

# Sanctuary in the city? Urban displacement and vulnerability in Kabul

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with Ellen Martin

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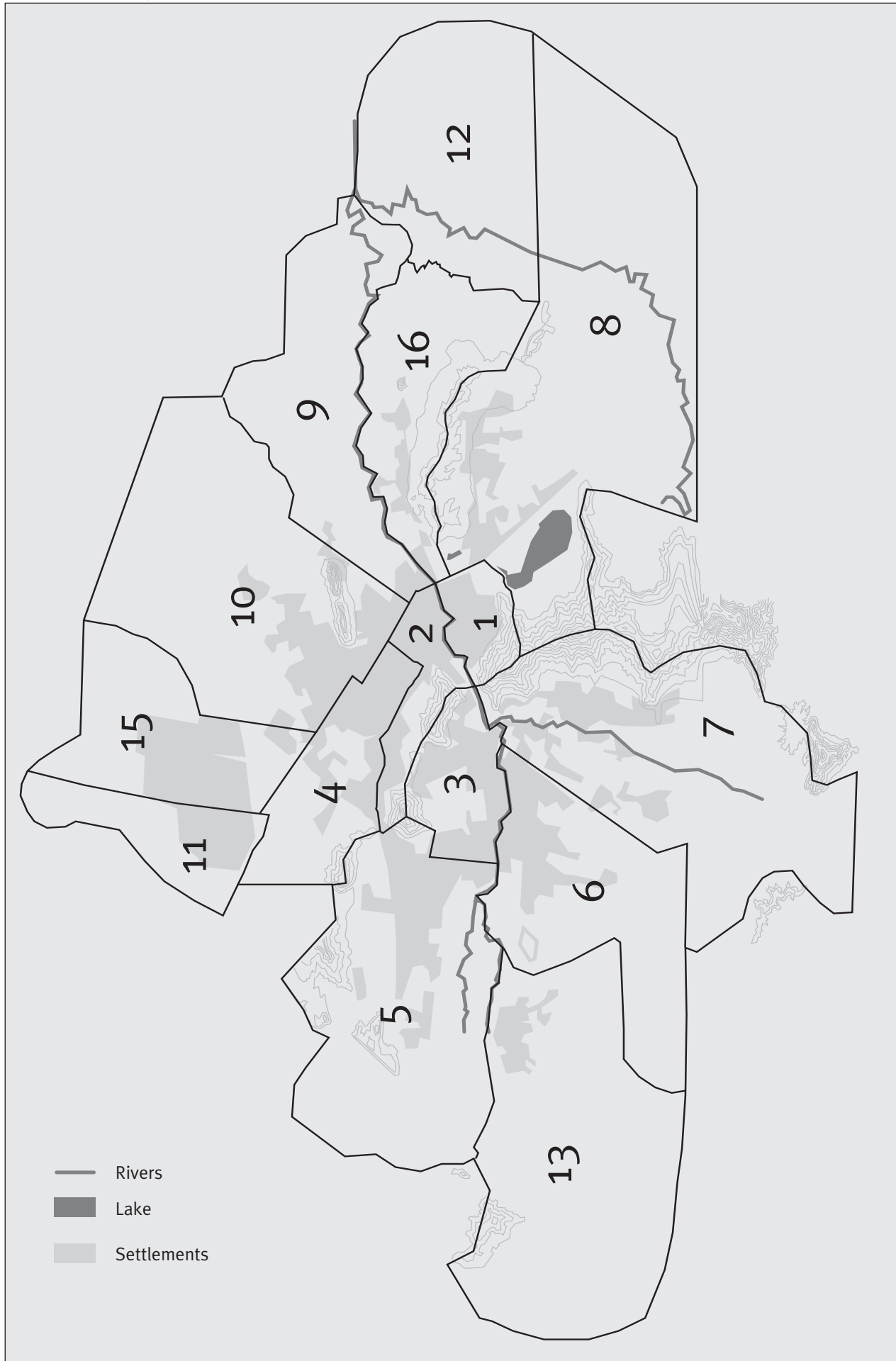
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Map of Kabul City



# Chapter 1

## Introduction

In recent decades, many cities and towns around the world have seen dramatic population growth, with significant inflows from rural areas. A prominent feature of this global trend of urbanisation is forced displacement triggered by armed conflict, violence and political instability or slow- and sudden-onset disasters – or a combination of these factors. Many of those forcibly displaced have moved to urban areas in search of greater security, including a degree of anonymity, better access to basic services and greater economic opportunities. Today, approximately half of the world's estimated 10.5 million refugees and at least 13 million internally displaced people (IDPs) are thought to be living in urban areas (UNHCR, 2009b; IDMC, 2010).

While a number of studies in recent years have sought to analyse urban livelihoods and urban governance, there remains little understanding of how the displaced negotiate their way in the urban environment, their relationships with the host community and governance institutions and their specific vulnerabilities compared with other urban poor. In addition, the role of humanitarian and development actors in supporting these populations, and the strategies and approaches best suited to addressing the assistance and protection needs of urban IDPs, are still poorly understood.

The Humanitarian Policy Group (HPG) at the Overseas Development Institute (ODI), in cooperation with the Internal Displacement Monitoring Centre (IDMC) and the International Committee of the Red Cross (ICRC), is carrying out a series of studies on urban displacement. This multi-year research project, supported by the Ministry of Foreign Affairs of Denmark, explores the phenomenon of displacement in the urban environment and the implications and challenges that it poses for humanitarian action. Through field research in eight urban centres in Africa, the Middle East and Central Asia, the research aims to consider the reality of life for displaced populations in urban areas, investigate the policy and operational challenges that confront national and international stakeholders when responding to the needs of urban IDPs and refugees, and offers recommendations for strengthening support to these populations.

This study is part of a larger body of work undertaken by HPG on urbanisation, including a DFID-funded research study in Sudan ('City Limits: Urbanisation and Vulnerability in Sudan', published in January 2011) and a study of urban refugees in Nairobi conducted jointly by HPG and the International Rescue Committee (IRC), in partnership with the Refugee Consortium Kenya (RCK) (Pavanello et al., 2010).

### 1.1 The study

Although Afghanistan's population is still predominantly rural, urbanisation is increasing at rates higher than the rest of Asia (Beall and Esser, 2005). Kabul, the capital, has witnessed major growth, with the population doubling in the last ten years, from two million in 2001 to up to 4.5 million in 2010 (UN-HABITAT, 2003; Beall and Esser, 2005; Cordero, 2010). Urbanisation is driven by a number of factors, including forced displacement. Three decades of conflict, compounded by recurrent drought, flooding and extreme weather conditions, have forced large sections of Afghanistan's rural population to seek increased security, livelihoods and services in the main cities, particularly Kabul.

On the basis of a review of the literature and consultations with a wide range of stakeholders, this study sought to test a number of hypotheses:

1. In addition to the structural problems that all urban poor face, displaced populations in urban areas face threats specifically related to their situation, which place them in a more vulnerable position than their counterparts living in camps or the wider urban poor.
2. Displaced populations in urban areas are often beyond the reach of humanitarian agencies and outside formal assistance structures. Displacement in urban areas represents a growing humanitarian problem and current humanitarian approaches and responses are not geared to addressing this complex issue.
3. Displaced people place significant stress on limited local resources and increase poverty levels among host communities. Displacement is therefore seen as a proxy for investigating vulnerabilities and risks for the community as a whole.

The findings of this study indicate that the vast majority of Kabul's urban poor have been displaced at one time or another during their lifetime. In the three districts surveyed in this study, many residents had been displaced many times, both internally and externally. The causes of their displacement were often multiple and overlapping, but predominantly stemmed from the direct and indirect effects of conflict. The findings of this study also indicate that the drivers of vulnerability amongst Kabul's urban poor, including displaced populations, are complex and relate to a wide range of social, political, ethnic, cultural and other factors. As in other contexts (see for example Metcalfe et al., 2011), the vulnerabilities of urban displaced populations are not static but rather change over time and in relation to a diverse range

of factors. For many, settling in the city has reduced certain vulnerabilities, while augmenting or creating others. The findings also indicate that many of the broader urban poor are facing similar challenges. Lack of access to basic services, insecurity of tenure, inadequate shelter and sanitation and physical insecurity result in high levels of vulnerability amongst recently displaced and longer-term residents alike.

Whilst displacement is not the principal driver of vulnerability in this context, many of the factors related to displacement, including high levels of poverty, reduced access to informal safety nets, lack of documentation and loss of land and assets, have increased the vulnerabilities of some displaced households. To date, the response of the national authorities has been ineffective. Reluctant to acknowledge the scale of displacement generally, and the presence of certain displaced populations in the capital in particular, the government has discouraged permanent settlement. However, this study has found that the overwhelming majority of displaced people in Kabul intend to settle there permanently. In addition, whilst international aid to Afghanistan is vast, many humanitarian and development actors have been slow to recognise the need for a comprehensive response and have been restricted in their engagement by government policies and practices. In consequence, large numbers of Kabul's urban poor, including displaced populations, are living in squalid conditions and are at risk of exploitation and abuse. As the transition to full Afghan security authority progresses, tensions over land and resources, social problems, including crime, drug addiction and unemployment, and the widespread disaffection and marginalisation of the urban poor – all in the very heart of the capital – present a major challenge to long-term security and stability in Afghanistan.

## 1.2 Objectives and methodology

This study aims to:

- Deepen understanding of the drivers and history of displacement in Kabul.
- Review policies and legal frameworks for displaced populations, including protection, housing, land and urban development policies.
- Discuss the specific protection threats affecting displaced populations in Kabul and how they compare with other urban poor.
- Assess the specific vulnerabilities of displaced populations in Kabul, particularly in relation to access to basic services, urban infrastructure and livelihood opportunities, and how they compare with other urban poor.
- Identify how the international aid community can best engage with the urban poor in Kabul, and the implications for humanitarian and development programming.

The research for this study was undertaken in several phases, using both qualitative and quantitative methodologies. The research began with a review of existing literature, evaluations,

studies and other documentation relevant to urbanisation and displacement in Afghanistan generally, and Kabul in particular. This was complemented by a scoping study in 2010, which aimed to collate additional secondary information, identify a local research partner, the Afghanistan Public Policy Research Organization (APPRO), introduce the project to government officials (Ministry of Returnees and Repatriation) and identify the geographic focus of the study within the city of Kabul.

Based on these initial consultations and the literature review, three main sites were identified for field data collection. These sites were selected on the basis of several criteria, most importantly the presence of significant numbers of displaced households, the population composition (including ethnicity and displacement patterns), the area's settlement history and its accessibility for research staff. The sites selected were formal, informal and illegal settlements in Districts 5, 7 and 13; their characteristics are described in more detail in Chapter 2.

The qualitative and quantitative methodology and tools were developed by HPG/ODI and APPRO, and the fieldwork in the three sites was led by APPRO. Fieldwork was conducted over a six-week period in March and April 2011. Preliminary interviews were held with local key informants, including community representatives (*wakils*) from the three districts, to introduce the study and obtain basic information on the sites. Community representatives were asked to provide a pre-stratified list of residents for participation in focus group discussions (FGDs). Stratification was based firstly on age and gender. Additionally, participants were stratified according to migration and settlement patterns, including reasons for migration and length of settlement in the area. Participants were randomly selected from these lists to form focus groups of 7–9 participants. The focus groups were led by APPRO field staff and conducted using a checklist of questions (available on request). Each FGD participant was also asked to complete a socio-economic survey, which aimed to provide more detailed information about each household involved in the study. The results of this survey provided the basis for preliminary quantitative data analysis. At least one interview was held with a group of 7–9 *wakils* in each site. Semi-structured interviews were also conducted with local, national and international key informants, including local community leaders, community organisations, government officials and representatives of international humanitarian and development organisations and donor governments.

The field research encountered a number of challenges. The security situation meant that HPG/ODI international staff were unable to participate in focus group discussions and most local key informant interviews, though they were able to make several short site visits. Additional challenges related to the willingness of communities and individuals to participate in the field research and cultural restrictions

**Table 1: Data collection**

| Source  | Number and type   | Total number of individuals |
|---|---|-----------------------------|
| Key informants                                  | 15 local key informants<br>12 national key informants   | 27                          |
| Focus Group Discussions (FGDs) (7 per district) | 1 FGD comprising elders/community representatives (of longer-term residents and recently displaced)<br>2 FGDs comprising men (longer-term residents and recently displaced residents)<br>2 FGDs comprising women (longer-term residents and recently displaced residents)<br>1 FGD comprising young adult males (recently displaced)<br>1 FGD comprising young adult females (recently displaced)<br><br>(In the case of District 13 all residents were classified 'recently displaced' and 7 FGDs were held) | 166                         |
| Socio-economic surveys                          | FGD participants  | 166                         |

on engaging with women and men at the same time. APPRO field staff found practical and pragmatic ways to ensure that field data collection could continue. In addition, participants in focus group discussions were not always able to clearly recollect events, including the timing of their arrival at the site, or were not willing to share information on sensitive issues or problems. APPRO field researchers were tasked with writing down observations on the level of responsiveness to questions, and difficulties experienced in carrying out fieldwork were factored into the analysis of the data.

Analysis presented in this report is based on the translated transcripts of FGDs, surveys and key informant interviews, as well as data from the secondary literature. The draft report was reviewed by a range of national and international stakeholders before finalisation.

### 1.3 Terminology

This report makes a distinction between formal and informally developed land. UN-HABITAT defines 'informal settlements' as '(i) residential areas where a group of housing units has been constructed on land to which the occupants have no legal claim, or which they occupy illegally; (ii) unplanned settlements and areas where housing is not in compliance with current planning and building regulations (unauthorised housing)'. Due to the nature of land issues in Kabul, this report uses this definition for informal settlements broadly, but makes a distinction between informal settlements where there has been some form of authorisation from the land owner, and settlements where there has not. In accordance with the terminology used by the UNHCR country office, these unauthorised informal settlements are referred to as 'illegal' settlements (HPG correspondence, 2012).

As discussed in Chapter 3 ('Legal and policy frameworks'), there has been much debate within Afghanistan and internationally

#### Box 1: Settlement terminology

The following definitions of settlements in Kabul are derived largely from government practice and working definitions used by international actors, including the World Bank (see Gebremedhin, 2005) and UNHCR (UNHCR, 2010; HPG correspondence, 2012).

- **Formal areas:** Classified as residential land under the 1978 Master Plan and formally sold by the Kabul Municipality for development.
- **Informal areas:** Located outside the residential areas covered by the 1978 Master Plan. These areas, which include public and privately owned land, have been settled and developed with the effective permission of the landowner, usually through transfer of customary title.
- **Illegal areas:** Informal settlements that have been settled without the authorisation of the landowner or the transfer of customary title. Most of these settlements are on public land owned by a government authority on hillsides in and around Kabul.

on the appropriate terminology for people who have settled in Kabul. However, for the purposes of this study the term 'internally displaced persons' refers to people who fall within the definition provided in the UN Guiding Principles on Internal Displacement (1998), namely:

*persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.*

With respect to refugees, this report uses the definition in the 1951 Refugee Convention, whereby a refugee is a person who:

*owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.*

This report uses the term ‘returnee’ to describe Afghans who have returned voluntarily to their areas of origin in Afghanistan, whether spontaneously or in an organised manner (UNHCR, 1996).

The complex patterns of population movement in the three districts reviewed for this study mean that it is not practical to

differentiate between ‘host’ and ‘displaced’ communities. The population movement and settlement patterns of each district are described in Chapter 2 (‘Displacement and urbanisation’), and throughout this study the term ‘recently displaced’ refers to those who have been displaced to the three districts in Kabul after 2001. ‘Longer-term residents’ refers to people who were living in the area prior to 2001. It is important to note, however, that many of these longer-term residents had been displaced (internally, externally or both) at some point prior to 2001, though some now consider themselves to have achieved some degree of local integration. This study did not make a comprehensive assessment of whether these people had in fact secured a durable solution in line with international legal and policy frameworks. In District 5, the majority of the ‘recently displaced’ are formally recognised by state authorities and humanitarian organisations as IDPs, and hence are sometimes referred to as such.



# Chapter 2

## Displacement and urbanisation

Afghanistan is situated on historic trade routes, and migration within and out of the country has long served a vital economic purpose. In particular, migration to neighbouring countries such as Pakistan and Iran, driven by economic needs and ethnic and linguistic ties, was a key demographic feature predating direct Soviet involvement in the country in 1979. However, in the last three decades armed conflict and political instability, compounded by recurrent natural disasters and chronic underdevelopment, have resulted in the forced displacement of millions of Afghans, both within their own country and across international borders. Many of those displaced internally have gravitated to the country's major cities.

### 2.1 History and drivers of displacement in Afghanistan

The scale of forced displacement in Afghanistan is huge: data from 2009 suggests that 76% of Afghans have been displaced by conflict at least once in their lives (ICRC, 2009). There have been six major periods of displacement and population movement since the 1970s – all directly relating to periods of armed conflict and political instability: the Soviet invasion and subsequent conflict (1978–88); the Soviet withdrawal and subsequent internal armed conflict (1989–96); Taliban rule (1996–2001); the post-9/11 US-led invasion (2001–2002); the defeat of the Taliban and the establishment of the interim government (2002–2004); and the neo-Taliban insurgency (2004 to the present) (Schmeidl, 2011).

The Soviet invasion in 1979 triggered the forced displacement of millions of Afghans from rural areas, where the conflict between the Soviet army and the Afghan resistance was most intense, to the relative safety of the country's main cities, including Kabul, Herat and Jalalabad. At that time, some 1.5 million Afghans were internally displaced and an estimated five million, or nearly a fifth of the population, fled to neighbouring countries (UNHCR, 2005; Schmeidl and Maley, 2006). A large number of men and boys who fled to Pakistan eventually joined the *mujahedeen* and returned to fight the Soviet and Soviet-backed Afghan armies. After the Soviet withdrawal conflict continued between the *mujahedeen* and the Soviet-backed government of Najibullah Ahmedzai. The Najibullah administration was toppled in 1992, and the subsequent brief period of relative stability saw the voluntary return of 1.6 million Afghan refugees in 1992, and a further 964,000 in 1993 (UNHCR, 2001). The repatriation was supported by UNHCR's 'Operation Salam' programme, which provided mine clearance, the provision of health programmes, the rehabilitation of essential infrastructure and education services. Conflict resumed in 1992, when the different *mujahedeen* factions turned against each other in a struggle for dominance. For the first time, much of the conflict

was concentrated in Kabul, triggering the exodus of 100,000 residents. Many government buildings, around 60% of private houses and much of the city's infrastructure were destroyed or damaged beyond repair (Ghazanfari, 2002). Many of the displaced during this period sought refuge abroad; by 1995, there were over 1.2 million Afghan refugees in Pakistan and just over 1.4 million in Iran (UNHCR, 1995).

