

# United States Institute of Peace and The World Bank

## ADDRESSING PROPERTY ISSUES ARISING FROM POST-2003 DISPLACEMENT AND RETURN

Workshop  
July 13-15, 2008  
Amman, Hashemite Kingdom of Jordan

### AGENDA

Day One	
9:00 – 9:15	<p><b><u>Welcome</u></b></p> <p>Introduction to the workshop</p> <p>Deborah Isser, Senior Rule of Law Advisor, USIP Ziad Badr, Head of Mission of the Interim Office for Iraq, The World Bank</p>
9:15 – 9:30	<p><b><u>Opening Address</u></b></p> <p>Speaker: Dr. Abd al-Samad Rahman Sultan, Minister of Migration</p>
9:30 – 10:30	<p><b><u>Assessing Return and the “Property Problem”: Situation on the Ground</u></b></p> <p>Moderator: Jason Gluck, Rule of Law Advisor, USIP</p> <p>Panel Presentation:</p> <ul style="list-style-type: none"><li>• Asghar Al-Musawi, Deputy Minister of Migration</li><li>• Dana Graber-Ladek, IOM; Vandana Patel, UNHCR</li><li>• Fatima Al-Araji, Baghdad Provincial Council</li></ul> <p>Discussant: Abdul Khaliq Zangana, Chair, Council of Representatives Committee on Migration, Refugees and Displaced</p> <p><i>Note: The aim of this session is to arrive at a common understanding of the nature of the property issues. This diagnosis will set the stage for the discussion of solutions in the following sessions.</i></p>

10:30 – 10:45	<i>Tea/Coffee Break</i>
10:45 – 12:00	<p><b><u>Assessing Return and the “Property Problem”: Situation on the Ground</u></b> <i>(continued)</i></p> <p>Moderator: Jason Gluck, Rule of Law Advisor, USIP</p> <p>Discussion</p>
12:00 – 1:00	<p><b><u>The Normative Framework</u></b></p> <p>Moderator: Sermid al-Sarraf, Executive Director, International Institute for the Rule of Law</p> <p>Presentation of case studies:</p> <ul style="list-style-type: none"> <li>• Asghar Al-Musawi, Deputy Minister of Migration</li> </ul> <p>Panel Presentation on international norms and practice</p> <ul style="list-style-type: none"> <li>• Rhodri Williams</li> </ul> <p><i>Note: In this session we will begin our exploration of the substantive legal principles governing property claims. The first panel will highlight how current Iraqi law applies to a variety of scenarios. The second panel will discuss international norms and practice regarding property restitution and compensation and how might help guide Iraqi policy.</i></p>
1:00 – 2:00	<b><i>Lunch</i></b>
2:00 – 3:30	<p><b><u>The Normative Framework</u></b> <i>(continued)</i></p> <p>Break-out groups to discuss each of the case studies</p> <p><i>Note: Break out groups will discuss several case scenarios to work out how current Iraqi law and institutions would address the issues, what are gaps or potential problems, and what might be appropriate ways of addressing them.</i></p>
3:30 – 3:45	<i>Tea/Coffee Break</i>
3:45 – 5:30	<p><b><u>The Normative Framework</u></b> <i>(continued)</i></p> <p>Moderator: Dan Stigall</p> <p>Expert Panel: Judge Alaa Jawad, Legal Advisor, Council of Ministers</p>

	<p>Moderated discussion on the following issues:</p> <ul style="list-style-type: none"> <li>• Fraudulent/coerced transfers</li> <li>• Rights of occupancy (tenants)</li> <li>• Compensation for damaged/ destroyed property</li> </ul> <p><i>Note: This session will focus on a number of key issues that arise from the case scenarios. Through a moderated discussion, we can review how each group dealt with these issues and explore possible policies/strategies that could be adopted.</i></p>
5:30 – 7:00	<i>Free time</i>
7:00	<b><i>Dinner</i></b>

