesterday the religious authorities closed the circus down because they claimed that some girls were going around almost naked. How can things get better in Basra with this kind of closure, this way of thinking? They don't want a circus in town, I'm not talking about ordinary people; I'm talking about the local authorities, the influential people who are linked to political parties and religious groups. [...] people are angry because they miss some form of entertainment ...of course there are no cinemas, there are no clubs, needless to say that bars and restaurants that serve alcohol don't exist anymore because they are forbidden [...]. There isn't a real attraction to live in Basra nowadays. But I have family and friends there, if things change, yes, I would love to go back. I lived in Basra in times when it was a beautiful city, twenty years ago Basra was a beautiful city, it was an open port and there were many entertainments and nice places to visit but all this is now gone down the drains because of the politics since 1980s.

Ammar and other Iraqi research participants personally witnessed the lack of improvements in their home areas and had low expectations concerning their return experience. Some respondents who have not visited Iraq before their return claimed that it was impossible to gather sufficient and accurate information about transformations that have occurred at home during their absence. They felt ill-prepared to plan their return without personally assessing the situation at home. Those who have engaged in cross-border mobility and adopted transnational livelihood strategies, were instead better equipped to take informed decisions about return because they had the opportunity to assess the local realities at home, weigh the costs and benefits of return and prepare their sustainable reintegration.

The Iraqis who were less mobile and paid less frequent visits to Iraq obtained information about conditions in home areas through word of mouth communication with family members, friends and other co-nationals who visited them in Syria and Jordan. When asked how she obtained information about her house in her home area Nadia, a thirty year-old woman replied:

Before the elections, a group of young men from our home area came to Syria. AD [her husband] met them and they told him that the situation in our area was bad; the National

Guard was arresting people in our neighbourhood. These young men came to Syria during the elections for fear of being arrested, after the elections they went back. We get information about our home area from the people who come from Baghdad.

The information refugees acquire during visits to Iraq and their positive or negative return experiences have a strong impact, not only on their own decision to return permanently, but also on the perceptions and expectations of other refugees who hear their accounts. The findings of this study confirm previous research stressing that the evaluation of information is essentially a behavioural process and is therefore highly subjective (Koser, 1997). Personal characteristics such as age, gender, socio-economic background, political orientations and individual aspirations and projects can greatly influence the manner in which information is received and evaluated by different migrants. Iraqi participants' evaluation of information and their decision-making processes about return were often collective exercises and depended on the religion, socio-cultural values and gendered power relations in the Iraqi households and communities.

Individual motivations and characteristics may arguably render the information provided by the Iraqis less reliable, since they may be unable to provide an objective assessment of the traumatic events which they experience or they may lie to achieve personal goals. Despite significant obstacles and within the legal and socio-economic uncertainty and constraints experienced in host and home countries, the Iraqis interviewed had nevertheless actively engaged in processes of generation and dissemination of knowledge and information on challenges and opportunities for return, instead of passively and uncritically receiving it from institutional sources. In doing so, they have reclaimed their right of shared ownership and participation in the production of knowledge and information and in decision-making processes that affect their lives. They have resisted and attempted to transform repressive institutional structures that relegate forced migrants to the role of passive and dependent receivers of external "expert" information and assistance. The global spread of user-friendly and affordable information and communication technologies has led to the growing 'crowdsourcing' of ideas and services to groups or communities of ordinary people rather than to traditional service providers (Wall, 2011; Price and Richardson, 2011; Wilding, 2012; Danielson 2012). These changing patterns of ICTs usage are challenging existing power relations and operational approaches in the humanitarian and development world, where "expert knowledge" is no longer the remit of a small group of technocrats and practitioners, but it

is increasingly with the general public and the beneficiaries of humanitarian and development programmes (Currion, 2011; Iaria, 2011).

7.5 Conclusions: towards integrated refugee information systems

At the time of the fieldwork for this study hundreds of thousands of Iraqis had already returned to Iraq unassisted from Syria and Jordan and many others adopted cross-border livelihood strategies as a solution to their condition of protracted displacement. Such returns have taken place despite both the Iraqi government and international organisations failing to earn the trust of the migrants and provide them with accurate information and assistance. Due to time and resources limitations and difficulties in cross-institutional collaboration and information-sharing, institutional actors face challenges in monitoring refugees' returns and evaluating the outcomes of return and assistance projects in the home areas.

The production of objectified and standardised forms of knowledge and the provision, or the lack thereof, of institutional information is also a migration governance strategy adopted by state authorities and international organisations to enhance their management of a highly mobile refugee population. The lack of institutional transparency and clarity was a deliberate governmental practice that limited refugees' control over their personal circumstances, and their ability to make informed decisions and devise alternative solutions to their predicaments. This practice contributed to increasing the vulnerability of the Iraqi displaced and threatened the sustainability of their return.

Institutional actors could improve their performance by adopting more transparent approaches in their dealings with the refugees and by promoting the participation of potential returnees and members of the receiving communities in the development of refugee and returnee information systems, which can be used as a basis for policies aimed at facilitating refugees return and sustainable reintegration in the areas of origin.

Iraqi returnees, circular migrants and members of the receiving communities hold key information about conditions in their home areas and opportunities and challenges for return, which could be incorporated into more formal returnee information systems. In the absence of accurate and reliable institutional information, some Iraqis in Syria and

Jordan have developed informal information systems based on the use of modern information and communication technologies (ICTs) and their transnational mobility and social networks. However, such ICTs are not accessible to all and their usage depends on refugees' socio-economic background, computer skills and legal status in host countries.

The information which refugees acquire through these informal systems and their positive or negative return experiences have a strong impact not only on their own decision to return, but also on the perceptions and expectations of other refugees who hear their accounts. It could be argued that information provided by refugees may not be completely reliable, since they may provide a subjective assessment of their post-return experiences or they may lie to achieve material gains. Nonetheless, as the beneficiaries of assistance programmes, Iraqi refugees have the right and responsibility to be informed and to cooperate in generating and disseminating crucial knowledge and information which facilitate their return and socio-economic reintegration in safety and dignity.

