

Housing, land and property rights of IDPs, returnees, Yazidis and women in Sinjar, Iraq

Challenges and Solutions



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1. Introduction

Housing, land, and property (HLP) problems have been prevalent in Iraq since the 1960s. The country witnessed multiple waves of displacement and property rights violations where land was expropriated from minorities during the Ba'athist regime, terrorism, Iraq-Iran war, Gulf war, sectarian violence and economic difficulties (Hijra Amina 2016). People's challenges worsened during the period of conflict with the Islamic State of Iraq and the Levant (ISIL) between 2014 and 2017.

The attack of ISIL, now referred to as Islamic State of Iraq and Syria (ISIS)¹, led to the displacement of 6 million Iraqis, a large percentage of whom were ethnic minority groups including Yazidi, Christians, Kurds, Christians, Shabaks and Assyrians. The majority of the ethnic groups resided in Sinjar district in the Ninewa governorate in the north of Iraq, especially Yazidis. Sinjar was also home to Sunni Arabs, a Muslim community. ISIS considered the minority ethnic groups as apostate and polytheist, therefore against ISIS's interpretation of Islam. It forced them to convert to Islam and killed men who refused (Hijra Amina 2016).

ISIS especially targeted the Yazidis, who have historically suffered violations of their rights at the hands of many regimes in the country. It kidnapped and sexually enslaved thousands of Yazidi women and indoctrinated the children into its ideology. Alongside, it deliberately destroyed public land registries and sold housing, land and property of all ethnic minorities and those associated with Iraq's security forces and administrative body. Consequently, Yazidis who lived in and around Sinjar were forced to flee and take refuge in the nearby mountains, the Kurdish Region of Iraq (KRI) or leave the country. Thousands of people from other ethnic minorities were also forced to flee (NRC 2022; UN-Habitat 2015; Hijra Amina 2016).

After ISIS was driven out of the country in 2017, the internally displaced persons (IDPs) and those who returned to their place of origin faced a shortage of habitable homes, loss of property-related documents, overlapping claims to houses, eviction, rising rent among other problems. These problems were exacerbated by existing social and cultural norms that marginalised the rights of women, Yazidis and other minority groups to own property. Additionally, the dispute between the Government of Iraq and the Kurdish Regional Government (KRG) over the control and administration of Sinjar and the presence of local militia resulted in complex land governance structures and delays in the reconstruction of the district. Hiil's (2023) nationwide study of IDPs and forcibly displaced persons in Iraq underscores the presence of housing and land problems among IDPs in the country.

¹ For the purpose of this report, we will use the term ISIS as it is a globally preferred term for the group. Previously, the group was known as the Islamic State of Iraq and Levant (ISIL).

² For an overall overview, please refer to Hiil's [Justice Dashboard](#).



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Drawing from its experience of working in conflict settings, HiiL sees the potential of local initiatives to effectively address the justice needs of people.² To amplify the impact of these local initiatives, HiiL in collaboration with the United Nations Human Settlements Programme (UN-Habitat) and Netherlands Enterprise Agency (Rijksdienst voor Ondernemend Nederland, RVO), will provide the initiatives with coaching, mentoring and financial support.

HiiL works on the most pressing justice problems of people using a people-centred approach. In Sinjar, we propose to empower three to four existing local initiatives that have an innovative approach to providing housing, land and property-related administrative services to people, helping women and minorities exercise their rights and increasing the participation of communities in decision-making on housing, land and property. We aim to align our approach with UN-Habitat, which is spearheading several policy reforms and land governance programmes in Iraq and is our partner in this programme.

1.1 Objectives of the study

This report examines the housing, land and property problems of IDPs, returnees, Yazidis and women in Sinjar district of Iraq in the aftermath of the conflict with ISIS.³ It captures the historical marginalisation of the rights of ethnic minorities, mainly the Yazidis, and women and political disputes in the region, and how they exacerbate the difficulties experienced by people. It reviews laws, policies and interventions implemented by the Government of Iraq and iNGOs to rehabilitate people. The report also highlights global tools, solutions and private-sector-led innovations that tackle housing, land and property problems of people in armed conflict settings. The insights emerging from this study will be used to design solutions that are tailored to meet the needs of the people in Sinjar.

³ The categories of Yazidis and women are also represented in the categories of IDPs and returnees but we mention them separately in the report because we are interested in developing interventions for Yazidis and women specifically.

1.2 Methodology

We conducted desk research to understand the historical context and socio-political dynamics of housing, land and property problems in the Sinjar district and Ninewa governorate. For this, we referred to qualitative and quantitative studies conducted by think tanks and iNGOs between 2015 and 2023. We also consulted reports published by think tanks and online newspaper articles to understand recent political developments in Sinjar. To map law, policies and interventions implemented by iNGOs and the Government of Iraq in Sinjar, we consulted the UN-Habitat and the Land at Scale programme.

To identify global solutions, tools, recommendations and private sector and civity society-led innovations, we referred to reports published by leading international actors in the housing, land and property thematic area. These reports drew on projects conducted in several fragile and post-conflict countries across the world. This includes the Global Land Tool Network, Global Protection Cluster on Housing, Land and Property, UN-Habitat and International Organization of Migration. We also consulted HiiL's database of innovations that offer legal services in conflict settings.



