

IRAQ OPERATION 2005 SUPPLEMENTARY APPEAL



Iran / Iraqi refugees / Bani najar camp, Ahwaz / UNHCR / Z. Soleimani / September 2004

February 2005

Introduction



UNHCR Amman/A.Van Genderen Stort

months after the end of the war, a large number of Iraqis still remain displaced in and out of their own country. Besides its protection mandate for Iraqi refugees and asylum-seekers in the neighbouring countries, UNHCR has been requested to take the lead and coordinate the UN efforts to assist the return of **Internally Displaced Persons** (IDPs) as Task Manager for the United Nations Cluster for Internally Displaced Persons and Refugees (Cluster 8). These two mandates will remain our operational basis in 2005. In this Appeal, we review our achievements in 2004 and present our plans for 2005.

The pace of events in Iraq in 2004 was relentless, whether on the military, security, political, reconstruction and humanitarian fronts. The newly-formed Iraqi Police (IP), Iraqi National Guards (ING), other security organs and the Multi-National Forces Iraq (MNF-I) are still unable to provide adequate physical protection for themselves, the Iraqi population or the humanitarian community.

of those international organisations that still had an international presence inside the country have either closed their programmes or relocated their international staff to Jordan or Kuwait to continue through remote management.

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The 2004 plan was devised based on a set of assumptions, one of which was that by the middle of the year 2004 the political and security situation would improve, opening the way for a gradual return of international staff initially on a short mission basis. Reality, however, proved to be different and as a result UNHCR had to maintain its remote management arrangements throughout the year.

Despite such an unprecedented and unpredictable environment, UNHCR was able throughout 2004 to carry out its plan – albeit at a reduced level - and make a number of important achievements, among which:

• Capacity of Ministry of Displacement and Migration (MoDM) was strengthened. It is now a functioning Ministry and has initiated the process of establishing itself throughout

the country.

- The facilitated voluntary repatriation scheme initiated in 2003 was maintained throughout 2004, assisting as at end of December 2004 some 19,300 persons to return.
- The reintegration programme still at a pilot stage in 2003 was expanded in the north and initiated in the south. Over 80 rural returnee-affected communities have been supported with improved access to water, education, health and income generating activities. More than 75,000 persons all over Iraq have directly benefited from these interventions.
- More than 7,000 returnee children have benefited from UNHCR assistance and are now enrolled in schools.
- UNHCR funded up to 2,900 shelters for vulnerable returnee families.
- UNHCR played a meaningful, effective and recognized role in assisting in the establishment of the Iraqi Property Claims Commission (IPCC) and in the development of its functions.

While remote management was a challenge and a constraint throughout the year, it has also favoured a very close coordination with UN agencies and other international organizations and placed more emphasis on Iraqi ownership.

A reflection on past year's experience shows that remote management – despite the enormous challenges it posed – remains a viable option under the current circumstances.

The 2005 Appeal

his Appeal, issued for 2005, describes the UNHCR operation for Iraq in 2005. The overall budget is USD 42 million covering the assistance and protection needs of various populations of concern both inside and outside Iraq and should allow UNHCR to achieve the following objectives within the United Nations Integrated Strategy for Assistance in Iraq:

Target populations

Persons of concern to UNHCR can be divided into the following five categories:

Iraq

- · Returned refugees and IDPs;
- IDPs:
- Stateless persons;
- Non-Iraqi refugees and asylum-seekers;

Neighbouring countries

• Iragi refugees and asylum-seekers.

- Continue to strengthen the capacity of national and local institutions in particular MoDM and national NGOs;
- Coordinate and facilitate the voluntary and safe return of Iraqi refugees and asylum-seekers and assist them in their reintegration;
- Provide **protection and assistance** to Iraqi refugees and asylum-seekers living in the region as well as non-Iraqi refugees in Iraq;
- Guided by the UN Strategic Plan for IDPs, coordinate the return and reintegration assistance of **internally displaced persons**;
- Advocate for the accession by the Government of Iraq to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol through the provision of technical advice and operational support;
- Provide technical assistance on statelessness and work with the authorities on the drafting and enactment
 of the new nationality law; and
- Provide legal and technical advice on **property issues** through capacity building of the Iraqi Property Claims Commission.