The design and implementation of humanitarian and development interventions should be an inclusive process involving states, international actors and the people of war-torn societies. This approach reinforces Iraqi nationals' sense of shared ownership and participation in knowledge production and in key decision-making processes and therefore helps to redress repressive and inequitable power relationships and consolidated patterns of external aid dependency.

Chapter Eight: Conclusion

8.1 Introduction

The case of Iraqi refugees' return from Syria and Jordan lends itself well to exploring a number of theoretical and empirical questions. What are the links between transnational migration and nation-state and region building? What does the existence of non-conforming actors tell us about the nature of regimes and about the interaction between international regimes and states' power and interest? What roles do information and communication play in migration and refugee governance? What is the relationship between return migration and transnationalism in situations of protracted refugee displacement? These questions have guided the empirical analysis in this thesis, and were investigated through the development of a multi-disciplinary explanatory framework that combines conceptual and theoretical tools from International Relations and Migration Studies.

The key research findings and arguments of this thesis are presented below. Section two discusses the links between transnational migration and regionalism and argues that in the Middle East transnational migration has been a driver of nation and region building. Section three examines the interaction between the international refugee regime and the national Syrian and Jordanian systems and offers broader theoretical conclusions about the impact of geopolitics on regime emergence and implementation and about cases of actors' non-adherence to international regimes. Section four discusses the use of knowledge, information and communication as management tools in the Iraqi displacement and its implications for understanding the governance of forced migrants. Section five uses the evidence on Iraqis' return and transnational livelihoods between Iraq and neighbouring Syria and Jordan to highlight the transnational nature of return in situations of protracted refugee displacement. Section six considers the strengths and limitations of the study and section seven offers conclusions and suggestions for future research.

8.2 Transnational migration and regionalism in the Middle East

Studies of regionalism in the Middle East should not make the mistake to apply a narrow definition of regional integration derived from the European integration model, based on

inter-state and inter-governmental cooperation in economic and trade issues, to assess the level of regional integration in the Middle East (Fawcett, 2005). This is not to suggest that economic and political dimensions are completely irrelevant analytical concepts to understand region building in the Middle East or in other regions, but to stress the need to apply the broader definition of regionalism, including forms of ethno-cultural and socio-linguistic cohesion, and pre-modern nation-state patterns of interaction among peoples - and not exclusively among states- to assess the level of regional integration in different contexts.

It may be true that the Middle East is less economically and politically integrated than Europe and that most attempts at creating regional organisational structures and institutions have been complicated by inter-governmental disputes and distrust (Barnett, 1993). A cursory scrutiny of the Middle Eastern experience, however, reveals that patterns of regional integration have been characterised by more spontaneous societal processes facilitated by continuous transnational population movements and encounters as well as economic and political exchanges. Transnational migration, both in its voluntary and involuntary forms, has indeed played an historical role in nation-state and region building in the Middle East. Transnational labour migration has been a powerful driver of regional economic integration documented since the 1980s (Keely and Saket, 1984; Samha, 1990; Thiollot, 2011; Shah, 2012). The continuous flows of labour and the associated economic remittances generated by migrant workers have been a driving force of regional economic development (Shafik, 1998). The importance of labour migration for Arab economies lies in the differences in factor endowments across the region and in the adoption of specific development policies by both the oil-rich labour-importing and oil-poor labour-exporting countries in the Middle East (Shafik, 1998).

Transnational migration has also facilitated regional socio-cultural and linguistic cohesiveness in the Middle East. High levels of social and cultural cohesion derive from the historical nomadic and tribal lifestyle of local societies, where highly mobile peoples have built transnational social spaces of identification based on kinship, ethno-cultural, linguistic, and religious identities (Matar, 1997; Batatu, 2004; Chatelard, 2008; 2009; 2010). Feelings of belonging to transnational Pan-Arab and Pan-Islamic communities have developed throughout the centuries and have resisted and transcended processes of

modern nation-state formation (Shami, 1993; 1996) informing geographical trajectories of past and present migration movements (Suhrike, 1999; Chatty, 2010).

The transnational nature of Middle Eastern societies is also the product of the systematic use of population displacement as a nation building and governance tool by regional governments. In the Middle East, as in other regional contexts, population displacement has been among the key instruments of nation-state building. The evidence presented in this study demonstrates how the transnational nature of the Iraqi society, for instance, has changed along with the ethno-religious and political groups that were included and excluded by different regimes from the Iraqi polity in different historical periods. The numerous and overlapping episodes of population displacement and return to Iraq have materialised into the dispersed and de-territorialised character of the Iraqi polity, requiring the present Iraqi governments to adopt an integrated approach to tackle the internal and external displacement problem as a case of multiple and interrelated displacement (Van der Auweraert, 2011). Current refugee and migration trends in Iraq and in the rest of the region are a continuation, and partial amplification, of past migratory movements, which overlap and mix with more recent patterns of human mobility and circulation within and without the Middle East (Chatelard, 2010).

At an international level, developed countries have increasingly narrowed their understanding of responsibility towards the massive flows of refugees and IDPs generated by natural, man-made disasters and conflict in the Middle East and in other countries in the global South. Northern governments apply the principle of refugee 'burden-shifting' rather than 'burden-sharing' through the funding and implementation of policies of containment, regionalisation and internalisation of refugee crises in their regions of origin (Harvey, 2000; Bailliet, 2003).

The propensity of developed countries to exclude immigrants and deny asylum seekers access to their territories stands in sharp contrast with the huge efforts made by developing countries to deal with the problem of massive regional refugee movements. Most refugee generating countries are located in Africa and Asia. Their neighbouring countries do not have sufficient material resources to cope with the arrival and resettlement of significant numbers of people. In many circumstances, neighbouring

countries of asylum have not ratified the 1951 Geneva Convention and the 1967 Protocol relating to the Status of Refugees. Refugees living in these countries are not granted refugee status and their legal status is generally regulated through temporary permits of stay granted on humanitarian grounds. Due to the lack of resources, institutional capacity - and political will - to provide protection and assistance to large numbers of forced migrants, host governments have hardened their attitudes towards refugee inflows and adopted strict immigration and asylum policies to prevent refugees from being integrated into host societies (Turton and Marsden, 2002). This has prompted academic and policy debates over whether the provision of protection and durable solutions to refugees and IDPs should be regarded as a global or as a regional good, and whether the international refugee regime is an effective instrument to promote inter-state cooperation and ensure the equitable sharing of responsibility and costs for the solution of refugee problems (Betts, 2008; 2009). The next section discusses the uneasy cooperation between the international refugee regime and the Syrian and Jordanian national migration systems, and takes this case study as the empirical base to infer some conclusions about the impact of international and regional geopolitics on regime formation and transformation and the relationship between regimes and state power and interests.