From 1993 onwards the Taliban began to emerge as a new power in the country, recruiting largely uneducated young males from the many *madrassas* (Islamic religious schools) set up in Pakistan in the 1980s. By 1996 the Taliban controlled most of the country, including Kabul. Many Afghans initially supported the Taliban as they were able to provide increased security in some areas. Even so, forced displacement continued, prompted by the persecution of ethnic (non-Pashtun) and religious (non-Sunni Muslim) minorities, ongoing conflict with the Northern Alliance and the harsh social and economic environment and lack of development, compounded by persistent drought and other natural hazards. By 2001, an estimated 950,000 Afghans were internally displaced and 3.6 million were registered as refugees by UNHCR (UNHCR, 2001). In 2001, in response to the attacks on the United States by Al-Qaeda, a US-led military offensive, supported by the Northern Alliance, ousted the Taliban regime. Between 2002 and 2005 more than 6 million Afghans returned to the country, increasing the population by almost 20% (UNHCR, 2009b).

Following the resurgence of the Taliban in 2005/6 and the expansion of the international military intervention, the conflict between pro- and anti-government forces has intensified. The UN Assistance Mission in Afghanistan (UNAMA) has registered a steady increase in civilian deaths from 2008–2011,<sup>1</sup> with 3,021 civilian deaths recorded in 2011, an increase of 8% compared to 2010 (UNAMA, 2012). The Afghanistan Protection Cluster has noted a correlation between increasing civilian casualties and increasing internal displacement in 2011 (HPG correspondence, 2012; Rizvi, 2011).

Whilst many people appear to have been displaced by military operations or confrontations between belligerents, the conflict has also affected local power relations and access to resources, and has compounded historical tensions and grievances – which in turn have contributed to displacement. A survey by Oxfam in 2008 indicated that many Afghans felt that local disputes over land and water and family concerns were the main causes of insecurity in their lives (Waldman, 2008a). These local disputes are linked to the broader conflict, and the insurgency has exploited divisions

<sup>1</sup> UNAMA registered 2,118 civilian deaths in 2008, 2,412 in 2009 and 2,790 in 2010 (UNAMA, 2012).

**Box 2: Kuchi–Hazara conflict**

Disputes and conflict between nomadic Kuchi and sedentary Hazara populations over access to pastoral land have been a feature of Afghan life for many years. However, levels of violence and resulting forced displacement have increased considerably since 2006 (Foschini, 2010). Conflict has mostly been located in the Daimirdad and Behsud Districts of Wardak Province and, in 2011, in the Nawor District of Ghazni Province. Conflict is seasonal, beginning in spring each year (Foschini, 2011). These localised conflicts largely relate to attempts by Kuchis to regain access to summer pasture land which was lost in the post-2001 realignment of power, which has seen the previously more marginalised Hazara villagers in the region acquire more political influence (Foschini, 2010). Kuchis claim they have rights to the pasture land granted to them in the nineteenth century, but the Hazara dispute this (AIHRC, 2010). Tensions are also exacerbated by political dynamics that relate to the power each minority holds in the lower house of parliament, and the Kuchis' ability to mobilise support from provincial authorities and, reportedly, the Taliban (Foschini, 2010).

within or between communities to gain leverage in rural areas (Giampoli and Aggarwal, 2010). Although these issues are not new, the national and local authorities have consistently failed to address them; localised conflicts have thus escalated, resulting in forced displacement (Deschamps and Roe, 2009).

Natural disasters are another ongoing cause of displacement, with recurrent droughts between 1998 and 2003. Parts of northern and eastern Afghanistan remain prone to regular flooding and mudslides, destroying homes, harvests and other livelihood assets.

After decades of conflict and the related chronic lack of development, the resilience of many rural communities is weak. The majority of the rural population survive on subsistence agriculture, but arable land is scarce and much of the country is arid. Few have access to machinery, and almost all labour is done by people or domesticated animals (Barfield, 2010). The majority of the harvest is set aside for household consumption, and only a small amount may be sold on the market (Barfield, 2010). Any change in access to water and land, whether relating to natural disasters, local conflicts or the conflict between pro and anti-government forces, can significantly undermine the ability of families to support themselves (Barfield, 2010).

In all, approximately three-quarters of the Afghan population has been displaced at one time or another during the course of their lives. The decision to leave is often complex, even in the most acute circumstances. Often an economic factor, resulting from or linked to the conflict, may be the ultimate trigger for displacement; one focus group participant described how a Taliban blockade of their region caused food prices to soar, forcing the family to leave in search of increased food security.

As indicated by respondents in this study, many have moved multiple times, including back and forth across international borders. Currently, there are approximately 1.7 million Afghan refugees in Pakistan (UNHCR, 2011a), 1 million in Iran (UNHCR, 2011b) and 127,290 in other countries (UNHCR, 2011d). Even for those with formal refugee status, life is becoming increasingly difficult as host countries, particularly Pakistan and Iran, have indicated that they should return.<sup>2</sup>

Many returnees have found it difficult to integrate into Afghan life, and face problems accessing land, shelter, services and livelihoods and in relation to the prevailing security situation (Majidi, 2011). A survey conducted by UNHCR in 2011 indicated that more than 40% of returnees did not reintegrate into their original communities (UNHCR, 2012a). As noted by the Afghanistan Protection Cluster, many returnees 'have returned to a situation of internal displacement due to their inability to return to their villages of origin, while many others have chosen to remain in urban centres due to their inability to resume life in their demolished and isolated villages of origin' (APC, 2011: 15).

With respect to internal displacement, current estimates indicate that there are 447,547 conflict-induced IDPs, with a further 74,480 displaced by natural disasters (mostly drought and floods). However, available statistics are not complete; there is no comprehensive monitoring of internal displacement across the country, and these figures do not include many of those displaced in urban or peri-urban areas, or in other areas where verification has not been possible (World Bank/UNHCR, 2011). Estimates of the IDP population are hotly contested given the obvious political implications of acknowledging large-scale internal displacement, but there are also practical difficulties in identifying IDPs. In addition to the prevailing insecurity across the country, the dynamic and complex nature of internal displacement presents a major challenge to effective identification and monitoring of IDPs (Liaison Office, 2010; Majidi, 2011). The line between forced and voluntary movement is very often blurred and many displaced households have moved several times, with differing reasons for their move each time. Determining when displacement has ended in this context is also challenging; although there have been reports of limited supported and spontaneous returns of internally displaced persons in 2011 (UNHCR, 2012), there has yet to be a comprehensive assessment of the extent to which IDPs are able to access a durable solution to their displacement.

**2.2 Displacement and urban growth in Kabul**

While Afghanistan is still an overwhelmingly rural country, urbanisation has accelerated in the last decade. As of 2005, between 23% and 30% of the population were living in urban

<sup>2</sup> In 2005 Pakistan closed a number of camps in the North-West Frontier Province (Grare and Maley, 2011). Iran, a signatory to the 1951 Refugee Convention, has been deporting Afghans on the grounds that they are economic migrants and not refugees (Margesson, 2007). The Iranian government has also removed the exemption refugees had been granted for school fees, and Afghan refugees must pay an increased health premium (Margesson, 2007).

centres; urban population growth is high, and far above the regional averages of Asia (Beall and Esser, 2005). Kabul's growth has been particularly spectacular. Over the last decade, the city's population is estimated to have doubled in size, from 2 million in 2001 to 4–4.5 million in 2010 (UN-HABITAT, 2003; Beall and Esser, 2005; Cordero, 2010). The projected population by 2020 has been estimated at 6 million (AREU, 2006).

During the civil war in the 1990s much of Kabul was destroyed. After the Taliban assumed control of the city in 1996 they did so as an administration that was hostile, or at least unaccustomed, to urban life (Giustozzi, 2009). They shut down many social services, dismissed female employees in the health, administration and educational systems and purged the administration of experienced staff because of their 'liberal' views (Giustozzi, 2009). The lack of investment in urban infrastructure and services and the harsh repression of the city's population were also believed to be a punishment for Kabul's support for the pro-Soviet government in the early 1990s (Giustozzi, 2009; Esser, 2009). Essentially, by the time of the 2001 US-led invasion the capital had suffered extensive physical damage as a result of armed conflict alongside a decade of almost no investment in basic infrastructure. It was therefore ill-equipped for the large-scale influx of people that followed the fall of the Taliban regime.

Since that time little has been done to manage the city's population growth. Between 70% and 80% of Kabul is 'informal' – i.e. not in accordance with the Kabul City Master Plan (Cordero, 2010) – but much of the development in this area is sustainable since it was based on agreements between landowner and residents and, over time, the families living there have started to pay tax and receive better access to services. Over the last ten years, illegal settlements have also sprung up around the city; these are considered illegal because there is no such agreement with the landowner to settle on or develop the land. UNHCR estimates that there are 43 such sites, characterised by a lack of service infrastructure and very low-quality housing, including old dilapidated buildings or low-level mud constructions (UNHCR, 2011). According to UNHCR the population of these 43 Kabul Informal Settlements (KIS) sites, which include some of the poorest and most vulnerable households in the city, is approximately 20,000, though some NGOs put the figure closer to 30,000.

The rapid expansion of Kabul's population has been driven by the arrival of returning refugees and IDPs, as well as by voluntary settlement by people seeking better economic opportunities and services and greater stability. Kabul is also considered attractive because it is believed to offer easier access to housing. Security is also an important factor. As the seat of the central government and host to many international organisations and international military forces, the city is perceived as more secure than other regions. Many of the respondents in this study also indicated that they had settled in the city, and particular parts of the city, because of the

### Box 3: Categories of displaced populations in Kabul

Research conducted for this study indicates that there are broadly four categories of displaced populations in Kabul today:

1. Those fleeing armed conflict and insecurity. This includes populations in the south-west, particularly Helmand, and increasingly from Baghlan and Kunduz in the north, fleeing conflict between the Taliban insurgency and international forces, and also people from Wardak and Bamyan, fleeing conflict between Hazara farmers and Kuchi pastoralists.
2. Refugees who have returned to the country and settled in Kabul because they cannot or will not return to their area of origin, or refugees who returned to their rural areas of origin but found life impossible and moved to Kabul.
3. Those displaced from rural areas because of drought, extreme weather conditions, localised conflicts or a shortage of work and essential services and food.
4. Migratory groups such as Kuchis and Jogis (an ethnic minority, usually not recognised as Afghan citizens) residing in the city because conflict has disrupted their migration patterns or livelihoods, services and economic opportunities, or because of increasing impoverishment.

### Box 4: The Jogi

The Jogi are a nomadic ethnic minority scattered across Afghanistan, with a small concentration in the north-east provinces (Frotan, 2009). Believed to have originated from Tajikistan 150 to 200 years ago, they migrate seasonally around Afghanistan and sometimes neighbouring states (Zafari, 2010). Like the majority of Afghans they are Sunni Muslims, and they speak Dari and the local languages found in the places where they camp temporarily (Frotan, 2009, Zafari, 2010). However, their cultural practices are considered inappropriate by many groups in Afghanistan, such as constant migration, their lack of land and property and a cultural norm whereby women are the household breadwinners, through begging and fortune telling (Frotan, 2009). Perhaps for this reason many negative stereotypes are applied to the Jogi and they face widespread discrimination. While Kuchis, another nomadic group, also face discrimination they have mandated representation in the post-2001 parliament, which gives them political influence relative to their significant numbers. The Jogi do not enjoy such representation. They face many difficulties in accessing services such as education because most do not have documentation of Afghan citizenship (the Tazkira); many claim that they are prevented from obtaining citizenship documents by Afghan officials (IWPR, 2010).

presence of family or clan members who had already moved there (see also World Bank, 2005). Others indicated that they had moved in larger groups at roughly the same time. As a result, different neighbourhoods of Kabul have become associated with different ethnic groups.

As noted above, there has been little consistent or effective monitoring of displaced populations across the country because of insecurity and the dynamic nature of displacement. This is also true of Kabul, where movement to and within the city is fluid and many return frequently to their area of origin during more peaceful periods in order to tend their land and crops. Identification of displaced populations in the three districts explored in this study is also complicated since they are not spatially separated from other urban residents – long-term residents, recently arrived IDPs, returnees and economic migrants often live side by side in the densely populated informal and illegal settlements, and share many of the same vulnerabilities. As such, distinctions between displaced and non-displaced populations are not always practical or appropriate. The three districts selected for field work (Districts 5, 7 and 13) are representative of the complex pattern of population movement to and within the capital. Whilst this study does not provide a comprehensive analysis of patterns of displacement and vulnerability in Kabul, the findings indicate how complex the drivers of displacement and vulnerability are amongst the residents of Kabul’s informal settlements.

**2.3 Study areas: main characteristics**

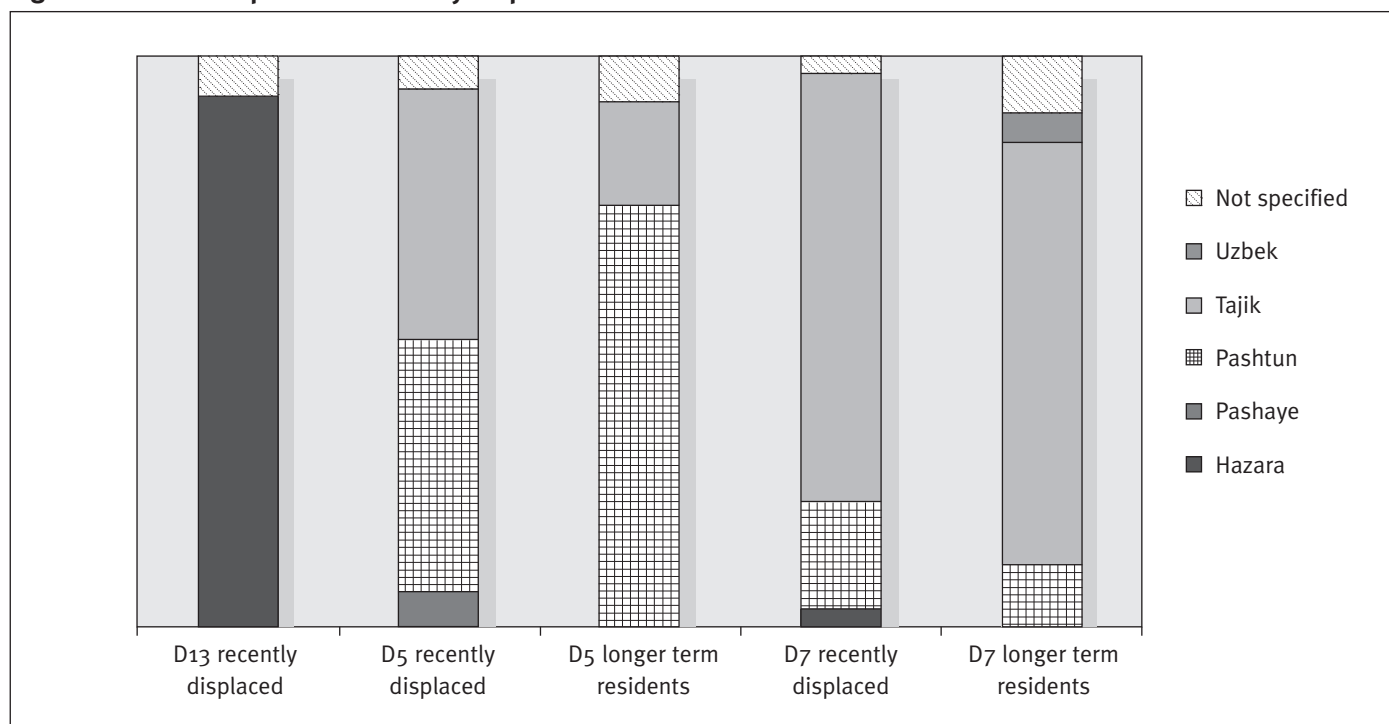
District 5 is located on the west side of the city on the road from Kandahar. It includes informal settlement areas and the largest illegal settlement in the city, Charahi Qambar, located on land which is believed to belong to the Ministry of Defence. It has a longstanding population of various ethnicities. Settlement of Charahi Qambar began in 2007 when a small number of Jogi families moved there, and the population has continued to expand with the arrival of IDPs,

predominantly Pashtun but also from Baluch and Tajik ethnic groups from the southern provinces of Helmand, Uruzgan and Kandahar. Returnees from Iran and Pakistan (including some who had initially returned to their areas of origin in the south but were forced to move again due to conditions there) and a smaller number of nomadic Kuchis have also settled in Charahi Qambar.

This illegal settlement is home to the most recently displaced group considered in this study. It is distinct for having a large population of IDPs who are recognised by international agencies, including UNHCR, and who are receiving some international assistance. The authorities consider this IDP population (particularly Pashtuns from the south) as a security threat, and relations between IDPs from the south, returnees, the Jogi and longstanding residents are poor. Long-term residents interviewed for this study were living in the Khushhal Mena section of the district, close to the Charahi Qambar settlement. Among residents interviewed in this district, the recently displaced population have been in Kabul for an average of four years, and longer-term residents for up to 17 years.

District 7 is a hillside area on the southern outskirts of Kabul. It is an informal settlement developed on former agricultural land and on the site of farming villages, in most cases with the authorisation of the landowners. Some of the land reportedly belongs to the Ministry of Water and Energy and the Ministry of Agriculture. Almost all houses are unplanned, but many residents bought their land and hold customary deeds. In addition, the Kabul Municipality and the Ministry of Refugees and Repatriation have reportedly settled IDPs on land belonging to the Ministry of Agriculture.