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2. Background on housing, land and property problems of Yazidis, women, IDPs and returnees

2.1 Displacement of people in Sinjar due to conflict with ISIS

More than 6 million Iraqis, which is around 16% of the population, were forced to flee their homes when ISIS militants invaded the country in 2014. In 2017, the Government of Iraq, local defenders Popular Mobilisation Forces and the USA, drove out ISIS from the country. Since then, 4.8 million people have returned to their homes, but more than 1.2 million remain internally displaced. Additionally, 25 IDP camps host 175,000 people in the Kurdistan Region of Iraq which consists of Duhok, Erbil, Halabja and Sulaymaniyah governorates (UNHCR n.d).

Ninewa is one of the largest governorates in Iraq in terms of size and population. Although the majority of its population consisted of Sunni Arab Muslims, it was home to religious and ethnic minorities such as Christians, Yazidis, Kurds, Assyrians, Yazidis, Shia Muslims and Shabaks for centuries (IOM 2023; BBC 2014). Ranking among some of the poorest governorates in Iraq, the people in Ninewa governorate suffered significant damage at the hands of ISIS in terms of human life and property. Plus, the crossfire between ISIS and the allied forces of the Government of Iraq destroyed homes and properties. In the district of Sinjar alone about 80% of public infrastructure and 70% of civilian homes were destroyed (UN-Habitat 2020).

Amongst the ethnic minorities, ISIS targeted the Yazidi population in Sinjar. Prior to 2014, approximately two-thirds of the population of Sinjar was composed of Yazidis. ISIS forcibly converted and killed thousands of Yazidis. It kidnapped women and girls, held them in slavery and indoctrinated children. To escape from the atrocities committed by the group, an estimated 250,000 Yazidis from Sinjar abandoned their homes to flee to Mount Sinjar, a nearby mountain, sought refuge in the nearby Kurdistan Region of Iraq (KRI) or left the country (NRC 2022). Around 200,000 Christians and other ethnic and religious minorities also fled from many towns and villages in the Ninewa governorate.

In May 2022, there were clashes between the Iraq Security Forces and local military groups that were instrumental in driving ISIS out. These clashes re-displaced more than 10,000 Yazidis, the majority of whom took shelter in the Dohuk governorate governed by the Kurdish Regional Government (NRC 2022; Aljazeera 2022). The recurring armed conflict, displacement and the subsequent housing, land and property problems that may arise inhibit the sustainable rehabilitation of people in Sinjar.

2.2 Historical marginalisation of housing, land and property rights of ethnic minorities

Minority communities like Yazidis, Kurdish Shabaks and Christians have faced marginalisation of their right to own land since the late 1960s, after the fall of the Kurdish movement and takeover by Saddam Hossein (Hijra Amina 2016).

Ba'ath government's policies in the 1970s promoted the "Arabisation" of northern Iraq where Yazidis, Kurds and Shia Muslims were forcibly displaced to other areas and were replaced by Sunni Arab families who originally lived in central and southern Iraq. Yazidi communities were forced to move from the mountains near Sinjar to collective townships that had inadequate infrastructure. They were prevented from registering land and acquire tapu — a document for property use, barring them from selling land or accessing government construction loans, privileges that Arab landowners had (NRC 2022; Hijra Amina 2016; Human Rights Watch 2004). Consequently, the 250,000 Yezidis who lived in and around Sinjar could not lawfully own land (NRC 2022).

Studies indicate that 250,000 Kurdish Shabaks residing in the vicinity of Mosul also express an inability to own land. When registering property deeds at the land registry, they would give the name of an Arab friend or acquaintance. Consequently, the community lacked evidence of ownership, with no official government records documenting their land holdings. The Christian community, numbering 350,000, was compelled to relinquish fertile land in return for lower-quality agricultural plots (Hijra Amina 2016).

2.3 Marginalisation of women's right to own housing, land and property

Along with minorities, women's right to housing, land and property have also been marginalised in Iraq. Although Article 14 in the Constitution of Iraq guarantees equality before the law and prohibits discrimination based on sex, Article 41 stipulates that Iraqis are free to govern marriage, inheritance and division of property between husband and wife, according to their religions, sects and beliefs. As a result, the more restrictive systems including the Sharia law and tribal justice system govern women's property rights (NRC 2020).

Under Sharia law, women can purchase land from their earnings or receive land and other property as gifts or dowry. They retain individual property rights when marrying and may acquire land in their name through inheritance. However, women's inheritance shares are generally half that of men. The tribal justice system curtails women's property rights the most. Research conducted by the Norwegian Refugee Council in several governorates of Iraq indicates that men often do not allow women to be included in ownership or lease documents, which makes women entirely

dependent on men for safe housing. Many women give up their inheritance rights to avoid family conflict, avoid societal disparagement, or in fear of losing access to their children (NRC 2020).

