

## **AFGHANISTAN:**

# **Fighting in the south sets off new wave of displacement**

A profile of the internal displacement situation

22 December, 2006

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

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### **Internal Displacement Monitoring Centre**

Norwegian Refugee Council  
Chemin de Balexert 7-9  
1219 Geneva, Switzerland  
Tel.: +41 22 799 07 00  
idmc@nrc.ch

[www.internal-displacement.org](http://www.internal-displacement.org)

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## OVERVIEW

### Afghanistan: Fighting in the south sets off new wave of displacement

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*Fierce fighting between NATO troops and insurgents in southern Afghanistan has sent tens of thousands of people fleeing from their homes in a new wave of displacement. Although numbers are unverified, the government said that more than 20,000 families had been displaced due to the fighting in the provinces of Helmand, Kandahar and Uruzgan as of November 2006.*

*In addition to this new wave of displacement, some 132,000 people – most of them displaced since 2001-2002, remained in relief camps as of September 2006. Most are Kuchi nomads who were forced to leave their home areas due to drought, but appear to be prevented from return by a combination of factors, including protection concerns in return areas. During 2006, thousands of Pashtuns who were previously displaced from the north and west of the country after the overthrow of the Taliban government in 2001 were able to return home. Although accurate figures are not available due to limited access to the south, the total number of displaced in Afghanistan is estimated at around 270,000, as of November 2006.*

*Since 2002, over 485,000 internally displaced and millions of refugees residing in Iran and Pakistan have returned home. However, the increasingly volatile security situation in several areas, the lack of socio-economic progress, unemployment, drought and unresolved issues related to land and property rights make the returning population particularly vulnerable. Renewed displacement due to economic hardship is not taken into account in official IDP figures. The massive growth of urban slum areas might hide significant numbers of returnees who have found it impossible to reintegrate in their former home areas.*

*The risk of further displacement has increased in some parts of the country due to conflict and drought. This has also necessitated humanitarian assistance to the affected populations. At the same time, a successful reintegration of the internally displaced and refugees who have returned necessitates a massive long-term effort from both national and international actors in order to prevent a return to the chaotic and turbulent past.*

### Background

Displacement has been a constant feature of the political turmoil in Afghanistan over the past few decades. The overthrow of the monarchy, the invasion and subsequent withdrawal of Soviet forces, the short-lived Mujahideen government and the rise and fall of the radical Islamic Taliban rule each produced new waves of refugees and internally displaced people.

The present situation in Afghanistan reflects a blend of conflict, post-conflict, humanitarian, and development characteristics. In Kabul and in the north, security is not a serious issue and the legitimacy of the government is broadly accepted. In the most insecure areas of the east and south, agencies are either absent or have to operate through local actors (Donini, p 18).

The presence of thousands of Western troops has failed to bring stability to parts of the country. An upsurge in violence in the south, south-east and east of Afghanistan during 2006 reflects both growing opposition to President Hamid Karzai and his government and intensified fighting between NATO-led forces and insurgent groups. An increasing number of attacks by so-called



anti-government elements – mainly a growing number of groups reportedly linked to the Taliban, al-Qaeda, Gulbuddin Hekmatyar's Hezb-i-Islami, and others – have intensified a climate of lawlessness and insecurity for the local population in some areas.

More than 3,000 people, mainly militants, had been killed as of October 2006 and the rate of casualties has increased four-fold compared to 2005. NATO reports that bomb and suicide attacks have killed more than 1,000 Afghan civilians during 2006 and schools are increasingly targeted. An estimated 400,000 students are affected as their schools have chosen to close due to threats and intimidations (BBC, 13 November 2006; UNICEF, 9 November 2006; IRIN, 26 October 2006; UNGA, 11 September 2006).

Admitting that parts of Afghanistan were a long way away from a post-conflict scenario, the UN Secretary-General said in his report to the UN General Assembly that "at no time since the fall of the Taliban in late 2001 has the threat to Afghanistan's transition been so severe" (UNGA, 11 September, para.4). In order to assess whether the international community's efforts in Afghanistan were on track, the United Nations Security Council members visited the country in mid-November 2006. Re-peating to the Council, the head of the mission, Kenzo Oshima, concluded that without determined efforts by its Government and sustained international support over the long haul, there was no guarantee that the country would not slide back towards broad conflict (UNSC, 7 December 2006).

Although the insurgency is now at a new level, declining security has hampered relief and reconstruction activities ever since the Taliban regime was overthrown in late 2001. While presidential elections in October 2004 confirmed President Karzai in his position and parliamentary elections in September 2005 were held in compliance with the Bonn Agreement, important problems of security and legitimacy have persisted. Many of those who stood for election were former warlords and while the general population appeared willing to give them a chance at power, their poor performance to date has been met with growing popular disillusionment and accusations of war crimes and crimes against humanity.

Although UNAMA reports that the situation is improving in three quarters of the country (IRIN, 7 December 2006; UN News Service, 27 April 2006), lack of socio-economic progress has also fuelled dissatisfaction. Today, one in four Afghan children dies before their fifth birthday, more than half of the population are thought to live on below \$1 a day and around 20-40 per cent of rural Afghans are malnourished (DFID, 10 November 2006, p.5).

Adding to the numerous challenges facing the Afghan government is a long-lasting drought, especially affecting north-western Afghanistan. Water shortage is a critical issue, affecting the population in more than half of the provinces, particularly in the south and east (BAAG, August 2005). The Afghan government and the UN issued a joint drought appeal on 22 October 2006. As of November 2006, more than half of the country is in need of humanitarian intervention due to violence and drought according to NGOs working in Afghanistan (NRC, 14 November 2006).

### **Tens of thousands have fled fighting in 2006**

The upsurge of fighting in southern Afghanistan during 2006 has compelled tens of thousands of people to flee their homes to seek temporary refuge with relatives and friends in neighbouring villages, districts and provinces. In some places where insecurity has persisted, such as in the Panjwai district of Kandahar, displacement has been prolonged as the security situation has not improved. Some 10,000 families are known to have been displaced from this area (UNHCR, 3 December 2006).

Displacement has also taken place in other provinces. Unverified estimates say fighting has displaced some 20,000 families in the southern provinces of Helmand, Kandahar and Uruzgan between July and November 2006 (UNICEF, 9 November 2006; UNHCR 5 October 2006; UNHCR, September 2006). More than 500 civilians are reported to have been killed in the fighting since July 2006 (NRC, 14 November 2006). The Afghan Ministry of Rural Rehabilitation and Development (MRRD) has set up Disaster Management Committees in the affected provinces to co-ordinate relief efforts (UNAMA, 30 October 2006).

Apart from this new wave of displacement due to fighting in the south, UNHCR, as of September 2006, assisted 132,000 people displaced since 2001-2002 from other causes. The majority live in IDP-camps in southern Afghanistan (UNHCR, September 2006). Most of the displaced are Kuchi pastoralists who were forced to abandon their way of life when they lost their livestock due to a drought which lasted for four consecutive years. They constitute the largest single group of displaced people in Afghanistan. The remaining displaced are ethnic Pashtuns who were perceived as being supporters of the Taliban. They fled harassment and human rights violations in the northern regions after the overthrow of the Taliban by a US-led coalition in late 2001 (BAAG, October 2006).

According to UNHCR, the subsistence needs of the displaced living in camps and who have been displaced for several years are largely met. The conditions regarding water and sanitation in camps are reported to be above the national average. Many have also achieved self-reliance in the places of displacement. More updated information on living conditions for internally displaced has not been found for this report, mainly due to lack of access to the areas where the displaced reside.

### **Humanitarian access**

The security situation varies from place to place across the country, with Kabul and the north being relatively stable and the south-western parts being particularly affected by insecurity.

After international staff became open targets for insurgent groups, most aid is distributed by local employees. Since January 2006, more than 30 Afghan staff working for international NGOs have been targeted and killed while carrying out humanitarian work (IRIN, 16 November 2006).

In areas where the UN and other agencies do not have access due to the security situation, the Afghan Red Crescent Society (ARCS) is the main organisation carrying out relief efforts. ARCS has been the main provider of assistance to families displaced due to fighting in Kandahar, Uruzgan and Helmand. The Afghan Independent Human Rights Commission (AIHRC) monitors the human rights situation in several areas which are inaccessible for international organisations (UNHCR, 3 December 2006).

### **Many displaced opt for local integration, return rates are low**

Since 2002, over 485,000 internally displaced and 3.7 million refugees residing in Iran and Pakistan have returned home with the assistance of UNHCR. In addition, more than one million refugees and an unknown number of IDPs settled outside camps have returned spontaneously without any assistance.

During 2006, only 7,200 internally displaced have returned (UNHCR, September 2006). It is likely that many internally displaced have chosen to remain in the camps instead of returning to an insecure future and difficult socio-economic conditions in their home areas.

The majority of the Kuchi displaced have opted to stay in the camps where access to education, health and food is comparatively much better than in their home areas. During 2007, UNHCR has vowed to advocate for local integration of the internally displaced who remain in southern Afghanistan (UNHCR, September 2006). UNHCR is also planning a pilot project to facilitate return of a limited number of Kuchis to their place of origin in 2007.

The large majority of those who have chosen to return during the past two years are ethnic Pashtuns from Zar-e-Dasht, who are going back to the north of the country. Although ethnic-based persecution of Pashtuns in their home areas is less of a concern today, certain protection problems have been reported such as threats of illegal taxation and land occupation (UNHCR, September 2006; September 2005).

Protection concerns for returning Kuchi nomads have also been reported due to conflicts with Hazara (central and eastern provinces), and Tajiks and Uzbeks (northern provinces) over pasture land. Some have also been accused of being associated with the former Taliban regime. Those Kuchi continue to face difficulties with access to grazing lands (USDOS, March 2006, 28 February 2005).

### **Lack of opportunities in return areas perpetuates displacement**

No recent IDP-specific information has been found about assistance provided to internally displaced once they have returned. Ongoing development projects in return areas by aid actors as well as work by NATO run Provincial Reconstruction Teams (PRTs), which are joint civil-military units deployed throughout most of Afghanistan, are likely to benefit many returnees.

In general, the biggest challenge meeting Afghan families when they return home is the widespread poverty in their home areas. Most of those who returned to Afghanistan during 2002 and 2003, as well as many internally displaced, headed for Kabul and the main cities. While the absence of economic opportunities in rural areas and the reality of urban migration suggest that this trend will continue, the absorption capacity of urban areas, in particular Kabul, is reaching its limits (AREU, 2 November 2006). Since late 2001, Kabul's population has increased from 1.5 million to an estimated 4.5 million people. During the same period, the physical size of Kabul has expanded by only 35 percent (USAID, 3 May 2006).

The massive growth of urban slum areas might hide significant numbers of returnees who have found it impossible to reintegrate in their former home areas and ended up in a situation of renewed internal displacement. The Afghan Independent Human Rights Commission (AIHRC) concludes in a study that a lack of basic economic and social rights is the primary cause of ongoing displacement and the main obstacle to durable integration of internally displaced persons (AIHRC, May 2006).

### **Lack of access to property threatens sustainability of returns**

Landlessness, or the loss of land and housing during displacement, is often a major obstacle to return and a cause of renewed displacement. To benefit from the assistance of most shelter projects, the returnee must either hold title deeds to land or get his community to vouch for him. Many refugees and internally displaced are returning to places where they have no land and this is placing a strain on already overstretched resources in villages. Given the importance of land ownership in the process of income generation and as a prerequisite for receiving shelter assistance, this has often been the main reason for why many returns have been unsustainable.

Another common problem is that owners find land and houses occupied or confiscated upon return. Multiple property claims, the loss of registration books and forgery of documents add to the complexity of the issue. The Special Property Disputes Resolution Court, established in 2003, has significant flaws, one of which is that it does not address disputes involving internally displaced (NRC, September 2005). It is to be hoped that increased attention to land issues will contribute to enforcing the right of returnees (refugees and internally displaced) to access land and property, independent of the influence of powerful local individuals who tend to prevent the most vulnerable, in particular unaccompanied women and those outside local social and political networks, from enforcing their claims (NRC, March 2005; NRC, June 2004, p.3). Social networks are crucial to get protection, but also for accessing land. Group returns are now being encouraged by aid agencies as they make it easier for community groups to protect themselves, including by overcoming some of the significant challenges to finding durable solutions.

The Afghan government and humanitarian agencies have also recognised the immediate need for shelter for returning refugees and internally displaced as a pivotal means to make returns sustainable. Shelter construction is an ongoing and central activity of UNHCR (UNHCR, Shelter, September 2005) and of many local and international NGOs. The government and UNDP operate a National Area-Based Development Programme (NABDP) which includes shelter programmes and training for the government for operating land allocation programmes (UNDP Afghanistan website). The government land-allocation scheme has distributed property to thousands of landless Afghans who have been repatriated to northern and eastern Afghanistan (UNHCR, September 2006).

### **National and international assistance to internally displaced**

The government of Afghanistan has generally acknowledged the problem of internal displacement and has taken measures to address the issue. In addition to a National Return, Displacement and Reintegration Strategy adopted in 2003, the government issued an IDP strategy in July 2003, followed by a Regional Operation Plan for internally displaced in the south in October 2003. The overall strategy is aimed at finding durable solutions to the remaining number of displaced while continuing to provide assistance and protection within a timeframe of three years (MoRR and MRRD, October 2003, pp.5-6). The Ministry of Refugees and Repatriation (MoRR) has overall responsibility for the returnee and IDP programme but is supported in its work by the Consultative Group on Refugees and IDPs. This group consists of the relevant government ministries, UN agencies, NGOs and donors and its function is to support the MoRR in coordinating and facilitating work related to the return and initial reintegration of refugees and internally displaced. Other ministries involved include the Ministry of Rural Rehabilitation and Development (MRRD) and the Ministry of Urban Development and Housing (MUDH), which assume responsibility for the reintegration of internally displaced within their respective geographic and programme areas (TISA, March 2003, p.4). Some of MRRD's programmes, such as the National Solidarity Programme, target returning internally displaced where they fall under the category of vulnerable groups.

In April 2004, a National IDP Plan was developed by the MRRD. The plan encourages a shift from care and maintenance to promoting the return of internally displaced to their areas of origin while ensuring reintegration and coexistence with receiving communities (MRRD, April 2004).

All UN humanitarian and human rights functions are integrated into the UN Assistance Mission in Afghanistan (UNAMA). However, the primary role of the UN in Afghanistan today is to provide government support. The circumference of UN involvement is presently curtailed to Kabul and some other major city centres. The upsurge of violence in the south and the current drought has led NGOs and some governments to stress that UNAMA's humanitarian coordination capacity and field presence needs to be strengthened.

Among the international community, UNHCR has the main responsibility for Afghanistan's internally displaced. It's role is to support MRRD in assisting internally displaced and integrating needs of returnees into longer-term national development projects (UNHCR, 3 December 2007).

The most pressing problems for internally displaced and returnees in Afghanistan are linked to land issues, the lack of infrastructure, the absence of job opportunities and sources of income. Greater social service delivery is needed throughout the country, including in the relatively stable north, if refugees and internally displaced are to return home voluntarily, in safety and in dignity. Massive long-term investment will be needed from both national and international aid actors in order to build a basis on which durable solutions can be achieved. However, the drought and recent displacement in southern Afghanistan has also shown that thousands are still in danger of being displaced from their homes and that national and international actors must continue to monitor and ensure assistance to displaced populations in the country.

# CAUSES AND BACKGROUND

## General

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### General characteristics of land and people

- Afghanistan has a long history of internal strife due to its geographical and ethnic fragmentation

#### **FAS September 1998:**

"For decades, Islamic movements, communists and tribal warriors have struggled for control of a nation that is geographically and ethnically fragmented. Afghanistan is still largely a tribal society, divided into many tribes, clans and smaller groups. Considerable variation in the types of terrain, and obstacles imposed by high mountains and deserts, account for the country's marked ethnic and cultural differences. Muslims comprise 99 per cent of the population of Afghanistan, approximately 80 per cent of them Sunni and the remainder Shi'a followers. The Shi'a minority is concentrated in central and western Afghanistan.

The Pashtuns (also called Pathans) are the largest single ethnic group constituting some 40% of the population of Afghanistan. They are predominantly Sunni Muslims and live mainly in the center, south and east of the country. The British-drawn Duran Line of 1893 demarcated the border of modern-day Pakistan and Afghanistan with little or no thought to the Pashtun people who lived on either side.

The Tajiks are the second largest group, whose language is Persian. Most of them are Sunni Muslims, but Shi'a Muslim Tajiks are also found in the West of the country (around and in the city of Herat), and in Kabul.

The Hazaras are of Eastern Turkic origin and followers of the Shi'a Muslim confession using Farsi as their lingua franca.

The Uzbeks and Turkomans are followers of the Sunni Muslim tradition and are ethnically and linguistically Turkic.

Other Afghan Turkic groups include the Kypchak, Kazakh, Aimaq, Wakhi and Kirghiz. The Nuristanis live in the middle of the Hindu Kush mountain range in four valleys, with each valley having its own district language/dialect - Kati, Waigali, Ashkun and Parsun. The Baluchis and Brahuis practise Sunni Islam and their languages are Brahui and Baluchi."

See also this ethnolinguistic map of Afghanistan:

Source: Perry-Castaneda Library Map Collection

## Political background

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## **War and internal turmoil: 1973-2001**

**Farr, G. 1 September 2001 pp. 120-123:**

"Although its history is marked by international wars and internal conflict, Afghanistan was a united and relatively peaceful country until 1973. Governed by a constitutional monarchy, post-World War II Afghanistan, while among the world's poorest nations, was the site of large projects funded by the United States Agency for International Development (USAID), Soviet foreign aid assistance, and other development projects that seemed to be propelling the country slowly forward. By the early 1970s, a small middle class of largely Western-educated intellectuals and professionals emerged to assume leadership positions and push for social and political change. The influence of this segment of Afghan society was, however, confined primarily to the capital, Kabul.

This period ended in 1973 when Mohammed Daoud Khan, a cousin of Afghan ruler Zahir Shah, overthrew the monarchy and created a national republic. The rise of Daoud Khan's government in 1973 marked the end of the post-War era of stability and the beginning of almost three decades of violence.

The Republic survived only five years. In 1978, a small group of Marxists seized power, but its ideology was not well received in Afghanistan, particularly among tribal leaders and the Islamic clergy. Armed resistance erupted in many rural areas as local traditional leaders rejected the Marxist call for such changes as land reform and the emancipation of women.

By 1979, much of Afghanistan was in open revolt and the collapse of the Marxist government appeared imminent. But in late December 1979, the Soviet army entered Afghanistan to support the government. Afghanistan exploded in revolt. What had been a civil war became a war against foreign occupation. From 1980 to 1989, Afghanistan was plunged into a full-scale resistance war against some 100,000 Soviet troops. The resistance was led by various fundamentalist Islamic organisations based in Pakistan and generously financed by Islamic nations and the West, including the United States.

During this period, over five million Afghans fled to Pakistan or Iran, creating the largest refugee population in the world at that time. These refugees included pastoral nomads, peasant farmers and much of the new middle class. Over one million men were killed in the fighting, creating a large population of widows and female-headed households.

When the Marxist government fell in 1992, the Islamic resistance groups swept triumphantly into Kabul and other major cities. They attempted to create a national government in Kabul based on a loose and unworkable pact among the resistance parties. Afghanistan was ruled for one year by a compromise president, Sheikh Mujadidi, a progressive but ineffectual resistance leader. In 1993, Professor Burhanuddin Rabbani was selected to lead the country in what was supposed to be a revolving presidency among the various militia commanders. The presidency, however, never revolved; Professor Rabbani, a Tajik, ruled until the Taliban threw him out in 1996. President Rabbani's control of Afghanistan was tenuous and at times did not even include all of the capital itself, let alone the rest of the country.

Outside of Kabul, militia warlords carved much of Afghanistan into private fiefdoms based largely on traditional ethnic and tribal divisions. The militias that had fought together against the Soviet army now turned on each other. Pushtun commanders threatened Kabul from the south; Hazara resistance groups held parts of Kabul itself, including the area around the university; and Kabul was bombed more than once by Uzbek groups in the north. The country was again mired in sectarian conflict.

Refugees began returning to Afghanistan from Pakistan and Iran in 1992. Both asylum countries exerted strong pressure on the refugees to return since, as far as they were concerned, the war that had created the refugees was over. In addition, a change in government in Pakistan led to increased pressure on Islamabad to end the 'refugee problem' in Pakistan. Pakistan closed camps, offered incentives to the Afghan refugees to return to Afghanistan, and tried several times to close the border to Afghans seeking entry into Pakistan. But since fighting erupted again, repatriation was largely unsuccessful; many of those who tried to return were forced to leave again as the fighting intensified.

By the mid-1990s, a large internally displaced population had developed. Relief agencies opened several camps for the displaced in the Jalalabad area. Other camps were opened in the area around Mazar-i-Sharif in the north and in Herat in the west, near the Iranian border. These camps housed over 400,000 displaced persons.

Out of this political chaos, a new ultraconservative Islamic movement began to assert control. Called the Taliban, meaning religious students, a group of *madrassa* (Islamic school) teachers and their students seized the southern city of Kandahar and the surrounding provinces in October 1994 (Rubin, 1999). The Taliban appeared to offer Afghanistan a new Islamic movement, free of the corruption and infighting found in the so-called Islamic government at that time. But their unstated goal was to return Afghanistan to Pushtun rule: most of the Taliban leaders are Pushtun and their movement received much of its support from Pushtun leaders in the Pakistani government.

In the beginning, most non-Pushtun areas of the country resisted the Taliban movement; but by 1998, the Taliban had gained control of most of Afghanistan, including Kabul, and seized control of the government. In the Taliban's push to power, thousands of combatants and civilians were killed. Only small areas in the north and the central mountains remained outside of Taliban control in late 2000."

### **The fall and resurgence of the Taleban (2001-2006)**

#### **Wikipedia, as of October 2006:**

"On September 20, 2001 after an investigation by the FBI the U.S. concluded that Al Qaeda and Osama bin Laden were behind the September 11, 2001 attacks [in New York].

[...]

The Taliban rejected this ultimatum on September 21, 2001, stating there was no evidence in their possession linking Bin Laden to the September 11 attacks[...].

On September 22, 2001, the United Arab Emirates and later Saudi Arabia withdrew their recognition of the Taliban as the legal government of Afghanistan, leaving neighboring Pakistan as the only remaining country with diplomatic ties. On October 4, 2001, it is believed that the Taliban covertly offered to turn bin Laden over to Pakistan for trial in an international tribunal that operated according to Islamic shar'ia law[...]. Pakistan is believed to have rejected the offer. On October 7, 2001, before the onset of military operations, the Taliban made an open offer to try bin Laden in Afghanistan in an Islamic court[...]. This counter offer was immediately rejected by the U.S. as insufficient.

Shortly afterward, on October 7, 2001, the United States, aided by the United Kingdom and supported by a coalition of other countries including several from the NATO alliance, initiated military actions, code named Operation Enduring Freedom, and bombed Taliban and Al Qaeda related camps[...]. The stated intent of military operations was to remove the Taliban from power because of the Taliban's refusal to hand over Osama bin Laden for his involvement in the September 11 attacks, and disrupt the use of Afghanistan as a terrorist base of operations[...].

[...]



The ground war was mainly fought by the Northern Alliance, the remaining elements of the anti-Taliban forces which the Taliban had routed over the previous years but had never been able to entirely destroy. Mazari Sharif fell to U.S.-Northern Alliance forces on November 9, leading to a cascade of provinces falling with minimal resistance, and many local forces switching loyalties from the Taliban to the Northern Alliance. On the night of November 12, the Taliban retreated south in an orderly fashion from Kabul.

[...]

By November 13 the Taliban had withdrawn from both Kabul and Jalalabad. Finally, in early December, the Taliban gave up their last city stronghold of Kandehar and retired to the hilly wilderness along the Afghanistan - Pakistan border, [...]."

#### **USDOS, Background note, May 2006:**

"Afghan factions opposed to the Taliban met at a United Nations-sponsored conference in Bonn, Germany in December 2001 and agreed to restore stability and governance to Afghanistan--creating an interim government and establishing a process to move toward a permanent government. Under the "Bonn Agreement," an Afghan Interim Authority was formed and took office in Kabul on December 22, 2001 with Hamid Karzai as Chairman. The Interim Authority held power for approximately 6 months while preparing for a nationwide "Loya Jirga" (Grand Council) in mid-June 2002 that decided on the structure of a Transitional Authority. The Transitional Authority, headed by President Hamid Karzai, renamed the government as the Transitional Islamic State of Afghanistan (TISA). One of the TISA's primary achievements was the drafting of a constitution that was ratified by a Constitutional Loya Jirga on January 4, 2004."

#### **Hayes and Brunner, October 2006:**

"While many of the Taliban's most radical leaders and supporters were killed, taken prisoner, or fled the country, many former Taliban returned to their homes and continue to work for the Taliban's goals. The Taliban leader, [Mullah Omar](#), has continued to elude capture.

In 2003, after the United States shifted its military efforts to fighting the war in Iraq, attacks on American-led forces intensified as the Taliban and al-Qaeda began to regroup. President Hamid Karzai's hold on power remained tenuous, as entrenched warlords continued to exert regional control.

[...]

In 2005 and 2006, the Taliban continued its resurgence, and 2006 became the deadliest year of fighting since the 2001 war. Throughout the spring, Taliban militants infiltrated southern Afghanistan, terrorizing villagers and attacking Afghan and U.S. troops. In May and June, Operation Mount Thrust was launched, deploying more than 10,000 Afghan and coalition forces to the south. In Aug. 2006, NATO troops took over military operations in southern Afghanistan from the U.S.-led coalition, which put a total of 21,000 American troops and 19,000 NATO troops on the ground. In September NATO launched the largest attack in its 57-year history.

[...]

After five years as Afghanistan's leader, President Hamid Karzai still has only marginal control over large swaths of his country, which is rife with warlords, militants, and drug smugglers. The Taliban now funds its insurgency through the drug trade, and in 2006 Afghanistan's opium harvest reached record levels, increasing by 50% and representing 92% of the world's opium supply."

#### **UNGA, 11 September 2006:**

"2. Since my previous report (A/60/712-S/2006/145), [in March 2006] the most significant development in Afghanistan has been the upsurge in violence, particularly in the south, south-east and east of the country. Security has, once again, become the paramount concern of a majority of Afghans. It is estimated that over 2,000 people, at least one third of them civilians, have lost their lives in the fighting since the start of 2006. This represents a three- to four-fold

increase in the rate of casualties compared to 2005. The number of security incidents involving anti-Government elements has increased from fewer than 300 per month at the end of March 2006 to close to 500 per month subsequently.

3. The growing number of casualties in the south can be attributed both to a rise in anti-Government attacks and to a corresponding increase in offensive military operations being conducted by the Afghan National Army and its international partners (see “Afghan security forces” and “International Security Assistance Forces” below). In the south-east, where major military operations are only just getting under way, insurgent activity has been conducted largely unchecked. Suicide attacks continue to be a highly emotive issue and are widely reported in the international media. The phenomenon is now well established in Afghanistan. The number of suicide attacks already stood in mid-August at 65, against 17 such incidents during all of 2005.

4. While previous reporting periods have been marked by progressive and significant deteriorations in the security situation, the recent upsurge of violence represents a watershed. At no time since the fall of the Taliban in late 2001 has the threat to Afghanistan’s transition been so severe. In recognition of the gravity of the situation, President Hamid Karzai convened Afghan security forces, their international counterparts, some representatives from Member States with a significant troop presence in the south and UNAMA to produce a shared assessment of the sources of instability. A high degree of consensus emerged from these consultations regarding the nature of the conflict. In addition to a quantitative spike in their activities, a qualitative shift was detected in the operations and coordination of the insurgent forces’ intent on overthrowing the Government through violent means.

[...]

25. The final reintegration portion of the disarmament, demobilization and reintegration process in Afghanistan was completed on 30 June. Over 63,000 former combatants were disarmed, some 62,000 were demobilized and almost 56,000 of them took advantage of one of the reintegration packages on offer to them.

26. The main phase of the disbandment of illegal armed groups (DIAG) programme was launched in five provinces — Kapisa, Hirat, Farah, Takhar and Laghman — between 1 May and 7 June 2006. In spite of widespread popular support for the programme and the commitment shown by some concerned ministries and officials of the central Government, compliance to date has been disappointing, with few commanders willing to take part in the programme.

27. Although the programme aims not merely to disarm, but also to disband armed groups, the number of weapons relinquished by illegal armed groups and government officials linked to illegal armed groups serves as an indicator of the overall rate of compliance. A total of 137 commanders and 42 government officials linked to armed groups were issued notification letters since the formal launch of the programme; of those, 41 commanders and 16 officials have surrendered a total of 616 weapons — a figure far short of the 23,200 estimated by the Joint Secretariat of the Disarmament and Reintegration Commission. The quality of weapons submitted, moreover, has been disappointing; just under half of those handed over in Kapisa, for example, were assessed as serviceable.

28. By far the largest impediment to the implementation of the disbandment of illegal armed groups programme has been mounting alarm over the insurgency in the southern provinces. Across the north and central highlands, community leaders who are otherwise strongly supportive of the programme have raised concerns about a possible Taliban push beyond the south, south-east and east and the capacity of the Afghan national security forces to protect them. Many commanders have exploited those fears to avoid dismantling their armed groups. At the same time, increasing rumours about authorized pro-Government militias in some areas have fuelled perceptions of a double standard in programme implementation."

**SAIR, 23 October 2003:**

"A quick overview of recent developments in Afghanistan is edifying. More than 3,000 people had already been killed across the country in 2006, by October 10, according to an *Associated Press* count; this is more than twice the toll for the whole of 2005. Coalition fatalities in 2006 touched

172 by October 10, far exceeding the 130 coalition soldiers killed through 2005. Taliban attacks have also become the more lethal, with an increasing number of suicide bombings decimating top Afghan officials, including associates and appointees of the beleaguered President Karzai. Year 2006 has already witnessed 91 suicide attacks in Afghanistan, with at least one every week, up from 21 suicide attacks in 2005, six in 2004, and just two in 2003, when the first such attacks in the country occurred.

[...]

The Pakistan-Taliban strategy is clearly to deny access and disrupt the operation of Coalition and Government Forces and officials, undermining the administration and relief efforts even in secure areas, to bring both Kabul and the international Coalition to its knees – as has been the case with British Forces at Musa Qala, a key forward base in the Helmand province, who were forced into a humiliating ‘agreement’ with ‘tribal elders’ who “approached the Afghan government to negotiate a ceasefire between British forces and the Taliban in the area”.

### **Parliamentary elections in September 2005 (May 2006)**

- In September 2005, 6.4 million Afghans participated in elections for the Lower House of the National Assembly and 34 provincial councils
- The National Assembly was convened on 19 December 2005

### **USDOS, May 2006:**

"On October 9, 2004, Afghanistan held its first national democratic presidential election. More than 8 million Afghans voted, 41% of whom were women. Hamid Karzai was announced as the official winner on November 3 and inaugurated on December 7 for a five-year term as Afghanistan's first democratically elected president. On December 23, 2004, President Karzai announced new cabinet appointments, naming three women as ministers.

An election was held on September 18, 2005 for the “Wolesi Jirga” (lower house) of Afghanistan's new bicameral National Assembly and for the country's 34 provincial councils. Turnout for the election was about 53% of the 12.5 million registered voters. The Afghan constitution provides for indirect election of the National Assembly's “Meshrano Jirga” (upper house) by the provincial councils and by reserved presidential appointments. The first democratically elected National Assembly since 1969 was inaugurated on December 19, 2005.”

### **UNGA, 3 March 2006:**

2. Over the past six months, the political transition provided for under the Bonn Agreement was completed with the elections for and inauguration of the country's new National Assembly.

[...]

3. On 18 September 2005, some 6.4 million Afghans, representing a little over 50 per cent of registered voters, went to the polling centres to elect representatives to the Lower House of the National Assembly and the 34 provincial councils. Despite fears that violence would disrupt the process, especially given the trend of attacks in the preceding months, which included the murder of eight candidates, the security incidents that took place on election day did not significantly affect the polling. However, the counting and complaints process that followed took place in a climate of tension and distrust. This was in part due to the complexities of the process, and especially to the large number of candidates who required voluminous and sometimes confusing ballots. More significantly, the tension was fuelled by thousands of defeated candidates, many of whom were reluctant to acknowledge their electoral defeat.

### **ICG, 15 May 2006, pp. 2,4,7:**

"Under the Bonn Agreement,<sup>1</sup> the interim[...] and transitional periods[...] invested nearly all powers in an executive, which has been led by President Karzai. The Constitutional Loya Jirga of December 2003-January 2004 further agreed to a presidential system, as sought by Karzai and

his international backers.[...] Although last minute negotiations produced a provision that efforts should be made to hold simultaneous presidential and National Assembly elections, they were conducted nearly a year apart.[...] This complicated a number of constitutional provisions and created a backlog of work for the new legislature.

**[Footnote]** 1 The Agreement on Provisional Arrangements in Afghanistan Pending the Re-Establishment of Permanent Government

Institutions, commonly referred to as the Bonn Agreement, was endorsed by the United Nations Security Council on 7 December 2001. It aimed for the transition to democratic institutions to be complete by June 2004 but the tight deadlines slipped almost from the start. Even now, constitutional arrangements have not been fully met, as claimed in the new “Afghanistan Compact, Building on Success: The London Conference on Afghanistan”, 31 January-1 February 2006.

[...]

The Wolesi Jirga and Provincial Council elections were held on 18 September 2005, in a generally peaceful environment, without major security incidents on the day,[...] although seven pro-government clerics, five electoral workers and seven candidates[...] were killed during the campaign period. Altogether some 6.4 million voters[...] and 2,835 candidates[...] took part in one of the most complex post-conflict elections ever held.

However the turnout was down from 8.1 million for the presidential election in 2004, even though many more refugees had returned in the interim. There was a palpable air of disillusionment just a year after the presidential poll that no democracy dividend had yet been paid. Particularly striking was a 34 per cent turnout in Kabul that was more comparable with the southern provinces where security was worst. Many well-known figures from the unhappy past stood in the capital, and many voters, it seems, preferred to stay at home.

[...]

As the Joint Election Management Body (JEMB) pointed out, the September election had all the difficulties to be expected in a post-conflict environment. Allegations of irregularities surfaced after the poll, with counting proving more controversial and difficult than anticipated. Among other factors, the JEMB pointed the finger at the 5,000 losing candidates as well as the thousands of often young and ill-trained political agents for misunderstanding the process. However, the European Union Election Observation Mission to Afghanistan (EUEOM), while praising the elections as “an accomplishment”, noted that “irregularities and fraud cast a shadow over the integrity of the elections in a number of provinces”.[...] While the election was an important landmark, such issues – particularly proxy voting by men for women – need to be honestly addressed and lessons learned and applied next time.

By the time the National Assembly was convened on 19 December 2005, however, protests had faded and the new institution was greeted with some excitement and anticipation. President Karzai, in his address to the opening session, recognised that “people are the owners of the state and the real source of political power”. [...] Now, public perceptions of the body’s legitimacy will depend largely on its behaviour and actions.

[...]

**[Representation in the National Assembly]:**

Pashtuns, who are believed to be the major – but not majority – ethnic group and dominate the southern and eastern regions, took 113 of 249 seats.[...] Tajiks, the second largest group and widely dispersed across the country, took 60. As anticipated, the SNTV voting system favoured organised minorities. The Hazara-Shia (42) and Uzbek (22) communities won more seats than their estimated populations might suggest. Smaller groups with representation include the Baluch (one), Arab (three), Turkman (four), Pashai (two), Nuristani (one) and Tatar (one)."

## **A new framework for international co-operation with Afghanistan was established in January 2006**

### **HRW, July 2006:**

"With the end of the Bonn Process, at the beginning of 2006 the international community established a new framework for its cooperation with the Afghan government for the next five years. This new framework—known as the Afghanistan Compact—was unveiled at an international conference in London in January 2006 with much fanfare and congratulatory rhetoric: The conference's official tagline was "Building on Success." The reality was more sobering. As U.N. Secretary General Kofi Annan was quick to point out in London, "Afghanistan today remains an insecure environment. Terrorism, extremist violence, the illicit narcotics industry and the corruption it nurtures, threaten not only continued State building, but also the fruits of the Bonn Process."[\[...\]](#) Events have since borne out the accuracy of Annan's cautionary statement.

Even though Afghanistan met the political markers established by the Bonn Process—drafting a constitution and electing the president and parliament—the situation in the country is far from healthy. The Taliban and other armed groups opposing the central government are resurgent. Parliament is dominated by many of the warlords, criminals, and discredited politicians responsible for much of Afghanistan's woes since the Soviet invasion in 1979. Production and trade of narcotics provide more than half of Afghanistan's total income and is a major source of violence, corruption and human rights abuse. Some of the same warlords in parliament or in key official positions in the government or security forces control the drug trade. Afghanistan remains one of the world's least developed countries,[\[...\]](#) and President Karzai's government remains completely reliant on international financial, political, and military support.[\[...\]](#)

Afghans look to President Hamid Karzai—and beyond him, to his international supporters—for realistic responses to the country's problems. The Afghanistan Compact was the international community's answer, at least for the next five years.

The Compact identifies three major areas of activity, or "pillars": security, governance and human rights, and economic development. The Compact also emphasized cross-cutting efforts to fight Afghanistan's burgeoning production and trafficking of heroin. The Compact established benchmarks for performance in each area, explicitly tied to Afghanistan's National Development Strategy (ANDS).[\[...\]](#) The Compact also established a Joint Coordination and Monitoring Board (JCMB) to ensure overall strategic coordination of the implementation of the Compact, with membership including senior Afghan government officials appointed by the president and representatives of the international community. The JCMB is co-chaired by a senior Afghan government official appointed by the president and by the special representative of the U.N. Secretary-General for Afghanistan."[\[...\]](#)

### **Insurgency on the rise in the south (November 2006)**

- The government is facing a battle against a resurgent Taliban and other anti-government elements from previous eras;
- Afghanistan is facing a crisis of government legitimacy amid a culture of impunity;
- The drug production and trade is expanding
- The Afghan population has lost faith in government promises of development and improved lives

- The absence of functioning courts, trustworthy administrators and police undermines the development of the legitimate economy
- The international involvement in Afghanistan has failed to curb human rights abuse and violence - aid agencies criticise the current strategies for relying too heavily on military solutions in stead of capacity building and strengthening of Afghan institutions

**ICG, 2 November 2006, pp. 2-3:**

"Afghanistan's growing insurgency well and truly challenges attempts by President Hamid Karzai's government to assert authority over at least one-third of the country. It has diverted vital resources and attention at what otherwise is a time of promise and rebuilding.[...] It also risks igniting factional and ethnic tensions and emboldening criminal elements amid a growing tide of lawlessness.[...] The violence is not a new phenomenon but the result of a failure of the international intervention in 2001/2002 to break the cycle of decades of conflict. Today the Afghan government and international community are facing not one but a series of inter-linked challenges:

- a battle against a resurgent Taliban and other anti-government elements from previous eras;
- a crisis of government legitimacy amid a culture of impunity;
- constantly expanding drug production and trade; and
- failure to meet popular expectations of development and improved lives.

[...]

Some 30 years of conflict preceded the state building efforts undertaken after the Taliban's fall in 2001. Traditional community and state structures were dislocated and power held by those with guns. Islamist militant leaders, championed and heavily armed by Pakistan and the U.S. to repel Soviet forces, had hardened the local, inclusive approach to Islam. A generation had grown up radicalised in the madrasas and refugee camps of Pakistan's Pashtun borderlands, knowing nothing but war. These all presented massive challenges but there was certainly nothing inevitable about today's rising tide of violence. The insurgency has its roots in the way that nation building was approached in 2001-2002, when the U.S. and others opted for a quick, cheap war followed by a quick, cheap peace.

[...]

International military intervention swiftly followed the tragic events of 11 September 2001. But rather than using many of its own ground troops, the U.S.-led coalition under Operation Enduring Freedom (OEF) chose local proxies to fight the Taliban and al-Qaeda, mainly discredited warlords and commanders from previous eras. 5 Many were part of the fratricidal 1992-1996 civil war and one of the reasons for the Taliban's initial popularity.

In the wake of OEF bombardment of Taliban frontlines, the Tajik-dominated Northern Alliance<sup>6</sup> swept into Kabul with little in the way of fighting. Indeed, throughout the country the Taliban largely melted away undefeated. Kandahar, the de facto capital in its southern Pashtun heartland, fell on 6 December 2001 with slight resistance. The hard-line regime had begun to lose support even in such Pashtun areas once consensual decision-making gave way to narrower power structures in which moderates were sidelined, and al-Qaeda gained increasing influence.<sup>7</sup>

[...]

By favouring failed powerbrokers the new set-up failed to make a clean break with Afghanistan's bloody past. In many ways the conflict today is a continuation of almost three decades of war involving nearly all the same players.<sup>12</sup>

Anti-Taliban Pashtun leaders in the south and east, as in earlier years, failed to demonstrate cohesiveness. Commanders raced to establish their own authority, creating a patchwork of predatory, competing fiefdoms. A culture of impunity was allowed to take root in the name of "stability", with abusers free to return to their old ways as long as they mouthed allegiance to the central government.

[...]

NATO took command of ISAF in August 2003,<sup>20</sup> and peacekeepers finally moved north in 2004 and west the following year, mainly in the form of small, country-led Provincial Reconstruction Teams (PRTs).<sup>21</sup> With the Taliban never decisively defeated and expectations running high among the population, however, the Pashtun belt was largely left to fester without the troops who would have then been welcomed with open arms. It was only at the start of 2006 that the Canadians and British began to go south in meaningful numbers. This failure to get peace enforcers out into the regions early meant a crucial loss of momentum.

[...]

The absence of functioning courts, trustworthy administrators and police undermines the development of the legitimate economy. A 2005 UN assessment concluded that only the military was benefiting from comprehensive reform: So far only the Afghan National Army program has been able to encompass the various dimensions of institution building, from in-depth reform of the ministry itself, to the vetting and training of officers and soldiers, to post-deployment assistance and mentoring. In order to be successful, the creation of a national police force, civil service and justice system will need to adopt a similar comprehensive approach.[...] Part of the problem has been the constitution pushed by Karzai, his Pashtun backers and the U.S., with a strong presidency at the core. On paper Afghanistan has one of the most centralised administrations in the world[...] Provincial governors and police chiefs are appointed by the centre, which is also where all budgets are set in the line ministries, with no fiscal discretion at provincial level. This centralisation of power, based on the perception that giving any away is "losing it", is partly responsible for the lack of progress in the provinces.

At the same time, a new source of power has entrenched itself: the drugs trade. A record yield of 6,100 tonnes of opium – 92 per cent of the world total – is predicted for 2006.[...] Of this the south accounts for some 60 per cent[...] This has warped the fabric of the state at every level. If not a narco-state, Afghanistan is now, at the very least, a narco-economy.

[...]

When new international commitments were endorsed in January 2006 with the Afghanistan Compact,[...] the sustained ferocity of the growing insurgency had yet to become clear. The weakness and corruption of institutions fed a groundswell of disillusionment with the government and the international community that in turn was ripe for exploitation by leaders of past regimes who – following the tradition of recent Afghan conflicts – had regrouped across the border in Pakistan and were about to prove that they were far from a spent force."

**NRC, 14 November 2006:**

"NRC and two aid agencies expressed their collective concerns over a spiraling cycle of violence; insufficient peace and reconstruction strategies; and ongoing human rights violations and abuses. They shared their concerns that the international community has had five years to bring sustainable 'peace dividends' but has over-relied on military and related solutions. Ever increasing instability and poor development gains suggest that investments in human security should now trump 'Global War on Terror' (GWOT) national security agendas in the interests of maintaining international peace and security.

Aid agencies advised the UN Security Council that the international community's assumption that Afghanistan can be made peaceful through a combination of military assistance, donor-driven aid, and Western-style democracy fails to attend to the history, society and culture of Afghanistan, a country which has witnessed failed foreign intervention time and again. There is an urgent need at this time to rethink current strategies in the interests of preventing the death of even more Afghans, avoiding large-scale destruction of infrastructure and livelihoods, and increasing chances that what goes on inside and around Afghanistan's borders does not destabilize regional and global peace efforts."

## **Displacement due to the Civil War**

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### **The internal displacement situation as of 1995**

#### **Farr, G. 1 September 2001 pp. 120-123:**

"From 1980 to 1989, Afghanistan was plunged into a full-scale resistance war against some 100,000 Soviet troops. The resistance was led by various fundamentalist Islamic organisations based in Pakistan and generously financed by Islamic nations and the West, including the United States.

During this period, over five million Afghans fled to Pakistan or Iran, creating the largest refugee population in the world at that time. These refugees included pastoral nomads, peasant farmers and much of the new middle class. Over one million men were killed in the fighting, creating a large population of widows and female-headed households.

[...]

Refugees began returning to Afghanistan from Pakistan and Iran in 1992. Both asylum countries exerted strong pressure on the refugees to return since, as far as they were concerned, the war that had created the refugees was over. In addition, a change in government in Pakistan led to increased pressure on Islamabad to end the 'refugee problem' in Pakistan. Pakistan closed camps, offered incentives to the Afghan refugees to return to Afghanistan, and tried several times to close the border to Afghans seeking entry into Pakistan. But since fighting erupted again, repatriation was largely unsuccessful; many of those who tried to return were forced to leave again as the fighting intensified.

By the mid-1990s, a large internally displaced population had developed. Relief agencies opened several camps for the displaced in the Jalalabad area. Other camps were opened in the area around Mazar-i-Sharif in the north and in Herat in the west, near the Iranian border. These camps housed over 400,000 displaced persons."