**Figure 1: Ethnic composition of survey respondents**



The ethnic composition of District 7 is very diverse, and the displacement histories of its residents are particularly complicated. Most of the longer-term residents interviewed for this study were originally from the district or had moved there years earlier, often following a previous period of displacement. The longer-term resident population is made up of a mix of Pashtun, Tajik and Pashayee ethnic groups from Ghorband district of Parwan province, Tagab district of Kapisa province and from various parts of Ghazni province, who were forced to flee their homes in the 1990s. This group has been in Kabul for an average of 14 years, but some have moved within the city after being forcibly evicted. Most moved to the district before 2001, and seem to consider themselves integrated. Many have formal jobs, and now own land or houses. Since 2002 the district has experienced further steady inflows of households from Parwan, Kapisa and Ghazni provinces, who have settled in the area because of the presence of friends and relatives from the same areas of origin. Most residents, whether recently displaced or more long-term, said that they had moved to the area because they believed that they could obtain land to build a house, or because they believed that rents would be lower than in other parts of the city. Both longer-term residents and recently displaced respondents lived in areas behind Tachnikom (Jadid Abad) and the Tani Kot Bala *gozars* (sub-districts), and some recently displaced respondents were living in the Wasil Abad *gozar*.

District 13 is on the western outskirts of the city. It was first settled decades ago, but was depopulated during the Taliban era as many residents fled. Most current residents settled there after 2001 on land bought through customary deeds. While the area was formally recognised as a city district by the municipality in 2003, its growth has been largely unplanned. Residents are primarily Hazara, a Shia minority group originating from Ghazni, Bamiyan, Ghor, Uruzgan, Wardak and Daikundi provinces. Many have been displaced by conflict in their original areas, or by a combination of drought, poverty and lack of services. There are also many returnees from Iran. Some of those displaced by the Kuchi–Hazara conflict are sharing accommodation with relatives who arrived much earlier, while others have rented rooms. There is also a small population of Pashtuns. On average, respondents in this district had been in Kabul for just under seven years, with most of the newest arrivals coming from Wardak province. According to the criteria described above, all residents interviewed for this study were considered to fall into the ‘recently displaced’ category as they had settled in Kabul after 2001. This population also includes returnees who were unable or unwilling to return to their area of origin due to conditions there. All residents interviewed in this district were living in *gozars* 17 and 16, Mahdeia city and Sharak Mehdiya.



# Chapter 3

## Legal and policy frameworks

The government of Afghanistan is bound by both international and national legal frameworks which provide protection for the rights of all Afghan citizens, including displaced populations. A number of national institutions have been established to monitor the implementation of legislation and a range of national policy frameworks, including for displaced populations. However, legislative and policy developments have yet to be translated into effective protection of rights, and the national authorities lack the capacity and resources to ensure the protection of their most vulnerable citizens (OHCHR, 2010). There have been insufficient efforts by national and international actors to address systemic concerns, including misuse of presidential powers, judicial weakness and police corruption, and the lack of legal and technical expertise is an ongoing challenge. Within this context, many of Kabul's urban poor, including displaced populations, are effectively denied a range of civil, political, economic, social and cultural rights.

### 3.1 Legal and policy frameworks for human rights

#### 3.1.1 Legal frameworks

The Afghan government has ratified a range of international human rights treaties, including the International Bill of Rights,<sup>3</sup> the Convention on the Rights of the Child and the Covenant on the Elimination of All Forms of Discrimination Against Women. Afghanistan is also a state party to the Geneva Conventions. The national Constitution specifies that the state shall abide by the UN Charter, international treaties and conventions and the Universal Declaration of Human Rights (Foley, 2006). Afghanistan acceded to the 1951 Convention Relating to the Status of Refugees in 2005. However, it lacks the capacity to implement the convention and UNHCR is responsible for carrying out refugee status determination (UNHCR, 2011c).

The primary sources of law at the national level are the Constitution (state law) and religious and customary law. The Bonn Agreement of December 2001 required Afghanistan to draft and adopt a new Constitution through convening a Constitutional *Loya Jirga*, a consultative assembly composed of over 500 elected delegates from across the country (Bonn Agreement, 2001). Following the presidential elections of 2004, the *Loya Jirga* adopted the Constitution of the Islamic Republic of Afghanistan. This outlines the rights and duties of Afghan citizens and commits the state to protect human rights, realise democracy, ensure unity and equality amongst all ethnic groups and tribes and provide for equitable development in all areas of the country (GIROA, 2004: Art. 6).

<sup>3</sup> The International Bill of Rights includes the Universal Declaration on Human Rights (1948), the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966).

State law must also be consistent with Islamic law (*Sharia*) based on the *Hanafi* legal tradition (Barfield, 2011). Customary law is officially recognised as the third source of law under the Afghan Civil Code of 1977, and the use of traditional justice mechanisms in dispute resolution and land and property arrangements is widespread (Civil Law of the Republic of Afghanistan, 2005; Foley, 2005). The co-existence of Islamic and customary laws within the formal legal system has implications for how international human rights treaties are implemented. Concerns have been raised for example over the capacity of customary courts to uphold international human rights standards. The Constitution does not specify how international treaties should be enforced in domestic courts, nor how courts should deal with situations where domestic law or the Constitution are in conflict with these treaties (Foley, 2006).

The Bonn Agreement also called for the establishment of an independent Human Rights Commission to monitor human rights, investigate violations, develop domestic human rights institutions and align Afghan legal codes with international conventions. In 2002, the Afghanistan Independent Human Rights Commission (AIHRC) was enacted into law by Presidential Decree, and its mandate is laid out in Article 58 of the Constitution (Foley, 2006; GIROA, 2004). While the efforts of the AIHRC to uphold human rights have been commended (UN, 2011; OHCHR, 2010), the judicial system remains weak, and there has been insufficient investment in capacity and resources, either by the government or international donors (International Crisis Group, 2010). The Ministry of Justice has been criticised for its lack of collaboration with the AIHRC, without which the efforts of the AIHRC to investigate human rights violations are largely ineffective (Amnesty International, 2009; International Crisis Group, 2010).

There is currently no specific national legislation dealing with internally displaced populations. However, a number of existing national laws and policies include specific reference to the rights of displaced populations, or have direct relevance for rights during displacement and the right to durable solutions. The Constitution guarantees freedom of movement and residency (GIROA, 2004), rights which were referred to by many respondents in this study. The draft Law on Disaster Response, Management, and Preparedness, which is still being reviewed by the executive and legislative branches, outlines disaster prevention and mitigation activities and the mechanisms for managing these activities. It does not mention internal displacement specifically, but its goals include the 'rescue of disaster victims' and their 'return to normal lives' in addition to overall disaster prevention (Brookings Bern and NRC, 2010: 25).

Presidential Decree 297 guarantees returnees the full range of human rights enjoyed by Afghan citizens, and protects them from discrimination and persecution (GIRoA, 2003). Presidential Decree 104 on Land Distribution for Settlement to Eligible Returnees and Internally Displaced Persons specifically provides a range of protections for the rights of returnees and IDPs to land and shelter (GIRoA, 2005). The Electoral Law aims to facilitate displaced people's rights to political participation, stating that the Independent Electoral Commission (IEC) should provide voting facilities specifically for refugees and internally displaced persons (GIRoA, 2010).<sup>4</sup>

### 3.1.2 Policy frameworks

The key national policy framework relating to displacement is the Refugee Returnees and IDP Sector Strategy (RRI), part of the Afghanistan National Development Strategy (ANDS), which was developed in 2008 (ANDS, 2008). The aim of the RRI is to 'provide sustainable reintegration possibilities for all Afghan refugees, returnees and IDPs choosing to return to and in Afghanistan' (GIRoA, 2008). The key organ responsible for overseeing implementation of the RRI is the National IDP Task Force, established in 2002 and jointly chaired by UNHCR and the Ministry of Refugees and Repatriations (MoRR) (UNOCHA, 2009). Originally its key objective was to find durable solutions for the 1.5 million IDPs then in Afghanistan. Since then, however, its focus has shifted to coordinating and reviewing operational responses to internal displacement, including registration and verification exercises, as well as supporting creation of the conditions for durable solutions (HPG interviews, 2011). The AIHRC assists IDPs in obtaining identity documents such as birth certificates, and promotes public awareness of the legal status and rights of IDPs (Brookings Bern and NRC, 2010).

The National IDP Task Force Policy Framework on Durable Solutions, developed in 2009, commits the government to uphold the UN Guiding Principles on Internal Displacement, including the right to voluntary return to the place of origin, to integrate locally at the place of displacement or resettle elsewhere (UNHCR, 2009). In practice, however, local integration of IDPs currently residing in Kabul is not a solution the government favours. In addition, while the National IDP Task Force Strategy (2009) refers to 'conflict-induced' and 'disaster-induced' IDPs, it does not explicitly consider those displaced by other causes including the indirect effects of conflict (such as systemic denial of economic, social and cultural rights relating to chronic under-development or inequitable development), large-scale development projects or slow-onset climatic hazards. The Strategy does however refer to both 'protracted' IDPs and more recently displaced populations, including people displaced immediately after the fall of the Taliban in 2001/2.

The MoRR has indicated its wish to place a time limit on those categorised as IDPs (HPG interviews, 2011). The ministry has

<sup>4</sup> The IEC is also tasked with providing specific voting facilities for nomadic populations, armed forces personnel, electoral commission officials on duty and civil servants.

asserted that IDPs should only be considered as such as long as the initial causes of their displacement (i.e. conflict, natural disasters) continue to prevent them from safely returning to their place of origin (HPG interviews, 2011). However, it is not clear what criteria will be used to make this assessment and how it will relate to the UN Guiding Principles and the criteria elaborated in the 2010 IASC Framework for Durable Solutions. Although the MoRR is the central government body dedicated to coordination of the government response to displacement, it lacks the capacity and resources to fulfil this function, and struggles to compete with other larger line ministries for political authority and allocations from the central budget. The MoRR budget dedicated to IDPs in 2009–2010 amounted to \$3 million.

In March 2012 the National IDP Task Force requested the creation of a working group to support the MoRR in developing a national IDP policy. The working group includes key international actors (the International Organisation for Migration (IOM), OCHA, the Norwegian Refugee Council (NRC) and the AIHRC). It is chaired by the MoRR and UNHCR acts as secretariat. An IDP expert will be seconded by UNHCR to support the policy development process (HPG correspondence, 2012).

### 3.2 Urban development frameworks

A number of state institutions were established in the 1920s in relation to urban governance, including the *Baladiye*, a council with responsibility for urban management (UN Habitat, 2003). Little further progress was made in this area until the 1960s, when the town council became known as the *Sharwali*. Master Plans for Kabul were developed in 1964, 1970 and 1978, but none has been implemented. The 1978 Master Plan was intended for a city of 2 million people covering 32,340 hectares (d'Hellencourt et al., 2003). The population did not reach this level until the late 1990s, but by then the plan was out of date as construction had continued irrespective of its provisions (d'Hellencourt et al., 2003). The three decades of conflict since 1979 have presented more obstacles to implementation, with a lack of investment, insecurity and the destruction of an estimated 60% of the city's infrastructure (d'Hellencourt et al., 2003). Consequently, by 2002 only approximately 20% of the 1978 plan had been implemented (Beall and Esser, 2005). While the government initially discussed formulating a new Master Plan for the capital, the 1978 plan has been suspended and there is as yet no comprehensive guiding framework for the whole metropolitan area.

Following pressure by international donor governments, the Transitional Authority developed the National Urban Programme (NUP) in 2004 as a component of the ANDS (Esser, 2009). A draft Urban Sector Strategy for the ANDS, produced by the Ministry of Urban Development and Housing (MoUDH) in 2007, recognises the need to manage the rapid urbanisation of Kabul and other cities, and address the long-term lack of investment in services and urban



infrastructure (MoUDH, 2007). To implement these objectives in Kabul, an agreement was signed between the government and the Japan International Cooperation Agency (JICA) in 2007 for the development of a new Master Plan. The Kabul Metropolitan Development Cooperation Program consists of two components: updating and implementing the 1978 Master Plan, and developing a master plan for a second city, 'Kabul New City' (JICA, 2008). The first part of the programme focuses on infrastructure rehabilitation, particularly roads and water networks, the formalisation of informal settlements on the basis of the original Master Plan and the development of new residential areas (HPG interviews, 2011). This will not, however, cover illegal settlements.

The second component of the programme is an ambitious plan to create a completely new settlement, Kabul New City, in the districts of Dhesabz and Barikab in north-east Kabul (DCDA, 2011). The Master Plan for Kabul New City was endorsed by the Afghan Cabinet in March 2009 (*ibid.*). The Master Plan consists of three phases. Phase 1 intends to create enough housing units to accommodate 400,000 people, rising to 1.5 million in phase 2 and 3 million in phase 3, which is scheduled for completion in 30 years' time. The plan also intends to create employment for half of the residents of Kabul New City (JICA, 2010).

The Special Law on Municipalities was adopted in 1999, giving the Kabul Municipality ministerial status and providing a

#### **Box 5: The objectives of the National Urban Programme (2004)**

1. Integrated settlements of urban citizens with equitable access to basic urban services and tenure security to create an enabling environment for affordable, durable housing and improved livelihoods.
2. Well-functioning land and housing markets with an expanded range of actors involved in land development (private sector, people and government), ensuring a range of choices that respond to people's needs.
3. Cultural identity revived and new economic activity created through the preservation and revitalisation of historical fabric and sites.
4. Appropriate standards of higher-order infrastructure in place, which are essential for urban productivity, environmental protection and mobility and which are well planned and managed.

direct reporting line to the president (other municipalities are controlled by the Ministry of Interior). While urban management is the responsibility of the Municipality, it requires involvement and support from central and other state institutions, and the MoUDH has the ultimate authority to approve urban development plans. However, communication between these two agencies has been poor (Beall and Esser, 2005).



# Chapter 4

## Protection and access to justice

For many of the people who took part in this study, Kabul remains safer than their areas of origin. Nonetheless, people in the three study areas are exposed to a range of protection threats, including communal violence over land and other resources, crime, often linked to drug smuggling and arms trafficking, and discrimination on grounds of gender, ethnicity or religion, or in relation to social or political factors. The findings of this study indicate that longer-term residents and the more recently displaced face many of the same threats to their basic human rights, and often resort to similar coping strategies. However, some of the more recently displaced populations are at greater risk because they have not yet been able to establish themselves, because they are not able to rely upon informal social safety nets and because they often lack the skills needed to survive in the city. There are also concerns about the rights to durable solutions for displaced populations, including the risk of coercion or pressure to return. In the absence of formal protection mechanisms, many communities in the study areas have adopted self-protection strategies. Access to formal justice mechanisms is also limited, and most communities rely on traditional justice mechanisms such as the *shura* or *jirga* for mediation and resolution of disputes.

### 4.1 Protection threats

Based on focus group discussions and key informant interviews, there appear to be four main threats facing residents of the districts considered in this study. The first is communal violence and tensions related to ownership of land and access to resources. Second, many respondents face discrimination in access to livelihoods, services and infrastructure. Third, women and children face particular risks relating to their freedom of movement, as well as exploitation and abuse. Lastly, there are concerns that many displaced people in the city may be coerced or otherwise pressured into returning to their areas of origin.

#### 4.1.1 Communal violence

The research for this study documented a number of examples where communities have engaged in or threatened violence over land and other resources. The research also indicates that certain groups appear to have greater access to influential political actors based on ethnic, tribal or kinship ties, and have used these links to gain access to land and resources or to obtain protection against eviction. This has, however, further fuelled tensions between communities. In 2010, for instance, a dispute over land in District 13 in 2010 erupted into violent clashes between Hazara and Kuchi groups. The violence was triggered when a Hazara politician attempted to increase the number of supporters in his constituency by

allowing more Hazara families access to land in the district. The area was already inhabited by a Kuchi community who attempted to stop the plan through a violent confrontation with the Hazaras. Violence spread across the district; several people were killed, and around 1,500 were displaced (UN OCHA, 2010a).

Tensions between displaced and non-displaced communities over settlement and land ownership are particularly acute in District 5. Long-standing residents there expressed dismay at the negative impact the influx of IDPs has had and resent their presence. In FGDs, they described how IDPs from the south ‘have strewn garbage everywhere and have addicted our children to drugs’. These newcomers, predominantly Pashtuns originating from Kabul, Helmand, Kandahar and Uruzgan, are associated with the inflow of drugs, arms and insurgents into the district (UNHCR, 2010): ‘we are not safe from their evils, and we request the government to move them from here to another place, because they have [links] with terrorism’. The rapid influx of these new residents has also placed significant strain on already weak services and infrastructure, and there is widespread poverty, living conditions are very poor and there are high levels of drug abuse in the area. The police are unable or unwilling to intervene and tensions between longer-term residents and newly arrived IDPs have on several occasions led to violent, and sometimes armed, confrontations.

In District 7, conflict between long-term and recently displaced residents has an ethnic dimension, but is largely driven by disputes over land and water. Respondents reported an ongoing influx of recently displaced people, mostly Hazara from Bamiyan. The Hazara share kinship ties with a senior government official in the Ministry of Interior, who encouraged them to settle in the area reportedly to generate money from land sales. Long-term residents accuse these households of occupying land designated for pasture and cemeteries, and of diverting water from the piped network. Long-term residents reported that they were prepared to resort to violence if the *wakils* or the government failed to resolve the situation.

#### 4.1.2 Discrimination in access to livelihoods, infrastructure and services

The research for this study indicates discrimination against certain groups in District 5, namely Jogi nomads of Tajik origin and Pashtuns from the south, who are living in Charahi Qambar. Pashtun men and young male IDPs in this area reported that they were discriminated against in accessing livelihoods on the basis of their ethnicity and cultural practices. They explained that they were unable to find work in the city because they were perceived to be associated with

the insurgency, a preconception reinforced by the fact that many wear traditional clothing associated with the Taliban. Although most lack the education and skills for white-collar work, respondents reported that even finding work as casual labourers was difficult. One Pashtun youth in District 5 reported that ‘one of the biggest problems [we face] is that when we go to Kota Sangi Square [a gathering place where day labourers commonly go to look for work] and wait to be picked up for work, the employers recruit the non-Pashtun guys and don’t hire us. They think we are Talibs’. Key informants noted that this bias primarily applied to people identifiable as coming from rural and conservative backgrounds, and did not extend to educated and urban Pashtun (HPG interviews, 2011).