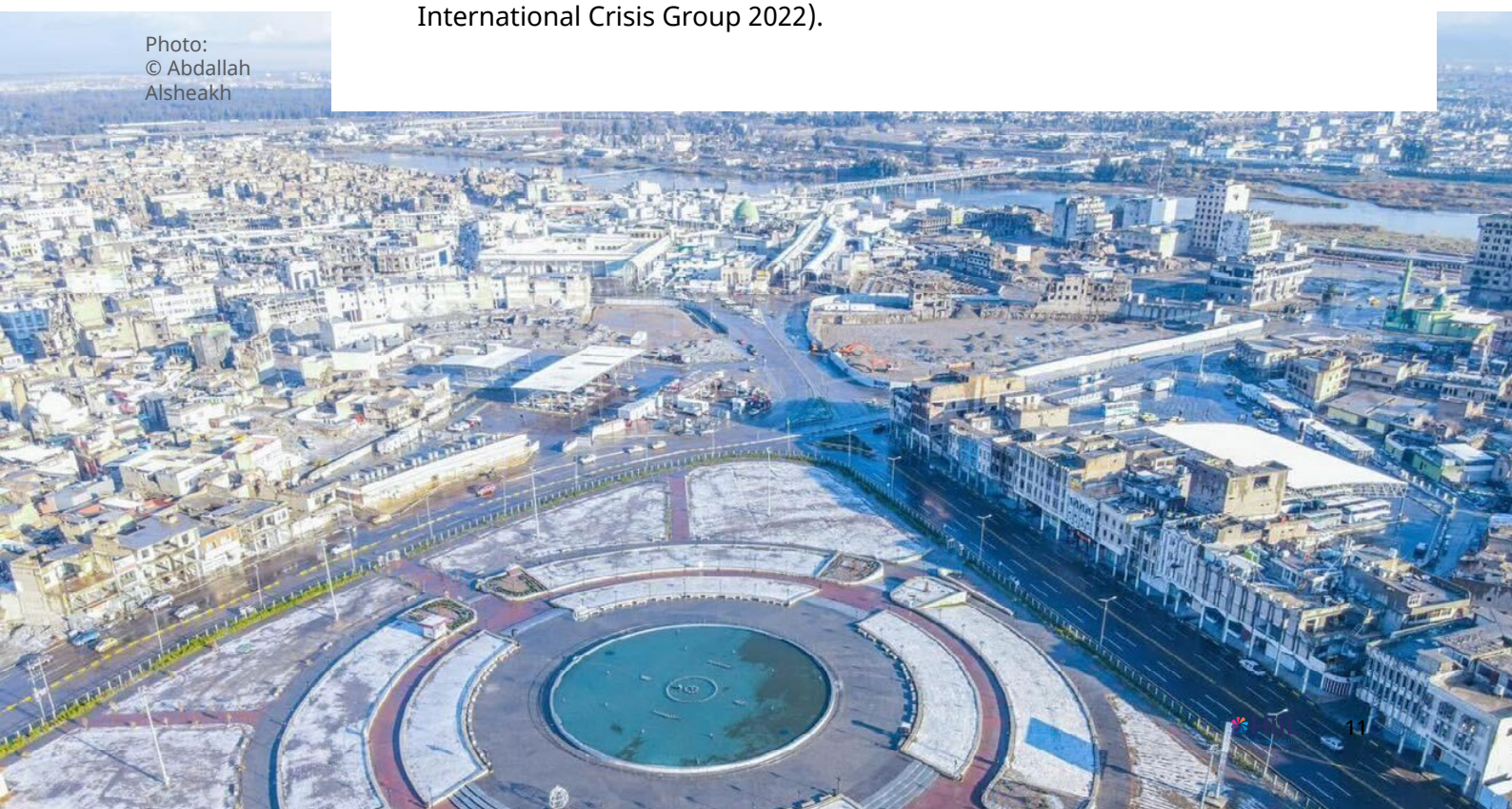
NRC's (2020) research indicates that many Iraqi women lack awareness of their housing, land and property rights, and even when they are aware, accessing support or resolving disputes is challenging without male intermediaries. Women who attempt to navigate formal justice systems or tribal authorities independently risk social stigma, public disgrace, and even expulsion from their families. Furthermore, unaccompanied women face sexual harassment and exploitation when attempting to obtain government documents related to property rights.

2.4 Disputed status of Sinjar

The Government of Iraq, the Kurdish Regional Government, and the local militia that was instrumental in driving ISIS out of the country have been disputing over the control of Sinjar and a few other parts of the Ninewa Government. Presently, the Kurdish Regional Government formally governs Sinjar from the Dohuk governorate. Alongside, two armed groups namely Sinjar Resistance Units (YBS) led by Iraqi Yazidis and Popular Mobilisation Forces, an umbrella unit consisting of several armed groups, have appointed a mayor and bureaucratic officers in parallel to the Kurdish Regional Government's officials (International Crisis Group 2022).

In 2020, the Kurdish Regional Government and the Government of Iraq came to an agreement to jointly administer Sinjar. Unfortunately, the agreement has only been partly implemented as both parties are unable to agree on a suitable candidate for mayor. Plus, the two local armed groups have been excluded in this agreement to jointly govern Sinjar due to which there are clashes and unrest in the district (Human Rights Watch 2023a; International Crisis Group 2022).

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3. Housing, land and property problems in the aftermath of ISIS conflict

After the Government of Iraq reinstated itself in 2017, the internally displaced people lived in camps set up by iNGOs and international donors. In 2019, the Government of Iraq began to close the camps (BBC 2020). This was done to speed up reconstruction efforts (Kullab 2020). Ninewa governorate being one of the most devastated governorates in Iraq due to the conflict with ISIS, people began living in critical conditions including abandoned houses and hotels, mud houses, damaged buildings, tents or rented homes in urban areas. These homes lacked adequate infrastructure and did not guarantee tenure security to people (IOM 2023).

ISIS destroyed or looted land registries of the government in areas under its control. It systematically destroyed and confiscated homes and property from ethnic minorities that they perceived to be apostates or polytheists such as Yazidi, Christian, Turkmen, Shabak and Shia communities. It also targeted people who worked for the Iraqi government and its security services. Thereafter, they redistributed and/or sold housing and land to their supporters, fighters and frequently to Sunni Arab families from neighbouring governorates, towns and districts (NRC 2020; Hijra Amina 2016).