Assumptions for 2005

Given the current situation in Iraq, UNHCR will pursue its objectives through innovative yet principled strategies. In this context and to help design its interventions in consultation with operational partners, the following assumptions will form the basis of UNHCR work in Iraq:

- A functioning public administration will evolve at national and local levels following the January 2005 elections:
- The role of the United Nations in Iraq may be further clarified after the elections. The incoming government may possibly demand greater UN participation and co-ordination;
- The integrated UN approach envisioned by the Secretary General will be maintained in 2005 and will continue to guide the UN Country Team's joint Cluster strategies;
- Staff movements will remain limited in the face of continued insecurity. However, should the security environment permit, a gradual return of UN international staff and greater mobility for national staff may become possible, appropriate human and financial resources will be available in a timely manner; and
- In the interim, UNHCR will maintain the same modalities of implementation during 2005, wherein international presence will continue in neighbouring countries mainly in Jordan and Kuwait.

Protection Benchmarks for Return

hile fully appreciating the burden that displaced populations place on host societies, the lack of safety – particularly of physical and material safety – forces UNHCR to refrain from promoting voluntary repatriation to Iraq. In the spirit of responsibility and burden sharing, UNHCR supports the Iraqi authorities in their plea towards host Governments not to forcefully return Iraqis at this stage in order not to further destabilize an already fragile ethnic and social balance.

UNHCR will facilitate return when the following benchmarks are met:

- return is voluntary;
- the special protection needs of vulnerable persons are met;
- unhindered access to returnees at all stages of the return process; and
- return takes place in dignity and conditions of physical, material and legal safety.



Palestinian refugee in Jordan camp. by D. Khamissy, May 2004

Populations of Concern and Assistance

NHCR, guided by its mandate and by the High Commissioner's "Humanitarian Reconstruction" concept¹, will continue to pursue solutions-oriented protection and assistance for the following major populations of concern in Iraq in partnership with the Iraqi authorities, UN Country Team and other international and national organizations.

Iraqi Returnees

Since August 2003, some 19,300 Iraqi refugees made duly-informed decisions to avail themselves of the UNHCR facilitated voluntary repatriation scheme. In addition, some 250,000 persons are estimated to have returned spontaneously mainly from the Islamic Republic of Iran. In addition to the Shalamcheh crossing in the south, a new border crossing was opened in Haji Omran during the second half of the 2004, opening the door to the north. This trend is expected to continue throughout 2005.

While the high rate of spontaneous returns seem to indicate that people view the current situation - though far from being secure - as better than it was under the previous regime, UNHCR still believes that conditions inside Iraq are not conducive to return in safety and dignity. Therefore the same policy on return developed in 2004 will be maintained in 2005: facilitate, but not promote, the repatriation of those who have made an informed and voluntary decision to return.

The projected facilitated return in 2005 is 30,000 refugees, of which 10,000 are expected to return through Hajj Omran and 20,000 through Shalamsheh.

Unless the security improves, assistance provided to returnees from the neighbouring countries will remain the same - including volrep grant, transportation, a relief item package (to vulnerable cases only) and mine awareness training.

Return is not sufficient – there is a need to create an

environment
which allows the
restoration of national protection
and sustainable
reintegration.

Reintegration activities in 2004 concentrated mostly on community-based pro-

jects, rehabilitation of shelter and infrastructures, as well as protection-related activities, including returnee monitoring, legal aid and information centres and property claims. In 2004, some 80 mostly rural returnee-affected communities benefited from such interventions. Close to 3,000 shelters were either repaired or rebuilt throughout the year. Some 7,000 returnees were provided with legal counselling through six legal aid centres, while more than 15,000 returnee household or village surveys were conducted. On the reconstruction front, the International Reconstruction Fund Facility for Iraq (IRFFI) process launched in Madrid in 2003 was maintained and further developed. UNHCR received

By September 2004, some 400,000 Iraqis are believed to have returned from neighbouring and non-neighbouring countries as well as from internal displacement. This includes some 270,000 returned refugees and over 130,000 returned IDPs. As in 2004, the Office will target reintegration assistance, in line with the National Development Strategy (NDS), the High Commissioner's 4Rs approach² and the UN Strategic Plan for IDPs in Iraq.

USD 7.2 million for activities in the south from the UNDG Iraq Trust Fund (ITF).