#### 4.1.3 Violence against women and children

Across all three districts in the study, there were specific protection threats facing women and children. While all women and children, regardless of their displacement status, are vulnerable to threats outside of the home, the findings suggest that displaced women and children in Charahi Qambar in District 5 in particular are exposed to an additional range of threats associated with poverty, survival strategies and restricted mobility. Widespread unemployment amongst the male members of Pashtun IDP households means that women and children are compelled to beg. Jogi women are also often required to beg or tell fortunes (UNHCR, 2010; HPG interviews, 2011). Both groups are exposed to harassment by the police (see also IRIN, 2009). In Districts 7 and 13, both longer-term residents and the more recently displaced reported that female students were at risk of sexual harassment when walking to school. Since 2007, there has been a significant increase in attacks on girls’ schools, with anti-government actors suspected of engaging in tactics including intimidation, abductions and targeted attacks on buildings, aimed at stopping girls’ education. There have been several reports of actual and attempted kidnaps of children when walking about unaccompanied, including in Districts 7 and 13.

Displaced women and girls in Charahi Qambar are, in many cases, not allowed to leave their homes without male escorts for cultural and religious reasons specific to Pashtuns, and in focus group discussions women explained that they could not access water or sanitation facilities and were unable to wash themselves. Early marriage is also considered a particular problem in this area. Although the legal age of marriage in Afghanistan is 16, AIHRC reports that 57% of Afghan marriages are ‘child marriages’ where one or both individuals are under the legal age. In 2008 the UN Development Fund for Women (UNIFEM) estimated that 70% to 80% of marriages are forced (UNAMA/OHCHR, 2010; UNIFEM, 2008). In Charahi Qambar, the prevalence of early marriage is linked to conservative traditions and patterns of marriage in the place of origin, although discussions during FGDs indicated that girls of recently displaced households may be at greater risk of early marriage because of the widespread unemployment and

poverty affecting the area.<sup>5</sup> In a recent report on informal settlements in Kabul, Amnesty International suggested that ‘violence against women occurred more frequently than before they had been displaced’ (UNHCR, 2012: 11).

#### 4.1.4 Durable solutions

The *de facto* policy of the government at all levels is that displacement in Kabul is a temporary phenomenon, and that in time people will return to their rural areas of origin. Whilst the national policy frameworks developed by the MoRR guarantee the right to durable solutions for displacement, including local integration, in practice the various levels of government have intentionally obstructed this option by limiting investment in public services in areas of displacement and restricting the provision of assistance by international actors (HPG interviews, 2011). Reasons for this approach are complex, relating to the economic burden that the influx of displaced populations places on public services and to a poor understanding of communities’ intentions and their rights under international law. One senior MoRR official interviewed in this study explained why he had refused an international agency – with arranged funding – permission to build temporary toilets and wells in one settlement on the grounds that ‘IDPs are here for a short time and they don’t need a bathroom and a well in this situation ... When we provide them these services they will never move back to their areas’ (HPG interviews, 2011). In some instances there is also an element of ethnic or social discrimination. For example, government officials are unwilling to allow recently displaced southern Pashtun residents in Charahi Qambar to settle permanently, fearing that this will facilitate the movement of insurgents into Kabul. This approach stands in stark contrast to the wishes of displaced people, the overwhelming majority of whom intend to settle permanently in the city. Despite the difficulties displaced people face in their daily lives, Kabul is still seen as a place of opportunity. Describing why they did not believe that their families would return to the provinces, young women in District 13 explained:

*We don't have electricity, school, and security; there is drought, no car, no transportation services, no bazaar, and no job. First we want these facilities in our province. If we were provided with these all, we are ready to move back, but not now because our father and brothers are working here, earning money for our life [and] they wouldn't have access to such job opportunities there.*

Notwithstanding the economic and operational challenges, the deliberate refusal to allow minimal investment in basic service provision, as well as the wider policy of refusing to

<sup>5</sup> Echoing this, a recent study on displacement in southern Afghanistan found that economically vulnerable families often resorted to coping strategies, including early marriage, that increase the vulnerability of women and girls (The Liaison Office, 2010). Several households reported having no option but to force a daughter into marriage at a young age in order to settle their debts. Paying a bride price is illegal under Afghan law but the practice remains widespread.

facilitate local integration, raises serious concerns regarding the right to a durable solution as guaranteed in the UN Guiding Principles on Internal Displacement. Although the rationale is not always clear, the differing approach taken by the authorities to different IDP groups in the city also raises questions regarding the prohibition on discrimination on ethnic and social grounds in international and national law.

#### 4.2 Protection mechanisms

While the nature of violence and protection threats varies substantially across the three study areas, respondents all pointed to one consistent trend: the inability of government law enforcement agencies to uphold the rule of law and provide effective protection. Civil law enforcement mechanisms across the city are under-resourced and under-staffed, and the police are poorly paid and frequently targeted by insurgents (ICG, 2011). The police in Kabul are reportedly implicated in a range of illegal activities, from corruption to drug smuggling and arms trafficking (Integrity Watch Afghanistan, 2010; Esser, 2004). A 2010 national survey found that 42% of Afghans felt that police corruption had a negative impact on their lives, and 26% said that corruption was depriving them of security services that otherwise should have been provided (Integrity Watch Afghanistan, 2010).<sup>6</sup>

Across the study districts, respondents consistently reported that police officers often expected bribes; respondents described how ‘when we solve [a problem] in the police station, the rich person wins the case and the poor is defeated, always!’, and that ‘people with no money and friends in police stations are jailed’. In District 7, recently displaced respondents on the hillside reported that the police had threatened to demolish their homes on the grounds that they lacked land titles or building permits, and had to be bought off by paying a bribe. As the hillside area has become more populated and its inhabitants have become better connected the local police have become more reluctant to intervene for fear of reprisals (HPG interviews, 2011). In District 5, long-standing residents felt that the police were biased towards displaced households in Charahi Qambar, stating that ‘if any dispute occurs the police take money from us [but act] in favour of refugee people’. Police authorities interviewed in this study reported that they were unable to patrol inside Charahi Qambar because of insecurity, and are restricted to roads on the outskirts (HPG interviews, 2011).

There have been efforts to improve relations between the police and local communities. Police officers interviewed for this study explained that they encouraged local representatives to report incidents to them, and attempted to maintain positive relations with elders or other individuals playing a key role within the traditional justice system. A number of respondents reported that elders within their communities would refer

<sup>6</sup> Other perception surveys have also found limited levels of trust and confidence in the police (see for example UNDP, 2009).

disputes to the police if they were unable to resolve the matter, giving examples where their representative ‘went instantly to the police station avoiding bloodshed’. Police officials interviewed in this study also reported that, when necessary, they asked the Ministry of Interior to provide additional police deployments in the event of a serious incident (HPG interviews, 2011).

#### 4.3 Access to justice

According to the International Crisis Group, Afghanistan’s formal justice system is in a ‘catastrophic state of disrepair’ and that ‘despite repeated pledges over the last nine years, the majority of Afghans still have little or no access to judicial institutions’ (ICG, 2010: i). The findings of this study concur with this assertion. During focus group discussions, respondents expressed little confidence in formal justice mechanisms other than in relation to more grievous crimes or in the event of a stalemate. Whilst the AIHRC has been commended by international partners for its efforts to uphold human rights (UN, 2011; OHCHR, 2010), reference to this mechanism was limited amongst respondents in this study; only the *wakils* in District 13 said that they would bring an issue to the AIHRC if traditional dispute resolution mechanisms and the police failed to resolve it.

Traditional justice mechanisms play the primary role in mediating and resolving disputes in the three districts surveyed in this study. Discussions in FGDs consistently demonstrated a preference for mediation and restorative justice through traditional mechanisms (see also Gang, 2011). In all districts, both displaced and long-term residents reported that they would first bring problems to *wakils*, *shuras* or *jirgas*. Although the primary function of such structures has traditionally been to manage local affairs such as resource distribution, infrastructure needs and community welfare issues, they have become increasingly involved in resolving more serious disputes (Foley, 2006). They are seen as less corrupt and more efficient and accessible than formal systems, though this does not mean that they always work well.<sup>7</sup> In District 7, for example, longer-term residents accused one *wakil* of accepting bribes from recently displaced communities living on the hillside to turn a blind eye to the diversion of water supplies. The extent to which traditional justice mechanisms are able to mediate and resolve disputes within recently displaced communities is debatable. A 2010 study by ICG concluded that ‘the erosion of the social order during years of violent conflict has degraded the positive influence and real authority of such *jirgas*’ (ICG, 2010: ii). Displacement is also likely to have disrupted these traditional decision-making structures.

<sup>7</sup> Another concern with these mechanisms is their ability to ensure adherence to international human rights standards, particularly women’s rights. Women traditionally are not represented in *shuras* or *jirgas* (HPG interviews, 2011). A 2008 Oxfam survey across Afghanistan found that up to a third of disputes handled by *shuras* resulted in *baad*, the custom of a family providing a girl for marriage in compensation, typically for a violent crime resulting in the death of a family member (Waldman, 2008a).

Despite concerns relating to access to justice by many respondents across the three districts, several displaced people asserted that they had better or more effective access to justice in Kabul than in their places of origin. This was particularly evident in Charahi Qambar; as one respondent

put it: 'Where we came from there are a lot of non-accountable armed groups that kill civilians, but there is no one to question them. We came here to live in better security and to have access to justice and other better life chances. I think Kabul is our shared home'.

# Chapter 5

## The economy and livelihoods

The Afghan economy is weak, underdeveloped and vulnerable to fluctuations in foreign assistance. There is virtually no manufacturing sector and a large proportion of gross domestic product (GDP) and employment in the country is derived from poppy cultivation and the opium trade (Doherty and Geraghty, 2011). Rural livelihoods are precarious, and in urban areas formal jobs are scarce and incomes low. This chapter places the search for sustainable livelihoods in Kabul in the context of the opportunities and challenges presented by the urban economy, the cost of living in Kabul and the strategies that residents employ to earn an income. The findings of this study indicate that successful integration in urban labour markets is difficult. Those displaced from rural areas are at a particular disadvantage. Few have the skills, education or network of contacts needed to secure employment in the city and most struggle to find even casual labour. Returnees from Iran who have settled in the city rather than their areas of origin appear to have greater skills, experience and contacts that would be relevant in the urban economy. However, this is not applicable to all returnees, many of whom continue to face a range of difficulties in accessing sustainable employment. While those who have lived in Kabul longer seem to have more consistent sources of income, barriers to sustainable livelihoods affect recently displaced arrivals, returnees and longer-term residents alike, including high levels of debt, low levels of credit and overstretched support networks. Fundamentally, the weakening Afghan economy is affecting the livelihoods of all of Kabul's residents.

### 5.1 The urban economy

The economy of Kabul is predominantly based on trade and services, with a small agricultural sector in the less urbanised outer districts of the city (Ministry of Rural Rehabilitation and Development, 2008). Relative to the destruction and stagnation of the 1990s, Kabul's economy has boomed since 2001, though this has largely been driven by donor and military aid and investment. The World Bank estimates that 97% of Afghanistan's GDP is derived from spending by international militaries or donors (private memo quoted in US Senate Foreign Relations Committee, 2011). There is a widespread fear that the drawdown of foreign forces in 2014 will lead to a major depression in the economy (see for example Doherty and Geraghty, 2011; Matta, 2012). Kabul's economy is also driven by the profits from illicit trades such as opium, heroin and other narcotics. Distinctions between formal and informal, black market and legitimate business are not clear-cut; much seemingly formal enterprise and investment is believed to be derived from illicit trade or made possible through corruption (HPG interviews, 2011).

In this context, any significant increase in job opportunities in Kabul in the near future seems highly unlikely, and

integrating hundreds of thousands of people who have been displaced or who have migrated from rural areas will remain a huge challenge for policy-makers. Failure to overcome these challenges, however, raises concerns regarding continued instability; unemployment is a key driver of criminality, of recruitment into insurgent networks and of other social problems in the capital.

### 5.2 Livelihoods

Unemployment is widespread across the city. For all of the urban poor, access to livelihoods is a challenge, with age, gender and disability being key factors, as well as ethnic and social status (Kantor and Schüte, 2007). This study indicates that, in general, people who have been recently displaced from rural areas face the greatest challenges in entering the labour market (see also World Bank/UNHCR, 2011), with returnees from Iran often having better opportunities due to their higher levels of education and skills. In Districts 5 and 7 the majority of long-term residents and recently displaced make a living in the informal economy. In District 13, many residents have formal employment, though the district is home to many returnees from Iran, and people who have arrived recently have close ties to earlier settlers, perhaps facilitating their integration into Kabul's labour markets. The types of formal sector employment mentioned by respondents include pipe laying, welding, teaching and working in the armed forces and the civil service. However, as desirable as regular formal employment is, in Kabul it may still be poorly paid and needs to be supplemented with other sources of employment (Schüte, 2006).

The findings of this study also indicate that the informal sector is beset with uncertainty, exploitation and low wages (see Table 2 for some indicative wages). The recently displaced are concentrated in this low-skilled, low-waged bracket, whereas livelihoods for the urban poor are more evenly distributed across the different sectors of the city's economy (World Bank/UNHCR, 2011). Some respondents had small-scale businesses selling goods or did casual masonry, welding or tailoring work. Most work in the construction sector is on a casual, daily-wage basis. As one respondent put it 'my work looks like a zigzag, one day I have work and the next day I'm jobless!'. The availability of casual labour also decreases in the cold winter months, which are also when more income is needed to pay for fuel. Kabul Municipality has plans to remove 'Karachis' – carts pulled by horses or people selling wares ranging from hot food and fresh produce to second-hand clothing – from the roads as they add to congestion, though prohibiting this type of employment will close off one of few livelihoods opportunities for the urban poor (HPG interviews, 2011).

**Table 2: Typical incomes for selected types of employment (data taken from focus group discussions)**

| Wages for contracted employees      |  |
|-------------------------------------|--|
| Carpenter                           | 10,000 Afs/month (\$206)   |
| Civil servant                       | 2,200 Afs/month (\$46)   |
| Pipe layer in formal economy        | 34,000 Afs/month (\$700)   |
| Teacher                             | 5,000–7,000 Afs/month (\$103–145)                                  |
| Shop assistant                      | 6,000 Afs/month (\$119)  |
| Wages paid for irregular day labour |  |
| Mason                               | 400 Afs/day (\$8; one month of daily employment: \$200)            |
| Casual day labourer                 | 150–500 Afs/day (\$3–10 – one month of daily employment: \$75–250) |

While the fieldwork for this study indicated that returnees from Iran living in the three study areas were in general more skilled and better educated than other displaced groups, returnees are not uniformly better skilled or educated than longer-term residents or recently displaced populations. In a 2006 study of Afghan men in Pakistani refugee camps, 71% reported having no formal education, 89% no skills and 71% no monthly income (Schmeidl and Maley, 2006). Information provided in FGDs for this study indicates that better skills do not necessarily translate into better-quality work – women often acquire more developed skills than daily wage labourers, such as sewing or carpet weaving, but still earn less (Schüte, 2006). Sometimes those who have skills, such as being able to drive a car or engage in a skilled profession, are not able to put them to use because they lack the necessary contacts or simply because the economic situation means that there are fewer jobs available (Schüte, 2006).

Research indicates that IDPs originally from rural areas often have lower skill levels than the longer-term urban poor, and their economic situation does not seem to improve markedly on migration to Kabul (World Bank/UNHCR, 2011). However, their situation appears to improve the longer they remain in the city, perhaps indicating that they are able to acquire ‘urban skills’ or develop better networks over time (*ibid.*). Survey results for this study support this, indicating that the residents of District 7, both displaced and longer-term inhabitants, who have resided in Kabul the longest also have the highest average household incomes. Residents in this district who were born in Kabul and those who have lived in the city for more than ten years are most likely to be employed formally as teachers, civil servants or skilled workers. In other areas of the city, however, long-term residents face many of the same challenges as the recently displaced in securing regular employment.

One notable feature of the urban economy compared to rural areas is the greater employment of women. This may be the result of the greater mobility and acceptability of women’s employment in Kabul, or a larger service economy. According to one international agency, ‘war widows’ who have moved to Kabul, including to Districts 5, 7 and 13, are increasingly able to support themselves and their dependents (HPG interviews,

2011). UNHCR has also noticed a trend of increasing numbers of women becoming primary breadwinners (*ibid.*). However, these increased opportunities also bring new risks; many of these women are working in the informal sector as cleaners, clothes washers and carpet weavers, and are poorly paid (HPG interviews, 2011; Schüte, 2006).

### 5.3 Income and expenditure

In Kabul cash income is essential to meet basic needs such as food, water and fuel, and to pay for essential services. On the periphery some households keep livestock but there is little subsistence production in the city. Previous studies indicate that the primary areas of expenditure for households in Kabul are basic food expenses, fuel and medical services (Schüte and Bauer, 2007). In some cases rent accounted for up to 30% of expenditure (Kantor and Schüte, 2007). A *wakil* in District 13 interviewed in this study identified three broad groups in informal settlements: families with a relative working in Iran or a breadwinner who is a civil servant, with a monthly income of 12,000 Afs (\$249); a middle strata of residents with a monthly income of 5,000 Afs (\$104); and the poorest, forced to sacrifice medium-term security to deal with immediate survival: ‘they burn the shoes of their children to keep the room warm in winter, saying tomorrow God will help us’ (HPG interviews, 2011).

There are important differences between IDPs and returnees in Kabul. Many returnees interviewed in this study were able to bring assets from abroad with them, such as beds and appliances, and clothes when they settled in the city. Many IDPs, however, described having lost all their possessions in the process of flight, either being destroyed during conflict or left behind due to the expense of transporting them or the haste with which their owners left. Possessing assets on arrival means decreased expenditure in setting up the household, and provides assets to sell, secure credit or set up a business (e.g. looms for weaving).

#### 5.3.1 Survival strategies

Wages from casual labour make up the large majority of displaced households’ income (World Bank/UNHCR, 2011). This leaves these households extremely vulnerable to shocks



and market fluctuations, and can force people into high-risk strategies, including taking on large amounts of debt, taking up employment or work that is dangerous to health or engaging in criminal activities.

