Rebuilding peace: Land and water management in the Kurdistan Region of northern Iraq

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Recent experiences in many conflict-affected areas have shown that reconstruction and development assistance can be used to support peace initiatives before a final resolution to conflict is achieved. In itself, reconstruction will not bring about peace, but it can make a contribution toward reducing the scope of the conflict and provide much-needed assistance to people who otherwise would be forced to leave their homes in search of relief and public welfare. It is a way of breaking the vicious circle of violence and poverty, especially for women-headed households and other vulnerable segments of the population.

The village reconstruction program in the Kurdistan Region of northern Iraq from 1991 to 2003 provided housing for internally displaced families and returning refugees, and removed obstacles that hampered equitable access to land, water for drinking and irrigation purposes, and a better quality of life. The program contributed to coordination between housing provision and peacebuilding efforts by increasing access to housing and contributing to its affordability, appropriateness, and sustainability. The program also provided input into relevant policy and strategy development by identifying innovative strategies for increasing opportunities for community consultation.

In the Kurdistan reconstruction program, communities led the process of bringing peace and development, and displaced families relearned their roles by becoming responsible for designing their own reconstruction efforts. It was their choice to return to their destroyed communities, to rebuild their homes, and to make improvements over what existed before.

This chapter provides an insider's view of reconstruction and development in the Iraqi Kurdistan Region, and examines the community-based approach—with its emphasis on localized decision making—as a model of coordinated municipal

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development for addressing simmering land and property disputes in other parts of Iraq.[1]

ORIGINS OF THE PROBLEM

At the crossroads of Sunni and Shia Islam, Iraq was created out of the ruins of the Ottoman Empire in August 1921 (Fawcett and Tanner 2002). Eleven years later, Iraq received independence from the British Empire and became the state recognized today. In 1968, the Baath Party took power and eventually saw the ascendance of Saddam Hussein to the presidency. The Hussein regime engaged in a series of conflicts with the Kurdish population in the northern part of the state. In the 1970s, Saddam Hussein militarily destroyed scores of Kurdish villages, and in the 1980s, he used chemical weapons against Kurdish rebel populations (Cohen and Fawcett 2002).[2]

In March 1991, after Iraqi forces had been driven out of Kuwait by the U.S.-led Coalition Task Force, groups within Iraq launched a rebellion in both the north and the south of the country. In the face of a military campaign directed against them by the Iraqi army, over 450,000 Kurdish people fled to the Turkish frontier in a single week. By mid-April, another 1.5 million Kurds fled to Iran (see figure 1 for the location of various ethnic and religious groups in Iraq) (Fawcett and Tanner 2002).
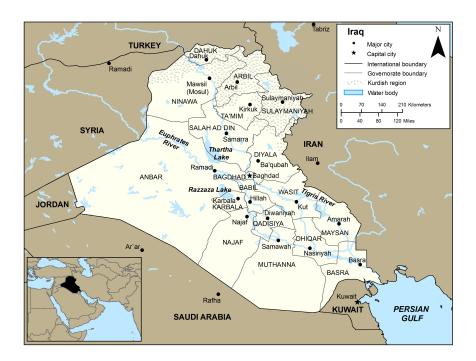
The need for a safe haven

As images of desperate Kurds trapped in the mountains of northern Iraq continued to be televised worldwide, international pressure to find a solution mounted. At the beginning of April 1991, the idea of a safe haven for the Kurds inside Iraqi Kurdistan was proposed. After some deliberation, on April 5 the United Nations Security Council adopted Resolution 688, which insisted that "Iraq allow immediate access by international humanitarian organizations to all those in need of assistance" and authorized the Secretary-General to "use all resources at his disposal" to address "the critical needs of the refugees and displaced Iraqi populations" (UNSC 1991).

On April 10, members of the Coalition Task Force declared a no-fly zone in northern Iraq and assumed leadership of the relief effort (Barkey and Laipson 2005; Fawcett and Tanner 2002). Camps were established for the Kurds. The aim was to enable the Kurds' quick return to northern Iraq and then to turn the operation over to the United Nations. Within the United Nations, it was suggested

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[1] This chapter is based upon the author's work with various United Nations agencies and later as a government cabinet minister in charge of reconstruction and development from 1991 to 2003 in the Iraqi Kurdistan Region.

[2] For a detailed history of Iraq, including the Hussein regime's actions in northern Iraq, see O'Leary, McGarry, and Salih (2005).

that the UN Office of the High Commissioner for Refugees (UNHCR) should lead the humanitarian operation and that the establishment of a safe haven in Iraq would be a substitute for the creation of refugee camps inside Iraqi territory. But UNHCR officials expressed concerned about the safety of Kurds returning to northern Iraq.[3] The Iraqi government had not provided any guarantees for their security. UNHCR therefore argued for a more gradual transition.

To encourage return, the coalition forces told the Kurds that UN guards would protect them, and they distributed hundreds of thousands of leaflets announcing that it was safe to go back. The desperate Kurds, blocked in the cold mountain passes on the Turkish border, soon started to return. In the first two weeks, nearly 200,000 refugees returned to Iraq.

The resettlement of millions of refugees and internally displaced persons could not have taken place without the active collaboration of nongovernmental organizations (NGOs). Their contributions included accompanying refugees back to their places of origin, designing and implementing quick-impact rehabilitation projects, and monitoring human rights.

