

AFGHANISTAN:

Commitment to development key to return of remaining displaced people

A profile of the internal displacement situation

2 December 2005

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OVERVIEW

Afghanistan: commitment to development key to return of remaining displaced people

Four years after the fall of the Taleban, an estimated 153,000 people remain displaced in Afghanistan, with the largest concentration in the south of the country near Kandahar. While drought accounts for the displacement of the largest group of internally displaced people (IDPs), mainly Kuchi nomads, thousands of Pashtuns are waiting for the political and economic situation to stabilise in the north and west. Whereas the same assistance is being provided to all IDP groups during displacement, return strategies differ for each group.

Food insecurity persists in large parts of Afghanistan, particularly in rural areas where the absorption capacity for returnees continues to be stretched. In an incessantly tense security environment, particularly in the south and east, with increasing attacks by insurgents on representatives of the international community and national entities, the Afghan government is making an effort to assert its sovereignty; this is reflected in the setting up of numerous assistance and development programmes. The integration of IDP assistance and return programmes into long-term development projects has been mostly carried out and implementation now depends largely on funding.

Real improvement for the Afghan population, however, still needs to manifest itself. Many of the estimated 460,000 IDPs who have returned since the end of 2001 find reintegration difficult or impossible, mostly due to unresolved property disputes and the difficulties of earning a stable income. Renewed displacement due to economic hardship is not taken into account in official IDP figures.

While promoting returns of Afghan refugees from Iran and Pakistan, governments and international organisations should keep in mind the fragile absorption capacity within Afghanistan. One clear sign of commitment to the long-term peace and stability of the country would be adequate funding of assistance, capacity-building and development programmes. The recent increase in violence shows clearly that the international community must follow up on its promises to reconstruct the war-torn country if it wants to avoid renewed displacement.

Background

Two groups of ethnic Pashtuns have been particularly affected by internal displacement in Afghanistan since 2001: the Kuchi, a nomadic group from the Registan desert and other areas, and Pashtuns displaced from the north-west. The latter, widely associated with the previous Taliban regime, fled harassment and human rights violations in the northern regions after the overthrow of the Taleban by a US-led coalition in late 2001. The Kuchi are pastoralists who were forced to abandon their way of life when they lost their livestock in a year-long drought. They constitute the largest single group of displaced people in Afghanistan.

Following the defeat of the Taleban, an interim government headed by President Hamid Karzai was established; presidential elections in October 2004 confirmed him in his position. As a next step in the democratisation process, parliamentary elections were held in September 2005. While these elections are a significant step towards stabilising the country, important problems of security and legitimacy persist.

The US-led coalition has failed to date to provide a secure environment in its main areas of operation in the east and south. Those areas are to a large extent controlled by powerful

commanders and warlords fighting for the control of territories and resources. In addition, continued attacks by so-called anti-government elements – mainly groups reportedly linked to the Taliban – have created a climate of lawlessness and insecurity throughout those parts of the country. While this has limited return and reintegration of IDPs and refugees, no significant new displacement was recorded in 2005.

While President Karzai demonstrated renewed national self-assurance directly after the September 2005 parliamentary elections, the government remains largely dependent on the financial and military backing of Western countries (Reuters, 20 September 2005). During 2005, attacks by anti-government elements have continued to increase. Many were claimed by Taliban fighters who also vowed continued violence after the election (Reuters, 21 September 2005). Some observers believe that the Taliban are trying to create a situation similar to that in Iraq and to push out the international military coalition (SAMN, 9 November 2005). Many also recognise that the growing dissatisfaction of the Afghan population with the continued insecurity and the slow advance of the reconstruction process could lead to renewed radicalisation of forces within the country and turn into aggression against the international presence, in particular troops and aid organisations (FAST update, July 2005; AP, 21 February 2005)

At least 153,000 people remain displaced

In late 2005, UNHCR reported 153,400 persons living in displacement, mainly in Zar-e-Dasht and Panjwai in Kandahar province, Mukthar in the southern Helmand province, Maslakh in the western Herat province, and a number of smaller camps in the north. Kabul is estimated to host some 3,600 IDPs (UNHCR, Summary September 2005). Returns are continuing, but at very low level. In March 2005, UNHCR planned to assist the return of 55,000 IDPs and the local integration of another 30,000 during 2005. Six months later, however, the organisation had been able to assist in the return of only 7,200 displaced (UNHCR, Summary September 2005).

The reasons for slow return are varied: many IDPs have achieved self-reliance in the places of displacement; the Kuchi find it difficult to resume a nomadic way of life and are reluctant to give up the comparative advantages in camps regarding access to education and health services; northern Pashtuns often perceive their regions of origin as politically not welcoming and economically insecure.

According to UNHCR, the subsistence needs of the displaced living in camps are largely met and many have found economic activities to support themselves. The situation regarding water and sanitation in camps is reported to be above the national average. In an effort to break the cycle of dependency and to encourage returns from IDP camps in the west and south, relief food has been progressively replaced by food-for-work and food-for-training (UNHCR, September update 2005). This has reportedly been effective in sorting out the most vulnerable IDPs from nearby residents attracted to the camps by the possibility of getting an extra food ration (Pete Spink, September 2004, p.36).

Based on its returnee monitoring activities, UNHCR concluded that returnees (both refugees and IDPs) face similar problems and human rights violations as the local population. In order to address these violations more comprehensively, UNHCR has entered into a Partnership Agreement with the Afghan Independent Human Rights Commission (AIHRC) in February 2005, with the aim to conduct joint human rights monitoring, including economic and social human rights. Despite returnee monitoring and ongoing "Go&See" and "Come&Talk" visits, some observers believe that many refugees and IDPs find the situations they have returned to as being unsuited for sustaining their livelihood. Of those returnees who could afford to travel, some have left the country once again, while many have ended up in a situation of renewed internal displacement (AI, 23 June 2003, p.26; CASWANAME report, March 2005). While economic migration has a long tradition in Afghanistan, the strong increase in urban poor suggests that the actual number of IDPs may be higher than UNHCR's official figure.

Unsustainable returns due to drought, insecurity and lack of aid

For the over three million Afghans who have returned since the end of 2001, including some 460,000 IDPs, life is hard and reintegration is slow. In a country devastated by 20 years of civil war, the return of such a high number of people has placed an enormous strain on overburdened infrastructures and scarce resources (ACF, January 2004, p.10). The sustainability of returns is clearly threatened by the wider challenges Afghanistan is facing.

In addition to the general instability in large parts of the country, the fragile recovery of the mainly farming-based economy has been blighted by years of drought from which the country has not recovered, despite satisfactory rainfall in 2004/2005. Water shortage remains a critical issue, affecting the population in more than half of the provinces, particularly in the south and east (BAAG, August 2005). This has prevented the return of the displaced Kuchi and caused the displacement of several thousand people in 2004 (UNICEF, 30 September 2004). The proportion of Afghans unable to meet basic food and non-food needs was 37 per cent in 2004, and the World Food Programme did not expect the number of people in need of food aid to decrease significantly until mid-2006. (BAAG, August 2005; WFP update 38, 2005).

Insecurity in the south and east remains a major impediment to the protection of human rights and to humanitarian access. The UN Secretary-General recognised in August 2005 that the intensity and sophistication of the insurgency movement had considerably increased and that they had started targeting local communities in addition to provincial authorities and international and national forces and election workers. The result is a significant reduction in, or suspension of, aid activities (UNGA, 12 August 2005, p.15; AP, 4 October 2004). The impossibility of gaining access to many areas for assessment and monitoring activities has generally constrained planning and project development and considerably affected reconstruction. In September 2004, the UN pulled out of Herat (AFP, 12 September 2004), and Médecins sans Frontières ended its operations in August 2004 after the killing of five of its staff in June of the same year (MSF, 24 August 2004).