As a consequence of their low incomes and widespread unemployment, the urban poor in Kabul are almost constantly indebted. Many participants in all three districts maintained that relatives and even neighbours would lend money to families in need, but some respondents said that levels of mutual support were low, as each household's own needs were too great:

*No one lends us money as they don't trust us. They say you are not able to pay back and so we can't lend you anything. [We] are poor and that is true; we cannot pay it back. They are also poor as they can just pay their electricity bill, water bill, rent for the house and some other expenses of family. They do not have money to lend us. Woman, District 13.*

If mutual aid is provided it is most likely to be in extreme cases, such as medical emergencies. Respondents in District 13 described high levels of shame and social anxiety caused by their levels of debt: 'For my sickness I borrowed 13,000 Afs from the people. I cannot walk in the alley because of my debt. I'm embarrassed of looking at those who lent me money but I've not paid back yet' (widow, District 13). Research on urban livelihoods in Kabul indicates that, while social networks play a large role in providing credit, over-reliance on these networks can cause permanent ruptures or harassment by creditors (Schüte, 2006). Frequently, households draw on a mixture of bank loans and family support, incurring more debt through interest. Pressure to pay back creditors has been reported as one factor in the early marriages of girls, with the aim of obtaining bride price (Schüte and Bauer, 2007).

The need for income can also compel parents to send children out to work, interrupting their education. Survey responses indicated that, among recently displaced populations and long-term residents, children are often employed as carpet weavers and engage in unskilled daily wage labour, including tasks such as wrapping sweets in factories, selling newspapers on the streets or vending cigarettes and chewing gum on portable stands (AP, 2003; AREU, 2007). In District 5, levels of child labour amongst the recently displaced families in Charahi Qambar are particularly high – more so than amongst the longer-term residents living in other parts of the district, and higher than among either displaced or long-term residents in Districts 7 and 13. This is most likely related to the higher levels of poverty amongst the IDP families in Charahi Qambar.

Many of the poorest residents, including IDPs, have resorted to illicit activities including poppy production. In District 5, longer-term residents and officials asserted that male IDPs in Charahi

Qambar returned to the provinces to participate in the harvest and smuggle poppy extract to the city. Smuggling is prevalent in areas where government control is weak and IDPs still have links to relatives and friends engaged in poppy cultivation. Only when the crop has been processed into opium and heroin does the trade become highly organised by criminal networks. Key informants and focus group discussions indicated that the recently displaced in District 7 were also associated with the drug trade (HPG interviews, 2011). In both districts, the real and perceived links that recently displaced residents have with illegal activities are a source of fear and discrimination among longer-term residents. This reliance on income from the black economy is unlikely to cease in the absence of alternative means of generating income (HPG interviews, 2011).

### 5.3.2 Livelihood support

While household debts are the result of constraints on accessing livelihoods, loans can also be critical in helping households to deal with shocks and invest in self-employment schemes. This is especially important as many poor households in Kabul, both those recently displaced and longer-term residents, do not have access to external assistance, either from the state or from NGOs. IDP households in Kabul receive relatively little income from remittances or from cash and in-kind donations – only 3% from each on average – though they do rely on loans and credit from shopkeepers for a fifth of their income (World Bank/UNHCR, 2011). Newly displaced households are also less likely to have income from credit or loans (World Bank/UNHCR, 2011). This may be because they lack the social capital to leverage trust for borrowing, or because they lack the necessary documentation. As indicated in FGDs most households in Kabul access credit through informal means – from shopkeepers or relatives (see also Schüte and Bauer, 2007). Focus group discussions indicated that loans can be critical in helping households secure housing, pay for emergency expenses or establish businesses. One participant from District 13 described how her brother had been able to establish a mobile store using a loan for 40,000 Afs (\$827) from the Bangladesh Rural Advancement Committee (BRAC),<sup>8</sup> but the family had only been able to access this credit by putting their house up as surety. Microfinance loans such as these have grown in importance in Afghanistan since 2001, especially as conventional financial products are hard to access for the poor, and the large majority of microfinance clients are women (Greeley and Chaturvedi, 2007). Support also comes from religious networks, though evidence for this was only significant in District 7. There, some residents are provided with accommodation in mosques in return for performing caretaker duties, and households are able to approach their local mosque when they have economic problems. There are ten or 11 in the area collecting donations from households, typically of 5–10 Afs (\$0.10 to \$0.115) at a time, which are used to fund this support to poor families.

<sup>8</sup> The Afghan branch of the Bangladesh Rural Advancement Committee was established in 2002. BRAC provides microcredit for projects which enhance economic opportunity, in the same way as those pioneered in Bangladesh (Asia News, 2005).



# Chapter 6

## Basic services and urban infrastructure

Afghanistan's human development indicators are amongst the lowest in the world, ranked 155th out of the 169 countries covered by the 2010 Human Development Index (CPHD, 2011). Whilst investment in basic services and infrastructure in some provinces has increased in recent years (*ibid.*), the distribution of this investment has been unequal and the quality of service provision remains poor in many parts of the country. The acute lack of essential services is a key factor driving displacement from rural areas, and the expectation of greater access to services in the capital is a major pull factor for those choosing to settle in Kabul.

However, these expectations are in stark contrast to the reality of life in Kabul. Services and infrastructure in the city have failed to keep pace with the rapidly expanding population and are consequently under major strain. The government has largely failed to invest in services and infrastructure in the three districts covered by this study. This is most obvious in Charahi Qambar, though low levels of service provision are a problem even in 'authorised' informal settlements. In the absence of government services international humanitarian and development actors and the private sector have become important service providers. However, the coverage of international organisations is limited, with assistance programmes restricted by the government and many of the services offered by the private sector too expensive for poorer residents. As a result, many of those living in the three study areas, both displaced and longer-term residents and struggle to access clean water, electricity, appropriate health and education services. In some cases, people are living in squalid conditions. The impact of these conditions was evidenced most starkly in January 2012, when 22 children died in the illegal settlements around the city during one of the coldest months of the previous 20 years (Nordland, 2012; Amnesty International, 2012).

Poor housing standards, lack of sanitation and waste management and overcrowded living conditions expose communities to health and environmental hazards. Data collected in this study indicates differences in access to services within these districts. However, these differences do not always relate to displacement *per se*, but are dependent on a number of factors including livelihoods and levels of income, government connections and access to land. In addition, the status of the settlement – i.e. formal, informal or illegal – is a key factor in determining whether investment is made in service provision and infrastructure. In District 5, for example, recently displaced households in the Charahi Qambar and Qamber Square sites have far less access to basic services than longer-term residents in the neighbouring Khushhal Mena area. According to respondents, recently

displaced and longer-term communities living in informal settlements in District 7 have different levels of access to housing, electricity and other services, related to levels of income, length of settlement in the area and community networks. In District 13, which is now a formally recognised settlement, most residents interviewed in this study have better access to services than the recently displaced in other districts, partly because of their higher incomes and because some of these services are provided by the private sector.

### 6.1 Education

Across the country, access to education is problematic. Insecurity, poor standards of teaching, the lack of investment in school facilities in general, and the lack of separate establishments for girls in particular, all limit education opportunities and contribute to very low levels of literacy; in 2008 the estimated national literacy rate among 15–24-year-olds was 39% (NRVA, quoted in UNESCO, 2011). In Kabul, primary and secondary school enrolment rates are amongst the highest in the country at 65.1%, compared to the national average of 46.3% (CPHD, 2011).

Education was highly valued by respondents in all three districts, and for many displaced households the educational opportunities offered in Kabul were a key factor in their decision to settle in the city. Recently displaced respondents in Districts 7 and 13 all commented on the greater educational opportunities Kabul presented for their children compared to the rest of country. In District 13, for example, one respondent originally from Ghazni said that he chose to move to Kabul with his family not only to find work, but also because there were no schools for girls in his area of origin.

Access to education featured equally prominently in FGDs with recently displaced households from southern provinces. In Charahi Qambar in District 5, recently displaced women explained that educational opportunities for their children were 'one of the rare good points of living here'. Indeed, contrary to the common perception that Pashtun from the southern provinces are opposed to female education, the majority of focus group participants from Helmand in District 5 stated explicitly that they came to Kabul in part because they wanted their children, both boys and girls, to be educated. Primary school enrolment rates in the south are the lowest in the country owing primarily to the insurgency; in Helmand it is only around 5% (CPHD, 2011). Several adult male respondents amongst this group also valued the opportunity to access education themselves, and to learn how to read. Although most have pursued religious studies, only 25% reported having

received formal education. Even then, none had been educated beyond primary school grade 4.<sup>9</sup>

Overall, access to education is generally lower in the three study areas than in other parts of the city. According to the survey, on average approximately 49% of all respondents' children are enrolled in school, which is lower than the Kabul average of 65.1% but still higher than the national average of 46.3%. Enrolment rates in these areas relate to a combination of factors, including the availability of school places, the location of schools, household income and the security risks faced by children on their way to school. With respect to the availability of or access to schools, in District 13 respondents mentioned that the primary school in the area was not accepting any more students due to the level of overcrowding, and that some families had to enrol their children in schools outside the district. In Charahi Qambar education facilities have been severely limited by the government's refusal to allow investment in services. Respondents explained that the only primary school in the area is run by Aschiana, an NGO, and has capacity for only 350 children, approximately 10% of the children in Charahi Qambar (UNHCR, 2010). The fact that the school is predominantly Pashtu-speaking puts ethnic Tajik returnee children from Pakistan (who do not speak Pashtu) at a particular disadvantage.

*The situation of our school is entirely bad. The blackboards are broken and our teacher left after one month of presence at the school and our time got wasted. Afghans repatriated from Iran broke our blackboard, filling our class with garbage.* Young woman, recently displaced resident, Charahi Qambar

The high levels of poverty amongst recently displaced and some longer-term resident households in Districts 5 and 13 have meant that children have been withdrawn from school by their parents and sent out to work. While school fees are not large, additional costs, such as for uniforms and textbooks, can be prohibitive. A 2004 study put the average annual cost of sending a child to first grade at 350 Afs (\$8), to fifth grade 1,000 Afs (\$22) and to ninth grade 1,700 Afs (\$37) (Human Rights Research and Advocacy Consortium, 2004). This represents a significant portion of the incomes of the poorest families. In the study areas, respondents were also concerned about poor school facilities, overcrowding and the teaching of multiple grades in the same classroom. Residents in District 7 complained that the nearest school was too far away, and as a result during the hot summer months many parents do not send their children to school.

## 6.2 Water, sanitation and waste management

### 6.2.1 Water

More than half of all Afghans living in urban areas have no access to safe drinking water (CPHD, 2011). Kabul's rechargeable water

<sup>9</sup> In Afghanistan primary school runs from grade 1 to 9, and secondary school from grade 10 to 14 (MoE, 2010).

sources (i.e. through rain) can only supply 2 million people, and demand for water is expected to exceed capacity in 2012 (CPHD, 2011). A quarter of drinking water comes from shallow open wells, most of them privately owned, and 41% comes from hand-pumps (APPRO, 2007). Only 18% of Kabul's residents have access to piped municipal water (*ibid.*). Most of the residents of the study areas, including informal and illegal settlements, do not have access to piped water in their homes but rely on wells and water tankers provided by private actors. Only District 13 appears to have met the stated target of the ANDS to ensure that 50% of people in Kabul had access to piped water by 2010, and the system there was installed by a private contractor and paid for by the wealthier members of the community. A meter system is in place, and households have to pay a monthly fee based on how much water they use. Respondents with running water in their homes report that they are charged between 300 and 400 Afs per month on average (\$6–9).

Residents in Charahi Qambar rely mainly on wells (with hand pumps) for their water supplies. There are five water-points servicing a total of 1,022 families, or over 6,000 people (UNHCR, 2010). This means that there is an approximate ratio of 1,200 people per hand pump, well above the recommended Sphere standard of 500. There have been reports of tensions in this area over access to water. In District 7, some recently displaced residents interviewed in this study complained about the water system in their area. Built about five years ago by a private company contracted by an INGO, the system quickly broke down and the company has not returned to fix it after receiving its fees. The majority of households therefore rely on water purchased from water tankers, which costs around \$0.20 for 30 litres. Some wealthier households in District 7 report accessing water through a piped network, which costs approximately 12,000 Afs (\$250), a sum out of reach for most households.

### 6.2.2 Sanitation and waste management

Less than 30% of Kabul's residents have access to adequate sanitation (CPHD, 2011). Toilet facilities in the districts reviewed in this study often empty out into open ditches outside homes (NRVA, 2008). The recently displaced community in Charahi Qambar in District 5 suffer the worst effects associated with lack of adequate sanitation facilities, because of overcrowding, and because many women, for cultural reasons, are not allowed to leave their homes.

Most households have poor access to waste collection services provided by the municipality, though long-standing residents in informal, as opposed to illegal, settlements in Districts 5 and 7 benefit from some level of municipal services. Survey results indicate that waste disposal is particularly poor in Charahi Qambar, whereas 60% of longstanding residents in the Kushal Mena section of District 5 who responded reported having access to the municipal waste collection service. Solid waste is visible in every part of Charahi Qambar. In District 7, about 25% of recently displaced respondents have access to municipal collection services, compared to almost 45%

of longer-term residents. A large proportion of households in both groups burn their waste. As a newly settled area on the outskirts of the city, District 13 is poorly served by the municipality and only 5% of households have access to a waste collection service. Around 90% of residents do not dispose of waste in any organised way.

UN-HABITAT and other agencies have been working closely with residents in informal settlements around Kabul, encouraging them to form local associations, including environmental committees (HPG interviews, 2011). However, in the absence of any organised collection service there is little room for community initiatives other than burning or burying waste. Neither is appropriate in a densely populated urban area due to their detrimental effects on air quality and contamination of groundwater. As such, adequate waste management is a service that can only be offered by the municipality, or by a contractor working on its behalf (HPG interviews, 2011). These types of interventions have not been possible because of the government’s position on assistance to these sites (HPG correspondence, 2012).

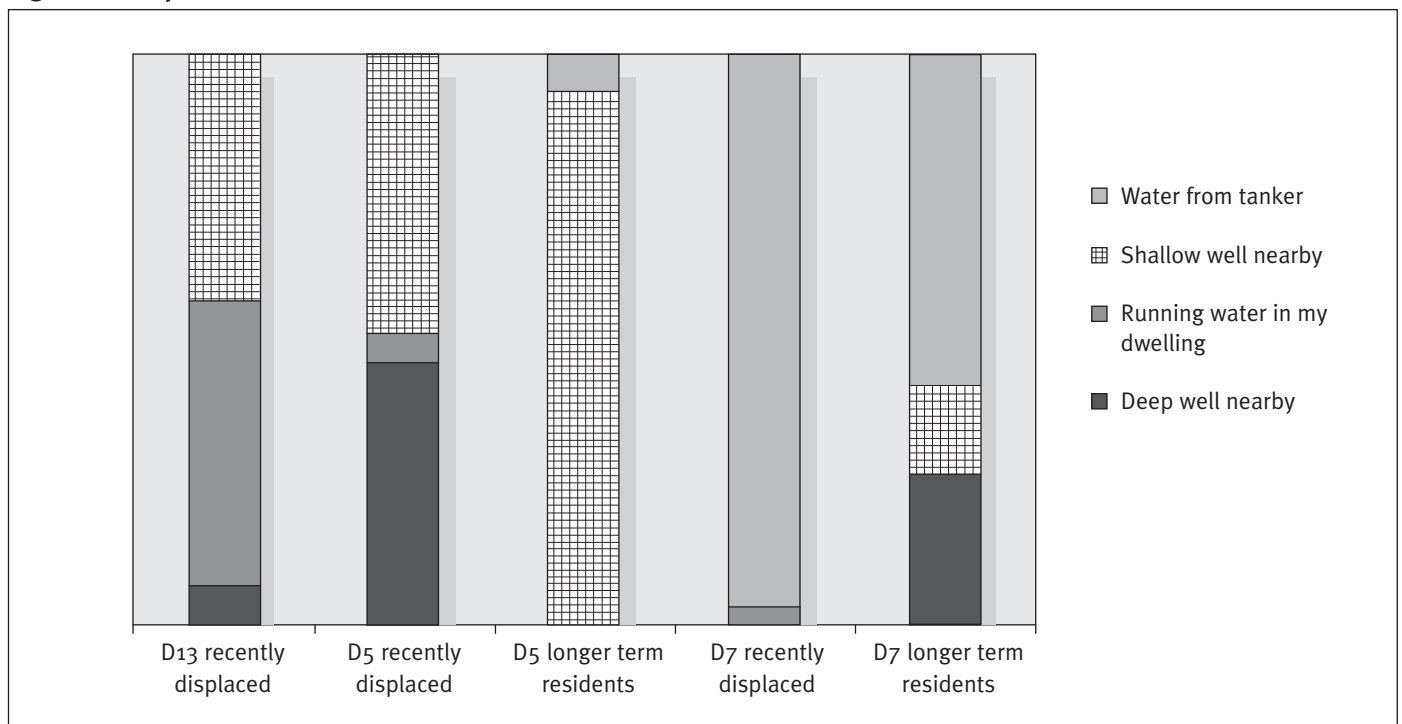
### 6.3 Shelter and housing

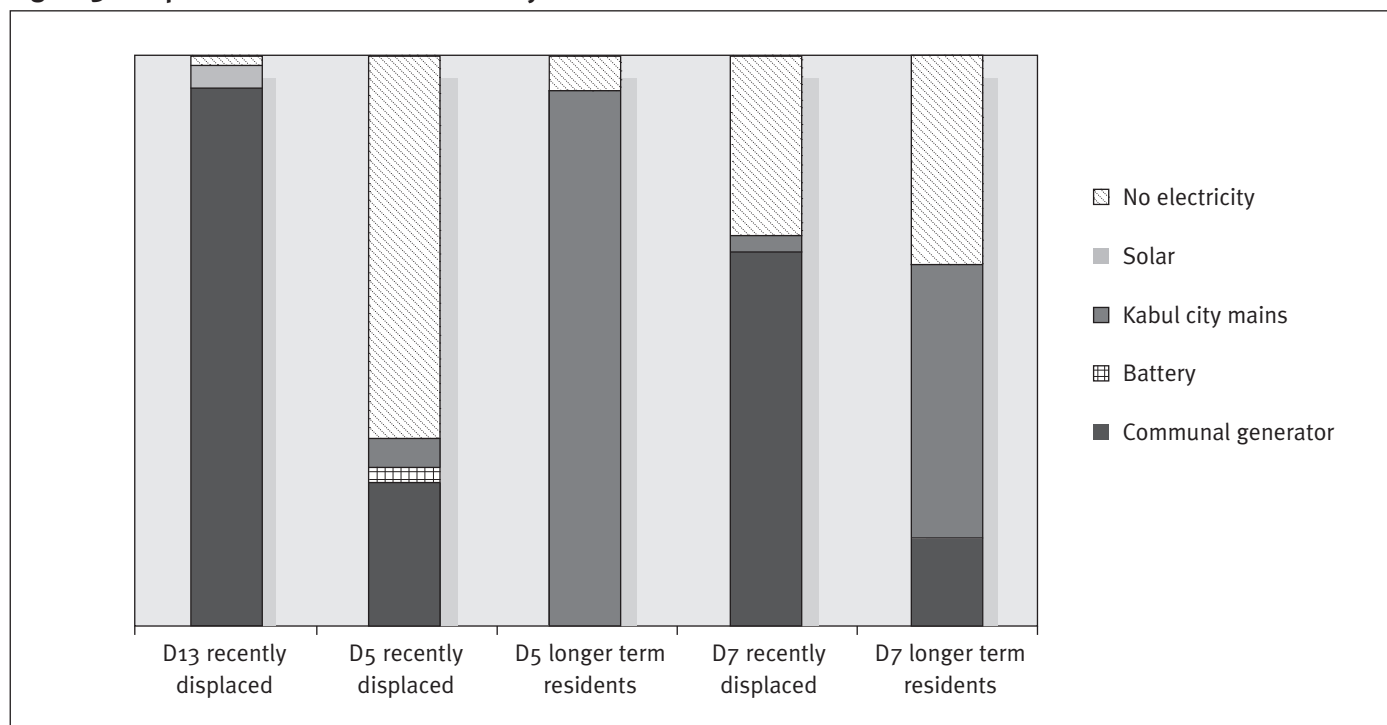
Survey data did not indicate any significant correlation between displacement history and quality of housing, except in Charahi Qambar, where recently displaced households have significantly poorer housing than other groups. Many in this area live in tents that provide little protection during the cold winters, are overcrowded and offer insufficient privacy. This has also been noted by UNHCR in its assessments of displaced communities in the city. The ‘illegal’ settlements identified by

the UNHCR KIS project are characterised by disused buildings, tents and mud structures, while informal settlements have a much higher percentage of brick-built shelters, due to the differences in security of tenure (HPG correspondence). One reason for the generally poor state of housing in Charahi Qambar may be that residents are reluctant to invest in more permanent homes because they are uncertain whether they will be allowed to stay in the settlement. Certainly, both the research for this study and the World Bank/UNHCR report indicate that living conditions are linked to the length of settlement – those who have been present longer in these areas, including those who have been displaced, have generally been able to gain greater access to services and housing over time.