Often, the new owners were given a written sales document. This led to the secondary occupation of houses and land. The Government of Iraq does not recognise these sales as legal, but the new owners of the houses and land are not ready to vacate. The overlapping claims to houses has led to conflicts between the secondary occupants of homes and the original owners of houses who returned. Some returnees also settled into vacant homes which were later claimed by their original owners which has led to disputes between families and secondary displacement of those who are not able to secure the house or land. Many people while fleeing for safety, did not carry their civil and housing, land and property-related documentation, so they could not prove ownership (ibid).

Moreover, in 2017, when areas were retaken by the Iraqi Armed Forces and allied militias, they settled into the properties of displaced people. As a result of which when IDPs returned to their places of origin, they found their houses occupied by allied militias and the army (NRC 2020). The loss of livelihood due to displacement and conflict has resulted in a loss of income due to which people cannot afford to rebuild homes (NRC 2022; IOM 2023). As a result, people live in rented homes and face sudden surges in rent and eviction if they cannot pay the amount, or live in homes without land lease documents. Research indicates that women are more likely to live in inadequate shelters and face eviction (NRC 2022; HiiL 2023).

After the closure of camps, widows, mothers and single women whose male relatives had joined ISIS were in a vulnerable position. They feared

retaliation by their community members if they return home. Moreover, security forces and allied militia that fought against ISIS denied these women the security clearances that are required to obtain civil and identity documents (NRC 2020; Kullab 2020; Human Rights Watch 2020). This denied them freedom of movement which is required to obtain personal civil documents required to inherit property, remarry and apply for compensation funds. Such women experienced long-term displacement (NRC 2020).

A survey conducted by NRC (2022) of Yazidi IDPs and returnees in Sinjar and those residing in other parts of Ninewa and Dohuk governorates indicates that access to formal and informal justice systems is fraught with challenges. Yazidi IDPs rely on informal justice systems because they are more effective and faster than formal dispute procedures. On the other hand, Yezidi returnees prefer formal dispute resolution systems because the informal justice providers within the community have been displaced.

Below is an overview of all the problems faced by people in Sinjar district and the broader Ninewa governorate after the closure of camps set up by humanitarian agencies:

Theme	Problems
Property ownership and documentation issues	<ul style="list-style-type: none"> ▪ Overlapping claims on houses due to ISIS’s selling/redistributing houses. ▪ Competition over habitable homes between first wave returnees and original owners of homes who return later ▪ Deliberate destruction of land registries by ISIS due to which public records on land and property ownership are not available. ▪ Loss of civil and property-related documents among IDPs and returnees. ▪ Eviction in areas where people don’t have ownership docs and land lease agreements or cannot afford rent increase
War-damaged homes and reconstruction challenges	<ul style="list-style-type: none"> ▪ Shortage of habitable homes as many were destroyed by ISIS and in the cross-fire between the government and ISIS. ▪ Lack of monetary resources to rebuild homes.
Social and cultural factors affecting ownership rights	<ul style="list-style-type: none"> ▪ Historical marginalisation of Yazidis. ▪ Customary practices pressurizing single and widowed women to relinquish land and home titles. ▪ Low awareness among women on housing, land and property rights. ▪ Exclusion of women’s names from property titles. ▪ Stigma and discrimination against women with ISIS affiliations leading to housing insecurity and gaps in access to civil and housing, land and property documentation.
Gaps in dispute resolution systems	<ul style="list-style-type: none"> ▪ The crisis and displacement of people has affected the availability of informal dispute resolution mechanisms. ▪ Lengthy and complex dispute resolution procedures of the formal justice system.

4. Government's laws, policies and projects aimed at protecting rights of people

The Government of Iraq has primarily implemented interventions in the form of funds for the reconstruction of Sinjar and legislation that guarantees compensation for war-damaged property for the general population and salary and land for Yazidis. However, due to budgetary constraints, political disputes and shortcomings in the design of the legislations, the majority of these interventions have not materialised. Therefore, people continue to compete over habitable housing. In the below sections, we discuss these issues in more detail.

4.1 Laws to protect the rights of people and to compensate them for war-damaged property

Iraq's Law No. 20 of 2009 (amended in 2015 and 2020) implemented by the government provides the general population with compensation funds for damaged property (Global Protection Cluster 2020). Law No. 8 of 2021 provides salary and land for Yazidis and other minorities (Global Land Protection Cluster-Iraq 2023). In December 2022, the Government of Iraq recognised the right of Yazidis to own and register land in their name (Global Land Tool Network n.d). More information on the same can be found in section 5 on 'Overview of interventions conducted by iNGOs'.

The majority of the people apply for compensation via the 2009 law. There are several shortcomings in the law including a lack of awareness among people about the law, complex application procedures, an insufficient number of judges to adjudicate claims and so on (Global Protection Housing Land and Property Sub-Cluster Iraq n.d). In addition, compensation applications are frequently rejected because essential documents are missing. To obtain civil documents, IDPs often have to travel to their area of origin rather than the closest government department in the area of displacement. There are multiple procedures to obtain a single document which makes it a time-consuming process (USAID and MERI 2020).

Women report feeling uncomfortable going to documentation offices because of the absence of females in these offices. Unaccompanied women report facing sexual harassment by government officials when they apply for civil documents. Childcare responsibilities also make it difficult for women to travel to government offices to obtain documents (NRC 2023; USAID and MERI 2020).

Moreover, around 97% of filed claims are still being processed and only 1% have been approved. People with approved applications have not received compensation due to federal budgetary constraints and the limited capacity of the implementing courts (USAID and MERI 2020). The same predicament was observed in the implementation of the Yazidi Survivor Law of 2021. A report by the Global Protection Cluster (2023) indicates that the government lacks resources to provide Yazidis with the promised land and salary. Moreover, the clause that requires Yazidis to file a judicial complaint about the kind of abuse they suffered leads to stigmatisation in society (Human Rights Watch 2023b).