Although ethnic-based persecution of Pashtuns has reportedly eased in the north-west, the absence of the rule of law and a pattern of continued human rights abuses by local commanders still result in threats of illegal taxation and land occupation. Nevertheless, returns to the north-west, mostly from Zar-e-Dasht, account for the large majority of the 7,200 returns reported by UNHCR for the first nine months of 2005 (IOM, 24 May 2005; UNHCR summary, September 2005). IOM's return statistics show a similar trend (IOM return update, August 2005).

While most nomadic Kuchi have been displaced by drought, some face protection concerns upon return. These concerns are partly due to conflicts with the Hazara (central and eastern provinces), and Tajiks and Uzbeks (northern provinces) over pasture land, and partially due to having been associated with the former Taleban regime. Those Kuchi continue to be denied access to grazing lands (USDS, 28 February 2005). Most of the northern Kuchi sought refuge in IDP camps in the west where some remain displaced.

Other more general factors discouraging IDP return include land issues, the slow pace of reconstruction resulting in a lack of infrastructure and the absence of job opportunities and sources of income to sustain their return, to a large extent due to the lack of financial donor commitment. As a result, many prefer to stay in the camps where access to education, health and food is comparatively much better (Pete Spink, September 2004).

It was estimated in early 2004 that only two to five per cent of the \$7 billion pledged since the Bonn Conference in December 2001 had resulted in completed projects (HRW, January 2004, p.9). The United Nations and the Afghan government estimated at the Berlin Conference in

March 2004 that a total external assistance of \$28 billion would be required over a period of seven years (TISA, ADB, UNAMA, UNDP, WB, 17 March 2004, p.11). Less than a third of that amount has been pledged by international donors in the wake of the conference, leaving some experts to doubt that this would be enough to ensure Afghanistan's reconstruction. A post-Bonn donor conference is planned for the first half of 2006, where it is hoped to renew the interest of the international community in Afghan reconstruction.

Land and property issues threaten sustainability of returns

Landlessness, or the loss of land and housing during displacement, is often a major obstacle to returns and a cause of renewed displacement. To benefit from the assistance of shelter projects, the returnee must either hold title deeds to land or get his community to vouch for him. Many refugees and IDPs 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, many returns have been unsustainable.

For those who do hold a title over land, regaining their land and houses has often proved to be difficult, as land may have been taken over or confiscated. 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 IDPs (NRC, September 2005). Increased attention to land issues is hoped to contribute to enforcing the right of returnees (refugees and IDPs) 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 without 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.

The Afghan government and UN agencies have recognised the immediate need for shelter for returning refugees and IDPs as a pivotal means to make returns sustainable. Shelter construction is an ongoing and central activity of UNHCR (UNHCR, Shelter, 16 September 2005). The government and UNDP operate a National Area-based Development Programme (NADBP) which includes shelter programmes and capacity building for the government for operating land allocation programmes (UNDP Afghanistan website).

Most of those who returned to Afghanistan during 2002 and 2003, as well as many IDPs, 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. While substantial reconstruction efforts, in particular shelter, as well as an expansion of the provision of basic services are required, government and aid agencies want to avoid strengthening the attraction of urban migration.

National and international assistance to IDPs: long-term solutions needed

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 the IDPs 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 & MRRD, October 2003, pp.5-6). The Ministry of Refugees and Repatriation (MoRR) has overall responsibility for the returnee and IDP programme, but it is supported in its work by the Consultative Group on Refugees and IDPs (CG1). This group consists of the relevant government ministries, UN agencies and NGOs, and its function is to support the MoRR in

coordinating and facilitating work related to the return and initial reintegration of returnees and IDPs. 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 IDPs 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 IDP where they fall under the category of vulnerable groups.

In the international community, UNHCR has the role of secretariat supporting the lead actor, MRRD, in assisting IDPs and finding longer-term solutions for the displaced who are unable or unwilling to return (CG1, 18 July 2003; UNHCR Solutions in the south, July 2005).

In April 2004, a National IDP Plan was developed by the MRRD. The plan encourages a shift from care and maintenance to solutions promoting the return of the IDPs to their areas of origin while ensuring their reintegration and coexistence with receiving communities (MRRD, April 2004). Six months after its inception, the National IDP Plan had not succeeded in attracting the attention of donors. Of the \$58 million needed over the following three years, only \$580,000 or one per cent had been pledged.

Most of the displaced nomadic Kuchi have their home in the Registan desert. Initial findings of a 2004 survey for the feasibility of return to the Registan region showed a rather bleak picture (UNHCR 29 September 2004). It is estimated that many of the displaced Kuchi, who represent some 80 per cent of the total number of IDPs, are likely to be willing to settle down and abandon their traditional livelihood should they be provided with adequate assistance and training to develop alternative skills. IOM, in the framework of its IDP Return and Reintegration Assistance Programme, has helped non-Registan Kuchis resume a pastoralist lifestyle or assume a settled livelihood (IOM, March 2005).

A survey conducted in April 2004 among IDPs in the south showed that an average of 65 per cent of IDPs interviewed wished to return to their place of origin if conditions permitted. Of those who refused to go back, a clear majority wished to settle down locally instead of being relocated to other camps or resettled elsewhere in the country (UNHCR, April 2004). But local integration as a durable solution is difficult to achieve. So far, local authorities prefer IDPs to return home and show little interest in finding more durable solutions that would involve for example allocating land to the displaced (Pete Spink, September 2004 p.35). Given the lack of capacity and will of the local authorities, the international community has a responsibility to ensure that this gap is properly addressed (UNAMA, 7 April 2003).

A Return Commission for the North, set up by the government in 2002 to look into the human rights abuses and to promote the return of the displaced Pashtun, conducted numerous assessment missions, identified abuses by local commanders, followed up with government officials and engaged in reconciliation efforts. In 2005 and 2006, the tasks of the Return Commission should be transferred to provincial administration bodies and provincial return task forces are in the process of being established in four northern provinces. The human rights situation in the north-west has improved (UNHCR, September 2005). However, the continuously low numbers of returns to these regions in 2005 shows that many IDPs consider conditions still not sufficiently stable for returning or prefer different solutions such as local integration or urban migration.

It is crucial that the Afghan government and the international community agree on a post-Bonn reconstruction strategy which will give due attention to returnees' rights, particularly regarding land, property and security. IDP and refugee return and reintegration efforts should be mainstreamed and implemented into all development programmes. All these tasks call urgently for a stepping up of the low funding level and assistance. The increase in violence shows that the

international community must follow up on its promises to reconstruct the war-torn country, if it wants to avoid renewed displacement.

CAUSES AND BACKGROUND

General

General characteristics of land and people

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

"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." (FAS September 1998)

The Civil War

A history of conflict

"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." (Farr, G. 1 September 2001 pp. 120-123)

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.

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

"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 24 May 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)." (OCHA 9 April 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." (Information & Communication Unit of the Hunger Belt Programme 26 March 2001)

The US-Afghanistan war

US ask Taleban to hand over Ben Laden or face military consequences (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.
- Taleban refuse to hand over Ben Laden but open to negotiation if solid proof is provided.
- US refuse to negotiate and claims that in order to protect its source of information it cannot make the proof publicly available.