Some specific housing initiatives are underway in Kabul. In 2009, the MoUDH identified a housing backlog of 300,000 families in the city and has plans to provide state-owned plots to half of these (HPG interviews, 2011). There are plans for housing projects including the ‘26th of Dalwa’ which will provide 20,000 housing units and is in the first phase of construction. These plots are reserved for teachers who do not currently have permanent housing (HPG interviews, 2011). There are also plans by the MoUDH to build six nine-storey apartment blocks in District 5, but these would not be available to IDPs as the MoUDH does not consider them as residents of Kabul and has taken the position that their housing needs are the responsibility of the MoRR (HPG interviews, 2011). In 2006, the MoRR awarded land to some residents of informal settlements in Kabul province, but the process has been beset by allegations of corruption and misallocation (HPG interviews, 2011).

Figure 2: Respondents’ sources of water



**Figure 3: Respondents' sources of electricity**

There is considerable variation in access to electricity, both between long-term residents and newly displaced residents and between the three districts in the study. The majority of residents in District 13 have access to electricity through a communal generator that is privately owned and for which they must pay a fee. The majority of longer-term residents in District 5 access electricity through the city mains. In contrast, 75% of recently displaced households in Charahi Qambar surveyed in this study have no access to electricity at all and the rest rely on a communal generator (charged at 25 Afis for a lamp). This is in line with broader findings from the World Bank/UNHCR study of IDP communities, which found that 84% of displaced people in Kabul lacked any access to electricity, compared to 18% among the general urban poor (World Bank/UNHCR, 2011). On average, 85% of all households in Kabul have electricity (NRVA, June 2011).

#### 6.4 Health

Afghanistan has some of the worst health indicators in the world, with life expectancy below 45 years for both men and women (CPHD, 2011). Health conditions in the areas surveyed in this study are affected by a number of factors, including poor nutrition and food insecurity, poor-quality or overcrowded housing, lack of effective waste and sanitation systems and lack of access to clean water. Many of these factors are compounded by limited access to health facilities. Health care in the study areas is provided through government, private or aid agency clinics. The public health system in Afghanistan is still recovering after years of neglect, the exodus of trained staff and destruction of infrastructure. Whilst there have been considerable reforms to the health sector in recent years, indices

are still low and provision varies significantly. As of 2007, only 17% of the population of Kabul had access to a hospital.

Access to and the quality of health care varies from location to location, but generally government-run clinics in Districts 7 and 13 are ill-equipped, underfunded and understaffed. Respondents in the hillside in District 7 reported having to walk an hour in order to get to the local clinic and those in District 13 explained that, although there was a clinic nearby, it was overwhelmed. Respondents in District 5 face particular challenges and indicated that they have no access to government-run health services at all. Recently displaced households in Charahi Qambar are served by a free clinic run by SHRDO, a local NGO funded by the World Health Organisation (WHO). It appears to provide relatively good services free of charge, including vaccination and laboratory investigations, and has also established a local health committee whose 11 members carry out hygiene education in Charahi Qambar (*ibid.*). However, the clinic is overwhelmed by demand (it receives around 70 patients a day) (UNHCR, 2010). Tajik households in Charahi Qambar report seeking health care outside of the district rather than trying to compete with Pashtun households who, they feel, dominate access to the clinic. According to one respondent: 'the clinic is in the area of Helmandi families with free drugs which is exclusively for their use. I mean we are allowed to use its services, but we are scared of them, and don't go to their area'. Even so, many women of Pashtun origin from Helmand and Kandahar are prevented from visiting health centres by the male members of the family. This has a major impact on healthcare generally, including in relation to childbirth. Only 20% of women in Charahi Qambar had safe deliveries between 2007 and 2010 and many also found it difficult to access post-natal health care (UNHCR, 2010).

# Chapter 7

## Governance

Amongst the urban poor and the displaced in Kabul there is a strong desire for more accountable and democratic government. The national authorities are, of course, particularly prominent in Kabul, and this in itself is a key pull factor for many displaced in their decision to settle in the city, since they believe that it will provide greater security and access to powerbrokers. However, in reality governance structures in the capital are weak and fragmented. Political participation in formal electoral processes is relatively positive at the central level, although there are concerns about the integrity of some of the more recent processes. However, governance more generally is heavily influenced by social, ethnic and clan ties, and displaced populations have sought to use their connections with key powerbrokers to influence decisions affecting their access to land, services and justice. In the absence of strong local governance institutions urban poor populations, including displaced communities, have organised themselves through customary and patronage structures, which play a crucial role in governing their lives.

### 7.1 Formal governance systems

Afghanistan's government has a tricameral structure. At national level the government is formed by the executive, legislative and judicial branch, in conjunction with other entities such as the Afghan National Security Forces (LoC, 2008). By design the government is highly centralised and there is little autonomy for provincial and municipal structures, to whom authority is delegated at the discretion of the centre (LoC, 2008). This centralised structure does not fit easily with traditional political structures, which emphasise consensus, customary law and regional independence from what are often seen as the depredations of central government (Barfield, 2010). As a consequence, Kabul has struggled to secure provincial support for the capital's attempt at nationwide government (Barfield and Nojumi, 2010).

The popular legitimacy of the central government has been further weakened by corruption, by the authority invested in non-elected power brokers and by its vulnerability to foreign influence. Corruption, in particular, is a concern for many Afghans, including those interviewed in this study. In a 2010 national survey corruption was cited as a major problem in the daily lives of ordinary Afghans, with 70% of respondents perceiving it as a common occurrence and a normal part of doing business with the state (Integrity Watch Afghanistan, 2010). According to the UN Office on Drugs and Crime (UNODC) the average bribe paid by Afghans in 2010 was \$158, double the amount in 2009 (UNODC, 2010). The problem is endemic, and no institution established to curb corruption has functioned effectively. Corrupt officials are often protected by

the president, who relies on their support to remain in power (Gutcher, 2011). Respondents in the three districts in this study repeatedly referred to prevalent corruption throughout the various levels of government.

The government's legitimacy is also weakened by the influence of certain national actors and by key donor states. In the early stages of the conflict in 2001, the US military supported a number of warlords and commanders in order to bolster security forces in key parts of the country, and these figures were then often awarded key positions in central and regional government. Despite a ban on elected officials maintaining private militaries, many of these actors then went on to win seats in parliamentary elections (Fange, 2010; LoC, 2008). Thus, individuals who have commanded armed groups continue to exert considerable power across the country, highlighting the limits of the central government's authority and reach (Fange, 2010). With respect to foreign influence, the United States and other international donors continue to play a significant role in determining the central government's budget and the allocation of resources. These issues, combined with the continuing failure of the government to provide security and basic services to the population, have significantly eroded popular support for the current administration and formal governance institutions.

Urban governance in Kabul is characterised by fragmentation and limited capacity, overlapping roles and responsibilities, corruption and the influence of ethnic and social ties. The Kabul Municipality has the status of a Ministry and so reports directly to the president. It is responsible for coordinating the implementation of urban development plans. However, many departments lack the capacity, administrative and operational systems and finances to execute their functions effectively. For example, the Municipality is currently undertaking a drive to improve revenue collection, but effective taxation is difficult as tax rates are outdated, the administrative burden for the taxpayer is high and the Municipality does not have the right to enforce payment. In any case, while the Municipality has to generate its own revenue, this must be handed over to the central government and then reallocated, and the Ministry of Finance must approve the Municipal budget. These procedures are burdensome and delay the deployment of funds.

This reliance on other ministries and institutions is not solely related to finances – the Municipality is heavily reliant on the various line ministries for delivery of its responsibilities, including planning and service provision. In particular, the Municipality is required to coordinate with the MoUDH to address major issues affecting the city, such as the housing shortage. However, the MoUDH and the Kabul Municipality

both assert that, in practice, roles and responsibilities are unclear, and poor communication between the two has been highlighted as one of the main obstacles to effective urban governance (Beall and Esser, 2005).

In September 2011 the responsibilities of the Municipality were clarified, and now include key strategic roles like urban planning and the internal operations of city institutions (such as staff management). However, it is not yet clear what this means in practice, and whether it will have an effect on the core challenge: the lack of a strategic, long-term and comprehensive policy on urban growth, informal settlements and displacement.

### 7.1.1 Urbanisation and displacement

The structural difficulties in assigning responsibilities for urban governance are compounded by policy approaches to urban displacement (HPG interviews, 2011; see also Schutte and Bauer, 2007). It is often difficult to obtain a clear and coherent position on urban displacement from the government; there are variations between institutions, departments and even individual staff, influenced by different loyalties and the patronage system of Afghan politics. However, most officials interviewed in this study viewed the presence of displaced populations in the capital negatively. As noted, the *de facto* policy of the government is that displacement in Kabul is a temporary phenomenon and that, in time, people will return to their rural areas of origin. Similar positions are evident with regard to the management of urbanisation as a whole. Rather than providing permanent structures for housing and services, the priority for officials interviewed for this study seemed to be projects that would reinforce the importance of the capital, rather than address the needs of the urban poor. One government official stated that ‘the best thing for the wellbeing of Kabul is to clean the IDPs from the city ... Kabul city is the capital and it has to show the identity, prestige and dignity of Afghanistan’ (HPG interviews, 2011). Another official, while recognising the permanence of the city’s IDP settlements, listed the creation of parks as a priority for the Municipality: ‘We need to change the image and view of Kabul ... It would become a place that you could hang out and [admire as the] garden of the world [i.e. a city of celebrated parks]’ (HPG interviews, 2011). The Municipality’s solution to illegal settlements is to relocate people en masse to Kabul New City.<sup>10</sup> How people will be moved is unclear, there is no evidence of consultation with the communities concerned and the plan does not appear to be feasible.

International actors interviewed in this study expressed concern at the apparent lack of interest on the part of many government officials in the displacement situation in Kabul and the need to address the basic needs of the displaced and other urban poor. For their part, displaced residents in the three districts often expressed the view that the government had abandoned them, and commented on the absence of services and jobs in their areas. The ongoing power of the warlords, many of whom now  
10 See <http://www.dcd.gov.af/>.

have official positions, was also evident in the city. There are instances of warlords evicting residents in some areas to gain access to parcels of land. One respondent in District 7 summed up the feeling that governance favoured the powerful thus: ‘warlords are ruling this country. We have seen that they illegally took the Sherpur<sup>11</sup> lands but the poor and displaced people like us have to live on this hillside ... we know the current facts of our country’. Young men in District 7 said that the government was ‘lazy’ and lacked the will to fulfil its mandate.

Information provided in focus group discussions in this study also indicate that some recently displaced communities, as well as longer-term urban residents, seek the protection of these actors and other powerbrokers with whom they have some form of affiliation, through formal democratic means such as petitions and letters to parliament when they are able to, and through leveraging ethnic affiliation or protection of criminal networks when they are not. In District 5 there are several examples of recourse to patronage ties or leverage through powerbrokers. Helmandi IDP women in Charahi Qambar for example claimed that businessmen from Kandahar had tried to evict them, claiming that they owned the land on which they had settled. In response, the IDP community sent a letter to their local member of parliament but did not receive a response. Having failed to make any progress through formal mechanisms they then turned to a high-ranking official in the Afghan National Army with whom they had ethnic ties, who lent support in the form of summarily destroying the walls the businessmen had erected in an attempt to reclaim the land. While subsequently it emerged that the businessmen did not have a legitimate claim to the land, the episode emphasises how the community, while attempting to use formal mechanisms, had resorted to the use of illicit tactics when elected officials were unresponsive.

Also in Charahi Qambar, when the settlement was being established the *wakils* wrote a petition to the MoRR for in-kind support, and in response were referred to the Red Cross and WFP. When, for reasons not specified, they were not successful or were unable to contact these organisations directly they visited an influential kinsman linked to the international aid community. Reportedly, as Helmandis, they were able to access a powerful fellow Helmandi, and he was reportedly able to secure assistance for them. Focus group discussions also indicated that some displaced groups in District 7 were able to use connections with government and informal powerbrokers to facilitate the release of community members from prison and continued illegal settlement.

## 7.2 Political participation

There have been four national elections (two presidential and two parliamentary) since the overthrow of the Taliban

<sup>11</sup> This refers to an incident in 2003, when poor residents were evicted from land owned by the Ministry of Defence by having their homes bulldozed by the city police. The land was then distributed to militia leaders and high-ranking government officials, and luxury houses were built on the plots.



in 2001. The presidential election of 2004 was the first such democratic leadership process (Barfield, 2010), and there remains widespread desire for democratic governance, or at the very least more equitable access to decision-making (Larson, 2011). However, political parties are not allowed and all electoral candidates must run as independents, leading to a fractious parliament and an election process that promotes division by promoting non-political factors such as ethnicity, name recognition and regional origin (Barfield, 2010).

Electoral institutions are struggling to establish a credible role in Afghan politics. The presidential elections of 2009 and the parliamentary elections of 2010 were marred by low turn outs, fraud, violence and allegations of manipulation of the results (see van Biljert, 2011). The turnout for presidential elections dropped from 83.66% to 38.80% between the 2004 and

2009 elections (IDEA, 2011). The decrease in turnout for the parliamentary elections was less dramatic but still noticeable, from 49.37% in 2005 to 45.83% in 2010 (IDEA, 2011). Some have commented that the last two elections have undermined the legitimacy of the state, rather than reinforcing it (Fange, 2010; Coburn and Larson, 2011).

As noted in Chapter 3, the electoral rights of IDPs are guaranteed in law and voting facilities must be provided for them by election committees. Implementation of this aspect of the law appears to have been positive; in a recent UNHCR profile of three settlements in Kabul 70%–95% of IDPs reported having participated in the last presidential election, none reported receiving different treatment or discrimination during the voting process and almost all of those who were eligible possessed a voting card and were willing to vote in the next election (UNHCR, 2010a).



# Chapter 8

## Land and the environment

Access to land is a key factor in determining levels of vulnerability among displaced and other urban poor in Kabul, and is also closely linked to the conflict and the complex and often corrupt land management systems and institutions. Loss of or lack of access to land is often a key driver of displacement to and within Kabul, and a key challenge in the search for durable solutions. Realisation of land rights is also fundamental in addressing the long-term development needs of the wider urban poor. The illegal and unplanned settlements have proliferated in the absence of effective formal land allocation and planning processes with many displaced and other urban poor living in these areas in precarious tenure situations. In addition, many of these sites are located at the periphery of the city, where there has been previously little or no investment in infrastructure and often in areas at risk of flash floods or mudslides. As a result, many of the urban poor, including displaced populations, are living in squalid conditions in areas of land that are un-serviced or unsuitable for human settlement (HPG interviews, 2011; CARE, 2007: 9). The unmanaged growth of illegal and informal settlements has also had a detrimental impact on the environment; the lack of waste management systems and the unregulated use of land have resulted in deforestation and pollution.

This study found correlations between tenure type and certain displacement-related vulnerabilities. The findings indicate that the recently displaced are less likely to own land or property and more likely to have insecure tenancy. Displacement is not always a determinant of vulnerability in this regard; some longer-term residents in illegal and informal settlements also face difficulties in securing their land rights and are at risk of eviction and displacement themselves. Moreover, some of the displaced communities interviewed in this study had been able to improve their security of tenure by utilising patronage and social networks.

Notwithstanding the variation in experiences amongst some groups, land rights are both a driver of vulnerability in the short term for many of the urban poor in Kabul, and have an impact in the long term on the vulnerability of individuals and communities, and in terms of the recovery and development of the capital more generally. Whether recently displaced or longer-term residents, the overwhelming majority of participants in this study asserted their intention to stay permanently in the city. The failure of the municipal and central authorities to accept this, to facilitate realisation of rights to land and property, to support security of tenure and to manage the allocation of public land accordingly presents a major challenge to local integration for displaced populations and the settlement of other urban poor. Tensions have already arisen in informal settlements over access to land. Without appropriate planning

and transparent land management systems, these tensions are only going to escalate. This, in turn, will impact upon the longer-term security and stability of the city.