### **The conflict-induced displacement situation in 2001**

- 60,000 people displaced in March by conflict in Yakawlang District, in the Hazarajat area.
- In the first three months of 2001, displacement has occurred from parts of Ragh and Shar-i-Buzurg to North Takhar, Kunduz and Pakistan

#### **OCHA 24 May 2001:**

"There have been repeated denials of humanitarian access to communities in need of assistance, in particular in Hazarajat. Fighting has resulted in the displacement of upwards of 60,000 people and further re-cent displacement of most of the population of Yakawlang District."

#### **OCHA 9 April 2001:**

"Northeastern Afghanistan currently has about 100,000 people displaced by fighting in various locations. Over the last three months, displacement due to conflict or drought has occurred from parts of Ragh and Shar-i Buzurg to north Takhar, Kunduz and Pakistan. Those areas where it was possible to continue food for work (FFW) activities throughout the winter produced relatively small numbers of internally displaced persons (IDPs)."

### **Information & Communication Unit of the Hunger Belt Programme 26 March 2001:**



"Over two thousand families from Yakawlang have fled their homes [in March 2001] - due to the unstable security conditions - to safer places in the central region insofar, reports informed. These displaced families have sought refuge in Sartarnuk, Bukak, Jarda, Sia-Dara, Yarbalaq, Rustam, Andar, Zardrang, Suleimani, Ziarat, Sia-Boomak and Bedak areas.

While surveys are ongoing to identify the displaced households, the current figure comes after earlier reports, estimating the IDP toll up to 1500.

Similarly, scores of other families have poured in Yakawlang from the district's surrounding villages, while the conditions of those who stayed behind in Yakawlang has been noted 'appalling'.

Furthermore, other eleven locations for the displaced families from Yakawlang have been identified inside the district itself."

## **The US-Afghanistan war**

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### **People flee major cities to rural areas in fear of U.S. attacks (October 2001)**

- Osama Ben Laden prime suspect of September 11 terrorist attacks.
- USA demand that Ben Laden be extradited from Afghanistan or threaten to bomb the country.
- An estimated 1 million people were already displaced within the country prior to the U.S. attacks, with 400,000 living in overcrowded camps. A additional 4 million were internally stuck or stranded
- UNHCR estimated that up to 2.2 million people could be internally displaced by March 2002
- Taliban reportedly prevented people from leaving Afghanistan

#### **BAAG 4 October 2001:**

"The terrorist attacks on the World Trade Centre and the Pentagon of 11th September resulted in an immediate charge by the USA that Osama bin Laden was responsible for the attacks. The USA demanded that the Taliban hand over Osama bin Laden, adding that those regarded to be harbouring terrorists would be targeted by any US military action. The Taliban have indicated their willingness to negotiate on a possible handover, if they are provided with solid evidence of his implication in the attacks. "

#### **ACT 12 October 2001:**

"Even before the threat of reprisals following the terrorist attacks on the US, hundreds of thousands of people had already left their villages for camps outside major cities, where they had heard that food was available. It is estimated that there are more than one million internally displaced and more than four million internally stranded people within Afghanistan already. An estimated 400,000 people were living in these camps, in squalid conditions with little water, shelter or sanitation. In August, Médecins sans Frontières estimated that already 20-40 people were dying each day. Some reports now state that people are beginning to leave this camp and are heading for the Iranian border, in the hope of finding better provision there.

Near the northern city of Mazar-i-Sharif, some 200,000 people are thought to be living in camps outside the city. Because of fighting between the Taliban and opposition forces, it is difficult for aid agencies to reach them. It is thought that many will start to head for the borders of neighbouring countries.

(...)

At greater risk however, are those Afghans who remain in their isolated villages, watching their food run out. They have already eaten the grain they had put aside for next year's planting. Many of them will then have no choice but to sit and wait, in the hope that somehow outside aid will reach them."

**AI, 9 October 2001:**

"Initially, the threat of a US-led military strike on Afghanistan and increased Taliban repression caused hundreds of thousands of people to flee their homes, particularly in major cities. A quarter of the population of Kabul and half the population of the southern Afghan province of Kandahar, the headquarters of the Taliban, were said to have evacuated. Prior to the threat, large numbers of people were not fleeing these cities. The already large number of internally displaced persons was estimated to have grown to a total of 1.1 million, which the UNHCR predicted could rise to 2.2 million internally displaced persons by March 2002. While reports indicated that many of those who had left cities have been returning, the huge number of Afghans who were displaced prior to the events of 11 September remain displaced and in great need of assistance.

[...]

Following the most recent displacement of Afghans, Pakistan authorities have strengthened their efforts to prevent new Afghan refugees from entering Pakistan, citing security concerns and their inability to support additional refugees. On 18 September, Pakistan closed its border with Afghanistan, amid reports that the border closure may have in part been due to a US request; the authorities are reportedly allowing only vehicles with Afghan transit goods and Pakistani nationals to enter.

[...]

Despite prior indications that borders would be opened to fleeing refugees in the event of US-led strikes against Afghanistan, President Pervez Musharraf announced on 8 October that the border with Afghanistan would not be opened and that only the sick or infirm would be allowed to enter Pakistan. However, UNHCR is preparing for 1 million additional Afghan refugees in Pakistan.

UNHCR has reported that those crossing into Pakistan are mostly women and children and that refugees have said that men are either staying in Afghanistan or returning immediately after accompanying their families to look after livestock, crops, and property."

**Displacement as a result of the US-led military intervention in October 2001**

**DANIDA, December 2004, p. 30:**

"When the US and other governments opted to intervene militarily in Afghanistan on October 7th 2001, their bombing raids spread widespread panic and resulted in an exodus from some cities, of up to three quarters of the population. The most significant outflow was from Kandahar. The UN estimated that 7.5 to 8 million people were nutritionally vulnerable at that time, either because of the continuing effects of the drought or because of their recent displacement.

[...]

The Pakistan authorities had reluctantly agreed to the creation of [refugee] camps as a solution to the emergence of the overflow camp at Jalojai noted elsewhere in this report. The new camps presented enormous constraints from the point of view of water supply and the security of aid staff, in particular.

[...]

The numbers crossing into Iran were extremely small and none of the Central Asian Republics permitted any influx. To prevent any movement across the border, Iran supported the creation of new IDP camps in Nimroz Province in south-east Afghanistan. At the end of November 2001, hundreds of refugees were reported to be stranded after being denied access to one of these camps, known as Makaki. This camp had 5,625 people registered as at 18th December 2001 as compared with 11,827 at the other camp, referred to as Mile 46. A number of NGOs were

involved in distributing relief goods and in providing medical care, working in conjunction with the Iranian Government and the Iranian Red Crescent Society. Both camps were closed in May 2002. The Taliban also set up a camp at Spin Boldak for those who were not in a position to cross the border. Most of these were Kuchi. The level of assistance provided was below normal standards because the camp was seen by UNHCR as both temporary and unsuitable. Camp residents depended heavily on relief supplies provided by Islamic NGOs, with the occasional distribution by WFP. Over time, the Islamic NGOs gradually ceased to provide assistance. Children passing through the Spin Boldak camps were reported to be suffering from severe malnutrition and there were also cases of dysentery. As the winter approached, temperatures in many areas were dropping to freezing point and below, placing people in tents at particular risk. IDPs were reported to be in need of warm clothing, blankets and quilts as well as fuel for cooking fires and warmth.

By the end of December, approximately 60% of the estimated 300,000 people who had fled Kandahar in response to the US-led bombardment had since returned. However, UNHCR reported that vulnerable Afghans were still seeking entry to the UNHCR staging camp on the Chaman border (Killi Faizo) because of their need for assistance with food, clothes and shelter. The US-led intervention also brought about reprisals against Pushtun communities in the north. This Pushtun population were originally settlers from the southern provinces sent to the north at the end of the 19th century by the then ruler, Amir Abdur-Rahman Khan, to consolidate his conquests. In recent years, these Pushtun settlements had been associated with the Taliban and the violence against this population in the autumn of 2001 was a consequence of this perceived association. Most of those displaced fled to the south but some made their way to Maslakh camp near Herat.

In February 2002, Pakistan again closed the border, which had been closed for much of the previous year. At that point, 20,000 people were waiting on the Afghan side, adjacent to Chaman to the south of Kandahar, for registration and more accumulated during the following weeks, reaching 40,000 in total. 60% of this population were Kuchi, some of whom had been setting up temporary encampments in this area for many years. 40 % were Pushtuns from northern Afghanistan. There was no similar accumulation at the Torkham border in eastern Afghanistan.

These 40,000 people were effectively living in no-man's land astride the Afghan border with Pakistan. Although the waiting area, as it was termed, was accessed from Afghanistan, it lay officially in Pakistan territory.

[...]

In August 2002, UNHCR set up a new IDP camp at Zhare Dasht, to the west of Kandahar, to accommodate people from the waiting area and Spin Boldak. A total of 13,750 people, out of a population of 89,693, opted to make the move."

## **Displacement during the post-Taleban era**

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### **Northern Afghanistan: anti-Pashtun violence displaced thousands (April 2003)**

- Since the fall of the Taliban and the re-emergence of warlords, the Pashtuns were subject to murder, beating and looting in northern Afghanistan
- As of April 2002, the intimidation campaign had forced at least 20,000 to flee their villages
- As of April 2003, UNHCR reported continued arrival of Pashtun IDPs in the south as a result of harassment and insecurity in the north
- Around 15 per cent of the 350,000 IDPs in the south were Pashtuns at that time
- Forced recruitment by factional leaders in the north forced people to flee and hampered return

**HRW 3 March 2002:**

"Armed political factions in northern Afghanistan are subjecting ethnic Pashtuns to murder, beatings, sexual violence, abductions, looting, and extortion, Human Rights Watch said today. The ongoing campaign of violence and intimidation is forcing thousands of Pashtuns to leave their villages.

[...]

Human Rights Watch also received testimony about widely prevalent sexual violence and abduction of women in northern Afghanistan. The testimony was especially striking because of social taboos against discussing such issues. While many women were subject to violence due to the general insecurity in the north, Pashtun women seemed especially singled out for attacks. In central Balkh province, Wahdat and Junbish factions targeted Pashtun women for sexual violence, after women in their own communities suffered similar attacks in the past."

**AFP 21 February 2002:**

"After suffering more than two decades of war in their troubled country, ethnic minorities in northern Afghanistan are now fleeing persecution. Some 20,000 people, mostly Pashtuns, have been forced to flee northern Afghanistan under threat of persecution in the past few days, a UN official said on Wednesday.

'We are concerned about minorities in the north who have been forced to flee, particularly from Kunduz, Baghlan, Takhar, and other areas in the north, predominantly Pashtuns, who are minorities in those areas,' said UN official Yussuf Hassan.

While Pashtuns are the majority in the country overall, in northern Afghanistan they are a minority in the mostly ethnic Uzbek and Tajik areas."

**IRIN, 15 April 2003:**

"The Office of the United Nations High Commissioner for Refugees (UNHCR) maintains that arrivals of internally displaced persons (IDPs) - mostly ethnic Pashtuns - in the south of the country as a result of harassment and insecurity in the north are continuing.

'We do have protection cases, human rights cases of Pashtuns coming from the north, still in small numbers, but continuing,' Maki Shinohara, a spokeswoman for UNHCR, told IRIN in the Afghan capital, Kabul.

There are hundreds of thousands of IDPs throughout Afghanistan today, about 350,000 of whom are in the south, most of them in six displacement settlements in Kandahar and Helmand provinces.

[...]

According to UNHCR some 15 percent of IDPs in the south are Pashtuns from the north, who might not be able to return in the near future.

'In some specific provinces of the north where there is factional fighting going on, there are some local commanders who have been confiscating land illegally, not only from Pashtuns - there have been others affected too - but mainly Pashtuns,' Shinohara said, noting that the working group of the Return Commission in the north, composed of local authorities and the Afghan Human Rights Commission, was trying to make headway in identifying areas for possible return, and would then visit the displaced Pashtuns in the south with concrete proposals."

***Forced recruitment was reported as one cause hampering return in northern Afghanistan:***

**DIS March 2003, pp. 27-28:**

"The senior human rights advisor and the political advisor of UNAMA said that forced recruitment is currently taking place in the northern areas of Afghanistan.

An international source advised that the extent of forced recruitment is on the increase and should be seen in the context of the tension between the various factions in the northern region. The source has received reports indicating that the forced recruitment during the months of August and September 2002 took place particularly in the provinces of Sar-e-Pul, Jowjzan, Balkh and Samangan.

[...]

According to the source, forced recruitment is carried out by both sides - by the Junbesh as well as by the Jamiat forces.

[...]

According to the source, the local community often helps the family to pay. There are also examples of some families in an IDP-camp in the Samangan province having recently been asked to supply 20 recruits, but they only supplied three and sent the rest of the young men in the camp away from the area to another IDP-camp in the Kandahar region (Spin Boldak). There are rumours that forced recruitment involves people as young as 12-13 years, but according to reports, verified by the source, it was actually young men aged between 18 and 20 years.

[...]

Finally, the source expressed concern, that the Pashtuns currently returning from western countries might become a primary target for forced recruitment in the northern regions. The source emphasized that there have not as yet been any examples of this happening, but that it is an issue, which gives cause for general concern."

### **Western Afghanistan: ethnic Pashtuns targeted by militias - general insecurity forced people to flee (August 2004)**

- Local Afghan forces of Uzbek ethnic origin appear to have systematically abused ethnic Pashtuns particularly in western districts that are primarily Pashtun villages
- According to a study, Pashtun families in Shaidayee Camp in Herat were two to five times as likely to be victims of human rights violations as non-Pashtuns
- In August 2004, further thousands fled clashes around Herat between the western Afghan strongman Ismael Khan and the Pashtun commander Aman Allah Khan

### ***Widespread abuses against the Pashtun population was reported in Western Afghanistan:***

#### **PHR April 2002:**

" The findings of this report indicate that local Afghan forces of Uzbek ethnic origin appear to have systematically abused ethnic Pashtuns particularly in western districts that are primarily Pashtun villages. The study also shows that the primary reason people are fleeing their homes and seeking humanitarian assistance in the Shaidayee camp for internally displaced persons (IDP), is that food and emergency aid were not available in their home villages.

In April 2002, Physicians for Human Rights (PHR) surveyed 509 IDP households in Shaidayee Camp in Herat, Afghanistan. The study revealed that Pashtun families were two to five times as likely to be victims of human rights violations as non-Pashtuns. While it is not clear how many of the abuses were directly ordered by local commanders, violations against ethnic Pashtuns were pervasive enough that commanders and local authorities are likely to be aware of them. Nonetheless, little has been done to insist upon order or to end persecution of the Pashtun. Predominantly Pashtun Afghans associated with the Taliban regime were guilty of many abuses against men, women, and children from minority ethnic groups, and in particular the Uzbeks and

Hazaras. It appears now to be the case that some individuals as well as military figures are acting against Pashtun civilians by way of reprisal.

[...]

Despite measures to protect civilian populations, over the last three months a large influx of long-term internally displaced persons (IDPs) have fled to the Herat province in Western Afghanistan from Ghor, Baghdis, Faryab, Farah, and Balkh provinces, and have settled in Shaidayee IDP camp on the outskirts of Herat city. According to UNHCR, many of the IDPs reported that they fled their home villages due to lack of food distribution and the need for emergency assistance. Others, especially Pashtuns, also reported that abuses had occurred in Pashtun villages in many Provinces in the Western Region."

***In August 2004, further thousands fled clashes around Herat:***

**AFP 17 August 2004:**

"Forces opposed to western Afghan strongman Ismael Khan appeared poised to try and capture the region's most prosperous city Herat Tuesday after capturing a key district, sending residents fleeing in fear of further bloodshed weeks ahead of presidential polls.

[...]

The fresh clashes highlight Afghanistan's edgy security situation as the country prepares for its first-ever presidential elections on October 9. Rife insecurity has already forced the postponement of parliamentary elections until April 2005.

As Amanullah's troops began to march towards Herat airport some 20 kilometres (12.4 miles) south of the city center, citizens living near the airport fled their homes to take cover in Herat, residents said."

**See also:**

***"Residents flee intense Herat fighting", Aljazeera.net, 17 August 2004***

***All Our Hopes Are Crushed: Violence and Repression in Western Afghanistan, HRW, 5 November 2002***

**Land tenure problems cause renewed displacement upon return (September 2005)**

- The majority of the people constituting the "squatters" in Kabul are urban poor, some of them are also returnees who have become displaced upon return because of land tenure problems
- Land problems continue to generate new displacement with houses attacked and property looted by local commanders
- The majority of the new urban population is seeking better employment opportunities and has not been 'forced' to relocate. Many have become urbanized during their years in exile and do not wish to return to their homes in rural areas
- Many refugees have become internally displaced upon return to Afghanistan and are still looking for durable solutions
- Less than 10 percent of Afghanistan's road infrastructure is paved and some IDPs have ended up in situation of renewed displacement because they could not reach their home areas due to bad road conditions

**UNHCR/NRC, September 2005, pp. 46-47:**

"The [ban on land distribution] remains in effect. However, the rapid return of so many refugees and other displaced persons to Afghanistan in recent years has placed it under great strain.[...] Lack of access to land. Either for shelter or livelihood, is reported to be one of the major obstacles to reintegration for a good proportion of the returning Afghan community.[...] The United Nations

High Commissioner for Refugees (UNHCR) has noted that many Afghans are unable to return to their homes or land because they have been occupied by someone else.[...] Conversely, others have been displaced by the return of people claiming to be the original owners. Thus land problems continue to generate fresh conflicts and new displacement."

**UNHCR 1 September 2003, p. 4:**

"A substantial number of refugees have also been subsequently displaced upon return, as a result of land tenure problems in their areas of origin, calling into question the sustainability of return for many of them. Though the majority of the people constituting the "squatters" in Kabul are urban poor, some of them are also returnees who have become displaced upon return because their land has been occupied while they were in exile, and who were unable to reclaim it [...]

The same holds true for IDPs returning to their areas of origin. In the Eastern region, 89 Gujur families had returned from Hesar Shahi camp to Baghlan in January 2003. Unfortunately, 86 families did not return to their village of origin of Qalai Murad in Dahane Gure district, and opted to live in Dari Larkhab, and Piazqul villages of Doshi district. The reason being that they have no property, and that the houses they used to live in, had been occupied by members of the Tajik minority, who claim to be the rightful owners.

Land problems continue to generate new displacement. In the North, 62 families were reportedly displaced from Chagatak village in Almar district in Maimana. The commanders there had reportedly looted their houses and property, and occupied their houses. Similarly, 160 families were displaced from the village of Jalaier district of Khuja Namusa district. After the Taliban regime fell, a commander attacked their houses and all their property was looted.

Though a large proportion of the population in the urban areas is originally from other areas, that is not to suggest that most of them have been forced to relocate. The majority has chosen to come to the urban areas seeking better employment opportunities. In addition, given that they have spent many years in exile, many have become quite urbanized in Pakistan and Iran, and therefore do not wish to return to their areas."

**AI 23 June 2003, pp. 13-14:**

"For many of the estimated 600,000 IDPs in Afghanistan, return to their homes or places of origin remains a distant dream. IDPs in Kabul city, in the north and in the west of the country are either unable or unwilling to return. In addition, there are large groups of, mainly Pashtun and Kutchi IDPs in southern provinces that are similarly unable to return to their homes in the north. UNHCR has noted that "many of the reasons that have caused people to become internally displaced in Afghanistan are similar to those that have resulted in them seeking refuge abroad. In the same vein, many of the solutions to internal displacement are similar to those for refugees." To this could be added the fact that many refugee returnees have been forced into a situation of internal displacement upon their return to Afghanistan and, therefore, are still in search of a durable solution to their displacement. Amnesty International interviewed a group of Ismaili IDPs originally from Doshi district, Baghlan province, who had returned from Pakistan in 2002 only to find their land occupied by people from a rival ethnic group. Having been prevented by threats of violence from reclaiming their land, the Ismailis have been forced to set up informal settlements on government-owned land in Pul-i-Khumri.

[...]

The security situation encountered by many returnees on the road to their place of origin or preferred destination is very precarious. Less than 10 percent of Afghanistan's road infrastructure is paved, which has meant that much of the road system is prone to flooding and often impassable during periods of rain. Much of Ghor province in the west of the country was unreachable for this reason during early 2003, and there were frequent reports of fatalities involving vehicles carrying returning refugees and IDPs being washed off the dirt track roads.

Amnesty International has also received reports of IDPs ending up in renewed displacement because of their inability to reach their villages/places of origin. In one case, a group of IDPs were forced to remain displaced within an informal settlement in Chaghcharan city, a main urban centre in Ghor province. They had been transported up to this point by the International Organization for Migration (IOM) but had then been unable to make their way to their villages due to the terrible road conditions."

***For in depth overview of property law and its implications in Afghanistan, consult [A guide to property law in Afghanistan, UNHCR/NRC, September 2005](#)***

### **Lack of basic socio-economic rights is the main reason for continued displacement (September 2006)**

#### **UNGA, 11 September 2006:**

"43. A report on economic and social rights was released in May by the Afghan Independent Human Rights Commission. The report, supported by UNHCR and based on approximately 8,000 interviews in 29 provinces, found that half of the respondents did not have access to safe drinking water; the lack of adequate housing was widespread and was compounded by insecurity of tenure and impunity for violators; and accessibility to and quality of clinics and hospitals remained insufficient for 40 per cent of the respondents. The report concluded that, at the time of the research (prior to the recent spike in violence), a lack of basic economic and social rights were the primary cause of ongoing displacement and the main obstacle to durable integration of internally displaced persons and returnees."

#### **AIHRC, May 2006, pp.2,8:**

"Among those interviewees who are currently internally displaced (9.0% of all interviewees are IDPs), a third are displaced because of lack of housing (39.7%) and a quarter because of a lack of job opportunities (25.8%)."

### **Information about displaced in urban areas (November 2006)**

#### **AREU, 2 November 2006, pp. 9, 21:**

"Cities play a crucial role in stimulating the national economy through local economic development and the facilitation of regional and international trade. At present many economic opportunities — and related livelihood opportunities — are confined to the informal economy. While it provides poor urban families with an immediate means of livelihood, operating in this unregulated informal economy also means no job security, earning income from temporary work that do not always translate into sustainable livelihoods. Moreover, when income is irregular, there is less capacity to afford basic services, much less own a home or save money for the future.

For internally displaced persons (IDPs), resources are even more limited. As refugees forced to live a transient life across ruralurban and regional and national boundaries, it is much more difficult for them to establish links with social networks. As a result, they lose an important safety net, given that access to employment, housing and loans depends on knowing people with influence and who are widely connected within a community. Opportunities that do arise as a result of growing political stability and reconstruction do not usually extend to those who are unconnected and vulnerable. IDPs and refugees, who returned after the cessation of hostilities in 2001, found little to support a living in the countryside. In search of adequate income, many families made their way to Afghanistan's national and provincial capitals. Even those who remained in the rural areas diversified their livelihoods by sending some household members to towns and cities.



[...]

The mushrooming of informal settlements in Afghan cities has been accelerated by drought, conflict, displacement and refugee return after the overthrow of the Taliban regime. It would be cynical to fault the people as they are driven by the basic need for shelter and job opportunities in the city. The responsibility rests in a malfunctioning urban planning system that has failed to provide public services, particularly the release of sufficient land for legal occupation. The minimal to non-existent services extended to remote and informal settlements force households to develop often burdensome and health-threatening strategies in order to access infrastructure, compromising their abilities to achieve sustainable livelihoods. Legal tenure is often the first step to service delivery, as well as a key asset contributing to urban livelihood security."

**Kabul:**

**ACF January 2004, p. 10:**

"The past twenty-three years of unrest have greatly impacted the city of Kabul, with up to 60% of the housing destroyed and a decimation of infrastructures. Since the fall of the Taleban regime, Afghanistan has seen a massive return of refugees, mainly coming back from Pakistan and Iran. In 2002, a total of 393,582 refugees and IDPs (Grace 2003) arrived in the city in a matter of only ten months. Many were drawn to the city by the expectation of better job opportunities and assistance than available in the drought stricken countryside. The Central Statistical Office estimates the current population at about 2 799 300 persons."

**NRC, September 2005, pp. 48-50**

"Master Plans are formulated by municipalities in order to regulate the development of towns and cities in Afghanistan.

[... in Kabul:] A vast influx of internally displaced persons (IDPs) during the 1980s and then the destruction of much of the city in the 1990s overwhelmed the plans laid down. Many houses were constructed in unauthorized areas, including on hills and 'green belts, and on government – owned land. The specifications regarding the design of the houses was also widely ignored and many that were built are now considered to be unstable or unsafe. [...]After the capture of Kabul by the Mujahidin in 1992, thousands of people who had been legally allocated houses and apartment under the previous regime were forced to flee from their homes. This pattern was repeated across the country and many of these homes were illegally occupied by other people. There was further displacement when Taliban came to power."

**Jalalabad:**

**Schütte, May 2006, p.3:**

"There is also a significant proportion of so-called internally displaced persons (IDPs) living in Jalalabad, many of whom sought refuge in the years of war and drought and decided to stay rather than return to their native places. Many of these IDPs live in a settlement still referred to as a "camp" located at the southern border of the city, consisting of about 3,000 makeshift mud shelters for people who have lived there already more than 14 years. These people do not express any intention to leave, making the still common application of the term IDP to the camp's dwellers somewhat arbitrary and in fact misleading: it comes as a stigma as it connotes a temporariness that does not correspond to the fact that people are there to stay. Removing that stigma would show a commitment to accept people as full urban citizens and not as transitory residents. People in this so-called camp are, however, not alone when facing the problem of tenure insecurity and informality of their living spaces. Repatriation of returnees from abroad and severe drought conditions in rural areas led to a constant influx of people to Jalalabad and eventually to the occupation of formerly public spaces during recent years. Many spacious residential areas only developed in the last two decades and bear no resemblance to the outdated Master Plan still serving as the main planning tool for municipal decision-makers, as such leaving inhabitants with an insecure status and exposed to the threat of eviction."

***Herat:***

**Schütte, May 2006, p.2:**

"In contrast to most other major cities in Afghanistan, tenure insecurity is mostly confined to Herat's outskirts and appears not to be an overall burning issue for most of the city's urban dwellers. Still, the problem is pressing for the approximately 400 households made up of internally displaced persons (IDPs) who have lived in two camps not far from the city centre for more than 12 years. People are under permanent threat of eviction from the Afghan military — the owner of the land on which their houses are built."

***Mazar:***

**Schütte, January 2006, pp.3-4:**

"As other major Afghan cities, Mazar experienced a very high inflow of returned migrants and internally displaced persons (IDPs) over the last decade, which significantly increased competition in the urban labour market. Some observers even spoke of a total collapse of the casual labour market as a major source of work opportunities for the urban poor in Mazar.<sup>6</sup> This rapid growth of the urban population, initially induced by war and conflict in other parts of Afghanistan, accelerated when drought hit Balkh Province with full force in the late nineties and led to a rising number of rural migrants. In addition, the trade volume declined in the wake of the drought, and a subsequent decrease of employment opportunities put additional pressure on an urban labour market already at the verge of saturation. This situation has not improved significantly yet – insecurity of employment and income is a general condition faced by a majority of the urban population and not likely to be resolved easily, given the continuous rise of people migrating to the city. High dependency rates in many urban households further deepen the problem: Action Contre la Faime (ACF) estimated in 2000 that 2–7 percent of the urban population in Mazar is made up of households without any male worker, and 20–40 percent rely on just one male worker, making those households particularly vulnerable to loss of income and food insecurity in the highly commoditised urban economy.

[...]

Similarly, municipal planning in Mazar is based on an outdated Master Plan designed for a population probably a fifth of its current size, and does not address the need to accommodate displaced people and returnees from neighbouring countries on a permanent basis. Investment in service provision has been weak, and its extension to all neighbourhoods in the city not yet accomplished."

***Pul-e Khumri:***

**Schütte, March 2006, p.14**

"People living in settlement 5 are exposed to multiple hardships. They are both returned refugees, who escaped to Pakistan from atrocities committed by the Taliban government, and displaced persons, who do not have any belongings left in a certain village located in Baghlan Province, where they used to live for about two decades before seeking refuge here. Only since recently have they stopped living in tents and gradually erected their very makeshift mud constructions, which do not provide sufficient shelter during the harsh winter days. Nobody has more than one basic room at their disposal, giving way to crammed living conditions; nobody has been able to afford window glass or any valuable physical belongings, and all of the roofing of their houses is constructed from old and rusty iron goods. The latter points to people's main livelihood activity: a majority of households in the settlement has to live on selling old iron traded for recycling. Since the houses are built on public ground, there is a constant threat of eviction, and in fact only an injunction of the governor who was approached by a community delegation to interfere on their behalf could prevent the demolishing of houses a couple of years ago. Further, the health status

of many children in the community is very bad, most likely due to lack of adequate shelter and the reliance on unclean river water for consumption. In fact, many households already lost members due to untreated sicknesses, and the latest case happened during the time of fieldwork, when a 37-year-old person died of an unknown disease due to his inability to obtain proper treatment and medicine."

## **Displacement due to fighting between insurgents and foreign armed forces**

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### **The civilian population is increasingly living in a climate of insecurity (September 2006)**

#### **HRW, 27 September 2006**

"Nearly 20,000 troops operating under the U.S.-led Coalition forces are focused on combating Taliban and Al Qaeda forces in southeastern Afghanistan, but their mandate does not include providing security for ordinary Afghans. U.S. forces recently turned over command in southern Afghanistan to non-U.S. NATO forces, but the U.S. continues to operate independently of NATO, the United Nations Assistance Mission to Afghanistan, and most local and international development agencies.

[...]

The Taliban and other anti-government groups in Afghanistan have gained public support due to the Afghan government's failure to provide essential security and development, and have used the presence of warlords in the government to discredit President Karzai's administration and its international backers.

[...]

Attacks on civilians, including the use of suicide bombings, have seriously hurt the security of ordinary Afghans and their ability to exercise basic rights on a daily basis, such as going to market, attending schools, and receiving health care. The Taliban and other armed groups freely travel across the Pakistan-Afghanistan border and use Pakistani territory as shelter from Afghan and international forces.

[...]

Afghans throughout the country have told Human Rights Watch that they view regional warlords, ostensibly allied with the government, as a major source of insecurity. In southern Afghanistan, tribal chiefs, like Sher Mohammad Akhundzada the former governor of Helmand province who was removed due to allegations of corruption and involvement in the drug trade, have been allowed to operate private militias with the blessing of President Karzai. Warlords with records of war crimes and serious abuses during Afghanistan's civil war in the 1990s, such as parliamentarians Abdul Rabb al Rasul Sayyaf and Burhanuddin Rabbani, General Abdul Rashid Dostum, and current Vice President Karim Khalili, have been allowed to hold and misuse positions of power, to the dismay of ordinary Afghans."

#### **UN News Service, 21 September 2006:**

"The upsurge in violence in Afghanistan over the past few months represents a "watershed" and is the most severe threat to the country's transition to peace since the fall of the Taliban in 2001, United Nations Secretary-General Kofi Annan warns today, urging greater military and diplomatic efforts to counter the insurgency.

Mr. Annan's grim assessment comes in his latest situation report to the Security Council, which also covers the work of the UN Assistance Mission in Afghanistan (UNAMA) over the past six months since 7 March.

"While previous reporting periods have been marked by progressive and significant deteriorations in the security situation, the recent upsurge of violence represents a watershed. At no time since the fall of the Taliban in late 2001 has the threat to Afghanistan's transition been so severe."

"A third of the country is racked by violent insurgency. The situation in the south, south-east and east is unlikely to improve in the near future and the prospect of further deterioration cannot be excluded."

In light of the situation, Mr. Annan welcomes the expansion of the International Security Assistance Force (ISAF) to the south of the country, adding that elements of a strategy to tackle the insurgency are emerging from discussions led by the Government and members of the international community.

He said that most of the fighting involves Afghans operating inside the country's borders. However, the leaders of the insurgency rely "heavily on cross-border fighters, many of whom are Afghans drawn from nearby refugee camps and radical seminaries in Pakistan."

Mr. Annan identifies "five distinct leadership centres" of the insurgency, including the Taliban northern and southern commands, and he says these should be dealt with through "robust military and law enforcement measures," while dialogue must be increased among all sides to try and separate the "bulk of combatants from the leaders of the insurgency."

The narcotics industry – which fuels the insurgency – and corruption must also be dealt with as "matters of priority" by the Government, Mr. Annan points out, while also expressing concern for the human rights situation."

#### **HRW, July 2006, pp.8-9**

"The international community's chief tool for providing security and local development in Afghanistan has been the Provincial Reconstruction Teams (PRTs), military units ranging in size from eighty to three hundred military personnel combined with a small number (usually about 10 percent of the total) of civilians from a development background or the diplomatic corps. The PRT program, initially developed by the United States to compensate for the inadequate troop numbers committed to secure Afghanistan after the Taliban, eventually became the template for international security assistance. After three years, the PRT program has now expanded to most of Afghanistan's provinces; as of this writing there are twenty-three PRTs operating in Afghanistan (note, however, that the presence of small PRTs in a province does not necessarily mean there is geographic coverage of the province outside PRT headquarters). The United States still operates the most PRTs, all of them now in southern and southeastern Afghanistan, where military threats are more pronounced. Other countries, mostly under the umbrella of NATO, including the United Kingdom, Canada, the Netherlands, and Germany, as well as non-NATO U.S. allies such as New Zealand, also field PRTs. The U.K., Canada, and the Netherlands have begun moving PRTs into some provinces in southern Afghanistan since mid-2005. NATO is scheduled to take over security in southern Afghanistan by mid 2006.

The PRTs were conceived of as a blend of military frontier posts and humanitarian and development aid providers. This has proven to be an uneasy combination, from the military point of view as well as in terms of development. There is no coherent nationwide strategy for the PRTs, nor are there any clear benchmarks for their performance. Each PRT reports to its own national capital, and, despite some efforts at coordination, does not share information or lessons learned with other PRTs. The handful of public assessments of the PRTs' performance have generally agreed that thus far, the PRTs have succeeded in improving security and development only in fairly limited areas, primarily in northern and central Afghanistan. In this sense PRTs may be considered to have been successful within their limited areas of operation. But the PRTs have not provided an adequate response to the broader problem of insecurity in Afghanistan, as evidenced by the country's overall deteriorating security situation. Nor have they been particularly successful at providing development or humanitarian assistance."

## **Fighting between insurgents and foreign forces has displaced thousands in southern Afghanistan (October 2006)**

### **BBC, 4 October 2006:**

"Between 80,000 and 90,000 people had been displaced by the conflict in the provinces of Helmand, Kandahar and Uruzgan, the UNHCR said.

The figure brings the total displaced in the area to about 200,000, it said.

Southern Afghanistan has seen fierce fighting between militants and Nato-led troops in recent months.

[...]

"We expect further displacement may take place until conditions are safe for the population to return to their homes," said Jennifer Pagonis, a spokeswoman for the UN High Commissioner for Refugees.

[...]

There has been an upsurge in fighting between Nato-led and Afghan troops and the Taliban and their allies in southern Afghanistan following the alliance's expansion into the area at the end of July.

### **Deaths**

Hundreds of people have been killed in fighting in Afghanistan this year, most of them alleged insurgents, but also a large number of foreign and Afghan troops.

There have also been a number of reports of civilian deaths. Independent confirmation of casualties is often near impossible to obtain.

Nato has claimed recent successes over the insurgents in Kandahar province and says it hopes it can now concentrate on its primary goal which is to provide security and extend the authority of the Kabul government."

### **United Nations News Service, 3 October 2006:**

"The United Nations refugee agency today voiced concern about the increasing number of people internally displaced in southern Afghanistan as a result of hostilities between government forces, the North Atlantic Treaty Organization (NATO) and insurgents, with 15,000 families uprooted since July.

"We expect further displacement may take place until conditions are safe for the population to return to their homes," UN High Commissioner for Refugees (UNHCR) spokesperson Jennifer Pagonis told a news briefing in Geneva. "This fresh displacement adds new hardship to a population already hosting 116,400 people earlier uprooted by conflict and drought."

Some families were reported to have gone back from Kandahar city to Panjwai and Zhare Dasht in Kandahar province during daylight but to have returned to the city at night as they felt it was too insecure to stay overnight, she added.

The Afghan government has created a disaster management committee in Kandahar to coordinate relief efforts together with the UN Assistance Mission in Afghanistan (UNAMA), UNHCR and the UN Children's Fund (UNICEF), distributing plastic sheeting, blankets and warm clothes for children to approximately 3,200 families in Panjwai and Zhare Dasht.

The UN World Food Programme (WFP) is providing food aid. The government is currently assessing the needs of the displaced in the southern provinces and UNHCR is ready to assist when it becomes clear what is required."

## **Natural disasters**

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## **Water is a main source of conflict in Afghanistan (September 2005)**

- The majority of Afghans live in rural areas and depend on water sources for irrigation
- War, drought and increased demand due to a growing population put enormous strain on water resources
- Shortage of drinking water in both rural and urban areas can lead to conflict and migration
- While rains in 2004-2005 have somewhat stabilised the water situation, the effects of the drought are far from over
- Deforestation and other man-made environmental degradation increase the potential for floods and droughts

Food security is dependent on the achievement of water security, because food and water are highly interconnected in Afghanistan. More than 80% of Afghans live in rural areas, subsisting on natural resources such as land and water, although some would argue that the key income determinants are labor migration, wages and remittances.

Twenty-five years of war and destruction, combined with 4-7 years of substantial drought and a growing demand for water, have created a significant challenge for the Afghan government and development agencies. Over 80% of the country's water resources originate from the Hindu Kush Mountains at altitudes above the 2,000m (Qureshi Asad, Water Resources Management in Afghanistan, Issues and Options, International Water Management Institution, June 2002).

[...]

Afghanistan faces a clear danger of a serious water shortages (Qureshi June 2002). The shortage of water is the result of war inflicted damages to irrigation systems (46% of irrigation structures are damaged) and traditional irrigation systems (canals). Traditional system losses are responsible for 40% of total water waste and losses, which are attributable to poor management of water resources (Qureshi June 2002).

[...]

A 2002 report of the International Water Management Institute reveals that surface water irrigation systems were able to support less than half of the 1980 area (2.8 million hectares). The good precipitation this year may have a positive affect in terms of the volume of water. More than 15% of Afghanistan's irrigated land gets water from traditional underground systems such as karezes, springs and shallow wells. According to an International Water Management Institution estimate dated 2002, all traditional groundwater irrigation systems have shrunk or dried up completely. Sixty to 70% of the karezes are not in use and 85% of shallow wells have dried up (Qureshi June 2002).

[...]

Reports indicate that water is the major source of conflict in Afghanistan, especially between the upstream and downstream users. The relationship between users is more contentious where upstream users cultivate crops that require more water (e.g., rice). In the case of rice, some downstream users get no water at all, especially where these upstream users have political or military influence in the area.

[...]

A shortage of drinking water is very critical in both urban and rural areas of Afghanistan. It can lead to distress migration and conflicts between and within communities. According to an inter-ministerial report dated June 2004, the nearest collection point for water can be located 12 km away from people's houses. According to the International Water Management Institute 2002 estimate, every month the water table can fall 0.5 to 3 m depending on its location.

[...]

### **Environmental degradation**

Environmental degradation is one of the main causes of natural disasters such as drought, floods, soil erosion and landslides. Natural disasters can be the result of man made disasters or human

failures to act. In 1977, forested areas of Afghanistan were estimated at 1.3 million ha, or 2% of the total land area of Afghanistan. In the last three decades, forested areas have significantly reduced due to a strong and increasing demand for fuelwood, construction material and illegal logging (Qureshi June 2002). Illegal logging is the main cause of deforestation – estimated at 30,000 hectares annually according to International Water Management Institute (Qureshi June 2002). If this situation continues without proper conservation measures being put in place, desertification can become a major problem in Afghanistan in the near future."

### **Massive food insecurity due to drought increases vulnerability of displaced people (July 2006)**

- Food and water insecurity is threatening to displace thousands of impoverished farmers
- 2006 has been the ninth year of drought since 1997, despite rains in 2003/2004
- In 2005, 40 per cent of the rural population experienced food insecurity

#### **ENS, 20 July 2006:**

"Many farmers in northern Afghanistan are on the move in a migration caused by the region's worst drought in five years. On June 29, a first group consisting of 200 families from the northwestern province of Badghis arrived in the north-central Samangan region, more than 200 kilometers (120 miles) away, in what is expected to be a larger flow. Their ultimate destination is Kunduz, further east again, where they hope the nearby river Amu Darya will ensure there is enough water.

The population movement is a symptom of a wider problem affecting a swathe of provinces across northern Afghanistan, which is flatter than the rest of the country, and where agricultural and pasture land has been hard hit by a lack of spring rains this year. "

#### **IRIN, 4 July 2005:**

"In terms of food security, the latest assessment that we have undertaken for the first time in the history of Afghanistan is the national vulnerability programme. And our understanding is that around 25 percent of our rural people are extremely food insecure i.e. they cannot be sure of the intake of 2100 kilo calories a day a human being needs. If you also look at the number of people who are periodically food insecure, that is 40 percent of the rural people living below the level of food security."

#### **MRRD, July 2006:**

"Afghanistan is facing an imminent food crisis due to inadequate rainfall in the months of April and May.

The drought conditions have severely affected a large number of people living mostly rain-fed agroecological zones, characterized by dry land farming. Consequently, the population in these areas is particularly vulnerable to the prevailing drought conditions.

At the end of May, wheat production has been estimated at 3.71 million MT against last year's production of 4.27 million MT. In March, MAI estimated that the production would be 4.41 million MT, making the revised estimates two months later 16 percent lower. Wheat is the principal cereal in Afghanistan, constituting over 80 percent of all cereals consumed. Yearly imports of wheat are normally about 400,000-500,000 MT. In addition, WFP programmes distribute approximately 110,000 MT as food aid. This year, WFP has been able to provide only 38,000 MT to date. Thus, it would be unable to feed even those who are vulnerable even in times of normal crops. The overall estimated shortage for this year is 1.2 million MT (about one quarter of annual wheat consumption). The Government of Afghanistan is closely working with WFP and FAO in developing strategies to meet this crisis. A committee has been set up and is assessing the situation in different parts of the country (there are considerable regional and local variations) and

is preparing mitigation measures. The consequences of failure to act quickly in response to the food crisis will be grave, including:

1. In the absence of food aid, people will start selling their livestock and agricultural inputs and begin consuming seeds kept for the next crop, all of which would hurt agricultural recovery next year. There have already been reports about distress sale of sheep by the affected population.
2. The food production shortfall will have a dual negative impact on the affected population, as for each unit of wheat produced, one and a half units of fodder are also produced. This is required for livestock feed, particularly cattle, sheep and goats, which are very important economically.
3. A drought and concomitant food crisis may lead to internal or external migration and displacement from affected areas. Acute shortages this year would not only perpetuate the plight of existing IDPs but could also create new displacement of households whose food-security is jeopardized by low rainfall resulting in crop failure and who are therefore unable to sustain their livelihoods through the winter, forcing them to migrate from their homes.
4. The shortage of food and other means of livelihood could give a boost to an increased cultivation of narcotics.
5. The food crisis could be used by those forces that are undermining the Government's efforts to stabilize the country.
6. The food crisis can lead to a rise in childhood malnutrition and susceptibility to disease and death. The primary objective of the Government and its partners is to immediately respond in the rain-fed agro-ecological zones, to assist those most affected by drought and food insecurity. This assistance will limit a continuing decline in household assets and livelihoods by:
  - providing immediate supplies of food aid;
  - promoting cash-for-work projects to enable vulnerable farmers to purchase food in the markets;
  - distributing agricultural inputs and tools;
  - providing fodder for the livestock of the most vulnerable populations.
  - Providing water to vulnerable areas in the form of water tankering and through drilling of strategic water points;
  - Providing therapeutic and supplementary feeding for malnourished children and measles vaccination for children at risk, and treatment and control of communicable diseases.

In the coming weeks, international aid agencies and the Government intend to finalize the identification of the most affected agro-ecological zones, and provide priority assistance to the most vulnerable groups. Coping capacities of the most vulnerable groups are dependent on the last harvest, the diversity of income sources available and any previous savings accumulated. In the current situation, all of these coping capacities have diminished. The only coping capacity left, after all assets have been sold, is to rely on the network of the extended family, or move to another area. However, this only serves to increase the vulnerability of the displaced families, and also increases competition for scarce local resources in the area of displacement."



# POPULATION FIGURES AND PROFILE

## General

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### Who are the IDPs in Afghanistan ? (September 2005)

- Nomadic pastoralist Kuchi currently represent the single largest IDP group, most of them located in the southern Pashtuns areas of Kandahar and Helmand province. Some Kuchis have been displaced due to human rights violations in the north and northwest and are accommodated in camps in Hirat.
- Most of the other IDPs are Pashtuns displaced by human rights violations and fear of persecution due to their real or perceived association with the former Taliban.
- Some 50,000 IDPs are considered to live in Kabul where they experience social and economic marginalization as they join the long process of urban integration.

### Characteristics of displacement

"The distinction between 'conflict-induced' and 'drought-induced' IDPs is an oversimplification of Afghanistan's complex internal displacement problem. Many drought-induced IDPs may not have become displaced had conflict not undermined their normal support capacities. Moreover, the overall national food-security crisis has created widespread levels of acute vulnerability where the only survival strategy is to become 'local' IDPs at or near internationally assisted IDP camps. Indeed, one of the overriding concerns expressed by almost all humanitarian actors is the dilemma they face in providing even the most basic levels of assistance to IDPs in the knowledge that such assistance will likely create new IDPs drawn from among local vulnerable populations. This situation is compounded by the fact that in many areas IDPs are living with host families who are equally destitute and in need of assistance. Moreover, in many cases, IDPs living with host families are not included in registrations and, by extension, in food and NFI distributions.