"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. The governments of other Islamic countries have stated that a key factor in any consideration of what support, if any, they would be prepared to lend to the efforts of the USA to respond to the attacks is whether the normal standard of proof that is required in any extradition proceedings is also applied in relation to the request to the Taliban. The US government has stated that it will provide evidence of Osama bin Laden's involvement but, at the same time, is saying that, in order to protect its sources, it is constrained in the information that it can make publicly available. This is placing the various Islamic governments whose support is being sought in a difficult position. They know that they depend on moderate opinion within their populations to support any assistance they may opt to give to the USA and that such moderate opinion could easily be radicalised if people felt that their own government was party to hostile military action by the USA against another Islamic state. Similar considerations apply in Afghanistan where the Taliban could assert that the USA had opted not to comply with the normal requirements of extradition proceedings and had, instead, resorted to force. This would place them in a very strong position to recruit volunteers to fight for them and to enforce conscription. The question of what evidence is provided and whether this is felt to be convincing by moderate opinion within Afghanistan and the wider Islamic world is thus crucial to the outcome of the current tensions between the US, and its allies, and the Taliban." (BAAG 4 October 2001)

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

- 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
- 1/4 of Kabul's population and 1/2 of Kandahar's population has reportedly fled in fear of U.S. strikes. Many have returned
- UNHCR estimated that up to 2.2 million people could be internally displaced by March 2002
- Taleban have reportedly prevented people from leaving Afghanistan
- Some 20,000 people stranded at the closed Pakistan border have either crossed into Pakistan or dispersed into other areas in Afghanistan

"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.

At this point it is critical to try to enable people to stay in their villages, many of which are completely cut off by snow during the winter. People will therefore only stay if they are sure they have enough food to last through the winter. If they do not stay, there will be a massive exodus of people to the camps, and the humanitarian situation will become much graver.

If people move to camps, it becomes a huge task for them to return to their villages. Their houses may have been damaged or destroyed, no crops will have been planted in their fields, there will be little food around to help them re-establish themselves. Movement to the camps prolongs the effects of the drought, making it even more important that people be enabled to remain in their villages." (ACT 12 October 2001)

"Displacement of Afghans since 11 September 2001:

Initially, the threat of a US-led military strike on Afghanistan and increased Taleban 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 Taleban, 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.

Reports have indicated that the Taleban have been preventing some refugees from leaving Afghanistan or from moving towards the borders. In one incident, the Taleban reportedly stopped 30 to 40 Afghan families from Herat on their way towards Iran and prevented the men in the families from continuing, saying that they had to join the Taleban forces and fight. It was reported that the women and children in these families turned back as well because they did not want to be separated from their male family members.

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. It was reported that a group of over 20,000 displaced Afghans who had been waiting at the border with Pakistan near the city of Quetta, despite reported attempts by the Taleban to stop people from leaving Afghanistan, have either found alternative routes into Pakistan or have moved and dispersed into other areas of Afghanistan.

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." (AI 9 October 2001)

Displacement as a result of the US-led military intervention (December 2004)

"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.

An estimated 100,000 to 110,000 people crossed into Pakistan during October, most of them illegally. By the end of November, this figure had reached 130,000. This compared with a planning figure of 1.5 million produced by UNHCR. These were provided for in new camps set up in the tribal areas of Pakistan, in Chaman, to the north of Quetta (where UNHCR registered 70,000 refugees, 70-80% of whom were Kuchi, in five camps), and in North West Frontier Province.

The Pakistan authorities had reluctantly agreed to the creation of these camps as a solution to the emergence of the overflow camp at Jalozai 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. They also contravened a number of key protection principles in being very close to the border (less than 15km), being in areas outside the control and, therefore, the protection of the Pakistan Government, placing non-Pushtun refugees at risk in a Pushtun area and in situating refugees in locations where they were exposed to extreme temperatures.

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. MSF was allowed to operate a clinic in the waiting area but Pakistan did not permit any further assistance. Over the summer of 2002, MSF and other NGOs lobbied Pakistan to allow additional aid to go in and it finally relented. WFP began to provide food supplies but was reluctant to do this on any scale because it was not budgeted for and deliveries were somewhat erratic.

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." (DANIDA, December 2004, p. 30)

The post-Taliban era

Anti-Pashtun violence campaign displaces thousands in the North (March 2002)

- Since the fall of the Taliban and the re-emergence of warlords, the Pashtuns are subject to murder, beating and looting in northern Afghanistan

- The intimidation campaign has forced at least 20,000 to flee their villages
- Three political factions active in the north are the Junbish-i Milli-yi Islami, Jamiat-e Islami, and Hizb-i Wahdat, drawn largely from the Uzbek, Tajik, and Hazara ethnic groups respectively
- Each group has targeted the Pashtun community in areas under its control, partly in reprisal for their real or perceived association with the predominantly Pashtun Taliban movement, and partly as a result of political competition in northern Afghanistan

"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.

Over the last four weeks, teams from Human Rights Watch have visited over two dozen villages and communities across northern Afghanistan, from Faryab province in the northwest to Baghlan in the north central mountains. They have documented over 150 separate incidents of violence and looting over the last three months, some of them as recent as this week. The testimony of Pashtuns across this large area was consistent in its depiction of violence, looting, and intimidation at the hands of local commanders.

(...)

The three political factions active in the north are the Junbish-i Milli-yi Islami, Jamiat-e Islami, and Hizb-i Wahdat, drawn largely from the Uzbek, Tajik, and Hazara ethnic groups respectively. Since the fall of the Taliban, each group has targeted the Pashtun community in areas under its control, partly in reprisal for these communities' real or perceived association with the predominantly Pashtun Taliban movement, and partly as a result of political competition in northern Afghanistan. The abuses have also occurred in a broader context of violence by armed groups, in which Pashtuns -- lacking political and military power in the north -- are acutely vulnerable.

(...)

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." (HRW 3 March 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. 'In the last few days we have seen thousands of people fleeing southwards, stranded, I would say, on the Afghan-Pakistani border, nearly 20,000 of them,' he said.

These latest victims of the turbulent situation in Afghanistan have fled persecution and violence as old ethnic rivalries return to the surface. 'The story they tell us is that they have been forced from their land, their houses have been looted and the women have been mistreated,' he said." (AFP 21 February 2002)

Abuses by armed militias and lack of food and emergency assistance force people to flee in Western Afghanistan (April 2002)

- Local Afghan forces of Uzbek ethnic origin appear to have systematically abused ethnic Pashtuns particularly in western districts that are primarily Pashtun villages
- Lack of food and emergency aid in home villages are the primary reason for people to flee and seeking humanitarian assistance in the Shaidayee camp for internally displaced persons (IDP)
- 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.
- Abuses against civilians in both the Northern and Western regions include rape, harassment, extortion, land seizure, killings, disappearances, beatings, looting and intimidation
- The capacity of an independent commission to investigate alleged ethnically-based abuses against Pashtuns in Northern Afghanistan has been limited by the influence of the local commanders in these areas

"The collapse of the Taliban regime in November 2001 gave the people of Afghanistan hope that after 23 years of war, the international isolation and human rights abuses that they suffered would come to an end. The Bonn agreement, the installation of the Interim Government, the future prospect of democratic reforms and the deployment of international security forces in Kabul, heralded a new Afghanistan and a promise of international support and cooperation.

Yet, armed factional groups have continued to commit human rights abuses against civilian ethnic groups, especially in areas where there is little presence of international or local security. 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. Alternatively, some abuses may simply be opportunistic attacks to steal or look for the weakest within a community. Whatever the motivation of the perpetrators, however, the crimes against unarmed ethnic Pashtun families are human rights abuses that set the stage for further ethnic tension within Afghanistan - a development the country can ill afford.

(...)