Similar reintegration activities, shelter rehabilitation

^{1.} UNHCR's "Humanitarian Reconstruction" concept is about reconstructing life after the years of suppression and marginalization that people of concern to UNHCR witnessed in Iraq. With a particular focus on solutions for refugees and IDPs, UNHCR continues to implement different protection, assistance and reconciliation activities.

^{2. 4}Rs are Repatriation, Reintegration, Rehabilitation and Reconstruction. This approach aims to ensure linkages between all four processes so as to prevent the recurrence of mass outflows, facilitate sustainable repatriation, and help create good local governance.

Populations of Concern and Assistance

(houses, schools, clinics etc.) as well as quickimpact projects, income-generation projects and vocational trainings will be maintained in 2005, with more emphasis on targeting intervention areas, selection of beneficiaries, diversifying livelihood assistance, coordination with both national and local authorities' development plans.

IDPs

In 2004 UNHCR led the formulation of the UN Strategic Plan for IDPs, which was endorsed by the Emergency Relief Co-ordinator and the Inter-Agency Standing Committee. This document culminates a year's work by the UN Country Team and more specifically of the Cluster 8. The Plan recognizes MoDM as the responsible national Ministry for internally displaced persons. UNHCR provided leadership also by chairing a weekly IDP working group and hosting or participating in a number of workshops on displacement.

UNHCR will continue in 2005 its coordinating role as Task Manager for the Cluster 8, and will put greater focus on seeking solutions for populations of concern to the Cluster, including through return, reintegration and resettlement.

The overall number of the internally displaced in Iraq exceeds 1,200,000 persons including those displaced due to drainage of marsh wetlands and forced relocation in the north. Moreover, numerous returnees who spontaneously

By November 2004, the estimated number of war-affected IDPs has recently increased to some 400,000 persons as a result of massive displacement from Fallujah. As the Task Manager for UN Cluster 8, UNHCR will continue to lead coordination and policy development efforts to ensure protection and assistance to the displaced populations in Iraq. In its cluster management, UNHCR will be guided by active ownership and engagement of the MoDM and all other concerned national authorities in cluster activities including at the level of the IDP Working Group.

returned to Iraq live in displacement within the country.

The displaced are accommodated in various locations in Iraq, frequently housed in substandard or over-crowded accommodation. Many thousands occupy public buildings, which have not been designed for residential usage and lack basic services such as running water and sanitation facilities.

Through the co-coordinated structure of the UN Clusters and in line with the approved IDP strategy, the International Organization for Migration (IOM) continues to monitor and provide humanitarian assistance to IDPs in the 15 Governorates below the "green line". UNHCR, together with its UN partner agency UNOPS, is responsible for the same category of persons in the three northern Governorates. Countrywide, UNHCR leads IDP return and reintegration efforts in addition to formulation of protection responses and setting of standards.

Refugees and Asylum-Seekers

There are an estimated 34,000 **Palestinian refugees** (some 8,500 families) in Iraq, of which some 22,000 had been registered by UNHCR. Security constraints have forced UNHCR to suspend their registration, which will be completed in 2005. Of utmost importance is capacity building of, and forging closer linkage to, the national NGOs and Red Cross and Red Crescent Movements as operational partners.

The estimated 540 **Syrian refugees** come from a diverse political background. UNHCR's involvement is limited to those registered with OCM Baghdad as of June 2003. UNHCR hopes that through capacity building, MoDM will be able to resume the provision of protection and assistance. In 2005 UNHCR will continue to pursue voluntary repatriation to Syria for those wishing to return. Furthermore it will seek third country resettlement for those cases who cannot return to Syria and whose protection in Iraq is at risk. Special focus will be put on Syrian refugee children.

Populations of Concern and Assistance

There are three groups of **Iranian refugees**, including those living in the Al-Tash refugee camp in central Iraq (some 4,200 persons), those who

live in northern Iraq (some 4,900 persons) and Iranian Ahwazis (of Arab ethnicity) residing in central and southern Iraq (estimated at 2,500 persons).

Through its protection, advocacy and assistance programmes, UNHCR will continue to seek access to refugees and work with partners to improve their conditions. The total number of refugees in Iraq is more than 44,000 persons. Particularly, urban refugees (especially in Baghdad) face harassment and declining standards of living, separate from the surrounding communities.