8.3 The uneasy cooperation between international and national regimes

Iraqis' return and transnational livelihoods between Iraq, Syria and Jordan result from the uneasy interaction between the international refugee regime and national migration regimes, which have yet to reach an agreement on a common legal framework for durable solutions to the Iraqi displacement. The Iraqi refugee problem in the region is not addressed in international multi-lateral agreements or regional legal refugee protection frameworks. The Iraqi displacement in Syria and Jordan is governed through national migration policies and practices. Not having signed the 1951 Geneva Convention, the Syrian and the Jordanian governments do not grant refugee status to Iraqis. Having limited resources to provide protection and assistance to high numbers of forced migrants in their territories, the host authorities, treat the Iraqi people as 'guests', 'temporary residents', or 'migrants with special humanitarian needs' and have incorporated selective mobility in their management of the Iraqi displaced with the ultimate aim to promote their return or resettlement elsewhere.

The Syrian and the Jordanian governments have handled the Iraqi refugee problem by complying with international refugee principles and operational norms only to the extent that enabled them to shift the economic costs and political responsibility for the protection and assistance of the Iraqi displaced to the international actors enforcing the regime. At a national level, however, this has not prevented the two host states from managing the Iraqi displacement problem following local knowledge and traditional normative structures, which derive from the historical experience of the two host states with population displacement in the region and their conventional interactions with previous forced migration flows generated by Iraq and other neighbouring states. Arab states' attitudes and policies towards refugee problems in the region are also driven by national security concerns and by an awareness of the impact of forced migrants' long-term presence and cross-border livelihoods on the socio-economic and political development of the home and host societies.

Given these regional and local specificities, how does this case study advance theoretical understanding of the interaction between international and national regimes? What does the existence of state actors who refuse to join an international regime tell about the relationship between international regimes and state power and interests?

Regime theory, as it has been designed and applied by neo-liberal institutionalists, focuses on explaining the factors that lead to inter-state cooperation, when and why states form regimes and the circumstances under which regimes persist, undergo transformations or disappear (Krasner, 1983; Keohane and Nye, 1989). This intellectual work is essential to predict states' behaviour and to find ways in which states can work together in order to achieve pacific and mutually beneficial goals, thereby promoting regional and international communities.

The empirical case presented in this study raises a number of questions which, to be answered, require regime theory to expand its explanatory power to cases of non-adherence and resistance to international regimes. Why do some actors refuse to join international regimes? What does the existence of non-conforming actors demonstrate about the nature and role of regimes? Does it mean that regimes are just a function of

state power and interests and have no independent causal impact on states' behaviours? Or does it indicate the weakening of a regime?

This study argues that actors' interaction with a regime is not solely explained in terms of power-balance among states or in terms of absolute and relative gains as structural realist and neo-liberal perspectives would sustain (Grieco, 1988; Keohane and Nye, 1989; Mearsheimer 1994). The ability of a regime to influence actors' behaviour also depends on the degree of actors' adherence to and acceptance of the principles and norms promoted by the regime as a collective good. Actors' refusal to accept the principles, operational norms and procedures of a specific regime may be caused more by their different moral and political stance on specific geopolitical issues and disputes. Actors' non-alignment with certain regimes may be linked to cognitive factors (Jönsson, 1995) such as diverging identities and historical experiences as well as to power politics and rational calculations of self-interest. Regimes are social institutions (Young, 1980; 1989), negotiated by human actors holding very different cultural and social value systems (Hurrell, 1995). National actors' identities, experiences, and moral stances in specific time periods and geopolitical contexts affect their interaction with other actors within and outside international regimes.

The geopolitical context and historical events in the Middle East, for instance, greatly affected the formation of the international refugee regime and its interaction with the Syrian and Jordanian national normative systems for the past six decades. The international refugee regime was established in 1948 by the western powers to resolve the problem of the Jewish refugees generated in Eastern Europe during World War II. The resolution of the Jewish refugee crisis in Europe involved the creation of the state of Israel in 1948, the related flight and expulsion of hundreds of thousands of Arab Palestinians from their homeland and the escalation of the First Arab-Israeli conflict. In this geopolitical context, the Syrian and the Jordanian governments and other Arab states parties in the conflict refused to ratify the 1951 Convention and the 1967 protocol, which they regarded as an instrument to oblige them to accept the newly established state of Israel and to take formal responsibility for providing a durable solution for the Palestinian refugees through their permanent integration in their territories.

The international refugee regime, therefore, exhibits the characteristics of a *de facto* imposed order (Young, 1980) established by western powers with neither the direct participation of subordinate actors in relevant negotiations nor their explicit consent. The lack of inclusive negotiations and the absence of a unanimous formal consent from the actors in the international community has undermined the legitimacy of the regime. Arab states did not accept this imposed normative order because they were not persuaded by the western neo-liberal discourse that the international refugee regime was designed to equitably share the responsibility and costs of delivering collective security and goods in the form of protection and durable solutions for refugees worldwide. They perceived the regime as a less benevolent, hegemonic and discriminatory system delivering refugee protection according to Eurocentric particularistic principles and interests rather than cosmopolitan values of humanitarianism and universal human rights (Hathaway, 1997; 2003; Cox, 1983, Keeley, 1990). The absence of a sense of community of values, moral concerns and shared identity and goals among different actors, undermines patterns of spontaneous and voluntary cooperation (Jönsson, 1995; Hurrell, 1995). Patterns of interaction between international and national normative systems in the Middle East are marked 'by powerful reactionary forces that reject western-style models and practices of governance' (Fawcett 2005: 206), especially when these are imposed on developing societies through more or less coercive methods (Young, 1980).