Our consultation with UN-Habitat-Iraq on May 8, 2024, reveals that although the government launched a law that acknowledges equal rights of Yazidis to own land, the government did not take any action on it for two years. The delay in the implementation of the law extended the duration of the suffering of the Yazidi community. UN-Habitat has also witnessed illegal transactions and forgery of property documents in the newly established land registries in Sinjar. Such shortcoming on the part of the government continues to put IDPs, returnees, Yazidis and women in Sinjar at risk of not being able to access their housing, land and property.

Photo: © Fareed Baram/NRC



4.2 Funds for the reconstruction of Sinjar

The Government of Iraq has committed to reconstructing the country in the National Plan on Returning IDPs to Liberated Areas (Republic of Iraq 2020). In addition, it has set aside 34 million USD for the reconstruction of Sinjar but is unwilling to spend the money due to the dispute between the Kurdish Regional Government on the administration and control of the district (Human Rights Watch 2023a). Sinjaris report a lack of infrastructure such as housing, electricity, water, education and healthcare given that 80% of the infrastructure was destroyed in the conflict against ISIS (Human Rights Watch 2023a; NRC 2022). The political disagreements are delaying the reconstruction of the district.

Below is an overview of institutional barriers that prevent people from exercising their housing, land and property rights:

- Low awareness of compensation schemes and rights;
- Complex procedures for applying for compensation;
- Shortage of staff to adjudicate claims;
- Delays in approval of compensation claims;
- Delays in payment of compensation due to budgetary constraints;
- Difficult for IDPs in camps to apply for compensation due to restrictions on movement within camps in Ninewa;
- Need for security clearances to obtain civil documents;
- Authorities discriminating against women with perceived ISIS affiliations;
- Sexual harassment of unaccompanied women by government officials;
- Disagreement with the Kurdish Regional Government over the administration and control of Sinjar;
- Multiple governance structures arising from the dispute over the governance of Sinjar between local armed militia, the Kurdish Regional Government and the Government of Iraq.

5. Overview of interventions made by iNGOs

The majority of the interventions to protect the housing, land and property rights of people, especially women and Yazidis have been led by UN-Habitat, the International Organisation of Migration, the Norwegian Refugee Council, UNHCR and the Iraq Global Protection Cluster on housing, land and property rights which is a large network of donors, iNGOs and NGOs that was led by UNHCR. The interventions primarily build the capacity of the government to address people's needs on housing, land and property and also redevelop the infrastructure and administrative systems that were damaged during the ISIS conflict. In the below sections, we give an overview of the interventions and also try to ascertain their effectiveness in addressing housing, land and property problems.

5.1 Interventions to strengthen the capacity of public institutions in addressing housing, land and property rights of people

5.1.1 Collaborating with the Iraqi government to enact land ownership rights for Yazidis

UN-Habitat documented the claims of Yazidis to property and issued them certificates authorised by community leaders and local government authorities (more below). This initiative helped UN-Habitat foster change at the policy level concerning the housing, land and property rights of Yazidis. To illustrate, The Government of Iraq enacted a law that recognised the right of Yazidis to own and register land in December 2022, and formally recognised occupancy certificates issued by UN-Habitat (Global Land Tool Network n.d.b; UN-Habitat 2018)

5.1.2 Supporting the government in rebuilding land registries.

The Global Protection Cluster's Housing, Land and Property Rights Sub-Cluster led by UNHCR supports the Government of Iraq in the rebuilding of land registries. To illustrate, it provided support to re-establish the destroyed or damaged land cadasters, transfer land and property records from Baghdad to regional offices and establish procedures for restitution or other remedies where land cadasters cannot be restored and where court systems lack the capacity to tackle land and property disputes (Global Protection Cluster 2023).

5.1.3 Rehabilitating Civil Affairs Directorates and other institutions that issue civil documents.

Several iNGOs supported the redevelopment of Civil Affairs Directorates, Unified National ID Directorate and National Identification Document Centers responsible for issuing civil documents to people (Global Protection Cluster n.d; UNHCR n.d).

5.2 Interventions of iNGOs at the grassroots level to resolve people's housing, land and property-related problems

The interventions of iNGOs to address people's housing, land and property problems of people at the grassroots include distributing government-authorized occupancy certificates to Yazidi families, constructing and rehabilitating homes, providing legal assistance and information on housing, land and property rights, and building the capacity of local authorities to handle housing, land and property disputes and process compensation claims. These efforts have provided tangible benefits such as tenure security and habitable homes. However, there are concerns regarding the concentration of housing efforts in certain areas, the adequacy of housing reconstruction, and the reach of support programs to all in need.

5.2.1 Distribution of government-authorized occupancy certificates to Yazidi families.

UN-Habitat mapped and verified claims to housing, land and property of Yazidis based on which it distributed occupancy certificates authorized by local government officials to 13,300 Yazidi families (NRC 2022). For that, it used the Social Tenure Domain Model which is a globally recognised tool that has benefited two million people in ten countries across Africa, Asia, Latin America and the Middle East (UN-Habitat and Global Land Tool Network 2023). It gave the Yazidis tenure security and formal documentation of their property using which they can apply for compensation funds for the damaged property (NRC 2022; United Nations 2021).