Civilians in both the Northern and Western regions of Afghanistan have reported human rights abuses in their districts of origin to non-governmental organizations (NGOs) and United Nations offices. These abuses include rape, harassment, extortion, land seizure, killings, disappearances, beatings, looting and intimidation. Many of these violations have been reported by civilians as

reprisals against Pashtuns, the Afghan ethnic group most commonly associated with the Taliban regime.

Recently, the Afghan Interim Government appointed an independent commission to investigate alleged ethnically-based abuses against Pashtuns in Northern Afghanistan, which had been documented by Human Rights Watch. However, the capacity of this commission to effectively address violence against Pashtuns in Northern and Western Afghanistan has been limited by the power and influence of the local commanders in these areas. Even with the removal of the commanders who are reportedly implicated in the abuses against Pashtuns in their communities, especially in Faryab, the violations continue under the watch of other commanders who were placed to protect Pashtun villages from such acts.

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." (PHR April 2002)

Insecurity and forced recruitment in the north cause displacement and hamper return (April 2003)

- UNHCR reports continued arrival of Pashtun IDPs in the south as a result of harassment and insecurity in the north
- Most IDPs are in the south (350,000) in 6 displacement settlements. 15% of them are Pashtuns
- Psychosocial effect of persecution means that IDPs will be reluctant to go back to the north for a while
- Forced recruitment by factional leaders in the north forces people to flee
- There is concern that IDPs returning from the western areas will be exposed to forced recruitment

Harassment and insecurity in the North displace ethnic Pashtuns to the South

"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.

'What is notable is that there are still people arriving at these settlements, fleeing harassment and insecurity from the northern provinces of Faryab, Jowzjan and Badghis,' Shinohara said, noting that in the second half of March, 45 families had arrived at the livestock market in Kandahar, joining some 100 displaced families already there.

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.

'Objectively, even if the situation might be OK for the people to come back, having the experience of being harassed out of their homes or the experience of fleeing from them, does take some time for the people themselves to be convinced and confident enough to go back,' Shinohara said, adding that UNHCR was encouraging dialogue between the villagers as well as with the authorities in the north. 'It's basically up to the authorities to regain the trust of their people and to work on solving the problems which are displacing people,' she said." (IRIN 15 April 2003)

Forced recruitment on the increase in the northern regions

"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 in different ways. Firstly, it was reported, in late August young men were picked up from the street in Sar-e-Pul. Many of these were working for national NGOs. According to the source, forced recruitment is carried out by both sides - by the Junbesh as well as by the Jamiat forces. It is said that Atta has ordered 1000 new recruits to be found for the forces in the Balkh province, while Junbesh are recruiting especially in Samangan and Jowjzan. Other forms of forced recruitment consist of the commandant going to the villages where he negotiates a sum of money in exchange for men. Amounts as high as 10-20 million Afghani per person have been reported, (approximately between USD 220 and 445 per person). In some instances higher amounts have been mentioned. If the families are unable to pay, the young men are picked up. There are also reports of physical violence in the form of beatings of families.

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.

The source also said that in May 2002, a decree was issued by the president about military service, which according to this decree, must take place voluntarily. However, according to the source it seems unclear whether this decree has come into force, and how it is to be implemented in practice.

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.

According to CCA, forced recruitment to the Jamiat forces in Takhar province is also currently taking place. According to the source, these are forces belonging to the commandant Daoud, who is based in Kunduz. CCA has received reports that families, who refuse to supply a recruit, instead must pay 4 million Afghani (about USD 85)." (DIS March 2003, pp. 27-28)

Land tenure problems cause renewed displacement upon return (December 2004)

- 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
- Some refugees returning from Pakistan have found that their homes were occupied by a rival ethnic group and they have been forced to set up informal settlements
- 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

"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. One such example can be found in sub-district 3 of Kabul province, where 153 families live at the building of the Chaplq shoe factory.

(...)

Along the same lines, in sub-district 8 and 10 of Kabul City, a number of Hazara families from Sharistan, have claimed that persons affiliated to two major commanders Toran Abdiul Ali and Arif Dawari had occupied their houses and land.

(...)

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. Due to their prolonged stay in exile, many of these refugees have become urbanized and do not therefore wish to move back to their original rural areas. This is for example the case of the refugee group in Basu Camp, who have indicated quite strongly to UNHCR and the Afghan authorities that they do not wish to return to their areas of origin." (UNHCR 1 September 2003, p. 4)

"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." (AI 23 June 2003, pp. 13-14)

A Danida preliminary study shows that renewed displacement due to the inability or unwillingness to settle permanently in rural areas is ongoing. For more information on return and renewed displacement, see further down on "Return and resettlement"

Factional fighting in western Afghanistan force thousands to leave their homes (August 2004)

- Troops of Herat's strongman, Ismael Khan have clashed with forces of rival Amanullah Khan in August 2004 and forced thousands residents out of their homes.

"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.

Troops loyal to Khan, governor of vast Herat province bordering Iran, have failed to halt the march of rival Pashtun commander Amanullah Khan's forces despite battling them for the last four days, Afghan and foreign intelligence officials told AFP.

Amanullah's forces broke through Ismael Khan's frontline at Astrakan district some 85 kilometres (52 miles) south of Herat city Tuesday morning, officials on both sides said.

'In the morning Ismael Khan's troops attacked Amanullah's. Later the fighting became very tense and Amanullah's troops broke through Khan's frontline at Astraskan,' a local intelligence official told AFP, asking not to be named.

'Around 10.30 am (0600 GMT) they took control of Astrakan district.'

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." (AFP 17 August 2004)

See also:

"Residents flee intense Herat fighting", [Aljazeera.net](#), 17 August 2004

Afghanistan's warlord problem (2004)

- According to HRW, Afghans perceive warlords, local factional leaders and military commanders as a more pressing security issue than the Taliban
- The warlords dominate government and national institutions at all levels. Most have poor human rights records
- Despite progress in many areas in the two and a half past years, there has been almost none on the political development of the country
- In most provinces, local military commanders or factional leaders have de facto control over local governance, while ostensibly affiliated with the government
- The HRW report lists the main military factions

"While many observers inside and outside Afghanistan continue to focus on the Taliban as the main threat to human rights and political development, in most parts of the country Afghans told Human Rights Watch that they are primarily afraid of the local factional leaders and military commanders—not the Taliban insurgency. Far from a Taliban problem, most Afghans tell us that their main fear is of jangsalaran—the Dari and Pashto word for “warlords.” They say that Afghanistan has a warlord problem—a problem with military factions dominating government and national institutions, including local governments and the army, police, and intelligence services. And as many Afghans say, this warlord problem is ultimately a human rights problem. Almost all of the warlord factions are implicated in past and ongoing human rights abuses and political repression, much of which Human Rights Watch has documented in previous reports.

(...)

Over the last two-and-a-half years there has been progress in several areas. The Afghan government has gradually re-built some of the apparatus of state power in Kabul. Development efforts have begun in provinces outside of Kabul, including construction of roads, schools, and hospitals, contributing to the growth of Afghanistan's economy. And although the majority of school age girls remain without adequate educational opportunities, millions of girls have returned to school, and universities are functioning. Training has begun of a new Afghan army and central police force. An Afghan Independent Human Rights Commission, called for by the Bonn Agreement, was founded and has begun to expand its activities. Limited legal reform processes and training of judges and lawyers have begun.

But Afghanistan's political development has remained stagnant, as many of the Bonn Agreement's most important provisions have been either forgotten or ignored. Militia forces occupying Kabul were never withdrawn from the city, no significant disarmament of militia forces nationwide has taken place (demobilization has been reduced to a goal of less than 40 percent, which will not come close to being met), and many militia leaders have retained their autonomous leadership over what are essentially private armies. Many of the country's various militia forces have fortified their strength. The national Loya Jirgas were held, and a constitution approved, but both processes were marked by wide-spread threats and political repression by warlord factions, as Human Rights Watch has documented in past reports.