Notwithstanding the above, an important distinction must be made between those able to return to areas of displacement caused by conflict (where mines are one of the primary constraints to return) and those that were displaced by drought (where the availability of agricultural inputs and the vagaries of climate are the primary constraint). Hence, in much of the south, southeast and central regions, returnees require a basic provision of shelter kits and mine action in their villages in order to re-establish themselves, while in the north and west, return is a much more uncertain and precarious challenge given the risk that ameliorated drought conditions may only be a temporary phenomena." (IDP Unit-OCHA 28 March 2002, p. 3)

### IDPs in the South

"The identified categories of IDPs in the South are:

1. Protection related IDP from the Northwest
2. Kuchi IDPs from Registan
3. Other Kuchis
4. Non Kuchi – drought affected IDPs

These categories are not necessarily exclusive (a Protection related IDP can also be affected by drought or be a Kuchi) but aim at facilitating the approach towards identification of solutions focusing on the origin of the IDPs rather on their present location.

(...)

#### [1. Protection related IDPs from the Northwest]

This category is composed by ethnic Pashtuns originating from Faryab, Sar I Pul, Balkh, Jawzjan, Badghis and Herat provinces. Although a large majority left their places of origin at the end of 2001, some more recent arrivals have been reported. The most recent estimate indicates the figure at approximately 40.000 individuals (about 8.400 families). These protection related IDPs are mostly settled in Zhari Dasht (relocated both from Chaman Waiting Area and from Kandahar Animal Market by UNHCR), and in Mukhtar in Helmand.

(...)

#### [2. Registan Kuchis]

Registan Kuchis are described as pastoralists who use the Registan as (one of their) their key resource area (s). Registan is a desert area spread over the provinces of Kandahar, Helmand and Nimroz, from where people have been displaced due to lack of drinking water and loss of livestock from 1999 onwards. The Registan Kuchi can be subdivided into two subcategories; those that remain permanently in Reg and those that are seasonal users of Registan.

The first category consists mostly of Beluchi Kuchi, which is the largest category, estimated at 90%. The remaining 10%, in the second subcategory are mostly Pashtun. It has been claimed that a proportion of these Pashtun Kuchi own some land in surrounding districts, which they combine with their livestock rearing.

The various surveys carried out at different times by different agencies reveal large differences in IDP population figures and breakdowns over settlements and categories. A working figure of 6.800 families can be extrapolated from these surveys, of which 6000 are in Panjway and 800 in Maiwand camps. Other Kuchis from Registan are to be accounted for in Spin Boldak, Mukhtar and dispersed Kuchis in Central Helmand province.

(...)

#### [3. Non-Registan Kuchis]

This category refers to pastoralists, who used to migrate from the provinces in the South towards the Central Highlands, in particular from Kandahar and Helmand to Zabul and Ghazni provinces. The drought caused severe loss of livestock, exacerbated by the lack of access to major grazing areas due to pasture rights' conflicts.

The exact number of 'other Kuchi' is not known, since information between drought affected Kuchi and non-Kuchi is not separated in the data collection. Using extrapolation a figure of 10.000 families for both drought affected Kuchi and non-Kuchi can be obtained, with at least 90% being Kuchi. The working figure for this category is estimated at 9.000 families.

The largest group of this category is currently in Spin Boldak, followed closely by Zhari Dasht and Mukhtar camp.

(...)

#### [4. Drought-affected non-Kuchis IDPs]

This category can be estimated at some 1000 families scattered in all camps and settlements, and is composed of mainly local rural inhabitants from Kandahar, Uruzgan and Zabul provinces." (MoRR & MRRD October 2003, pp. 2-18)

**Click on the map to see the location of IDP camps and settlements in Afghanistan and the estimated figures**

Source: UNHCR, August 2004

### **Urban IDPs in Kabul**

[...]several types of populations co-exist in Kabul today:

i) The original Kabulis: This term refers to those people who remained in Afghanistan, in their city of Kabul, during the years of war and armed conflicts, or those who returned from exile back to their former place and position. Kabulis are characterized by classic urban integration and their socio-cultural practices and associated behaviors, which are rooted in ancient urban tradition.

ii) The IDPs: These people are of rural origin, for whom the social integration process is made more difficult by their economic situation and their belonging to the rural world. Upon initial arrival in the cities, IDPs inevitably experience social and economic marginalization as they join the long process of urban integration. The process of urban integration is a subtle one, encompassing all sections of society irrespective of social status, wealth and education.

iii) The former refugees of rural origin: These people discovered and experienced the advantages of urban life in other countries and constitute an intermediary group between the original Kabulis and the IDPs. As a segment of the capital's population they are similar to the Kabulis because of their experience of urban life, but differ by their type of socio-urban integration and the comparison they can make with another society. In addition, former refugees are similar to IDPs because of their still recent rural origins, but differ because of their experience of urban integration, new educational training and professional experience.

To the categories mentioned above in b), one must add widow IDPs and widow returnees from rural areas, who are attracted by the capital in the hope of receiving more services and help and having more security. They constitute a cross group of the population 'without protection', in a deeply patriarchal society. In such a society, protection and social rank are granted by the male members of the family, therefore the economic exclusion of widows and their children is doubled by the social marginalization. The IDP and returnee widows are the most vulnerable social group in the capital, and their successful integration into urban society will be a challenge for post-conflict Afghanistan." (UNCHS/Habitat March 2003, pp. 4-5)

"A particular difficulty faced in the present study is in identifying the proportion of the current Kabul population which could be regarded as being internally displaced. Even if one decides that it is not realistic to search out those displaced during earlier periods, it would be helpful to have some statistical indication of the proportion of those seeking to establish themselves in Kabul since January 2002 who may be legitimately be regarded as IDPs. Anecdotal evidence suggests that one such group, of people displaced by the ethnicity-based violence subsequent to the US intervention, has since moved on from a particular neighbourhood where they were noticed and there is no information as to their current whereabouts.

Another potential group are those who have returned to their areas of origin since the drought, or as returnees from Pakistan and Iran, and have since moved on to Kabul because they found conditions too difficult in their villages. UN Habitat was able to confirm such a pattern and, because of its long-standing involvement in urban infrastructure in Kabul, is a key informant. However, other informants were not aware of households in this category and commented that their conclusions, from anecdotal evidence, were that much of the influx into Kabul was of people who had returned from Pakistan and Iran and decided to go to the capital rather than first attempt to survive in their villages of origin." (Danida, December 2004, p.32)

"Lack of shelter is a huge issue in Afghanistan as millions of returned refugees and internally displaced persons (IDPs) slowly seek to pick up their lives, only to find their villages and streets destroyed. Many households are headed by women who suffer badly from poverty, discrimination and lack of opportunity." (IRIN, 6 September 2005)

## **Global figures**

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**132,000 IDPs as of September 2006, with thousands newly displaced as of October 2006**

As of July 2006, UNHCR reported the residual IDP caseload at 136,565. In September 2006, UNHCR reported that this figure had decreased to 132,000. In a parallel development, 80-90,000 people have fled due to fighting and in the Helmand, Kandahar and Uruzgan provinces in southern Afghanistan (UNAMA, 30 October 2006; UNHCR, 5 October 2006; September 2006; AFP, 23 October 2006).

However, after people are no longer registered as IDPs, there are several reports about returnees, both IDPs and refugees, being re-displaced upon their return, either because of the lack of economic opportunities or because of unresolved land and property disputes. Although this trend is not or only partially documented, the real number of IDPs could be higher, if one considers that their return has not been sustainable. For further reading, see '[Out of sight, out of mind](#)', Amnesty International, June 2003.

IDPs Residual Caseload by District of displacement Sep 2006 

Province	District Name	District Code	Family	Individual	%
Balkh	Chahar Bolak	1607	110	550	0%
Balkh	Nar-e-Shahi	1602	93	465	0%
Balkh	Dehdadi	1612	18	90	0%
Balkh	Alborz / Chintal	1608	52	260	0%
Balkh	Sholgara	1609	30	150	0%
Saripul	SangCharak	3102	20	100	0%
Jawzjan	Shiberghan	1701	29	145	0%
Baghlan	Shari Jadid	1312	77	385	0%
Baghlan	PIK	1,302	34	170	0%
Baghlan	Dhana-I-Gori	1303	9	45	0%
Faryab	Almar	1803	10	50	0%
Faryab	Kohistan	1805	15	75	0%
Kunduz	Kunduz	1401	195	975	1%
Kunduz	Char Dara	1404	10	50	0%
Takhar	Farkhar	1206	55	275	0%
Takhar	Kalafghan	1207	18	90	0%
<b>North Region</b>			<b>775</b>	<b>3875</b>	<b>3%</b>
Kandahar	Panjwayi	2408	8,604	42,961	32%
Kandahar	Maywand	2407	9,442	46,333	35%
Hilmand	Lashkar Gah	2301	4,723	23,600	18%
<b>South Region</b>			<b>22,769</b>	<b>112,894</b>	<b>85%</b>
Herat	Herat	2001	1,833	9,129	7%
Farah	Farah	2101	135	665	1%
Badghis	Murghab	1906	393	2,083	2%
<b>West Region</b>			<b>2,361</b>	<b>11,877</b>	<b>9%</b>
Kabul	Kabul	101	585	3,600	3%
<b>Total</b>			<b>26,490</b>	<b>132,246</b>	<b>100%</b>

Province	District Name	District Code	Family	Individual	IND%
Balkh	Chahar Bolak	1887	110	550	3%
Balkh	Nar-e-Shahi	1882	93	465	3%
Balkh	Dehdadi	1812	18	89	3%
Balkh	Aiborz / Chirmtal	1888	52	260	3%
Balkh	Sholgara	1889	30	150	3%
Sariqar	SangCharak	3182	20	100	3%
Jawzjan	Shiberghan	1791	29	145	3%
Baghlan	Shari Jadid	1312	77	385	3%
Baghlan	PIK	1,302	34	170	3%
Baghlan	Dhara-I-Gori	1333	9	45	3%
Faryab	Amar	1883	10	50	3%
Faryab	Kohistan	1885	15	75	3%
Kunduz	Kunduz	1481	195	975	1%
Kunduz	Char Dara	1484	10	50	3%
Takhar	Farkhar	1286	55	275	3%
Takhar	Kaiafghan	1287	18	90	3%
<b>North Region</b>			<b>775</b>	<b>3875</b>	<b>3%</b>
Kandahar	Panjway	2488	8,609	42,993	31%
Kandahar	Maywand	2487	10,002	49,630	36%
Himand	Lashkar Gah	2381	4,758	23,788	17%
<b>South Region</b>			<b>23,369</b>	<b>116,411</b>	<b>85%</b>
Herat	Herat	2881	2,005	9,931	7%
Farah	Farah	2181	135	665	3%
Badghis	Murghab	1886	393	2,083	3%
<b>West Region</b>			<b>2,533</b>	<b>12,679</b>	<b>9%</b>
Kabul	Kabul	181	585	3,600	3%
<b>Total</b>			<b>27,262</b>	<b>136,565</b>	<b>100%</b>

### UNHCR estimates from September 2005

As of September 2005, UNHCR estimated that 153,400 people remained displaced in the country, most of them (78 per cent) located in camps in the south near Kandahar. The majority (about 80%) of the IDPs were nomadic Kuchis displaced by the drought. The rest are Pashtuns displaced since the end of 2001 from the north due to persecution and fighting.

## 12 - IDP Settlement Report by District

UNHCR - Monthly IDP Settlement Report Sep 2005



PROV	DIST	DIST ID	FAM	IND	IND%
Balkh	Chahar Bolak	1607	110	550	0%
Balkh	Nar-e-Shahi	1602	93	465	0%
Balkh	Dehdadi	1612	18	90	0%
Balkh	Sholgara	1606	30	150	0%
Balkh	Alborz		26	130	0%
Balkh	Chimtal		26	130	0%
Saripul	SangCharak	3102	20	100	0%
Jawzjan	Shiberghan	17	75	375	0%
Faryab	Maimana	1801	23	115	0%
Faryab	Almar	1803	5	25	0%
Faryab	Kohistan	1805	25	125	0%
Takhar	Farkhar	1206	55	275	0%
Takhar	Kalafghan	1207	18	90	0%
Kunduz	Kunduz	1401	171	855	1%
Kunduz	Khanabad	1406	9	45	0%
Kunduz	Kunduz	1401	24	120	0%
Kunduz	Char Dara	1404	10	50	0%
Kunduz	Imam Sahib	1402	18	90	0%
Kunduz	kunduz	1402	18	90	0%
Baghlan	Baghlan Jadid		25	125	0%
Baghlan	PIK	???	34	170	0%
Baghlan	Dhana-I-Gori	1302	9	45	0%
Baghlan	Shari Jadid	???	52	260	0%
<b>North Region</b>			<b>894</b>	<b>4,470</b>	<b>3%</b>
Kandahar	Panjwayi	2408	8,609	42,993	28%
Kandahar	Maywand	2407	10,468	52,271	34%
Hilmand	Lashkar Gah	2301	4,760	23,800	16%
<b>South Region</b>			<b>23,837</b>	<b>119,064</b>	<b>78%</b>
Paktia	Gerdez	0701	189	1,133	1%
Khost	Khost(Matun)	3201	1,406	10,646	7%
<b>Southeast Region</b>			<b>1,595</b>	<b>11,779</b>	<b>8%</b>
Herat	Herat	2001	2,232	11,032	7%
Farah	Farah	2101	121	732	0%
Badghis	Murghab	1906	384	2,014	1%
Badghis	Ghurmach	1905	71	401	0%
Badghis	Jawand	1904	60	300	0%
<b>West Region</b>			<b>2,868</b>	<b>14,479</b>	<b>9%</b>
Kabul	Kabul	101	585	3,600	2%
<b>Central Region</b>			<b>585</b>	<b>3,600</b>	<b>2%</b>
<b>Total</b>			<b>29,770</b>	<b>153,302</b>	<b>100%</b>

## **Displacement figures for 2002 and 2003 (December 2003)**

- Estimates of IDP figures vary considerably in 2003
- As of December 2003, UNHCR figures show an "active" IDP caseload estimated at 184,000 IDPs countrywide, UNAMA counts 600,000 IDPs in March 2003
- Amnesty International estimated that there were 600,000 IDPs left in the country as of June 2003

### **UNHCR, December 2003:**

"As of end-2003, UNHCR reported an "active" IDP caseload of 184,000 IDPs, with the majority (78%) located in camps in the south near Kandahar. The majority (80%) of this active caseload is constituted by nomadic Kuchis displaced by the drought, while the rest are Pashtuns displaced from the north due to persecution and fighting."

**Note: From January 2003 to January 2004, the total official number of IDPs fell from 634,391 to 184,269 (see Table 1 "Summary of caseload of Internal Displacement in January 2002-2004") . However, only 82,000 IDPs were assisted to return during 2003, which left some 368,000 IDPs unaccounted for. UNHCR explained that the January 2003 figures were in fact largely inflated. The January 2004 figure was thus obtained by subtracting those who returned during 2003, but also by 'revalidating' the number of IDPs during 2003 (thereby applying a stricter definition of what makes an IDP).**

### **UNGA, 3 December 2003, para. 66:**

"Since January 2003 over 41,000 internally displaced persons have left camps in the south and west of the country. Lingering effects of drought and ongoing security threats, however, have prevented the 300,000 internally displaced persons still living in camps and settlements from returning. The majority of these individuals are in Helmand and Kandahar."

### **AI 23 June 2003, p. 6:**

"Due to the situation in contemporary Afghanistan, it has been difficult to obtain accurate numbers of returns to Afghanistan. What is clear, however, is that in stark contrast to the sizeable return from neighbouring states in 2002, the numbers of people returning to Afghanistan during spring 2003 were significantly lower, due in no small part to the conviction of many refugees that they would be unable to return in conditions of safety and dignity. UNHCR announced on 6 June 2003 that around 158,000 Afghan refugees had so far been assisted to return to their country of origin during the first five months of 2003. Of these 115,000 had returned from Pakistan, while 43,000 had come back from Iran. In the same period in 2002, UNHCR had assisted in the return of over 815,000 people. The overwhelming majority of these returns were from Pakistan and Iran, which in total continue to host over 3 million Afghan refugees. An estimated 650,000 IDPs remain displaced inside Afghanistan. Around 25,000 IDPs returned to their places of origin in the first five months of 2003. By the end of June 2002, in comparison, around 400,000 IDPs had returned to their places of origin."

### **Inter-Agency Missions 19 June 2003, pp. 1-2:**

"The current IDP population is estimated by UNHCR at around 300,000 of which some 200,000 remain dependent upon WFP food distribution. Of this total, approximately 50,000 are located in the west, some 40,000 in the north, around 50,000 in the greater Kabul area, and the balance of 160,000 in the south. These numbers have been substantially reduced from a peak of around one million at the time of the Taliban's ouster. Return movements are continuing, albeit at diminishing



rates, from the Hirat camps and within the north. Those that have returned or locally integrated are considered to have attained at least a minimal level of self-sufficiency."

**BAAG April 2003, p. 7:**

"The displaced population in the south of Afghanistan, at 350,000, remains extremely high. Most of these are in the provinces of Kandahar and Helmand, where the capacity of the aid community to assist has been severely curtailed by the adverse security situation. Pushtuns are continuing to arrive in the south, fleeing harassment and violence at the hands of the other ethnic groups in the northern provinces of Faryab, Jozjan and Badghis. This displaced Pushtun population represents about 15% of the total IDP population in the south. The balance are nomadic Kuchis displaced by the drought. The total IDP population in Afghanistan now stands at 600,000, a reduction of over half a million as compared with 2002. This reduction largely arises from an easing of the drought. Thus, around 10,000 IDPs left Maslakh and other camps near Herat in February and March for their areas of origin. However, many IDPs have indicated in recent surveys that they wish to remain in and around urban areas because of the better income-earning opportunities available."

**UNAMA 30 March 2003:**

"There are an estimated 600,000 internally displaced people throughout Afghanistan, half of whom are in the southern provinces. About 220,000 of the displaced population are in collective settlements or camps throughout the country. Their main reasons of flight are drought, but there are also those who cannot return because of insecurity and/or harassment."

**Displacement before and after September 2001 (2002)**

**The UN estimated that the total number of people displaced at the end of 2000 ranged between 600,000 and 800,000 persons, including displacement caused by drought and conflict. Estimates of conflict-induced IDPs at the end of 2000 varied between 300,000 and 400,000 (UNICEF 8 March 2001; USCR 2 February 2001; IRIN 8 February 2001). Included in the conflict-induced figures were an estimated 100,000 people displaced since 1999 in Kabul, the Panjshir valley, the northern Hazarajat and other places (Office of the UN Coordinator for Afghanistan 19 January 2001).**

**UNHCR, 14 July 2000:**

"(...)straight addition shows that about 470,000 people have left their homes, the preponderance of whom are internally displaced inside Afghanistan. In addition, the totals represent only new IDPs and do not include at least 100,000 old IDPs from 1999, such as those in Kabul, Panjshir, or northern Hazarajat, or the many layers of displaced people over the years who have sought safety in Kabul. Moreover, these totals do not take into account all displacement that is likely to have occurred, such as within remote districts to other remote districts (e.g. Ghor); into urban centres but outside of camps (e.g. Herat); or into Iran. Therefore, this total number of IDPs/refugees should be assumed to be reasonably accurate for now, and if anything, on the low side." (Office of the UN co-ordinator for Afghanistan 19 January 2001)

According to UNHCR figures, the number of IDPs at the beginning of July 2000 stands as follows: 16,000 IDPs staying in the ex-Soviet Embassy compound in Kabul; 55,000 to 60,000 registered IDPs in Kabul, spread out in the city, staying with relatives, etc. Approximately 50,000 IDPs (7,568 families) in the Panjshir Valley.

These figures exclude IDPs in the areas of Gulbahar, Jabulsaraj and Char-I-Kar."

***Displacement in 2001:***



six months, and the protracted absence of international observers, these numbers are but crude and largely unverifiable estimates.

Attempts are now underway to ascertain more reliable statistics on IDPs through registrations conducted by IOM and UNHCR and their partner NGOs. The present paucity of detailed/verifiable information on IDPs continues to constrain the planning and response capacity of humanitarian actors supporting return movements and/or providing in-situ assistance to the displaced. Furthermore, it hampers the capacity of agencies to provide timely and objective information to IDPs concerning conditions in areas of potential return.

Rapid assessment exercises and the production of detailed district profiles are currently ongoing in potential areas of return using standardized survey instruments. When completed, these assessments will generate much of the urgently required information at regional, provincial and district levels, including such data as: population numbers, places of origin, time/length of displacement, ethnic group, conditions of vulnerability, assistance needs in areas of displacement and prospects and expectations for return. However, the exercise appears to be carried out at varying intensities and sometimes with diverse methodologies and/or actors in each region."

**PLANNING FIGURES SEPTEMBER- OCTOBER 2001:**

***Populations in need of humanitarian assistance/protection - projected total of vulnerable populations: 7,5 million:***

Refugees in Iran pre-11 September	1,500,000
Refugees in Pakistan pre-11 September	2,000,000
Refugees elsewhere in region pre-11 September	195,000
New refugees in Iran since 11 September	No estimates available
New refugees in Pakistan since 11 September	20,000
New refugees elsewhere in region since 11 September	1,000
Current estimated Internally Displaced (IDPs)	1,160,000
Current estimated Internally Stranded (ISPs)	4,150,00
Subtotal	5,331,000
UN projected further IDPs/ISPs	2,200,000
Projected Vulnerable Total	7,500,000 (rounded)

**Source: Department for International Development (UK), 19 October 2001**

**Table 1: Summary of Vulnerable Population**

Regions	Currently Vulnerable			Projected Additional Vulnerable	TOTAL VULNERABLE	Refugees among the Total Vulnerable	
	IDPS	Others	Total			Refugees	Countries
North-East (Faizabad)	100,000	200,000	300,000	50,000	<b>350,000</b>	50,000 40,000	Tajikistan Pakistan
Central (Kabul)	100,000	900,000	1,000,000	500,000	<b>1,500,000</b>	320,000	Pakistan
Hazarajat (Bamyan)	60,000	600,000	660,000	200,000	<b>860,000</b>	30,000	Iran
North (Mazar)	500,000	900,000	1,400,000	600,000	<b>2,000,000</b>	30,000 25,000 100,000	Iran Turkmenistan Pakistan
South (Kandahar)	200,000	500,000	700,000	310,000	<b>1,010,000</b>	400,000 100,000	Pakistan Iran
West (Herat)	200,000	700,000	900,000	300,000	<b>1,200,000</b>	240,000 25,000	Iran Turkmenistan
East (Jalalabad)	0	350,000	350,000	250,000	<b>600,000</b>	140,000	Pakistan
<b>Total</b>	<b>1,160,000</b>	<b>4,150,000</b>	<b>5,310,000</b>	<b>2,210,000</b>	<b>7,520,000</b>	<b>1,500,000</b>	
<b>Total Planning Figure</b>			<b>5,300,000</b>	<b>2,200,000</b>	<b>7,500,000</b>	<b>1,500,000</b>	

Source: WFP 1 October 2001

(see also "*Projected Displacement in and around Afghanistan - Planning figures*", UNDP, 28 September 2001)

**Overview of main displacement 1992 - 2000**

**Number of Displaced by Year, Reason for Displacement, Place and Origin (1992-2000)**

Period of Displacement	Reason for Displacement	Number of Displaced	Displacement site	Place of Origin
1992-1993	Fear of reprisal from Islamic militias	400,000	Mazar-i-Sharif and Jalalabad	Kabul
1992-1993	Combat	200,000	Kabul	surrounding provinces
1995	Flight from the Taliban	180,000	Kabul and northern Afghanistan	southern areas

1997	Fighting in the provinces near Kabul and in the north.	600,000	Kabul and Mazar-i-Sharif	Areas near Kabul and in the northern provinces
1998	Fighting in and around Mazar-i-Sharif	50,000	Mountainous areas in the north	Uzbeks and Hazaras living in Mazar-i-Sharif
Summer 1999	Fighting north of Kabul in the Shomali Plain	100,000	Panjshir Valley	Tajiks from Shomali Plain
Fall 1999	Fighting in the Shomali Plain	12,995	Kabul, ex-Soviet embassy compound	Tajiks from Shomali Plain
Fall 1999	Fighting in the Panjshir Valley	100,000	Northern provinces	Tajiks from Panjshir Valley
Fall 1999	Fighting around Talaqan in Takhar Province (a Tajik stronghold)	16,000	Areas around Faizabad	Tajiks from the Talaqan area.
Winter 2000	Fighting in the Hazarajat	60,000	Near Behsud or Pul-i-Khumri	Hazaras and Tajiks from Bamiyan area
Summer 2000	Fighting in Panjshir Valley and Shomali Plain	50,000	Kabul and Panjshir Valley	Tajiks from the Shomali Plain and the Panjshir Valley
Summer 2000	Fighting around Talaqan in Takhar Province	15,000	Badakhshan area	Tajiks from Talaqan area.

Sources: **United States Committee for Refugees (USCR), June 2000; United Nations Resident Coordinator Office (UNRCO), March 2000; Bashir/Agence France-Presse (AFP), 7 Aug 2000.**

## **Geographical distribution**

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### **Tens of thousands displaced in southern Afghanistan between July and October 2006**

**AFP, 23 October 2006:**

"Around 20,000 families had also been displaced by conflict, said UN deputy representative for Afghanistan Ameerah Haq. The families are made up of about six people on average."

**UNAMA, 22 October 2006:**

"The Islamic Republic of Afghanistan and the United Nations today appealed for a further \$43,378,051 to be able to continue to respond to the humanitarian needs of people affected by Afghanistan's drought and those families displaced by the recent conflict in southern Afghanistan."

The appeal also includes assistance to an estimated 20,000 families, who have been displaced by the recent armed conflict in Uruzgan, Helmand and Kandahar, according to the Government of Afghanistan."

**UNAMA, 9 October 2005:**

" [...] up to 90,000 may have been displaced by the fighting in southern Afghanistan. We are unable to confirm these numbers, I believe that these numbers are coming from the Government of Afghanistan. But attempts are currently being made by UN agencies, together with the local authorities to establish a more accurate assessment."

**UNHCR, 5 October 2006:**

"Fighting pitting government and NATO troops against Taliban combatants has forced some 15,000 families to flee their homes in three southern Afghanistan provinces since July. UNHCR spokeswoman Jennifer Pagonis told reporters in Geneva on Tuesday that the refugee agency was concerned about this displacement – amounting to approximately 80,000-90,000 people – in Kandahar, Uruzgan and Helmand. She said it had added "new hardship to a population already hosting 116,400 people earlier uprooted by conflict and drought."

**Estimates per region 2006**

***UNHCR estimates of IDP Caseloads and Settlements per region (not counting the 80-90,000 displaced since July 2006):***

IDPs Residual Caseload by District of Displacement, July 2006

Source: UNHCR and GIMU/PGDS, July 2006



IDP Settlements & Population Estimates (IND), July 2006

Source: UNHCR and GIMU/PGDS, July 2006

**Estimates per region 2005**

- Afghanistan experienced numerous important phases of displacement
- Drought-induced displacement is an important aspect
- Many families are displaced by different factors

**UNHCR, July 2005, p.1:**

"At present some 125,000 IDPs remain in the Southern region for whom UNHCR, DORR and its partners continue to provide basic care and maintenance assistance, including food assistance, water and sanitation, health care, education, vocational training and income generating activities. The IDPs live in four camps mainly in mud shelters, some in tents, and UNHCR continues to provide support with camp-management services. Protection activities and monitoring of their situation are regularly conducted to address their specific problems, including obstacles to their potential return and reintegration."

IDP caseloads, September 2005 IDP Settlements and population estimates, September 2005

Source: UNHCR and GIMU/PGDS, September 2005

IDP Settlements and population estimates, September 2005

Source: UNHCR and GIMU/PGDS, September 2005

"At the time of undertaking the present study, the number of IDPs in Afghanistan was reported to be 184,500, most of whom were living in camp like situations.<sup>12</sup> This was made up of 145,000 in the south of the country, 20,000 in the west, 9,000 in the north, 5,500 in the east and 5,000 in the south-east. The 145,000 in the south were concentrated in five camps in Kandahar and Helmand Provinces:

- Panjwayee with 44,570 individuals, most of whom were Baluch Kuchis from the Registan desert
  - Zhare Dasht with 39,854 individuals, about half of whom were Kuchi, with the balance being Pushtun displaced by persecution from the north
  - Mukhtar (Helmand) with 32,146 individuals who were displaced by both persecution and drought
  - Spin Boldak with 21,575 individuals, most of whom were Kuchi displaced by the drought. This camp was scheduled to close at the end of August 2004, with relocation to Zhare Dasht as one of the options on offer to the residents.
  - Maiwand with 6,040 individuals who were Baluch Kuchi.
- Those in the west included about 12,000 individuals in Maslakh camp near Herat." (Danida, November 2004, p. 25)

## Vulnerable groups

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### **Kuchis IDPs, the largest of Afghanistan's displaced population, need alternate solutions (July 2005)**

- Kuchis represent some 80% of the current displaced population, most to them were displaced by drought and loss of livelihood..
- Return of the displaced Kuchis to the desert is very unlikely in the near future.
- Their nomadic lifestyle raises the question of where they have their "area of origin".
- Any return movements would first require rebuilding their herds.
- Drought has turned nomads or Kuchis into beggars and IDPs.

#### **IOM, 9 July 2005:**

"In summer-autumn 2004 IOM carried out a range management study in the southeastern provinces of Ghazni and Zabul to assess the potential of the pasturelands to support pastoralism. The results of this assessment study provided accurate data to develop a long-term project to help the Afghan Kuchi nomads, who traditionally migrated to these two provinces, return to their traditional pastoral lifestyle. The so-called "Non Registan Kuchi" had lost their livestock to drought and fighting and an estimated 9,000 displaced Kuchi families currently reside in Zare-Dhast camp, in the southern Kandahar province.

The objective of pilot project that was developed based on the range management results is to support the rehabilitation of a sustainable livelihood for currently destitute pastoralists in the IDP camp Zare Dasht, through two different mechanisms; a return to pastoralism or support for

reintegration into the settled society. Their capability of the Kuchis to rebuild a livelihood depends on their particular combination of assets, including livestock ownership, skills, capital, labour availability, health status, household composition, social network and others. Exposure to social services, education, health care and vocational training may have altered the expectations of the people and their willingness to return to the 'old ways of life'."

**Inter-Agency Missions 19 June 2003, p. 10:**

"The displaced pastoralists, and others displaced by drought and loss of livelihoods, are by far the largest of Afghanistan's displaced population, constituting about eighty percent of the current IDP population. There are two Kuchi groups who have been most affected. The first migrate in and around the Registan desert in the southern part of Kandahar and Helmand provinces while the second migrate between the mountainous areas of the interior during the summer and the lower valleys during the winter. The first group are the largest and most vulnerable group as their potential return to the desert is, for the majority, unlikely in the foreseeable future. In addition, they are not regarded by either the local authorities or local populations as part of the communities among which they are currently displaced. Indeed, some authorities claim that many of the Registan Kuchi have closer ties to Pakistan and thus should seek assistance on the other side of the border. Such claims highlight the question of where do nomadic pastoralists have their 'areas of origin'.

Given that the greater majority of the displaced Kuchi have lost all their livestock, and that their traditional livelihoods were wholly dependent upon these animals, any return movements would first require rebuilding their herds. While return to normal rainfall conditions, the replenishment of water tables and the rehabilitation of wells will be important precondition for a return to pastoral livelihoods in the south, any major re-stocking programme would be a very expensive undertaking. It might also be a technical problem as some experts suggest that there would not be enough healthy female animals in the region. Thus, unless support and services can be provided to rebuild their traditional livelihoods and return to a nomadic existence, alternate solutions will need to found so that a large majority of Kuchi not remain 'internally stuck' at their present locations."

**[See also:**

***"Kuchi nomads: Displaced and destitute in Afghanistan", RI, 15 July 2004 / "Forgotten People: The Kuchis of Afghanistan", RI 17 December 2003]***

**Displaced women are extremely vulnerable (July 2005)**

- According to the UN Special Rapporteur on violence against women, Afghanistan faces a daunting challenge in terms of women's rights
- Unaccompanied women and female-headed households have found it particularly hard to make a living upon their return
- Close male relatives offer protection to displaced women by marrying them
- Displaced women tend to form groups to survive but traditional Afghan society views unattached women, especially those living together, as sinful

**General**

**UNHCR, 1 March 2005, p.3:**

"Men and women sign the Voluntary Repatriation form individually and female-headed households and the elderly, sick or disabled are identified and, on arrival in Afghanistan, have access to community-services facilities as appropriate. Some Afghan women and girls have been put under considerable pressure on their return to the Islamic Republic of Afghanistan and



UNHCR has established a number of safe houses for women who have been forced to marry or who have been victims of Sexual and Gender-Based Violence (SGBV)."

**AI 23 June 2003, pp. 24-25:**

"Unaccompanied women and female-headed households have found it particularly hard to eke out a living upon their return. Farah returned to Mazar-i-Sharif in February 2003 along with her four children. Her husband was dead, and she was finding it very hard to support her children with the little money she got from doing odd jobs such as sewing. A group of Hazara women living as IDPs on the outskirts of Mazar-i-Sharif stated that their husbands had very insecure access to wage labour in the city, as a consequence of which they were unsure whether they would have enough money to buy food for the family from one day to the next. Situations of vulnerability are heightened when, as is the case with several families in contemporary Afghanistan, one man is the sole supporter of up to five female-headed households. These are usually female relatives whose husbands have either died or gone missing (most of the latter have lost contact with their families after having gone in search of employment). The access of one man to employment, therefore, in many cases has a direct bearing on the security and well being of several women and their children."

**Farr, G. 1 September 2001 pp. 132-135:**

"In an effort to help themselves, women gather informally in groups, or cooperatives. These groups are modeled on the traditional living arrangements in Afghan society, where women live much of their lives apart from men in groups related by birth or marriage. In the traditional household compounds, sisters, sisters-in-law, mothers, grandmothers, daughters, and, in some cases, multiple wives form tight bonds and develop informal networks outside the home.

Displaced women in desperate situations form similar bonds. In these groups of unrelated women, food and other resources are shared and labour is divided: some women look after children while other women search, or beg, for food. Since women beyond their childbearing years are somewhat freer to move around in public, they represent the group in society. Some groups number only a few women; others can include more than two dozen people, including children.

These groupings can, however, be the source of new problems: traditional Afghan society views unattached women, especially those living together, as sinful. They are assumed to be prostitutes. Why else, the traditional thinking goes, would they have no men with them? While there have been reports of prostitution among displaced women, evidence suggests that it is a rare occurrence."

See also: Amnesty International: Afghanistan: Women still under attack - a systematic failure to protect, 20 July 2005. (see sources)

**Rehabilitation of child soldiers (June 2005)**

- Many children were forced to join armed groups
- The children receive vocational and literacy training
- The UNICEF reintegration programme is to expand into southern areas in the course of 2005

**IRIN, 27 June 2005:**

"Many children like Najeebullah were forced to join armed factions when their communities became battlegrounds. Some had to take up arms to earn food or to protect their families. Others had to bear a weapon as the only male member of the family.

[...]

According to UNICEF, up to 4,000 boys, the majority between 14 and 17 years old, have been demobilised and reintegrated in north, northeast, east and central Afghanistan since the programme was launched in February 2004.

UNICEF, for the purposes of the rehabilitation programme, define a child soldier as a young person under 17 who has been, or still is, active in a military unit with a formal command structure. Each of the demobilised children then receives a package of support. This starts with registration in the programme's database, the issuing of a photo identity card, medical and psychosocial assessments and briefing sessions on mine risk and reintegration options.

[...]

Each demobilised child has the opportunity to participate in a number of reintegration options, including returning to education or enrolling in vocational training programmes to learn a practical skill.

[...]

According to UNICEF, of the 4,000 demobilised child soldiers 1,500 children completed the course and 1,100 have already found employment. More than 1,000 also received competency certificates in literacy.

'The main challenges have been finding reintegration programmes to match the needs of the young people,' Edward Carwardine a UNICEF spokesman said. Currently the programme is operating in 17 provinces, but is set to expand. 'The next phase, due to start in the summer, will focus on the south and western regions,' Carwardine added."

# PATTERNS OF DISPLACEMENT

## General

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### **IDPs often move back and forth between the categories of returnee, IDP, labour migrant and refugee (December 2004)**

- Afghanistan experienced numerous important displacement phases
- Individuals and households tend to shift between different official categories at different times (IDPs, refugees, labour migrants)..
- Strategies used by IDP households are dependent on their positions within the extended family, their personal preferences, gender and age
- The notion of 'home' is defined differently at different times. Central in much of the decision making is the presence of family in the potential next destination.

### **AREU Augus 2004, pp. 1-3:**

"We can identify the following significant patterns of internal displacement over the period since the Soviet military intervention in Afghanistan of December 1979:

- (a) Those who fled their homes during the period of Soviet occupation.
- (b) Those who fled Kabul during the period of the Mujahidin government.
- (c) Those who were displaced from the Shomali Valley during the 1996-2001 period..
- (d) Those who were displaced as a consequence of the drought of 1999-2003.
- (e) Those displaced by the efforts of the Taliban to take over north-eastern Afghanistan from 1999 onwards.
- (f) Those displaced as a consequence of the US-led military intervention of October 2001.
- (g) Those who have returned from Pakistan and Iran to their villages of origin and found that the conditions are not conducive to their economic survival and have since moved on, as whole or part families, to urban areas or district centres.

It is important to stress that a very high proportion of the population will have been displaced at one time or another and that a significant proportion will have been displaced many times. It should also be emphasised that the cause of displacement for a given household may not be exclusively due to a single factor. As noted above, the existence of conflict or human rights violations may, for example, have been compounded by drought conditions.

Taking this into account and also taking account of the fact that each displacement will tend to require additional resources above those needed for ongoing survival, we may reasonably take the view that the population at large has been affected by displacements which have eroded their asset base. However, the ability of individual households to withstand the shock of each displacement will have depended on the quantity of assets originally held and the ability of each household to generate new income.

Studies (see, for example, AREU: Schutte, 2004) show that differentials are more likely to exist between households than between groups. It is thus more difficult to determine the level of vulnerability of IDPs, as a group relative to other groups, than of households within each group. It is nonetheless important to take account of the particular impact that the reality of displacement has on the asset base of IDPs in undertaking vulnerability assessments. The fact that IDPs may

face problems recovering property is an important manifestation of this." (Danida, November 2005, p.23, 24)"Masoud's elaborate displacement history has been shaped by Afghanistan's period of conflict. After marriage, he continued moving between Maymana and elsewhere for mostly economic but also security reasons (including a spell in Iran) and, when the Taliban collapsed, travelled with his family to Herat. His movements and reasons for movement illustrate how IDPs move back and forth between the categories of returnee, IDP, labour migrant/refugee. Some Uzbek IDPs stayed throughout the years of conflict within Afghanistan, while others went temporarily to Pakistan or Iran. Sometimes they returned to Maymana to explore options in their place of origin but lack of employment prospects or renewed insecurity meant they could not afford to stay.

[...]

Decisions to move on or stay put are interrelated with those made by others who share a compound. If they leave, the rent increases for families with whom they live and immediate emotional and economic support networks are diminished. Like Masoud and his family, some prefer to linger in this economically more disadvantageous situation to save more money before returning to Maymana. One Uzbek woman clearly establishes the linkage between economic opportunities and home: 'Wherever I can earn money and get food, there is my home.' However, when she continues with her story, it becomes clear that other reasons are at least as important; with her family around her in Maymana, her position vis-à-vis her disliked co-wife (who is not from Maymana) would be greatly strengthened.

[...]

Strategies used by IDP households are dependent on their positions within the extended family, their personal preferences, gender and age. While women talk about their personal wishes and the need for support from their own family, men emphasise their role as family protectors and providers. Ultimately the reasons for displacement, return and onward movement are often complex and sometimes contradictory in nature.

### **Conclusion**

Transnational and national networks can facilitate sustainable return but, at the same time, promote further displacement for economic reasons. While some IDP families will return to their place of origin, temporarily building on the resources and capacity of already present relatives, others will remain where they are or plan to move across the border to join their relatives. Thus, individuals and households shift between different official categories at different times (IDPs, refugees, labour migrants).

[...]

Various discourses are used in Afghanistan with regard to refugee and IDP return, labour migration and reintegration. While acknowledging that different actors in Afghanistan are aware of the interrelationship between displacement (including labour migration), transnational networks and reintegration, there remains much to be done to make policies and practice more grounded in the daily realities of Afghans."

### **Pashtuns fleeing the ethnic tensions in the north and Kuchis fleeing the drought end up as displaced in the south (2003)**

- Half of the 60,000 IDPs living around the town of Chaman fled the drought and the warfare in the south, most of them are Kuchis, while the other half fled ethnic tensions in the north and are Pashtuns.
- Some 25,000 could not cross the border and were stuck in a no man's land, on the border but on the Pakistani side.
- Another 35,000 are dispersed over 5 camps around Spin Boldak and are IDPs.

**Inter-Agency Missions 19 June 2003, p. 2:**

"While the majority of drought-affected IDPs in the north and west were able to return when adequate rainfall was experienced last year and excellent rains occurred this year, in the south and southeast drought conditions continue to prevail and drought-affected IDPs, consisting predominantly of the nomadic pastoralist Kuchi, currently constitute the single largest IDP group. The largest displaced Kuchi population is currently located in the southern Pashtun areas of Kandahar and Helmand provinces. A sizable number of Kuchi are also displaced from the north and northwest and are in the Hirat camps, however, they were not displaced by drought but due to human rights violations. The remaining non-Kuchi IDPs are all protection cases, most but not all being Pashtun, who are unwilling to return to their homes in the north and northwest for fear of retribution for alleged Taliban association and/or due to human rights violations because of their ethnicity. There have been significant IDP returns in the northeast but protection problems remain in the Kunduz area.

The displaced population residing in urban areas has been difficult to define and to address their protection and assistance needs. In the greater Kabul area it is estimated there are around 50,000 persons that can be considered as IDPs. However, a considerable number have returned to Hazarjat and the Shomali plains and UNHCR's current 'active' caseload is estimated at around 15,000. It is difficult to distinguish IDPs from urban poor, economic migrants and refugee returnees who have settled in Kabul and other large towns in search of employment. In order to better understand this phenomenon an analysis of the different waves of displacement into and out of Kabul over the past two and a half decades of conflict would be helpful. While a significant number of IDPs have found at least minimal livelihoods outside of camp-like situations and survive at levels similar to the rest of the urban poor, it should be emphasized that this recent spontaneous local integration remains fragile and many urban IDPs remain vulnerable to further displacement from loss of livelihoods."

# PHYSICAL SECURITY & FREEDOM OF MOVEMENT

## General

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### **A growing opposition to the Karzai government and an upsurge in violence create a climate of insecurity (September 2006)**

- The human rights situation has deteriorated since 2005
- An upsurge in violence in the south, south-east and the east of the country
- Security is again becoming a major issue for the civilian population
- In the south, an increase in anti-government attacks has led to the launch of military operations by the Afghan National Army and international forces

### **UNGA, 3 March 2006:**

"28. The human rights situation in Afghanistan remains challenging, above all owing to the security situation and weaknesses in governance. Impunity of factional commanders and former warlords has also served to undermine incremental improvements. The significant upsurge in violence in some parts of the country has limited the access to those areas by both international humanitarian actors and Government representatives, denying the population access to entitlements, services and protection.

29. Complaints of serious human rights violations committed by representatives of national security institutions, including arbitrary arrest, illegal detention and torture are numerous.

[...]

39. The security situation over the past six months [September to March 2005-06] was characterized by a clear consolidation of previously reported trends in extremist activity. The operational tempo and tactical sophistication of insurgent and other anti-Government elements have continued to develop. These activities pose an increasing threat to the local population, national security forces, international military forces and the international assistance effort. Violence and threats against local officials, religious leaders, teachers and staff and facilities of the education system have continued and intensified, in particular in the south and south-east of the country. Corruption, the menace of a criminalized economy, dominated by drug and other organized criminal networks, and the presence of illegally armed groups have continued to undermine

the authority of the legitimately elected government."

### ***The security situation has continued to deteriorate:***

### **UNGA, 11 September 2006:**

"2. Since my previous report (A/60/712-S/2006/145), the most significant development in Afghanistan has been the upsurge in violence, particularly in the south, south-east and east of the country. Security has, once again, become the paramount concern of a majority of Afghans. It is estimated that over 2,000 people,

at least one third of them civilians, have lost their lives in the fighting since the start of 2006. This represents a three- to four-fold increase in the rate of casualties compared to 2005. The number of security incidents involving anti-Government elements has increased from fewer than 300 per month at the end of March 2006 to close to 500 per month subsequently.

3. The growing number of casualties in the south can be attributed both to a rise in anti-Government attacks and to a corresponding increase in offensive military operations being

conducted by the Afghan National Army and its international partners (see “Afghan security forces” and “International Security Assistance Forces” below). In the south-east, where major military operations are only just getting under way, insurgent activity has been conducted largely unchecked. Suicide attacks continue to be a highly emotive issue and are widely reported in the international media. The phenomenon is now well established in Afghanistan. The number of suicide attacks already stood in mid-August at 65, against 17 such incidents during all of 2005.

4. While previous reporting periods have been marked by progressive and significant deteriorations in the security situation, the recent upsurge of violence represents a watershed. At no time since the fall of the Taliban in late 2001 has the threat to Afghanistan’s transition been so severe. In recognition of the gravity of the situation, President Hamid Karzai convened Afghan security forces, their international counterparts, some representatives from Member States with a significant troop presence in the south and UNAMA to produce a shared assessment of the sources of instability. A high degree of consensus emerged from these consultations regarding the nature of the conflict. In addition to a quantitative spike in their activities, a qualitative shift was detected in the operations and coordination of the insurgent forces’ intent on overthrowing the Government through violent means.”