UNHCR

stands ready to assist to promote resettlement for deserving cases without prospects of other durable solutions, provided that the security situation improves and individual interviews can be carried out, and subject to support from resettlement countries. Besides facilitation of voluntary repatriation and resettlement, UNHCR will seek understanding and cooperation from the respective local authorities for local settlement as applicable. Simultaneously, UNHCR will promote self-reliance of the camp residents and encourage the Working Group led by the Iraqi authorities to find durable solutions for the Iranian refugees. UNHCR will continue to address specific needs of women, children, disabled and older refugees.

There are some 13,000 **Turkish refugees** in the refugee camp of Makhmour, and in the Governorates of Dohuk and Erbil. The majority, from the bordering provinces of Sirnak and Hekkari, arrived in 1994 following the escalation of the armed conflict in south-eastern Turkey.

A number of Makhmour residents have expressed their willingness to return to Turkey, pending certain conditions. During 2004, UNHCR drafted a tripartite agreement for the voluntary repatriation of these refugees to Turkey, to which the signatories are to be the Governments of Turkey and Iraq as well as UNHCR. The draft agreement was the subject of intense negotiations throughout the year between the signatories.

natories as well as the US Government. The agreement is still under discussion but it is hoped that a consensus between the parties can be reached during 2005 in order to allow it to be signed and implemented. Implementation also depends on access of UNHCR staff.

Stateless Persons

Equally important is addressing the issue of statelessness among the following groups: 1. an estimated half million Faili Kurds and Arab Shi'ites expelled and deprived of Iraqi nationality by the previous government; 2. the Bidouns straddling Iraq/Kuwait border whose legal status is a matter of continuing dispute; and 3. children of mixed marriages.

Ruwayshed and No Man's Land Refugee Camps

UNHCR continues to provide basic humanitarian assistance and protection such as monitoring the principle of *non-refoulement*, ensuring basic refugee rights and activities toward finding durable solutions for refugees that are residing at two camps at the Jordanian borders, Ruwayshed and No Man's Land.

In its search for durable solutions for the refugees in the two camps, UNHCR successfully resettled about 400 refugees under the group referral strategy as it was deemed that a voluntary return to neither country of origin nor relocation in the first country of asylum was feasible. For the remaining refugees, individual resettlement submission are being prepared and presented to various resettlement countries. UNHCR also reviews individual cases of other persons of concern from other nationalities.



Iranian Kurdish refugee girl in Jordanian camp. Photo taken by a nine year old refugee, Jun<mark>e 2004</mark>

Protection Tools Used to Assist Populations of Concern

egal Aid and Information Centres serve not only for the people with dissemination of information, but also for UNHCR to get a clearer profile of the people who have returned to Iraq and their needs and specific problems. During 2004, UNHCR funded six legal aid centres throughout Iraq, through which more than 7,000 persons have been provided with legal counseling and/or assistance. These services will be expanded in 2005 and will include also legal representation in selective cases.

onitoring impacts of return, the observance of restoration of national protection and the reintegration situation of returnees is a crucial protection tool allowing to: identify protection and assistance gaps and needs; design appropriate protection and assistance responses; and collect relevant country of origin information in order to advise potential returnees, host countries and other actors on the conduciveness for return in safety and dignity.

We strengthen this tool by integrating protection, field and programme issues in order to help designing and implementing more effective assistance interventions.

UNHCR has launched a campaign of returnee monitoring throughout Iraq during 2004, including through surveys of villages, groups and households. Regional and country-wide databases will generate information on the population, its protection, assistance and community needs. While UNHCR and its partners will continue these protection activities during the first half of 2005, the aim is to capacitate MoDM to take over these activities.

Key Protection Issues in the Creation of Conditions of Return: Property and Nationality

roperty disputes remain one of the main obstacles to a peaceful and sustainable return and reintegration of refugees and IDPs, thus the importance for UNHCR to ensure that the Iraq Property Claim Commission (IPCC) is solidly established and functional.

In the course of 2004, the IPCC was established and its functions were developed. In its process, UNHCR played an important role, providing extensive legal and technical inputs to the drafting of the Statute and its related annexes, substantive guidelines for implementation, as well as other documents such as the claims and response forms.