5.2.2 Constructing new homes and rehabilitating war-damaged homes.

Several iNGOs and international aid organisations have constructed new homes and provided people with cash and in-kind support to rehabilitate war-damaged homes (UN-Habitat 2022; IOM 2023; USAID 2023; USAID 2020). However, reports suggest that most of the housing construction efforts have been concentrated in Mosul and Sinjar as a result of which other parts of the Ninewa governorate have been neglected (USAID and MERI 2020). Moreover, recent studies show that although a high percentage of returnees have secured habitable shelter, many IDPs, Yazidis and women continue to live in heavily damaged homes and face the risk of eviction due to a lack of documentation despite the efforts of iNGOs (IOM 2023; NRC 2022).

5.2.3 Provide people with information and legal assistance on housing, land and property rights, dispute resolution, and application of compensation claims.

Several iNGOs have provided information on housing, land and property rights and dispute resolution and provided legal counselling and representation on housing, land and property disputes. Some information and legal assistance sessions have also been targeted towards women. These interventions have been effective in facilitating people to apply for compensation funds and getting disputes resolved (NRC 2023; UN-Habitat 2018; UN-Habitat 2023a; UN-Habitat 2023b; IOM 2023). They are responsive to the justice needs of people and a step in the right direction, given the many gaps identified by studies on housing, land and property problems of people (see section 3). However, information on the scale of these programmes is not known so it is difficult to ascertain whether these interventions reached all those who need support.

5.2.5 Provide civil documents required for housing restitution and application for compensation funds

The Global Protection Sub-Cluster and UNHCR conducted mobile missions and legal assistance and counselling sessions to help people in obtaining civil documentation. This includes birth certificates, marriage certificates, death certificates and identification documents issued by the government including civil status ID, national ID, public distribution system ID and housing card. Without these documents, people cannot apply for housing restitution and compensation, so an intervention of this nature is essential. However, these efforts have not reached all those in need (USAID and MERI 2022; UNHCR 2022; UNHCR n.d; Global Protection Cluster n.d).

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5.2.6 Building the capacity of local authorities to resolve housing, land and property disputes, conduct restitution and process compensation claims

INGOs have also conducted training to build the capacity of local authorities including mukhtars and municipal officials in resolving housing, land and property-related disputes using mediation and negotiation, restitution and processing compensation claims (Capacity4Dev 2023; NRC 2022; IOM 2023). These interventions step in the right direction, given the gaps identified by studies on housing, land and property problems of people (see section 3). However, information on the scale of these programmes is not known so it is difficult to ascertain whether these interventions reached all those who need support.

5.2.7 Facilitating peace agreements between families with perceived affiliation with ISIS and communities against whom ISIS inflicted atrocities

Tribal authorities in Ninewa governorate and across Iraq have negotiated the integration of families with perceived affiliation to ISIS. They have vouched for some families or encouraged them to renounce their family members who are associated with ISIS. The results were mixed. Some families reintegrated successfully, while others faced permanent exile or temporary relocation. At times, agreements negotiated independently by tribal leaders did not fully abide by law and human rights standards (UNDP 2021). For instance, families wanting to return to their places of origin were forced to pay money to victims before being allowed to resettle in their communities (UNHCR n.d). While details from specific areas like Sinjar are unavailable, reports suggest transactions of this nature are widespread.

The Local Peace Committees supported by the U.S Institute of Peace, PAX, UNDP, GIZ, Sanad for Peacebuilding, Mercy Corps and Chemonics have also supported the reintegration of IDPs with perceived ISIS association. The Local Peace Committees include government officials, civil society organisations, and tribal and religious leaders. Unlike interventions of tribal leaders that may conflict with Iraqi state law and international human rights law, Local Peace Committees negotiate agreements that comply with the state's justice system. This has brought about cooperation with state security forces. While information on the activities of Local Peace Committees in Sinjar is limited, UNDP indicates that they facilitated the return of 40,000 IDPs in the Ninewa governorate (UNDP 2021).

Overall, they facilitated community peace agreements between conflicting parties, enhanced local capacities to mitigate and resolve conflicts and improved social cohesion and trust among community members and between communities and state authorities (UNDP 2021). Although Local Peace Committees are a promising mechanism for return and reintegration, they still face significant challenges. This includes a lack of funding from the Iraqi government, uncooperative tribal leaders and security forces who resist the reintegration of families with perceived ISIS association, a lack of adequate services and infrastructure in communities of return, and opposition from community members whose relatives suffered from atrocities of ISIS.

6. Spectrum of solutions on housing, land and property rights of people in conflict settings

This section provides a snapshot of international frameworks and principles on the housing, land and property rights of people in conflict settings. It also includes actionable recommendations and tools that emerged from interventions conducted in various countries as well as justice-tech startups that provide services that address housing, land and property needs of people.

6.1 Key reports outlining housing, land and property rights of people in conflict settings

Housing land and property rights have been outlined and referenced in several international human rights instruments. Broadly, they cover the rights of owners, tenants, cooperative dwellers, customary land tenure owners and users and informal sector dwellers without secure rights. They also include the right to use natural resources attached to the land. In the context of Sinjar, Iraq housing, land and property rights mainly refer to housing. Therefore, in this section, we focus more on key resources that outline the housing rights of people in conflict settings:

- Norwegian Refugee Council (2021). Access to housing, land and property in forced displacement contexts.
- United Nations (2019). Guidance note of the Secretary-General: United Nations and land and conflict.
- International Organisation of Migration (2018). Guidance Note: Integrating Housing, Land and Property Issues into Key Humanitarian, Transitional and Development Planning Processes.
- UN-Habitat (2018). Land and conflict: Lessons from The Field on Conflict Sensitive Land Governance and Peacebuilding.
- Global Land Tool Network (2016). Land and conflict: Supporting peace-making and peacebuilding efforts in fragile states.
- Brookings Institution (2010). IASC Framework for Durable Solutions for Internally Displaced Persons. University of Bern Project on Internal Displacement, Washington, D.C.