### 8.1 Conflict and land rights

The poor state of the land management system and institutions is closely linked to the ongoing conflict and weak rule of law, as well as patronage systems and corruption. The years of conflict destroyed residential areas and infrastructure in Kabul, and damaged the institutions that arbitrate, administer and uphold land law. For many decades there was no formal record of land transactions and the capacity of the authorities, including law enforcement bodies, to rectify this is weak. The illegal acquisition of land by powerful people for distribution along patronage lines is a long tradition in Afghanistan. During the *mujahedeen* period, parties distributed state land to their supporters (Pain, 2011). The Taliban attempted to end this practice during their period of authority, and in 2002 the Karzai government sought to counter the distribution of public land to individuals at the local, provincial and national levels by issuing Decree 99, which froze distributions of public land countrywide (Foley, 2005). However, this did not prevent a new round of 'major illegal occupation' (Pain, 2011).

In the post-2001 period, access to land has become increasingly problematic across the country. This is in part due to the population increase stemming from the return of millions of Afghans. It is also related to the continuing lack of accountability for widespread speculation on public land, facilitated by state corruption (Pain, 2011). Politicians have used their position to access and appropriate government land, with a view to developing lucrative residential sites, a process significantly abetted by the close links between government and business (Pain, 2011). While these issues are particularly marked in rural areas, they are also prevalent in Kabul.

#### 8.1.1 Land law, policy and institutions

Article 14 of the Afghan Constitution (2004) guarantees rights to land and stipulates that 'the state shall adopt necessary measures for housing and the distribution of public estates to deserving citizens in accordance within its financial resources and the law'. However, in practice the body of laws, policies and institutions that guides the implementation of this provision is complicated and often ineffectual. The confused state of the country's land laws has been mitigated to a limited extent by the continuity provided by the widespread use of customary deeds and procedures, and overlaps between the Afghan Civil Code and Sharia law have meant that the courts have dealt with most land and property issues in a similar way despite frequent and violent changes of governments, politics and

constitutions (Foley, 2005). However, the plural legal system, multiple land reform policies, unreliable records and lack of rule of law generally over past decades have created a land system rife with contradictions and disputes (Foley, 2005).

While Afghanistan is party to international treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provide ‘considerable formal protection to Afghans against the forceful or wrongful eviction from, or deprivation of, their property and a legal right to obtain its restitution’ (Foley, 2005: 27), implementation remains problematic. Responsibilities for administering land and property lie with the Ministry of Agriculture, municipal authorities and the judiciary, although in Kabul the Ministry of Agriculture is only responsible for land in peripheral areas, which are considered uncultivated. The MoRR is also involved in allocating land for landless internally displaced people and returnees under Presidential Decree 104. Additionally, one of the roles taken on by the MoUDH in Kabul is the allocation of land and its development. The High Commission for Urban Development was established in 2004 to identify public land to be developed for commercial and residential use, and to coordinate the distribution of that land between the MoUDH and the provinces (Foley, 2005).

A National Urban Program (NUP), developed with assistance from UN-HABITAT and led by the MoUDH, has been established as a guiding national policy on land allocation in urban areas, but there is scepticism that it will be able to deliver an adequate level of urban development (Beall and Esser, 2005). The NUP is tasked with undertaking site and services programmes and a land titling initiative. Its vision for Afghan cities envisages a ‘network of dynamic, safe, liveable urban centres that are hubs of growth, arenas of culture and social inclusion through good urban governance and management’ (NUP, 2004). However, once again implementation of the programme has been undermined by weak capacity and poor governance, the scale of the problem and a shortage of resources.

## 8.2 Land rights and informal settlements

In the absence of available, affordable formal housing and land, many of those displaced to or within the city have sought to establish themselves in informal or illegal settlements. This trend has been reinforced since 2001 by sharp increases in rents in the centre of Kabul, linked to the influx of international commercial and aid actors (Doherty and Geraghty, 2011). While there is much anecdotal observation that supports this analysis, there is little empirical evidence to draw on to describe the extent of this effect. As noted above, the central and municipal authorities have actively discouraged permanent settlement in these areas. However, there is not always a neat divide between formal, informal and illegal settlements in Kabul, and the status of many residents of the informal and illegal settlements is highly complex (Giovacchini, 2011).

There are four main categories of landowners in informal and illegal settlements in Kabul city: legitimate *de facto* owners (with formal or customary deeds); land grabbers; those who bought land from land grabbers; and squatters or those who have settled as a group or individually without authorisation of any kind (Gebremedhin, 2005; HPG interviews, 2011). Settlers on unplanned, informal land typically have customary deeds countersigned by the *wakil-e-gozar* (neighbourhood representative), which affords them some level of recognition and recourse to customary forums for resolving grievances. This typically applies to informal settlements on the edge of the city, on land that was previously village land. The villagers subsequently sold customary rights and deeds to many of the new residents, including displaced populations, whilst retaining the legal deed (Gebremedhin, 2005). Other residents in informal settlements have a complicated legal status; although they formally acquired the land they have not fulfilled all the legal and administrative requirements to formalise ‘ownership’ (Gebremedhin, 2005). Some residents have customary deeds obtained from people who have illegally appropriated large tracts of land. These situations have continued to proliferate because confidence in formal mechanisms is low and because formal procedures are costly, corrupt and extremely complex (Gebremedhin, 2005; d’Hellencourt et al., 2003). Finally, those who have settled on grabbed land – *zor’abad*<sup>12</sup> – have no title, have the most insecure tenure and are most vulnerable to eviction. Squatters in groups or communities, referred to throughout this study as illegal settlements, are almost always living on public land appropriated since 2001 (Gebremedhin, 2005). There are also individual households squatting on land in informal settlements (HPG interviews, 2005). As noted earlier, most of these squatters, whether individuals or communities, are recently displaced people, including internally displaced and some returnees.

### 8.2.1 Security of tenure and displacement

Although studies have noted that access to informal settlements has in general prevented a large-scale shelter crisis in Kabul (Bertaud, 2005; d’Hellencourt et al., 2003), this study indicates that insecure tenure remains a major problem for many of the residents of informal and illegal settlements, particularly recently displaced households. Security of tenure for residents in informal and illegal settlements is closely linked to the transfer of legal or customary deeds, land use regulations and planning instruments. However, there are also a number of other factors at play, including whether services are provided through humanitarian or development agencies, the effects of urban infrastructure upgrading and urban politics and patronage networks (Giovacchini, 2011: 2). Arguably the most significant factor in security of tenure is the site itself. The 43 illegal settlements identified by UNHCR are located on high-value land belonging to someone else (in most cases the government

<sup>12</sup> In practice, urban dwellers make a distinction between *benaqsha* – land settled without planning permission – and *zor’abad* – land settled forcefully through recourse to violence or the threat of violence (Giovacchini, 2011).

or Municipality) and people there have no legal or customary rights or deeds or any other form of formal agreement for them to settle there. Because of the rising value of the land, it is highly unlikely that residents will be allowed to settle there permanently (HPG correspondence, 2012). In contrast, families in the informal settlements, both recently displaced and long-term residents who have made customary arrangements with landowners to settle face a much lower risk of eviction, even though such settlements are also considered ‘informal’ – i.e. not within the 1978 Master Plan.

For many of the more recently displaced interviewed in this study, the challenges to securing their rights to land and adequate housing are significant, as one respondent in District 7 explains:

*we found the land empty but ... a person came from Panshjer with his guns and he told us to give him money for this land ... they had power at that time but my husband told him, 'if you want to kill me and also my son you can, but I decided to make this house myself'. They told me 'give me some bribe' and my husband told him 'I don't have money' and he didn't pay him money. After that I sold some jewellery. From that money we made a house, but it got destroyed because of the rain and we rebuilt it.*

Focus group discussions in Districts 5 and 7 in particular showed that access to land and housing is a crucial determinant of a household's quality of life. Survey responses in this study indicated that, compared to longer-term residents, fewer recently displaced people owned land or had secure tenure, and more are living in illegal settlements or individually squatting in informal areas without permission. The situation of the recently displaced in District 13 was different – most had obtained customary deeds, were renting properties or were living with relatives who had authorisation to settle in the area, though many also explained that they had specifically chosen the area because they could not access land or housing in more central parts of the city.

The threat of forced eviction is a source of concern for many residents in informal and illegal settlements, and secondary displacement is on the rise in Kabul, with both longer-term residents and the recently displaced at risk.<sup>13</sup> This is primarily related to the rise in the value of land, which has in turn resulted in increased demand to clear squatters and a steady increase in rents in informal settlements, with many tenants forced to pay rent in foreign currency (HPG interviews, 2011). A large proportion of respondents in informal settlements

<sup>13</sup> Evictions have been reported in illegal settlements: in District 8 the inhabitants of Kabul Nindarai were evicted in late 2010 in order to expand the Kabul Cricket Club, and several families in Parwane Do were evicted in mid-2011 to allow for development of the land. In both cases, the majority of evicted families simply moved a short distance and rebuilt their shelters, thereby continuing the cycle of illegal squatting and re-displacement (HPG correspondence, 2012).

in District 7 reported having moved to the area because they were unable to afford rents in other parts of Kabul, or after being evicted by landlords. Displacement within Kabul damages social networks, affecting levels of protection and livelihood prospects.

The government institutions mandated to resolve property disputes and oversee land allocation are ineffective. Restitution of property is mandated by national law; Article 5 of the Presidential Decree on the Dignified Return of Refugees states that ‘The recovery of movable and immovable property such as land, houses, markets, shops, sarai, apartments etc will be effected through relevant organs’. In 2002 the Special Property Disputes Resolution Court, located within the Supreme Court, was set up by Presidential Decree to deal specifically with land disputes involving returnees and IDPs, but has struggled to function effectively (The Liaison Office, 2010: 43; Beall and Esser, 2005). With regard to returning refugees specifically, Presidential Decree 104, promulgated in 2005, made provision for allocating land to landless returnees (and landless IDPs) nationally as the primary means to support reintegration. Uncoordinated attempts in 2003 and 2004 to distribute state land were marked by lack of central authorisation, lack of adequate distinction between private and public land, corruption, insufficient funding and appropriation by armed power brokers (Foley, 2005). However, land allocation schemes have been controversial. Those awarded plots have been relocated to inappropriate sites, far from transportation and employment and in areas still affected by land mines and unexploded ordnance, with no basic infrastructure (UNHCR, 2011). According to one senior humanitarian worker, plots are arid, isolated and do not represent a sustainable solution for the displaced (HPG interviews, 2011).

In the absence of effective state action to resolve property disputes and oversee land allocation, both longer-term residents and the more recently displaced use a range of strategies and tactics to mitigate the threat of harassment or forced eviction. In District 7 residents who were illegally constructing houses without permission only did building work at night to avoid having to pay bribes to the police. Residents in informal settlements have built more substantial properties and invested in infrastructure on the assumption that this would make it more difficult to evict them (Schüte, 2005; HPG interviews, 2011). Enhancing networks by encouraging kinsfolk to settle in the area has enabled people to act collectively and strengthened respect for customary arrangements (Schüte, 2006).

International actors have tried to protect people at risk of forced eviction, such as through the NRC Information Counselling and Legal Aid (ICLA) programme or specific efforts by UNHCR and the Danish Refugee Council (DRC). The National Housing, Land and Property Task Force, a sub-group of the Afghan Protection Cluster, has drafted guidelines on minimum standards for the notice period for evictions and the process to be followed during evictions. As part of the NUP,

USAID is implementing a national titling programme with the intended aim of increasing security of tenure. Regularisation of these areas has also been proposed as a necessary underpinning for urban development, to allow for proper planning for access to basic services (World Bank/UNHCR, 2011). However, this may have unintended negative effects; large-scale titling runs the risk of elite capture, corruption and the marginalisation of certain groups – such as the displaced – from land and property (Macdonald, 2011). As noted earlier, there is currently little expectation that the authorities will regularise illegal settlements, and a number of international agencies have argued for the development of a managed relocation scheme.

### 8.3 Environment

The unregulated expansion of informal and illegal settlements has significantly affected the environment. District 7 in particular has seen significant deforestation over the last decade, and in District 5 the arrival of IDP communities has greatly reduced the flow of a nearby large stream. In addition, although there have been efforts by UN-HABITAT to support community waste management schemes, many informal

settlements have no such systems, and human and other waste is visible in and around shelters and water sources.

As noted throughout this study, many settlements are located on the edge of the city on land which is not fit for human settlement. The geography of Kabul has meant that many informal and illegal settlements are located on hillsides, as in the case of District 7. Land is cheap because it is of poor quality and because of the risk of mudslides during the winter. In many settlements across the city, access to water is particularly problematic because the water table has fallen over the years due to drought and heightened demand related to the increasing population. This is particularly problematic in the informal and illegal settlements where there is no piped water network and where residents rely on local wells, which are drying up.

Weather conditions in Kabul are extreme. Rain and snowfall can badly damage or destroy the flimsy shelters many residents live in, and in winter the average daily temperature plunges to between  $-15^{\circ}\text{C}$  and  $-20^{\circ}\text{C}$ . The lack of adequate planning and infrastructure to support human settlement in peripheral areas is a serious risk to the health and well-being of residents.

# Chapter 9

## International assistance

The humanitarian and development response in Afghanistan is intrinsically linked to the geopolitical interests in the country (Atmar and Goodhand, 2002). The dynamics of the conflict were dramatically transformed as a result of US military involvement and the collapse of the Taliban regime in December 2001 (Atmar and Goodhand, 2002: 6). Since then, Afghanistan has experienced a broad spectrum of international assistance, including humanitarian and development aid. Many Afghans believe that the large volume of aid has generally been spent according to donor priorities or military objectives, and has lacked effective oversight, exacerbated corruption and failed to strengthen Afghan institutions (Waldman, 2008b; ICG, 2011a). More than a decade of large-scale international aid has had little tangible impact on the lives of the urban poor and displaced populations in Kabul. Partly this is due to the failure to keep up with the needs generated by rapid urban growth, but it is also related to larger problems in the way international aid functions in Afghanistan. As this chapter illustrates, aid interventions in Kabul are beset with difficulties and are failing to ensure adequate levels of assistance to displaced and other vulnerable populations in the city.

### 9.1 Humanitarian assistance

The deteriorating security situation and its impact on affected populations have forced international aid agencies and donors to reprioritise humanitarian issues in recent years (HPG interviews, 2011). Displaced populations in Kabul have become an increasingly important target group for some international humanitarian actors, in part because of a recognition of the scale of the displacement problem in the capital and, to some degree, because many international actors have not been able to access vulnerable populations in other parts of the country due to insecurity (HPG interviews, 2011).

A profiling exercise led by UNHCR was initiated in 2010, with the objective of identifying the different categories of inhabitants in informal settlements in the city, including returnees, IDPs and other urban poor. The aim was to assess levels of vulnerability to guide humanitarian interventions and efforts to support durable solutions (UNHCR, 2010). To date, acute needs have been identified in 43 illegal settlements, and these constitute the main focus of humanitarian interventions in the city (HPG interviews, 2010). Noting that many residents of these illegal settlements are internally displaced, the initial focus of international humanitarian interventions was on displaced populations. However, some humanitarian agencies have subsequently sought to avoid targeting based on displacement status and promote a focus on vulnerability (HPG interviews, 2011).

This shift is particularly important since the situation in these areas, as evidenced in this study, is extremely complex. Displacement is not always a principal determinant of vulnerability and the distinction between forced and voluntary movement to and within the city is often blurred. A vulnerability-based approach may also be helpful in addressing the longer-term problem of the proliferation of illegal and informal settlements and the desire of many residents, both recently displaced and those who have settled there for longer, to remain permanently. Certainly, there has been much discussion in the international humanitarian community in recent years on how to support local integration as an interim or permanent solution for those in protracted displacement in these areas. The de facto position of the central and municipal authorities, as noted throughout this study, is to actively discourage permanent settlement of these populations. However, it is hoped that focusing on vulnerabilities and not status (i.e. displaced, migrant, long-term resident) will help move the debate with the government forward (HPG interviews, 2011). Government engagement on this issue is crucial and key humanitarian actors have been debating how best to address the longer-term needs of displaced and other vulnerable populations in these areas through existing structures and with the support of international humanitarian actors, rather than creating parallel structures for delivering assistance.

International humanitarian assistance in informal settlements is discussed in a number of coordination fora. Of particular relevance is the Central Region Protection Cluster and IDP Task Force, chaired by UNHCR, which discusses protection threats in informal settlements and efforts to find a longer-term solution for their inhabitants. The KIS Taskforce was established in early 2010. Chaired by OCHA, this mechanism coordinates responses to humanitarian needs in the 43 sites identified by UNHCR. This forum was absorbed into the Central Region Protection Cluster in mid-2011, but was relaunched towards the end of the year to provide space for NGOs and UN agencies to discuss field-level coordination and make specific recommendations to relevant clusters (WASH, education, health, etc.).

The National IDP Task Force supports the implementation of the Refugee Returnees and IDP Sector Strategy within the ANDS and supports the search for durable solutions for IDPs nationally. Although it predates the implementation of the cluster approach in Afghanistan, it is now a sub-group of the Afghanistan Protection Cluster and is co-chaired with the MoRR. It is the main forum where government and international humanitarian organisations jointly debate and develop strategies for supporting residents of informal and illegal settlements in the capital. However, the MoRR is under-

staffed and under-resourced and its interaction with other ministries and humanitarian actors has not resulted in any coherent and agreed cross-government strategy to support durable solutions for people in the capital. One international respondent, referring to the MoRR, said that ‘one day they will categorise 100% of residents in one area as IDPs, the next they’ll say they [the residents] are lying about their status and are criminals. This makes it impossible to plan any strategy with the MoRR’ (HPG interviews, 2011).

Humanitarian interventions in Kabul cover a range of sectors, including water and sanitation, shelter, health, food security, education, protection and access to justice, livelihoods and land. Although there is much discussion within the humanitarian sector about supporting more recovery-oriented interventions, many humanitarian interventions are very short term and focus on responding to acute needs. In addition, despite the shift in rhetoric, in practice some agencies still identify beneficiaries on the basis of their displacement status, rather than their needs and vulnerabilities (HPG interviews, 2011).

