

“Your house is your homeland”

How Housing, Land, and Property Rights
Impact Returns to Sinjar, Iraq



The Norwegian Refugee Council (NRC) is an independent humanitarian organisation helping people forced to flee. In crises across 31 countries, NRC provides emergency and long-term assistance to millions of people every year. NRC promotes and defends displaced people's rights locally, nationally and on the world stage.

Cover photo: A residential street lays in rubble in Sinjar city, seven years after the end of the conflict. Photo: Fareed Baram/NRC

Disclaimer: The contents of this document should not be regarded as reflecting the position or views of the Australian Government.



This report was written by Caroline Zullo and Dana Swanson with the assistance of Jehat Mirkhan, Samah Hadid, Ahmed Bayram, Noor Taher, Ahmed Kaka, and Hoshang Abubaker. Dr. Alexandra Hartman and Sigrid Weber of University College London provided invaluable research design and analysis. The Norwegian Refugee Council (NRC) published this report with generous support from the Australian Government through the Department of Foreign Affairs and Trade.

“Your house is your homeland”

**How Housing, Land, and Property Rights Impact
Returns to Sinjar, Iraq**

May 2022

Table of contents

EXECUTIVE SUMMARY	7
INTRODUCTION	9
BACKGROUND	10
METHODOLOGY	12
FINDINGS	13
Accessibility of housing.	13
Housing shortages.	16
Security concerns..	18
Dispute resolution mechanisms..	22
CONCLUSIONS AND RECOMMENDATIONS	24
Government of Iraq (GoI) and the Kurdistan Regional Government (KRG):	24
Donor Governments:	25
Humanitarian and Development Actors:	25
ENDNOTES	26

Executive summary

Nearly five years after largescale military operations against the Islamic State (IS) group ceased, 1.18 million Iraqis remain in protracted internal displacement. Internally displaced Iraqis face both general unmet humanitarian needs and specific barriers to achieving durable solutions, including return to their areas of origin. This is especially true in Sinjar, a demographically-mixed district in western Ninewa governorate that was one of the areas most devastated by the conflict with IS. Both the totality of the destruction in Sinjar—an estimated 80 percent of public infrastructure was destroyed—and the complexity of the ethnic and sectarian dynamics of IS occupation pose significant barriers to return for internally displaced persons (IDPs).¹ In 2022, nearly two-thirds of the pre-conflict Sinjar population remains displaced.²

Continued insecurity has inhibited sustainable returns to Sinjar as clashes in May 2022 erupted into widespread small arms fire and detonations, re-displacing more than ten thousand Yezidis.³ In addition to escalating tensions between armed groups, challenges in accessing housing, land, and property (HLP) rights pose barriers to return as IDPs and returnees report damaged property, competition over habitable housing, and inaccessible or delayed property dispute mechanisms in Sinjar. NRC surveyed 1,500 Yezidi and Sunni Arab IDPs and Yezidi returnees in late 2021 and held key informant interviews (KIIs) in April and May 2022 to assess how HLP rights have influenced return to Sinjar.

Key findings of these interviews and surveys are:

Accessibility—or inaccessibility—of housing, land and property is a significant factor in return decisions in Sinjar.

64 percent of Sunni Arab and Yezidi IDPs reported heavily damaged homes, compared to only 8 percent of returnees. IDPs reported lacking the resources to rebuild their homes, especially with few employment opportunities and delays in government compensation. By contrast, 92 percent of returnees reported that they still had access to the property they held prior to the conflict.

Housing shortages and rent increases have increased social tensions between groups.

More than two-thirds of IDPs identified housing shortages as the main source of tension between IDPs and returnees. While both Yezidis and Sunni Arabs described high levels of social cohesion and mixed ethnicity neighbourhoods prior to 2014, IDP families highlighted how the lack of inhabitable property has negatively impacted social relations as limited housing stock has intensified, discouraging IDP returns.

Social tensions and security concerns outweigh home ownership amongst Yezidi and Sunni Arab IDPs who have elected not to return.

One-third of IDPs in Mosul and Dohuk reported that significant concerns about the effect of social tensions and clashes between security actors in Sinjar have prevented their return. Both Sunni Arab and Yezidi IDPs referenced frequent small arms fire, detentions, road closures, and the risk of re-displacement, which came to fruition during the first week of May 2022 when thousands of Yezidi returnees were forced to relocate following clashes. IDPs also described feeling unsafe because social structures that governed relationships between Sunni Arab and Yezidi communities have also ruptured, and many community leaders remain in displacement.

Parties to the same HLP dispute have unequal access to dispute resolution mechanism

Both returnees and IDPs expressed a preference for informal dispute resolution, but 74 percent of Yezidi returnees reported that they would rely on formal dispute resolution because the customary structures required for informal HLP dispute resolution are inaccessible as the community leadership remains largely in displacement. By contrast, displaced Sunni Arabs and Yezidis reported preferring informal dispute resolution processes because they are more effective and faster than formal dispute procedures. Sunni Arabs remarked that authorities in Sinjar were unlikely to offer a fair outcome to Sunni Arabs or Kurds.

These findings indicate that access to habitable property- either the original property or to an alternative until one's own property can be rehabilitated- is central to the decision for IDPs to return to Sinjar. However, the importance of HLP as a return consideration is interlinked with security and social dynamic considerations.

Ongoing barriers to HLP access, ranging from damaged infrastructure, insecurity, property disputes, or social tensions, will continue to inhibit the achievement of durable solutions in Sinjar. The Government of Iraq and the Kurdistan Regional Government, donor governments, and humanitarian and development actors should take concrete steps to invest in HLP programming, particularly as the Iraq humanitarian response transitions into durable solutions programming. These steps include integrating HLP issues into security, governance, and social cohesion dialogues and capacity building both formal and informal dispute forums.