Factions and local autonomy

Worse still, Afghanistan's militias remain highly factionalized and autonomous. Officially, all existing military forces are unified under and responsible to the central government, but in reality most forces are controlled by various regional commanders. Most sub-commanders around the country are loyal first to other regional factional leaders, who then maintain varying degrees of overall loyalty to Karzai.

(...)

Over the last two-and-a-half years, many of President Karzai's orders have been defied or ignored by commanders, including General Fahim. In most provinces, local military commanders or factional leaders act autonomously as de facto government leaders. Most of them have little tolerance for political freedoms, and use their localized control of army and police to intimidate opponents.

(...)

In sum, Afghanistan today resembles more a loose confederation of small fiefdoms than a unified sovereign nation. Specific conditions in each region and province vary, but the overarching characteristic across the country is the same: de facto control of local governance lies with militarized faction leaders. Afghanistan's poor security situation is often blamed entirely on the Taliban and other insurgent forces, although in reality many districts are insecure because of violence and instability caused by factions ostensibly affiliated with the government.

(...)

The main military factions around Afghanistan include:

- Jamiat-e Islami-yi Afghanistan (hereafter "Jamiat")/Shura-e Nazar/Nehzat-e Melli
- Ittihad-i Islami Bara-yi Azadi Afghanistan (hereafter "Ittihad")/Daw'at-e Islami
- Hezb-e Wahdat-e Islami-yi Afghanistan (hereafter "Wahdat")
- Junbish-e Milli-yi Islami-yi Afghanistan (hereafter "Junbish")
- Harakat-e Islami-yi Afghanistan (hereafter "Harakat")
- Durrani Pashtun tribal militias, based in and around Kandahar
- Forces based in and around Herat previously loyal to Ismail Khan (in flux)
- Taliban and Hezb-e Islami insurgent forces

Taken together, these factions control the majority of Afghanistan outside of Kabul. The Afghan National Army—a small set of divisions newly trained and under Karzai's control—have been

deployed to some areas, including the cities of Jalalabad, Khost, Gardez, and Herat, but in most cases they are outnumbered by local factional forces." (HRW 28 September 2004, pp. 2-12)

Natural disasters

Rain returns to southern Afghanistan after 4 years of drought (June 2003)

- Rains have returned to southern Afghanistan after 5 years of drought.
- Pastoralist Kuchis have been the worst affected by the drought with thousands forced into displacement.
- Although rain is providing some hope, it will be years before the nomads will be able to build up their flocks again.

"After five years of the worst drought in decades, the rains have finally returned to southern Afghanistan and the villagers are celebrating the filling of the Band-i-Dhala reservoir 35 kilometres (22 miles) north of Kandahar.

The reservoir, which is the main water supply for Shah Wali Kot district, ran dry in June 2000 for the first time since it was built in 1952.

The drought had gradually worsened but the then Taliban government had no plan for coping with the impending disaster.

Known as the breadbasket of Afghanistan and famed for its pomegranates, grapes and other fruit, the lack of rain turned the usually lush Arghandab valley into a virtual desert.

Richer farmers started digging tube wells but their attempts to find water were frustrated as the level of the water table dropped further and further.

Thousands abandoned their parched farms, some moving to other areas in search of a livelihood while more simply became refugees from the drought, which also spelt disaster for nomadic Kuchi herders who were forced to sell their surviving livestock and beg.

'Among all the population, the Kuchis were the most severely affected by the drought,' says Ahmad Zahir of Kandahar's department of agriculture.

'They lost all their livestock, animals and livelihood. Some of their sheep died, some became ill and others they could only sell for just 100 Pakistani rupees (two dollars),' he said.

Kuchis make up more than 70 percent of the 350,000 internally displaced people in southern Afghanistan, according to the United Nations refugee agency (UNHCR).

Last winter's and spring rains brought a degree of relief from the drought, although it will be years before the nomads are able to build up their flocks again. Villages and farms along the Arghandab valley have, however, finally received enough water to give them hope." (AFP 6 June 2003)

"Four consecutive years of drought, lack of water for drinking and agriculture combined with already high debts, mean that an estimated 40 per cent of households in Zabul province, Southern Afghanistan are on the brink of displacement. Almost a third of the population have moved in recent years, many to neighbouring villages. In most villages more than half of the men have left in search for work. Immediate action is required to prevent further displacement and to assist those already displaced within the province. A combination of emergency food distribution and rehabilitation activities such as cash-for-work schemes is needed. In May 2002, CAFOD's Caritas partner CORDAID and its local partner the Voluntary Association for the Rehabilitation of Afghanistan (VARA) identified an estimated 3,000 vulnerable households in two districts in Zabul province in need of emergency assistance, Mizan and Attaghar.

As well as suffering from drought and the large-scale migration of skilled labour, agricultural and irrigation infrastructures had been damaged or destroyed during recent wars. As a result water sources had dried up completely in the mountain valleys and were seriously depleted on the plains. As refugees returned from neighbouring Iran and Pakistan scarce food supplies were being stretched further." (CAFOD January 2003)

Water security drastically reduced due to drought and over-using existing sources (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 (Qyreshi Asad, Water Resources Management in Afghanistan, Issues and Option, International Water Management Institution, June 2002). During winter, the Hindu Kush stores water in the form of snow. At the beginning of spring, snow starts melting. However, due to the prolonged drought, this years' accumulated snow (glacier) had been significantly reduced.

[...]

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). Traditional canal management practices have collapsed and many canals are completely silted and breached. Afghanistan has only a few modern irrigation systems (intakes) that are seriously affected by war in comparison with traditional

systems. Intakes are no longer operational, machinery has been looted and there is a serious lack of qualified professional staff to maintain the systems (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 effect 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 Institute 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). In 2004, various reports confirmed the severity of drought and water shortages, particularly in the southwest and south regions of the country. Precipitation last year had a positive impact only on those karezes, springs and shallow wells located in upper valleys close to the mountain slopes or upstream water points (FEWS NET observation).

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. Fortunately, this year's precipitation prevented further deterioration in water table. Water table deterioration can have serious negative consequences for Afghans, specifically for those who do not have the manpower or financial resources to dig their own deep wells.

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.

[...]

The potential for re-growth of forests and vegetation is seriously affected by heavy fuel wood collection, timber harvesting and overgrazing. Soil erosion due to the loss of protective vegetation cover is a serious threat. In addition, the United Nations Environment Program 2003 report notes that erosion and sedimentation is a critical issue. Due to a lack of stable water sources during drought periods, much of the natural vegetation of the Helmand basin has died. Much of the available tree resources have been collected for fuel as well. These trends have contributed to the soil erosion and the shifting of sand over roads, settlements and irrigated lands. Up to 100 villages have been submerged by wind-blown dust and sands. This is true for the north of Afghanistan, as well, where sand dunes have been shifting towards agricultural land near the Amu Darya. In this particular area, dunes move up to one meter per year in the moderate winds (UNEP Afghanistan post conflict environment Assessment). Though moving sands are a normal

occurrence in the desert (Registan), during the more recent drought years, due to vegetation losses, moving sands have become a serious threat to agriculture and people livelihoods.