The dominant actors can pressure non-conforming subordinate actors into complying with the dictates of the regime relying on their greater power capabilities and using a carrot and stick method. Power, in its multifarious forms, has undoubtedly a critical role to play in the enforcement of international regimes, especially those emerging as negotiated and imposed orders (Young, 1980). The weak position of subordinate actors at the negotiation table obscures their alternative claims and principles and exposes them to pressures from dominant actors to follow the requirements of the regime, or pay the consequences of their non-conforming actions.

However, the maintenance of the international regime entails material and moral costs for the dominant actors, who may not always have the resources to persuade non-conforming states and influence their performance at a national level (Young 1980). The increasing complexity of regimes (Alter and Meunier, 2009; Betts, 2010) allows states to employ

cross-institutional strategies such as regime shifting, forum shopping and strategic inconsistency (Helfer, 2009; Alter and Meunier, 2009) in order to avoid compliance with regimes that are perceived as an illegitimate imposition.

The Syrian and Jordanian behaviour with respect to the international refugee regime can be seen as a form of non-conformist strategy, whereby states comply with international principles and operational norms only to the extent that this enables them to shift the financial and political responsibilities of providing refugee protection at the international level, without formally adhering to the international regime and without incorporating international principles and norms into their national normative systems. At the national level, however, the Syrian and Jordanian behaviour continues to be informed by a combination of calculations of the political and socio-economic costs and gains and by local historical political identities, socio-cultural norms, and roles which derive from actors' past and present experiences with forced migration realities in the region and conventional bilateral relations with Iraq, with other neighbours (Barnett, 1993), and with the UNHCR, the US and other key international players in the region (Schencker, 2003; Hinnerbusch, 2006). The ultimate outcome of the uneasy interaction between international and national regimes is disagreement and the lack of effective cooperation, leaving refugee populations in the Middle East, and in other regional contexts, without institutional assistance and viable political solutions to their predicament.

Understanding the interaction between national and international regimes demands a flexible and inclusive explanatory framework, which takes into account traditional power-politics and strategic interests, but also the historical and geopolitical context of regime formation and implementation, and the identities, experiences and socio-cultural beliefs of the state and non-state actors engaged with a given regime.

8.4 Information and communication as migration and refugee governance tools

This thesis has investigated the role of information and communication in the context of Iraqi refugees' return from Syria and Jordan. It has found a conspicuous lack of institutional information about conditions inside Iraq and about return and reintegration assistance provided by the Iraqi authorities and international aid agencies for the Iraqis

who wish to return. In the Iraqi displacement context, this lack of information is partly due to the limited institutional presence and operational capacity in Iraq as well as to problems of cross-institutional communication, information-sharing and cooperation. The findings also suggest that the provision of information, or the lack thereof, is a governance tool adopted by institutional actors to manage the displaced populations.

The Foucauldian concept of governmentality (Foucault, 1991) proved to be a useful analytical tool to investigate how communication and information can be instruments of migration management, strategies of remote control adopted by state and non-state actors in order to influence and guide the decisions and migratory behaviours of displaced people. In the Iraqi context, the analysis of the information generated and disseminated by state authorities and international organisations through official means including reports, posters and leaflets about voluntary return assistance and counselling sessions with UN protection officers, reveals the techniques of self-discipline or self-government devised by these powerful institutional actors to manage the Iraqi forced migrants.

The translation of refugees lived experiences into standardised cartographic, statistical and textual data constitute acts of management and social surveillance and enact unequal and asymmetric power relations between the refugees and institutional actors who use these techniques of power to govern displaced populations often resenting and resisting these practices as culturally inappropriate (Hyndman, 2000; Hyndman and Mountz, 2007). Humanitarian discourses and practices tend to deprive refugees of their historically and culturally diverse identities and agency and construct them as helpless and voice-less victims unable to take self-sufficient decisions (Malkki, 1995; 1996). The 'victimisation' of refugees legitimises the design and implementation of policies and practices that relegate refugees into the role of passive recipients of humanitarian and development interventions planned and implemented, without their direct participation and consent, by 'expert' foreign interveners (Barakat, 2008; Barakat and Milton, 2010).

In the Iraqi refugee context the asymmetric interaction between the Iraqis and humanitarian agents often translated into UN case workers extracting personal information from the migrants in order to assess the credibility of their claims and their eligibility for return assistance, without providing them with useful information and

advice about return and reintegration assistance. According to the paternalistic humanitarian reasoning, refugees' increased awareness of eligibility criteria and other internal guidelines would prompt the migrants to engage in potentially harmful acts for themselves and those working with them, by manipulating the aid system or making false statements in order to obtain resettlement or more financial and material assistance (Saltsman, 2012). The lack of institutional transparency and clarity was a strategic management choice that limited refugees' control over their conditions and options available to them, thereby limiting their ability to take decisions and devise alternative solutions to their problems. These ambiguous governmental practices added to the stress of refugees who had often already suffered traumas and human rights violations. Previous research has highlighted how state and non-state actors can manipulate forms of knowledge and information to influence migrants' perceptions, decisions and migratory projects (Walsh et al., 1999; Pécoud, 2010). Hyndman and Mountz (2007) have documented the strategic 'absence' of authorities as a technique of refugee control and exclusion through the systematic positioning of the migrants outside official assistance channels, or through the maintenance of zones of legal ambiguity and uncertainty.