Introduction

Nearly five years after the Government of Iraq (GoI) declared victory over the Islamic State (IS) group in December 2017, more than one million people remain internally displaced throughout the country. The estimated 1.18 million internally displaced persons (IDPs) have significant humanitarian needs related to shelter and protection and face specific barriers to achieving durable solutions.⁴ A variety of factors inhibit the ability of IDPs to return to their areas of origin. Damaged infrastructure, minimal employment opportunities and few services, combined with social tensions, all prevent displacement-affected communities from returning.

This is particularly acute in Sinjar, a demographically-mixed district in western Ninewa governorate that was one of the areas most devastated by IS occupation through both widespread infrastructure destruction and the group's campaign against the Yezidis, Iraq's second largest religious minority group.⁵ 80 percent of public infrastructure and 70 percent of civilian homes in Sinjar were destroyed.⁶ IS killed and abducted thousands of Yezidis and hundreds of thousands were displaced during the occupation and subsequent military offensives.

IDPs from Sinjar face significant barriers to return and 194,000 people remain displaced.⁷ An estimated 100,000 individuals have gradually returned to Sinjar to damaged infrastructure and minimal services.⁸ Households that have returned face insecurity, including armed clashes, limited livelihood opportunities and little government support. Both Yezidi and IDP communities report that following IS aggression against the Yezidi community, there are significant tensions that have prevented Sunni Arabs and Kurds from returning. However, other factors also complicate returns, including housing, land, and property (HLP) considerations and ongoing insecurity in Sinjar.

In late 2021, NRC undertook household surveys and key informant interviews (KIIs) to assess how HLP has influenced returns to Sinjar across different ethnic and religious groups and to understand how HLP factors into the achievement of durable solutions for displacement-affected communities in Iraq.

Background

Sinjar is a district in western Ninewa governorate in northern Iraq that borders Al Hasakeh province in Syria and is proximate to Silopi province in Turkey. In 2014, Sinjar district was home to 308,315 people of mixed ethnic and religious backgrounds.⁹ Sinjar district is predominantly rural and of historical importance to Yezidis, Kurds, Sunni Muslims, Christians, and Turkmen.¹⁰

Prior to 2014, two-thirds of Sinjar's population was Yezidi, an ethnoreligious minority indigenous to northern Iraq who consider Sinjar Mountain to be sacred. Yezidis have historically been subject to discriminatory policies and marginalization, facing forced displacement and limited land rights under Ba'athist policy.¹¹ Ba'ath policies in the 1970s to promote the widespread "Arabisation" of northern Iraq forcibly displaced thousands of Yezidi communities from the mountains to collective townships marked by inadequate infrastructure and services.¹² Yezidis were prohibited from registering land to obtain a tapu, a property use document, which excluded them from selling land or acquiring government construction loans—options readily available to Arab land owners. As a result of these policies, 250,000 Yezidis were denied land ownership.¹³

Sinjar's status as a disputed territory claimed by both the GoI and the Kurdistan Regional Government (KRG) since 2005 has compounded historically discriminatory policies. The territorial dispute has impacted local politics—resulting in a schism between the government-appointed administration present in Sinjar city and the elected administration that sits in exile Dohuk—and has impeded development by frustrating land registration efforts. As a result, even prior to the conflict, Sinjar was one of the poorest and least developed areas within Ninewa governorate, receiving minimal state investment.¹⁴

On August 3, 2014, IS seized Sinjar as part of the group's campaign of atrocities and violence toward ethnic minorities. Yezidis were killed, forcibly converted, kidnapped, indoctrinated and thousands of women and girls were sexually enslaved to IS fighters.¹⁵ The IS campaign against Yezidis has been recognized as a crime of genocide, crimes against humanity and war crimes, according to the United Nations.¹⁶ The human toll of the conflict was matched with the widespread destruction, with nearly 80 percent of infrastructure destroyed and significant portions of property and land contaminated with unexploded ordnance.

Following more than a year of IS occupation that resulted in tremendous civilian casualties and displacement, Kurdish forces backed by the United States and the Popular Mobilization Forces (PMF) retook Sinjar in late 2015. However, forces aligned with the GoI, including the PMF, later took control of the district in 2017 following the Kurdistan

Region Independence Referendum, resulting in the withdrawal of KRG Peshmerga forces.¹⁷ A variety of armed actors maintain presence in Sinjar. Armed formations connected with the PMF and the Kurdistan Workers' Party (PKK) continue to vie for territorial control against GoI and KRG forces.¹⁸ While an agreement was signed in October 2020 to address the multitude of armed groups and streamline the local police in Sinjar, little progress has been made on implementation, which has entrenched factions and inhibited functional governance.¹⁹

Security tensions in May 2022 present the most recent obstacle to stabilisation in Sinjar. Many returnees were re-displaced as clashes between the Iraqi Security Forces and the Sinjar Resistance Units (YBŞ), affiliated with the PKK, forced more than ten thousand people to flee their homes.²⁰ Ongoing insecurity and armed violence not only push out those that have sought to rebuild their lives in Sinjar, but also inhibit the returns of IDP households that have remained displaced over the last several years in Ninewa and Dohuk governorates.

Clashes represent one of several key aspects affecting returns to Sinjar as a lack of social acceptance following IS's abuses and oppression inhibits the return of various groups.²¹ Some displaced Sunni Arab households in Mosul fear resentment or retaliation if they were to return to Sinjar as a result of perceived complicity in IS attacks. Meanwhile, displaced Yezidi households in Dohuk describe ongoing insecurity among armed groups and the lack of services and destruction as a key deterrent to return.