Food insecurity due to drought and related displacement are not over yet (August 2005)

- In 2005, despite some rains and a good wheat harvest in the north, food and water insecurity remains in many parts of the country
- 2004 was the sixth year of drought since 1997, despite rains in 2003/2004
- Kuchi nomads are most affected by the drought by being displaced from their habitual grazing regions
- The drought has additionally caused the displacement of several thousand people in the south
- In 2005, 40 per cent of the rural population experience food insecurity
- Displacement due to lack of drinking water has drastically intensified and is now key cause of displacement, although it is often undocumented

" 2004 was the sixth year in which rain and snowfall were significantly below average in Afghanistan, exacerbating the chronic water shortage that has been plaguing the country since 1997. Populations are now threatened in localised pockets in at least 17 provinces across the country. Specifically, this is a result of an increase in temperature by 3.5oC to 4.8oC, accelerated depletion of snow-packs, increased evaporation of surface water and lowered soil moistures, all compounded by a poor harvest and crop failure due to unanticipated water shortage, and outbreaks of pest and plant diseases. Additional contributing factors include [...] the falling water table documented in many locations; the erosion of riverbanks; and increasing desertification. Afghanistan's population has also increased by 3 million due to refugee return since 2002, adding pressure to shrinking natural resources.

Reduced precipitation last spring resulted in a harvest that was lower than expected, in particular for cereals. With winter approaching, at-risk populations have little stored food or water. After a record harvest in 2003, the NVRA recently estimated 3,609,338 people are more food insecure in 2004 than a year ago, and are expected to face a food deficit of up to seven months.⁵ Modelling by the NVRA on existing data suggests that 37% of the population will not be able to cover their basic food and non-food needs through the harvest 2005. This compares with an overall food insecurity rate estimated to be 20% after the exceptional harvest of 2003. Nimroz (92%), Kandahar (70%), Paktika (60%), Zabul (57%), Kunar (56%), Logar 54%, Faryab (53%) were all provinces with over 50 percent of the population not being able to meet their basic food needs for the full winter and spring season.

When accounting for population size, Nangarhar, Herat, Ghazni, Badakhshan, and Uruzgan were the five provinces with the largest number of individuals not able to meet their basic food needs until the next harvest. Of these five provinces, Badakhshan, is the most surprising, as reports note that agriculture production was good in the region this year. However, because of the large population size and the under-reporting of poppy income, it shows up as one of the provinces with a large number of individuals in need of assistance. It is important to realize that this large number of individuals is reflective of only 27% of the population needing assistance. A year later, this figure has more than doubled to 6,480,637, with the highest increases in Nimroz, Kandahar, Paktika and Kunar. 92% of the population in Nimroz and 70% of the population in Kandahar subsist on less than 2,100 kilocalories a day." (TISA 1 September 2004, p. 2)

"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." (IRIN, 4 July 2005)

"The key cause of any displacement is the lack of drinking water, as shallow wells and karezes dry up. Displacement could be much higher than documented so far, with people moving within their family support networks. 80-90% of the population access their drinking water from ground water sources. Recently compiled data from MIWRE/FAO indicates that 70-100% of springs, karezes and rivers have dried in the west, south and east of the country. Precise figures are unrecorded but the stress on fragile coping mechanisms is expected to have intensified for those whose households have increased. Population displacement is estimated at close to 4,000 people, with 3,000 displaced from Kandahar and Helmand provinces." (TISA 1 September 2004, p. 2)

Among all the population, the Kuchis were the most severely affected by the drought,' says Ahmad Zahir of Kandahar's department of agriculture. 'They lost all their livestock, animals and livelihood. Some of their sheep died, some became ill and others they could only sell for just 100 Pakistani rupees (two dollars),' he said. Kuchis make up more than 70 percent of the 350,000 internally displaced people in southern Afghanistan, according to the United Nations refugee agency (UNHCR).

Last winter's and spring rains brought a degree of relief from the drought, although it will be years before the nomads are able to build up their flocks again. Villages and farms along the Arghandab valley have, however, finally received enough water to give them hope." (AFP 6 June 2003)

"Four consecutive years of drought, lack of water for drinking and agriculture combined with already high debts, mean that an estimated 40 per cent of households in Zabul province, Southern Afghanistan are on the brink of displacement. Almost a third of the population have moved in recent years, many to neighbouring villages. In most villages more than half of the men have left in search for work. Immediate action is required to prevent further displacement and to assist those already displaced within the province. A combination of emergency food distribution and rehabilitation activities such as cash-for-work schemes is needed. In May 2002, CAFOD's Caritas partner CORDAID and its local partner the Voluntary Association for the Rehabilitation of Afghanistan (VARA) identified an estimated 3,000 vulnerable households in two districts in Zabul province in need of emergency assistance, Mizan and Attaghar.

As well as suffering from drought and the large-scale migration of skilled labour, agricultural and irrigation infrastructures had been damaged or destroyed during recent wars. As a result water sources had dried up completely in the mountain valleys and were seriously depleted on the plains. As refugees returned from neighbouring Iran and Pakistan scarce food supplies were being stretched further." (CAFOD January 2003)

See also:

[-Emergency Drought Assessment in 12 Vulnerable Southern Provinces, Ministry of Irrigation, Water resources and Environment, 26 July 2004](#)

Floods displace thousands in western Afghanistan (January 2004)

- More than 5,000 people have been displaced by floods in the western province of Herat.
- Homes and thousands of acres of agricultural land have been lost.
- A UN disaster emergency task force had decided that a joint UN and government mission would be sent to the affected villages.

"More than a thousand families have been displaced and many residential areas and agricultural fields affected after severe rainfall and flooding in the western province of Herat.

According to the Afghan Red Crescent Society (ARCS) Thursday's flooding affected Guzara district and some parts of Herat city, the provincial capital. In addition to the families that lost their homes, thousands of acres of agricultural land have been completely destroyed.

'Over 500 families have lost their homes and have been displaced in Kul, Becharkhy and Shamaka villages of Guzara, while around 500 other families lost their homes in Herat city as well,' Nooruddin Ahmadi, head of ARCS' western region, told IRIN from Herat on Monday. Ahmadi added that the disaster had also destroyed many bridges, schools and mosques. 'Around 80 million sq metres of agricultural land had also been destroyed,' he maintained. ARCS said affected families were in dire need of food and non- food items, mainly tents. 'They have taken refuge in neighbouring villagers' homes and food, clothing and shelter are desperately needed,' Ahmadi explained.

The United Nations in Kabul reported that a disaster emergency task force had decided that a joint UN and government mission would be sent to the affected villages. 'The exact number of displaced people is not known at this time but if a humanitarian intervention is necessary, immediate assistance is available,' Manoel de Almeida e Silva, a spokesperson of United Nations Assistance Mission in Afghanistan (UNAMA) told IRIN.

Latest ARCS reports indicated that a needs assessment had been conducted and food and other items would be distributed to the most severely affected families on Tuesday. 'We are meeting today with UNAMA and PRTs [US-led civil military Provincial Reconstruction Teams] to see what any of the aid parties can contribute to ARCS emergency response to be distributed tomorrow,' Ahmadi said." (IRIN 19 January 2004)

Political developments 2004 and 2005

Loya Jirga adopts new Constitution amid political intimidation (January 2004)

- New constitution adopted by Constitutional Loya Jirga on 4th January 2004
- The relative power of the Pushtun population within the government appears to have been strengthened by the adoption of a strong presidency

"Agreement was finally reached on 4th January 2004 on a new constitution for Afghanistan. Discussion at the Constitutional Loya Jirga convened on 14th December was often heated and revealed clear fault lines between Pushtuns and non-Pushtuns, between men and women, between conservatives and liberals and between those who had fought in the jihad and those brought in from the diaspora. There was the inevitable manoeuvring behind the scenes, with the

US government, among others, actively seeking to influence the outcome. The participation of 100 women among the 502 delegates ensured that their voice was heard and, although there were comments made from the floor which were indicative of conservative values, there was also a willingness among some of the traditional elements to listen to the perspectives expressed by the women delegates.