The short-term nature of assistance is particularly evident in Charahi Qambar. The main areas of intervention are food rations, cooking oil, fuel and shelter assistance during the winter. Despite an acute need for more water pumps, interventions are restricted to delivering water to informal settlements on a daily basis, rehabilitating existing hand pumps and plastic storage tanks and distributing hygiene kits containing water purification tablets (ACF, 2010; HPG interviews, 2011). This short-term approach is directly related to restrictions imposed by the local authorities, as discussed earlier. There are, however, some efforts to develop more sustainable programmes. DRC launched a successful sustainable livelihoods programme in 2011 focusing on income generation, including the development of skills relevant to the urban economy (HPG interviews, 2011).

As indicated, current approaches to targeting vary. IOM, for example, conducted a survey of IDPs in District 5 in late 2010 to identify people in need of non-food items such as blankets. IDPs were identified on the basis of the cause of their displacement: a person displaced due to a sudden-onset natural disaster or conflict was considered an IDP, while those reporting being displaced due to climatic factors such as drought were not (HPG interviews, 2011). UNHCR meanwhile has developed guidance for identifying Extremely Vulnerable Individuals based on physical, mental and social criteria (UNHCR and World Bank, 2011), and UNHCR and UN-HABITAT have developed a programme to support people assessed as most at risk of re-displacement. This joint programme provides immediate humanitarian and protection assistance in informal settlements, whilst also exploring options for long-term resettlement in Kabul, in areas of origin or in a third location. This involves assisting households that choose to stay in Kabul to identify land on which the Municipality

will allow to them to settle, and the provision of a basic shelter assistance package worth \$850 per household (HPG interviews, 2011; UNOCHA, 2010b).

## 9.2 Development assistance

The ANDS, the national strategy launched in 2008, lays out a framework and objective for addressing the development needs of refugees, returnees and IDPs. It also retains the urban sector strategy developed in 2004 to manage rapid urbanisation (see Chapter 3). The United Nations Development Assistance Framework, which guides UN support to the ANDS and development interventions in the country, makes no explicit reference to urban development (UNDAF, 2010). Individual strategies have been developed by a number of actors, notably JICA in support of Kabul New City, and the World Bank and UN-HABITAT regarding tenure security and land titling (HPG interviews, 2011). The emergence of individual strategies may reflect the waning influence of the ANDS and the need to update and elaborate the broad objectives contained in the strategy.

International and national development actors do not participate in the humanitarian fora described above. The Urban Management Consultative Group (UMCG) provides the institutional framework for project coordination among development actors, and is tasked with assisting the MoUDH with policy and programme development, budget preparation and monitoring and evaluating projects. However, it is not clear how well this mechanism functions, and reportedly there are a number of practical constraints to effective development coordination and programme implementation (HPG interviews and correspondence, 2011). As discussed above, there is no clear delineation between the responsibilities of the MoUDH and those of the Municipality, and neither has any major say in financial allocations from the line ministries that provide services in these areas (HPG interviews, 2011). There is also a lack of coordination between the many donors and implementing organisations involved in the provision of services and infrastructure development in Kabul.<sup>14</sup>

## 9.3 Challenges to international assistance

The primary challenge facing humanitarian and development actors in Kabul is that the authorities have continued to oppose the provision of any form of assistance which might attract displaced populations and encourage them to settle permanently in informal and illegal settlements. International humanitarian responses are coordinated through the MoRR

<sup>14</sup> They are: the United Nations Assistance Mission in Afghanistan (UNAMA), the World Bank, the European Commission, UN-HABITAT, the governments of the United States, Japan, Sweden and Switzerland, the German Development Bank, international and regional organisations (such as the Aga Khan Development Network, Aga Khan Foundation, CARE, Bangladesh Rural Advancement Committee and Caritas Germany), as well as local non-governmental organisations, private contractors and a number of others engaged in construction and engineering projects (Beall and Esser, 2005).



and other relevant ministries, but many international aid actors interviewed in this study asserted that the MoRR and other ministries have, at various times, obstructed the provision of development and humanitarian assistance to communities in informal and illegal settlements, particularly in District 5 (HPG interviews, 2011). A second and related factor is the lack of authority invested in the MoRR, which is often seen as a marginal player. Many officials in the line ministries consider the presence of displaced populations in the capital as presenting a huge financial burden on their already stretched resources and are reluctant to support them. Thus, the position of these more powerful ministries with regard to displaced populations has effectively undermined the ability of the National IDP Task Force to develop and implement appropriate strategies.

The capacity of aid agencies to advocate for a shift in the government's approach has been limited by weak leadership. While UNHCR plays a lead role in Kabul and Afghanistan as a whole in coordinating strategies and interventions for IDPs, the institutional priority is by necessity the situation of refugees and returnees, for whom it has a formal legal mandate. A number of respondents highlighted the reluctance of previous Humanitarian Coordinators to raise issues of concern with the central or municipal authorities relating to the displaced and other urban poor in Kabul. This appears to be changing, with recent statements by the current DSRSR/RC/HC on the situation in Kabul seeming to indicate a shift in approach (Nordland, 2012). However, the lack of coordination between the humanitarian and development communities has meant that displaced people and the wider urban poor in Kabul have been overlooked.

Development actors have considered displacement a humanitarian issue to which humanitarian actors should respond. At

the same time, many humanitarian actors, including donors, do not consider the situation in these areas to be 'humanitarian' because these populations, including many of the displaced, have been resident for many years. Instead, they consider that a more long-term development approach is needed to address the underlying causes of chronic vulnerability (HPG interviews, 2011; Nordland, 2012). Many agencies also assert that the process of identifying vulnerabilities and responding appropriately is a major challenge, related in part to access and security constraints, and to the difficulties involved in determining the most vulnerable households amongst a large urban and chronically vulnerable population.

In general, international humanitarian donors have shown limited interest in supporting informal settlements in Kabul (HPG interviews, 2011). A small group of humanitarian donors (including OFDA and ECHO) are engaged at the Kabul level, but they are constrained by domestic political and foreign policy priorities. Although the majority of donor governments have committed to supporting humanitarian action according to the principles of Good Humanitarian Donorship, humanitarian funding in Afghanistan continues to be channelled to the provinces where international troops are deployed, or is distributed according to political and military objectives, rather than on the basis of assessed need (*ibid.*). 'In addition, humanitarian funding has continued to be small in comparison to the very high levels of military funding. In 2009, humanitarian funding was \$592.4 million compared with \$63.1 billion spent on foreign military operations – more than ten times the total spending on all international aid in that year' (Poole, 2011). There is also reluctance amongst many donors to engage strategically with the issue of forced displacement, largely because the main drivers of displacement are the direct and indirect effects of the ongoing conflict to which many of them are a party.



# Chapter 10

## Conclusions and recommendations

Displacement has been a key survival strategy for Afghans during the past three decades of conflict and political, economic and social upheaval. However, displacement to urban centres, particularly Kabul, has been a new phenomenon characteristic of the most recent period of conflict since 2001. With ongoing insecurity, weak rule of law, lack of access to land and livelihoods and limited access to basic services in many rural areas, this process of urbanisation looks set to continue. Many of those displaced to Kabul have clearly indicated their intention to stay. However, since the fall of the Taliban, the national authorities and the international community have failed to adequately prioritise urban planning in the capital, including land management, investment in services and service infrastructure, support to livelihoods and the economy and environmental protection. This failure has had a negative impact on the sustainable development and stability of the city, and has undermined the rights of displaced populations to a durable solution. With the process of urbanisation already well underway, and with the imminent withdrawal of international forces, effective management of urban growth is now critical. The corresponding impact on services, infrastructure, the economy, security and rule of law in the capital would be considerable.

Many of those who have settled in the informal and illegal settlements in Kabul have done so on the assumption that they will be more secure, more prosperous and better able to care for their families in the city than in their areas of origin. The reality has rarely matched these expectations. Although there are significant differences in experiences, many recently displaced households in Kabul's informal and illegal settlements are struggling to survive; on average, in the three districts considered in this study, the recently displaced live in extremely squalid shelters at risk from the elements and disease, with insufficient food, water and access to medical care. Many of those who have settled in the capital have done so in the hope that they would be able to access education for their children. Yet there are huge challenges, with security, lack of school places, poor-quality teaching and associated costs all impacting upon access for many children. Many of the recently displaced are also more economically vulnerable, concentrated in the lower wage sectors because they have neither the vocational skills nor the social contacts necessary in the urban economy. Many displaced residents interviewed in this study explained that they were effectively being denied a range of rights to land and property. Having lost land in their areas of origin, many have been unable to secure restitution of their property, are unable to purchase land and cannot afford the rising costs of rents in the better serviced areas of the city.

There are differing levels of vulnerability amongst recently displaced IDPs, such as those in District 5. Households from Pashtun areas in the south face the most formidable challenges. They rely more heavily on potentially harmful survival strategies such as child labour and dangerous or illicit income-generation activities. This community is also particularly exposed to discrimination related to their ethnicity, social status and perceived ties with the insurgency. Government actors and longer-term residents consider the presence of these communities in District 5 to be undermining stability in the city more widely. The findings of this report also challenge assumptions about the more positive experience of returnees. Whilst many may indeed have developed livelihood skills more relevant to the urban economy than internally displaced populations from rural areas, this is not always the case and many still face difficulties in securing employment.

It is also evident that the vulnerabilities of the wider urban poor in Kabul's informal and illegal settlements, including displaced populations, are complex, and that displacement is only one of a range of factors determining vulnerability. Many of the vulnerabilities outlined earlier are particularly prevalent amongst the recently displaced, but displacement has affected much of the population at one time or another and even the long-term residents of informal and illegal settlements face enormous challenges in the daily struggle for survival. Conversely, some displaced communities have been able to reduce vulnerabilities in a variety of ways, for instance by adapting their skills and taking advantage of patronage systems and ethnic, political and cultural ties to gain access to land or resources or to protect themselves from intimidation or harassment. In District 13, many recently displaced households have used their own resources to invest in community infrastructure, and in District 7 displaced households have provided accommodation to newly arriving IDPs.

Help from government or international actors has largely been absent, and displaced and longer-term residents interviewed in this study overwhelmingly relied on themselves and their communities for support and demonstrated little faith in formal governance, judicial and law enforcement systems and institutions in Kabul. For displaced populations, the reluctance of the authorities to recognise the right to locally integrate in Kabul is the principal obstacle to the achievement of a durable solution, affecting both recently displaced and longer-term residents alike. The motivations for this position are complex and difficult to identify, though economics, politics, ethnicity and security all play a part. Whatever the rationale, displaced and longer-term communities living side by side in informal and illegal settlements have been left without any significant government support or public services for many years, and

international actors have been severely restricted in the assistance that they have been allowed to provide.

Despite the growth of Kabul's population in recent years, government capacities, leadership and resources have remained weak. Land and urban planning is a major problem, compounding vulnerability amongst the recently displaced and the wider urban poor in the capital. Urban planning has failed to keep pace with the rapid population influx of the last decade. While the need to better manage Kabul's rapid growth is explicitly recognised in various policies and strategies, including the ANDS, implementation has been poor. Confusion persists at the working level over which government entity is actually responsible for leading urban planning in Kabul, with neither the various ministries involved in urban planning and housing nor the municipal government taking the lead. Despite the efforts of the UMCG, the coordination of international development efforts has been beset with problems. Although the 1978 Master Plan for Kabul is being updated, a wholly different approach to urban planning is needed. Longer-term, large-scale plans such as the proposal for the development of Kabul New City have not been sufficiently consultative and are unlikely to meet the needs of the urban poor and displaced populations. Complex and confused land management systems, laws and institutions have meant that many of the city's poorest residents are at risk of secondary displacement and insecurity of tenure is a significant challenge to the local integration of displaced populations and the sustainable and equitable development of the city more generally.

Vulnerability in this context is driven by a range of factors: economic status and skills, political or social affiliation, ethnicity, security and displacement status are all key determinants. The status of the settlement is also a key factor, with those residing in illegal settlements being the most vulnerable. Residents of Charahi Qambar in particular have settled without any form of customary or informal authorisation; due to the high value of the land and for security and other reasons, the government will not invest, or allow others to invest, in services or infrastructure in this area that would encourage further or more permanent settlement. In turn, since there are very few services or infrastructure in this area, only the poorest households have sought to settle there.

The primary challenge for the government in Kabul, and indeed in other urban areas of Afghanistan, is to ensure a sustainable approach to urban poverty and urban management whilst also ensuring that the specific needs of displaced populations are identified and addressed. As this study illustrates, the vulnerabilities of the displaced and other residents of the informal settlements are chronic. As such, a concerted and more holistic approach is required from the multiple stakeholders involved that seeks to address the underlying causes of vulnerability, whilst also ensuring capacity to respond to acute vulnerabilities as they arise. In particular, a fully consultative, rights-based approach is required to find a long-term solution for the most vulnerable households residing in the illegal settlements.

The scale of the challenge facing the government should not be underestimated and clearly international development and humanitarian actors have a critical role to play in supporting the central and municipal authorities in addressing these issues. Looking ahead to the situation post-2014, the transition to Afghan security control, the draw-down of international forces and the expected reduction in international investment and assistance all give cause for concern regarding the future security and stability of the country. Population inflows into the capital are likely to continue, and many of these households will seek refuge in informal and illegal settlements, placing further strain on existing services and infrastructure. In this context, appropriately addressing the needs of a growing, marginalised and highly vulnerable urban poor population should be a key priority for national and international actors alike.

### 10.1 Recommendations

Based on the findings of this research, HPG offers some preliminary recommendations to address the vulnerability of the recently displaced in Kabul.

#### *National authorities*

- The primary responsibility for displaced populations lies with the government of Afghanistan. The central authorities must demonstrate the political will to support the realisation of the right of displaced populations to a durable solution, including local integration, in line with existing international humanitarian, human rights and refugee law.
- The central and municipal authorities must also demonstrate the political will and coordinated leadership necessary to ensure appropriate responses to the rapid urbanisation of the capital and to address the displacement challenge.
- A coherent administrative and legislative framework for urbanisation, displacement and migration is urgently needed for the capital and nationally. Such a framework must be led by the central authorities and developed in consultation with the wide range of actors engaged in these issues, including government entities at all levels, NGOs, UN agencies, international donors and community leaders. Crucially, such a framework will need to adopt a more nuanced approach to displacement, where assessments, policies and responses are based on current needs rather than displacement status.
- The government and donor focus on urban development is positive, but not sufficient. The Kabul Metropolitan Development Cooperation Program contains several key initiatives, including replacing the 1978 Master Plan with a suitable planning document. The rights and needs of poor and vulnerable populations must be at the centre of such planning processes if the issue of informal settlements is to be effectively addressed. In particular, the managed relocation or regularisation of illegal settlements is critical to control the growth of these areas, but also to ensure an adequate standard of living for some of the poorest and most vulnerable households in the capital.

- National development programmes should be expanded and adapted to ensure that they meet the needs of displaced populations. Increased analysis of the needs of displaced populations within the National Solidarity Program, for example, could help empower these communities, better link them with government entities and services and enable the authorities to proactively address their needs through a community-based approach (such as improved sanitation or infrastructure).

#### *International donors*

- The international donor community should support government entities, at all levels, and aid agencies to work together to effectively reduce the vulnerability of the urban poor, including displaced populations.
- Donors, particularly those contributing troops to the International Security Assistance Force (ISAF), must adhere to the Good Humanitarian Donorship principles in their humanitarian programmes, ensuring that humanitarian aid is provided on the basis of need, rather than political or security priorities. In particular, this includes providing adequate resources to ensure the provision of humanitarian assistance to displaced populations in an impartial manner.
- Donors must urgently devote energy and resources to build the capacity of government entities at all levels to address the needs of the urban poor and in the area of urban management. They must pursue such initiatives in a way that focuses on outcomes for the urban poor and displaced populations, rather than capacity-building for its own sake. Increased financial investment at all levels of government is essential to upgrade existing services and infrastructure, and to facilitate the expansion of services to new and informal areas. The principle of equitable access to basic services should underpin such efforts. They must also take concrete measures to reduce corruption, to ensure that these resources are used effectively. Greater allocations to municipal and ministerial budgets together with efforts to regularise transfers to service and infrastructure providers on the ground will be important.
- Countries contributing troops to ISAF must make it mandatory for ISAF/Afghan National Security Forces (ANSF) to include the prevention and mitigation of internal displacement as part of their protection of civilians strategies, thereby ensuring a more comprehensive approach to mitigating the impact of hostilities on civilian populations. As the security transition progresses, the ANSF will take increasing responsibility for the prevention and mitigation of displacement. It is therefore crucial that ISAF also include these issues in its mentoring programmes for the ANSF.
- Donors must ensure sufficient and flexible resources for life-saving relief activities, including for those at risk of and affected by displacement.

#### *International humanitarian and development organisations*

- Greater coordination between humanitarian and development actors is required to ensure a more coherent and comprehensive international response to displacement in Kabul. While the initial post-displacement period is critical and often necessitates a humanitarian response, assistance after this period should be situated in a wider context of development-focused programming that allows for the identification of and appropriate support to the most vulnerable households.
- There must be an increased recognition of the diversity of displaced and other affected populations and the contexts within which they are situated. Understanding the political economy of informal settlements – such as the role of powerbrokers and political patronage in determining who gains access to services and resources and who does not – is critical to effectively addressing vulnerability and inequalities in these areas.
- Displacement in Afghanistan is driven by a complex mix of security, economic and other concerns, and international responses must seek to understand and mitigate these factors through their programming. Aid agencies must ensure an impartial approach to programming that prioritises needs and vulnerabilities as the basis for programme design and implementation.
- Targeted efforts are required to ensure that education programming addresses the unique vulnerabilities of displaced children. This includes addressing the need for child labour and providing support so that the most vulnerable children can attend school. The Community-Based Education Programme, which has helped expand access to education in remote and insecure areas, could potentially help vulnerable children (including girls who may be prohibited from attending mixed schools or ethnic minorities) access education through training local teachers within the community and creating or supporting community-driven schools.
- The right of Jogi children to attend school needs to be supported through measures that break down bureaucratic obstacles to providing identity documents to this group. There is also a critical need for education programmes for adults. Initiatives such as the literacy programme run in District 5 should be expanded.
- Increased access to vocational training and credit systems for the most vulnerable people in informal settlements is critical. Appropriate vocational training and job placement is important to combat unemployment among displaced populations, many of whom are concentrated in lower skilled, lower paying and often insecure jobs. These programmes must be based on assessments of the job market and must engage private sector actors at an early stage. Access to credit for small businesses or other income-generating activities could help displaced families to diversify their incomes over the long term and improve their economic security.



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