#### **HRW, July 2006, pp.8-9**

"Insecurity in Afghanistan is most dire in the country’s south and southeast, although it is by no means limited to those areas. The problem is particularly acute outside of larger urban areas and off major roads, where an estimated 70 percent of Afghans reside and where U.S. forces, the International Security Assistance Force led by the North Atlantic Treaty Organization (NATO), and Afghanistan’s small but growing security forces rarely reach.

Three different (and at times overlapping) groups are broadly responsible for causing insecurity in Afghanistan: (1) opposition armed forces, primarily the Taliban and forces allied with the Taliban movement or with veteran Pashtun warlord Gulbuddin Hekmatyar, (2) regional warlords and militia commanders, ostensibly loyal to the central government, now entrenched as powerbrokers after the flawed parliamentary elections of October 2005, and (3) criminal groups, mostly involved in Afghanistan’s booming narcotics trade—a trade which is believed to provide much of the financing for the warlords and opposition forces. Each of the above groups attempts to impose their rule on the local population, disrupt or subvert the activity of the central government, and either divert development aid into their own coffers or block development altogether.

[...]

Insecurity, and the attendant difficulty it causes for government agencies, foreign reconstruction groups, and aid organizations, has also distorted national-level reconstruction policies in Afghanistan. Southern and southeastern Afghanistan, which have suffered most from insecurity, have witnessed a significant drop in reconstruction activity."

#### **In a volatile security situation, human rights remain fragile (September 2005)**

- The security situation hampers the development of a better human rights situation, compounded by a weak judicial system
- IDPs are similarly vulnerable as the rest of the population with regard to human rights abuses, but face particular difficulties with regard to land and property, women's rights and documentation
- In the north, north-east and west local authorities are seen as involved in repressive actions against civilians, including intimidation, extortion, arbitrary arrest, illegal detentions and forced occupations.
- Child kidnapping for sexual and forced labour purposes is reported on the increase in the south.

- Forced evictions and the illegal occupations of land continue to be pervasive throughout the country. Perpetrators are not punished thanks to their connections with local and judiciary authorities.

**UN Secretary-General, 12 August 2004, pp. 13-14:**

"7. The security situation continues to present a great challenge to the promotion and protection of human rights in Afghanistan. Threats to national security include the continued power of factional commanders and the activities of armed anti- Government entities. The escalating conflict in recent months has resulted in the killing of numerous civilians, including pro-governmental figures and progressive mullahs, as well as electoral candidates and workers, people involved in mine clearance and other humanitarian actors. Reports of human rights violations have been received concerning some of the activities undertaken by national security agencies and international forces, including those of the Coalition Forces, in dealing with such threats and anti-Government activities.

8. Reform in the justice sector has progressed more slowly than hoped for, impacting on the fair and effective administration of justice. The human rights of women and children, although improved, remain a matter of great concern. Given the context in which the Government is tackling a plethora of political, social and economic challenges, the problems of minority and marginalized groups appear at risk of being at the bottom of the list of priorities.

9. Many parts of the country are inaccessible either due to security concerns or poor infrastructure, or both, leading to the isolation of the Afghan population in these areas and making it difficult for human rights actors to monitor and offer protection. In the urban areas, more economic and social activities, and greater freedom of movement, expression and religion may be observed, leading to rapid population growth without the corresponding infrastructural support.

[...]

12. The absence of strong State institutions, corruption, the ominous influence of warlords and local commanders, and the failure to ensure a secure environment for courts, judicial personnel, victims and witnesses also continues to undermine the capacity of the legal system. All these contribute to the low level of public trust and confidence in these institutions. The lack of adequate detention and correctional facilities and the widespread illegal detention of individuals, especially women and children, continue to raise serious human rights concerns. In rural areas in particular, customary law and traditional justice mechanisms remain dominant as citizens do not yet have access to State justice institutions.

[...]

57. According to the *National Human Development Report 2004*, Afghanistan is the seventh poorest nation in the world. One of the main causes of poverty is the denial of human rights through discrimination, marginalization, unequal access to education, health or other resources, socio-cultural traditions that restrict women's opportunity as well as corruption within the Government. Those who are living in poverty are often vulnerable to further human rights violations such as deprivation of adequate food, shelter, health care and education. Poverty is further entrenched by the weakness of institutional governance and insecurity, which in turn affect investments that could have provided more job opportunities.

[...]

By and large, the problems faced by returnees are not very different from those faced by the rest of the population, as discussed elsewhere in this report. [Issues of land and housing, women's rights and documentation] do, however, appear to affect returnees more than others in the given context." (Report of UN High Commissioner for Human Rights, September 2005)

"52. Complaints about forced eviction and the illegal occupation of land continue to be pervasive throughout the country. Efforts by the courts to address these issues have generally failed because many of the perpetrators are connected to powerful figures within the Government.



President Hamid Karzai has appointed a commission, chaired by Vice-President Karim Khalili, to investigate the matter. The commission has, however, acknowledged that the level of corruption in the municipalities has prevented it from being effective. United Nations bodies, including UNHCR and the United Nations Centre for Human Settlements (Habitat), as well as other international agencies, are attempting to assist the Government in its efforts to address the matter."

### **Access for aid organisations is increasingly restricted due to the worsening security situation (October 2006)**

- Insecurity hinders humanitarian assistance by United Nations and aid organizations
- Many NGOs have stopped their programmes due to security risks

#### **UNGA, 11 September 2006:**

"59. Insecurity has taken a serious toll on the capacity of the United Nations and aid organizations to deliver their humanitarian programmes in insurgency-affected areas. The majority of districts in the south are chronically or temporarily inaccessible for United Nations movements.

[...]

Despite worsening security conditions and a reduced presence, United Nations agencies and UNAMA continued to be present in the south, south-east and east, and agencies are exploring new ways of delivering their services to populations in those insecure regions."

#### **WFP, 20 October 2006:**

"Insecurity throughout much of the country, though particularly in the southern, south-eastern and eastern regions, continues to constrain the operations of WFP and other UN agencies. During the past week there have been numerous attacks on military and Government representatives, some with lethal outcomes. Missions have been suspended in nearly all regions, while there have been three separate attacks on WFP commercial vehicles carrying food along the main corridor linking Quetta, through Kandahar, to Herat which threatens to disrupt the flow of drought relief supplies to the west of the country.

[...]

(e) Inadequate resourcing and pipeline breaks also seriously affect regular WFP activities under the protracted relief and recovery operation (PRRO) 10427.0. Activities impacted include assistance to internal displaced persons (IDPs) and returnees, food for children through schools, participants in literacy and vocational skills trainings, patients undergoing TB treatment, participants in FFW activities, and teachers who work in remote areas."

#### **HRW, July 2006, pp.8-9**

"Many NGOs, which play a significant role in providing education and other development activities in Afghanistan, no longer feel it is safe to operate outside of urban areas and off major roads linking them. As of this writing—midway through 2006—already twenty-four aid workers have been killed in Afghanistan this year, a significant increase from the rates seen in previous years, when thirty-one aid workers were killed in 2005 and twenty-four in 2004. Several large international NGOs told Human Rights Watch in December 2005 that they had curtailed their activities in the south and southeast or aborted plans to operate there as a result of insecurity. Afghan NGOs also face significant constraints. Together, security, logistical, and infrastructural limitations are keeping organizations out of the areas where their assistance is most needed. A senior Western education expert working in Afghanistan expressed his apprehension about this phenomenon: "We are very concerned about disparities that we're creating. We're not covering the whole country. There are some places in the country that have never seen a U.N. operation."[\[...\]](#)

The failure to provide adequate aid to southern and southeastern Afghanistan also has significant political impact because it has fostered resentment against the perceived failures and biases of the central Afghan government and its international supporters. Afghans in the largely Pashtun south and southeast complain when they see more development aid and projects go to non-Pashtun areas in other parts of the country. Lacking the ability to confront the security threats facing them, they feel that they are being doubly punished—by the Taliban and criminal groups who impinge on their security, and by international aid providers being driven away due to (justified) fear of the Taliban, other opposition elements, and criminal groups."

***During a meeting the UN Security Council and representatives from the local NGO coalition ACBAR – represented by the Norwegian Refugee Council and two other aid agencies - on 13 November 2006, UN SC members were told:***

**NRC, 14 November 2006:**

"The communities we work with - the mums, dads and kids of Afghanistan - are telling us that ongoing fighting between insurgents and NATO is making life unbearable. At the same time, we suffer increasingly limited humanitarian access across broad swaths of the south and east. Aid agencies have been raising issues around humanitarian space for more than three years now but to no avail," said Zaat.

Conditions on the ground in the south and east are not conducive for refugees and IDPs to return home and the death of civilians due to insurgent homicide (suicide) bombings and NATO bombardments is of grave concern.

"We can't reach the most vulnerable and we remain fearful that both crimes against humanity and war crimes are taking place but our capacity to independently verify such weighty allegations is seriously compromised by access restrictions."

**Protection is largely dependent on social networks (March 2003)**

- Fundamental protection is dependent on personal and social networks
- Generally speaking, it is necessary for Afghans to have relatives in the area where they wish to settle
- Women are unable to move without having male relatives, they have no protection
- Irrespective of their ethnicity, if a person lacks personal or social networks, he/she is at risk of being assaulted or harassed
- IDPs have to rely on hiding or fleeing or seeking protection with resistance commanders

**DIS March 2003, pp. 39-40:**

"UNHCR, Kabul said that fundamental protection is dependent on personal and social networks. The source advised that the availability of networks in the form of relatives is vital for a person's ability to live in a given area. The source said that Pashtuns from northern Afghanistan had tried to settle in Pashtun villages in other areas of the country, but that they had not been accepted by the local population. The villages are closed units, and no outsiders can settle in the rural areas, whereas the situation in the town is different. In larger cities the need for relatives in the area where people wish to live is not quite as strong. But the source stressed that generally speaking, it is necessary for Afghans to have relatives in the area where they wish to settle. This is even more so for women. Women are unable to move without having male relatives. Even the UNHCR

cannot move locally employed women from other areas to better positions in Kabul, unless they have male relatives in Kabul with whom they can live.

The source believed that it might be possible for large families with a number of males to move to places, where they do not already have relatives or clan members. For families, where the head of the family is female, this option does not exist.

An international source said that the old patterns, enabling families to protect each other, have been upset, because so many people have been displaced and because of the economic situation, which makes it impossible for them to provide protection due to poverty. This means that the families with a female sole provider - widows - or children living alone, now have no protection.

In the towns a network in the neighbourhood is necessary in order to get protection. As regards personal networks in the town, many of the people who have returned - and who do not have a network - are especially at risk of being raped and assaulted. But it is even worse in the rural areas - particularly for women. The source mentioned that there are particularly vulnerable groups who are the subject of injustices irrespective of their ethnicity, but where the actual reason appears to be the person's lack of network. In this connection the source pointed out that it is a misconception that there has been a change in this situation just because the Taliban has been defeated.

Concerning the importance of networks, DACAAR said that persons/families without networks are extremely vulnerable and exposed. There is no judicial or police protection in the country, only personal networks. Even though many people have fled Afghanistan, there are still networks. Even a network spread over several countries - where a person has male relatives in other countries - may be effective and provide protection against e.g. harassment and arranged marriages, if it is known that there are male family members who, although living abroad, are able to exert influence in such situations."

## **Physical security**

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### **Landmine casualties have increased in the south (July 2006)**

- Some 850 casualties due to landmines were recorded in 2005
- Afghanistan signed the mine Ban Treaty in July 2002.
- Afghanistan is still believed to be one of the most severely mine- and UXO-affected countries in the world.
- Landmine casualties have increased in the south due to increased tension and return of refugees and IDPs

### **UNMAS, Annual report 2005, p.32:**

"The landmine impact survey that was completed in January 2005 indicated that 2,368 Afghan communities are affected by 716 million square metres of suspected hazardous areas, affecting as many as 4.2 million people, spread across 32 of 34 provinces. While these results were not formally certified until 30 September 2005, UNMACA used survey data to inform MAPA asset-tasking from January 2005 onward. These findings were a relative reduction in pre-existing estimates of affected area, but indicated a significantly widespread problem across almost the entire country. This information will allow better matching of assets to key priorities across the spectrum of tasks and will improve effectiveness and efficiency."

**ICBL, July 2006, Afghanistan:**

"Demining operations in the early months of 2006 were largely on course to achieve targets set in UNMACA's annual workplan, but by mid-year they faced increasing constraints from financial shortfalls and deteriorating security.[...]

[...]

In 2005, UNMACA recorded 848 new casualties from landmines, UXO and cluster munitions, of which 150 people were killed and 698 injured.[...] This represents a small decrease from the 857 mine/ERW casualties UNMACA recorded in 2004.[...]

[...]

Handicap International (HI) collects casualty data in the southern and western parts of Afghanistan via its Community Based Mine Action Program (CBMAP). HI recorded 201 new mine/ERW casualties (82 killed and 119 injured) in 2005, which is a significant increase from 152 in 2004.[...] The increase in casualties in the Kandahar region is reportedly due to increased tensions in the area and the return of refugees and internally displaced people to the area.[...]"

**UNAMA, 23 June 2005:**

"Although figures are improving, much remains to be done to rid Afghanistan of the legacy of mines and unexploded ordnance. Every month about 100 persons are killed or maimed by such weapons. The majority of victims are children.

Some 2,368 communities across 32 provinces - as many as 4.2 million Afghans – are in suspected hazardous areas. In the twelve months to 31 March 2005, some 101.6 million square metres of affected land were cleared by the MAPA. Ten thousand six hundred and ninety (10,690) antipersonnel mines (APM); 689 antitank mines (ATM); and more than 1.4 million (1,445,698) items of unexploded ordnance were destroyed.

MAPA is the largest programme of its kind anywhere in the world. MAPA is implemented by 16 partner agencies, most of which are Afghan and international non-governmental organisations. The United Nations Mine Action Centre for Afghanistan (UNMACA) coordinates MAPA while Afghan Government oversight is provided through the Mine Action Consultative Group, chaired by the Ministry of Foreign Affairs (MOFA).

MAPA agencies employ some 8,400 Afghans. Its annual budget is US\$75 million and major donors, since 2002, include the European Commission and member states of The European Union; Canada; Japan and the United States of America."

**UNSC 12 August 2004, p. 16:**

"63. Mines and unexploded ordnance contamination continues to be a major concern. Currently there are approximately 100 victims per month; more than 30 per cent of the victims are under the age of 18 and as many as 10 per cent are women and girls. There are approximately 1.3 billion square metres of contaminated land in Afghanistan, or 50 square metres for every Afghan man, woman and child. To date, the Mine Action Programme for Afghanistan has cleared more than 300 square kilometres of high-priority minefield and 522 square kilometres of former battle area, provided approximately 10.6 million Afghans with mine risk education training and trained and provided more than 25,000 school teachers with mine risk education teaching materials."

***The following map shows Landmines & UXO in Afghanistan as of 1 May 2002:***

*Source: AIMS, 1 May 2002, (GIF 50 kb)*

See also: "[Returning Afghans fear mine menace](#)", *IWPR*, 31 January 2003

## **Freedom of movement**

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### **Freedom of movement limited by insecurity (February 2005)**

- In general movements within the country were not inhibited actively but were limited due to insecurity and drought

#### **USDOS, 28 February 2005:**

##### **"Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation**

The Constitution provides for these rights; however, certain laws limited citizens' movement. The passport law requires women to obtain permission from a male family member before having a passport application processed. In some areas of the country, women were forbidden by local custom or tradition to leave the home except in the company of a male relative. The law also prohibits women from traveling alone outside the country without a male relative, and male relatives must accompany women participating in Hajj. Additionally, sporadic fighting, brigandage and landmines hampered travel within the country. Despite these obstacles, many men and women continued to travel relatively freely, with buses using routes in most parts of the country.

[...]

The Constitution prohibits forced exile, and the Government did not use either forced internal or external exile in practice."

# SUBSISTENCE NEEDS

## General

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### **Subsistence needs of IDPs in situation of countrywide poverty (November 2005)**

*It is difficult to clearly define a group (or groups) of internally displaced persons in Afghanistan, except where they live in camps. As the living conditions in IDP camps are described by UNHCR as stable, the information collected about subsistence needs are mostly focusing on the return process for both IDPs and refugees.*

*As the situation of returning IDPs is often the same as that of returnees, and as agencies themselves often refer to returning IDPs and returnee refugees as one group, it can be presumed that the data collected for this section, where it refers to returnees, applies equally to returning IDPs.*

*Much of the information collected here relates to the needs of the general Afghan population. Again, it is recognised in several documents that the situation of returnees and returning IDPs is not significantly worse than that of the local population. Where this is not the case, specific reference to IDPs is made, otherwise the general description also applies to IDPs.*

#### **UNGA report, 9 September 2005, p.14:**

"57. According to the National Human Development Report 2004, Afghanistan is the seventh poorest nation in the world. One of the main causes of poverty is the denial of human rights through discrimination, marginalization, unequal access to education, health or other resources, socio-cultural traditions that restrict women's opportunity as well as corruption within the Government. Those who are living in poverty are often vulnerable to further human rights violations such as deprivation of adequate food, shelter, health care and education. Poverty is further entrenched by the weakness of institutional governance and insecurity, which in turn affect investments that could have provided more job opportunities."

### **Living conditions for IDPs largely stabilised (September 2005)**

- Despite stabilisation of the living conditions of most IDPs, returns in 2005 have been slower than expected

#### **UNHCR, September 2005:**

"More than three years after their displacement, the situation for the remaining IDPs in the camps in the Southern and Western regions has largely stabilized. Surveys among IDPs show basic health indicators comparable to Afghans in surrounding areas as well as a high level of attendance of formal and informal education among children and literacy courses among adults. The majority of the IDP households have also found access to income-generating opportunities in surrounding areas and are no longer dependent on food assistance. UNHCR and its partners continue to invest in marketable skills to increase the ability of IDPs to generate income, while phasing-out general food-assistance (except for extremely vulnerable IDPs)."

## **People displaced between July and October 2006 in southern Afghanistan faced urgent needs for food and non-food items (October 2006)**

### **United Nations News Service, 3 October 2006:**

"The Afghan government has created a disaster management committee in Kandahar to coordinate relief efforts together with the UN Assistance Mission in Afghanistan (UNAMA), UNHCR and the UN Children's Fund (UNICEF), distributing plastic sheeting, blankets and warm clothes for children to approximately 3,200 families in Panjwai and Zhare Dasht. The UN World Food Programme (WFP) is providing food aid. The government is currently assessing the needs of the displaced in the southern provinces and UNHCR is ready to assist when it becomes clear what is required."

### **IOM, 9 October 2006:**

"Most are now living with relatives or camping in parks, schools and on the streets of towns and villages in the region. UN agencies including WFP, UNHCR and UNICEF are providing emergency help, including food and emergency shelter, but risk being overwhelmed by the growing number of people in need.

[...]

IOM's rapid response mechanism is designed to meet the immediate non-food needs of displaced people. It includes the provision of emergency shelter materials, blankets, clothing, cooking utensils, hygiene products like soap, basic agricultural tools and transport."

## **Food**

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### **UNHCR is phasing out food assistance to IDPs, except for most vulnerable (September 2005)**

- UNHCR's strategy for 2005 and 2006 is to concentrate on the return of IDPs and to phase out general food-assistance, except for the most vulnerable
- Shaidayee camp near Herat is set to close in a few months. Those who cannot return home are being evacuated to Maslakh camp.
- Many who have returned have done so because the food distribution was stopped in Shaidayee camp as part of an exit strategy aimed at emptying the camp which is located on land owned by the provincial government.
- Food distribution were stopped in both Shaidayee and Maslakh camp in April forcing many to leave the camp in order to survive.
- AI is concerned that the use of food to force people to return violates the basic right to adequate food and is leading to forcible return to areas where return is not sustainable.
- Food rations to IDPs in both camps were stopped before an accurate vulnerability assessment could identify those individuals, such as female headed households, unaccompanied minors, the elderly and the ill, that were unable to fend for themselves.

"Surveys among IDPs show basic health indicators comparable to Afghans in surrounding areas as well as a high level of attendance of formal and informal education among children and literacy courses among adults. The majority of the IDP households have also found access to income-generating opportunities in surrounding areas and are no longer dependent on food assistance. UNHCR and its partners continue to invest in marketable skills to increase the ability of IDPs to generate income, while phasing-out general food-assistance (except for extremely vulnerable IDPs)." (UNHCR update, September 2005, p.4)

### ***The situation in 2003:***

"**Shaidayee IDP camp** outside Herat city will close in the next few months, and the government and international agencies are organizing the evacuation of the camp. Residents of that camp who continue to be in need of protection and cannot return to their places of origin have been "encouraged" to move to **Maslakh IDP camp** some kilometers further away. At the time of Amnesty International's visit, residents of Shaidayee that had "decided" to return to their home villages stated that the main reason for this decision was the fact that the distribution of food rations in the camps had been halted. This withdrawal of food assistance was part of an "exit strategy" being developed by the World Food Programme (WFP) and UNHCR in collaboration with the local Ministry for Refugees and Repatriation. The land on which Shaidayee camp was built is allegedly owned by the provincial government, which wants the land back. As part of the exit strategy, IDPs in both camps were told that the food rations would be stopped by the end of March 2003, and IDPs in Shaidayee were told that they would have to leave the camp a month later. Food rations in both Shaidayee and Maslakh were halted as of 1 April 2003, although WFP carried out one further distribution of only half the standard ration in mid-April. Abdur Raouf, who used to be a sharecropper in Faryab province, stated that his family had no other choice but to go back to try to find work. He claimed that if he stayed in Shaidayee for even another ten days his five children would die of starvation.

Amnesty International has serious concerns about the way in which this exit strategy has been put into operation and, more fundamentally, about the lack of sufficient attention to the human rights of the individuals affected by such a strategy. There is a dubious morality, not to mention legality, involved in using food as the means to "induce" people to return to their places of origin. By violating the basic right to adequate food, the international agencies, including WFP and UNHCR, involved in this exit strategy effectively become responsible for causing the forcible return of IDPs from Shaidayee and Maslakh camps.

In addition, the blanket withdrawal of food assistance constitutes a blunt instrument, which disproportionately affects vulnerable individuals. Amnesty International has learned that food rations to IDPs in both camps were stopped before an accurate vulnerability assessment could identify those individuals, such as female headed households, unaccompanied minors, the elderly and the ill, that were unable to fend for themselves. Abrushan, a widow living in Shaidayee camp, told Amnesty International that she couldn't go back to her village in Herat province because she had no house there. Yet, she said, she was "so hungry; they have stopped our food and I don't know how to find a job."

Maslakh camp still shelters large numbers of Pashtuns from Faryab province as well as IDPs from provinces such as Uruzgan that are unable to return to their home villages for protection reasons. Other vulnerable populations in the camp, such as unaccompanied women, the disabled and the elderly will also not in the foreseeable future be able to return to their homes in conditions of safety and dignity. There is, in addition, no durable solution in sight for most of the camps' large Kutchi populations, many of whom have lost their livestock and ability to their regain their former nomadic lifestyle. While some inhabitants of Maslakh camp are able to earn a living in Herat city, Amnesty International urges the authors of an exit strategy for both Maslakh and Shaidayee to be mindful of the continuing protection and assistance needs of sections of the camp population. For instance, the camp is located an hour's drive away from the city, and IDPs are often unable to pay truck operators to transport them. This is compounded by the fact that much of the "work" found by IDPs in Herat is confined to begging on the streets, the income from which is extremely unpredictable.

An exit strategy is only acceptable if it is primarily aimed at achieving the sustainable and rights respecting return of the camp population to their home or preferred destination. Forcing the



movement of persons, whether to their home provinces, urban centers or to another IDP camp for reasons of political expedience, to free the land for commercial use or due to donor pressure will ensure that returns are unsustainable, and is in contravention of international human rights standards." (AI 23 June 2003, pp. 15-16)

## Health

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### **Nutrition and mortality situation under control in Kabul and IDP camps in Herat (February 2004)**

- A nutrition survey conducted by ACF in November 2003 among residents including returnees and IDPs revealed that the nutrition situation, as well as the mortality rate, were under-control.
- The nutrition survey was carried out in winter, when the prevalence of malnutrition is seasonally the lowest.
- Nutrition surveys undertaken in IDP camps near Herat in December 2003/January 2004 revealed acceptable mortality rates.
- Most of the households who remained in the camps could manage to get food by their own means

### **UN SSCN February 2004:**

#### **"Kabul city**

A random sampled nutrition survey was conducted in Kabul in November 2003 (ACF-F, 11/03). Around 20% of the families interviewed were returnees and about 8% were displaced (arrived in Kabul over the last two years). The nutrition situation, as well as the mortality rate, were under-control (category IV) (see table 13). About 8% of the mothers were considered as malnourished (MUAC < 210 mm). The number of admissions to therapeutic feeding centres and to supplementary feeding centres was lower in 2003 than in 2002 and 2001. The nutrition survey was carried out in winter, when the prevalence of malnutrition is seasonally the lowest. The overall situation seems also to have improved in Kabul over the past months owing to favourable factors such as the country's recovery from drought, the limited number of returnees in 2003 compared to 2002 and the improvement in access to health care and in potable water. The percentage of returnees in ACF's feeding centres decreased from 18% between June and November 2002 to 2% during the same period in 2003. This can be explained by a decrease in the proportion of returnees in Kabul, by an improvement of the nutritional status of the returned children, or by both.

#### **Displaced camps, Herat Province**

Humanitarian aid and especially food assistance was cut in Shadayee and Maslakh IDP camps in June 2003 (see RNIS 42). People living in Shadayee camp were encouraged to relocate to Maslakh camp, however some families have stayed on the Shadayee site. Nutrition surveys were undertaken in these camps in December 2003/January 2004 (MSF-H, 12/03; MSF-H, 01/04). The population of the camps dropped in 2003. At the time of the surveys it was estimated that about 13,300 people were settled in Maslakh; the exhaustive survey conducted in Shadayee camp found 3,550 people living there.

The nutrition situation in the camps could be considered acceptable (category IV); mortality rates were below the alert thresholds (see table 13). The major source of food during winter in both camps was labour (72% in Shadayee and 64% in Maslakh), followed by business in Maslakh (27%) and by wool spinning in Shadayee (14%).

It seemed that most of the households who remained in the camps could manage to get food by their own means. Their general living conditions are however unknown.

### **Overall**

It seems that the nutrition situation in Kabul City and in IDP camps in Herat province has improved and is under control. This may be due to the better rainfall patterns in 2003 and to the gradual resettlement of IDPs and returnees. However, these nutrition surveys have been done during winter, when malnutrition is seasonally the lowest. Follow-up of these populations is needed."

### **Psychological health of displaced persons should be considered as urgent as physical health problems (May 2003)**

- Shift from posttraumatic stress to more chronic mental health problems among IDPs in Shaidayee camp
- WHO reports that 30% of the refugees in Pakistan who seek medical assistance may suffer from psychological problems.
- Psychosocial health should be considered as urgent as physical health problems.
- Humanitarian relief agencies are slowly integrating psychological support into operations that provide food, water, shelter, and physical care.
- Killing, executions, massive persecution, forced internal displacement, fear associated with living in mined areas, and the latest escalation of violence have left an indelible mark on the population.

#### **AlertNet 28 May 2003:**

"Shelter, water and sanitation [in Shaidayee camp] are covered, and basic services such as the distribution of food and non-food aid and health services also function well. But what is often neglected are the psychological effects. Try to picture living in a camp. Shelter is very basic, with no furniture. There is only one blanket for every five people in a country where temperatures regularly drop below freezing at nights. You are dependent on strangers for your basic needs, for food, for soap. Imagine being a war widow with your children running around shoeless and unable to attend school. Nobody would accept living like that if they had a choice. We have found that there has been a shift from posttraumatic stress to more chronic mental health issues. A large amount of people still complain about acute back pains and headaches for example. We think that, for many of them, the symptoms are connected to stress, anxiety and despair."

#### **RI 8 January 2002:**

"(...) In Afghanistan alone, it has been suggested that some five million people may be affected by psychosocial distress. A WHO fact-finding mission to Pakistan recently found that 30% of the Afghan refugees who seek medical assistance at local health care facilities are presenting psychosomatic complaints resulting from psychological problems. Traumatic experiences such as killings, material losses, torture and sexual violence, harsh detention and uprooting, all affect people's behavior for generations. 'The international community must consider psychosocial health as urgent as physical health problems,' says Mary Petevi, a psychosocial specialist at WHO's Emergency and Humanitarian Action Department.

Nonetheless, raising the topic of mental health concerns often poses an important question: should we provide psychological support where life itself is at risk? Or as Mary Petevi asks, 'What good is psychotherapy to a mother who has nothing to feed her ten children?'

These unanswerable questions as well as concerns about the lack of funding have historically prevented psychological support from being considered as anything other than complementary aid. But humanitarian relief agencies are slowly integrating psychological support into operations that provide food, water, shelter, and physical care. 'Psychological support aims at helping people to help themselves. A society needs active survivors, not passive victims!' says Lise Simonsen, the psychological support officer at the International Federation of the Red Cross.

The need for psychological support is clearly indicated by recent reports on Afghanistan and surrounding countries. Life in overcrowded camps, killing and violence, deprivations and material losses, uncertainty over the future, disruption of community and social support are well-recognized. In a November 2001 WHO special report, Dr. Leena Kaartinen of the NGO Healthnet International, said that she first started treating patients in this isolated region in 1985. She reports that the greatest health problem facing the people she works with is psychosocial distress.

She explains that 'twenty-three years of war have ravaged the mental health and psychosocial functioning of the people of Afghanistan. Killing, executions, massive persecution, forced internal displacement, fear associated with living in mined areas, and the latest escalation of violence have left an indelible mark on the population. In addition, the psychological impact of living in uncertainty affects at least three million Afghan refugees.'

A recent Agence France Presse report cited that 'refugees, often in tears, recount how they have found sons shot dead by the Taliban and had sons and husbands forcibly conscripted to fight a war they do not want to fight. Scores more tell of homes destroyed by U.S. bombs, children, husbands, wives, mothers and fathers killed during the campaign.' Refugees' reactions are normal reactions to abnormal situations, but the cognitive, emotional and socio-economic burden imposed on individuals, the family, and the community, are enormous."

## **Water and sanitation**

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### **Water scarcity affects majority of Afghans and is key impediment to return (Sept 2005)**

- UNHCR cites access to safe drinking water as one of the most urgent needs that refugees and IDPs face upon their return.
- According to UNEP a major part of Afghanistan is experiencing water scarcity, in urban as well as in rural areas.
- Government says only 20 percent of Afghans nationwide had access to safe drinking water in both cities and rural areas.
- Water is often a source a conflict

### **UNHCR, Water, August 2005:**

"Access to safe drinking water is among the most urgent needs that returnees face upon their arrival in Afghanistan. It is estimated that out of a rural population of 18 million people, approximately 14 million do not have access to safe drinking water. Water-borne diseases are still the leading cause of death and the lack of safe drinking water contributes to high morbidity rates in Afghanistan."

### **IRIN 5 June 2003:**

"As the world marks Environment and Water Day on Thursday, the United Nations Environment Programme (UNEP) in Afghanistan has announced that a major part of the country is experiencing water scarcity.

'Water is a major problem in rural and urban areas due to water scarcity, mismanagement and damaged water systems,' Pekka Haavisto, the chairman of the UNEP Afghanistan Task Force, told IRIN in the capital, Kabul.

According to the UNEP Post-Conflict Environment Assessment report on Afghanistan, whereas the country as a whole uses less than one-third of its potential 75,000 million cubic metres of water resources, regional differences in supply, inefficient use and wastage mean that a major part of the country experiences scarcity.

'Water quality, quantity, and its guaranteed availability to all people regardless of income or social status is one of the most pressing challenges facing not only Afghanistan but also the world community today,' Haavisto remarked. He described it as a major issue requiring the attention of all.

Government officials have also expressed concern. 'The water issue is becoming a serious problem, and the last four years of drought added to an already big issue,' Yusuf Nuristani, the Afghan minister of irrigation, water resources and environment, told IRIN at the World Environment and Water Day ceremony in Kabul.

He stated that only 20 percent of Afghans nationwide had access to safe drinking water in both cities and rural areas. The minister said water mismanagement was widely practised in the country, and that as a result of prolonged conflict most water channels and other systems had suffered greatly.

'Restoration of water resources is one of the priorities of the government,' said Nuristani, noting that his ministry was now working out a strategy to bring about the improved management of water resources.

UN Special Representative of the Secretary-General for Afghanistan Lakhdar Brahimi said the water issue was more than an environmental problem in the country.

'Water is, perhaps, the most precious resource in Afghanistan, and so it can be a source of conflict,' Brahimi told IRIN, observing that much of the conflict in the country was the result of land disputes. 'Land rights do not mean much without water rights,' he said, stressing that one of the most important tasks facing the country was to impose order and the rule of law over land and water rights."

### **Increase in population in Kabul has had a negative impact on the water supply and sanitation situation (January 2004)**

- Like housing availability and access to health care, water supply is geographically determined.
- 60% to 70% of the Kabul population relies on shallow-dug wells or public hand pumps.
- 26% of the families interviewed declared spending at least 30mn each time they fetched water.
- Arrival of so many refugees, IDPs and urban migrants in Kabul has had a very negative impact on an already fragile sanitation situation.

- Current sanitation situation has a real potential to deteriorate rapidly as little is currently being done to tackle the issue

**ACF January 2004, p. 20-22:**

"In Kabul the water supply situation is far from uniform. Like housing availability and access to health care vulnerability is geographically determined. Due to the lack of coverage of municipal tap networks, 60% to 70% of the Kabul population relies on alternative water sources, such as shallow-dug wells or public hand pumps. Owing to the drought that affected the region of Kabul between 1999 and 2002, most private shallow wells are still dry at the end of the year 2003. Regarding the more than 3000 public hand pumps present, it is estimated that 20% of them do not provide water because of a low water table.

Even though a large part of the population has access to open wells for washing and household needs, the existing water services fall short of meeting the drinking water needs of the growing urban population. While some better off areas enjoy daily tap water, other wealthier places only have tap water every few days. Worse off areas are characterized by a lack of drinking water, long distances to drinking water sources and long waits at hand pumps or tap stands: 26% of the families declared spending at least 30mn each time they fetched water.

Access to drinking water remains a serious concern in Kabul today. Taps and hand pumps are the safest source for drinking water but the tap networks cover only 5 of the 13 Districts, a small fraction of the population. In at least 5 of the gozars surveyed water availability was critical."

[...]

The sanitation situation in Kabul is cause for great concern. Human waste from overflowing latrines is a common site in narrow allies even in the centre of the city. The arrival of such a large population had a direct and negative impact on an already fragile sanitation situation. In fact, the soaring number of inhabitants translated into a multiplication of garbage and excreta throughout the city.

**Night soil collection**

Due to the great increase in the urban population during the last two decades the traditional night soil collection system has broken down. The farmers or night-soil collectors who used to regularly empty the private latrines in Kabul are too few to keep up with expanding population. In addition to the greater availability of chemical fertilizer, the recent drought and the decreasing arable land have meant a further decrease in overall demand for fertilizer. As a result, many latrines are emptied far too infrequently, especially within overcrowded residential areas like District 1. Excreta overflow from many latrines generating obvious public health hazards: faecal contamination of surface waters, direct oral-faecal transmission, vector breeding...

The current sanitation situation has a real potential to deteriorate rapidly as little is currently being done to tackle the issue. Comprehensive efforts need to be dedicated to the implementation of a sewage network throughout the city. Though necessary, such a network will not be operational before several years however, thus calling for alternative solutions in the meanwhile."

**UNHCR's water activities in areas of return and affected by drought (September 2005)**

- Afghanistan's water scarcity is due to year-long drought and destroyed infrastructure
- UNHCR has made the construction of water points one of the priorities in its returnee reintegration programme
- There are three types of wells: dug wells, tube deep wells, pipe scheme wells
- UNHCR's water programmes are community-based

**UNHCR, August 2005:**

"UNHCR uses a standard of daily water consumption needs of 20 litres per person, excluding water needs for animals and crops. In Afghanistan, this water is mainly collected at communal wells. Afghanistan is an arid country and water supply varies in the different regions. In the North and Central regions, the high snow capped mountains feed rivers all year round, whereas people in the South depend on the two rainy seasons to fill dams and basins. This being said, from the late 1990s until 2003, Afghanistan experienced one of the worst droughts in recent history. Dams and rivers dried up and the underground water table was depleted. The prolonged drought uprooted people and made raising crops impossible in some areas. Although in the last few seasons, normal rain and snow has fallen, the effects of the drought and the overall climate changes in the region will have long-term effects on the availability of water in Afghanistan. This shortage is aggravated by the lack of major water infrastructure for collection and distribution. 25 years of conflict, low maintenance capacity and limited availability of spare parts have left many of the wells damaged and unusable. With water in short supply, the control over this resource becomes a constant source of tension between the communities, hampering a smooth reintegration of returnees.

Recognising the enormous challenge the country is facing, UNHCR has made the construction of water points one of the priorities in its returnee reintegration programme. Substantial direct interventions were conducted in 2002 and 2003. In an effort to support the Government capacities, UNHCR in 2004 implemented almost half of its water programme through the Water Supply and Sanitation Programme of the Ministry of Rural Rehabilitation and Development (MRRD). The construction of water points follows the Water Guidelines developed by MRRD, largely based on pre-existing international standards.

[...]

UNHCR's water activities are communitybased and benefit all Afghans, returnees as well as the local population. Complementing the Government's efforts in the water sector, UNHCR targets provinces of high or potential return, as well as the drought-affected areas. [...] In the years 2002-2004, a total of 8,119 water points have been completed under UNHCR's water programme - jointly or in co-operation with MRRD. It is estimated that these interventions benefit over 1.1 million Afghans. [...] Whilst decreasing the scope of its intervention in this sector, largely due to the presence of other actors, UNHCR still feels the necessity to complement their efforts by targeting specifically the areas of high and potential return. In 2005, UNHCR will implement 430 water projects for an intended population of 64,500 persons. All UNHCR-sponsored water interventions will be carried-out in co-operation with UNDP, under the auspices of MRRD and under the frame of the National Area Based Development Programme."

## **Shelter and non-food items**

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### **Return of displaced Afghans highlights the fundamental and urgent need to address housing and land issues (September 2005)**

- Shelter is the most important need of returnees (both refugees and IDPs)
- Lack of housing and land rights is feeding instability and insecurity in both rural and urban parts of the country.
- Absence of an existing sound housing and land rights situation combined with the return of refugees and IDPs has created an additional strain on the country.
- Housing situation is the worst in Kabul, Jalalabad and Kandahar, but the non-respect of the right to adequate housing and security of tenure for the poor exists all over the country.

- Many IDPs are willing to return home but security issues and concerns related to housing, land and livelihood prevent them from going home.
- Female-headed households seem to be most vulnerable. Many women face difficulties to claim their inheritance rights and to access the judiciary and established institutions.

**UNHCR, September 2005:**

"As expressed by returnees themselves, shelter is their single most important need. Although there is no accurate figure of the number of houses and buildings destroyed during the 25 years of conflict, it is estimated that more than 500,000 homes were either totally or partially ruined. Immediately after their return, many returnees have no choice but to live with their relatives or friends, often in overcrowded conditions. Others who cannot enjoy such hospitality must live under tents or be accommodated in substandard public buildings, which often lack basic infrastructure. Recognising this enormous and immediate need, UNHCR, together with the Afghan authorities, has embarked on a large-scale shelter programme which took off in the spring of 2002. Since then, UNHCR has been able to provide shelters to more than 117,000 families.

UNHCR targets provinces of high or potential return. Although the focus has traditionally been on rural areas, UNHCR has also implemented shelter programmes of a limited scale in urban centres, particularly Kabul.

Priority is given to vulnerable returnee families who possess land or are allowed to use land but who lack the necessary financial or material resources to reconstruct their house. These include families headed by a female, elderly or disabled person, very large families or families with very low income and others who cannot build their home alone. To ensure a fair process for the selection of beneficiaries, UNHCR follows a community based approach, where the community takes the primary responsibility to identify eligible families based on the agreed selection criteria. For this purpose, Beneficiary Selection Committees are set up which consist of the village *shura* (the council of the village elders), representatives from the local government and from UNHCR and its implementing partner organisations.

Women are involved in the selection and implementation process to the maximum extent possible given the local cultural context. Women's participation in the Beneficiary Selection Committees allows for a direct dialogue with female beneficiaries and helps identify eligible families who might otherwise not come to the attention of the Committee."

**IRIN 12 September 2003:**

"Lack of adequate housing is becoming critical in both rural and urban parts of Afghanistan. Two decades of conflict have left hundreds of thousands of Afghans homeless with an equal number living in temporary or sub-standard accommodation. In an interview with IRIN, Miloon Kothari, a Special Rapporteur on Adequate Housing for the United Nations Commission of Human Rights said that lack of housing and land rights is feeding instability and insecurity in some parts of the country. Kothari has been invited by the Afghan government to look at housing, land rights and displacement in the country.

(...)

Q: Are returning refugees and IDPs making the housing shortage worse right now?

A: The influx of returnees, in combination with existing internally displaced, has created an additional strain on the country. However, one of the reasons this burden is so overwhelming is the absence of an existing sound housing and land rights situation to start with. Even without the return of refugees from Pakistan and elsewhere, the situation would have been serious.

During decades of war, the country has experienced destruction of houses and land, and deterioration of the limited infrastructure for essential services, including water, a problem made

even more acute by the last five years' of drought in many parts of the country. Even among those Afghans who never left the country the needs are enormous.

What the return of large number of Afghans to their country has done is to highlight the fundamental and urgent need to address housing and land issues as a matter of priority and with a long-term development, not only humanitarian, perspective.

Q: Where is the housing situation worst?

A: From my first hand observations in and around Kabul, Jalalabad and Kandahar and from information received from other provinces, I believe that it is safe to say that the non-respect of the right to adequate housing and security of tenure for the poor exists all over the country. The nature and the symptoms of the problem can naturally differ from region to region and from urban to rural areas.

(...)

Q: What are the issues of concern in terms of resettlement of IDPs to the areas of their origin?

A: The issue is highly complex and there are as you know many different forms of internally displaced persons - from those fleeing persecution and insecurity in their place of origin due to ethnic and land conflict fostered by commanders and warlords; those driven away by drought, and; former refugees whose houses and lands are now destroyed or have been occupied by someone else. This should also be seen in the context of the tendency of increased urbanisation of the country as a whole.

During my interviews with people in and around Kabul, Kandahar and Jalalabad, most of the displaced persons I talked to indicated that given the possibility they would like to return to their places of origin. The issue of security was their main concern, closely followed by concerns related to housing, land and livelihood. Whereas many owned houses, they did not own land and therefore feared that they would never be able to survive if they returned to the areas of their origin.

(...)

Q; You have focused a lot on women and their right to adequate housing, land and property during your visit in Afghanistan. How do you view the situation of women in the country?

A: From a broad human rights perspective, the situation is serious, whether we talk about the right to participate in public life, freedom of opinion and expression or the right to education. In respect of housing and land, I am most of all concerned about the existing discrimination of women at all levels of society, from the governmental level to the private sphere. Even the international community has failed to adopt a comprehensive approach to address the special needs and rights of women to housing, land and property.

I have had the opportunity to discuss with many women, including a women's shura in Kandahar, during my visit and their testimonies reveal a disturbing pattern of exploitation leading to increased vulnerability. I am particularly concerned about women's difficulties to claim their inheritance rights and to access the judiciary and established institutions. Female-headed households seem to be most vulnerable, whether we talk about widows, women abandoned by their husbands or women having the main responsibility as the family's bread-winner. The widespread domestic violence is another concern linked to the right to a secure place to live."

### **Influx of returnees and IDPs in Kabul has created a housing crisis (January 2004)**



- Increase in population in Kabul has created a housing crisis with increases of 280% in rental costs between 2001 and 2003.
- Many families squatting houses have also been evicted by returning owners.
- It is estimated that 63,000 housing units have been severely damaged or destroyed in Kabul with approximately 50% of all Kabulis living in informal settlements with no security of tenure.
- 34% of the households interviewed live in a single room of 4.65m by 3.33m on average: this represents 5.9 persons sharing 15.5m<sup>2</sup>.

**ACF January 2004, p. 23:**

"Besides putting pressure on strapped water and sanitation networks, the recent population influx has created a housing crisis. A survey among ACF staff for instance, revealed a 280% increase in rental costs between 2001 and 2003. In addition to this, returning owners evicted families who had been squatting their abandoned houses.

Each of the interviewed households had to mention the first time that they had arrived in Kabul as well as when they returned in case of temporary departure: the following graph evidences this influx over the past 10 years. The soaring number of families coming to Kabul, whether for the first time or not, had a direct impact on the housing situation in throughout the city as newcomers and returnees alike needed a place to stay. In fact, many families returned to destroyed or squatted houses.

Graph 5-Influx of families arriving for the first time or returning to Kabul over the past 10 years [Muslim calendar] –

It is estimated that 63,000 housing units have been severely damaged or destroyed in Kabul with approximately 50% of all Kabulis living in informal settlements with no security of tenure (Ministry of Urban Development and Housing, 2002 in Rodey 2003). With the increase in rents as well as the high number of people returning and reclaiming their original houses many have been forced to share accommodations, either with relatives or unrelated families. It is very common to find many families sharing one house. Throughout the city the average number of families per house is 2.2 but in areas like Bagh Ali Mardan where crowding is obvious, an average of 3.8 families share one house. House owners were also found to be renting out rooms to strangers to augment their income. This was also mentioned in focus groups as a mechanism used to cope in times of financial need.