The Iraqis in Syria and Jordan have reacted to the absence of institutional information and advice by developing informal information and communication systems to generate personalised information on challenges and opportunities for return. Iraqis' information and communication systems are often based on the use of modern information and communication technologies (ICTs), but also on their transnational mobility and social networks. Phone calls play a crucial role in the establishment, maintenance and transformation of migrant transnational social relations (Vertovec, 2004). The increasing availability in Iraq and in neighbouring host countries of new and affordable communication and information technologies, especially mobile phones and internet services, has enabled the migrants to reach beyond their physical location and become members of transnational communication networks and to participate in the socio-cultural life and politics linking home and host societies (Chatelard, 2010). Similarly to other refugee contexts, the information acquired through informal social networks contributes to raising refugees' expectations about their post-return experience (Koser, 1993; 1997; Walsh et al., 1999; Turton and Marsden, 2002). In the Iraqi case, migrants' growing awareness of the politicisation of information produced and disseminated by the media,

led most participants to filter and cross-check the news they received from national and international satellite TV channels with information produced through more independent systems, such as personal visits or email and phone communications with family and friends in Iraq. By engaging in cross-border movements and paying or receiving periodic visits to and from the home country, the Iraqi refugees accessed resources unattainable through permanent settlement in the home or host countries, and acquired personalised information that allowed them to make decisions, plans, and prepare for return.

Despite the legal and socio-economic uncertainty and constraints experienced in host and home countries, the Iraqis have nevertheless actively engaged in processes of generation and dissemination of knowledge and information on challenges and opportunities for return, instead of passively and uncritically receiving it from institutional sources. They have reclaimed their right of shared ownership and participation in decision-making processes that affect their lives and have attempted to transform repressive governmental structures and practices that relegate forced migrants to the role of passive and dependent receivers of external “expert” knowledge, information and assistance.

The research therefore confirms the findings of recent research (Wall, 2011; Iaria, 2011; Wilding, 2012; Danielson, 2012) highlighting that the global spread of user-friendly and affordable information and communication technologies has led to the growing engagement of generic groups or communities of people in the development and provision of mass information and communication services, as an alternative to traditional service providers. These changing patterns of ICTs usage are increasingly challenging existing power relations and operational approaches in the humanitarian and development world, where “expert knowledge” is no longer the remit of a small group of technocrats and practitioners, but it is increasingly with the general public and the beneficiaries of humanitarian and development programmes (Currion, 2011; Iaria, 2011). Institutional actors have acknowledge the importance of refugees’ informal information and communication systems but have yet to improve their operational approaches by making their policies and practices more transparent and accountable to their beneficiaries, and by incorporating refugees’ spontaneous information and communication systems into official return assistance programmes, which could maximise the participation of returnees and members of receiving communities as

information agents.

8.5 Transnational migration and sustainable return

In recent years, the spontaneous returns and transnational livelihoods of displaced populations in situations of conflict and post-conflict in the global South have attracted academic and policy attention (Bakewell, 2002; Hammond, 2004; Black and Gent, 2006a; Horst, 2006; Stepputat, 2006; Monsutti, 2008, 2010). This thesis contributes important empirical evidence to the growing body of knowledge on the nature and dynamics of return in the context of the Iraqi refugees displaced to Syria and Jordan after 2003. The findings offer a deep insight into the relationship between refugees' return and transnational migration.

Traditional perspectives see return as the natural conclusion of the migration experience and define it as a one-way movement of emigrants back to their homelands followed by their permanent resettlement in the home communities. This sedentary and permanent conception of return informs return and reintegration policies, which consider migrants' secondary movements and circular migration after return as an indicator of failure of the return experience. However, a growing body of empirical evidence produced by transnational migration scholars (Koser, 1997; Faist, 2000; Al Ali et al., 2001; Black and King 2004; Carling, 2009), including the findings of this thesis, challenge state-centric and sedentary perspectives and demonstrate that return is a complex psychological, social and physical process that occurs over a long period of time and entails various degrees and modalities of cross-border mobility, transnational livelihoods and networks connecting the migrants to host and home societies. In the Iraqi case, the lack of resettlement opportunities and difficult living conditions in neighbouring host countries influences refugees' decision-making processes and migratory plans. Iraqis' return depends on migrants' varying degrees of willingness and readiness to interact with the socio-political and economic transformations occurring in areas of return (Cassarino, 2004). The legal and socio-economic obstacles faced in home and host countries factor in forced migrants' ability to mobilise resources before and after return.

For many returnees, going back 'home' is actually a return to areas other than their place of residence before flight. Migrants' notion of 'home' may have more than one local

referent and the original home may become a myth, a place of nostalgia compared to other more practical homes (Al Rasheed, 1994; Zetter, 1999). Transnational livelihoods have a profound impact on migrants' identities, educational and social statuses and their relationship with the areas of origin (Kivisto, 2001; Vertovec, 2001). It has been suggested that the term reintegration could be replaced with the term integration, which denotes the fact that migrants return occurs in the face of substantial changes in the economy, society and the environment as well as substantial changes in themselves (Hammond, 2004).

Refugees' potential and commitment to return and engage in developments at home is affected by the social, economic and political changes that have occurred in Iraq during their absence as well as their own pre- and post-flight conditions. Those with enough financial and material assets optimise life in exile and turn it into an opportunity to acquire skills and experience that they could employ to facilitate their post-return integration and their participation in Iraq's reconstruction. Repatriation, however, rarely results in the achievement of full citizenship rights. Transitional governments face great challenges and are seldom able, or willing, to grant returning refugees their fundamental rights and freedoms. Post-war economies and receiving communities have limited absorptive capacity to integrate returnees and meet their demands for basic services, employment and development opportunities. The institutional neglect of the needs and aspirations of the Iraqi returnees increases their vulnerability and threatens the sustainability of their return inducing some to re-migrate.

Forced migrants react to institutional policies and interventions by juggling with official immigration and asylum statuses in order to enhance their freedom of movement and engage in transnational mobility and livelihoods as alternative solutions to their protracted displacement. Transnational mobility and livelihood strategies enable the forced migrants to remain physically and emotionally close to their families and social groups back home, regularly and directly assess the security situation and explore return and integration opportunities. Through cross-border mobility and transnational practices the refugees also access resources and income generation opportunities while interacting with the socio-political and economic realities in both home and host societies through the multi-directional flow of human, social and economic capital.