- Centre on Housing Rights and Evictions (2005). United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles).
- OCHA (1998). Guiding Principles on Internal Displacement. United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York and Geneva
- United Nations (1966). International Covenant on Economic, Social and Cultural Rights.

Of these frameworks, the Pinheiro principles have informed the design of programmes and interventions of iNGOs, international aid organisations and governments in recent years. They provide a common language and a set of guiding principles for protecting the rights of IDPs and help monitor progress on housing, land and property problems and compliance with legal frameworks (International Organization for Migration 2018).

6.2 Actionable recommendations

UN-Habitat (2018b) in the report 'Land and conflict: Lessons from the field on conflict sensitive land governance and peacebuilding' has shared actionable recommendations that can be used by the state and civil society organisations to resolve land problems arising from the nexus of land and armed conflict. The recommendations emerge from projects implemented by UN-Habitat in nine countries including Brazil, Somalia, Iraq, Honduras and South Sudan among others. Below is a short description of them.

6.2.1 Land policy processes

Land policy processes refer to the distribution of resources and benefits. In conflict settings, such land policies may focus on preventing and addressing displacement of people, food security and urban rehabilitation among others. In Sinjar, the allocation of funds for the construction of housing by the Government of Iraq is an example of land policy.

6.2.2 New types of land reform

Land reform in conflict-affected countries can take the form of restitution of housing, land and property, the sharing of obligations and gains between parties, the regularization of informal land settlements and the provision of land rights to those without. In Iraq, land restitution took the form of compensation for war-damaged homes. The land rights of Yazidis were also formally recognised by the government in the post-conflict period.

6.2.3 Conflict-sensitive, fit-for-purpose land administration

Fit for purpose land administration is an upcoming method of managing land administrative systems and land rights of people. Unlike traditional systems, it doesn't require expensive, high-tech solutions. It focuses on designing a system that works for the specific needs and resources of a particular country or region. It accommodates different types of land tenure and can be incrementally improved over time to meet the needs of the country.

6.2.4 Dispute resolution over land

In countries with strong public institutions, formal justice systems are used to resolve disputes. In countries with weak institutions, alternative dispute-resolution mechanisms can be used. Dispute resolution methods include negotiation where parties to the dispute agree to a settlement, meditation where a neutral person such as a lawyer or local leader resolves the disputes and adjudication by courts. Several iNGOs in Sinjar tried to build the capacity of government officials, local leaders and lawyers by using mediation and negotiation to resolve disputes among people.

6.2.5 Capacity development

In conflict settings, developing the capacity of the government, community leaders, civil society organisations, women, youth and the private sector is essential. It can be done by providing training programmes, workshops and information sessions on housing, land and property rights, dispute resolution methods such as mediation and negotiation, IDP rights, refugee rights, women's rights and more. In Sinjar, iNGOs conducted capacity development programmes for a wide range of stakeholders. Before undertaking a capacity development programme, it is important to assess the needs of the people via surveys, desk research or focus group discussions. However, it is difficult to conduct needs assessment where the state is weak, absent or unwilling. A quick and less formal type of needs assessment for conflict settings is facilitating dialogues on a topic with relevant stakeholders.

6.2.6 Gender responsiveness

Best practices on empowering women with lawful access to housing, land and property, women are few due to lack of resources, political will and technical capacity. Some of the approaches that have helped women across the world and in Iraq in exercising their housing, land and property rights include:

- Training women in understanding their rights to housing, land and property, and the technical issues that might emerge during a dispute.
- Issuing land ownership documents in the name of the husband and wife and helping women understand the significance of having their names on land-related legal documents.

6.3 Tools that enable people to exercise their rights related to housing, land and property

The Global Land Tool Network has developed several tools that facilitate tenure security, land ownership and land management. Many of these have been used in countries that have experienced armed conflict. Below is an overview of some of the tools that are relevant to the Iraqi context. Information about more tools such as youth criteria and the continuum of land rights approach among others can be found on the website of the Global Land Tool Network.

6.3.1 Social tenure domain model

Inhabitants of land that has not been formally registered face the risk of eviction, land grabbing by the elite, and inadequate compensation among others. The social tenure domain model is a tool to legally register land and its inhabitants along with the support of community members. It has an open and free software free using which land information can be managed easily even by laypeople (Global Land Tool Network n.d.a; UN-Habitat and Global Land Tool Network 2023). The social tenure domain model has been successfully used by the UN-Habitat to issue occupancy certificates to Yazidis, as mentioned in the above sections.

6.3.2 Participatory enumeration

Participatory enumeration is a data-gathering process where communities are involved in designing and conducting the survey instead of deploying external, specialist enumerators. Data on houses, residents, and owners in a locality is collected. This tool ensures that the views of community members are taken into account in land rehabilitation efforts. It can be used along with the social tenure domain model (Global Land Tool Network 2010).

6.3.3 The gender evaluation criteria

The gender evaluation criteria is a set of questions that can be used to design new or evaluate existing land tools from a gender perspective. It enables the development of gender-responsive land tools by identifying sections that need more attention and ways of utilising the tool in the interest of both women and men (Global Land Tool Network 2010).