Beside the number of families sharing a single house, the number of persons living in a single room reflects the high population density in specific parts of the city. As mentioned above, averages for the entire city tend to blur striking differences between neighbourhoods. One third of the households (34%) interviewed live in a single room of 4.65m by 3.33m on average: this represents 5.9 persons sharing 15.5m<sup>2</sup>. In Cement Khana however [Zone D] up to 51% of the families live in a single room, while in better off areas such as Khair Khana, only 3% of the households live in only one room."

**See also:**

**United Nations Commission on Human Rights (CHR), 4 March 2004, [Adequate housing as a component of the right to an adequate standard of living, Mission to Afghanistan \(31 August -13 September 2003\)](#)**

### **Returnees in Mazar-i-Sharif are in dire need of accomodation (March 2003)**

- Returnees in Mazar-i-Sharif need accomodation as many have found their houses demolished.
- Impossibility of settling in their villages of origin means that many of the 45,000 IDPs returning are heading for the cities, living in difficult conditions.
- 500,000 people in the region have no food, water or accommodation, and they are heading for the cities.
- Total requirement for new accommodation in Mazar-i-Sharif is 100,000.
- Families without males are unable to have their homes built without the assistance of family members or the local community.

#### **DIS March 2003, pp. 41-42:**

"The Chief of the Department for Repatriation in Mazar-i-Sharif said that there is a serious need for accommodation for the many people, who have returned. Also, there are no jobs for the large number of people, arriving in the town. Many have returned and found that their houses have been demolished. The 45,000 internally displaced persons, who have recently returned, will be suffering this winter. Some people have received two bags of grain from UNHCR, but that is not enough.

The 45,000 internally displaced people are unable to settle in their villages of origin, and are therefore arriving in the cities. They are living in ruins and on building sites, and children are dying from diarrhoea, dysentery and viral diseases. In the rural districts, people are also suffering from the drought.

The Head of the UNHCR office in Mazar-i-Sharif said that there was a serious shortage of basic resources: housing, water and food. There are 500,000 people in the region who have no food, water or accommodation, and they are heading for the cities. This in turn means that they will be unable to settle down before the winter sets in. UNHCR expects to have completed 8,000 homes by the end of November 2002. That is a small number compared to the estimated total requirement for new accommodation, which is 100,000 in Mazar-i-Sharif. The source further said that UNHCR is unable to provide accommodation and water for everybody, but is trying to assist the most vulnerable groups, typically the internally displaced who were unable to flee the country and instead were driven away to the "neighbouring village". Accordingly, UNHCR tries to make women their first priority. Most of the people are returning as "extended families" - i.e. 2-3 families together, although there are also tribes and small families.

Accommodation, water, land - and in the towns jobs - are the vital survival requirements, which must be met. There are also a large number of families with a female breadwinner. They are at the top of the UNHCR list of priorities. However, these families without males are unable to have their homes built without the assistance of family members or the local community. The source feared that many repatriated people would resort to robbery and crime against the civilian population unless jobs are created by means of reconstruction projects.

The source said that UNHCR is cooperating with the Ministry for repatriation and the Ministry for reconstruction of the rural districts, but according to recent experiences, the administration is only just functioning, and certainly not at a level where the administration takes on sole responsibility for part of the work, and there is no coordination of activities by the administration."

# ACCESS TO EDUCATION

## General

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### **Schools are increasingly targeted by insurgent groups - girls disproportionately affected (September 2006)**

- Attacks against education institutions sharply increased in late 2005 and the first half of 2006
- Assassinations and threats has led to the closure of hundreds of schools

#### **UNGA, 11 September 2006:**

"42. The right to education has been compromised owing to a marked increase in the number of attacks on schools since late 2005. The majority of attacks have taken place in the southern and south-eastern regions, where they are mainly attributed to insurgents or in some cases to criminal elements. From January to July a total of 202 violent incidents against schools, teachers or pupils have been recorded as compared with 99 during the previous year, partly or completely denying education to at least 105,000 Afghan children in the south. The Ministry of Education, the United Nations Children's Fund (UNICEF) and other partners have set up a special national task force to strengthen the protection of students, teachers, school officials and schools themselves and facilitate a rapid response when incidents arise.

[...]

48. The deteriorating security situation in parts of the country has further restricted Government efforts to ensure Afghan women and girls' full enjoyment of their rights. For example, the Women's Provincial Departments of the Ministry of Women's Affairs have ceased or curtailed operations in Kandahar, Uruzgan and Hilmand. Continuing attacks against educational institutions are having a disproportionate impact on girls, as they have lower initial rates of enrolment and literacy than boys."

#### **HRW, July 2006:**

"Brutal attacks by armed opposition groups on Afghan teachers, students, and their schools have occurred throughout much of Afghanistan in recent months, particularly in the south. These attacks, and the inability of the government and its international backers to stop them, demonstrate the deteriorating security conditions under which many Afghans are now living. While ultimate responsibility lies with the perpetrators, much about the response of the international community and the Afghan government can and must be improved if Afghanistan is to move forward. The situation is not hopeless, yet.

Attacks on all aspects of the education process sharply increased in late 2005 and the first half of 2006. As of this writing, more attacks have been reported in the first half of 2006 than in all of 2005. Previously secure schools, such as girls' schools in Kandahar city and in northern provinces such as Balkh, have come under attack. There have been reports of at least seventeen assassinations of teachers and education officials in 2005 and 2006; several are detailed below. This report also documents more than 204 attacks on teachers, students, and schools in the past eighteen months (January 2005 to June 21, 2006).

Even more common have been threatening "night letters," alone or preceding actual attacks, distributed in mosques, around schools, and on routes taken by students and teachers, warning them against attending school and making credible threats of violence.

Physical attacks or threats against schools and their staff hurt education directly and indirectly. Directly, an attack may force a school to close, either because the building is destroyed or because the teachers and students are too afraid to attend. Attacks and threats may also have an indirect ripple effect, causing schools in the surrounding area to shut down as well.

Where schools do not close altogether, each incident influences the risk assessment that parents and students undertake every day. Single episodes of violence, even in far away districts, accumulate to establish a pattern; in a country as traumatized by violence as Afghanistan, teachers, parents, and students are keenly attuned to fluctuations in this pattern and decide to continue—or stop—going to school based on how they view the general climate of insecurity. Parents often have a lower threshold for pulling their daughters out of school than boys, given greater social restrictions on girls' movements and legitimate concerns about sexual harassment and violence. As a result of the cumulative impact of attacks and closures over the past three years, schools, which were only recently opened or reopened, have once again been shut down in many districts in the south and southeast. In many districts in these areas, no schools operate at all.

General insecurity and violence targeted against education also exacerbate other barriers that keep children, particularly girls, from going to school. These include having to travel a long way to the nearest school or having no school available at all; poor school infrastructure; a shortage of qualified teachers, especially women teachers; the low quality of teaching; and poverty. All of these factors affect, and are affected by, Afghanistan's varied but conservative culture. Each has a greater impact on girls and women, in large part because there are far fewer girls' schools than boys' schools.

Measuring the deleterious impact of insecurity on education provides a strong diagnostic indicator of the costs of insecurity more generally. Basic education is important for children's intellectual and social development and provides them with critical skills for leading productive lives as citizens and workers. Education is central to the realization of other human rights, such as freedom of expression, association, and assembly; full participation in one's community; and freedom from discrimination, sexual exploitation, and the worst forms of child labor. Education also facilitates many other socially important activities, such as improvements in the economy, development of the rule of law, and public health. Restrictions on girls' right to education especially hurt the country's development: for example, girls' and women's literacy is associated with lower infant and maternal mortality and, unsurprisingly, better education for future generations of children. Girls not educated today are the missing teachers, administrators, and policymakers of tomorrow. After the Taliban, Afghanistan cannot afford to lose another generation. Such a tragedy would compound the misfortune the already beleaguered nation has faced.

[...]

The Taliban's prohibition on educating girls and women was rightly viewed as one of their most egregious human rights violations, even for a government notorious for operating without respect for basic human rights and dignities. But even before the Taliban, the mujahedin factions that ripped the country apart between 1992 and 1996 often opposed modern education, in particular the education of girls.

Since the United States and its coalition partners ousted the Taliban from power in 2001, Afghans throughout the country have told Human Rights Watch that they want their children—including girls—to be educated. Afghans have asked their government and its international supporters to help create the infrastructure and environment necessary for educating their children.

A great deal of progress has been made. When the Taliban were forced from power, many students returned to school. According to the World Bank, an estimated 774,000 children attended school in 2001.[...] By 2005, with girls' education no longer prohibited and with much international assistance, 5.2 million children were officially enrolled in grades one through twelve,

according to the Ministry of Education.[...] (All statistics on education in Afghanistan should be understood as rough approximations at best.)

Despite these improvements, the situation is far from what it could or should have been, particularly for girls. The majority of primary-school-age girls remain out of school, and many children in rural areas have no access to schools at all. At the secondary level, the numbers are far worse: gross enrollment rates were only 5 percent for girls in 2004, compared with 20 percent for boys.[...] Moreover, the gains of the past four-and-a-half years appear to have reached a plateau. The Ministry of Education told Human Rights Watch that it did not expect total school enrollments to increase in 2006; indeed, they expect new enrollments to decrease by 2008 as refugee returns level off.[...] In areas where students do attend school, the quality of education is extremely low.

Two critical factors are, first, that attacks on teachers, students, and schools by armed groups have forced schools to close, and, second, that attacks against representatives of the Afghan government and nongovernmental organizations (NGOs), along with general lawlessness, has made it too dangerous for them to open new schools or continue to operate in certain areas. Where schools do remain open, parents are often afraid to send their children—in particular, girls—to school. The continuing denial of education to most Afghan children is a human rights crisis that should be of serious concern to those who strive to end Afghanistan's savage cycle of violence and war."

### **UN organisations provide primary education in IDP settlements, more needs to be done in areas of return (July 2005)**

- UNHCR provides primary education in IDP settlements. The organisation recognises the importance of providing education also in areas of return
- Despite efforts to provide primary education for IDPs, education is not available for IDP in informal settlements.
- Children in areas of return often cannot pursue their education because they are required to supplement the meager income of their family through employment

#### **UNHCR SO Kandahar, July 2005:**

"Primary education is mandatory for all Afghan children. Schools have already been established within the boundaries of the IDP settlements. In 2006, the Ministry of Education, in consultation with the shura and district administration, will continue to provide teachers for primary education and school materials in the settlements. In addition, UNHCR will consider, as required, in co-ordination with UNICEF, to support the Ministry of Education (MoE) in areas of return, to ensure continuation of education for returning IDPs. This assistance will focus on institutional strengthening, infrastructure development and capacity building as necessary."

#### **AI 23 June 2003, p. 27:**

"Lack of access to education constitutes a serious obstacle to sustainable return. Several of the returnee children interviewed by Amnesty International had only limited access to education. While some informally settled families have been able to secure educational opportunities for their children, not one child in an informal tented settlement in Kabul comprised of 75 families was receiving formal education. Children are often denied access to education because they are required to supplement the meager income of their family through employment. Mirza Ahmed's

eight children, who live with him in Kabul city following their return from Quetta, do not go to school. Instead they wash cars, sell plastic bags and trinkets in the street or work as manual labourers to earn money for their family.

Secondary schools for girls are limited, especially in rural areas. Girls living with their families in a ruined building in western Kabul were unable to continue the education they had started to receive while in exile . Saida's two teenage daughters, living in their newly rebuilt house in the Shomali valley after their return from Iran, told us that they could not go to school, as their father believed that it was unsafe for them to walk to the nearest secondary school some kilometers away.

Ironically, the desire to ensure an education for their children is cited as one of the main reasons for many refugees to return to Afghanistan from Iran."

# ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

## Self reliance

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### **Basic needs and livelihoods of IDPs during displacement are secured, says UNHCR (July 2005)**

- UNHCR considers the general living conditions of the displaced as improved over the last three years, due to the improvement of the general climatic and political situation in the country
- The majority of the IDP households has also found access to income-generating opportunities in surrounding areas and is no longer dependent on food assistance
- UNHCR and partners continue to invest in marketable skills to increase the ability of IDPs to generate own income

#### **UNHCR SO Kandahar, July 2005:**

"The climatic and political situation in Afghanistan has improved in the last three years and thereby created increased opportunities for IDPs to return to places of origin and to step out of the framework of dependency on relief assistance whether upon return or in a location of their choice.

With regard to the drought, favorable climatic changes with high levels of snow fall and rains have mitigated the effects of the drought in the areas of origin of many IDPs. It is expected that the recent rains will have a positive impact on agricultural yields and on grazing areas in the country, particularly the southern provinces of Helmand, Zabul and Kandahar, the areas most affected by drought in the past five years.

With regard to security and stability, the presidential elections, changes in the administration in provinces of the North, progress in the DDR process in major Northern and North Western provinces as well as the expansion and deployment of ANA and ANP to various parts of the country have had a positive impact on the human rights situation. These developments also created opportunities for return in safety and with dignity to Afghans displaced from the North and North-West.

More than three years after their displacement, the situation of the remaining IDPs in the camps in the Southern region has largely stabilized. Surveys among IDPs show basic health indicators comparable to Afghans in surrounding areas as well as a high level of attendance of formal and informal education among children and literacy courses among adults. The majority of the IDP households has also found access to income-generating opportunities in surrounding areas and is no longer dependent on food assistance. (A recent survey in Mukhtar indicates that 87% of the IDP households generate some form of cash income to sustain their lives). UNHCR and its partners continue to invest in marketable skills to increase the ability of IDPs to generate own income."

### **Uzbek IDPs in Herat with depleted assets have precarious livelihoods (August 2004)**

- Example of Uzbek IDPs in Herat city show that they occupy the lower social echelons of their neighbourhood. Displacement has depleted their assets.
- To survive, male IDPs do a variety of unskilled jobs and their income is generally irregular.
- The Uzbek IDPs feel they are strangers in a foreign and often hostile urban environment but they can rely on family networks when in need.

**AREU August 2004, p. 1:**

"Research undertaken in 2004 (as part of a larger project on transnational networks, refugee return and labour migration) focuses on two nearby compounds in an urban neighbourhood of the western Afghanistan city of Herat. The small sample of Uzbek IDPs who were researched are surrounded by indigenous Herati families and households from elsewhere in Afghanistan. All the Uzbeks are from Faryab province, 350 kilometres away in north-eastern Afghanistan, the majority from its main city, Maymana. Contacts with relatives are maintained via elaborate social networks. Relatives and neighbours from Maymana pass through Herat on their way to Iran, exchanging news and letters. The brother of one IDP works as a driver between Herat and Maymana and conveys remittances, relatives and goods.

The IDPs occupy the lower echelons of this Herati neighbourhood. Herat's economy is booming due to its position at the crossroads of trading routes with Iran and Turkmenistan. IDPs feel the consequences as the return of Afghan refugees from Iran pushes up the cost of renting property. One informant, Malikaii, reported that in March 2004 her household's rent almost doubled to \$US60 a month. IDP families note that displacement invariably has depleted their assets, giving them less flexibility in terms of expenditure and fewer resources to fall back on.

Male IDPs do a variety of unskilled jobs. They may earn two or three dollars a day but income is irregular. Masoud, Malika's husband, used to work in construction in Mazar-i-Sharif and in a brick-kiln factory in Iran. In Herat he bought a cart to push goods in the bazaar but fell ill after five years and started selling potato pancakes made by his wife. It is a precarious livelihood. IDPs are harassed by the police and constantly risk fines, confiscation of goods and overnight imprisonment as a consequence of city directives restricting pancake sellers and other street vendors.

The Uzbek IDPs feel they are strangers in a foreign and often hostile urban environment. If in need, the families turn to each other, Uzbeks living elsewhere in Herat or those entrepreneurs in the bazaar that provide them with work or credit. They do not know the traditional neighbourhood representative (wakil). Women's contact with people beyond their compounds is limited as they are often busy with their household chores and home-based work to enhance their families' income. One Uzbek compound maintains good relations with two Herati neighbours –characterised by frequent visits and an exchange of small favours. Though only fifty metres apart the two Uzbek compounds have little contact with each other."

**Many returning refugees and IDPs disappointed by living conditions in Kabul (February 2004)**

- Majority of the 2 million refugees who returned to Afghanistan in recent years have settled in the country urban centres.
- Rapid urbanization cannot meet the water and electricity requirements and high density settlements are creating health and hygien problems.
- Kabul is perceived by many Afghans as the city of opportunity, where jobs can be found and where many educational and health facilities are located.



- Lack of suitable jobs in Kabul came as a shock to those interviewed, especially to returned refugees.
- Many were questioning why they had returned to Afghanistan and felt disappointed in what they discovered upon returning.

**AREU February 2004, pp. 4-7:**

"In recent years, more than two million refugees have returned to Afghanistan, with the majority settling in the country's urban centres and primarily in the capital, Kabul. Kabul is a powerful magnet for Afghans looking for security and a better life after decades of civil war, particularly for returned refugees from both Pakistan and Iran, and many IDPs from throughout the country. Today, the city has a population of approximately 3 million, with impoverished residents filling war-devastated sections of the city and constructing new dwellings higher and higher on the surrounding hillsides. Rapid urbanization that cannot meet the water and electricity requirements of large portions of the population, while problems of health and hygiene associated with high-density settlements are common.

In spite of these numerous drawbacks, Kabul continues to be perceived by many Afghans as the city of opportunity, where jobs can be found and where many educational and health facilities are located. As one elderly respondent related, "It's (Kabul) the centre of everything- and the air is also very good here." The dynamic urban scene of present-day Kabul includes a vibrant cash economy dominated by the informal sector with more job opportunities, especially in construction, than in other Afghan cities. Petty trades and small businesses are also common throughout the city. Waged income, however, is often unstable and there is intense competition for resources.

(...)

In the highly competitive cash economy of Kabul, access to employment was a primary concern for all the poor household members included in our study [which included IDPs]. In conversation with both male and female household members, their desperation was clearly apparent as they noted the lack of secure employment in Kabul. The commodity based nature of city life means for poor households that "labour is their most important asset, " providing income directly through waged employment or indirectly through self-employment in the informal sector. Adult males interviewed were involved in day labour (working in gilkori [masonry] or as porters in the vegetable market), which usually entails the uncertain prospect of standing on street corners waiting to be chosen for work each morning. They often combine intermittent day labour with petty trades such as selling coloured boiled eggs or baked corn in the bazaar, neither of which are big money-makers. Only one adult male in all of the households contacted had a regular salaried job: he worked as a money collector on a public bus six days a week earning 100 Afghanis per day (approximately US\$2).

The lack of suitable jobs in Kabul came as a shock to those interviewed, especially to returned refugees, who had heard that there would be many opportunities in the process of rebuilding Afghanistan."

## **Access to land**

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**Access to land is one of the main problems faced by displaced Kuchis (February 2004)**

- A mission conducted by MRRD and UNHCR to Kandahar in early 2004 showed that the Kuchis had lost everything in the drought and that conditions in Registan were not good

enough for their return. A survey conducted among IDPs in the south should say more about the Kuchis' intention to return.

- The main problem faced by Kuchi IDPs is access to land.

"Changes in summer pastures and in winter pastures have taken place over the last centuries, and currently the access to the summer pastures in the Central Highlands is compromised. Customary mechanisms to determine pasture user's rights exist, and are functioning to a certain extent. However, particularly in areas where these grazing rights have been relatively recently established, and where these were partly politically manipulated, there is a high level of conflict over these user's rights.

[...]

Destitute pastoralists, that have lost all their livestock, tend to settle permanently in their traditional winter areas. There they are often at risk of being evicted from the land by local residents or commanders. This land insecurity places additional stress on already destitute people." (NRC, July 2005, pp. ii and iii)

"A recent joint mission by MRRD and UNHCR to Kandahar revealed that situation in the south is complex. Kuchis from Registan have lost everything in their places of origin. Registan is still affected by drought. There has been some rain this year but not enough for many Kuchis to return. A comprehensive assessment of Registan is currently underway and within five months we will be able to find out how many Kuchi families could return. Profiling will be carried out in all of the camps in the south to find out how many will return. We have to be realistic about the situation the Kuchis are in and the support they need, Mr. Pete told participants. One of the main problems the Kuchis presently face is the issue of land.

Mr. Pete also insisted that it is crucial to take action now before finding solutions for IDPs are further delayed. Sustainable returns are not only linked to political/social changes but also to when seeds grow and the availability of pastures for animals." (CG1 22 February 2004, p. 3)

### **Access to land is one of the main problems faced by displaced Kuchis (July 2005)**

- Access for Kuchi pastoralists to their traditional grazing lands is limited
- Kuchi settling permanently face land insecurity
- A mission conducted by MRRD and UNHCR to Kandahar in early 2004 showed that the Kuchis had lost everything in the drought and that conditions in Registan were not good enough for their return

#### **NRC, July 2005, pp. ii and iii:**

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### **IDP Operation plan for the South envisages the creation of a Land Access Working Group for the residual IDP caseload (October 2003)**

- The regional operation plan for the south envisages to find alternative solutions for IDPs unable or unwilling to return, for example by providing them with access to land in Kandahar province. Initiation of negotiations with relevant actors on the temporary allocation of land is the role and responsibility of the provincial government.
- Given the current inequity in land relations and the high degree of rural landlessness, it is further envisaged that a special Land Access Working Group be created to research and analyze the various possibilities, eligibility criteria as well as the legal and socio-economic implications.

#### **MoRR & MRRD October 2003, pp. 4-5:**

"Despite the priority focus on return to areas of origin or nomadic livelihood, the Government shall address the issue of families not willing to return if conditions in their areas of origin are not improved. These might include persons from all categories, notably landless families from all regions and pastoralists unable or unwilling to return to the pastoralist livelihood. These people will constitute a residual caseload, for which alternative solutions need to be found. Access to land is a central element in determining mechanisms to rebuild an alternative livelihood.

#### **4.1 Provincial Government**

Presently, the Governor of Kandahar has indicated that assurance will be provided in relation to temporary use of land in IDP settlements. The Provincial authorities will not make any commitments related to allocation of land until a position from the National Government on this issue is taken.

#### **4.2 National government**

The Government shall ensure the right to stay for those IDPs that are not or not yet willing to return. It is the role and responsibility of the provincial government to initiate negotiations with the relevant actors and issue a formal commitment for temporary use of right of land currently occupied by IDPs. In case of private ownership of the land, the rights and needs of the land owner shall be taken into consideration. Land that is qualified as tribal land, over which tribes have a certain level of influence, shall be negotiated by the provincial government with the tribal leaders.

When looking at longer-term solutions, the National Government shall take an objective viewpoint, and look at the issue of land allocation and rights of IDPs from a national perspective. Governmental discussions regarding land concessions need to be held at inter-province level, to ensure a fair sharing of the responsibility and emphasise national unity.

The Regional Operation Plan has an initial focus on increasing the rate of return and sustaining reintegration to reduce the size of the residual caseload, and thereby reduce the scale of the people in need of alternative solutions. The key elements of the approach to achieve this are:

- facilitated return programmes to promote sustainable return
- increased support in areas of origin
- integration of returned IDPs in National Programmes

Durable solutions for the residual caseload will come through providing access to land either on a permanent legal basis or in the form of long-term concessions or right of use. The high degree of rural landlessness in Afghanistan, and the current inequity in land relations are a complex socio-economic problem, which needs to be addressed with care. A special Land Access Working Group shall be created to research and analyze the various possibilities, eligibility criteria and their legal and socio-economic implications, thereby drawing from international experience.

In the context of the intended increased self-reliance of the IDPs and the associated re-evaluation of levels of assistance, which is described in the next chapter, an Economic Integration Assessment shall be conducted. The outcome of the Economic Integration Assessment will provide valuable input to the Land Access Working Group.

It is important that the potential beneficiaries are being informed about the possible options for local settlement, and that transparency is maintained. The perceived opportunities of obtaining agricultural land can, and has in the past, acted as a pull-factor to the IDP camps, which needs to be avoided.

The opening up of new agricultural land through large scale irrigation programs shall be encouraged. The current legislation which describes eligibility criteria for (re-)distribution of land shall be reviewed in the current context. Another relevant aspect related to access to land is the creation of conditions that allow the return of Kuchi to areas in the Central Highlands, particularly to Ghazni, Wardak and Bamyan provinces. This is an issue that requires high level discussion at the Central level, in particular through the Inter-ministerial Commission on Kuchi, supported by the Kuchi Vulnerability Committee."

### **Drought and growth of families in displacement makes land a limited source of income upon return (September 2003)**

- Given the growth of families in exile, the available land is often no longer sufficient to cover the needs of its returning owners and many returning IDPs or refugees had to find alternative sources of livelihood.
- Those who has to sell their land prior to their displacement are now obliged to work as laborers on the land of others to support their family.
- The cultivation of poppy constitutes the main source of income for many agricultural landowners in many parts of the region.

#### **UNHCR 1 September 2003, p. 3:**

"Given the growth of families in exile, the available land is no longer sufficient to cover the needs of its owners. In Dara I Suf, Hazara interviewees told UNHCR that the original 2 families that had fled Afghanistan have multiplied into four in exile. As such, the land which was adequate for farming for two family members thirty years ago is insufficient to cover the needs of additional members who have returned as the land is too small to yield enough harvest for all. This is a general trend throughout the country, and has been exacerbated by the severe drought that has persisted for the last four years.

As such, even those returnees who have had no problems in recovering their property, have been forced to selling it in order to support their families. This has been the case of the returnees in Balkh. Many had to resell their land prior to displacement, and are now working as laborers on the land of others to support their family. This was particularly the case in Bamyan Province, where many Hazara families sold their lands to pay the Taliban authorities the sum of money required as a substitute for the military recruitment of their family members. Other villages have resorted to sending their heads of families to the urban centers, and neighboring countries to work. In Shinkay village of Gilan district, Ghazni province, the villages rely entirely on the remittances that the men bring home.

These combined factors have partially been responsible for the continued cultivation of poppy, which continues to constitute the main source of income for agricultural landowners in many parts of the region, as well as generating employment opportunities for the landless."

# PROPERTY ISSUES

## General

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### **Issues related to land allocation and land and property rights are far from solved (September 2005)**

- Land ownership in Afghanistan is starkly inequitable and a significant proportion of the rural population is landless
- Determining the legitimate owners of land and property is complicated by the lack of a complete set of official cadastral records and a multiplicity of ownership documents, both customary and official
- In Afghanistan's plural legal system, State, religious and customary law often overlap, which complicates property issues
- The land disputes cannot simply be solved by creating new laws and institutions
- Peace, stability and a strengthening of the rule of law are pre-requisites for addressing the issue of land disputes

#### **NRC, April 2005, p.12 and 13:**

"The issue of land and property rights and land reform has been extremely controversial in Afghanistan's recent past. Land ownership in Afghanistan is starkly inequitable and a significant proportion of the rural population is landless. A feudal-like system prevailed under the monarchy and its collapse removed the few privileges that this group, whose status was similar to that of peasants, once enjoyed. A mismanaged attempt at land reform was one of the major causes of the revolt against the communist regime in 1978 and disputes over land ownership continue to be a major source of ethnic conflict down to the present day. The rapid return of so many refugees has severely exacerbated these tensions and land disputes remain one of the most potent sources of conflict in Afghanistan.

[...]

Determining who are the legitimate owners of land and property in Afghanistan is made more difficult due to the lack of a complete set of official cadastral records and a multiplicity of ownership documents, both customary and official. It is further complicated by Afghanistan's plural legal system, in which State, religious and customary law often overlap. Customary law, in particular, has become increasingly important as the official system went into abeyance during the conflict. Invariably, judges referred to copies of the Holy Quran and stated that it contained all the laws that were needed.

[...]

A policy of restitution in Afghanistan must be based on a strengthening of the institutions of law and order and persuading the international community to make good their initial promises of financial and material assistance. More consideration also needs to be given to some of the harmful side effects of two particular policies: the United States (US)-led 'war on terrorism' and the rapid transition of the commercial market in a situation of instability and lack of law and order, both of which are creating significant problems in Afghan society.

Land has become an extremely valuable commodity due to the rise of real estate prices in Kabul and the growing amount of poppy cultivation in parts of the country. The Government of Afghanistan has noted that establishing a national registry of land ownership could help to kick-start the economy by allowing this land to be used as collateral for entrepreneurial activity,

encouraging investment from the private sector and broadening the Government's taxation base. 46 However, much of this land is currently being illegally occupied or controlled by powerful commanders. Some of these are also public officials, while others have been co-opted by the US forces into its struggle against the remnants of the Taliban. A culture of 'impunity' exists amongst this new class of private land-owners who have come to regard themselves as being 'above the law'"

**NRC/UNHCR, September 2005, pp. 46-48, 50**

"[...] successive governments in Afghanistan have adopted land allocation policies. As a means of rewarding and consolidating their own support bases. The establishment of a fair system of land allocation is a major challenge for the current administration.

[...]

However, to counter what was perceived as widespread distribution of public lands to undeserving beneficiaries at the local, provincial and national levels, the Government issued Decree 99 in April 2002. which froze distribution of public land countrywide.[...]

[...]

The ban remain in effect. However, the rapid return of so many refugees and other displaced persons to Afghanistan in recent years has placed it under great strain.

[...]

[... in Kabul:] A vast influx of internally displaced persons (IDPs) during the 1980s and then the destruction of much of the city in the 1990s overwhelmed the [urban master] plans laid down. Many houses were constructed in unauthorized areas, including on hills and green belts, and on government –owned land. The specifications regarding the design of the houses was also widely ignored and many that were built are now considered to be unstable or unsafe. [...]After the capture of Kabul by the Mujahidin in 1992, thousands of people who had been legally allocated houses and apartment under the previous regime were forced to flee from their homes. This pattern was repeated across the country and many of these homes were illegally occupied by other people. There was further displacement when Taliban came to power. A number of new laws and regulations were introduced during the period of the Taliban Government and some attempts were made to restore property to its rightful owners[...]. However, this period also saw widespread forgery of property ownership documents.[...]"

**NRC June 2004, pp.1-3:**

"The problem of land disputes cannot be dealt with in isolation from tackling Afghanistan's other problems. Clearly there are also no 'quick fixes' to the problems described below. Indeed attempts to impose solutions from above may actually be counter-productive, as the creation of new laws, commissions and other institutions may only add to the existing confusion and make it harder to strengthen and reform the mechanisms that already exist. Where the international community can perform a valuable role is in monitoring these institutions and measuring their claims against their practical performance.

Peace and stability are obvious pre-requisites for tackling the problem of land disputes. A strengthening of the rule of law, building the capacity of existing institutions and tackling corruption are also vital. Land reform is a controversial subject in Afghanistan today, but the problem of land disputes is clearly linked to the inequitable system of land ownership and the huge, and growing, number of landless people. Without a coherent policy of land reform it is difficult to see how many of the grievances which continue to promote tribal, ethnic and political conflicts will ever be successfully addressed. "

**Realisation of housing and land rights poorly managed by Afghan state - vulnerable groups are at a disadvantage (September 2005)**

- The inability to manage land and property issues in a fair and equitable manner is an ongoing issue impinging upon the enjoyment of the right to property
- Vulnerable groups such as households headed by women, nomadic peoples, internally displaced persons as well as returnees, are at a distinct disadvantage in obtaining security of tenure and access to pasturelands and water
- A Property Disputes Resolution Court was established in 2002
- It does not include IDPs and does not cover cases in which the government is involved
- UNHCR is playing an increasing role in assisting returning refugees and IDPs in their land disputes

**UNGA, 9 September 2005, pp.15 and 17:**

"65. The inability to manage land and property issues in a fair and equitable manner is an ongoing issue impinging upon the enjoyment of the right to property as described in article 40 of the Constitution and other related rights. Insecurity of land ownership is due to many factors, including the ambiguity of legislation promulgated by successive regimes, the lack of clear policies for land allocation by the Government, contending urban master plans enacted by municipalities, and the general lack of capacity of significant institutions such as the Ministry of Agriculture and the law courts. In Afghanistan, judicial officials simultaneously arbitrate disputes and act as land administrators by issuing and validating title documents and maintaining ownership records. The judiciary is frequently accused of corruption in property cases. Consequently, the majority of land and property disputes are mediated by the non-formal justice sector. The authorities have failed to implement the recommendations of a Government-established independent commission to regularize land ownership in Shirpur village in Kabul and to prosecute officials involved in the unlawful transactions which resulted in forced evictions. Residents still living there remain under threat of forced eviction by powerful landlords who have illegally appropriated land at below market rates since 2003.

66. The unequal distribution of land in Afghanistan is combined with a situation where land is often insufficient to meet subsistence requirements. Vulnerable groups such as households headed by women, nomadic peoples, internally displaced persons as well as returnees, among others, are at a distinct disadvantage in obtaining security of tenure, in addition to access to pasturelands and water. An underlying system of discrimination based on socio-economic status further reinforces their vulnerability. The establishment of the Special Property Disputes Resolution Court in 2002 tasked with resolving property disputes involving returned refugees attempted to redress this inequality; however, disputes continue to be addressed by the district and provincial courts and through Afghan customary law, not always to a returnee's advantage."

[...]

"71. Returnees find greater obstacles in seeking to reclaim their land or property. Problems range from small disputes over property, often between members of an extended family, to multiple ownership titles as well as illegal occupation and confiscation of property by others. Problems of landlessness and lack of housing facilities pose a significant challenge to sustainable returns."

**AREU, December 2004:**

"Legal development in the land sphere has been minor since the Bonn Agreement. Only four new decrees have been issued. Two relate to land disputes arising during the absence of owners since 27 April 1978 (i.e., refugees and IDPs). The first established a single Property Disputes Resolution Court in Kabul in 2002, now replaced with a two tier system providing for appeals. The second law also provides two courts, one to deal with disputes within Kabul Province and one for outside Kabul. Cases where government is one of the disputants may not be heard by these courts. This is problematic where government's claim to lands (variously defined as Public Land or Government Land) is elemental to the issue at stake. The performance of the Land Disputes Court is widely criticised for having dealt mainly with claims by wealthy returnees, arriving at



doubtful rulings and being unable to enforce its decisions. Even the new ex-Kabul Court appears so far to be dealing with house, shop and business claims rather than those affecting farms or group interests.

[...]

UNHCR has become a notable (although as yet only mildly effective) champion of the need to deal with property issues, besieged as it is with thousands of refugees and IDPs who cannot return to their home areas (mainly because of ethnic problems but also because their houses have been destroyed), 100 or who do not have the expertise, means or confidence to proceed through the courts. Property matters are the most common among the complaints they record."

***NB: The creation of a Special Property Dispute Resolution Court was based on the necessity for returned refugees to be able to re-gain access to their land. However, the legislation related to the work of the Court's does not mention IDPs and does not give IDPs the possibility to deposit a complaint, since in order to do that, the person needs to be in possession of a Voluntary Repatriation Form from UNHCR. Furthermore, the court does not treat cases in which one of the parties is a government administrator (NRC, September 2005).***

#### **Landlessness affects a large proportion of the population, in particular returnees (December 2004)**

- Land ownership continues to represent a significant divider between rich and poor and land concentration continues to be significant
- Contrary to conventional wisdom, women often do own land
- The rate of landless returnees has increased over the past years

#### **AREU, December 2004:**

"As in most modernising agrarian states, the rural economy in Afghanistan is a complex mix of on- and off-farm activity and characterised by intra-rural and rural-urban mobility and multiple sources of livelihoods. Despite this, land ownership continues to represent a significant divider between rich and poor. Owning a home in the rural areas is also found to be a critical platform for survival and a factor that has received too little attention to date. Homelessness carries over from generation to generation and itinerant farm labourers are exploited in their dependence upon others for winter shelter. Declared rural homelessness is in the region of 15 percent of the population but is likely much higher when the multitude of (especially female-headed) households living in others' houses is considered.

[...]

Land concentration continues to be significant despite conventional wisdom that few large rural estates exist. Polarisation of landed and landless persons is likely going through a period of acceleration at this time, due to unsettled and unregulated circumstances, the effects of drought, rapid capital accumulation in the poppy sector, and rampant land grabbing and arable expansion by elites into areas previously designated as not available for cultivation (pasture). Militant economic elites rather than the traditional landlord class may be the main beneficiaries.

[...]

Conventional wisdom that women cannot and do not own land appears untrue, with the 2003 National Risk and Vulnerability Assessment (NRVA) finding that 56 percent of female-headed households own some land.

[...]

Low landholding and poverty correlate NRVA data also confirm that poverty correlates strongly with (among other attributes) large families, female-headed households, households with

disabled member(s), lack of access to education, lack of high-earning job opportunities, lack of access to infrastructure and services, and lack of capital assets like land and livestock. Clusters of particularly vulnerable rural households are shown in Table 1. It will be noted that returnees and internally displaced persons (IDPs) and rain-fed farmers are better off in respect of cow ownership.

[...]

UNHCR monitoring of returnees suggests that the majority of refugees to Pakistan and Iran were landless when they left and return today landless.

[...]

If landlessness is important at one extreme for assessing distribution, so too is landlordism at the other. The literature on Afghanistan is replete with reference to the feudal or semi-feudal rural economy of Afghanistan, particularly among Hazara and Pashtun tribes. While landlordism certainly still exists in abundance, social relations today appear to lack the beneficial reciprocity between landlord and serf that characterises conventional feudalism. What remains is significant labour exploitation.

[...]

**Table 14: House Ownership of Returning Refugees**

Period	% Do Not Own House	% Own House or Rooms	% Owned a house but Destroyed or Damaged
March-December 2002	21.0	79.0	46.4
January-December 2003	34.0	66.0	60.4
January-April 2004	41.0	59.0	67.0

Source: UNHCR, 2004b.

The real extent of homelessness (and related landlessness) could be higher than indicated in the NRVA survey above. This is because itinerant labourers are very unevenly considered part of the community and may not have been represented in the poorest groups sampled. There are other non-itinerant homeless who also slip through the cracks in village statistics. This includes the possibly quite significant number of de jure poor female-headed households that reside with relatives or friends, and de facto female-headed families left in the care of relatives while their husbands and sons migrate for work. Again, exploitation of all kinds was anecdotally commented upon for these groups, by both the women themselves and others. Exploitation also occurs where the male household heads are present; "rent" is paid through their wives and daughters providing cooking, cleaning and laundry services, and their sons, herding duties. UNHCR monitoring shows that up to 41 percent of returning refugees have no accommodation to return to."

**IDPs, in particular women, are often not able to access their land when they return (July 2004)**

- Disputes over land and property ownership proliferate in Afghanistan today, and returnees tend disproportionately to be affected.
- Process of resolving land and housing disputes is skeletal at best and those without ties to the community are left powerless.
- Unaccompanied women, in particular, often find themselves unable to access their land upon their return.
- Women are often denied access to traditional leaders, or even formal justice mechanisms

**NRC/UNHCR, September 2005, pp. 46-47**

"[...] the rapid return of so many refugees and other displaced persons to Afghanistan in recent years as placed it under great strain. Lack of access to land, either for shelter or livelihood, is reported to be one of the major obstacles to reintegration for a good proportion of the returning Afghan community. [...]The United Nations High Commissioner for Refugees (UNHCR) has noted that any Afghans are unable to return to their homes or land because they have been occupied by someone else.[...] Conversely, others have been displaced by the return of people claiming to be the original owners. Thus land problems continue to generate fresh conflicts and new displacement."

**IWPR 5 July 2004:**

"Afghanistan is being hit by a growing number of disputes over land ownership, caused by years of upheaval and war, the return of refugees and continuing land seizures by local militia commanders. In the north, hundreds say their property has been taken by force by local commanders. One man was killed in a gunfight over land. The transitional government has sent an official delegation to the regional capital, Mazar-e-Sharif, to investigate the problem and has set up a special court in Kabul to deal with land disputes. But the central government remains too weak to act against local commanders or the regional warlords who serve as their sponsors and protectors.

[...]

After years in exile, refugees are now returning to find the land they thought was theirs occupied and claimed by others. In many cases, refugees' land was distributed by the local commanders who continue to seize private property by force. A law unto themselves, these local commanders have also appropriated government and other public property. "So far more than 8,000 refugees whose properties have been usurped mostly by local commanders have come to us for help," said Mohammad Arif Rizai, head of the Norwegian Refugee Council in Mazar-e-Sharif. "But when cases involving gunmen are taken to court, the legal judgements do not have proper results," he said.

[...]

"These commissions don't solve the problems, but create more problems,' said Abdul Manan Mawlawizada, the head of the courts in Balkh province. Mawlawizada admitted that the justice system was failing to overcome the problem of "corrupt people in government offices and courts". That failure, he said, was leading to clashes and bloodshed. He also blamed the widespread availability of guns in Afghan society as one of the main problems in attempting to administer a proper justice system governing land rights."

**AI 23 June 2003, pp. 25-26:**

"Lack of access to adequate housing is a serious obstacle to sustainable return. Disputes over land and property ownership proliferate in Afghanistan today, and returnees tend disproportionately to be affected. Many returnees Amnesty International spoke to have arrived back at their places of origin to find their land and/or houses occupied by other families, often with the backing of powerful local commanders. Others have been unable to raise the capital required in order to rebuild houses on their land.

While some returnees Amnesty International spoke with have taken their disputes to the courts, it is also apparent that the process of resolving such disputes is skeletal at best. The rule of law remains elusive, and dispute settlement mechanisms are cumbersome and slow, leaving returnees in a position of heightened vulnerability, as in many cases their ties to the local community have weakened as a result of their absence.

Unaccompanied women, in particular, often find themselves unable to access their land upon their return. UNHCR has documented at least one case of a widow returning to Afghanistan and, despite being in possession of documents of ownership, being denied access to her land by the traditional leadership of her village. Women are often denied access to traditional leaders, or

even formal justice mechanisms, and can be severely disadvantaged in the absence of a male family member who is willing to plead the case on behalf of the female relative.

Access to adequate shelter is often a key element in sustainable return. Amnesty International was told by some returnees that the main reason they had returned was to ensure they did not miss out on shelter rebuilding projects. Kokogul and her husband Rahim Khan returned from Karachi to the Shomali Valley in August 2002 when they heard that an international NGO would help them rebuild a house on their land. Similarly, Mohammed Azim came back from Pakistan to Jawzjan province when he heard that UNHCR would help him rebuild his house. However, even these "success stories" demonstrate the interdependence of the rights which are all essential to sustainable return. Kokogul's husband is unemployed and the family is finding it very difficult to survive economically. There is only one hospital in the valley, and most people have only sporadic access to healthcare. In Jawzjan, Mohammed Azim's relatives had had to send their son back to Pakistan to protect him from forced recruitment."

***See also Inter-Agency Mission of June 2003, and UNHCR: Land issues within the repatriation process of Afghan Refugees***

## **Institutions**

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### **Shuras and Jirgas are customary mechanisms often used to settle land and property disputes (April 2005)**

- NRC's legal advisors make use of Afghan civil law, based on Sharia
- A Land Commission for Afghanistan would need to take local customs into account
- Provision of free legal aid is one way of establishing the legitimate owners of land and property
- Customary mechanisms such as Shura and Jirga are seen both as problematic and useful to settle disputes
- Shura and Jirga are heavily influenced by tribal traditions
- These mechanisms usually settle disputes by compromise and are therefore useful for conflict resolution. However, women are often excluded from access to these mechanisms
- Decisions are reached much faster than official courts are nearly cost-free

#### **NRC, April 2005, p. 13:**

"The ILACs have responded to the challenge [of the co-existence of modern and customary mechanisms] by representing clients at Shuras and Jirgas (traditional bodies for resolving such disputes). NRC's legal counsellors use Afghan civil law, which is largely based on Sharia, but is significantly more progressive than Afghan customary law on issues such as women's rights. By helping to mobilise and reconcile communities, NRC's legal counsellors have also been able to resolve some tribal conflicts and even persuade commanders and warlords to end illegal occupations of land. NRC's legal counsellors have also conducted training sessions on property law for Afghan judges and public officials and co-published a manual, with UNHCR, that provides a guide to the applicable law.

NRC would support the establishment of a Land Commission for Afghanistan, but believes that such a Commission needs to take local conditions into account. In particular, it would need to recognise the role and significance of Sharia and Afghan customary law in solving such disputes. In this context, NRC endorses the view of the Special Rapporteur that traditional dispute

resolution mechanisms may be integrated into a restitution policy 'so long as these are in accordance with international human rights law and principles.'"Establishing who are the legitimate owners of land and property in a country such as Afghanistan is, obviously, a huge task, but the provision of free legal aid provides one mechanism for doing this. Although land rights in Afghanistan are governed by a number of difference regimes – customary law, civil law, religious law, State law and constitutional law – these do share some common principles when it comes to assessing competing claims."

**NRC June 2004, p. 3:**

The reliance on customary documents and mechanisms – such as Shura and Jirga – also poses a challenge, but, given the current lack of capacity and widespread corruption that exists within the official system, these bodies are potentially extremely useful mechanisms for settling disputes.

Shura and Jirga are products of Afghanistan's patriarchal tribal society, which lays a strong emphasis on solving conflicts 'privately', within the family, village or clan. A Jirga is a decision-making forum at which, theoretically, all adult males can participate. A Shura is restricted to the elders of a particular community. While Shura and Jirga claim to base their decisions on principles of Islamic law, their perceptions of what is law is influenced heavily by Afghan tribal traditions.

Since Shura and Jirga reach decisions by consensus, they tend to try to settle disputes through compromise. This makes them an effective mechanism for conflict resolution. However, they do not always offer the best method of upholding individual rights. Women rarely have any say in their deliberations, and may find their own rights being violated by the settlement reached. Traditionally, it was common to offer a girl from one family to another as part of a settlement as this was seen as a means of uniting two families and also providing the injured party with a potentially valuable source of dowry income.