In addition, access to HLP is a key consideration in the decision to return for both Yezidi and Arab communities. Displacement-affected groups often experience significant challenges in accessing their homes and their rights related to property. When displaced households return to their areas of origin, particularly following the cessation of conflict, they may find their homes to be significantly damaged or occupied by others. In addition, they may have lost or lack the means to demonstrate ownership of their property.²² Destruction and property disputes can lead to ongoing instability and undermine durable solutions. HLP rights are central to the current context in Sinjar as Yezidis and Sunni Arabs consider return. Ensuring these rights, from ownership claims, to compensation for damaged assets, to fair and accessible dispute resolution forums, is critical to achieving durable solutions for displacement-affected Iraqis.



A boy that has returned to Sinjar rides his bike with his friend. Photo: Fareed Baram/NRC

Methodology

To understand how HLP rights impact return decisions, NRC surveyed 1,474 respondents from Sinjar that were displaced during the conflict with IS. NRC surveyed 1,250 Yezidis, including IDPs outside of Sinjar and returnees to Sinjar, to examine what factors have affected Yezidis' choices to move or return. In addition, 179 Sunni Arab IDPs from Sinjar who are now displaced in and around Mosul city were sampled to examine how their needs and return intentions differ comparatively from Yezidi IDPs and returnees.

The survey was conducted in December 2021 in Ninewa and Dohuk governorates. To generate a representative sample of the original IDP population from Sinjar, survey locations with a high number of Yezidi IDPs were prioritized using findings from the Integrated Location Assessment (ILA) II from the IOM Displacement Tracking Matrix (DTM). A weighted sampling frame was established to select the subdistricts with the highest proportion of Yezidi IDPs, namely Sinjar, Sindi, Mosul, Shamal, Sheikhan, and Zakho.

To complement these findings, 18 key informant interviews (KIIs) were conducted in person in Sinjar and Mosul among Yezidi and Sunni Arab households, mukhtars, and religious and tribal leaders in September and October 2021. The interviews were divided equally between returnees to Sinjar and IDPs to provide more contextual information on how housing, land, and property affect these intentions. This research does not consider the potential influence of UN Habitat's efforts to provide occupancy certificates to Sinjar district townships.²³

Finally, NRC conducted three focus group discussions (FGDs) with Yezidi IDPs in April 2022, as well as interviews with recently displaced Yezidi families in May 2022 in Dohuk to validate household survey findings and assess how the most recent clashes in May impacted displacement and returns.

Unexploded ordnance continues to contaminate streets in Sinjar. Photo: Fareed Baram/NRC



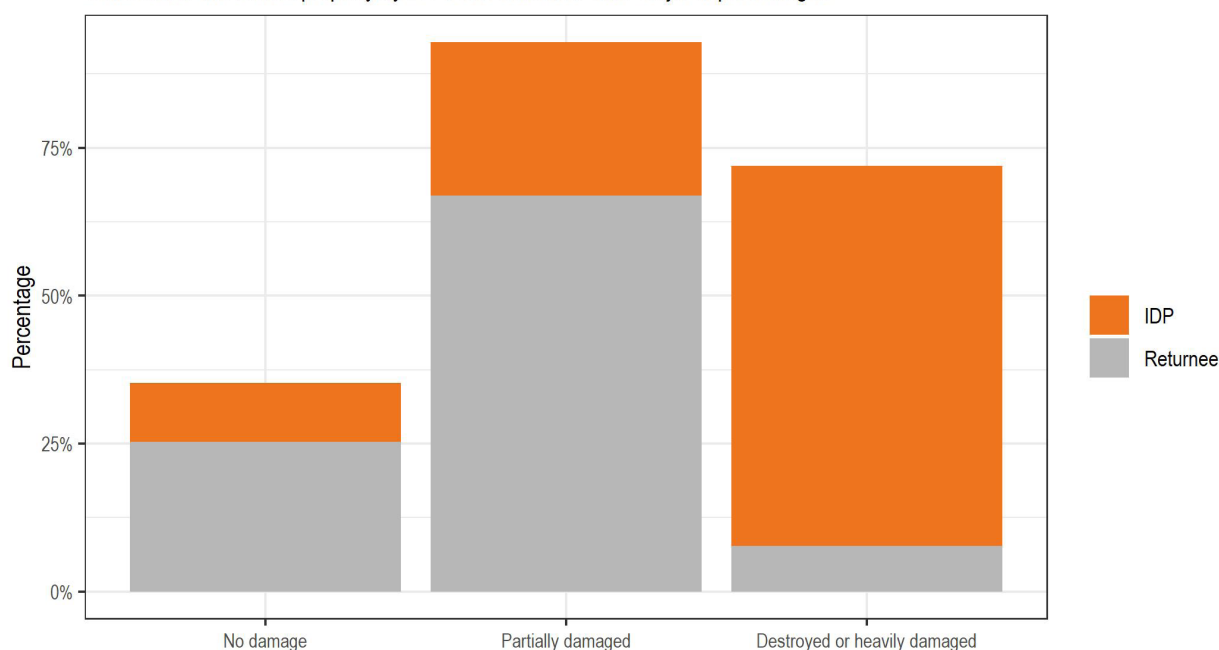
Findings

Accessibility—or inaccessibility—of housing, land and property is a significant factor in return decisions.

Displaced households are less likely to return to their areas of origin if their housing, land, or property has been substantially destroyed, or if they know their property is occupied.²⁴ The extent of personal property destruction in Sinjar is a determining factor to return for both Sunni Arab and Yezidi IDPs. 64 percent of IDPs still in displacement reported heavily damaged property, in comparison to only 8 percent of returnees. By contrast, 92 percent of returnees reported that they still had access to the property they held prior to the conflict, compared with 83 percent of IDPs. 12 percent of IDPs also report that they've lost their property—typically to seizure by a militia—and do not wish to reclaim it, and only IDPs (2 percent) reported that they were engaged in a current ownership dispute.