6.4 Private sector-led innovations

Justice-tech platforms that connect people to lawyers who provide legal advice and representation and help them obtain civil and legal documents can enable people to exercise their housing, land and property rights. HiiL's Justice Accelerator has funded startups like SyrGo, Mobile Legal Clinic and Syrian Documents Guide to enable survivors of armed conflict living outside and within Syria to obtain legal documents (HiiL n.d).

SyrGo is an online platform that connects refugees and immigrants living outside of Syria to lawyers in Syria who provide civil and legal documents at an affordable price. It is an alternative to black markets where lawyer fees are extremely high and guarantee of receiving documents is low (HiiL 2024). The Syria Documents Guide indicates to people the documents that need to be submitted to the government and the different departments that provide legal documents. By doing so, it gives people the information necessary to obtain civil and legal documents from the government (HiiL n.d).

Mobile legal Clinic in Syria is another initiative that helps legalise stateless people so that they can obtain healthcare, education and other welfare services. It provides legal identification documents to people in northern Syria and in refugee camps of Lebanon (HiiL n.d). The concept of mobile legal clinic has been used by UNHCR in Sinjar to deliver people civil and legal documents (UNHCR 2023). Board games and videos can also be used to raise awareness about women's housing, land and property problems and the importance of allowing women to own land. Such videos and board games were developed to raise awareness about child marriage and the role of women in society in Syria by innovators supported by HiiL. Chatbots that advise women on their human rights violations were launched by innovators supported by HiiL in Syria. They can be easily replicated to provide women support on their housing, land and property rights in the context of Iraq (HiiL n.d).

6.5 Civil society-led innovations

Civil society organisations in fragile and post-conflict countries have established mediation centres, community justice services and advocacy campaigns to help vulnerable people exercise their housing, land and property rights. For example, in Uganda the West Nile Mediation Centre resolves disputes on land and family in rural Uganda. Bataka Courts in rural Uganda organises community leaders who resolve disputes on land, neighbour, family and petty crime (West Nile Mediation Centre n.d). Landesa conducts research and advocacy on land rights of people in several countries (Landesa n.d).

Badabon Sango in Bangladesh provides legal assistance to women on land problems and conducts advocacy to ensure that women have an equal right to own land (Badoban Sangho n.d). Many of the interventions undertaken by these civil society organisations have been included in the list of actionable recommendations, but the method of implementation in fragile and post-conflict settings warrants separate recognition.

7. Conclusion

The struggle of returnees, IDPs, Yazidis and women in Sinjar to access housing, land and property stems from several complex causes. This includes historical marginalisation of the rights of Yazidis, social and cultural norms that discriminate against women, physical damage to homes due to armed conflict, problems emanating from ISIS's treatment of houses, displacement of informal justice providers, complex and lengthy formal dispute resolution systems, political disputes over administration of the district between Government of Iraq and Kurdish Regional Government and legal and institutional shortcomings.

As a result, in post-conflict Sinjar, housing, land and property problems are multifaceted. This includes shortage of habitable homes, loss of property-related documents, inability to prove home ownership, secondary occupation of homes, overlapping claims to houses, eviction, rising rent, lack of lease or rental documents and many others.

To rehabilitate the internally displaced persons and those who have returned to their places of origin, the Government of Iraq along with international aid organisations and iNGOs have undertaken large-scale programmes. This includes compensation for those whose property was damaged, land and salary for Yazidis, cash and kind support to reconstruct war-damaged homes, provision of civil documents for those without, legal assistance to apply for compensation claims, capacity building on dispute resolution methods and awareness-raising sessions on rights and entitlements of people. These interventions are aligned with internationally recognised best practices to address the housing, land and property rights of people in conflict settings.

Particularly, UN-Habitat's efforts to bring about formal recognition of the right of Yazidis to own land has turned the tide in favour of the minority community after facing decades of marginalization. Its efforts in raising awareness among people about compensation claims for war-damaged property, building the capacity of government officials to process those claims and providing legal assistance on land lease and ownership indicate its commitment to creating holistic programmes that deliver durable solutions in conflict settings.

Studies indicate that despite efforts of the Government of Iraq and iNGOs, IDPs, Yazidis and women in Sinjar district continue to face challenges (NRC 2022; IOM 2023). This can be attributed to political disputes which have resulted in stalling of redevelopment efforts, undelivered compensation funds, the limited reach of interventions and social and cultural norms that discriminate against women and those with perceived affiliation with ISIS keep people. Moreover, Yazidi IDPs who lived in camps in the Kurdish Region of Iraq are beginning to return to Sinjar as funds from international aid organisations have begun receding which adds pressure on existing infrastructure (Dhri 2023).

These barriers to housing, land and property result in tensions between communities as they compete to secure habitable homes and have delay the rehabilitation of Yazidi IDPs who continue to live in camps in the Kurdish Region of Iraq (NRC 2022; Dri 2023). Given that people, mainly IDPs, women and Yazidis (NRC 2022) still lack access to habitable housing, iNGOs and the Government of Iraq need to continue their efforts to help rehabilitate Sinjar.

In Sinjar, Hiil's Justice Accelerator intends to support existing local initiatives that have an innovative approach to meeting the needs of people. We aim to improve the delivery of legal and administrative services, promote the rights of women and minorities and enhance community participation in the decision-making process on housing, land and property. Drawing on lessons learnt from our activities in Syria and other fragile countries and UN-Habitat's rich experience of rehabilitating people in conflict settings, we hope to create a meaningful difference in the lives of IDPs, returnees, Yazidis and women in the coming months.



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