The informal nature of the proceedings at Shuras and Jirgas also mean that they are open to manipulation. 'Dispute is a fruitful tree' according to an Afghan proverb and people sometimes exaggerate their claims before going to a Shura or Jirga in the expectation that they will be expected to bargain down from this position to reach a final settlement. There is also some evidence that powerful commanders have used these mechanisms to legitimize their own actions and to increase their influence in a particular area.

Nevertheless, Shura and Jirga derive their legitimacy from their perceived ability to settle disputes and both have a long history of resolving land disputes throughout Afghanistan. At their best, they are the closest thing to democratic institutions in the country today. They can reach decisions much faster than the official courts, are virtually cost-free, are less susceptible to bribery and are accessible to illiterate Afghans.

Afghanistan's legal system is based upon principles of Islamic law and both the courts, on the one hand, and Shura and Jirga, on the other, formally base their decisions on Shari'a law. Although Shura and Jirga are not officially recognized within the Afghan legal system, judges often instruct two parties to a dispute to first try resolve their differences through this mechanism. If either side is not satisfied with the decision reached by one of these bodies, that person may still pursue their case through the official court system. NRC's counselors, and most Afghan lawyers, therefore, usually attempt to exhaust mediation in this way before bringing a case to court. Given the current lack of a rule of law this is as much due to necessity as choice."

## **Property dispute resolution mechanisms are generally weak and subject to influence (September 2003)**

- Role of provincial and district authorities in settling land-related disputes has been mixed and sometimes subject to influence.
- Returnees and other Afghans seldom resort to the local courts to settle land disputes because of a lack of faith in its effectiveness.
- A large number of cases registered in the district and the provincial courts have been pending for a long time and judges subjected to pressure by powerful interested parties.
- A property court has been recently established in Kabul and mandated to examine all property issues nation-wide, but apparently the court has little impact on the way disputes were addressed at the provincial level.
- Given the lack of faith in the legal channel, the parties continue to largely rely on the informal and tribal dispute resolution mechanisms even though they are affected by the power structure in the village or district

### **UNHCR 1 September 2003, pp. 10-11:**

"The role of the provincial and district authorities in settling land-related disputes has been mixed. It would seem that where the cases have involved average returnees or local inhabitants, the authorities were more keen to use their leverage and to push for a solution of the dispute.

(...)

This was generally not the case, once it became evident that one of the parties is influential or can exercise political leverage.

(...)

There is a strong and evident lack of faith in the effectiveness of the existing judicial system. As such, returnees, similar to other Afghans, hardly resort to the local courts when exploring solutions to land disputes.

(...)

In the few cases where returnees have accessed the legal channel, they have had to wait for many years before their cases were processed. In Kandahar province, UNHCR was informed that a large number of cases relating to land ownership/occupation registered in the district and the provincial courts have been pending for a long time. Interestingly enough, representatives of the justice system admitted to the various problems they were encountering in fulfilling their duties. In an interview with a member of a court in a province, he stated that the judges were receiving calls from the governor and from other commanders, urging them to take the "appropriate decision" on certain land cases. The pressure they were subjected to was real and substantial, forcing them to deviate or keep cases pending if it was too sensitive.

Even fewer returnees refer their cases to the recently established property court in Kabul. Though the property court is mandated to examine all property issues nation-wide, the president of the court indicated that the number of cases from the provinces was relatively low. Members of the justice department in the provinces confirmed this. For example, according to the administrator of the provincial courts in Maimana, despite the fact that the Supreme Court had sent a letter informing it of the role of the property court, the court did not have an impact on the way disputes were addressed at the provincial level.

Given the lack of faith in the legal channel, the parties continue to largely rely on the informal and tribal dispute resolution mechanisms. Most villages establish councils of representatives or elders, otherwise known as "shuras" in order to tackle various kinds of disputes that arise at the village level. The effectiveness of these informal mechanisms has been mixed, and is also affected by the power structure in the village or district. It has however managed to solve many disputes and conflicts among individuals in a peaceful manner that is acceptable to both parties."

## Law and policy

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### Overview of the relevant bodies of law (September 2005)

#### AREU, December 2004:

"Modern land law exists in abundance, but aside from its limited real application in recent decades, it is too heavily founded upon imported notions of tenure to satisfactorily capture and support crucial customary norms and opportunities, beneficial to majority poor. Weak legal recognition for common property is particularly damaging to the interests of those with little or no farmland. Rights are being further threatened through a new wave of elite capture which legal paradigms are ill equipped to limit. Modern land administration also falls short systemically in ways that may support majority land relations and follows old-fashioned centralist norms that allow for zero landholder participation in decision-making. Disputes are rife and most dangerously so in respect of remote rain-fed and pastureland resources, where individual versus community, and inter-ethnic interests clash.

#### 3.1. Land Law

The ownership of real property (land and fixed assets like buildings and houses) is regulated by a complex of customary, religious and statutory law. The last has derived as often through dictatorial decree and edict as through parliamentary enactments. Statutory law (or state law) comprises the civil code, land subject laws and the overriding supreme law, the national constitution.

##### 3.1.1. Customary Law

In practice most rural property is acquired, sustained and transferred customarily, with family holding dominant. Save Pashtunwali, a Pashtun code of conduct, there is no written customary law and each tribe and even community sustains and interprets the rules independently. What is customary becomes rule or law mainly only when a conflict arises. As everywhere, customary "law" is distinguished in Afghanistan by the fact that it is upheld only through social and community-based force and has enormous evolutionary potential; what was customary in 1900 may not have been customary in 1960 and what was customary in 1960 may not be customary today. In Afghanistan, custom is greatly influenced by Shari'a and the distinction between religious and customary law often difficult to identify.

##### 3.1.2. Religious Law

Shari'a principles (Islamic law) are locally interpreted when it comes to property matters and widely referred to in both informal and formal dispute resolution. Informal dispute resolution operates at community and higher levels and broadly centres upon shura (non-Pashtun) or maraka (Pashtun). These are public committees formed for the purpose of dealing with a problem and generally comprising elders.<sup>71</sup> Formal dispute resolution on rural land has traditionally proceeded through district primary courts (mahkama-iibtedaia) with appeal to provincial courts (mahkama-i-morafa'a) and thence to the high court (mahkama-i-tameez) but with a special land court now in place.

##### 3.1.3. Civil Law

The written Civil Code supposedly embraces common or customary law and is deeply influenced by customary practice, itself deeply influenced by religious law. The written Civil Code was compiled in the early 1970s and given the status of statute (state law). Its religious basis is arguably strongest. In content it comprises more than 2,000 articles that draw tangibly upon mainly

Hannafi (Sunni) jurisprudence and its “books of law,” some of which are very old. The code includes substantial chapters on land inheritance, tenancy, leases, contracts, sales and mortgages. These subjects reflect the areas where tenure conflicts have traditionally existed and where rulings have accordingly had to be devised. Many of the instructions in the Civil Code are difficult to interpret. The compilation serves as the main sourcebook of courts of second instance (provincial level) and higher. Constitutionally, its provisions must apply before Shari’a law is referred to.

#### 3.1.4. Statutory Law

The Civil Law is in turn subject to state law. Upwards of 70 rural land statutes exist. This is a complicated body of law, with many decrees simply reissued under a new administration or reflecting amendments without clear repeal of earlier versions. The status of Taliban decrees is especially uncertain and some are referred to by judges as obsolete although they are still legally in force where they comply with the principles established by the Bonn Agreement and the Constitutions of 1964 and now 2004. Each standing law is supposedly under review by the appropriate ministry, a process unevenly underway.

The first real state law on land was passed in 1935 under French and Turkish law influence and dealt with the important subject of how the state may acquire private property for public needs. A wave of reformist rural land laws was introduced in the 1960s-1970s mainly by President Daoud under the influence of a USAID land survey, registration and titling programme. These laws were starkly refashioned after the communist revolution of 1978 with the issue of the Land Reform and Mortgage Decrees (1978). The Taliban were particularly prolific in decree-making, among which important new subjects appeared such as relating to forestry and classification of lands. Box 4 provides the main subject areas of state property law.

#### Supreme law

The clearest source of law is constitutional and within which property has been variously addressed since 1923.<sup>73</sup> The new Constitution avoids addressing land issues beyond classical supreme law limitations upon state appropriation of property without payment of compensation, unauthorised entry into private properties, and freedom of settlement anywhere in the country, etc.<sup>74</sup> These principles were already in place in 1964 or earlier.<sup>75</sup> Virtually the only innovation in 2004 is that foreigners may now lease land (Article 41).

By virtue of omission, it is also of note that only mines, underground resources and archaeological artefacts are definitively made properties of state (Articles 9 and 15). This leaves the door open for clarification as to workable distinctions between land definitively owned by government in its own right as service provider, land owned by the nation, but vested in the government as trustee (State Land, or Public Land), and private land (owned either by individuals or groups — common property). Such essential distinctions are seriously blurred in Afghan law, past and present. Legal distinctions between private, public and religious land have existed since the 1965 Land and Statistics Law but to whom public land belongs (government or the nation) is unclear. Nor has there been any clear legal provision for common property (land owned by groups, such as villages).<sup>76</sup> Like a number of other emergent states this last century, the Afghan administration has steadily accrued more and more land to its own jurisdiction and tenure."

#### ***In urban areas, construction is regulated by master plans - example from Kabul:***

##### **NRC, September 2005, pp. 48-50**

"Master Plans are formulated by municipalities in order to regulate the development of towns and cities in Afghanistan.

[...]

The Regulation on Urban Settlement Projects under the Master Plan cover the process of acquisition of private land and houses by the State under the City Master Plan. It specifies the



rights of the original owners, the compensation to which they are entitled and the use to which the expropriated land can be put.

[...]

The Regulation for Sale and Distribution of Governmental Residential Apartments and Land in Kabul city defines the criteria for distributing land to homeless people and the rights of others, including government employees, to purchase plots of land. The Regulation on the Implementation of Kabul Master Plan describes the conditions that must be adhered to when constructing new houses and commercial buildings. Individuals must obtain the permission of the regulating agency before undertaking construction and must submit maps and designs to this agency before work can begin.

[...]

These laws remain in force and on many occasions the Master Plan has been used as legal basis to prevent returnees and homeless people from building shelter on their land. [...] It has also been used to evict ordinary people from their houses."

# PATTERNS OF RETURN AND RESETTLEMENT

## General

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### **Assisted IDPs Return - to their Province of origin: 2002 to 30 Sep 2006 - UNHCR (Sep 2006)**

#### **Altai Consulting, October 2006:**

##### **1.3 Integration of IDPs**

Specific projects for the integration of IDPs (Internally Displaced People) were developed by IOM in coordination with MoRR, UNHCR, FAO, and WFP. IOM's IDP Voluntary Return Program combines 2 main components:

- operations, including the logistics of return in addition to a basic support program
- an integration component

In most cases, IDP groups are identified by the MoRR and their cases transmitted to IOM, which looks for opportunities of return. This includes meeting the local authorities of the targeted return village to confirm the acceptance of returnees, and to ensure that returnees will not face a protection issue.

Once settled in their village, the IDP returnees benefit from a reintegration package including basic goods and agricultural material to be able to restart a basic agricultural activity. Specific reintegration programs are then proposed to returnees, targeting, as is the case for UNHCR programs, the most vulnerable returning to rural areas. These projects include:

- Income generation projects
- Livestock projects
- Community rehabilitation projects
- Shelter and irrigation projects
- "Cash for Work" projects
- Literacy training courses
- Vocational training

Although most of these projects target IDP returnees, they also benefit the rest of the community (e.g., through infrastructure projects). It is to be mentioned that in some villages, non-returnees complain against favoritism toward returnees, and in some instances other vulnerable groups that already live in the village do not receive any assistance. To address this issue, implementation agencies are trying more and more to include the most vulnerable among the beneficiaries of initially IDP-focused programs. At this stage, IDP programs do not have specific linkages with other organizations involved in labor market integration.

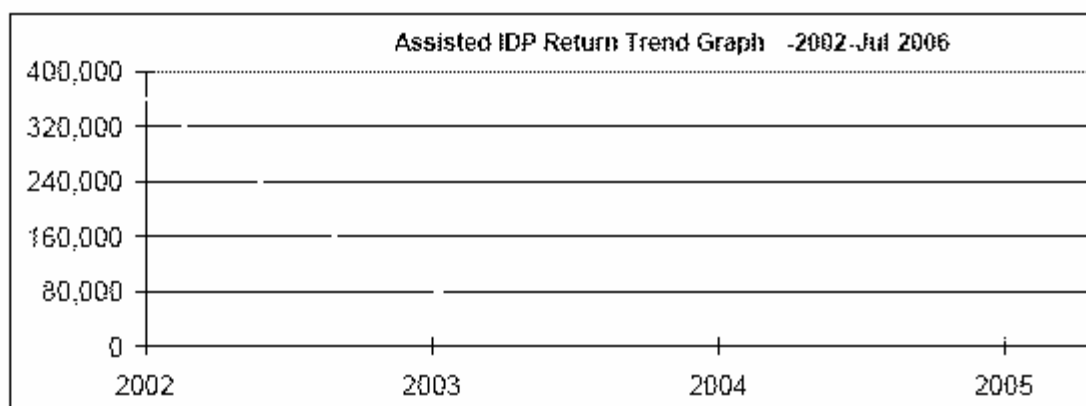
#### **UNHCR, Sep. 2006:**

Province	District	DIST ID	Family	Individual	%
Faryab	Dolwat Abad	1809	11	62	1%
Faryab	Shirin Tagab	1808	3	12	0%
Faryab	Almar	1803	63	305	4%
Faryab	Qaisar	1804	106	538	7%
Faryab	Maimana	1801	8	41	1%
Faryab	Fashtoon Kot	1802	8	55	1%
Balkh	Chahar Bolak	1607	7	42	1%
Balkh	Mazar e Sharif	1601	5	31	0%
Jawzjan	Khwaja Dokoh	1702	63	405	6%
Jawzjan	Shibirghan	1701	83	441	6%
Jawzjan	Qush Tepa	1702	4	21	0%
Jawzjan	Darzab	1703	2	10	0%
Samangan	Aybak	1501	1	9	0%
Kunduz	Archi	1407	10	46	1%
Sari Pul	Sari Pul	3101	14	95	1%
Sari Pul	Sayed	3106	43	250	3%
Takhar	Ishkamish	1203	2	10	0%
Takhar	Dargad	1211	3	22	0%
Takhar	Khwaja Ghar	1212	31	187	3%
<b>North Region</b>			<b>467</b>	<b>2,582</b>	<b>36%</b>
Hilmand	Lashkar Gah	2301	16	98	1%
Hilmand	Nad Ali	2308	44	271	1%
Zabul	Shah Joy	2502	7	44	1%
Zabul	Tarnak wa Jaldak	2506	13	99	1%
Zabul	Arghandab	2503	12	74	27%
Zabul	Qalat	2501	93	560	8%
Kandahar	Arghistan	2412	36	210	3%
Kandahar	Reg	2409	3	19	0%
Kandahar	Spin Boldak	2411	96	579	8%
<b>South Region</b>			<b>320</b>	<b>1,954</b>	<b>27%</b>
Paktika	Difa	2903	41	275	4%
<b>Southeast Region</b>			<b>41</b>	<b>275</b>	<b>4%</b>
Ghor	Dolina	???	21	102	1%
Ghor	Shatrak	2702	2	17	0%
Farah	Bala Buluk	2105	1	8	0%
Farah	Gulistan	2103	3	19	0%
Hirat	Chisht Sharif	2015	5	20	0%
Hirat	Karoukh	2005	6	19	0%
Hirat	Kohsan	2008	7	30	0%
Hirat	Kushk	2006	152	759	11%
Hirat	Obe	2012	8	44	1%
Hirat	Adraskan	2011	3	22	0%
Hirat	Gulran	2007	43	250	3%
Hirat	Guzara	2003	6	31	0%
Hirat	Hirat	2001	12	78	1%
Hirat	Kushk Kuhna	2016	3	22	0%
Hirat	Injeel	2002	15	70	1%
Badghis	Ghormach	1905	36	196	3%
Badghis	Jawand	1904	1	3	0%
Badghis	Mugur	1907	16	87	1%
Badghis	Murghab	1906	26	143	2%
Badghis	Qadis	1903	4	16	0%
Badghis	Qala e Now	1901	90	427	6%
<b>West Region</b>			<b>460</b>	<b>2,363</b>	<b>33%</b>
Parwan (Central)	Chaharikar	301	1	12	0%
<b>Total</b>			<b>1,289</b>	<b>7,186</b>	<b>100%</b>



Location			Assisted IDPs							
REG	PROV	PROV ID	2002		2003		2004		2005	
			FAM	IND	FAM	IND	FAM	IND	FAM	IND
N	Badakhshan	11	118	647	48	262	27	133		
N	Baghlan	13	200	1,101	111	609	11	59	5	35
N	Balkh	16	956	4,710	28	155	94	478	6	45
N	Faryab	18	2,613	14,373	921	5,064	299	1,337	423	1,978
N	Jawzjar	17	523	2,879	31	168	9	41	96	496
N	Kunduz	14	10,504	57,773	9	51	3	13	4	24
N	Samangan	15	1,238	6,811	681	3,747	308	1,526	4	16
N	Sari Pul	31	695	3,825	81	446	15	66	41	231
N	Takhar	12	10,056	55,306	16	96	34	209	24	132
	<b>N</b>		<b>26,805</b>	<b>147,425</b>	<b>1,925</b>	<b>10,588</b>	<b>800</b>	<b>3,862</b>	<b>603</b>	<b>2,959</b>
S	Hilmand	23	353	1,940	15	85	21	110	54	319
S	Kandahar	24	399	2,195	6	34	2,678	13,875	2	8
S	Nimroz	22	747	4,107	0					
S	Uruzgan	26	18	99	33	181	41	161		
S	Zabul	25	184	1,011	0		4	23	1	6
	<b>S</b>		<b>1,700</b>	<b>9,352</b>	<b>55</b>	<b>300</b>	<b>2,744</b>	<b>14,169</b>	<b>57</b>	<b>333</b>
SE	Ghazni	6	524	2,884	1	6	5	32	21	96
SE	Khost	32	0		1	5				
SE	Paktika	29					1	9		
SE	Paktya	7	9	50	16	86	33	218	44	350
	<b>SE</b>		<b>533</b>	<b>2,934</b>	<b>18</b>	<b>97</b>	<b>39</b>	<b>259</b>	<b>65</b>	<b>436</b>
E	Kunar	10	30	165	27	153				
E	Laghman	9	419	2,305	409	2,254				
E	Nangarhar	8	863	4,747	625	4,539	6	30		
E	Nuristan	30								
	<b>E</b>		<b>1,312</b>	<b>7,217</b>	<b>1,261</b>	<b>6,946</b>	<b>6</b>	<b>30</b>	<b>0</b>	<b>0</b>
W	Badghis	19	15,646	57,942	4,188	19,451	359	1,617	389	1,887
W	Farah	21	92	435	23	125	3	23	6	23
W	Ghor	27	6,203	23,763	347	1,908	10	50		
W	Hirat	20	3,207	11,710	5,067	24,763	410	1,931	294	1,343
	<b>W</b>		<b>25,148</b>	<b>93,850</b>	<b>9,625</b>	<b>46,247</b>	<b>782</b>	<b>3,621</b>	<b>689</b>	<b>3,253</b>
C	Bamyan	28	3,635	19,994	279	1,534	55	320		
C	Kabul	1	7,367	40,518	1,743	9,585	95	627	77	546
C	Kapisa	2	411	2,259	318	1,751	228	1,267	3	15
C	Logar	5	156	857	203	1,116	172	1,033	140	900
C	Parwan	3	6,153	33,844	664	3,653	273	1,435	21	106
C	Wardak	4	315	1,733	45	250	138	767	5	32
	<b>C</b>		<b>18,037</b>	<b>99,205</b>	<b>3,253</b>	<b>17,889</b>	<b>961</b>	<b>5,450</b>	<b>246</b>	<b>1,599</b>
	Unknown		95	520	0	0	0	0		
<b>TOTAL</b>			<b>73,630</b>	<b>360,593</b>	<b>16,136</b>	<b>82,067</b>	<b>5,332</b>	<b>27,391</b>	<b>1,660</b>	<b>8,580</b>

Please note that according IOM Hirat's 2006 data, West Region data for 2002 has been revised on 3rd M



## **Many returnees cannot make a living in rural areas and turn to the city centres (February 2005)**

- Many returnees find reintegration difficult
- Their hopes for international reconstruction aid have not materialised
- For many children, return means the end of education
- It is difficult to assess how many returnees turn to the city in search of a better future, as the patterns and motivations behind such movements can be quite complex and multi-layered, as described below

### **IRIN, 25 February 2005:**

"While insecurity and poverty continue to be the main challenge the returnees face at home, Afghan refugees continue to return as they hear that millions of dollars have been pledged by international donors to assist their war-ravaged country. Many of those refugees and Internally Displaced Persons (IDPs) who have returned home in the last two years complain of a lack of assistance. Unemployment and the lack of public services, including health clinics, schools and roads, are the chief concerns.

"The major and only change in Afghanistan is the newly elected government and everyone hopes that it will bring a change in our lives," Ali said. For the millions of Afghans who have returned home since the end of the Taliban era in late 2001, life is hard and reintegration is slow. Although undeniable progress has been made in many sectors, returnees are often more destitute than the local population.

Sahargul, a former school teacher, said that despite the large number of NGOs and UN agencies working in Faryab province, many returnees like himself had not been prioritised. "Those armed groups who have grabbed our land and made us displaced are now more important for the UN than the poor returnees," the father of four told IRIN as he and his children worked on rebuilding their ruined house. Sahargul pointed to the ex-combatants, who he said were receiving preferential treatment from the UN and other agencies, rather than returnees. He said his children missed school since they returned to their village of Qaisar as there was no girls' school in the entire village. Sahar's children had studied up to Grade Four in the city of Peshawar in Pakistan. "For us, the return means losing my job and my children's education," he noted dismally."

### ***Different groups who could be considered IDPs in Kabul:***

#### **Danida, December 2004:**

"One such group, of people displaced by the ethnicity-based violence subsequent to the US intervention, has since moved on from a particular neighbourhood where they were noticed and there is no information as to their current whereabouts.

Another potential group are those who have returned to their areas of origin since the drought, or as returnees from Pakistan and Iran, and have since moved on to Kabul because they found conditions too difficult in their villages. [...]UN Habitat was able to confirm such a pattern and, because of its long-standing involvement in urban infrastructure in Kabul, is a key informant. However, other informants were not aware of households in this category and commented that their conclusions, from anecdotal evidence, were that much of the influx into Kabul was of people who had returned from Pakistan and Iran and decided to go to the capital rather than first attempt to survive in their villages of origin.

This is said to arise from a number of factors. Primary among these is a concern for security conditions in the rural areas, which is said to be exacerbated by specific fears related to previous enmities, and an attendant view that the security conditions in Kabul are somewhat better although still giving cause for unease. Added to security concerns are anxieties relating to economic survival, particularly if there is no access to land or entitlements to property may be disputed. There is thus a view that, however difficult it may be to secure an income in Kabul, it is easier than in the village of origin.

Property disputes were said to represent a major constraint to returning refugees and, possibly, IDPs re-establishing their lives.[...]

The experience of life in an urban or semi-urban environment in exile in Pakistan and Iran may also be a factor in people opting to live within an urban setting. Those with agricultural skills may, after up to 23 years away from their villages, be too old to undertake agricultural labour and disinclined to do so. Those who left as children or who were born in Pakistan or Iran are likely to lack agricultural skills and are more likely to opt for work in the urban labour market on the basis of experience gained in exile.

It was suggested, however, that members of families may opt to return to their villages of origin to assess the situation once they have established themselves, however precariously, in Kabul.

Another pattern reported anecdotally was that refugees and returning IDPs might take their families to their villages, to be looked after by relatives, and immediately go to one or other district or urban centre in search of work, or return to Iran or Pakistan. Such anecdotal reports also suggested that people were more likely to go to district or urban centres relatively near to their homes than to Kabul or one of the other major centres.

It appeared that the prior existence of family members in a given urban area was an important factor in determining whether returnees would look for work there or go back to Pakistan or Iran. The high cost of accommodation was regarded as a major deterrent to efforts to seek work in the cities if there were no relatives to stay with.

A further group referred to as IDPs by a number of key informants are those who are homeless and destitute, who are, for the most part, squatting in public buildings. These are said to number around 2,000 and many of this group are about to experience their third winter in these conditions. However, although this group may include people who have been internally displaced (some of whom may have been unable to enforce their previous property rights), the extreme vulnerability that is manifested in homelessness and destitution does not come within the normal definition of an IDP.

It would be useful if research were undertaken, and made available in the public domain, which indicated patterns of mobility within the present urban centres. A particular research question would be to ascertain the extent to which there are households which have returned to their villages from Pakistan or Iran, or from IDP camps, and found themselves unable to survive in their villages of origin and headed for one or other urban centre, as whole families or parts of families. It would be helpful to be able to quantify this group, however roughly, even if there may be some questioning as to whether they now constitute economic migrants by virtue of the fact that they have first returned to their areas of origin.

To the extent that there has been a movement of people to Kabul, who originated as drought-related IDPs and failed in their efforts to survive on their return to their villages of origin, a question of international responsibility arises. If one takes the view that the international community carries a degree of responsibility, along with the Afghan government, to assist returning IDPs to achieve sustainable livelihoods and a relative failure to assist results in a move to Kabul, does the international community then have a responsibility to assist that household by

virtue of their previous IDP status. The counter-view, that the mere fact of returning to their villages of origin makes returnee households who move on to Kabul into economic migrants, would suggest that the international community would only have responsibility to assist to the extent that a given household meets the criteria for urban vulnerability programming. In such a case, the fact that a given family had found it necessary to seek income earning opportunities in Kabul because of their failure to survive in their village could be one factor in determining the level of vulnerability although verification of this fact would be difficult. It is thus likely that other, more easily discernible, indicators of vulnerability would be looked at to determine access to assistance."

### **Pashtuns return from displacement to northern Afghanistan (September 2006)**

- As of September 2006, over 700 families (4,000 individuals) from Zhari Dasht camp in Kandahar have been assisted to return to their places of origin in the provinces of Faryab, Badghis, Sari Pul and Herat

#### **UNHCR, September 2006:**

"The number of IDP returns has been increasing in 2006. So far this year, over 700 families (4,000 individuals) from Zhari Dasht camp in Kandahar have been assisted to return to their places of origin in the provinces of Faryab, Badghis, Sari Pul and Herat. They are mainly ethnic Pashtun originating from the North who had been displaced to the South in 2001. UNHCR will assist another 1,000 families in 2006 who have already been registered in Zhari Dasht camp to go home to the North and West of the country. Discontinuation of food distribution and the deteriorating security situation in the South may have raised interest among IDPs in returning home."

#### **UNHCR, 21 August 2006:**

"They fled their homes in waves – during the Soviet occupation, after the collapse of the Taliban regime and throughout a seven-year-long drought. Today, the Pashtun minority of northern Afghanistan is returning from the south with a single-minded purpose: To rebuild their shattered lives.

Over the weekend, some 60 families returned from Zhari Dasht camp in the southern province of Kandahar to their native Jawzjan province in the north. With 350 people in the group, they made up the year's largest return convoy of internally displaced people (IDP) in Afghanistan.

[...]

Many of the returning IDPs have been away for up to 25 years, fleeing during the 1979-89 Soviet occupation. More left after the predominantly ethnic Pashtun Taliban regime was toppled in late 2001, fearing reprisals from ethnic Tajiks and Uzbeks in the north. Yet others sought greener pastures when the long drought hit the region in the late 1990s.

[...]

On their five-day journey from Kandahar to Jawzjan, the IDPs stopped in Kabul and the northern city of Mazar-e-Sharif. They spent a night at the transit centre in Mazar, waiting for trucks to arrive with their belongings. As they drank green tea in the shade, they were visibly anxious to reach home. But the journey was almost complete, they said, so a delay of another few hours made no difference.

[...]

To facilitate their return, the UN refugee agency provides returning IDPs with transport assistance and gives each family an assistance package consisting of household items – including sleeping mats and tools – a stock of flour, and agricultural supplies such as vegetable and wheat seeds, fertilizer and shovels.



Additional assistance in Jawzjan province includes the provision of shelter and portable water along with income-generation projects to help vulnerable returnees reintegrate. Some 600 shelter units for the returning IDPs and refugees are being prepared this year.

To date, some 11,000 internally displaced Afghans and more than 100,000 refugees from Pakistan and Iran have returned to Jawzjan. So far this year, some 360 families comprising 2,097 individuals from Zhari Dasht have been assisted to return to their places of origin. UNHCR will help another 1,000 families, registered in Zhari Dasht, to go home to the north and west of the country.

Since the UN refugee agency started its voluntary repatriation programme in 2002, more than half a million IDPs have been assisted to return to their places of origin. There are still some 118,000 displaced people in the southern provinces – particularly Kandahar and Helmand – and 13,300 in Herat province in the west."

## **Policy**

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### **Government Operation plan for IDPs in the South (October 2003)**

- The operation plan addresses four groups of IDPs: Protection IDPs, Registan Kuchis, non-Registan Kuchis and drought-affected non-Kuchis
- The document provides a detailed description of the different IDP groups, their willingness to return, and prospects for finding durable solutions for them (return or local integration)

### **Protection-IDPs**

**MoRR & MRRD October 2003, p.p. 9-11:**

#### **"7.1 Description**

This category is composed by ethnic Pashtuns originating from Faryab, Sar I Pul, Balkh, Jawzjan, Badghis and Herat provinces. Although a large majority left their places of origin at the end of 2001, some more recent arrivals have been reported. The most recent estimate indicates the figure at approximately 40,000 individuals (about 8,400 families). These protection related IDPs are mostly settled in Zhari Dasht (relocated both from Chaman Waiting Area and from Kandahar Animal Market by UNHCR), and in Mukhtar in Helmand.

#### **7.2 Willingness to return**

UNHCR is currently undertaking a return registration of this group, which shall provide detailed information on numbers, willingness to return, and districts of return. It was observed that in general IDPs are willing to return if certain conditions are met. These conditions include change of local commanders in given areas, political participation, disarmament, presence of ANA, presence of other Human Rights organisations and guarantees from the Government that land and property will be returned to their owners. The reduced assistance in the West was expected to create a push factor to the South, which has not materialized to that extent; reportedly only a small number of individuals from the settlements in Herat have entered Zhari Dasht in recent weeks. Currently the estimated number of IDPs likely to return has been estimated at approximately 16,000.

#### **7.3 Possible solutions**

##### **Process of facilitated return**

The return process to the North is under the leadership and responsibility of MoRR, UNHCR and the Return Commission [RC]. Concrete steps and actions need to be taken with regard to the findings of the RCWG to facilitate the return and promote sustainable reintegration in those areas that security and protection situation are conducive for return.

UNHCR has prepared a plan for the facilitated return of this group, and is currently carrying out the return registration. Return is dependent upon conditions in the area of return, and the return package consists of transportation costs, food assistance for a designated period, and basic Non-Food-Items.

The UNHCR/MoRR plan shall be adopted but the following recommendations are made:

- The Return Commission needs to assume a more pro-active role in identifying and implementing concrete measures to improve the security conditions in areas of potential return. The findings of the Return Commission Working Group should trigger direct mechanisms to improve the security – and human rights situation at local level.
- Further response from the Central and Local Government, supported by UNAMA, is needed to create security conditions conducive for return.
- MRRD should play a more active role in the work of the Return Commission to ensure advocacy for the implementation and monitoring of the recommendations and to facilitate its reintegration efforts in areas of potential return.
- Go-and-see visits from the IDPs to the areas of origin shall be encouraged, and shall be conducted with MRRD involvement.
- The modalities of participation of the MRRD in the Return Commission [RC] and the Return Commission Working Group [RCWG] need to be agreed upon with MRRD and the RC members. There is a natural role for the provincial MRRD directorates, where a balance needs to be found between close and direct cooperation between the Provincial directorates, the PMAs and the RCWG, and the distinction between the technical reintegration scope of the PMA and the political scope of the RCWG.
- Immediate and full information sharing between the RCWG and the provincial MRRD directorates is essential.
- UNHCR shall provide return assistance to the returned IDPs, in collaboration with provincial MRRD. UNHCR initial reintegration activities include cash-for-work activities, shelter and drinking water.

UNAMA holds the responsibility to assist the government address ongoing human rights violations, and to support initiatives aiming at strengthening the functioning of the justice system in the provinces. Authorities and perpetrators of criminal acts need to be held accountable, for human rights to be protected and return to proceed. Support to the Government to perform this task will entail using documented incidents to address perpetrators of security incidents, increasing professional policing activities, assisting in the establishment of civil-society group to work closely with MRRD, facilitation of traditional reconciliation mechanisms and a judicial process to hold perpetrators of crimes accountable, and supporting targeted human rights monitoring

**Mechanisms for reintegration in areas of origin:**

The findings from the Return Commission Working Group shall guide the reintegration activities, which shall be initiated in those areas where security and protection situation are conducive for return. The Reintegration task forces shall analyse, coordinate and monitor the reintegration efforts.

UNHCR, in collaboration with MRRD will provide initial reintegration assistance in the form of shelter, access to drinking water and Cash for Work projects in areas with high numbers of IDPs.

UNHCR will prepare matrices showing actual and expected return data based on RCWG findings and return registrations in the south and west, which can be used as a basis for reintegration. Area based Reintegration Plans shall be prepared by the provincial MRRD in collaboration with its partners in the Reintegration Task Force, as discussed in paragraph on Reintegration. The area shall be demarcated by the provincial MRRD based upon clear criteria, which shall be closely related to the initial reasons for displacement.

**Expected residual caseload:**

Although the return to the areas of origin is the preferred solution, it is expected that a considerable number of families will not be willing or able to return. From the discussion in the settlements it was clear that many families are not willing to return if their property and land is not recovered, and in addition there are many landless. The provincial governor of Kandahar has given official confirmation on the right of people to stay in Kandahar province according to their constitutional right, as long as the conditions have not improved in the North.

Most of the potential residual caseload are people currently located in Zhari Dasht, which was initially meant to become an area of local settlement, and the land has the potential to be irrigable. Expectations might be high among this group that agricultural land will be allocated. Information dissemination on the Central Government's position on this issue is required. A major concern is the water availability, and in the absence of an in-depth understanding of the environmental impact of using ground water for irrigation extreme caution is required.

**Implications for Care and Maintenance**

The changing and fluid security situation in the north implies that a return to these areas will be phased, and mostly guided by security situation and reintegration activities in these districts. During this period, a transition to increased self-reliance shall be encouraged, as discussed in paragraph on a re evaluation of levels of assistance. Skills training can increase the opportunities for accessing labour, fortify the coping strategies in area of displacement and return, and thereby play an important role in reducing dependency. To increase access to labour opportunities, the following measures shall be taken:

- i. To provide skills training on construction, gardening, carpentry, electricity and mechanics in all IDP settlements and particularly in those with high numbers of sedentary IDPs.
- ii. To support IDPs (particularly in Zhari Dasht) with regular transportation from the camp to areas with labour opportunities (f.i. Kandahar city).
- iii. To ensure that MRRD employment programmes (NEEP and others (WFP) target IDPs in areas close to the IDPs.
- iv. Implement specific labour based projects in areas accessible to IDPs."

**Registan Kuchis**

**MoRR & MRRD October 2003, pp. 12-15:**

**"8.1 Description**

Registan Kuchis are described as pastoralists who use the Registan as (one of their) their key resource area (s). Registan is a desert area spread over the provinces of Kandahar, Helmand and Nimroz, from where people have been displaced due to lack of drinking water and loss of livestock from 1999 onwards. The Registan Kuchi can be subdivided into two subcategories; those that remain permanently in Reg and those that are seasonal users of Registan.

The first category consists mostly of Beluchi Kuchi, which is the largest category, estimated at 90%. The remaining 10%, in the second subcategory are mostly Pashtun. It has been claimed that a proportion of these Pashtun Kuchi own some land in surrounding districts, which they combine with their livestock rearing.

The various surveys carried out at different times by different agencies reveal large differences in IDP population figures and breakdowns over settlements and categories. A working figure of 6.800 families can be extrapolated from these surveys, of which 6000 are in Panjway and 800 in Maiwand camps. Other Kuchis from Registan are to be accounted for in Spin Boldak, Mukhtar and dispersed Kuchis in Central Helmand province.

### **8.2 Willingness to return**

The willingness to return has been estimated at 100% for the permanent Kuchi by VARA officials for the camps of Panjway and Maiwand, this may not fully materialise even if conditions for return are suitable. A proportion of the seasonal Kuchi does express a preference for land allocation in Kandahar. These preferences will also be influenced by the perceived likelihood of obtaining land by the two sub-categories.

### **8.3 Possible solutions**

#### **Process of facilitated return:**

According to the principle of facilitating voluntary return to the maximum, a return to the pastoralist life needs to be encouraged. A return to Registan will require substantial improvement of the local conditions, and additional support to allow a return to a sustainable livelihood. VARA and Cordaid are in the process of developing a project proposal for a phased return of Kuchi to Registan over period of 3-5 years, consisting of the following components:

- Rehabilitation of existing water sources, through the use of traditional well-diggers.
- Rebuilding livestock herds through zero-grazing, leading to a restocking mechanism.
- Community development and capacity building for Kuchi management
- [Income generating activities].

This is a promising approach which shall be adopted, and a lot of preparatory work has been done by VARA/Cordaid, with the assistance of an international consultant. However, some issues will require further discussion and consultation with the relevant actors, particularly related to the timeframe of the program, the number of livestock to be distributed, the lending modalities, the ownership of the livestock bank and the impact of the program on spontaneous return. (refer to the report of the Workshop held on 07-09-03 for more details). The timeframe of 3 years might be optimistic, particularly due to high dependency on external factors like rain, availability of livestock and the security situation, but is worth aiming for.

The advisory team recommends targeted distribution of livestock to the most vulnerable households with a limit to the number of families to be supported in the entire program. This shall hopefully reduce the cost, shorten the timeframe from three to five years, and shall not undermine spontaneous return since those families with livestock will not be entitled to receive any animals under this program. All those that return to Reg (supported and spontaneously) will obtain livestock feed in the winter months, in the case an independent commission (to be established for this purpose) asserts the insufficiency of vegetation in Reg.

WFP has initiated a program for water development in Registan under the Ogata Initiative, but in the past the co-ordination with other agencies has been limited due to different perceptions and timelines. WFP is relatively flexible in allocating food resources and is willing to join hands. Cordaid and VARA have done considerable work in socio-territorial mapping and community mobilisation, which has greatly increased our knowledge on possible solutions for return. A consolidated approach, in which the specific expertise and resources of agencies are combined is the only way forward and the agencies have committed to this, while at the same time care must be taken to keep the program manageable and flexible.

### **Mechanisms for reintegration in areas of origin**

Reintegration of these people in the areas of origin will be carried out through initial reintegration activities, Area based Reintegration Plans and by mainstreaming of these people into National Programmes and reorientation of National Programmes to serve the needs and requirements of Registan. Initial reintegration activities are a component of the Return Program design. These include water, shelter, cash/food for work activities, livestock and livestock feed.

Area based reintegration plans shall be developed to provide access to basic facilities according to the priorities of the community. In the special case of Registan, there are no host communities, with which the rehabilitation effort can be shared.

Mainstreaming into National Programmes shall take the following shape:

- NEEP shall include the data provided on returned IDPs for the resource allocation.
- NSP to be initiated among the Kuchi communities after facilitated return (which can include several sub-projects, like training of basic health workers, basic veterinary workers, vocational training / income generating activities including transfer of assets, and targeted restocking). This shall be done upon guidance of the lessons learnt of a pilot NSP for Kuchi.
- MRRD Rural Water Supply and Sanitation Programme shall include this area of return in their overall strategy of increasing access to safe water for rural populations.
- Links with Micro finance institutions need to be explored, and efforts shall be made to include these people in the next phase.
- Establish links with National Surveillance Systems, and with FAO for monitoring of returned families, and to develop an early warning system, with specific focus on lack of water and pasture, and animal disease.

The Ministry of Agriculture shall ensure coverage of the Registan with animal vaccination programmes and other related activities. Links need to be established with Ministry of Education and Public Health, through the Kuchi Vulnerability Committee to ensure that education and health services in Registan are being developed.

It is recognized that the current mechanisms to ensure the inclusion of Kuchi in National Programmes are relatively weak. The Inter-ministerial Commission on Kuchi and the Kuchi Vulnerability Committee are essential for the promotion of this issue with the relevant ministries.

**Expected residual caseload:**

For those unable to return, the national government has to look into ways to secure a level of security in right of use to land, as described in the paragraph on Access to Land. Other options open to this group are the finding of alternative employment and semi-urban settlement, which needs to be supported through skills training and asset transfers. This option shall be presented to the community as an alternative to the return to a nomadic life, but the parameters must be communicated very clearly and transparency on the on-going discussions regarding land security rights. It must be recognized that the levels of skills required for being successfully incorporated into the labour market are generally not present in this group. Levels of education are low, as can be expected the absorptive capacity to learn new skills. The findings of the Land Access Working Group and the outcome of the Economic Integration Assessment shall guide the process for future local integration.

**Implications for Care and Maintenance:**

- The Registan Kuchi that are currently registered in all IDP settlements of the south and that express willingness to return shall be allowed to join the program. As soon as the process of registration of 'members of the program' has started on the basis of the current IDPs in the camps, the process of registration must be closed to avoid influx from other areas (like Helmand and Pakistan).

- Due to the process of phased return a considerable, but decreasing proportion of the Reg Kuchi will remain in the settlements for some time to come. The suggested changes to the approach will hopefully reduce this timespan from 5 years to a possible 3 years.
- Agreement needs to be reached with the provincial and district authorities, and some security of use of the land needs to be obtained from the government for the period the IDPs are expected to be there.
- Currently a part of the IDP settlements where these Reg Kuchi stay, are on privately owned land. Negotiations on obtaining security on use of private land need to be initiated by provincial government.
- An assessment shall be done on availability and seasonality of labour demand in the vicinity of Panjway and Maiwand settlement (Economic Integration Assessment).
- Additional labour based projects shall be initiated.
- All those that have received livestock under the Program, but in insufficient numbers to return to Registan shall be provided with livestock feed, until the agreed time for the return to Registan has arrived.
- Vocational skills training shall be encouraged, particularly those that can be combined with the pastoralist lifestyle in Reg."

### **Non-Registan Kuchi**

**MoRR & MRRD October 2003, pp. 16-18:**

#### **"9.1 Description**

This category refers to pastoralists, who used to migrate from the provinces in the South towards the Central Highlands, in particular from Kandahar and Helmand to Zabul and Ghazni provinces. The drought caused severe loss of livestock, exacerbated by the lack of access to major grazing areas due to pasture rights' conflicts.

The exact number of 'other Kuchi' is not known, since information between drought affected Kuchi and non-Kuchi is not separated in the data collection. Using extrapolation a figure of 10.000 families for both drought affected Kuchi and non-Kuchi can be obtained, with at least 90% being Kuchi. The working figure for this category is estimated at 9.000 families. The largest group of this category is currently in Spin Boldak, followed closely by Zhari Dasht and Mukhtar camp.

#### **9.2 Willingness to return**

No clear information of the willingness to return is available. Anecdotal information obtained by the recent mission shows that there is a willingness to return if livestock could be provided. Some elders in Zhari Dasht stated that 10 head of livestock would be sufficient for them to return. If given the choice to receive livestock or agricultural land, the preference seems to go towards agricultural land (in sufficient quantity and including means of irrigation). This preference seems to be highly influenced by the prevailing hope that land agricultural land will be allocated.

#### **9.3 Possible solutions**

##### **Process of facilitated return:**

Discussions need to be held with the community to assess the pre-requirements for return for this category. A process of Community Dialogue needs to be initiated, that discusses mechanisms and pre-conditions for return. On the basis of these discussions with the IDPs, and other relevant actors in the south and in the areas of return (particularly Ghazni and Zabul) a 'return program' can be designed, to restore the pastoralist livelihood.

An assessment of the potential of the resource base for pastoralism shall be conducted, which will provide an indicative figure of pastoralists which can be successfully rehabilitated. Sustained

access to pasture lands is a requirement for a long-term sustainability of the pastoralist livelihood and needs to be addressed in the context of a return program.

Those willing to return, provided the natural resource base is able to sustain them, shall be supported to return to a pastoralist lifestyle, through a loan-based restocking mechanism. The pastoralist livelihood shall be strengthened through provision of skills in animal husbandry and livestock products processing, and other income generating activities that can be carried out alongside pastoralism and can strengthen it. It is essential to recognize that a return to the pastoralist livelihood does not necessarily imply a full return to the old ways.

This program shall be discussed and fine-tuned with the IDPs. There is urgent need to identify an actor (lead agency) with the commitment and expertise to take up the challenge and engage into dialogue to find solutions for this group. Access to pasture lands shall be negotiated on the basis of a local agreement between the users of the specific area, and shall be supported by the National Government. The government shall lead this negotiation process, facilitated by the Lead agency.

### **Mechanisms for reintegration into pastoralist life**

Initial reintegration activities are a component of the return program, and include livestock loans, veterinary training, and extension work. After the return to the pastoralist livelihood, an Area based Reintegration Development plan shall be developed and implemented through the MRRD National Area Based Development Program. These Area based Reintegration Plans are meant to uplift the area to which the pastoralists return, for both the resident and the nomadic communities, in an effort to increase the viability of the newly established pastoralist livelihood, as well as promoting the co-existence between resident and seasonal users of the area. The residents will start to see the pastoralists as an asset, instead of as competition, which will contribute to the government's aim of promoting peaceful coexistence between population groups.