More than half of IDPs and returnees from Sinjar face heavily damaged property, IDPs particularly hit by destruction

Condition of the owned property by IDPs and returnees from Sinjar in percentages



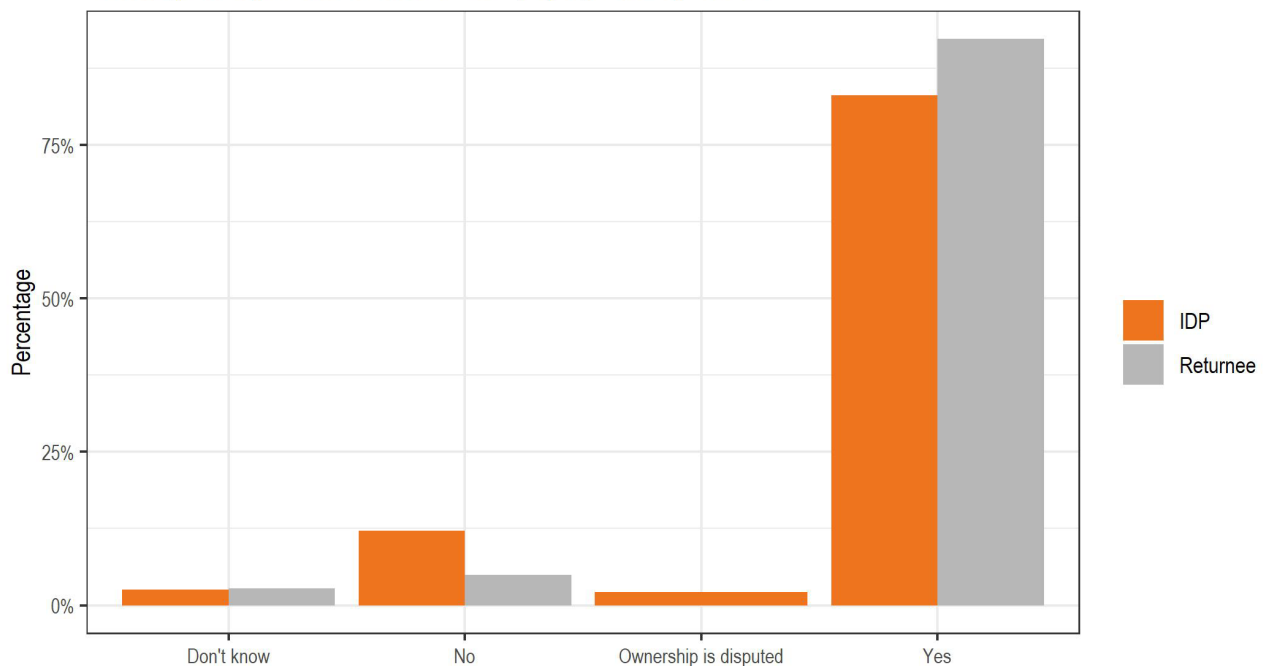
In addition to the current status of HLP in Sinjar, home ownership prior to the 2014 conflict and displacement appears to correlate with returns, with returnees reporting higher rates of home ownership than IDPs (89 percent of returnees compared to 71 percent of IDPs), though Sunni Arabs report higher rates of pre-conflict home ownership than Yazidis due to historic land tenure discrimination (40 percent of Sunni Arabs surveyed report holding a tapu, compared to 13 percent of Yazidis, and 42 percent of Sunni Arabs have alternative evidence of home ownership, compared to 27 percent of Yazidis).

IDPs in Dohuk and Mosul described housing infrastructure demolished by airstrikes, looted and damaged furniture and vehicles, and destroyed farming land and equipment. Others commented that important documents and family photographs were stolen or burned during the conflict. A Sunni Arab man from Sinjar commented, “Everything I had is gone. After I left Sinjar, IS fighters poured gasoline all over my apartment and set it on fire. They burned it down... I had three wooden wardrobes and they’re all gone.»

Property damage is a significant impediment to return as IDPs lack the means or resources to rebuild their homes, especially in light of limited livelihood opportunities in displacement and the complexity and delays in compensation. Although 40 percent of respondents reported familiarity with the compensation procedure and 25 percent applied

Most IDPs and returnees from Sinjar still own their property but more losses and disputes amongst IDPs

Percentage of respondents that still own their property after displacement



for compensation in the last 12 months, only 0.5 percent have received payment. Many respondents described confusion over how to apply for compensation and in what district, which poses challenges in arranging transportation and collecting civil documentation for those displaced outside of Sinjar.

A Yezidi man commented, “The house I own is destroyed. After I fled, my house, like all other Yezidi houses, was seized by IS and was labelled as IS property. Nobody lives there now. All the furniture has been stolen. Of course, I want to rebuild my house, but I do not have money. If there was one room left intact, I would have lived there and not in other people’s houses... I want to rebuild my house, but I don’t have money and the government has not compensated me yet.»

Uninhabitable housing, combined with the inability to access funding, are a continued source of instability for both Yezidi and Sunni Arab IDPs and could cause recurring displacement. Access to compensation is central not only to return, but also to address historical land-related injustices, atrocities committed by IS, and distrust in land authorities and government officials. Displaced households of all backgrounds should be consulted in government processes to be compensated for lost assets in a timely manner.

**Name changed to protect identity.*

«It is Not the Same City»

Qasem is a Yezidi man from Sinjar who was forced to flee to Sulaymaniyah in the Kurdistan Region of Iraq (KRI) in August 2014. He returned to Sinjar in 2017 with his wife and three daughters. Now, his entire street in Sinjar lays in ruins. All houses on both sides have been damaged or completely levelled to the ground.*

“When I first saw the neighbourhood destroyed, I was very sad. Everything has changed- people I know have died, my friends have left, and many people are still living in camps. It is not the same city.”