One of the important features of the IPCC process will be to allow Iraqis abroad to file claims. As agreed through the IOM/UNHCR division of labour, UNHCR will take the lead in establishing out-of-country claim receipt services in the surrounding countries. In this regard, it drafted a project proposal shared with the Iraqi Interim Government. A reply from the Iraqi authorities is expected after the conclusion of the elections in January 2005. Deadline for filing claims has been set for 30 June 2005. Operationalizing the out-of-country claim process will be a top priority during the first quarter of 2005.

Other areas of intervention in 2005, in cooperation with IOM, will include continued legal advice to address the shortcomings of the current IPCC legislation, capacity building of the different IPCC bodies through trainings on property restitution and compensation, claim in-take process and legal aspects of the IPCC legislation, IT functions and, if appropriate, secondment (to the IPCC) of national or regional property experts. UNHCR will continue to commission research on specialized relevant topics for advisory and monitoring purposes, as well as other assistance to the IPCC as outlined in a letter submitted to Head of the IPCC.

undreds of thousands of persons are thought to be **stateless** due to laws or decrees promulgated during the previous regimes. One group is known as the "bidoon jinsiya" (without nationality) and located mainly in the south of Iraq.

Many are Faili Kurds and Arab Shi'ites who were stripped of their nationality and expelled as per a decree Decision Number 666 at the beginning of Iran-Iraq war. The decree, however, was annulled with retroactive effect by the Interim Constitution or Law of Admini-

stration for the State of Iraq for the Transitional Period (TAL), and the nationality of all those who were deprived of nationality is reinstated. This option should facilitate both voluntary repatriation and recovery or compensation of confiscated property. Notwithstanding the constitutional stipulation of the right, however, no procedures have been put in place to reclaim the nationality.

Another problem is related to the lack of harmonization of previous legislations and decrees still in force and the provisions contained in the new Interim Constitution. UNHCR will in 2005 continue to analyse current and former Iraqi citizenship legislation and administrative practices that have created or might continue to create statelessness.

Other activities include promotion of accession to the 1954 and 1961 Statelessness Conventions, training of UNHCR staff on statelessness issues, monitoring the activities of the Civil Status Offices in issuing Interim Civil Status Certificates in a harmonized way, and provision of guidance/counselling on the development of process related to reacquisition of Iraqi citizenship through Legal Aid and Information Centres.

As the mediating agency designated by the UN General Assembly and based on EXCOM Conclusion No 78, UNHCR will seek to positively influence both the content and the application of legislation relating to nationality with a view to reducing statelessness, consistent with fundamental principles of international law. UNHCR will further encourage concerned regional governments to address the issue of statelessness of certain groups jointly and in a consistent and comprehensive manner.

Building the Capacities of Our Partners

apacity building has been one of the priority areas of UNHCR's intervention in 2004. Efforts have been targeting mainly at MoDM. Although more improvements are needed, MoDM is now a functioning Ministry. Throughout 2004, UNHCR hosted 17 workshops/conferences on capacity building and technical advice support, which reached more than 260 participants. Since July 2004, UNHCR has seconded two international experts to MoDM.

During 2005, UNHCR in cooperation with IOM will assist MoDM to carry out a complete reform of the Ministry, including revision of the Ministry's draft statute, mandate, objectives, categories of concern to the Ministry and organizational structure (including job specifications and descriptions). Furthermore, UNHCR will focus on assisting the Ministry in asserting its role and setting its priorities for the year to come, including the development of comprehensive policies regarding refugees, returnees, IDPs and stateless persons. Training events on a set of selected topics and regular coordination meetings will continue throughout the year.

Developing partnership and strengthening the advocacy and operational capacity of national NGOs is also an area that will be given priority in 2005.



UNHCR Basra Transit Center

Provision of Protection in the Neighbouring Countries

here are no exact figures for Iraqis living abroad. It has been estimated, however, that over half a million Iraqi refugees, asylum-seekers and others live abroad benefiting from some type of complementary or temporary protection, or tolerance status. The majority of them live in neighbouring countries surrounding Iraq, and are vulnerable in terms of legal status, lack of access to public services and employment.

There is a clear need for UNHCR, within specific parameters, to provide assistance to Iraqis under the temporary protection regime. Therefore, UNHCR has explored ways how this protection regime could be substantiated to assist the authorities to provide adequate protection and assistance.