Mainstreaming into LSP - National Programmes:

- NSP: a pilot program for community led development programs shall be initiated, from which lessons can be drawn on methodology, project menu and modalities. This pilot shall follow the main principles of NSP, but adapted to the pastoralist characteristics.
- NEEP: Planning and Social Targeting guidelines are currently being developed, in which vulnerable pastoralists feature as group that requires specific focus. Mechanisms to ensure their inclusion shall be developed, and monitored.
- Mechanisms shall be developed to ensure the inclusion of Kuchi into the Rural Water Supply and Sanitation program, so that the overall objective of ensuring access to safe water for rural populations can be met.
- NABDP planning process shall include the Kuchi in the provincial planning processes.

Strong links need to be established with Ministry of Education, Agriculture and Public Health, to ensure that education, veterinary and health services are adopted to the pastoralist setting. The Inter-ministerial Commission on Kuchi and the Kuchi Vulnerability Committee are pivotal bodies for the promotion of these issues with the relevant ministries.

### **Expected residual caseload**

An assessment of the potential of the resource base for pastoralism shall provide guidance on the number of people able to return to pastoralism. With this information, and through re-profiling of the caseload a distinction between those willing to return and those interested in local integration will arise.

These people shall be prepared and equipped to access alternative livelihoods, which can be supported through an inventory and feasibility study of potential livelihood strategies to be employed, skills training, asset transfers, and access to micro-finance programs. These options

shall be presented to the community as an alternative to the return to a nomadic life, but the parameters must be communicated very clearly with transparency on the on-going discussions regarding land security rights. It must be recognized that the levels of skills required for being successfully incorporated into the labour market are generally not present in this group. Levels of education are low, as can be expected the absorptive capacity to learn new skills. A timeframe for a total phase out for those interested in local integration needs to be agreed up.

The findings of the Land Access Working Group and the outcome of the Economic Integration Assessment shall guide the process for future local integration.

#### **Implications for Care and Maintenance**

- An assessment shall be done on availability and seasonality of labour demand in the vicinity of the settlements (Economic Integration Assessment).
- Additional labour based projects shall be initiated.
- Vocational skills training shall be encouraged; particularly those that can be combined with the pastoralist lifestyle or that can be used for increasing access in Kandahar areas."

#### **Drought-affected non-Kuchi**

**MoRR & MRRD October 2003, pp. 18-19:**

##### **"10.1 Description**

This category can be estimated at some 1000 families scattered in all camps and settlements, and is composed of mainly local rural inhabitants from Kandahar, Uruzgan and Zabul provinces.

##### **10.2 Willingness to return**

The majority of the drought-affected IDPs that own some agricultural land have already returned to their areas of origin. Anecdotal evidence suggests that those drought-affected non-Kuchi IDPs still in the camps are mostly land less and vulnerable. These people used to work as labourers in the agricultural fields to earn their livelihood and were often provided with houses from the land lords. When the agricultural system collapsed due to drought, these people migrated toward cities for the earning their livelihood. Most of these people have lost opportunity of employment in their areas of origin due to replacement by other sharecroppers. The majority is therefore not willing to go back to their area of origin.

##### **10.3 Possible solutions**

###### **Process of facilitated return**

This caseload is relatively small, and there is very little information available on the circumstances of displacement for the individual families. A re-profiling of this group is necessary, to single out those belonging to different categories, and to obtain more accurate information on the reasons for not returning. It is acknowledged that some people in this category opportunistically took advantage of perceived opportunities when the IDP camps were established. Specific targeted interventions in the areas of origin can be carried out, followed by facilitated return with the standard UNHCR return package and assistance to these families in the camps should be stopped.

The specific interventions could take place through activities of NGOs and agencies present on ground, and an information co-ordination system needs to be set up under the IDP reintegration external working group to ensure concerted effort. The tripartite team of MoRR, MFTA and MRRD shall be instrumental in ensuring the targeted interventions take place as agreed and facilitate negotiations for return with local authorities as required, supported by UNAMA. It is essential to recognize that additional resources might be required for the actors on ground to actually implement these recommendations.



### **Mechanisms for reintegration**

Initial reintegration for this category take the shape of targeted interventions as described above. For this category, UNHCR may not be in a position to support with the shelter and reintegration support. An actor willing to support this process will need to be identified and IOM can be a potential agency.

Mainstreaming into national programmes shall be conducted through mechanisms described in paragraph 6.3 on mainstreaming into National Programmes.

### **Residual caseload**

When specific assessments and targeted interventions in the areas of origin are being undertaken, a clearer picture will emerge regarding the expected residual caseload. It is expected that the majority of this group will not be able or willing to return to their areas of origin, due to lack of asset ownership.

This category has a relatively high potential for accessing existing labour opportunities and local integration since they are from the area. The focus shall be on equipping them with the skills they require to enable them to blend into the area. The experience gained by the local integration of this group can provide input to the Land Access Working Group.

The following actions shall be carried out:

- Equipment with the skills required to access existing labour opportunities through vocational training programs designed to match existing labour demand.

### **Implication for care and maintenance:**

- The emphasis should be on either return, or local integration as explained above. Assistance shall phase out according to the return or vocational training program."

## **Return and resettlement programmes**

### **UNHCR and Afghan government focus on return and re-integration (September 2005)**

- For 2005 and 2006, UNHCR plans to focus on voluntary return and reintegration programmes, while at the same time continuing the process of handing over responsibility for IDP in all phases of displacement and return to the Afghan authorities
- UNHCR's goal is to have found durable solutions for all IDPs by the end of 2006, through voluntary return or local integration
- Returns will be monitored and returnees provided with skills training for income generating activities
- Assistance to IDPs in camps will be reduced, except for the most vulnerable
- Those who have genuine protection reasons for not returning will remain in the camps where they will continue to receive assistance. However, since July 2003, free food distributions (FFD) have been replaced with Food for Training (FFT) and Food for Work (FFW).
- The possibility of local integration is explored for those IDPs that are unable or unwilling to return.

### **UNHCR, September 2005:**

"Goal 1: Facilitate and selectively promote the voluntary, safe and gradual return of Afghans returning from Pakistan (300,000), from Iran (300,000) and other host countries and assist their reintegration during an initial period of return, while addressing obstacles to physical, legal and material safety and advocating for their longer term reintegration.

[...]

Goal 2: By end 2006, IDPs in Afghanistan have found durable solutions through voluntary repatriation to their areas of origin or through local settlement in conditions of self-sufficiency.

[...]

Goal 3: The Afghan authorities will be better capacitated to fulfil their responsibilities in the management of refugees and IDPs issues.

[...]

Goal 4: Other actors will include the longer term reintegration of returnees in their development programme."

### **UNHCR, July 2005:**

"The climatic and political situation in Afghanistan has improved in the last three years and thereby created increased opportunities for IDPs to return to places of origin and to step out of the framework of dependency on relief assistance whether upon return or in a location of their choice.

[...]

More than three years after their displacement, the situation of the remaining IDPs in the camps in the Southern region has largely stabilized. Surveys among IDPs show basic health indicators comparable to Afghans in surrounding areas as well as a high level of attendance of formal and informal education among children and literacy courses among adults. The majority of the IDP households has also found access to income-generating opportunities in surrounding areas and is no longer dependent on food assistance.

[...]

It is now considered timely to shift emphasis from care and maintenance assistance and maximize durable solutions opportunities for the remaining IDP caseload. During the next months efforts will be made to build on emerging opportunities for the safe and sustainable return of IDPs to their places of origin by investing a greater portion of programme resources in assisted voluntary repatriation and reintegration in place of origin, as well as to self-reliance opportunities for IDPs.

The key elements of this strategy therefore are:

- Promotion of voluntary return through regular dialogue with the IDPs and mass information (informed choice), provision of transportation assistance and of an improved return package as well as group and community reintegration assistance upon return in places of origin.
- Re-direction of resources from care and maintenance assistance in camps towards government and community capacity building including through devolution of camp management functions and mainstreaming of social services in current camp locations.
- Limiting assistance activities, except for extremely vulnerable individuals, to those that enhance self-reliance, in particular skills development and income generating activities.

### **Information and consultation activities**

A mass information campaign will be planned, designed and delivered jointly with the Government of Afghanistan. For the success of the shift in emphasis in the strategy, it is important that the IDP caseload is consulted and informed in a timely and objective manner of situation in places of origin as well as the changes in displacement locations in order to enable informed decision-making. IDPs will be informed of the opportunities available for assistance if they choose to return as well as their increased responsibility in ensuring the well-being of their

communities. The timing of the changes in assistance in present locations is critical in order to enable return, where opted for, before the winter sets in.

The government authorities, UNHCR, WFP, UNAMA, IOM and other partners are in the process of arranging meetings with all IDP groups, particularly those from districts within Kandahar province, to outline the planned revision of support. Particular attention will be paid to ensuring the participation of all families, including women, in decision-making.

### **Promoting and assisting voluntary and safe return and reintegration**

Generally, to maximize opportunities for return, UNHCR will work towards strengthening linkages with other actors to promote development investment in areas of return. This is particularly important to ensure that investment in education and skills development, which is much valued by IDPs in displacement, can be transferred and built upon after return. UNHCR will encourage actors to follow returnees to places of origin and invest resources in development and reintegration there.

Registration of a growing number of IDPs wishing to return has commenced. Other planned activities are:

- Come&Talk and Go&See visits, including, where feasible, with the participation of women and children (Refer to Annex II for the proposed schedule);
- A return package has been designed (Refer to Annex III for the components of the return package). It includes contributions from UNHCR, from IOM and WFP (4 months food rations to returnees).
- Transportation arrangements for safe and dignified return, where feasible, accompanied by IOM, have been made and will be available, as necessary and scheduled by district of return.
- Consult IDPs on their reintegration needs and priorities and provide them with information on project initiatives in place of origin in co-ordination with UNHCR and other actors in areas of return.
- Provide other actors with a list of potential returnees by village and encourage other actors to consider/transfer programme and reintegration activities to places of origin. This includes WFP for food-for-work programmes in food insecure areas of return, NSP facilitating partners for the inclusion of its programmes in the high returnee areas, and to consider the needs of returning IDPs through CDC mechanisms; as well as the health, education and other governmental departments.
- For the returnees in Kandahar region, the emphasis of assistance, in addition to the returnee package, will be the strengthening of basic socio-economic infrastructure (such as schools, health points and access roads) in cooperation with the Government and other development actors such as JICA through its Reintegration Programme in the three districts of Kandahar.
- Information and legal advice in places of return will be available and UNHCR and its partners will monitor the situation to identify, document and address possible obstacles to safe reintegration of returning IDPs.

### **Self-reliance initiatives for the remaining population in present locations**

UNHCR expects a number of IDPs to opt to stay and not to return to their places of origin or previous residence. IDP profiling (completed May 2004) indicated that 65% of IDPs were considering opting for return while 35% indicated that they had no wish to return. It is expected that the IDP population not opting for return will comprise two groups: Those remaining due to

continuing concerns for their safety or for economic reasons and those (EVIs) who are not equipped to be self-supporting neither in places of origin nor, at present, in displacement.

UNHCR will continue to address protection problems of IDPs, including obstacles to return, and will monitor the well-being of the population. In order to sustain the return and to ensure that the remaining IDP population attains a higher level of self reliance as quickly as possible the following concrete measures are envisaged during 2005 and 2006:

Management of settlement:

The devolution of camp management responsibilities to the Afghan government began in 2005 as did the re-direction of UNHCR funds and development resources away from camps towards government and community capacity building, social service networks and self-management of the settlements by those living in them. In 2006 the management and existing infrastructure (wells, sanitary facilities, security, and settlement management) will be managed communally by a shura with technical support from relevant government departments such as MoRR/MRRD and the district administration. Where IDPs are able to obtain right of use or ownership of land for more permanent settlement, UNHCR will be ready to assist, as needed, in improving or addressing new shelter needs for those meeting vulnerability criteria."

**UNHCR 15 October 2003, p.13:**

**"IDP Durable Solutions Strategy:** The provincial Department of Repatriation and Refugees (DoRR), UNHCR, UNAMA and WFP jointly launched a phasing out strategy in October 2002, which tasked each actor to help in solving the return problems of IDPs.

The solution strategy was formulated in response to a significant improvement in the agricultural and drought situation in some of the IDPs area of origin. The shift from emergency-based attention to focus their support for sustainable return in the IDPs places of origin, rather than in camps.

The overall objective of the strategy is to facilitate the return of IDPs to their places of origin and to reduce displacement in the western areas through the identification and implementation of alternative durable solutions.

Once IDPs return home, UNHCR and DoRR, as part of their sustainable return strategy, are tasked to continue monitoring the reintegration of returnees in their places of origin. Those who have genuine protection reasons for not returning will remain in the camps where they will continue to receive assistance. However, since July 2003, free food distribution (FFD) had been replaced with Food for Training (FFT) and Food for Work (FFW).

UNHCR has also undertaken the responsibility of providing IDPs in Maslakh camp with information since 2002 through its mass information campaign. This campaign is structured to give feed IDPs with the information on their places of origin: health, education, security, agriculture enable them to make an informed decision about their voluntary return. Go and See visits have been organized for IDPs so that they gain detail and accurate information in their places of origin.

(...)

**Long term solution for the remaining caseloads:** Return home remains the long-term solution for the remaining IDPs caseload. MoRR, MRRD and MoTA (Ministry of Tribal Affairs) are working on a global policy for the last two (Kuchi) groups of IDPs.

Two IDP return commissions are institutionalised to work on removing the obstacles to the return of IDPs, especially those who fear persecution.

Northern Regional Working Group is tasked to address the problems of IDPs from the northern region who are displaced inside Afghanistan or abroad.  
Badghis Return Task Force is working to address the problems of IDPs, who are still displaced, from the western region.

MRRD and Ministry of Tribal Affairs are also exploring the possibility of local integration for those IDPs that are unable or unwilling to return."

### **Mainstreaming of IDPs into National Development Programmes is a strategic long-term objective (October 2003)**

- For promoting return to the areas of origin, the Operation Plan envisages to shift the focus of assistance from the area of displacement to the area of return, provided that the conditions are conducive to return.
- Reintegration task forces shall be established in the provinces of return to assess conditions for return, to facilitate return and reintegration and to monitor the status of the returned IDPs.
- Currently there is a gap between initial reintegration activities and mainstreaming into national programmes as the latter do not have the flexibility to adjust their planning processes and implementation timeframe to movements of IDPs.
- Mainstreaming of IDPs into National Programmes therefore is a strategic long-term objective.
- The National Area based Development Program is thought to be the appropriate program to respond, through the development of Area Based Reintegration Plans in the districts of return. These will be developed in districts of IDP return, through a provincial taskforce that shall carry out participatory planning and specific technical assessments.

#### **MoRR & MRRD October 2003, pp. 7-9:**

"For promoting return to the areas of origin, the focus of assistance needs to shift from the area of displacement to the area of return, provided that the conditions are conducive to return. In the North West, the findings of the Return Commission Working Group, actual and potential return figures and reintegration needs need to be analysed together. Benchmarks need to be established to ensure that the reintegration activities are initiated at the right time and place. Reintegration task forces shall be established in the provinces of return to assess conditions for return, to facilitate return and reintegration and to monitor the status of the returned IDPs.

Initial reintegration of returnees and IDPs as per the National Strategy for Return, Reintegration and Displacement, is a shared responsibility of MoRR, MRRD, MUDH, and UNHCR.

Currently there is a gap between initial reintegration activities and mainstreaming into national programmes. The National Programmes, like NSP, NEEP and others have their own planning mechanisms and do not have the flexibility to adjust their planning processes and implementation timeframe to movements of IDPs. Mainstreaming of IDPs into National Programmes therefore is a strategic long-term objective.

To fill this gap, a light and efficient mechanism is required, with the flexibility to react to return of minority groups as and when they take place. The National Area based Development Program is the appropriate program to respond, through the development of Area Based Reintegration Plans in the districts of return.

Mainstreaming of IDPs and pastoralists into National Programmes is a medium- to long term strategic objective, for which appropriate mechanisms need to be put in place.

## **6.1 Initial reintegration activities**

Initial reintegration activities cover the initial assistance required to make the return feasible, and are therefore part of the return program, and shall be included in the design of the return program. The main actor responsible for the initial reintegration activities is the one tasked with the return program, which is described in the respective paragraphs.

## **6.2 Area Based Reintegration Plans**

Area Based Development Programmes shall be developed in districts of IDP return, through a provincial taskforce that shall carry out participatory planning and specific technical assessments. The participatory planning process shall include the host communities of the area and aims at uplifting the entire area, which will reduce conflict, promote co-existence and will encourage the perception of IDPs as assets.

These Reintegration Area Based Development Plans need to be developed, and a price tag attached to it in all districts of return. The allocated budget for the Area Based Development Plans will be determined by the number of IDPs to be returned. Specific reintegration funds shall be channelled through NABDP for the reintegration of IDPs in their areas of origin. Programs focussing particularly on reintegration of IDPs and returnees, such as the Ogata Initiative shall be considered as natural actors. As much as possible and practical, return and reintegration programs and subsequent appeals for funding shall be integrated.

In the Northwest, these projects could also be used as an incentive for receiving communities to accept the return of minority groups. There will be a conditionality of investment on safe return, shared ownership of projects etc. The intention would be to move away from talking purely about protection issues, but rather to contribute to 'neutralizing' the protection concern through focusing on reintegration projects.

In the case of pastoralists, these Area based Reintegration Plans are meant to provide a stimulus to the area to which the pastoralists return, for both the resident and the nomadic communities, in an effort to increase the viability of the newly established pastoralist livelihood, as well as promoting the co-existence between resident and seasonal users of the area. The residents will start to see the pastoralists as an asset, instead of as competition, which will contribute to the government's aim of promoting peaceful co-existence between population groups. Pasture improvement projects, water retention programs, water source development for sedentary and nomadic populations and labour-based rehabilitation projects are among the potential projects.

## **6.3 Mainstreaming into National Programmes**

The objective of mainstreaming of returned IDPs into National Programmes is to ensure their inclusion in a proportionate manner. It must be recognized that these people are at risk of being excluded from these programmes, due to various factors relating to livelihood, ethnic and historical factors and others.

MRRD, through the National Area Based Development Program shall ensure that provincial planning procedures incorporate returned IDPs (both sedentary and nomadic) in the process of prioritization and selection of projects.

One of the criteria for the identification of districts to be prioritized for the National Solidarity Program [NSP] is the high degree of return. When detailed information is available on the villages

of return, this data shall be included as one of the factors determining the village selection in these villages.

Planning guidelines for infrastructure development and Guidelines for social targeting (labour recruitment and employment) for the National Emergency Employment Program are currently being developed. The planning process takes into consideration vulnerability data, which influence resource allocation. IDP statistics are included. Pastoralists and returnees are mentioned specifically as vulnerable groups for that required attention with regard to Social Targeting to ensure they are included in a proportionate manner. Discussions are currently underway to determine the best modalities for implementation and monitoring of these guidelines (through quota, lottery systems, self-targeting etc.)

Mechanisms for mainstreaming into other National Programmes shall be identified and advocated for by the Kuchi Vulnerability Committee (for pastoralists) and by the MRRD Reintegration Unit."

## **Obstacles to return and resettlement**

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### **IDPs cite unemployment and lackin access to drinking water as main impediments to return (February 2005)**

#### **UNDP, February 2005:**

**"Refugees: Positive:** Most Afghan refugees and internally displaced persons (IDPs) do not feel that violence is an impediment to their return home. Indeed, since the fall of the Taliban, more than 1.8 million people have returned from Pakistan and 600,000 from Iran. In addition, there were over 1 million IDPs in Afghanistan at the beginning of 2002, and now the majority of them have returned.

**Negative:** Afghans comprise the second largest number of refugees and IDPsin the world, after Palestinians. Over a quarter of the country's population has sought refuge outside of the country, prompting the United Nations to declare Afghanistan*the major site of human displacement in the world*. An estimated 3.4 million Afghans sill remain outside the country and 200,000 IDPs are in the southern and western sections. A recent survey of some 20,000 IDP households, the vast majority of respondents expressed their willingness to return but cited a lack of jobs and drinking water as main obstacles."

### **Weak national authority in the northwest and abusive commanders discourage return of displaced Pashtun (September 2004)**

- Although Pashtun are reportedly no longer targeted for their ethnicity in the northwest and local power-holdre have made statement encouraging return, the displaced Pashtun are still reluctant to return.
- They still fear illegal taxation, forced recruitment and exploitation at the hands of the military commanders.
- Also, living conditions are comparatively better in the camps in the south than in the home province.
- Report of the UN Secretary-General reveal slow progresses made in the disarmament, demobilization and reintegration of factional forces.
- Displaced Person Council, consisting of Pashtun IDPs, identified the continued presence and influence of abusive commanders in the North-West as the most serious obstacle to return.

- Abuses included :occupation of the displaced persons' property, encouraging the planting of poppies on this land, taxing the civilian population on any harvests produced, forcibly recruiting young men or engaging civilians in forced labour.
- 20% of IDPs remaining in camps and settlements cite insecurity as the main reason for not returning, most of them Pashtuns
- 600,000 refugees & IDPs (200,000) have returned to the northern provinces since beginning of 2003.
- 60,000 Pashtuns have fled the persecution and ethnic tensions in the north since 2001.

**Pete Spink, September 2004:**

"For the Pashtuns of the first category [Pashtuns displaced from the northern provinces], the security situation has improved and they are no longer directly targeted as a result of their ethnicity. Pashtun representatives from IDP camps have visited their areas of origin on UNHCR-led 'go and see' visits. While local power-holders have made statements encouraging return, the offers of return packages from UNHCR, the World Food Programme (WFP) and the International Organisation for Migration are insufficient. Returning Pashtuns still fear illegal taxation, forced recruitment and exploitation at the hands of the military commanders in provinces where the central government struggles to impose its authority. The removal in May 2004 of the pro-Kabul governor of Faryab – a key province of potential Pashtun return – has sent a clear signal. Pashtuns in Faryab are not encouraging those who were displaced to return until there is disarmament and the establishment of the rule of law.

Life in the villages of Faryab is hard. It takes many hours on foot to reach the nearest school or clinic, access to clean drinking water is limited and groundwater is often too salty for human or animal consumption. By comparison, in the IDP camps in the south, there is adequate provision of health, education and water, and security is not a concern. Displaced Pashtuns want to see evidence that the billions of dollars pledged to Afghanistan are having an impact in their districts. Faryab has so far seen very little."

***Absence of rule of law is illustrated by slow progress made in the disarmament, demobilization and reintegration of factional forces:***

**UN Secretary-General, 12 August 2004, p. 9:**

"29. There has been insufficient progress in the disarmament, demobilization and reintegration of factional forces. The commitment made at the Berlin conference was to achieve the disarmament, demobilization and reintegration of no less than 40 per cent of the stated troop strength of 100,000 Afghan Militia Forces, as well as the cantonment of all heavy weapons under credible supervision by June, ahead of the 2004 elections.

30. As at 31 July, the number of men who had turned in their weapons and entered the disarmament, demobilization and reintegration programme stood at some 12,245 or, based on Ministry of Defence figures, a little over 12 per cent of the Afghan Militia Forces' troop strength. In the conduct of the disarmament, demobilization and reintegration exercise led by Japan, however, it became evident that the actual troop strength was significantly less than 100,000 and might stand at 60,000 or less, in which case the actual percentage of disarmament, demobilization and reintegration achieved to date would be closer to 20 per cent. It is worth noting that the participation of the various army corps in the exercise has been very uneven. Afghan Militia Forces units in the south-east have been practically demobilized and, in the south, disarmament, demobilization and reintegration was discontinued when it was assessed that a minimum number of soldiers from the Afghan Militia Forces units was required in the fight against the Taliban and Al-Qaida. Among the corps and units whose contribution to disarmament, demobilization and reintegration —relative to their strength — was inadequate, were the forces



loyal to the Minister of Defence. These include the two largest corps of the Afghan Militia Forces, the central corps in Kabul and the corps in Parwan; only 5 per cent of these units have entered the disarmament, demobilization and reintegration programme."

***At the end of 2003, the continued presence of abusive commanders was identified by the Displaced Person Council as the most serious obstacle to return:***

**UNHCR 15 November 2003 pp. 2-3:**

"The continued presence and influence of abusive commanders in the North-West was consistently identified by participants as the most serious obstacle to return. Commanders are still strengthening their own power through occupation of the displaced persons' property, encouraging the planting of poppies on this land, taxing the civilian population on any harvests produced, forcibly recruiting young men or engaging civilians in forced labour. Although the US coalition intervention in Afghanistan was welcomed as providing a good opportunity for peace, serious disappointment was expressed over the Coalition's use and support of the aforementioned commanders and competing factions, the latter further perpetuating the crimes against humanity committed in the north west. The rhetorical question was raised: 'How could the Coalition destroy the Taliban so quickly, and yet two years later they have not been able to, or have not wanted to, remove the warlords who are destroying the security of our country?'

The factions were described as being responsible for creating ethnic divisions, spurred on by Pakistan and Iran, which did not exist before. The recent fighting in Balkh between Jamiat and Jumbesh that resulted in the deaths of civilians, looting, and forced recruitment were used as an illustration. Forced recruitment and taxation was noted to be widespread in Faryab, Saripul, Jowzjana and Balkh, and especially in areas where there was a competition between rival factions. Specific examples of Chimtal (Balkh) and Gosfandi were provided where commanders were engaging in arbitrary arrests and maintaining illegal detention centres, ransoming of prisoners back to their families.

Some participants questioned the ability or will of the main leaders in the north to deal with the low level commanders. One participant noted that mid last year, General Dostum had agreed to his petition for restitution of his property in Sayedabad district of Saripul, but the concerned commanders refused to comply with Dostum's instructions and received no penalty for not complying."

**UNHCR 15 November 2003 pp. 2-3:**

"An estimated twenty percent of the IDPs remaining in camps and other concentrations cite safety as their primary reason for not returning to their areas of origin. Most prominent among them are the ethnic Pashtuns originating from the north and northwest who have been displaced to the south, the west and within the north. Many more, including some very recently displaced, are found throughout the country, with those displaced within the northern provinces are of particular concern. Some IDPs feel threatened simply because of their ethnicity while others were caught in the crossfire of competing local armed factions. The common denominator among all of these displaced is that their areas of origin are too insecure for them to return.

Clearly, a lasting change in the security and rule of law situation in much of Afghanistan would be necessary to address the valid protection concerns prevailing among IDPs and the humanitarian and development community as a whole. A certain level of instability, insecurity and human rights abuses connected to weak governance and rule of law will remain a fact of life for many Afghans for years to come. Therefore, activities in support of IDPs must be based on the reality of relative levels of risk and vulnerability, as well as on informed and voluntary choices being made by the IDPs.

The principal cause of protection problems in the north is the ongoing struggle for power and land among competing paramilitary factions and warlords. Local commanders operating in the name of larger factions retain near-absolute control over civilian life and continue to actively engage in power struggles and armed conflict. Ethnic and tribal cleavages fuel this competition. Such conflicts affect both the locally displaced IDPs within the north as well as the non-displaced population and seriously threatens the process of normalization and recovery of local communities. For those displaced to the south and west, these ongoing conflicts remain the main impediment for return. Creative and aggressive measures by the Government are required to address these security problems immediately while a longer-term reform process and institution building gets underway." (Inter-Agency Missions 19 June 2003, pp. 7-8)

**See also:**

**"AFGHANISTAN: Focus on returns and reintegration in the north", IRIN, 18 June 2003**

**"AFGHANISTAN: UN reports serious rights violations in northwest", IRIN, 28 April 2003**

**The Political, Security and Human Rights Situation in Afghanistan, Report on fact-finding mission to Kabul and Mazar-i-Sharif, Afghanistan and Islamabad, Pakistan, 22 September - 5 October 2002, Danish Immigration Services (DIS), March 2003**

**"UN suspends IDPs repatriation to Afghanistan's volatile north", AFP, 2 July 2002**

**"Afghanistan: UN Refugee Chief Hopes Displaced Northern Afghans May Return Home Soon", RFE/RL, 10 July 2002**

**On the Precipice: Insecurity in Northern Afghanistan, HRW, June 2002**

**Absence of social network makes it difficult for returnees to settle in areas other than their area of origin (March 2003)**

- Main problems faced by returnees in urban centers is the lack of employment and education opportunities.
- Social networks are less important when resettling in cities than in rural areas when it is not that of origin.
- It is very difficult for returned refugees or internally displaced people to settle in areas, other than their areas of origin, and where they do not have a network.
- Crucial issue in connection with resettlement is the access to resources. Widespread shortage of land and water in the rural areas in Afghanistan often leads to fighting about the scarce resources.
- Pashtuns IDPs trying to resettle in Pashtun areas other than that of origin have not been accepted by the local residents.

**DIS March 2003, p. 40; 45:**

"CCA said that for people, who are returning to the towns, the social network is less important in terms of being able to settle in towns other than the place of origin. The general problem, that everybody has to face, is the lack of employment, the economic situation in general and the lack of educational facilities for children. In the rural areas, people are closer. They live in extended families, and if a person does not have a family, that person is in danger of not being able to

receive any help or assistance. There may be difficulties, however, the person is not in any real danger.

ICG mentioned that it is very difficult for returned refugees or internally displaced people to settle in areas, other than their areas of origin, and where they do not have a network. Accordingly, it is extremely difficult to settle in other regions, even when (e.g. as a Pashtun) people are settling in an area populated by a dominating ethnic group to which the person belongs. It will be impossible for Hazaras to settle in an area dominated by Pashtuns.

[...]

The coordinator of UNAMA's Civil Affairs Branch advised that the support of the government would be required for any resettlement of ethnic groups in areas other than their areas of origin. In this connection the source was referring to the large group of Pashtun refugees who are currently living in the area around Kandahar and who do not wish to return to the northern areas. The crucial issue in connection with resettlement is the access to resources. There is widespread shortage of land and water in the rural areas in Afghanistan, which often leads to fighting about the scarce resources.

UNHCR, Kabul, said that Pashtuns from northern Afghanistan had attempted settlement in the Pashtun villages in other areas of the country, but that they had not been accepted by the local communities.

ICG also said, that it would be difficult to settle in an area other than a person's area of origin. This was the same for all ethnic groups - both when settling in areas, where they were in minority and when settling in other areas, where they belonged to the major ethnic group in that area. According to the source, the real problem is one of access to resources, especially water. If the resources were not scarce, there would be no fighting. The source compared the situation to that in the former Yugoslavia, emphasizing that contrary to the situation in Yugoslavia, ethnic groups in Afghanistan are generally more pragmatic, and they would not fight if there were sufficient resources."

#### **Finding durable solutions for IDPs not high on the local and provincial authorities' agenda (September 2004)**

- Many displaced Kuchis unable to return to central highlands are likely to be willing to be allocated land near Kandahar, but local authorities and communities are unwilling to let them do so.
- Local authorities have at times been less than cooperative in ensuring that that most camp IDPs have basic shelter, access to potable water and basic healthcare, as well as minimal nutritional standards for fear of creating poles of attraction in the camps or because they were intent on dispersing the IDPs elsewhere.
- Current IDP situation is one where the majority of IDPs that have been able to return have done so, leaving a residual population made up primarily of IDPs unable or unwilling to return for the time being and who are in need of durable solutions.
- It appears that finding durable solutions for IDPs is not yet high on the agenda of key provincial authorities.

#### **Spink, Pete, September 2004, p. 35:**

"Nomadism' was for most Kuchis an uncomfortable necessity rather than an essential feature of their identity. It would therefore be a romanticisation of their lifestyle to assume that all displaced Kuchis yearn to return to 'traditional' livelihoods. Most are now accustomed to accessible health and education services and the easy availability of water. Kuchis unable to return to the central highlands due to hostility of the Hazara would like to be allocated land in Kandahar- it is a right

enshrined in the Guiding Principles on Internal Displacement that IDPs can settle in a location of their choice. However, the provincial government in Kandahar as well as surrounding communities are unwilling to let them do so.

Cycles of droughts and displacement are not a new phenomenon for the Kuchis. What is new is the availability of assistance and the impact this is having on the willingness to return. Many observers doubt whether anything can be done to re-establish the livelihoods of the Registan Kuchis until three or four years of good rain restore their range land."

**Inter-Agency Missions 19 June 2003, p. 3:**

"The overall conditions of the IDPs remaining in camps have improved considerably from conditions in early 2002. UNHCR in partnership with UNICEF, WFP and the NGOs have succeeded in ensuring that most camp IDPs now have at least basic shelter, access to potable water and basic healthcare, as well as minimal nutritional standards. However, this has not always been an easy achievement as local authorities have at times been less than cooperative for fear of creating poles of attraction in the camps or because they were intent on dispersing the IDPs elsewhere. UNICEF has been particularly concerned over denial of access to education in some instances for such reasons.

Therefore, given the prevailing security conditions, the current IDP situation is one where the majority of IDPs that have been able to return have done so, leaving a residual population made up primarily of IDPs unable or unwilling to return for the time being. The Government is therefore faced with the challenge of creating enabling environments in areas of origin that will encourage IDPs to return or, alternatively, for creating durable solutions for IDPs in their areas of displacement or elsewhere. In either case, the Government is being encouraged by UNHCR and its partners to shift from a policy that has primarily consisted of care and maintenance of IDPs to one that seeks longer-term and lasting solutions.

However, while the central Government has endorsed a National Reintegration Strategy with the declared objective of mainstreaming returnees and has accepted the overall principle of streamlining the reintegration of IDPs into national development programmes as a declared priority, it appears that finding durable solutions for IDPs is not yet high on the agenda of key provincial authorities. There appears to be little coordinated effort by such authorities to address IDP solutions, despite the continued attempts by UNHCR to engage with representatives of relevant ministries, governors' offices and influential commanders in the various regions, and particularly in the south. Greater priority, understanding and cooperation by national authorities in addressing the gap between agreed policies and poor implementation at the provincial level is, therefore, essential to finding durable solutions. International assistance actors thus need to pay greater attention to such a gap."

# HUMANITARIAN ACCESS

## General

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### Humanitarian access hindered by a multitude of factors (September 2005)

- While many aid agencies are located in Kabul, reconstruction in rural areas is slow and the humanitarian situation remains difficult
- Aid is not reaching the most needy areas, especially in the south and east
- Destroyed road infrastructure hinders access to remote areas, which can obstruct assistance to victims of natural disasters
- Two UN General Assembly documents report that the volatile security situation had a negative impact on international humanitarian involvement

#### Reuters, 20 June 2005:

##### "The rural-urban divide

The humanitarian situation in the larger cities of Kabul, Muzar-e Sharif and Herat has improved since 2001 as foreign funds have poured in to rebuild vital infrastructure. In Kabul, where a lot of aid agencies have opened offices, businesses have sprung up to cater to the new expatriate community. But in rural areas reconstruction is slow and the humanitarian situation remains dire. Few Afghans outside the cities have access to clean water, employment, healthcare or schools. Work has been severely hampered by ongoing conflict. The government has little control beyond the capital and militant violence continues. The worst of the fighting is in the south and east of the country where the Taliban and their allies continue to fight NATO-led troops. But even in the north and west of the country there is infighting between local commanders over power and land.

##### Aid is not reaching the most needy areas

Afghanistan is one of the most dangerous countries for aid agencies to work in, especially in the south and east. Aid workers not only have to avoid the fighting between the Taliban and NATO-led forces, but they are increasingly being targeted themselves. The Taliban claims aid agencies are working for U.S. interests, and are therefore legitimate targets – a stance that has produced a catalogue of abductions and deadly attacks across the country. In response, many international agencies have withdrawn from Afghanistan altogether. Médecins Sans Frontières (MSF), which had worked in Afghanistan since 1980, withdrew in 2004 after five of its staff were killed. MSF has strongly criticised the U.S.-led coalition for using humanitarian aid to build support for its military and political aims, thereby making aid agencies a bigger target for militants. In the south, aid agencies are only able to work in the city of Kandahar. Staff who do travel to the surrounding countryside are escorted by armed guards and avoid staying overnight. Aid workers are also being targeted by groups that are disenchanted with the Western influence in the country and say progress is too slow. President Hamid Karzai warned in June 2005 that violence would get worse in the run-up to parliamentary elections in September. He suggested that Taliban guerrillas and their allies would be behind the violence.

##### But it's not just fighting that's stopping aid

Most of Afghanistan's roads have been destroyed. And many of the most vulnerable communities live in inaccessible mountain regions, which are often cut off by heavy snow during the winter. The World Food Programme transports food as far as possible by truck, but it has to rely on camels, donkeys and people to carry it the remaining distance to remote villages. Regions on the

Tajik and Chinese borders have been particularly difficult to reach, often requiring cross border operations.

### **Earthquakes, flood and drought are a problem too**

Every year an estimated 400,000 Afghans are affected by natural disasters. And many farmers have still not recovered from a severe drought that killed 70 per cent of the country's livestock three years ago. Flash floods, landslides, earthquakes, extreme cold and locust attacks are also frequent and often cause widespread crop damage and food insecurity. Heavy snows frequently isolate large areas of the country during the winter. Then between April and August every year, melting snow and the rainy season together cause major flooding in the central highlands. Landless Afghans living in dry river basins can become victims of flash floods, and entire communities living on hillsides in the highlands are frequently swept downhill by landslides. In June 2005, there were nine separate floods in just one week that caused extensive damage to people's homes and crops."

### **UNGA, 9 September 2005:**

"7. The security situation continues to present a great challenge to the promotion and protection of human rights in Afghanistan. Threats to national security include the continued power of factional commanders and the activities of armed anti-Government entities. The escalating conflict in recent months has resulted in the killing of numerous civilians, including pro-governmental figures and progressive mullahs, as well as electoral candidates and workers, people involved in mine clearance and other humanitarian actors. Reports of human rights violations have been received concerning some of the activities undertaken by national security agencies and international forces, including those of the Coalition Forces, in dealing with such threats and anti-Government activities."

### **UNGA, 12 August 2005:**

"62. The southern and parts of the eastern regions of the country have borne the brunt of the recent upsurge in violence. Attacks by extremist elements (including elements claiming allegiance to the Taliban and Al-Qaida) take place on an almost daily basis. In a significant departure from their previous tactics, which focused on provincial authorities, international and national forces and election workers, insurgents are now also targeting local communities and their leaders. Since 29 May, four pro-government clerics have been murdered in separate incidents; one cleric was beheaded outside his religious school in Paktika province. On 1 June, at the memorial service for a cleric who had been assassinated a few days earlier, a suicide bomber detonated a massive charge in a mosque in Kandahar province, killing more than 40 people, including the chief of police of Kabul province.

63. An increasing number of attacks against members of the international community has resulted in significant reductions in or, in some cases, suspension of activities. After attacks on 19 and 20 May resulted in the deaths of 11 national staff of Chemonics, a subcontractor for an alternative livelihood programme, in Zabol province, the company suspended its activities. Three separate improvised explosive device attacks on deminers resulted in the temporary suspension of their activities also. On 1 June, two deminers were killed and five were injured when their vehicle was bombed on the outskirts of Grishk city, Helmand province; on 29 May, another demining team was the subject of a bomb attack, fortunately without casualties; and on 18 May three demining staff were killed in a roadside attack in Farah province. In Kabul, a number of serious attacks against international workers have occurred in recent months. The most serious were the suicide bombing of an Internet café on 7 May, in which two Afghans and one international worker were killed, and the abduction on 16 May of a Care International aid worker, who was subsequently released on 9 June. On 2 July, a vehicle convoy, including UNAMA personnel, was the target of an improvised explosive device attack in Paktika province which resulted in the deaths of five Afghan police officers and two Afghan Military Forces personnel."



# NATIONAL AND INTERNATIONAL RESPONSES

## National response

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### National response

International organisations, and specifically UNHCR, are planning over the next couple of years to hand over responsibility for the remaining internally displaced and for returning refugees and IDPs to the national authorities. (UNHCR Afghanistan update September 2005; UNHCR planning 2006) This transition has been envisaged for some years, and the Afghan authorities have increasingly been engaged in IDP protection and return issues. This is reflected in a number of action plan and strategy papers:

In **April 2004**, the government, under the leadership of the Ministry of Rural Rehabilitation and Development (MRRD), adopted the **IDP National Plan** in an effort to promote and accelerate return and reintegration of IDPs by 2007. The Plan is an inter-ministerial effort bringing together the Ministry of Refugees and Repatriation (MoRR), the MRRD and the Ministry of Frontiers and Tribal Affairs (MFTA) and had a budget of \$60 million.

Four groups of IDPs are identified: Pashtuns from the north; Kuchi IDPs displaced by drought from the south (Kandahar, Helmand and Nimroz); Kuchi IDPs from the central provinces (Ghazni, Uruzgan and Bamyán); and drought-affected non-Kuchis.

The announced shift in policy from care and maintenance of IDPs to longer-term solutions also implies intensified collaboration between Consultative Group 1 (Refugees and IDPs) and Consultative Group 4 (Livelihood and social protection). The IDP National Plan was adopted following various governmental strategies announced in the course of 2003:

- March 2003: the '**National Return, Displacement and Reintegration Strategy**' outlined a government strategy for the return and reintegration of both refugees and IDPs.;
- July 2003: the more IDP focused '**IDP Strategy**', issued by the Consultative Group on Refugees and IDPs, aiming to find solutions to internal displacement in its various forms, while at the same time continuing to provide protection and assistance to IDPs;
- October 2003: the '**Regional Operation Plan for IDPs in the South**', with the objective to find solutions for all categories of displaced persons within three years.

### MRRD in charge of ensuring the reintegration of the returning IDPs

"(...) The Ministry of Rural Rehabilitation and Development (MRRD) plays a central role in inclusion of returnees through its national programmes, in addition to the activities of its Reintegration Unit, aiming to promote in particular the social and economic reintegration of the refugee and IDP returnees. Its objectives are to increase the rate of IDP return and to sustain IDP reintegration into areas of origin.

MRRD has decided not to design projects specifically for returnees but to mainstream their inclusion within the national development programmes. This inclusion in existing development programmes is aimed to facilitate their reintegration back into their villages of origin. It is understood that returnees are not the only prioritised beneficiary group, but the reintegration of over 3 million people (refugees returned) is a long-term objective that will require a sustainable commitment of resources. Within all of MRRD's national development programmes, returnees will



be considered as a cross-cutting issue in planning, programming and implementation. The National Solidarity Programme (NSP), which aims to reach 20,000 beneficiaries between 2004 and 2007, will select its villages according to the criteria including the concentration of refugee and IDP returnees. (NSP website, consulted November 2005)

The National Emergency Employment Programme (NEEP), the Government's programme to create minimum wage employment through labour-based public works, gives immediate support to people previously involved in poppy farming while they develop alternative livelihoods. NEEP will consider the levels of return within its social targeting and the Rural Water Supply programme will identify priority areas of high return where an increased population exacerbates scant resources.

The IDP National Plan is the initiative of the MRRD, Ministry of Refugees & Repatriation and the Ministry of Frontiers and Tribal Affairs, closely supported by UNHCR, UNDP, WFP, and UNAMA. This plan seeks an end to the perpetuation of care and maintenance in the IDP camps and strives toward durable solutions to facilitate return and a sustained reintegration.

Total budget of the programme over 3-years is an estimated \$60m. UNHCR, WFP and IOM's programme activities are included within this Plan, but not included in the budget. " (MRRD April 2004, p. 7)

In **February 2003**, the government-sponsored Return Commission for the North held its first meeting to facilitate the return of refugees and IDPs to the northern provinces. The Commission was set up following a fact-finding mission in IDP camps in the Kandahar region to ascertain the reasons for the continued arrival of population (mainly Pashtuns) from the north, and should facilitate the return of IDPs and refugees to the northern provinces.

The commission is coordinated by the Ministry of Refugees and Repatriation. It includes representatives from the civilian authorities in the North, representatives of the different factions, a representative of the Afghan Human Rights Commission and representatives of UNHCR and UNAMA. Its tasks are to promote the return of refugees and IDPs in dignified and safe conditions; monitor the situation in the districts most affected by violence; investigate complaints by refugees and IDPs; recommend corrective action by the central and regional authorities when misbehavior by local authorities is involved; organize initiatives aimed at communal reconciliation; and promote social and economic reconstruction in the communities of return. (IRIN, 5 March 2003, UNAMA, October 2002)

The Transitional Islamic State of Afghanistan expressed the hope in January 2004, that by giving IDP issues broader political support and resources and by specifically targeting reintegration efforts, the specific protection mechanisms for internal displacement would not be required beyond the medium term and could be folded into broader public management arrangements for social protection (TISA January 2004, pp. 17-18).

The Return Commission and its very active working group (RCWG) are currently in the process of transformation, as the structure which involves representatives, political factions and parties, is no longer adequate and, in turn, the provincial authorities need support and strengthening to address the remaining obstacles to return and reintegration. The transition is almost completed, but needs the final stamp of approval. The already existing system of provincial return commissions will be expanded. The provincial commissions, headed by DORR with the support of the Governors and a supporting task force, will comprise members of the RCWG. (UNHCR email exchange, September 2005)

The **Displaced Persons Council (DPC)**, set up in **October 2003**, was intended to complement the activities of the Northern Return Commission and increase the participation of the displaced persons themselves in this process. DPC is a joint initiative of the MORR and UNHCR and

initially comprised Pashtun displaced persons from 5 northern provinces, who were at the time displaced in the South, West, North of Afghanistan and Balouchistan (Pakistan). The objectives of the meeting was to look into the causes of displacement and make practical recommendations to resolve the obstacles to their return.