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[3]   In a letter to the UN Secretary-General on May 17, 1991, High Commissioner Sadako Ogata expressed her "continued concern" for the security of the returnees. She explained that "nothing short of a negotiated settlement" accompanied by "international guarantees" could offer a lasting solution to the plight of the Kurds (UNHCR 1991; 2000, 217).
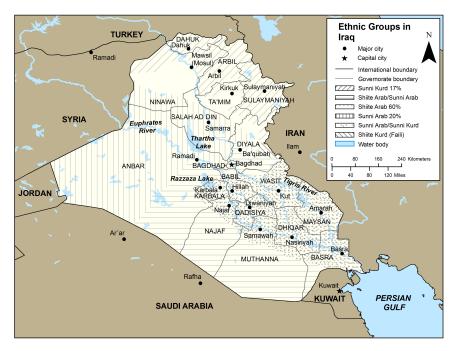
Figure 1.   Ethnic and religious groups in Iraq
Source: University of Texas Libraries (1978).

Once the emergency relief phase was completed and rehabilitation and reconstruction were under way, UNHCR handed over its operation to other UN agencies, including the new UN Department of Humanitarian Affairs (DHA), which was set up to coordinate responses to humanitarian emergencies on the basis of UN General Assembly Resolution 46/182 of December 19, 1991. In 1998, DHA became the Office for the Coordination of Humanitarian Affairs.

The establishment of the safe haven in northern Iraq has often been regarded as a success, particularly because it allowed the return of hundreds of thousands of Iraqi Kurds to their homes. Initially, however, economic conditions in the Kurdistan Region were difficult. The region suffered from a double economic embargo—UN sanctions against Iraq as a whole and an internal embargo imposed by the Iraqi government. In the following years, security problems continued in the region, both as a result of power struggles between the two rival Kurdish factions and because of military incursions. There was violence in 1996, for instance, when Iraqi government forces briefly surrounded the city of Arbil. The region also experienced incursions by Iranian military forces and, on a larger scale, Turkish military forces, which on a number of occasions attacked places suspected of harboring members of the Kurdistan Workers' Party. In March 1995, Turkey sent 35,000 troops into the Kurdish Region. A survey by United Nations Human Settlements
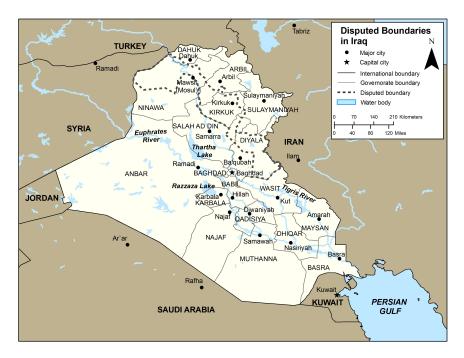
Figure 2.   Iraqi political boundaries
Source: Adapted from a map produced by the ICG (2008).

Programme (UN-HABITAT) estimated the number of internally displaced persons in Kurdistan at 805,000 in October 2000 (UN-HABITAT 2001).[4]

In spite of these problems, rehabilitation and reconstruction work continued throughout the decade, and economic and security conditions gradually improved. Iraqi Kurdistan managed to establish a legitimate government long before the fall of the Hussein regime and ruled without conflict for more than five years, from 1997 until 2003. The Kurdistan Region (composed of the governorates of Arbil, Dahuk, and Sulaymaniyah) had a parliament, a government, and several political parties prior to the collapse of the Iraqi state on April 2003 (see figure 2 for political boundaries within Iraq).

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[4]   The Iraq Foundation concludes that "the deportation of Kurds and Turkomans from areas under government control, and particularly from the Kirkuk governorate, has left over 100,000 people from northern areas homeless and destitute" (Iraq Foundation 2001; see also HRW (2003)). The Austrian Centre for Country of Origin and Asylum Research and Documentation states that "an estimated 100,000 people . . . were deported from government-controlled areas, especially from Kirkuk, Khanaqin, and Mosul. They were sent to Northern Iraq for several reasons, yet the majority of them were accused of having affiliations with the opposition parties in the north or abroad. Being a Kurd or Turkmen also sufficed as a reason" (ACCORD 2001, 57).

Historical land administration patterns

Under the Ottoman Empire, the Turkish system of head-of-household land recording was adopted in what is now Iraq to facilitate the taxation of property and its transfer through inheritance and sale. Property owners were issued *tapus*, similar to deeds. Under British rule and the Iraqi monarchy, 90 percent of all arable, nontribal land in Iraq was surveyed and mapped. After the Baathists overthrew the monarchy in 1968, much agricultural land became the property of the state. Certain residential and urban properties remained in private ownership, and the Ministry of Justice continued to issue and update tapus for private properties. Privately held agricultural land was limited to 1,500 *donums* (375 hectares) per owner.[5]

Public agricultural lands came under the administration of the State Board for Agricultural Lands. They were distributed in two ways. Poor farmers and villages received rent-free distributions, and individual farmers received up to 50 donums (12.5 hectares). Groups or villages that held the land in common received approximately 120 donums (30 hectares) per ten farmers. Distributions to wealthier farmers or villages were made on a lease basis. The government continued to own the lands but permitted long-term occupation as long as the land was being properly used.