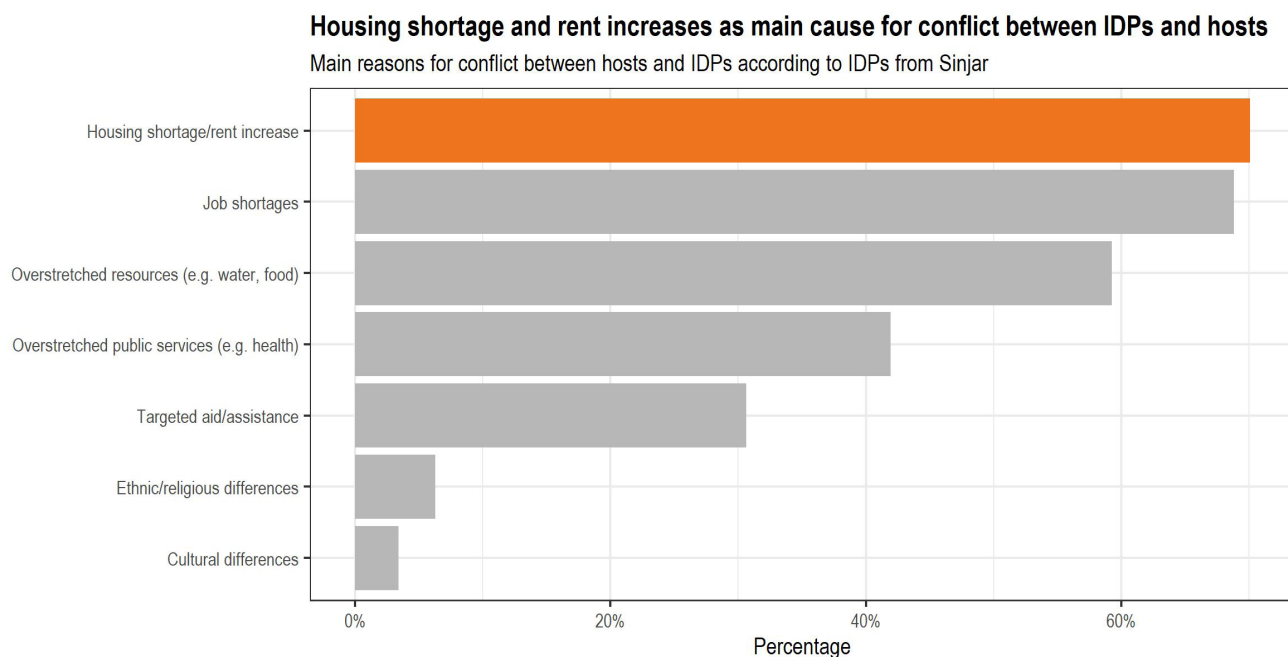
Standing next to the frame of his house, Qasem describes how he had to move into a house owned by a Sunni Arab man that only has one inhabitable room where he and his family live. The house is only several blocks from his old home where he lived with his children and his parents, which is uninhabitable now. He is in contact with the owner of the current house who has told his family that they can stay until he decides to come back.

“But if the landlord of this house told me to leave, where would I go? I would have to pitch a tent in the empty street in the rubble.”

“The government needs to compensate people. Most people are poor and do not have money to rebuild their houses. This is why they are living in other people’s houses. Some people are from villages that are completely destroyed and cannot go back.”

Housing shortages and rent increases have increased social tensions between groups.

Damaged housing, alongside the inability to access compensation to rebuild, has not only affected the returns of IDPs, but also social relations and cohesion between groups among IDPs and returnee families. More than two-thirds of IDPs identified housing shortages as a source of social tension between IDPs and host communities.



Conflict over job shortages and overstretched services were also significant concerns for Yezidi and Sunni Arab IDPs in considering their return to Sinjar. While many key informants described social cohesion between groups prior to 2014, Yezidis and Sunni Arabs expressed how the ongoing legacy of the conflict on a social level, as well as in terms of housing infrastructure, has continued to erode the social fabric of the district. A Yezidi IDP in Dohuk stated, “I am afraid about what the destruction and competition for limited resources has done to the community. There are no houses and no services and this will have a negative impact on people. Our house has been destroyed and I fear what that means if my family and I go back.”

Shortages of available housing have influenced social relations and perceptions of trust across ethno-religious groups. IDP families discussed competition over the limited inhabitable houses and the possibility of additional returns increasing rent prices, which has discouraged them from going back. A displaced Sunni Arab man in Mosul commented, “There is a lack of trust among communities, alongside a lack of homes, services, and livelihoods. The government has to ensure security and stability.”

Pathways for social reintegration in Sinjar must take into consideration how available housing and property impact social cohesion and IDPs’ decision to return. The existing housing shortage as a result of destruction, alongside delays in compensation that have impacted rebuilding, have delayed returns and exerted pressure on social relations among groups following the conflict. Thus, inhabitable and affordable housing must be prioritised both to support IDPs who would like to return and to reduce social tensions across religious and ethnic groups.

Homes demolished by airstrikes and mortar shells lay in rubble on a street in Sinjar city. Photo: Fareed Baram/NRC



Social tensions and security concerns outweigh home ownership amongst Yezidi and Sunni Arab IDPs who have elected not to return.

While a high number of returnees cite the desire to return to their home and property as a primary pull factor in the decision to return, IDPs in Mosul and Dohuk highlighted insecurity as the main reason they have remained in displacement. Sunni Arab households in particular referenced the presence of armed groups in Sinjar and small arms fire, detentions, road closures, and displacement- most recently during the first week of May in 2022. Sunni Arabs also cite distrust for the Sinjar police force, which is comprised of Yezidis, and indicate that these concerns outweigh the pull of home ownership in deciding to stay in displacement.

Women and girls face additional protection and security concerns in considering their return to Sinjar. While NRC's research did not disaggregate responses by gender, women and girls typically face additional challenges when security declines and social tensions arise, and are more likely than men to face socially imposed movement restrictions. A Sunni Arab widow displaced in East Mosul stated, "It is all about safety and security. Even if the house that I own was not occupied, I would not go back to Sinjar with the current security situation. I would like to go back... but I will not go back when there are so many forces there and no safety. My girls' safety plays the main role in this decision."