UNHCR plans to channel its assistance through the national authorities and civil society, allowing it to simultaneously reach more beneficiaries, as well as to support the authorities in coping with the impact of the presence of large Iraqi populations in their territories.

Another area of focus is institutional capacity building, such as training and technical support to assist governmental institutions dealing with asylum and migration. This will also give UNHCR more leverage to advocate for more effective protection standards, such as freedom from arrest, detention, and deportation.

UNHCR will also continue to register Iraqis who approach the UNHCR offices, since registration constitutes the most important tool to collect information on both the profile of the Iraqis as well as the reasons for their flight from Iraq. The registration information will also be useful for operational purposes in an eventual large-scale repatriation operation, whenever conditions in Iraq are conducive.

Institutional Arrangements and Strategic **Par**tnerships

NHCR is committed to working in close **coordination** with the United Nations Assistance Mission for Iraq (UNAMI) and UN sister agencies, as well as with IOM, Red Cross and Red Crescent Movement and international and national NGOs. As Cluster 8 Task Manager, UNHCR will continue to lead the United Nations system-wide response to the IDP and refugee issues in Iraq.

Partnerships will continue to be reinforced in 2005, with State institutions, local authorities, UN and bilateral development agencies. This will be coupled with training and workshops for the Iraqi authorities and NGO partners in 2005.

While responsibility for programme monitoring and implementation increasingly rests with national staff who remain in Iraq, a number of measures were taken to mitigate the constraints related to **remote management**: national staff's frequent mission to Kuwait or Jordan for briefings and trainings; hosting regular review and coordination meetings in Kuwait and Jordan; providing national staff and implementing partners with communication equipments such as mobile phones, VHF, internet connections, digital cameras; developing special project control procedures to check expenditure and procurement; and building the capacity of local NGOs including through "mentoring" by international NGOs.

UNHCR has eight active duty stations inside Iraq, five in the north, two in the south and one in Baghdad. The Office in Amman, Jordan, was recently upgraded to a Regional Office and will oversee programmes both in Jordan and Iraq. This is a temporary arrangement until such time UNHCR can resume its international presence in Iraq. The Cross-Border Base in Kuwait will continue to carry out its functions under the supervision of the Regional Office in Jordan.

Strong emphasis will continue to be placed on **staff development**. Staff security training which commenced in 2004 will continue in 2005. In addition, staff will travel to Jordan and Kuwait for training in protection, programme, finance/administration, supply and human resources.



UNHCR Amman/A. Van Genderen Stort

Budget Requirement for 2005

UNHCR's Appeal requirements USD 42,029,851 1 January - 31 December 2005

Sector	2005 Requirement
	(USD)
Protection, Monitoring and Co-ordination	7,218,077
Community Services	1,472,210
Crop Production	1,200,000
Domestic Needs	1,509,534
Education	1,236,669
Food	494,970
Health	985,834
Income Generation	1,300,000
Legal Assistance / Protection	3,507,775
Operational Support (to Agencies)	4,670,892
Sanitation	284,570
Shelter / Other Infrastructure	7,548,350
Transport / Logistics	3,165,940
Water (non-agricultural)	1,265,386
Total Operations	35,860,207
Support Costs (7%)	2,510,214
Programme Support	3,659,430
Grand Total	42,029,851

Funding Overview for 2004

UNHCR's Appeal requirements USD 74,068,515 1 January - 31 December 2004

Donor	2004 Contributions
	(USD)
Denmark	2,673,797
Japan	700,000
New Zealand	955,414
Norway	1,032,448
Poland	10,000
Portugal	609,756
Private donors	334,778
Spain*	456,422
United Kingdom	400,000
United States	16,200,000
UNDG Iraq Trust Fund	7,126,200
El-Eslah Society of Bahrain	9,941
Islamic Association of Bahrain	4,891
Total	30,513,647

^(*) contributions from Spanish autonomous communities and other public administrations, channelled through Espana con ACNUR.

In addition to the above, total funds available for the 2004 operation amounted to USD 50 million including the 2003 carry over of USD 20,155,309. The 2004 expenditure is estimated to be approximately USD 40 million - the exact figure will be available after the closure of accounts in February 2005.