Legislation passed in 1970 decreed that all further distributions of agricultural land would be made as leaseholds.[6] Areas with sufficient precipitation to support rain-fed agriculture were scarce, and Iraq needed more agricultural production. A large-scale reclamation program began. This meant building canals and other irrigation infrastructure to convert dry areas into productive agricultural property. These leasehold distributions had the same characteristics as older distributions. They were transferable, had limited subdivision rights, and had inheritance rights. Payments from land leases were a significant source of revenue for the government.

New restrictions on the size of leaseholds were set by the presidential council in 1997. They were designed to limit the amount land that any one individual or group could hold. During the embargo period of 1990 to 2003, when international sanctions had a serious effect on agricultural production, the government of Iraq began a new program that gave land allotments free of rent for five years. The requirement for these free distributions was that the new landholders grow certain crops that had been embargoed. After five years, these allocations could become permanent leaseholds. Even though the Kurdistan Region was separated from the rest of the country in 1991, it continued to use Iraqi laws, including all rules related to land (Hajan 2009).

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[5] The donum is a Middle Eastern unit used for measuring land areas, dating back to the Ottoman period. The actual size of a donum varies among Middle Eastern countries. An Iraqi donum is equivalent to 2,500 square meters.

[6] Agrarian Reform Law No. 117 of 1970. Available at http://faolex.fao.org/docs/pdf/irq38269.pdf.

The formal system of land registration that was in place prior to 1991 was not widely accepted by the Iraqi people. Because registration was not compulsory, many Iraqis did not bother to register land in the urban areas. A set of master plans created for the major cities in the 1980s comprised the majority of the information required for planning and parcel management. In the agricultural regions, however, registration of leases and transfers was done and records were kept.

Alongside these standard forms of ownership tenure were several classifications is Islamic customary tenure: *mulk*, individual full ownership; *miri*, state control and ownership with possible usage rights for individuals; *musha*, collective or tribal ownership; and *waqf*, a religious trust. Processes for dealing with customary tenure were different from those for standard forms of tenure. This issue was a delicate one for the Kurdistan reconstruction program, and it required innovative solutions. Reconstruction workers had to learn how the people dealt with land conflict and adopt aspects of this into the program implementation. Recognition of customary practices that were in line with the morals and values of the targeted communities helped avoid conflicts.

Unlike land rights, customary water rights had no specific statutory governance framework, and these water rights are tied to landownership. If a spring or a well was on a certain family's land, then they held control over that resource. Additionally, the tribe possessed an understanding of the management of the local water resources, such as allocation of certain amounts of the water for the village each day for household needs, and diversion of irrigation channels so other farmers could gain access to the water. In other words, the community managed how the water resources were allocated within the village, giving preference to landowners. These long-standing cooperation mechanisms allowed for a negotiation process and the political space to find agreement.

Recognition of traditional land management mechanisms also responded to the concern that given the scope and magnitude of property issues in Iraq, it was unlikely that all land disputes could be resolved through the ordinary court system, at least within a time frame that corresponded to the needs of the displaced. Moreover, from a wider peacebuilding perspective it may be preferable to resolve as many disputes as possible through voluntary, mediated outcomes and solutions rather than through imposed judicial or administrative decisions. Finally, the likely difficulties involved with enforcing judicial or administrative decisions against losing parties provide an argument in favor of an important role for traditional mechanisms in addressing property disputes.

CASE ANALYSIS

The speed with which the refugees fled Iraq was matched by that of their return. On April 18, 1991, the United Nations and Iraq signed an agreement allowing UN humanitarian centers to be established on Iraqi territory, and the refugees began to trek back home only six weeks after the start of the exodus. Their return to a devastated landscape and continuing insecurity presented a number of serious

problems. At the end of August, large numbers of people were still without adequate shelter and in danger from the rigors of the oncoming winter. In a race against the clock, UNHCR launched one of its largest shelter programs ever.

Distribution of building materials was not started until October 15, when the population movements were sufficiently stabilized. This distribution had to be completed by mid-November to esure adequate shelter was built before the onset of winter. Although security considerations delayed implementation of the program, by October 30 some 1,600 trucks had crossed the border from Turkey to Iraq over mountain trails to deliver 30,000 metric tons of winter construction material to half a million people. Between October and December 1991, reconstruction work was carried out in more than 1,500 of the 4,000 villages that had been destroyed (CHC 2002).

The structure of the reconstruction program

The reconstruction program in the Kurdistan Region sought to help displaced persons, refuges, and communities to reclaim their lands and rebuild their livelihoods, crucial components for sustainable peace. It initially drew its funding from various UN and NGO programs, and in later years it also received money from the UN's Oil-for-Food Programme, with Iraqi oil sales financing the project. Responsibility for implementing the program also shifted over time, with one or another UN body and elements of the Kurdistan Regional Government always involved in coordination.

Ultimately, the program assisted over 800,000 internally displaced persons and members of vulnerable groups in more than 4,000 villages and small towns across the Kurdistan Region. According to UN-HABITAT, the program delivered more than 50,000 housing units; 1,200 primary and secondary schools; 260 health centers; 1,200 kilometers of water and sewage systems; 5,000 kilometers of access and internal roads for new settlements; 43 bridges; and 425 facilities to support agricultural and community activities (UN-HABITAT 2003). The project directly benefited some 50,000 families while improving the living conditions of over 1.3 million people, or close to 30 percent of the area's population. The program was also instrumental in helping to revive the economy by establishing and capacitating a vibrant local construction industry and creating some 80,000 jobs (UN-HABITAT 2003).