Other IDP key informants described safety concerns following the destruction of social relations following the conflict against IS. While both Yezidi returnees and Sunni Arab IDPs described having friends and neighbours of both religions and ethnicities prior to 2014, social interaction and intermixing have declined following the brutal crimes committed by IS toward Yezidis and the subsequent perceived complicity of Sunni Arabs in these crimes as both groups report significant distrust of the other.

While Sunni Arab IDPs often voiced the need for justice and compensation for Yezidis, several Sunni respondents remarked that they fear being perceived as affiliated with IS or to be complicit in its crimes. Some remarked that they are afraid to be the only Sunni Arab family in their area and that they have spoken with Sunni neighbours who returned to Sinjar and later left for security reasons. A displaced Sunni Arab woman with two sons stated that she did not have trust in local security forces to maintain peace in Sinjar and that she assumed others would generalise her family as collaborating with IS. While she has documentation for her property in Sinjar, the security situation is the largest deterrent for her family to remain in displacement in Mosul.

Yezidi IDPs described significant concerns regarding the presence of armed forces and the lack of security in Sinjar. They described fears that armed actors would not protect them and that the clashes would continue to impact daily life, as evidenced by escalations between the

Sinjar Resistance Units and the Iraqi Security Forces in May 2022. A Yezidi woman displaced in Khanke camp in Dohuk governorate remarked, “It is too dangerous to return to my home in Sinjar now- there is no security or safety there. I don’t trust the forces and I don’t believe my family will be protected. Even if they helped us to rebuild our home in Sinjar, I would not go back until there is more security.”

For Yezidis and Sunni Arabs in displacement, inter-community tensions and security concerns over clashes between the armed actors active in Sinjar are central to the decision not to return, and outweigh considerations of HLP claims. IDPs reiterated that even though they owned property in Sinjar, perceptions of safety would always be the most important in the place that they considered their home. Security and trust in authority therefore cannot be extricated from dialogue on how HLP rights influence the decision to return.

**Name changed to protect identity.*

«Your House is Your Homeland»

Um Ahmed is a Sunni Arab widow in her late forties from Sinjar. She is originally from a village south of Sinjar but has been displaced with her daughters in east Mosul.*

“We owned a one-story house with three bedrooms in Sinjar. When IS came, we fled to Mosul and then we went to Khazer camp. Then the camp closed and we have been forced to change houses seven times since then.”

Um Ahmed describes that even though the situation has been challenging in Mosul, she does not feel that she can return to Sinjar now. The lack of safety is the key reason why she has not returned to their home. “It’s all about safety and security. I would like to go back and I do not want to pay rent in Mosul. To me, my house is worth half of Iraq, but I will not go back with so many forces there and no safety.”

“Of course, it is important to go back. Your house is your homeland... However, only the safety of my family will make me decide to return to Sinjar.”

Um Ahmed is one of many IDPs who emphasized the need for security in Sinjar to ensure that people could return.



An IDP girl sits outside of her house on the outskirts of Mosul. Photo: Caroline Zullo/NRC

The background image shows a displacement camp with numerous white tents set up on a dusty ground. Several people are visible in the background, some standing and others walking. A red car is partially visible on the left side of the frame. The overall scene depicts a temporary settlement for displaced people.

Security clashes re-displace Yezidis

Clashes between the Iraq Security Forces (ISF) and armed groups in Sinjar during the first week of May 2022 displaced over 10,000 Yezidis over the span of several days. Many of these families had recently returned to Sinjar and have been forced back into displacement.

Nearly 1,000 Yezidis fled to Khanke IDP Camp in Dohuk governorate, which was established in 2014. Newly arrived families have significant needs, as most travelled with only their clothing and documents, according to an interview with the Khanke Deputy Camp Manager.

“When they left Sinjar, they left their livestock and everything they have behind. They are only staying with their relatives in the camp now because we don’t even have additional tents. Anyone that has arrived has nowhere else to go.”

Nofa, a Yezidi grandmother from Sinjar, recounted the recent events that forced her to leave her home and seek safety in a camp in Dohuk.

She said, «Everywhere we heard gunfire, mortars and bombs. We tried to keep the children calm, but we were even more afraid than they were. We were crying when we fled and couldn’t bring anything with us except our IDs... We will not be able to return to Sinjar unless it becomes secure and protected.»

The Deputy Camp Manager added that many of these families are uncertain as to what the future holds after being displaced more than once.

“If the situation calms, people will try to return to their homes because they don’t have many options here. But right now, people are afraid about the security situation and really, they don’t know when they will be able to go back.”

A Yazidi woman walks through the roads of Khanke Camp for IDPs in Dohuk governorate in the Kurdistan Region of Iraq (KRI). Photo: Ahmed Kaka/NRC



Parties to the same HLP dispute may not have equal access to dispute resolution mechanisms.

Both returnees and IDPs expressed a preference for informal HLP dispute resolution, but returnees reported that they would be forced to rely on formal dispute resolution mechanisms, such as filing a civil suit to reclaim property or resolve an ownership dispute, because the customary conflict resolution social structures remain in displacement. Three-quarters of Yezidi returnees surveyed indicated that they would engage government authorities to resolve an ownership or secondary occupation dispute because they do not have access to community-based mechanisms in Sinjar, even though government processes are more time consuming than informal processes.