The DPC provided recommendations on how best to address obstacles to return to the President, the relevant Ministries, to UNHCR, AIHRC, to Governors in the places of origin and others. The DPC later facilitated the selection of representatives for the Go & See visits of IDPs to the north-west. Now, most of the DPC members have returned to their places of origin and the Council is not operational anymore. (UNHCR, 15 November 2003; UNHCR email contact, September 2005)

### **The Afghan Independent Human Rights Commission (AIHRC)**

In **June 2002**, a presidential decree established the **Afghan Independent Human Rights Commission** which now has a presence in 11 locations across the country, occupying 400 staff from all major ethnic groups. Important initiatives of the Commission, which receives support from UNAMA, OHCHR and UNDP, include the verification of the exercise of political rights prior to elections, activities in the area of transitional justice, investigation of human rights cases, monitoring of at-risk communities and of prisons. Since April 2005, AIHRC and UNHCR monitor the human rights situation, particularly in areas with significant levels of refugee and IDP returnees (UNGA, 9 September 2005, p.18). While the UN Secretary-General praises the work of the Commission as having a positive impact on the protection and promotion of human rights, he acknowledges that the achieving of lasting peace will be a long-term effort. (UNGA, 12 August 2005). A Human Rights Watch report from January 2004, finds that the AIHRC still lacks the power to credibly protect basic rights and criticises the fact that the Commission does not have a specific mandate to look into abuses and serious war crimes of the past. (HRW, 8 January 2004)

In an interview in July 2005, the Afghan **Minister of Rural Rehabilitation and Development (MRRD)** acknowledged that the most pressing challenges in rural areas are food and water security. One of the main additional challenges is the limited absorption capacity of rural areas for the more than 3 million returnees (refugees and IDPs). In order to approach rural poverty in a structural and long-term development-oriented manner, the Afghan government has designed six **programmes**, five of which are mentioned here:

National Solidarity Programme (NSP), operational in some 25% of Afghan villages;

Emergency Employment Programme (EEP), operational;

National Microfinance Programme (NMP), has reached 140,000 rural families in July 2005 and should reach some 350,000 by the end of 2005;

National Water Supply and Sanitation Programme is stepping up its activities

The National Vulnerability Programme assessed that about 25% of the rural population are extremely food-insecure.

## **International response**

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### **International response**

#### ***United Nations Presence:***

#### **UNSC, 7 November 2006:**

"UNAMA was conceived of as a small mission in comparison to the sizes of preceding missions in Timor-Leste and Kosovo, and based on the principle of local leadership. Despite its size,

however, a great deal was expected from the mission. UNAMA was further constrained by the poor security situation outside Kabul, the incomplete nature of the Bonn Agreement, the composition of the post-Bonn power structure, and the complexity of the inter-Afghan political process.

UNAMA's mandate is to:

- create political legitimacy through democratisation;
- maintain peace and stability through negotiation of dispute with the help of the UN Secretary-General's good offices;
- monitor and report on human rights abuses;
- advise on the development of institutions and assist in coordinating external support for the reconstruction process; and
- manage all UN humanitarian relief, recovery and reconstruction in coordination with the Afghan government.

UNAMA was designed with two separate pillars: Pillar 1 (Political Affairs) and Pillar 2 (Relief, Recovery, and Development), each headed by a Deputy Special Representative of the Secretary-General, who reports directly to the Special Representative of the Secretary-General. UNAMA has been charged with integrating the various UN activities in Afghanistan and placing them under the watch of the Secretary-General's Special Representative and UNAMA's Chief of Mission, currently, Tom Koenigs of Germany. UNAMA also has Special Advisors on Human Rights, Gender, Drugs, Rule of Law, Police, Military and Demobilisation and Legal Issues. While the two pillar structure followed the "light footprint" approach, the initial lack of coordination between the two pillars provided for some initial problems.

[...]

UNAMA's current mandate expires on 24 March 2007.

[...]

In March 2006, UNAMA's mandate was renewed, and expanded somewhat to include responsibilities to co-chair the Joint Coordination and Monitoring Board, designed to "ensure the overall strategic coordination of the implementation of the Compact" with the government of Afghanistan. Given this role assigned to the UN under the Afghanistan Compact, and the recent serious deterioration in the security situation, the Council decision to send a mission to Afghanistan in November 2006 represents a clear desire to step up its attention to security in Afghanistan in the near future."

**Donini, June 2006, p. 28:**

"Oct 2001-present: The UN Assistance Mission in Afghanistan (UNAMA) is established as the most "integrated" mission to date. UNOCHA is folded into UNAMA. The humanitarian and human rights pillars lose their agency. The coordination and common programming mechanisms of the SF are disbanded or fall into disrepair. NGOs feel excluded from or deliberately shun the new UNAMA coordination structures. The multiplication of actors (CF and NATO, PRTs, bilateral donors, World Bank, private companies, hundreds of new NGOs and of course the fledgling government) weaken UNAMA's coordination role. Emergence of alternative coordination centers such as PRTs, provincial coordination councils which sometimes overlap or conflict with UNAMA and NGO bodies."

**UNHCR:**

**UNHCR Global Appeal 2006:**

"Support the Government of Afghanistan in the development of strategies that address the reasons for displacement of Afghans in the region. • Strengthen the capacity of the Afghan Government to plan, manage and assist the return, reintegration and protection of Afghan refugees and internally displaced persons (IDPs).

- Facilitate the voluntary return of Afghans from Pakistan, the Islamic Republic of Iran and other

host countries; support the reintegration of returnees for an initial period by addressing obstacles to physical, legal and material safety and advocate the inclusion of returnees in all major development plans.

- Monitor the situation of returnees and IDPs and ensure that their rights are protected.
- Facilitate the repatriation of IDPs and provide assistance to support their reintegration.

[...]

The voluntary repatriation operation will continue and it is anticipated that some 600,000 refugees will return from Pakistan and the Islamic Republic of Iran. In the same manner, return and local settlement

of internally displaced people will progress further, allowing UNHCR to cease its assistance activities in the IDP settlements by the end of 2006. The programme will be geared towards helping refugees and internally displaced people make informed decisions on return through efficient mass information activities, "go and see" and "come and inform" visits, and cash and transport grants to help those returning to their area of origin or choice.

[...]

Returning refugees and internally displaced people will have access to the necessary information to make informed decisions for voluntary and safe returns. Refugees and internally displaced people will also have access to national protection and durable solutions. The situation in areas of return will be monitored to ensure that the rights of returning internally displaced people and refugees are protected regardless of their gender, ethnic or tribal affiliation. Asylum-seekers will have access to UNHCR protection, including refugee status determination procedures and assistance when required."

#### ***WFP's activities range from food to reintegration assistance (2005):***

WFP's Protracted Relief and Recovery Operation (PRRO) started in April 2003, aiming at contributing to the protection and re-establishment of livelihoods and household food security by providing assistance to over 9.2 million beneficiaries over two years, including many IDPs, especially in urban areas where, due to large numbers of returnees and IDPs, up to 10 percent of the population are vulnerable and need assistance to meet their basic food needs.

WFP was engaged in Food for Work, Food for Education and Food for Training activities, while an important part of the organisation's efforts go into emergency food assistance to communities struck by natural calamities.

See the WFP website for Afghanistan:  
[http://www.wfp.org/country\\_brief/indexcountry.asp?region=5&section=9&sub\\_section=5&country=004#](http://www.wfp.org/country_brief/indexcountry.asp?region=5&section=9&sub_section=5&country=004#)

In 2004, and in collaboration with Government partners and UN agencies, including UNHCR, FAO, UNICEF and UNMACA, WFP conducted a joint assessment on returnees and internally displaced persons (IDPs) through phase four of the Ogata Initiative in four districts of Balkh province. The assessment aimed at identifying the needs of returnees and IDPs in that region (WFP 27 August 2004)

In May 2004, WFP agreed with UNHCR that WFP would provide food assistance to an estimated 75,000 refugees returning to food insecure areas, including Ghazni, Kandahar, Paktika, Paktya, Uruzgan and Zabul provinces, while UNHCR would provide cash assistance to the same refugees. (WFP June 2004)

In April, WFP and IOM signed an agreement to implement the "Return and Reintegration of Internally Displaced Persons (IDPs)" project, aimed at ensuring that returning IDPs are provided with basic returnee food packages. WFP will support community based-activities primarily in food

insecure areas through food for work (FFW), providing priority employment to returning IDPs who meet the criteria of vulnerability. Under the project, an estimated 9,000 IDP families will receive 1,350 tons of food by 31 March 2005." (WFP 23 April 2004)

#### **UNDP:**

UNDP Afghanistan is engaged in state building and government support, democratisation and civil society empowerment, and the promotion of sustainable livelihoods. Quarterly progress reports can be found on the [UNDP Afghanistan website](#). UNDP engages in reconstruction, rehabilitation and employment programmes, also targeting refugee and IDP returnees.

UNDP and UNHCR have agreed to collaborate closely to ensure a smooth transition from relief to development based on the 4Rs concept and also building on the Ogata Initiative.

UNHCR to assist returning Afghans with a focus on shelter and water and, UNDP and other development agencies to support the Afghan government to make the transition from post-conflict recovery to long-term development. UNDP's National Area-Based Development Programme (NABDP) focuses also on IDP integration.

UNDP Afghanistan website: [http://www.undp.org.af/about\\_us/overview\\_undp\\_afg/default.htm](http://www.undp.org.af/about_us/overview_undp_afg/default.htm)

#### **UNICEF:**

UNICEF Afghanistan engages in a variation of health, water and sanitation, and protection activities directed at women and children. It specifically targets returnee and IDP children's educational programmes.

#### **IOM:**

With its **IDP Return and Reintegration Assistance Programme (IRRAP)**, IOM assists the displaced. Since the fall of the Taliban regime IOM has assisted 350,000 IDPs to return to their areas of origin, with funding from Australia, Finland, New Zealand, Norway, Switzerland, and the United States." (IOM 13 August 2004) IRRAP is being implemented as a priority area under the National Development Framework and includes pre-travel medical screening, return transport – the security situation allowing - and reintegration projects that include vocational training.

IOM assistance to IDPs has been ongoing since 2001 and is now targeting the remaining estimated 160,000 displaced, in close collaboration with MoRR, MRRD, UNHCR and other partners.

IOM's IRRAP consists of five components:

- Profiling and registration
- Return Transport
- Transit Centres for long distance journeys, located in Qala-e-Naw (Badghis province), Bala Murghab (Badghis province) and Maimana (Faryab province)
- Immediate and long-term reintegration assistance. One important aspect of this component is the aid to non-Registan Kuchi, of whom around 9,000 currently live in Zare-Dhast camp, to support the rehabilitation of a sustainable livelihood through a return to pastoralism or through support for reintegration into the settled society.
- Emergency assistance in response to natural disasters and emergencies. (IOM, 9 July 2005)

#### **Main international donors**

The **European Commission** has been fully involved with the reconstruction of Afghanistan since 2001 and pledged approximately € 1 billion over 5 years (2002-2006) at the Tokyo Conference in

January 2002. This does not include humanitarian assistance delivered through ECHO which, as of October 2004, accounts for an additional €163 million since 2002. (EC 1 October 2004) In July 2005, the Commission allocated another €20 million in humanitarian aid to vulnerable populations in Afghanistan and neighbouring countries. (ECHO, 26 July 2005). It stated that while the situation is improving, namely the displaced population still requires humanitarian aid. (ECHO, 27 July 2005)

In March 2004, **Japan** provided an emergency grant assistance of \$8.7 million to further support phase IV of the Ogata programme, set up by former UNHCR Sadako Ogata in 2002. Japan's assistance has selected 3 regions to receive priority assistance: regional cities of Kandahar in the south, Jalalabad in the east, and Mazar-i-Sharif in the north. The overall aim of the programme is to look for forms of development that lead to regional reconstruction, provide a seamless transition from humanitarian assistance to recovery and reconstruction assistance.

Phase 1 put the focus on resettlement assistance for refugees and displaced persons. Phase 2 of the initiative includes emergency income-creation projects, distribution of food as payment for labor, construction of basic infrastructure, protection of mother-child health, the strengthening of educational implementation capacity, and anti-landmine projects in the three priority regions. Phase 4 focuses on employment creation, government capacity building and community empowerment. (Government of Japan 20 May 2003)

The **World Bank** is an important funder of the Afghan reconstruction process and offers no-interest loans. Since April 2002, the World Bank has committed a total of almost \$900 million in various development and reconstruction programmes in Afghanistan, about half of it in no-interest loans. On the Afghanistan Reconstruction Trust Fund (ARTF), see list of sources.

Since the end of 2001, the international community has focused on the reconstruction of Afghanistan. On the basis of a preliminary needs assessment, presented at the International Conference on Reconstruction Assistance to Afghanistan in Tokyo in January 2002, \$4,5 billion were pledged. The March 2004 Berlin donor conference generated pledges totalling \$8,2 billion for the period 2004-2007, including pledges of \$4,4 billion for the period March 2004-March 2005. (IMF, 2004).

By mid-2005, international donor funds in Afghanistan have spent foremost on security, second on government costs, third, infrastructure; fourth, education; fifth, rural development; sixth, public health. The MRRD has received about \$450 million over the past 3 years of which about half has been spent by mid-2005. For 2005, MRDD had asked for \$600 million, of which it received only 30-40% so far, which, according to the minister, is a concern, as the real requirements are much higher (IRIN, 4 July 2005).

For an overview of aid flows to Afghanistan between 2001 and 2004, see a DANIDA study of December 2004 (see in list of sources).

AIMS has published a list of donor countries (see in list of sources)

### **International Military Presence (November 2006)**

#### **UNSC, 9 November 2006, pp.8-11:**

*"International Security Assistance Force (ISAF) 2001 to present*

Acting under Chapter VII, the Council authorised ISAF to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas, in resolution 1386 of 20 December 2001, and in subsequent resolutions 1413 and 1444. ISAF was tasked with performing two functions: protecting civilians and providing public security. ISAF's initial deployment in Kabul

only was contrary to the recommendations of the Brahimi Report (Report of the Panel on United Nations Peace Operations, S/2000/809), which had emphasised the importance of a “robust force posture” to “create space in which peace can be built”. The restricted deployment seemed to signal to the Afghan population that the international community did not have the resources or the will to deliver what was needed as a foundation for political stability, namely security. Two years passed before ISAF’s mandate was extended to cover the whole of Afghanistan.

ISAF coordinates its activities directly with the Afghan government, holding meetings with the Afghan minister of the interior, as well as working directly with Afghan military units.

NATO took over responsibility for all command of ISAF in August 2003. In October of that year, the Council, responding to pleas from the Afghan government, updated ISAF’s mandate to extend beyond Kabul (S/RES/1510). ISAF has since established reconstruction teams in provincial areas throughout the country (known as Provincial Reconstruction Teams, or PRTs) and as of October 2006 reached approximately 31,000 troops from thirty-seven countries. The PRTs were initially established by the US-led coalition in December 2002 and proved to be a successful mechanism to extend stability with reconstruction efforts into rural areas of Afghanistan. Control of the PRTs has since been adopted by ISAF. The PRTs combine the traditional patrolling, monitoring and stabilisation efforts of the military with the provision of security for on-going reconstruction efforts by the international community. In areas where the security situation does not allow for international organisations to operate freely, the PRTs themselves undertake some of the reconstruction efforts.

Over the course of 2006, ISAF expanded into all remaining Afghan provinces. It took responsibility for assisting with security and reconstruction in the entire country in October, following a high-level NATO meeting on 21 September. This was seen as necessary for increasing the effectiveness of operations and to offset overall troop shortfalls. As part of this expansion, ISAF’s troop levels increased from 9,000 to approximately 31,000, with the bulk of the additional forces coming from Canada, Germany, the Netherlands, the United Kingdom and US troops that were previously under OEF command. In addition, NATO approved more robust rules of engagement for the troops, which went into effect in February 2006.

Although the original ISAF mandate was set to expire with the completion of the Bonn process, NATO’s Secretary-General and other allied officials have pledged that ISAF will remain in Afghanistan until peace and stability are restored.

In addition to helping provide security and extending state authority, ISAF has assisted with security sector reform, training, disarmament, demobilisation and reintegration of former combatants. As of November 2006 it is clear that the security situation in Afghanistan, particularly in the south and the east, is stretching ISAF and its capacity to respond effectively. Security has deteriorated drastically in these areas during 2006 with a proliferation of suicide-bombings, Taliban attacks and a civilian death toll at a level not seen since 2001. ISAF’s increasingly difficult mission to provide security in an environment growing more insecure is not matched by an increase in resources. PRTs are reported to be understaffed and underfinanced and NATO is facing a shortage of troops to conduct its operations.

The way ISAF will conduct operations in the future remains unclear. It is performing different tasks in

different parts of the country. Operations in the north are more focused on reconstruction activity, while activity in the south is mainly focused on counterinsurgency. National caveats on the rules of engagement further complicate the situation, with a number of troop-contributing countries only willing to have their nationals engage in reconstruction activities, leaving the south particularly understaffed."

## **Coordination**

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## **Coordination**

### ***Ministry of Refugees and Repatriation (MoRR) in charge of coordinating assistance to IDPs:***

The present institutional mechanisms and policy frameworks are intended to manage repatriation and reintegration of refugees and IDPs until 2007. While the performance of provincial authorities has been varied, the central authorities are hoping to attain a more equal level of performance through capacity building and the strengthening of the public reform programme.

Two coordination bodies, the Return Commission, and a Kandahar based IDP Task Force, deal with the return of displaced Pushtuns to the north, and the provision of assistance and the search for solutions for those displaced by drought, poverty, and violence in the southern and western regions.

The **Return Commission** is chaired by MoRR and is composed of local authorities, UNHCR, and UNAMA. Its purpose is to examine and address protection and solutions issues relating to the return of Afghans (primarily Pushtuns) displaced from the northern provinces by ethically motivated violence. Return Commission Working Groups with mixed compositions have visited affected villages to collect first-hand information. Visits by local community leaders to IDPs in the south have been organized.

### **TISA January 2004, pp. 17-18:**

During the period 2004-2007, the Afghan government intends to create "greater political support and resources (both international and domestic) in order to (i) develop links with broader efforts to establish security, law and order, (ii) set agreed targets and timeframes for return, (iii) attach conditionality to assistance programmes in conflict affected districts/provinces, and (iv) negotiate opportunities for local integration and settlement for the protracted IDP populations through specific assistance interventions. If these objectives are successfully pursued, the present specific protection mechanisms for internal displacement will not be required beyond the medium term and could be folded into broader public management arrangements for social protection."

### ***Overall coordination for the IDP Operation Plan for the South led by the CG for Returnees and IDPs:***

At regional level, the Operational Plan for the Southern Region will be lead by the Ministry of Refugees and Returns (MoRR), the Ministry of Rural Reconstruction and Development ( MRRD) and the Ministry of Frontiers and Tribal Affairs (MFTA), with direct support from the Governor of Kandahar and Helmand.

At national level, coordination and promotion for this Regional Operation Plan falls under the responsibility of the Consultative Group for Return and IDPs. An Implementation Task Force will be created at regional level.

### **MoRR & MRRD October 2003, p. 4:**

"The Operational Plan for the Southern Region will be lead by the MoRR, MRRD and the Ministry of Frontiers and Tribal Affairs (MFTA), with direct support from the Governor of Kandahar and Helmand. At the National Level the coordination and promotion for this Regional Operation Plan shall fall under the responsibility of the Consultative Group for Return and IDPs – CG 1. Task Force meetings can be called under the CG 1 when issues require national level support.

For the implementation of this Regional Operational Plan, an Implementation Task Force shall be created at regional level, consisting of MoRR, MRRD, and MFTA provincial directorates with



MoRR in the leading role. Institutional support is required, and the minimum an international adviser with national counterpart is envisaged with support from UNDP (refer ToR in Annex I), and additional support shall be looked into. This Task Force shall use existing mechanisms for IDP co-ordination and operational response, to allow all stakeholders to adopt and contribute to the implementation of the Plan.

The Kuchi Vulnerability Committee, a body for coordination and consultation on issues related to pastoralists, has been established under the Ministry of Frontiers and Tribal Affairs. Sectoral Working Groups have been formed, among which the Sectoral Working Group on 'definite solutions for IDPs', which aims at providing coordination and support to the development and implementation of the Regional Operation Plans.

Reintegration of IDPs into their areas of origin is led by MRRD, for which a Reintegration Unit has been established at national level, with the aim of ensuring that IDP and returnees' interests are considered in the programmes of the Livelihood and Social Protection Programme Area. A Pastoralist Support Unit has been created in MRRD, with the same purpose but with specific focus on pastoralists. Mainstreaming of pastoralists' interests into other National Programme areas is coordinated and supported by the Kuchi Vulnerability Committee that aims at identifying appropriate support mechanisms and work towards the development of a national support strategy for sustainable pastoralism."

***UNHCR in charge of coordinating the delivery of assistance to IDPs as well as supervising the protection activities:***

In late 2001, UNCO asked UNHCR to take over co-ordination of IDP activities in the Central, Southern and Eastern regions; and the overseeing of IDP protection activities throughout the country, within this framework. UNHCR was designated Secretariat for the Returnee and IDP Programme Group, it is required to co-ordinate and supervise protection activities in camps and communities, and it is tasked with supporting the Transitional Authority in co-ordinating the delivery of assistance to IDPs. The activities, some of which are already taking place or planned for the near future, will be subject to the availability of resources, which is not currently assured.

The Returnee and IDP Programme Group, aiming to find solutions to the problem of displacement in Afghanistan, while ensuring that material assistance and protection needs are met in the meantime, has agreed on a number of key points. These include the need to:

(a) *Support the Ministry of Repatriation* of the Islamic Transitional Authority of Afghanistan in co-ordinating protection and assistance to IDPs

(b) *Pursue solutions to internal displacement:* safe return home, settlement in the place of initial displacement, or relocation to another part of the country - on a voluntary basis. The focus should, however, be - wherever possible - on supporting the return of IDPs to areas of origin, in a manner consistent with modalities adopted for the voluntary repatriation of refugees. Particular efforts should be made to promote and implement innovative reconciliation projects fostering community dialogue, which would at the same time also serve to avoid further displacement.

(c) *Respect the UN "Guiding Principles of Internal Displacement"*, especially those relating to the safety and security of IDPs, their access to basic services (in camps and communities) and the fostering of peaceful co-existence of all members of communities receiving returnees or hosting displaced persons.

(d) *Coordinate cross-sectorally* among all concerned actors, within the Returnee and IDP Programme Group and with other Programme Groups.

In this context, three broad categories of activities are envisaged: assistance to voluntary return and reintegration, protection in areas of displacement, and humanitarian assistance in areas of displacement.

***NGO coordination arrangements:***

The two main NGO coordination structures are the Agency Coordinating Body for Afghan Relief (ACBAR, with some 60 NGOs) and the Afghan NGO's Coordinating Bureau's (ANCB with some 140 national members )

Two other coordination bodies are more specific in scope: SWABAC for NGOs working in Beluchistan, and ICC for Islamic NGOs, although it is not clear that they are still active at the time of this update.

***Assistance to IDPs is coordinated between the government and the UN through the Consultative Group1:***

The Consultative Group on Returnee and IDP Programme is responsible to support the Ministry of Refugees and Repatriation (MoRR) in co-ordinating and facilitating the work related to the return and initial re-integration of Returnees and IDPs. The Consultative Group will provide to MoRR at the national and sub-national level capacity, advice and other support for policy development, assessment, programme design, budgeting, implementation and evaluation. The CG also supports MoRR to ensure that programmes related to return and IDPs comply with the agreed policy as set out in the principles of the National Development Framework, the Government Returnee and IDP strategy and humanitarian standards. The Consultative Group will provide support and mobilise other actors to ensure a sustainable reintegration of returnees at the national and sub-national level. The Consultative Group on Returnees and IDPs will meet regularly to ensure co-ordination, problem-solving and progress review with other CGs and with the Cross-cutting Advisory Groups.

In line with the overall objectives stated above, the specific responsibilities of the CG will be to:

- provide advice and support for the preparation, submission and implementation of the MoRR contribution to the national budget and ensure that projects are consistent with the principles of the National Development Framework and linked to fiscal sustainability;
- provide every 3 months updates of progress against output and outcome indicators (e.g. returnees provided with return assistance, percentage of voluntary vs. involuntary return, wells provided to returnee communities, shelter provided to vulnerable returnees)
- ensure that cross-cutting issues of gender, environment, protection, human rights and humanitarian principles are reflected in the return and IDP policies, programmes and budgets;
- closely collaborate with the MRRD-led CG on Livelihoods and Social Protection and other relevant CGs, to co-ordinate the re-integration returnees and to assist IDPs who choose to settle in the areas of displacement;
- mobilise resources and provide an information-sharing forum to enable the effective updating of the existing record of assistance and technical assistance contained in the Donor Assistance Database (DAD) (AACA April 2003)

**Assistance gaps**

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## **Assistance gaps**

### ***Scarce international financial support puts Afghanistan's rehabilitation and reconstruction prospects at risk:***

Despite the international community's initial enthusiasm for rebuilding Afghanistan in 2001 has ebbed away considerably and lack of funding has become one of the paramount problems faced by the current administration. According to HRW, only a small percentage of the pledged reconstruction aid has actually been delivered. This reluctance to finance Afghanistan's reconstruction is particularly problematic as Afghanistan is an important source of drugs and can easily turn into a destabilising factor again for the region. In addition, it appears that of the reconstruction aid actually delivered, only a small percentage of the reconstruction aid has actually been delivered (HRW, January 2004)

The very reluctant funding of the IDP National Plan is an example in case. Without appropriate funding, the Afghan government will not be able to appropriately address the IDP issue, both in terms of assistance during displacement, as during the return and reintegration phase. (Spink, September 2004, p. 36)

The government faces similar funding problems when it comes to refugee and IDP returns.

### ***UN's strategy is not effective in addressing the human rights situation:***

Partially due to the limited scope of ISAF, UNAMA has focused on maintaining short-term political stability in Afghanistan with a minimum of U.N. involvement in human rights monitoring. UNAMA human rights officials did investigate human rights abuses in various parts of Afghanistan throughout 2002, but persistent insecurity has made it at times impossible for the U.N. to offer meaningful protection to persons at risk. Furthermore, the reluctance of UNAMA to expose the human rights abuses of politically important Afghan actors has contributed to the general sense of impunity surrounding the warlords. (HRW, January 2004)

### ***Lack of objective, accurate and neutral information on conditions in areas of return lead to renewed displacement:***

Repatriation packages offered by UNHCR may have prompted many to return too early. Many IDPs and refugees seem not to have had access to objective, accurate and neutral information on the conditions to which they were returning in their villages or places of origin and what the level of assistance would be upon their return. The result of uninformed or early return is renewed displacement, often due to a number of reasons (Danida, December 2004; Amnesty International, 23 June 2003)

## **Reference to the Guiding Principles on Internal Displacement**

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### **Known reference to the Guiding Principles on Internal Displacement as of November 2006**

- Reference to the Guiding Principles in the national legislation
- Other References to the Guiding Principles (in chronological order)
- Training on the Guiding Principles (in chronological order)

Reference to the Guiding Principles in the national legislation

The Regional Operation Plan is meant to be an implementation focused document, with acknowledged gaps and recommendations for further assessments and community dialogue, and shall therefore remain a living document for some time. The relevant actors and in particular the government and the donor agencies shall endorse the process of on-going updating and operationalization of the Plan, for which this document lays the foundation. It is envisaged that the Regional Operation Plan shall be incorporated in the National Development budget for the coming years.

## 2. PRINCIPLES

The State of Afghanistan is responsible for protection and durable solutions for the IDP population in the country with support from specialised agencies such as UNHCR, IOM and with financial assistance by the international community.

The UN Guiding Principles on Internal Displacement are to be adhered to by the Afghan State to promote and seek permanent solutions for IDPs.

IDPs have the right to return voluntarily, in safety and dignity to their places of origin or their habitual residence, or to resettle voluntarily in another part of the country.

The beneficiaries have the right to participate in decision-making processes and to be actively involved in the design of strategies and programmes intended for their benefit.

The International Community should continue to support through the provision of financial resources, technical advice and co-ordination in the preparation and implementation of the Regional Plans.

The Regional Plans will focus on achieving effective, durable and realistic solutions to the different groups of IDPs ensuring particular attention to the living characteristics of nomadic populations and giving priority to the most favourable solution for return and sustained reintegration in areas of origin or of traditional migration.

Consideration to cultural values and traditions will be at the centre of the solutions particularly in regards to the Kuchi population.

Families that have benefited from facilitated return programmes will not be eligible for future assistance in areas of displacement unless new valid reasons for displacement occur.

This Plan will not promote that refugees or other displaced groups are further relocated into a continuous IDP situation but that permanent solutions for their displacement are achieved."

Sources: MoRR & MRRD

Date: October 2003

Documents: Towards Definite Solutions for IDPs in the South: A Regional Operation Plan, MoRR & MRRD, October 2003, p. 2

"This proposed [IDP] strategy – still in concise form – is aimed at finding solutions to internal

displacement in its various forms, while at the same time continuing to provide protection and (whenever required) assistance to IDP populations.

Projected planning figures for December 2003: estimated 300,000 IDPs (mainly in settlements the South and West), December 2004: 180,000 IDPs (mainly in settlements in the South) [figures will need thorough revalidation in 2003]

Assumptions: continued peace process with limited periods of instability, slow pace of development, further drought mitigation, government increases its engagement with IDPs, donors continue to provide support for humanitarian and development interventions

Goal: In cooperation with government and other actors, find effective solutions for people displaced by drought and human rights violations or conflict, and prevent further displacement in accordance with the UN guiding principles on internal displacement, humanitarian standards and in the framework of relevant national IDP regulations."

Sources: Consultative Group on Returnees and IDPs

Date: 18 July 2003

Documents:  
IDP Strategy for Afghanistan, CG1, 18 July 2003

"[...] the Government has committed itself to a policy on IDPs, focussed particularly on the search for durable solutions. The intent is that once formulated, such a policy will be implemented through a Presidential Decree. There is urgency in achieving this objective and it is critical that the policy is steeped in the Guiding Principles. The RSG on IDPs is expected to visit Afghanistan later this summer and it would therefore be desirable that he strongly promotes a solutions orientated and rights-based policy with the Government."

Sources: Inter-Agency Missions

Date: 19 June 2003

Documents:  
The Internally Displaced in Afghanistan: towards durable solutions, Report of the Inter-agency Mission, May 2003 [Internal]

"37. The Government of Afghanistan will adopt the four main principles agreed by the Consultative Group on Refugees and IDPs to address the IDP issue: – (i) respect for the Guiding Principles on Internal Displacement, (ii) support to the Ministry of Refugees and Repatriation to enable it to take progressively more responsibility, (iii) the pursuit of solutions to internal displacement, and (iv) improved inter-agency coordination and cooperation."

Source: TISA

Date: March 2003

Documents:  
National Return, Displacement and Reintegration Strategy for the year 1382, TISA, March 2003

Other References to the Guiding Principles (in chronological order)

"To reinforce the safety and accountability of the returns process, IOM staff directly monitor all return and transit operations. In accordance with IOM's mandate and the UN Guiding Principles on Internal Displacement, IOM escorts provide reporting on the transit process, community

conditions, and the reception of return groups upon arrival. IOM and UNHCR are increasing cooperation in the area of protection monitoring to ensure the continued safety of returns as caseload profiles indicate more potential vulnerabilities. Medical personnel also attend all IOM return movements to screen, monitor and treat traveling IDPs."

Source: IOM

Date: August 2003

Documents:

Afghanistan, IDP Return and Reintegration Assistance Programme (IRRAP), IOM, August 2003

### Training on the Guiding Principles

#### NRC Training Workshops

A two-day training workshop on the Guiding Principles in Afghanistan was jointly organized by the Global IDP Project of the Norwegian Refugee Council (NRC), the office of NRC in Kabul and UNHCR's Office of the Chief of Mission in Afghanistan on 7-8 December 2003. The workshop was attended by about 25 participants, including UNHCR local staff, representatives of national and provincial authorities (mainly from the Ministry of Refugees and Repatriation), other international organizations and local NGOs. The agenda was mainly based on NRC training modules on the Guiding Principles, which review the origin and legal background of the Guiding Principles, the IDP definition, protection of IDP from arbitrary displacement and during displacement, and durable solutions. A special session on property issues in Afghanistan was facilitated by one UNHCR protection officer in Kabul.

Source: The Global IDP Project

Date: January 2004

Documents:

Report of the Workshop on the UN Guiding Principles on Internal Displacement, Kabul, Afghanistan, 7-8 December 2003 [Internal link]

Training needs: "Virtually every sector in Afghanistan has unmet training needs, including all sectors dealing with the internally displaced. UNHCR has provided a series of training packages to national authorities and has loaned staff in MoRR and MRRD to provide on-the-job capacitation. However, the need for further capacitation of all authorities addressing IDPs is evident at both central and provincial levels. Promotion of the Guiding Principles on Internal Displacement is important and needs to be undertaken at the earliest opportunity.

[...]

The mission therefore recommends that a three-day workshop on the Guiding Principles on IDPs be provided to Government authorities responsible for IDPs as soon as the Government indicates it is prepared to assume full ownership of such a workshop. Participants should be drawn from relevant ministries such as MoRR, MRRD, MBTA, MHUD, Ministry of Justice, etc., and should also include a number of national programme officers drawn from key UN agencies. It is suggested that the workshop be organized jointly by the MoRR, MRRD and UNHCR, in collaboration with OCHA's Internal Displacement Unit, which has extensive experience in delivering Guiding Principles based training programmes. The Internal Displacement Unit should be requested to fund this workshop (together with the proposed Kuchi Workshop) from

the Unit's IFP Fund. If possible this workshop should be undertaken during the Summer 2003.

The mission also recommends that the primary objective of the above workshop is a contribution to the formulation of a draft national policy on IDPs. It is proposed that the MoRR be tasked with responsibility for moving this process and that UNHCR provides whatever support required. The proposed visit of the RSG for IDPs to Afghanistan would substantially contribute to the process of formulating such a policy. It is also suggested, that following this workshop a one-day workshop be held for representatives of UN agencies, select NGOs and the donor community in order to define a strategy for supporting the Government's policy on IDPs.

With the formulation of a national policy, it will be necessary to ensure that training on the Guiding Principles on IDPs be brought to the provinces for both local authorities, including members of the Return Commission, and the humanitarian assistance community. It is therefore recommended that further training workshops on the Guiding Principles be mounted at the provincial level. It is proposed that responsibility for this be vested jointly with UNAMA's Senior IDP Advisor and the Norwegian Refugee Council (NRC) and that this be undertaken in collaboration with the OCHA Internal Displacement Unit. IOM also has an interest in supporting such training.

Sources: Inter-Agency Missions

Date: 19 June 2003

Documents:

The Internally Displaced in Afghanistan: towards durable solutions, Report of the Inter-agency Mission, May 2003, pp. 17-18) [Internal]

## Recommendations

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### **Need for a coherent policy of land reform together with a restoration of peace and security (June 2004)**

#### **NRC June 2004, pp. 20-21:**

"As stated above, the overwhelming priority for Afghanistan is the restoration of peace and stability and the rule of law. Tackling the problem of land disputes needs to be done in parallel with this process and this should go hand-in-hand with a coherent policy of land reform. There is also a need for far greater analysis of the strengths and weaknesses of Afghanistan's informal justice system. The international community and donors should include this in any strategy for rebuilding the capacity of Afghanistan's judicial system. In the short-term NRC would offer a number of specific recommendations:

Judges need to be trained on the current applicable law, and sources of law, governing land and property rights.

Information about land rights should be disseminated as widely as possible and people should be encouraged to come forward with claims.

Courts should be required to reach decisions in land and property cases within certain time-limits – as it is widely believed that many delays are due to corruption or intimidation of judges and public officials – and those that fail to do so should be called to account.

A 'name and shame' policy should be adopted towards commanders and public officials who misuse their powers. Where commanders are refusing to implement or abide by the official decisions of the courts or administrative authorities, or where judges or public officials are making blatantly biased decisions these should be exposed and, where possible, removed from office.

All land registration exercises should be closely monitored to guard against corruption and land-grabbing. This applies both to government and provincial land registration and mapping exercises as well as proposals for land registration emanating from the international community.

The decisions of Shuras and Jirgas need to be monitored more closely and, where these can be shown to be fair, they should be registered officially. A human rights training program aimed at the members of Shuras and Jirgas should be introduced."

### **Recommendations from the Displaced Persons Council (DPC) (November 2003)**

- The Male DPC and the Female DPC established two sets of recommendations following a meeting held in October 2003.

#### **UNHCR 15 November 2003, pp.5-6:**

##### **"Recommendations of the Male DPC Meeting**

There are so many problems that cannot be covered within these few minutes. We [the DPC-Males] have a number of concrete recommendations as follows:

- 1- Implementation of the process of disarmament in particular in Almar, Qaisar, Shirin Tagab and Dawlatabad districts of Faryab province and the center and districts of Sozma Qala, Sayedabad and Gosfandi of Sar-e-Pul province.
- 2- Removal/transfer of strong commanders and develop changes in the administrative structure of the provinces.
- 3- Restitution of moveable and immoveable property of the illegally dispossessed.
- 4- Expansion of the mandate of International Security Assistance Forces into Sayedabad, Kohistanat and Gosfandi districts of Sar-e-Pul and Qaisar, Almar, Shirin Tagab and Dawlatabad districts of Faryab province as well as other places in the north where security remains an issue of concern.
- 5- Allocation of land for landless returnees for shelter and agriculture, digging deep wells for the purpose of potable and irrigation water and constructing schools, roads and clinics in the places of return.
- 6- Establishment of National Army and National Police centers in Northern provinces.
- 7- Restitution of pasture lands that have been confiscated by the commanders and having been changed into agricultural land.
- 8- Implementation of judicial reforms
- 9- Representation of the displaced persons at the civil and military positions as well as in National Army and Police of Afghanistan.
- 10- Continuation of UNHCR and MoRR assistance to those residing in the camps until their return to their places of origin, in particular during the winter months.
- 11- It is recommended that after the winter season the obstacles of return should be removed and the way should be paved for the return of the displaced persons, otherwise, not only these people



will remain in the camps but also another influx of refugees and displaced persons would take place.

We the members of the Displaced Persons Council would like to state that we are committed to be part of the solution process and will try our level best to take an active role in the activities of MoRR and UNHCR in solving the problems of displaced persons.

### **Statements and Recommendations of the Female DPC Meeting**

The female DPC meeting outlined similar issues and recommendations to the male DPC meeting. They focused on two main sections in their final report: Reasons for Displacement/Obstacles to Return, and Recommendations for removing the obstacles to return.

#### **Reasons for Displacement and Obstacles to Return**

The participants described how after the fall of the Taliban, they had been forced to flee Faryab and Saripul, and the arriving militias and commanders proceeded to loot and physically abuse Pashtun communities in these provinces. They noted reports of rape and sexual abuse of women and children by these militias during this period, these reports subsequently encouraging other communities to flee out of fear. For those civilians remaining in the north, local commanders forced them to work, provide money, provide young men as soldiers, and occasionally there were reports of forced marriages of Pashtun women outside of their families' control. In general they highlighted a continued absence of good government or justice in the north-west, with the lack of security and commander rule contributing to their anxiety not to return. They have received this information from IDPs/Refugees who arrived in the West and South within the last two months from the Faryab and Saripul with reports of continued abuses, taxation, forced recruitment, abductions of women and arbitrary arrests.

#### **Recommendations**

The female representatives made the following recommendations to remove the obstacles to their return:

- 1- The establishment and expansion of a strong central government in Afghanistan to the northwest provinces.
- 2- The disarmament and removal of abusive commanders by the ANA with the support of the international community.
- 3- Equal ethnic representation in high level governmental posts.
- 4- Following the re-establishment of security for civilians in the north west, investigation by the government regarding occupied Pashtun lands by commanders and persons supported by commanders, with the aim to give restitution to the real owners.
- 5- Distribution of governmental land to landless persons and Koochi near to their places of origin.
- 6- Investigation into the cases of Pashtun held in prisons in the North-west by the central government.
- 7- Reintegration assistance in especially water sector in their places of origin."

### **Inter-Agency mission recommendations (June 2003)**

- Inter-Agency mission recommends that the Government, together with the international community, address the full range of options for durable solutions simultaneously, determine which options are most appropriate for specific IDP groups, and make provisions for access to land where necessary.
- It also recommends that every effort be made to implement the agreed principle to include IDP populations in decision-making processes

- UNHCR is advocating for a shift to a more comprehensive development oriented strategy for IDPs who remain affected by loss of livelihoods.
- Inter-agency mission recommends that UNDP provides the operational leadership, in close coordination with other development agencies and NGOs, for finding durable solutions for the non-protection residual IDPs
- UNAMA has proposed that a small task force represented both at the Kabul (policy) and provincial (operational) levels be immediately established to assist the Government develop a policy and operational strategy for durable solutions for all IDPs that are unable or unwilling to return
- Inter-Agency mission recommends that this task force be immediately established, including representation from the NGO community, to assist Government define a durable solutions strategy for all IDPs
- There is a need for the various databases on the IDP situation to be integrated, together with other relevant databases such as those from the NGOs, in order to build a clearer and more comprehensive picture of vulnerability
- Role of AIMS in information gathering and dissemination could be significantly strengthened

**Inter-Agency Missions 19 June 2003, pp. 6-7:**

"[...], it is incumbent upon the MoRR, in close collaboration with the MRRD, the Ministry for Border and Tribal Affairs (MBTA) and local authorities, to develop strategies for local integration or relocation for IDPs that have no intent or ability to return to areas of origin. The international community, and especially UNHCR, UNDP and UNAMA must strongly advocate for the acceptance of such durable solutions and for the authorities to provide the necessary access to land to make integration feasible while keeping in mind the 'do no harm principles'. This would primarily address the Kuchi, albeit there are many IDPs from the north and northwest who will never be able to return for fear of retaliation for actual or alleged past political affiliation or crimes.

The mission therefore ***recommends that the Government, together with the international community, address the full range of options for durable solutions simultaneously, determine which options are most appropriate for specific IDP groups, and make provisions for access to land where necessary.*** It is proposed that the Consultative Group for Refugees and IDPs, together with the Consultative Group on Livelihoods, be responsible for following up on this recommendation. At the same time, the phasing out of relief assistance should be gradual, synchronized, and coordinated with the introduction of these long-term initiatives in order to avoid the oft-noted 'gap' between relief and development interventions.

The mission also ***recommends that every effort be made to implement the agreed principle to include IDP populations, whether in areas of return or in process of being integrated locally, into national development programmes such as NEEP, NSP, the NABDP and the soon to be initiated National Credit Programme (NCP).***"

**Inter-Agency Missions 19 June 2003, pp. 15-17:**

"While UNHCR remains fully committed to assisting MoRR in IDP care and maintenance and is looking for return solutions for the remaining protection IDPs, it is advocating for a shift to a more comprehensive development oriented strategy for IDPs who remain affected by loss of livelihoods.

[...]

The MOUs between UNHCR and UNDP, UNHCR and UNICEF, the current joint initiatives on the 4Rs Repatriation, reintegration, rehabilitation and reconstruction in other post-conflict countries, and the ongoing discussions of the UNDG-ECHA Transitional Working Group, all clearly define the roles that should be assumed by the development community in addressing displacement issues in the broader longer-term recovery context. Therefore, the mission ***recommends that***

**UNDP provides the operational leadership, in close coordination with other development agencies and NGOs, for finding durable solutions for the non-protection residual IDPs.**

Working with MRRD and the Consultative Group on Livelihoods, and linked to the NABDP, UNDP should facilitate the integration of IDPs into host communities through targeted development initiatives to those communities that are willing to have IDPs integrate among them.

[...]

While UNAMA remains a non-operational mission, it has a responsibility for advocating for and coordinating UN system programming. However, its attempts at promoting integrated programming, much desired by the donors, have so far met with only limited success. In part this is due to the limited capacity of the office. Hence, based on UNHCR' proposal that UNAMA takes on a more prominent role in the search for longer-term durable solutions for the non-protection IDPs, UNAMA has accepted to promote as a first step the integrated programming of the operational agencies, especially UNDP, UNHCR, UNOPS, UNICEF and WFP. It should also consider including some 'development' NGOs. Consequently UNAMA has proposed that a small task force represented both at the Kabul (policy) and provincial (operational) levels be immediately established to assist the Government develop a policy and operational strategy for durable solutions for all IDPs that are unable or unwilling to return. The mission therefore **recommends that this task force be immediately established, including representation from the NGO community, to assist Government define a durable solutions strategy for all IDPs, with special reference to those unable or unwilling to return to areas of origin.** This UN system task force should feed directly into the Consultative Group on Refugees and IDP Programmes and aim at having an integrated durable solutions strategy in place by August. OCHA's Internal Displacement Unit could provide short-term assistance to the task force if this is required. The planning of programmes has, to date, often remained restricted to UN agencies and Government officials. By bringing in the NGOs into planning and design of programmes at an earlier stage, the chances of successful implementation could be greatly enhanced

UNAMA must also continue playing a key advocacy role on behalf of IDPs. The mission therefore **recommends that UNAMA intervenes at the highest level of Government to ensure that President Karzai's stated aims of solving the country's IDP problem be translated into concrete actions, while ensuring that the rights of IDPs are fully respected.**

[...]

One area where the mission believes UNAMA can strengthen its activities is in information gathering and dissemination. There appears to be a widespread consensus that the role of AIMS could be significantly strengthened. While UNHCR, IOM, WFP and UN Habitat, as well as MoRR, all have extensive databases on the IDP situation, there is a need for these to be integrated, together with other relevant databases such as those from the NGOs, in order to build a clearer and more comprehensive picture of vulnerability, as well as identifying where, who, when and how agencies are addressing IDP needs within communities. The mission also heard concern about the level of detail and timeliness of UNAMA's dissemination of information, especially at the field level. Therefore the mission **recommends a heightened level of information gathering and dissemination by AIMS on behalf of the UN system and that UNAMA officers in the field ensure a systematic and proactive dissemination of information that would benefit all UN agencies and NGOs working in camps or areas of return."**

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