The program's comprehensive, integrated reconstruction and development assistance was offered to communities where conflict was relatively low. After learning from previous reconstruction programs run by the UN and NGOs, the leaders of this project strongly encouraged community involvement from the outset to ensure participation from internally displaced persons and members of disadvantaged groups. Engaging these local communities built a sense of ownership that would greatly increase the likelihood that the program would succeed over the long term and that internally displaced persons and refugees would be peacefully resettled.

When the implementers reached out to the communities, the program often acted as a filter to determine which communities were ready to commit

to reconstruction and which ones were not. In some cases, villages that were initially unprepared to commit to the program would later renegotiate to receive reconstruction assistance.

The assistance included repair and reconstruction of housing and water supply systems, rehabilitation of agriculture, and revitalization of small enterprises to ignite the rebuilding process in the region. The communities themselves provided labor, and the program provided materials and technical assistance.

The overall objective of the program was to support the peace process by economically rejuvenating particularly those areas where the conflict was less intense, and where people had remained or to which they had returned.[7] It also supported the peace process by drawing internally displaced persons back to their homelands. When people are internally displaced, they are vulnerable to economic deprivation, often have difficulties with their new neighbors, and are prone to participation in the fighting. On the other hand, when internally displaced persons return to their place of origin, the distribution and management of resources becomes a significant challenge for their communities as the number of people competing for resources increases. The reconstruction program improved the availability of infrastructure and basic services—such as schools, health clinics, and roads—to entice people to return to their homelands from more sensitive areas and to help offset the effects of their return. By providing livelihood assistance, program leaders hoped to persuade people to cease fighting and instead to engage in productive activities and rebuild their lives. In other words, they hoped that the incentive of having something productive to do would be greater than that of active participation in the conflict.

While an area emerging from conflict is regaining its social and economic vigor, it becomes increasingly able to withstand the pressure of the warring parties and will, in turn, be able to exert pressure on the parties to refrain from conflict. After conflicts, when ostensibly demobilized fighters roam the countryside with few options, it is crucial to engage these individuals in productive activities through livelihood assistance. The reconstruction program created momentum toward peace. Program leaders understood that unless a general political solution was reached, full reconstruction could not take place. But they knew that by creating an atmosphere in which the number of people who are displaced and unemployed is reduced, they could gradually reduce the severity of the conflict. The program can thus be summed up in three words: return, investment, and employment.

Return of displaced people

One of the most severe challenges that the reconstruction program faced was the mass, spontaneous repatriation of refugees and internally displaced persons to

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[7] *Conflict* here refers both to conflicts between the main Kurdish factions (and between families loyal to them), which lasted from 1994 to 1996, and to military attacks and incursions by the Turkish and Iranian armies into the border areas.

their former homes. There are many scenarios in which Iraqi families became displaced. Some returned from work or school to find that their home was partially or totally destroyed. Some families were forcibly displaced by the armed forces. This happened in Iraq's Arabization process, when government forces or armed groups belonging to a political faction would force non-Arab people to leave their home, then force Arab people to live in the home under threat of death and to pay rent to the government of Iraq (Amnesty International 1999; Cohen and Fawcett 2002; Fawcett and Tanner 2002; HRW 2003).[8] In other cases, poor families were displaced when their homes were destroyed in the course of fighting.

In the 1980s, the Iraqi government launched a punitive campaign known as Anfal, which destroyed up to 4,500 Kurdish villages (HRW 1993; Isser and Van der Auweraert 2009). In 1988, tens of thousands fled into Iran and Turkey. Following a failed Kurdish uprising in early 1991, some 1.5 million Kurds sought temporary refuge in Iran and along the Turkish border. By the end of 1991, most Kurdish refugees had returned, but some 700,000 remained displaced within the Kurdistan Region. Many had been displaced two or more times, as fighting continued between Kurdish and Iraqi government forces. During 1992 and 1993, more Kurds were displaced by skirmishes and shelling along the confrontation line dividing the Kurdish zone from government-controlled Iraq, and government forces expelled many Kurds from their homes, driving them into the Kurdish zones. In 1994, about 100,000 previously displaced persons were able to return to their home villages, many of which had been destroyed during the Anfal but were being rebuilt with UN and NGO assistance. However, an estimated 600,000 persons remained displaced within northern Iraq. Of those, about 200,000 were not able to return to their places of origin in government-controlled Iraq or in border areas due to fears for their safety. The remainder was displaced from one area of the Kurdistan Region to another. Others fled areas subjected to shelling by Iraqi government forces or by Turkey (HRW 1995).

When displaced families return to their homes, they sometimes find someone else living there. Perhaps the new occupants had fled from another neighborhood and were unable to return to it because their own home was destroyed and the area was unsafe. Sometimes the new occupants refused to leave. Sometimes, having already damaged or gotten rid of most of the home's furnishings, they threatened to cause further damage or even destroy the home if the original occupants took legal action. Finally, sometimes a displaced family found that their home had been sold or rented without their consent and that the proceeds had gone to an individual or group that could not be found.