By contrast, both Sunni Arab and Yezidi IDPs reported preferring informal HLP dispute resolution mechanisms over formal processes. Sunni Arab IDPs reported that community-based mechanisms were more effective and faster than formal dispute procedures, but also that authorities in Sinjar were unlikely to offer a fair outcome to Sunni Arabs. Both groups of IDPs reported that competing authority structures in Sinjar, the influence of armed groups on decision making, and bureaucratic processes are impediments to using the formal system. One Sunni Arab IDP reported that he had previously brought a serious land claim to court in the past, but that this would no longer be possible because of the fractured administrative authority in Sinjar. As a Sunni Arab IDP in Mosul said, “There has to be a strong government to solve these issues, but there is no government... for me, if I want to solve my housing issue now, while I much prefer to go to the [government] authorities, I would go to a tribal leader to solve it because there really is no government.”

IDPs described confusion over which government entity to approach in Sinjar or what rules to follow as a result of unclear authority structures. Thus, many IDPs continue to approach tribal leaders to assist in property issues in Sinjar. Yezidi IDPs in Dohuk described approaching their community leaders for support in proving tenure due to the strong community presence in their areas of displacement and the leader’s ability to liaise with Sunni Arab community leaders. Sunni Arab IDPs in Mosul sought tribal assistance to resolve secondary occupation by a Yezidi family as they describe it as the most efficient and effective way to handle this issue.

This disparity between IDPs and returnees is significant for a range of reasons, but one primary issue presented by this outcome is that parties to the same HLP dispute are likely to rely on different dispute resolution mechanisms. One in six Yezidi returnee families in Sinjar report occupying another person’s home because their own house or property is uninhabitable. This potentially puts them in conflict with Sunni IDPs without shared access to a mutually acceptable dispute resolution mechanism.

Given the centrality of HLP dispute resolution to return decisions and durable solutions in Sinjar, all stakeholders must ensure that IDPs and returnees have access to mutually acceptable HLP dispute resolution options. This includes fair and accessible formal court and administrative decisions, as well as customary dispute resolution mechanisms. This may incorporate helping Yezidi returnees access customary dispute resolution forums in Dohuk and Mosul, and helping Sunni Arab and Yezidi IDPs access court decisions in Sinjar.

A boy looks from a destroyed house in Sinjar. Photo: Fareed Baram/NRC

NRC Iraq has been committed to providing **critical legal services** and **awareness-raising sessions** related to Housing, Land, and Property rights in Sinjar and to supporting community leaders in dispute resolution since 2015. NRC Information, Counselling, and Legal Assistance (ICLA) teams led legal counselling sessions both in community centres in Sinjar and remotely during COVID-19 lockdowns to raise awareness about **property rights** and **dispute mechanisms**. Throughout 2021, more than **1,100** individuals attended information sessions on HLP rights in Sinjar and more than **200** received legal counselling. NRC also conducted two Collaborative Dispute Resolution (CDR) training sessions on HLP rights for **55** community leaders in the event of property disputes in order to support effective localised risk management.



Conclusions and Recommendations

Access to habitable property—either original property that was not destroyed, or to a feasible alternative—is central to the decision to return for IDPs from Sinjar. However, access to HLP cannot be disentangled from concerns around security, authority, and social cohesion in return decisions, and where HLP claims are frustrated by destruction, secondary occupation or inadequate dispute resolution options, these concerns inhibit return and the achievement of durable solutions.

IDPs and returnees resort to formal or informal mechanisms they have access to and confidence in. While this is true in nearly all contexts in which formal and informal dispute resolution mechanisms coexist, the divide between IDP preference for informal mechanisms and returnee dependence on formal mechanisms highlights both the centrality of social structures to HLP dispute resolution and the need to support both mechanisms.

The below recommendations detail how durable solutions ambitions in Sinjar must consider the need for HLP initiatives, including habitable housing and equitable, accessible dispute resolution and compensation mechanisms, as well as security, safety and social cohesion factors:

Government of Iraq (GoI) and the Kurdistan Regional Government (KRG):

- Strengthen institutional capacity in Ninewa and Dohuk governorates to respond to HLP challenges arising from damaged infrastructure and unpaid compensation. Clarify processes and authoritative bodies for IDPs and returnees to apply for compensation for damaged property in a timely and efficient manner.
- Prioritise the rehabilitation of infrastructure and the restoration of services to allow for safe and inhabitable housing, land, and property, alongside public infrastructure, such as roads, schools, and government buildings, in Sinjar.
- Review property management and administration to ensure that planning, allocation, and ownership processes are inclusive and affordable without discrimination across groups and take into consideration historical land-related injustices.

- Prioritise political and security stabilisation alongside dialogue on the returns of IDPs to Sinjar. Ensure that the voices of displacement-affected communities are reflected and emphasised in developments related to the Sinjar Agreement to guarantee security concerns are integrated in GoI and KRG plans.
- Clarify and raise awareness of formal processes for property disputes in Sinjar. Engage displacement-affected communities to build trust in formal processes through a transparent and time-sensitive mechanism accessible across communities and regardless of displacement status.

Donor Governments:

- Invest in strengthening HLP rights and support the achievement of durable solutions for displacement-affected communities from Sinjar.
- Continue to prioritise the protection of HLP rights across the humanitarian-development nexus amidst the shifting humanitarian funding context in Iraq as humanitarian needs related to shelter continue to exist and go unmet among displacement-affected communities from Sinjar.
- Advocate to the GoI and the KRG for the pressing need to strengthen processes to administer compensation for housing and to restore damaged infrastructure and needed services in Sinjar.

Humanitarian and Development Actors:

- Support national capacity in strengthening dispute resolution mechanisms among local authorities in Sinjar and necessary legal and mediation procedures. Ensure this information is disseminated to displacement-affected households who need to access these structures.
- Support and empower local or tribal informal dispute mechanisms for returnee and IDP households in the event of a property dispute. Support transparent, fair, sustainable, and community-based mechanisms to resolve property issues between and across groups.
- Facilitate the gap between formal HLP dispute mechanisms and customary informal HLP dispute mechanisms to ensure that both parties to the same dispute can access the same processes.
- Ensure displaced and returnee households from Sinjar have access to legal aid for HLP-related issues in their area of origin or in displacement. Provide awareness-raising on HLP issues and mechanisms for redress in areas of displacement and in Sinjar.
- Engage relevant government actors through the HLP subgroup under the Durable Solutions Technical Working Group to advocate for access to dispute resolution mechanisms and compensation mechanisms.
- Support areas with reported tensions between groups and integrate considerations of competition for available housing, land, and property and potential disputes within social cohesion programming.