<b>Day Two</b>	
9:00 – 10:30	<p><b><u>The Normative Framework</u></b> <i>(continued)</i></p> <p>Moderator: Sermid al-Sarraf, Executive Director, International Institute for the Rule of Law</p> <p>Speaker: Walpurga Englbrecht, UNHCR</p> <p>Moderated discussion on the following issues:</p> <ul style="list-style-type: none"> <li>• Secondary occupants</li> <li>• Enforcement</li> </ul> <p><i>Note: This session is a continuation of the previous session, with a focus on different issues.</i></p>
10:30 – 10:45	<i>Tea/Coffee Break</i>
10:45 – 1:30	<p><b><u>The Institutional Framework: Formal Dispute Resolution Mechanisms</u></b></p> <p>Moderator: Hisham Abdo, World Bank</p> <p>Panel Presentation</p> <ul style="list-style-type: none"> <li>• Hon. Madhat al-Mahmood, Chief Justice</li> <li>• Hon. Ahmed al-Barrak, CRRPD</li> <li>• Aswad Al-Minshidi, President Iraqi Bar Association</li> <li>• Norbert Wuehler, IOM</li> </ul> <p><i>Note: This session will examine formal mechanisms for handling property disputes. We will discuss the capacity of the courts to handle mass claims and the experience of the CRRPD to help inform the development of any new commissions or mechanisms. The session will also examine challenges facing citizens accessing the formal mechanisms. International experts will discuss what has and has not worked in similarly situated countries (which may reference each of the alternatives listed above). This extended plenary discussion will then allow the participants to comment on the perceived pros and cons of each option.</i></p>
1:30 – 2:30	<b><i>Lunch</i></b>

2:30 – 3:45	<p><b><u>Informal Mechanisms and Durable Solutions</u></b></p> <p>Moderator: Peter van der Auweraert, Senior Legal Advisor, IOM</p> <p>Panel Presentation</p> <ul style="list-style-type: none"> <li>• Hisham Abdo, World Bank</li> <li>• Ali Al-Ameri, Chair Saydiya Council</li> </ul> <p><i>Note: In this session we will discuss complements and alternatives to the formal systems (judicial, administrative) for managing property disputes. The session will provide an overview of alternative dispute resolution mechanisms including mediation and will also touch on the issue of legal aid services. The session will highlight informal-community-based solutions, as well as the practical needs and social reconciliation components of any legal framework. We will examine the role of community leaders and neighborhood councils, and will consider housing reconstruction needs.</i></p>
3:45 – 4:00	<i>Tea/Coffee Break</i>
4:00 – 5:30	<p><b><u>Informal Mechanisms and Durable Solutions (continued)</u></b></p> <p>Moderator: Deborah Isser, Senior Rule of Law Advisor, USIP, and Paul Prettitore, World Bank</p> <p>Discussion</p>
Evening	<i>Free</i>

<b>Day Three</b>	
9:00 – 10:45	<p><b><u>Toward a Solution: Short and Medium Term Strategies</u></b></p> <p>Moderator: Paul Prettitore, World Bank</p> <p>Break out groups</p> <p><i>Note: In this session groups will be asked to develop a set of immediate and medium-term steps and actions for the Government Iraq, the International Community and Civil Society/Local Actors to protect the property rights of the displaced, to prevent property disputes from sparking violent conflict, and to pave the way to an institutional solution to the problem.</i></p>
10:45 – 11:00	<i>Tea/Coffee Break</i>
11:00 – 12:45	<p><b><u>Toward a Solution: Short and Medium Term Strategies (continued)</u></b></p> <p>Moderators: Paul Prettitore, World Bank and Sermid al-Sarraf, IIRL</p> <p>Group Presentations and Plenary Discussion</p>
12:45 – 2:00	<b><i>Lunch</i></b>
2:00 – 3:30	<p><b><u>Next Steps/Outcome Document</u></b></p> <p>Moderator: Deborah Isser, USIP and Hisham Abdo World Bank</p> <p>Discussion of Outcome Document</p> <p>Discussion of Follow-Up Actions</p> <p><i>Note: We will prepare a draft outcome document and in this session we will review the document and seek to adopt it as an outcome of the workshop. We will also discuss follow-up possible programs.</i></p>
3:30	<b><i>Adjourn</i></b>