There was also an urgent need to adopt an interim policy on housing and land, grounded in international human rights principles and best practices. The establishment of the Kurdistan Ministry of Reconstruction and Development in 1992 to coordinate policy and programmatic efforts to resolve outstanding

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[8]   For a historic overview of Iraq's Arabization policies, see Talabany (1999).

housing and land issues was a major catalyst for solving the urgent need for shelter and, through shelter provision, for promoting peacebuilding.

Water resources

Land and water resources are the basis of livelihoods for many people in the Kurdistan Region, so access to these resources was a crucial component of reconstruction. With water resources being scarce in the region, special attention had to be paid to ensuring that every family received the required quota on the basis of UN standards. Communities would share water resources (such as a well or spring) within their tribe but also with neighboring villages. The program allowed for community members and neighbors to participate in a negotiating process to determine how decisions regarding water resources would be made fairly, when water could be extracted, and what quantity could be extracted. With drinking water, the communities had to establish a system to pump water into a tank and then to redistribute it, or they would have families form a queue for tap water. In turn, communities would monitor the water allocation to ensure that everyone received their allotted share and not excessively more. Over time, the communities could make adjustments to the system as necessary.

The government was not responsible for the daily management of water resources at the household and community levels. Communities took responsibility for managing water, while the government provided pumps, pipes, purification, and training. In some cases, a community member would drive a truck with a water tank to the water source, fill it to capacity, then drive it back to the village, where the water would be distributed equally. The trucking capacity would be provided by that village and not the government, so residents had to fully commit themselves to providing financial and labor resources over the long term. With more sophisticated systems, officials would train staff and provide spare parts, but would not operate the infrastructure. The goal was to improve the capacity of the communities, reach an agreement on allocation and access, and provide community residents with the right tools so they could operate the water system sustainably and for the long term.

Women were rarely directly involved in the process for negotiating allocation of water resources. A women-headed household would be represented by a male in-law, or the government would hold separate meetings for women so they could express their interests, especially related to daily water issues, then report back findings to the community leadership. Thus, in the case of water resources, women were allowed to enter the negotiating process and voice their concerns, albeit indirectly.

Women were very interested in water resources for daily household uses, and they were often concerned with distribution and allocation. They wanted to express their ideas and opinions because they were concerned about having enough water for their daily household activities. Typically, men were more interested in land issues because of the role of land in determining prestige and

because of its high value in the tribe. Agriculturalists needed water for irrigation purposes, so the men would take an interest in water distribution for irrigation, but they were not as interested in water allocation for household activities.

Local culture

Reconstruction planners needed to respect the importance of the culture of honor (*sharaf*) in Iraq. Keeping one's word of honor and following through on promises, especially at the community level, is something that transcends cultural or religious differences and is key to strengthening ties among the community. This proved critical to all of the program's reconstruction efforts.

   Tribalism, on the other hand, presented challenges. The tribe is an element of traditional communal identity that transcends the sect and is part of the fabric of civil society in Iraq. It is both a form of sociopolitical organization and a cultural identity based on notions of kinship, genealogy, honor, and autonomy. Tribes are a stable form of traditional collective identity and have weathered the storms of colonialism and modernity. Thinking about how communities understood their tribal identities allowed program leaders to have a window on how shared ideas about morality, honor, and the nature of society related to concepts of reconciliation and conflict resolution. Tribes are an entry point into Iraqi society and were key to efforts to promote democratic values and civil society in Iraq, including the rights of women and minorities (O'Leary 2008).

The community-based approach

Traditional tribal mechanisms for dialogue and conflict resolution were an important part of the program's activities to bring communities together.[9] They could produce enhanced understanding (*tafahom*), which could then lead to agreement (*tawafiq*), which could in turn lead to consensus (*ijma*).[10] It was a gradualist approach.

Village-level committees, anjommans

Government agencies could not successfully manage many of the problems and conflicts that arose during the reconstruction program in the Kurdistan Region. Therefore, new initiatives for cross-sectoral and integrated management of resources often included a committee formed at the village level, called an *anjomman*. The regional officials would coordinate with the local administration, which would in

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[9]   This section was developed on the basis of the author's self reflection, insiders' views, and discussions and interviews with people who were heavily involved in the program (Salih 2009; Doski 2009; Hakim 2009; Khoshnaw 2009).

[10]   The term *ijma* is considered as a fundamental source of sharia by Sunni Muslims, while some Shia communities view it differently. When used in this chapter, the term means "consensus"; it is not used to invoke Islamic law.

turn organize meetings with villages to initiate the establishment of the anjommans. The local administration would help with resolving disputes and would determine if a higher-ranked official was needed to mediate. Furthermore, the anjommans would receive assistance from the government and from UN agencies that provided resources, technical training, organization, and conflict-resolution techniques. With the establishment of an anjomman that was accepted by the community, the next step in the reconstruction and resettlement program could proceed.

The anjomman would consist of the prominent people within a community, including elders, established families, the largest landholders, educational professionals, religious authorities, at least one representative from each family, and any authoritative figures in the village. It would drive the reconstruction process, determining which villagers received which resources.

Agriculture and animal husbandry were the main economic drivers in the region, and these are closely tied to land and water resources. Decisions related to administration of land and water resources were processed in four procedural settings: negotiations between authorities and stakeholder representatives; small-group negotiations involving all affected stakeholders and facilitated by authorities; public hearings with affected stakeholders and interested NGOs; and public participation, facilitated by authorities, in which the specific form of involvement was open but guided by minimum requirements.