A precautionary measure adopted by most unassisted returnees is renewing their residence permit before their departure to Iraq. Holding a valid residence permit allows them to re-enter Syria and Jordan at any time, without facing immigration restrictions and without being charged expensive entry-visa fees. Some Iraqi families reside in Syria and Jordan while members of the family, generally males, go to Iraq to work and send/bring money back. Some other families have permanently resettled in Iraq and regularly visit Syria and Jordan to undertake medical treatment, run businesses and rest from the hard living and work conditions in Iraq. Some refugees visit Iraq to collect pensions, rents and check on their properties and businesses. Transnational mobility and livelihoods, thus, become a precondition for refugees' sustainable return and integration in societies undergoing post conflict economic reconstruction and socio-political transformations. These findings support previous calls for the incorporation of legal transnational mobility opportunities into official refugee return and reintegration assistance projects (Crisp et al., 2009; Long, 2010).

The international refugee regime has acknowledged the importance of Iraqis' transnational mobility and livelihoods between Iraq and the neighbouring countries of asylum (Crisp et al., 2009). Yet the policies of UNHCR and western donors are still informed by a permanent and sedentary conception of return as a durable solution that impedes the provision of adequate protection and assistance to the Iraqi refugees. Future research needs to further explore refugees' experiences after return and their transnational mobility and livelihoods in order to increase knowledge and understanding of the nature and dynamics of return migration to conflict or post-conflict societies and to inform more effective policies and interventions aimed at facilitating the safe and sustainable return of refugees.

8.6 Research challenges and limitations

The strength of this thesis rests with its multi-disciplinary research methodology which allows bridging micro- and macro explanations of the causes and nature of return of Iraqi refugees who found refuge in Syria and Jordan after the 2003 US-led occupation of Iraq. The result is a multi-level explanatory framework that combines the analysis of the regional geopolitical context and the national and international migration and asylum

regimes shaping Iraqi refugees' displacement and return, with a micro analysis of Iraqis' decision-making processes, experiences and reactions to external interventions and structural factors that influence their decision making processes and actions. The knowledge generated by this thesis seeks to inform recent academic and policy debates on displacement and return migration to conflict or post-conflict situations in the Middle East.

Yet, one of the main challenges and limitations of the thesis has been the persistent lack of political stability and security in Iraq which, not only has complicated Iraqi citizens' return in safety and dignity, but has also prevented this research from gathering first-hand data inside Iraq about the return and reintegration experiences of Iraq's forced migrants. I attempted to overcome this problem by conducting an extended period of fieldwork in Syria and Jordan, two of Iraq's neighbours and the main recipient countries of the Iraqis displaced by the last conflict. Semi structured interviews and prolonged field observations of Iraqis' living conditions and transnational activities between the home and host countries were fundamental to generate in-depth qualitative data about the experiences of externally displaced Iraqis who tried to return and reintegrate into war-affected home societies and who, for a host of reasons, decided to re-migrate to Syria and Jordan. Nonetheless, this remains a relatively weak substitute for first hand evidence and information on the return experience within Iraq itself.

More precisely, the degree and modalities of transnational activity among returning refugees are conditioned by structural inequalities such as their position within past and present political power structures, their socio-economic status, age, ethnicity and religion, pre and post-flight circumstances that affect their access and mobilisation of resources before and after return. The Iraqi participants interviewed in Syria and Jordan are a group of refugees who could mobilise the necessary resources, connections and support mechanisms to pursue mobile and transnational lifestyles after return. As will be discussed in further detail in the following section, future studies will need to expand the investigation to returnee areas in central and southern Iraq and explore the experiences of Iraqi returnees who may be less, if at all, transnationally active.

In addition, it is important to note that the sample of participants for this study is not

statistically representative of the entire Iraqi refugee populations in Syria and Jordan or generalisable to other displacement crises. A more comprehensive study of Iraqis' return migration experiences and future trends would need a larger sample and greater operational support in the data collection. Moreover, the qualitative data are time and context-specific and do not cover the period of internal crisis in Syria that started in March 2011 and has influenced Iraqis' living conditions and their decisions and dynamics of return. The thesis nevertheless holds the potential to increase theoretical understanding of the interaction between refugee return and transnationalism, by illustrating how under specific structural constraints, refugees' transnational livelihoods and social networks have emerged as spontaneous mechanisms to achieve security and future development opportunities.

Observations of Iraqis' transnational livelihoods and activities, however, did not produce sufficient evidence in order to make generalisations on the transnational political engagement of Iraqis in Syria and Jordan. The investigation of Iraqi refugees' transnational political activism and their involvement in the post-2003 Iraqi national political dialogue and reconciliation process was one of the original aims of this research, which proved to be impossible to achieve due to the political sensitivity of the topic and the general atmosphere of censorship, control and restrictions imposed on this specific research aspect by both home and host governments, and consequently by international humanitarian and development agencies.

Moreover, due to time and budget constraints, as well as with logistical problems with Syrian and Jordanian entry and exit visas, field observations of Iraqi refugees' participation in the 2010 out-of-country elections could only be conducted in Syria. Depending on improvements in the political situation in Syria and on the ability to carry out independent research with the necessary institutional support, future research could explore the extent and manners in which Iraqi displaced in Syria, Jordan and other host countries in the Middle East, engage in transnational political activism and influence critical socio-political and economic developments at home that have a direct impact on their present lives and plans to return.

8.7 Conclusions and suggestions for future research

This multi-disciplinary research employs conceptual and theoretical tools developed in International Relations and Migration Studies to explore the causes and nature of return in the context of the Iraqis displaced to Syria and Jordan after the 2003 US-led war in Iraq.

At a macro level, the study sheds light on the impact of the geopolitical context on the emergence and implementation of specific international regimes, and on the causes of actors' non-adherence to regimes. It aims to do this through analysis of the interactive normative and legal environment that governs Iraqis' displacement and return from Syria and Jordan. The migration and refugee regimes operating in the Middle East are highly dynamic, yet scarcely researched and understood, beyond the case of Palestinian refugee governance in the region (Plascov, 1981; Aruri, 2001; Morris, 2004; Peled and Rouhana, 2004; Dumper, 2006; Richter-Devroe, 2013). More research is needed to further knowledge and understanding of Arab states' policies and practices towards non-Palestinian refugee populations in their territories. A potential follow up study could investigate the level of consistency of the international refugee regime and Jordanian migration and asylum policies with respect to two different but concomitant displacement problems in the same region and country. It would be interesting, for instance, to investigate the policies and practices adopted by the international refugee regime and the Jordanian authorities to simultaneously address the Iraqi protracted displacement and the more recent Syrian refugee problem in Jordan.