It was clear that President Karzai had sought to build Pushtun support for the constitution in advance of the Loya Jirga, in a likely effort to reduce backing for the Taliban in the south, and that he was reluctant to give too many concessions to the other minorities, notably the Tajiks, Uzbeks, Turkmen and Hazaras. These minorities challenged his power by arguing against a strong presidency and, instead, advocating for the creation of a post of Prime Minister or at least a parliament with sufficient powers to maintain an effective check against excessive Presidential power. However, concern was expressed by those arguing for a strong presidency that the absence of a strong party political tradition would leave parliament subject to factional divisions based on the possession of force.

The manoeuvrings surrounding the Constitutional Loya Jirga would thus appear to have strengthened the relative power of the Pushtun population within the government. It is clear from the proceedings that the Tajiks, Uzbeks, Turkomans and Hazaras now fear a gradual return to the previous Pushtun dominance and this is likely to heighten inter-ethnic tensions and make the ethnic issue a more prominent one in the months to come.

(...)

A key area of debate at the Loya Jirga was whether elections to the National Assembly should be held at a later date than those for the President. Those who were calling for a strong parliament were able to secure a provision that "every effort shall be made to hold the first presidential election and the parliamentary election at the same time". However, there remains considerable uncertainty regarding the timing of both elections while many argue strongly for them to be postponed until the security situation is conducive to a free and fair process." (BAAG 31 December 2003)

Presidential elections not disrupted by violence (October 2004)

- Presidential elections took place on October 9, without major acts of violence, although Karzai's opponents have initially challenged their validity due to widespread irregularities
- Parliamentary elections have been postponed until April 2005

"Afghanistan's democratization process has cleared two major hurdles. First, the country managed to avoid serious violence on election day, as millions of Afghans turned out to vote for the country's first popularly elected president. Now, a ballot dispute is subsiding, reducing a threat that could have undermined the legitimacy of the vote.

Interim Afghan leader Hamid Karzai appears poised to secure a popular mandate from the October 9 election. Ballot counting has not formally begun, and will not commence until October 13 at the earliest. Tallying all the votes could take weeks, and preliminary figures should take at least several days to compile. Yet, according to an exit poll, Karzai has secured more than 50 percent of the ballots cast, thereby eliminating the need for a run-off between the top two vote-getters. The poll was conducted by the International Republican Institute, an organization with close connections with the Republican Party in the United States, utilizing financial support provided by the US Agency for International Development.

Initially, Karzai's 15 presidential opponents challenged the integrity of the vote, alleging widespread irregularities, especially multiple voting by individuals. International officials did not

share that view, downplaying irregularities while emphasizing the high voter turnout. Officials announced over 10 million Afghans had registered to vote. Precise figures on turnout were not immediately available, but by all accounts it was high." (Eurasianet 12 October 2004)

"Political developments during the period under review have tended to focus on the holding of elections, which is the last formal step in the Bonn process. Some of the potential impediments to the conduct of elections for the President and lower house of parliament in September, highlighted in my report of 19 March 2004 (A/58/742-S/2004/230), in particular the difficulty of allocating parliamentary seats among provinces in the absence of convincing census data, have proved to be insurmountable. As a result, the Joint Electoral Management Body took the decision, after consultation with the Government and political parties and based on technical criteria, to hold presidential elections on 9 October and to postpone parliamentary elections until April 2005. The challenges are formidable not only in terms of creating conditions for free and fair elections but also in terms of creating the tools of governance that will enable the future elected bodies to exert their authority effectively. The commitments made by the Afghan authorities and the international community at the Berlin conference provided a comprehensive strategy for moving the peace process forward. To date delivery on those commitments has been uneven. The increasingly tenuous security situation continues to threaten the gains of the Bonn process. Incidents have involved terrorist as well as factional and criminal activities. Those acts of violence carried out with seeming impunity have resulted in the loss of too many Afghan lives and increasingly of those of international assistance workers. They have hindered the establishment of sustainable national institutions and the delivery of economic and social assistance. The report concludes that, for the peace process to move forward, extremism, factionalism and the illicit drug trade must be addressed resolutely." (UN Secretary-General, 12 August 2004, p. 1)

Addressing impunity and the justice system (August 2005)

- The signatories to the Bonn Agreement in December 2001 pledged to promote reconciliation, stability and the respect for human rights
- However, both the Bonn Agreement and the June 2002 Emergency Loya Jirga missed the opportunity to create mechanisms of war crime accountability
- Many warlords remain in power, disarmament has not effectively taken place
- Referring to the new Afghan constitution, HRW recognises achievements in terms of women's participation but deplores the lack of instruments and mechanisms to uphold the respect of human rights
- Amnesty International sees the period following presidential elections in October 2004 and leading up to parliamentary elections in September 2005 as opportunity to address the legacy of impunity
- The Afghan Independent Human Rights Commission (AIHRC) shows in a January 2005 report that impunity is still firmly entrenched in the government's ability to deliver justice
- After decades of conflict, the legal system, particularly in rural areas is ineffective or non-existent

"In December 2001, the signatories to the Bonn Agreement pledged that they were "determined to end the tragic conflict and promote national reconciliation, lasting peace, stability and respect for human rights in the country." The Bonn Conference was followed by a donor conference in Tokyo, where these promises were backed by financial pledges that signalled the commitment of Afghanistan's international backers to stay the long haul and assist the country in its reconstruction.

Nearly two years later, these promises appear particularly empty. Today, human rights abuses continue to add to the unaccounted stockpile of war crimes committed during 23 years of war. Ethnic divisions and political factionalism complicate the path towards national reconciliation and the country continues to experience general insecurity and hostilities in the south, southeast and north.

Between September 2001 and June 2002 certain choices were made by national and international decision makers that have had long-lasting repercussions for the political process in Afghanistan. At the Bonn Conference in December 2001, the factions represented were invested with responsibility for governance under the Interim Administration arrangements and were not called to account for their part in perpetrating war crimes and human rights abuses during Afghanistan's long years of war. No attempt was made to address either the underlying causes or the consequences of the war on millions of Afghan victims, as it was feared that doing so would upset the leaders whose cooperation was considered vital to secure an agreement. Instead, an inconclusive agreement was rapidly negotiated in 10 days that legitimised warlords and their defacto control on the ground, without extracting any significant commitments from them to justice.

At the Emergency Loya Jirga (ELJ) in June 2002, the opportunity to rectify this situation was missed and impunity was more deeply entrenched. While several warlords who stood for elections lost as their constituencies rejected them, others managed to win through intimidation. However, the credibility of the process and the outcome were undermined when governors and commanders, who had not been elected to the ELJ, were allowed to enter as nonparticipating guests. Several of them came with their bodyguards and security apparatus creating a climate of fear that hampered the proceedings.

Finally, although the ELJ was to decide who would preside over the Afghan Transitional Administration (ATA), the entire cabinet was chosen outside of the process, with no consultation with ELJ delegates and was then imposed as a *fait accompli*.

[...] the political process of peacebuilding in Afghanistan is inherently unstable and unsustainable because it is based on impunity, which was neglected at the Bonn Conference and entrenched at the ELJ. [...] [In both cases, the focus was] on stopping hostilities and securing agreement, however minimal, between parties through a power-sharing deal. In the process, the parallel need to identify and institute the necessary structural, systemic and institutional changes to consolidate peace and avert a relapse into conflict were overlooked.