The objectives of community-based reconstruction programs in the Kurdistan Region were to build the capacity of communities so they could address their emergency needs, and establish effective community institutions that could carry out various emergency and development interventions and avoid conflicts. Organized, institutionalized communities could carry out many negotiations and development interventions, and the initiatives were flexible enough to meet the community's development needs.

When natural resources were being addressed in the reconstruction process, allocation of land and water resources determined not only how much land and water people received and when they received it, but also where and when to build schools, health clinics, and other infrastructure. The village anjomman would determine how to spend the financial resources available for reconstruction. Also, the collective decision-making process ensured that everyone would be represented and have a say.

Cooperation and dispute resolution

The reconstruction program's community-based initiatives were designed to provide support to displaced families and vulnerable segments of the society and to promote a comprehensive approach to resettlement. Land allocation, housing, and access to water were negotiated as a package. In some cases, interventions failed due to a lack of consensus on land or water allocations or distribution.

To achieve sustainable improvement, the initiative introduced and promoted the concepts of community participation in project design and implementation,

as well as collective care and self-management by the community. Effective advocacy was required to encourage behavioral change, and policies that facilitated development needed to be promoted.

A community-based mechanism for resolving disputes was introduced as a component of the initiatives. With the support of staff from NGOs and UN agencies, the Communication for Behavioral Impact (COMBI) approach was used to assist in the planning, implementation, and monitoring of a variety of communication actions.[11] Furthermore, for alternative dispute resolution, this project adopted the traditional methods used by the particular tribe or village. Each of the thousands of villages covered by the project had its own methods for handling land and water disputes, mostly due to varying sociopolitical and economic factors in each village. In some cases, government officials would arrange a meeting with religious leaders to speak with them regarding an issue. If these religious leaders agreed with the government's plan, they would reach out to their followers to exert their influence and build consensus within the tribe. The influence of religion would help people in the tribe to resolve their disputes peacefully and to reach an agreement.

The government also reached out to prominent people in the villages, such as the leader of the anjomman, the largest landowner, or the headmaster of a school, to get them involved in alternative dispute resolution. Tribal leaders usually own most of the land and have an extensive family as well. The tribal leaders would have influence over this family group and would be better able to win its cooperation with the program than a government official would be. Likewise, a landowner or water rights holder might negotiate differently with the anjomman than with a government official. For example, landowners might not take as hard of a stance regarding their desire for more resources if they are negotiating with their anjomman rather than with the government.

In some cases, people were very generous and offered land to refugees and returning internally displaced persons without any negotiations. On the other hand, if the returnees took over the land without negotiation or due process, then conflict or distributional issues would erupt and have to be resolved before they escalated. In most cases, each community agreed on the basic principles of the reconstruction program; this enabled alternative dispute resolution to work effectively.

If a village could not agree on the basic principles of the program, then the government would have to move on to the next village. Without agreement on a common platform, the resettlement process would not be successful and could cause grievances. Officials understood that these villages needed help and would

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[11] According to the World Health Organization, "COMBI is social mobilization directed at the task of mobilizing all societal and personal influences on an individual and family to prompt individual and family action. It is a process which blends strategically a variety of communication interventions intended to engage individuals and families in considering recommended healthy behaviours and to encourage the adoption and maintenance of those behaviours" (WHO 2004, 1).

approach them in the next season, unless the village solved their differences first and reengaged with the government.

Functional and structural organization

The programs at the village level were managed by the anjommans and assisted by intersectoral support teams from the UN and NGOs that were incorporated informally into the local governance system. Municipal committees supported village facilities, and the UN agencies and NGOs built the capacity of the anjomman members for supervising the promotion and implementation of self-built projects and collective care.

The anjomman at the village level reported to the district center. The municipal representative in charge of the district was, in turn, a member of the provincial intersectoral support team that oversaw the implementation of basic development projects at the village level.

Community-based organizations were trained to use socioeconomic information based on the results of household socioeconomic surveys conducted at the village level. The organizations learned to update the information and use it for emergency preparedness and response and for development activities.

An important component of this system was the village fund managed by the village anjomman and funded through subscriptions, donations, and inputs from the public sector. In some villages, 50 to 70 percent of the amount of the village fund was raised from beneficiaries, who were charged fees to cover service costs.

Planning, performed jointly by community-based organizations and other partners, was based on village information, previous development experience, expert views, risk analysis, and analysis of facilitating factors and available resources. Monitoring and evaluation was to be agreed upon by stakeholders.

Cooperation, ownership, and accountability made the reconstruction program an overall success for the post-conflict period in the Kurdistan Region. The program formally closed in 2003 when financing through the Oil-for-Food Programme ended. However, it had a profound impact across the Kurdistan Region, as well as ramifications for future resettlement programs. It demonstrated the use of community-based methods to design programs and encourage cooperation over resource allocation and distribution. The anjomman process established by the resettlement program continues to solve land disputes in the present, showcasing the sustainability of this community-based program.

LESSONS LEARNED

The leaders of the successful Kurdistan reconstruction program learned much that can be helpful to groups who implement similar programs elsewhere. These lessons relate to prerequisites, area selection, first steps, the opportunities and risks presented by community-based initiatives, and balancing short-term efforts and long-term objectives.

Prerequisites

A number of conditions are required for a successful peacebuilding reconstruction program. First, the program must have participation from major donors. It is especially important that the international community be actively involved.