Endnotes

- 1 United Nations Development Programme. "Six Years After Sinjar Massacre, Support is Vital for Returning Yazidis." August 2020. <https://undp.medium.com/six-years-after-sinjar-massacre-support-and-services-are-vital-for-returning-yazidis-82b87ba36dbd>
- 2 International Organization for Migration. "Master List Report 124: October- December 2021." December 2021. https://iraqdtm.iom.int/images/MasterList/20221264632216_DTM_124_Report_October_December_2021.pdf; OCHA. "Flash Update: Iraq Crisis - Significant Displacement from Sinjar." August 2014.
- 3 UN OCHA. "New IDPs Influx from Shingal Report." May 5, 2022.
- 4 International Organization for Migration. "Dashboard: Displacement." March 2022. <https://iraqdtm.iom.int/Dashboard>.
- 5 Van Zoonen, Dave and Khogir Wirya. "The Yazidis: Perceptions of Reconciliation and Conflict." Middle East Research Institute. October 2017. <https://www.usip.org/sites/default/files/Yazidis-Perceptions-of-Reconciliation-and-Conflict-Report.pdf>.
- 6 United Nations Development Programme. "Six Years After Sinjar Massacre, Support is Vital for Returning Yazidis." August 2020. <https://undp.medium.com/six-years-after-sinjar-massacre-support-and-services-are-vital-for-returning-yazidis-82b87ba36dbd>.
- 7 International Organization for Migration. "Master List Report 124: October- December 2021." December 2021. https://iraqdtm.iom.int/images/MasterList/20221264632216_DTM_124_Report_October_December_2021.pdf.
- 8 International Organization for Migration. "Return Dynamics in Ninewa Governorate." May 2021. https://iraqdtm.iom.int/images/ReturnIndex/2021613925714_iom_dtm_Return_Dynamics_in_Ninewa_May2021.pdf.
- 9 OCHA. "Flash Update: Iraq Crisis - Significant Displacement from Sinjar." August 2014. <https://reliefweb.int/report/iraq/ocha-flashupdate-iraq-crisis-significant-displacement-sinjar-no-1-3-august-2014>.
- 10 International Organization for Migration. "Rural Areas in Ninewa." 2019. <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Rural%20areas%20in%20Ninewa.pdf>.
- 11 UN-Habitat. "Emerging Land Tenure Issues Among Displaced Yazidis from Sinjar, Iraq." November 2015. <https://unhabitat.org/node/142208>.
- 12 Ibid.
- 13 Ibid.
- 14 Ghaziri, Osama. "Struggle for Sinjar: Iraqis' Views on Governance in the Disputed District." USIP. April 2021, <https://www.usip.org/publications/2021/04/struggle-sinjar-iraqis-views-governance-disputed-district>.
- 15 Van Zoonen, Dave and Khogir Wirya. "The Yazidis: Perceptions of Reconciliation and Conflict."
- 16 Human Rights Council, "They came to destroy": ISIS Crimes Against the Yazidis, June 15, 2016, Microsoft Word - A_HRC_32_CRP.2_AV 150616-CoI. Syria_ISIS.Crimes.Against.The.Yazidis.docx (reliefweb.int)
- 17 International Crisis Group. "Winning the Post-ISIS Battle for Iraq in Sinjar." February 2018. <https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iraq/183-winning-post-isis-battle-iraq-sinjar>.

- 18 Ghaziri, Osama. "Struggle for Sinjar: Iraqis' Views on Governance in the Disputed District."
- 19 Porter, Lizzie. "Despite Government Promises, Lives in Sinjar Remain on Hold." *The New Humanitarian*. March 30, 2021. <https://www.thenewhumanitarian.org/news-feature/2021/3/30/despite-government-promises-lives-in-sinjar-remain-on-hold>.
- 20 UN OCHA. "New IDPs Influx from Shingal Report." May 5, 2022.
- 21 Lichtenheld, Adam and Saad Saadi. "Towards Durable Solutions to Displacement in Iraq: Understanding Social Acceptance of Returnees in Sinjar." Mercy Corps. November 2021.
- 22 Norwegian Refugee Council. "Housing, Land and Property (HLP) Rights." <https://www.nrc.no/what-we-do/speaking-up-for-rights/housing-land-and-property-rights/>.
- 23 Since 2017, UN Habitat has supported Yezidis in 11 collective townships in Sinjar to obtain occupancy certificates endorsed by the GoI and local administrative authorities. Through this project, to date, more than 13,300 households have obtained valid occupancy certificates which provide security of tenure to Yezidis who have historically been prevented from obtaining tapu deeds. While the UN-Habitat project continues to expand, the returnee population of NRC's survey is based in Sinjar merkez, where UN Habitat programming has not yet engaged. IDPs included in this survey may have originated from Sinjar and Sinuni and therefore may be eligible for occupancy certificates. Therefore, this report does not consider the specific potential of UN Habitat supported occupancy certificates in attracting returns to the Sinjar area.
- 24 International Organization for Migration. "Guidance Note: Integrating Housing, Land, and Property Issues into Key Humanitarian, and Transitional Planning Processes." 2018. [hlp-integration_guidance-note-2018_071918-final.pdf](https://sheltercluster.s3.eu-central-1.amazonaws.com/hlp-integration_guidance-note-2018_071918-final.pdf) (sheltercluster.s3.eu-central-1.amazonaws.com).



NORWEGIAN
REFUGEE COUNCIL