In this thesis, a comparative perspective has guided the empirical analysis and discussion of the regimes and geopolitics that shape the Iraqi displacement and return from Syria and Jordan; and the exploration of Iraqi refugees' transnational livelihoods and information and communication systems in the two host countries. Syria's and Jordan's socio-economic and political systems have developed in different directions and their past and present relations with Iraq and with western states are complex and often diverging (Bin Talal, 1993; Perthes, 1997; Lasensky, 2006; Hinnebusch 2006). These structural commonalities and differences affect the Syrian and Jordanian reception and interaction with the international refugee regime and their policies and practices towards migrant and refugee communities in their territories. A similar comparative approach could be applied

to investigate the interaction between the international refugee regime and the national asylum and migration regimes adopted by other states non-signatory of the 1951 Geneva Convention and the 1967 Protocol in other regional contexts. The uneasy interaction between the international refugee regime and the Syrian and Jordanian national migration and asylum systems is emblematic not only of the burden-sharing dilemmas in refugee protection and management that exist in the Middle East but also in other regions in the global South that share with Middle Eastern countries the experience of western imperialism and colonialism. In South and South East Asia there are various states (e.g., India, Pakistan, Bangladesh, Sri Lanka, Burma (Myanmar), Laos, and Thailand among others) which do not adhere to the international refugee regime and are among the top refugee-producing and receiving countries in the world. It would be interesting to compare the historical and geopolitical causes and dynamics of these neighbouring states' non-adherence to the international refugee regime; to explore differences and commonalities between the national and regional asylum and migration management regimes that they have adopted to deal with displacement problems in their territories; and the extent and mode of interaction between their national migration and asylum legislation and policies and international refugee norms and procedures. A comparative analytical approach would also be useful in exploring the impact of contextual factors and external interventions on the living conditions, decision-making processes and migratory behaviours of refugee populations in these countries.

At a micro-level this research generates critical empirical evidence about refugees' agency, their reactions to and direct involvement in shaping the normative and physical environment in which they live by adopting transnational livelihoods before and after return as an alternative solution to their displacement. The findings on Iraqi refugees' independent transnational mobility and livelihoods before and after return lend crucial empirical evidence to policy recommendations for the incorporation of legal mobility opportunities in traditional refugee protection and assistance policy frameworks. Future studies could continue increasing empirical knowledge and conceptual understanding of the interaction between return and transnationalism by collecting qualitative and quantitative data about the post-return transnationalism of returnees in Iraq and in other conflict-affected countries in the global South. Another multi-sited and comparative research project could also look at the experiences of Iraqi individuals and families who

resettled to the United States, Canada, Australia, Sweden, Norway and the UK after 2003, and then embarked on the return process, with or without institutional assistance. It would be worth observing more closely the impact of their legal status in western host countries on their decisions to return, and on the scope, nature and material manifestations of their transnational mobility and lives between home and host societies.

An additional knowledge gap that could be filled by future studies regards the various host communities in which Iraqi refugees' everyday lives unfold. Most academic and policy studies of the Iraqi protracted displacement in the Middle East, including this research project, have mostly focused on the living conditions of Iraqi refugees in host countries and their interactions with host authorities and international aid providers. In contrast, there is a dearth of in-depth qualitative knowledge regarding the relationship and the daily interactions between the Iraqi forced migrants and their hosts as well as members of other migrant communities in countries of asylum in the Middle East and in western host societies. In the Middle Eastern context, in order to understand Iraqis' experiences of displacement, it is crucial to explore the ways in which their Jordanian, Syrian and Egyptian hosts have received, perceived and reacted to the protracted presence of Iraqi forced migrants in their communities. This approach highlights the importance of re-embedding refugee-host relations in the history of conflict and displacement in the region.

Another key finding of this study concerns the importance of Iraqis' informal information and communication systems that allow them to take informed decisions and prepare for their safe and sustainable return. The thesis demonstrates the changing power relations between on the one-hand institutional actors using information and communication as migrant and refugee governance strategies, and on the other the refugees who challenge the institutional monopoly on knowledge, information and communication by relying on informal information and communication systems based on the use of ICTs and on refugees cross-border circular migration and livelihoods. The usage of information and communication technologies among members of migrant and refugee communities is an emerging multi-disciplinary research area. Most empirical research on this topic has been carried out in western host societies where information and communication infrastructure and facilities are more developed. However, the rapid development and expansion of

high-speed Internet or broadband infrastructure in a number of Middle Eastern, Asian, Pacific and African countries, facilitated by deregulation and privatisation of telecommunication markets, is driving changing patterns of local ICTs usage that warrant further study. Further multi-disciplinary research will increase knowledge and stimulate academic and policy debates over the role of new information and communication technologies in processes of production, diffusion and democratisation of knowledge and information in conflict situations and displacement crises. Future studies could produce particularly interesting findings regarding the impact of the diffusion of user-friendly and affordable ICTs on changing power relations and interactions between members of migrant and refugee groups and national and international institutions and humanitarian and development assistance providers.

Refugees hold key information about their homeland that can be used as a basis for planning, programming and resource mobilisation prior to return. The observation of refugees' cross-border activities and the collection and analysis of the personalised information they acquire during their visits to Iraq may be critical in planning and implementing sustainable return and reintegration programmes. As the beneficiaries of repatriation programmes, it is in their interest to participate in assessments of their needs, establishing the modalities of their return and determining the conditions of sustainable socio-economic reintegration. One of the central findings and messages of this thesis is that forced migrants are experts of their own circumstances and potential key development actors and should not be constructed as passive recipients of external information and assistance. Given refugees' strong need and desire to rehabilitate, develop personally and professionally, and offer their offspring a safer and prosperous future, their decision to return and their commitment to re-building their war-affected societies will ultimately depend on the restoration of national security and stability and on the availability of sustainable reintegration opportunities.