Second, the formation of a multistakeholder group that includes multiple NGOs associated with the program has several advantages. Such a group provides vehicles for funding specific projects or activities within the comprehensive program and, of course, it increases the total amount of funding available. Most important, international aid groups provide a means for engaging a variety of countries and institutions in the peacebuilding measures. Also, a great deal of contact will occur between opposing sides in a conflict through representatives of the aid groups working in the country. Although this is unlikely to lead to a political settlement of the conflict, at an operational level such contact can pave the way for a great number of small-scale agreements that can reduce the levels of violence and ultimately support conflict resolution.

Third, the program should establish contact with all entities involved in reconstruction at the beginning and maintain this contact throughout the course of the program. Save the Children Fund, Caritas Switzerland, Christian Aid, the International Rescue Committee, Peace Winds Japan, Qandil Sweden, and other NGOs played key roles in Kurdistan, bridging gaps between government representatives and donor communities. Members of the U.S. Office of Foreign Disaster Assistance team in Kurdistan helped broker a deal between Kurdish and Iraqi government representatives in the summer of 1991, by which crops in Kurdish-controlled areas were harvested with Iraqi government combines and partially sold to Iraq. The particular activities each side permitted varied from one locality to another, but the program could proceed with a broad understanding of what could be done without interruption.

Fourth, a reconstruction program must maintain strict neutrality. It is vital that it not be used for political gain by either side in the conflict. Program structure can aid operational neutrality. As a general rule, funds should be used to rebuild only critical infrastructure of a noncontroversial nature and to provide assistance with reconstruction that can be administered locally by implementing agencies and rural cooperatives. Also it is important to avoid politically sensitive areas. It will not be possible to extend reconstruction activities to some locales.

Fifth, the importance of experienced staff cannot be overemphasized. The keys to a successful reconstruction program are innovation and the ability to adapt quickly to a changing situation.

Finally, innovative disbursement mechanisms are a must. Experience has shown that a mixed expenditure system—for example, with direct cash grants, distribution of building materials, and provision of matching funds—is a practical means of disbursing resources.

Area selection

When considering a reconstruction program, officials were often perplexed about how to decide which localities should be given preference during the initial stages. In some cases, they used maps and surveys to determine which communities to help first, and they would seek out these villages to involve them in the program. Also, the officials would survey an area where internally displaced persons would be resettled to ensure that it was free of landmines, was not disputed territory, and was not near border regions that are susceptible to invasions (MAG 2004).

The best strategy is to follow the people's lead. For example, the migration patterns of spontaneous returnees often give a clue as to which areas people consider safe. The people usually have much better knowledge about the local situation than governments or relief agencies. They will know when it is safe to return. Supporting returnees can then be an important first step in initiating reconstruction programs and beginning to make progress toward the long-term objectives.

Other areas to consider for initial assistance are communities that are on the periphery of the conflict zone but are cut off from the more vicious fighting, and thus are places where prospects for recovery seem the brightest; communities where internal conflict is minimal; areas that have been reoccupied after the locus of conflict has shifted; urban settlements where large concentrations of displaced persons have permanently resettled on their own; areas with a large concentration of women-headed households; and areas with the worst living conditions for priority groups.

In a parallel process, communities would sometimes seek out officials and ask to be incorporated into the reconstruction program. In these cases, the community leaders will have recognized a desire to return, resolved any internal tensions, and gained the support of the community to proceed with resettlement. A community that has initiated the process is generally more committed to implementing it by holding members accountable through tribal mechanisms. These projects often had the highest success rates and were sustainable over the long-term.

First steps

In a new reconstruction project, certain first steps will usually be necessary at the local level. The project must have sufficient capacity and established procedures to protect residents from arbitrary eviction, and it must establish protection measures for marginalized populations. Temporary allocations of land must be made for housing and commercial purposes. The area must be made free of landmines, and emergency-management plans must be in place. Finally, mass media and other information-dissemination mechanisms must be put in place.

Protection of records must also be a part of peacekeeping in the early stages. The UN Security Council resolution giving the UN authority to undertake peacekeeping operations in a country or territory should be written in such a way as

to include physical protection of land records where land disputes are a key part of the conflict.

Potential and pitfalls of community-based initiatives

The case study of the Kurdistan reconstruction program and complementary analyses of regional and national level documents and reports on planning, participation, and natural resources management reveal the potential and a number of pitfalls of community-based reconstruction initiatives.

On the positive side, planning can help to integrate differing interests, and technical and participation procedures can be adapted to the nature and scope of the local problem. Through its cross-sectoral approach, participatory planning is open to addressing natural resource problems in various combinations and can help to coordinate problem-solving activities and decisions across resources—for example, addressing land and water issues in concert with each other.

The direct involvement of municipal staff in planning decisions makes local integration of decisions possible in relation to all dimensions of sustainability—ecological, economic, and sociocultural. The process involves checks and balances reaching across administrative sectors; relating to public and individual interests; and relevant to local and higher levels. It is sensitive to local conditions and recognizes which societal priorities cannot be enacted.

Participatory planning does not limit the circle of participants, and it can help to mobilize new or previously silent stakeholders. Consultative participation can be enhanced through the opening of planning processes at an early stage for problem definition and negotiations. The Kurdistan reconstruction program shows how public involvement can improve dissemination of information about local conditions. To some extent it can create local agreement and support for improved solutions when time and facilitation of the participation process allow a deeper discussion.

On the negative side, some problems in planning increase with improper implementation of participatory planning. Participation approaches that use only minimal requirements and procedures (by means of letters and reports, for example) do not facilitate a dialogue between resource users and authorities. Such minimal participatory procedures are not receptive to ideas that show up in the wrong phase of planning. When early consultations in operational planning are not open to the public, there is a tendency to filter away local concerns. Mobilizing people for strategic plans on the municipal level is difficult, and traditional procedures of participation do not sufficiently mobilize the existing local creativity and capacity for problem solving.

In rural areas individuals are important for networking among participants, for implementation of plans and programs, and for facilitating planning processes. Local organizations create important forums for debate and action as well. Rural municipalities have limited resources and therefore must rely on these local organizations. Even when rural municipalities are unable to contribute material resources, they can provide needed encouragement to local NGOs.

The traditional methods of communicating with the public—public meetings and exchanges of letters—do not provide an appropriate forum for conflict management and negotiations between participants. These methods tend to wash over differences, ride over those remaining silent, or lead to polarization when participants feel that they need to keep a defensive position. Constructive management of disagreements is important in small, rural communities where mutual dependence of the residents requires maintaining good relations.

Planners' roles are changing, and their skills need to be enhanced in several areas. According to the interviews conducted for this case study, many Iraqi planners still think that they do not have sufficient skills and practical experience to plan. There is a need for further education, for promoting on-the-job skill development, and for the employment of interdisciplinary capacities in planning. Planners also need training in interpersonal conflict management. Many leading planners in Iraq graduated two to three decades ago and have no education in interpersonal conflict and process management, unless they have developed such skills through their professional practice.

Finally, the shortage of financial and other resources makes a systematic evaluation of participation initiatives in Iraq unlikely. Thus, the advantages of participation often remain invisible. For the same reason, the lessons learned tend to remain localized and limited as the practical knowledge developed by individuals does not spread beyond the local setting.

Any institution contemplating a post-conflict reconstruction program must be aware of some of the operational realities and risks. At first the program will seem to be only barely viable, and progress will be ponderously slow. There may be long periods when it is impossible to disburse funds because the locus of conflict has shifted back into the community, or because people are simply unwilling to assume the financial risk of investing. There will also be occasional setbacks. These may mean temporary suspension of the program, and in some cases it may even be necessary to withdraw from certain localities for long periods of time. Problems from extremists on both sides can be expected.

Risks can be categorized as financial, political, and personal. Surprisingly, the financial risks are the least difficult and can be minimized with proper program design. Program monitoring based on performance to specific standards can provide a suitable means of keeping tabs on the program and ensuring that it meets the long-term objectives.

Short-term efforts; long-term objectives

It is important that work in post-conflict peacebuilding is not wasted in solely short-term measures—that project leaders think clearly about leveraging short-term interventions into longer-term outcomes.

Conceptual gaps between relief and development must be addressed. Any resettlement process, whether the planning horizon is short- or long-term, has to consider not only meeting urgent human needs but also the physical infrastructure

problems that arise, including the need for adequate shelter for all. Experience proves that in post-disaster situations interventions are most effective when long-term effects add value to short-term efforts, and short-term efforts add depth to long-term effects. Long-term reconstruction and economic recovery should therefore begin while emergency relief actions are being undertaken to restore normalcy for displaced populations who are returning home or settling in new places. Strategic investment during the emergency and relief stages can contribute significantly to the building of a foundation for peace and development.

If properly planned and executed, reconstruction can play a significant role in reducing conflict and supporting long-term peace objectives. In itself, reconstruction will not bring about peace, but it can make a contribution toward reducing the scope of a conflict. At the same time, it can provide much-needed assistance to people who otherwise would be forced to leave their homes in search of relief and public welfare.

In fragile states, the challenges of management, organizational development, and technical capacity are often overlooked. When governments make bad decisions it is not always because of a lack of political will; a lack of management ability, organizational development, and technical capacity can also feed bad decisions. Capacity works at all levels—national, regional, and local—and building capacity requires education and training. People in organizations at all levels of the system must know about strategies to strengthen relationships, promote a shared vision, determine allocations of resources that are in line with national goals, and so on. Capacity includes the knowledge and skills that are necessary for ongoing management of an emerging system; building technical capacity involves training leaders at all levels of the system so they will understand how to implement their organizations' mandates under a clear set of rules and regulations.

Continued international support for direct assistance to senior-level managers at the national, regional, and governorate levels is crucial for ongoing capacity building. Funds should be directed toward one-on-one mentoring, or twinning, programs in which an outside expert with high-level management, technical, and organizational development experience is matched to a particular senior-level manager for a period of six months. A key tool that can be transferred to Iraqi managers is strategic planning. The international community can help to advance these capacities in order to mitigate the consequences of a lack of political will, and to strengthen emerging political capacity as technical capacity improves.

The Kurdistan reconstruction program developed a process whereby communities led efforts to bring peace and development, and displaced families relearned their roles, becoming responsible for designing their own reconstruction efforts and making improvements over what existed before. Earlier injustices were removed, conflicts were managed, and more than 50,000 families responded by voluntarily choosing to return to live in peace. It was their land, their home, and their life. It was their choice.

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