The findings of this thesis debunk bureaucratic stereotypes and academic assumptions of refugee return as a permanent and sedentary experience; pose theoretical and empirical questions concerning the interaction between international and national migration and asylum regimes in specific geo-political and historical contexts; and promote the incorporation of academic research findings into evidence-based policy frameworks for

sustainable solutions to the Iraqi protracted displacement. Although there is little chance that the findings produced by this doctoral study will directly or indirectly inform more effective and fair return and reintegration assistance policies - let alone influence the decisions and actions of the key actors in the national political dialogue and reconstruction process in Iraq - this remains the driving force of this research project.

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Appendix I – Interview questions for Iraqi participants

Migratory trajectories and livelihood strategies

- 1) When did you leave Iraq?
- 2) What was your habitual place of residence in Iraq?
- 3) When did you arrive in Syria/Jordan?
- 3) Did you arrive directly to Syria/Jordan or did you arrive from another country?
- 4) Why did you leave Iraq? Were you forced to leave or did you leave voluntarily?
- 5) Why did you choose to come to Syria/Jordan?
- 6) Are you here alone or with family, friends, other? (to follow up)
- 7) What do you do here: work, study, undergo medical treatment, other?
(to follow up)
- 8) How do you survive here?
- 9) How's life in Syria/Jordan?
- 10) Do you have extended family members here in Syria/Jordan?
- 11) Do you have Syrian/Jordanian friends?
- 12) Have you ever left Syria/Jordan? Where to?
- 13) How many times did you leave and re-enter Syria/Jordan?
- 14) What was the purpose of the travel?

Information on return and reintegration opportunities

- 15) Before going back did you have any information about the security situation and socio-economic opportunities in Iraq and more specifically in your home area?
- 16) Where did you get this information from? (to follow up)
- 17) In your opinion, to what extent and how the information you receive affects your decision to return to Iraq?
- 18) Did you go back to Iraq?
- 19) How many times have you been to Iraq?
- 20) How did you go?
- 21) Where did you go?
- 22) Why did you go? (Visit relatives, business, check properties, assess the situation back home etc.)

- 23) How long were you there for?
- 24) Have you had any problems in re-entering Iraq?
- 25) What did you find there?
- 26) Have things changed since last time you were there? (to follow up)

Future life projects

- 27) Why did you come back to Syria/Jordan? (to follow up)
- 28) Are you planning to go back to Iraq? (to follow up)
- 29) Do you want to go back to Iraq permanently? (to follow up)
- 30) When do you plan to go back?
- 31) Why do you want to go back?
- 32) What documents do you have and what documents will you need when you are back in Iraq?
- 33) Will you receive any help or financial assistance to return and rebuild your life in Iraq? (to follow up)
- 34) Do you know any organisation or institution that is providing assistance to Iraqi people who want to return to Iraq? (to follow up)
- 35) Do you know the Protection Assistance Centres and the Return and Integration Centres?
- 36) Did you visit these centres? What services do they provide? (to follow up)
- 37) Do you have family and friends waiting for you over there?
- 38) Will you go back to your home town or another area? (to follow up)
- 39) Will you go back alone or with family members, friends others?
- 40) What do you plan to do when you are back in Iraq? (to follow up)
- 41) Will you go back to your old job and life style? (to follow up)
- 42) What are your plans for the future?

Appendix II - Informed consent form

موافقة على المشاركة في المقابلة **حول موضوع** "تحديات وفرص العودة إلى العراق"

أنا
أوافق على المشاركة في مقابلة مسجلة حول موضوع "تحديات
وفرص العودة إلى العراق" و أفهم أن نتائج المقابلة ستكون سرية ومجهولة المصدر وأنها لن تستخدم إلا لأغراض
البحث المذكور.

وأقر بأن لدي القدرة على تغيير أي جزء من تصريحاتي المسجلة وأيضاً قدرتي على سحب تصريحاتي
ومشاركتي من المقابلة في أي وقت. وأنا أفهم أن إجاباتي على الاستبيان ستكون سرية ومجهولة المصدر و
يمكن إستنساخها لاستخدامها حصراً لأغراض هذه الدراسة.
وأعترف أن مشاركتي في البحث لن تؤثر على الإطلاق في حصولي على مساعدة مفوضية الأمم المتحدة للاجئين
وخدماتها.

أزودكم بعنوان بريدي الإلكتروني / رقم هاتفي لكي يتم الاتصال بي بغية الاطلاع على نتائج الدراسة عند طلبي.

أنني على علم أيضاً أنني أستطيع الاتصال بالآنسة فانيسا ياريا على رقم الجوال ٠٩٥٤٦٩٥٨٣٢
أو بالبريد الإلكتروني V.Iaria@sussex.ac.uk ، إذا كان لدي أي أسئلة أو قضايا أخرى تتعلق بهذا البحث.

تاريخ _____ توقيع مشارك البحث _____

عنوان البريد الإلكتروني _____

رقم الهاتف _____

توقيع الباحثة _____ تاريخ _____

INTERVIEW CONSENT FORM

"Challenges and opportunities for return to Iraq" research project

I _____ agree to participate in a tape-recorded interview on "Challenges and opportunities for return to Iraq". I understand that the results of the interview will be confidential and anonymous and only used for the purposes of the above mentioned research project.

I accept my ability to change any part of the recorded data if I wish, and also my ability to withdraw my statements and participation from the interview at any time. I understand that my responses will be anonymous and confidential, should any of my statements be reproduced and submitted to be exclusively used for the purposes of the study. Moreover, I acknowledge that my participation to the research will not affect in any way whatsoever my access to UNHCR assistance and services.

I provide my email address/ telephone number in order to be informed about the results of the study if I request them. I also understand that I can contact Miss Vanessa Iaria at the following Tel. No. 0954695832, or Email V.Iaria@sussex.ac.uk, if I have any questions or further issues regarding the research project.

Research participant's signature _____ Date _____

Email address _____

Phone No. _____

Researcher's signature _____ Date _____