A key part of balancing “negative” and “positive” peace is disarmament, demobilisation and reintegration (DDR). In Afghanistan, however, almost two years after the termination of open hostilities, there is no likelihood of the disarmament process removing the majority of unauthorised arms from society. The “Afghan New Beginnings Programme (ANBP),” which finally began at the end of October [2003] after many postponements, does not promise to provide full disarmament for the foreseeable future, but only to engage in modest pilot projects. Moreover, the ANBP does not institute the necessary structural change required to ensure that excombatants are reintegrated into civilian life, which is essential for sustainable peace. For Afghans guns have become a metaphor of the lawlessness, fear and insecurity that stem from impunity.

The failure to address impunity in the Bonn Agreement and at the ELJ meeting has had several consequences for political reform and peace in Afghanistan, [particularly regarding addressing insecurity and human rights violations, and regarding enforcing the rule of law.]

So far, both national and international efforts to address the past have been cautious and limited. This is, in part, due to the prevailing wisdom that the “time is not right” to address Afghanistan's past. At the national level, the AIHRC established the Transitional Justice Unit in accordance with

the Bonn Agreement. At the international level, the proposal of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions to set up a commission of enquiry was taken up at the UN Human Rights Commission in March 2003, but was not adopted.

Observers criticised the negative role of certain member countries, particularly the United States, in dissuading the UN Human Rights Commission members from adopting the proposal. As a result, only a weak resolution was adopted. This was a great blow to the human rights community in Afghanistan at a time when human rights violations were rising.

One of the main barriers to dealing with past crimes is the fact that the subject has become so taboo. Thus the first requirement of addressing past war crimes is simply putting the issue on the public agenda." (AREU, December 2003, p.1-4

"Afghanistan's constitution contains new human rights provisions and mandates better political representation of women, Human Rights Watch said today. But domination of the approval process by warlords and factional leaders raises serious concerns about whether the country can hold free and fair elections this year.

'Human rights protections were put on paper,' said John Sifton, Human Rights Watch's researcher on Afghanistan. 'But there were a lot of missed opportunities, and complaints about threats and corruption during the convention.'

Human Rights Watch noted that there were significant achievements at the meeting. The single biggest gain is that women are now guaranteed a substantial number of seats in Afghanistan's bicameral National Assembly. Approximately 25 percent of seats in the Wolesi Jirga (House of the People) are reserved for women; the president is obligated to appoint additional women in the Meshrano Jirga (House of Elders). One provision of the constitution also provides specific equality between men and women under law.

The language on human rights in the charter was mixed. The document contains several provisions enunciating basic political, civil, economic and social rights, but little strong language empowering institutions to uphold them. The Afghan Independent Human Rights Commission (AIHRC), created by the December 2001 Bonn Agreement, is given a mandate, but lacks many of the powers necessary for it to credibly protect basic rights.

The constitution fails to adequately address the role of Islamic law and its relationship to human rights protections. Human Rights Watch is concerned that conservative factions could use appointments to the new judiciary to implement interpretations of Islam that may violate human rights standards.

The issue of accountability is also not addressed in the document. Despite Afghanistan's recent history of mass atrocities, the charter does not directly address issues of past war crimes and serious human rights abuses. The AIHRC may be able to delve further into this area-but lacks any specific constitutional mandate to do so.

Human Rights Watch was concerned about the political intimidation and vote-buying that took place before and during the convention. The abuses proved that warlords and local factions continue to dominate Afghanistan's political processes." (HRW 8 January 2004)

"The current period, following presidential elections in October 2004 and leading up to parliamentary elections scheduled to be held in September 2005, presents a key opportunity to address this legacy of impunity by initiating a process whereby the people of Afghanistan can secure justice in the transition from conflict to peace. With continuing delays in justice, there are several serious risks. These include pertinent evidence for future prosecutions deteriorating,

disappearing or being destroyed. Moreover, it is possible that those responsible for past human rights abuses will become further entrenched in positions of power, thereby being in a position to prevent the delivery of justice and ultimately to acting as a major obstacle to the restoration of peace and stability.

Amnesty International welcomes the initiative by the Afghan Independent Human Rights Commission (AIHRC) to undertake a national consultation and propose a series of recommendations for the creation of accountability mechanisms for past abuses, as provided for in its mandate. The report of AIHRC's consultation, entitled "A Call for Justice", highlights the extent to which impunity has become entrenched, as well as the lack of confidence of the Afghan population in the current transitional government's ability to deliver justice. As noted in the AIHRC report, "impunity is entrenched in the political system, by rewarding perpetrators with positions of power even though they continue to commit violations". However, in contrast, the report records the overwhelming desire of the Afghan population to see that those responsible for past crimes are held accountable. The AIHRC report recognises the institutional and security challenges that holding perpetrators accountable presents in Afghanistan today, particularly within the judiciary, but insists that justice must be a crucial component of post-conflict reconstruction in Afghanistan.

The AIHRC recommends that President Hamid Karzai act to end the cycle of impunity in Afghanistan by making a clear and public commitment to:

- provide reparations for the crimes of the past;
- to implement a long-term, comprehensive strategy to seek justice for victims;
- and to ensure individuals cannot hold public office if they have been convicted of a serious criminal offence.

This Amnesty International report, building upon many of the excellent recommendations in the AIHRC report, sets out fundamental principles of international law and standards, in accordance with which any measures taken to ensure justice for past abuses in Afghanistan should be defined.

[...]

Afghanistan adopted a new Constitution in January 2004. Amnesty International welcomed the provisions in the Constitution that deny those who have been found guilty of having committed crimes against humanity from the opportunity to hold public office. This is the only reference in the Constitution to issues of accountability for past human rights abuses. Given the weak state of the judicial system in Afghanistan and the lack of progress in ensuring accountability for past human rights violations, this provision, is at present meaningless as no one has, as yet, been tried by a competent court in Afghanistan for crimes committed during the long years of the conflict. In addition, this provision should be expanded to include war crimes, extrajudicial executions, "disappearances" and all other crimes under international law.

[...]

There is no doubt that failure to address impunity for ongoing and past crimes not only resulted in continuing human rights abuses, but also lies at the heart of a pervasive climate of violence in the country. The Afghan government lacks the political and economic power, as well as independence, from powerful armed leaders to investigate and prosecute independently individuals for past atrocities." (AI, 7 April 2005, p.1-5)

"After three decades of conflict, civil war and rule by the hard-line Taliban regime, the legal system in rural areas has been rendered at best ineffective and in many places completely non-existent. In the absence of any state system, traditional tribal courts and local justice fill the void. Even in Kabul, where the justice apparatus is more developed than elsewhere in the country, people complain about corruption, long delays in cases coming to court and general inefficiency." (IRIN, 16 August 2005)

See the January 2005 AIHCR report [A Call for Justice](#) which documents the Afghan people's perception of justice and impunity.

Parliamentary elections in September 2005 (November 2005)

- The political system envisaged by President Hamid Karzai does not allow for the formation of political parties
- International organisations have urged the Afghan government to consider a number of factors which could inhibit the formation of a representative Parliament
- Rising violence, particularly in the south and east, cause widespread concern
- Many parliamentary candidates are linked to armed groups or are holding stocks of weapons
- After the elections, the Taleban vow to step up violence in protest of an election they consider not representing the will of the Afghan people
- Almost two months after the elections, the final results were made public

"As parliamentary elections approach in September 2005, early hopes that a strong, pluralistic political party system would help stabilise Afghanistan's political transition are fading. Karzai government policies, accompanied by an inappropriate voting system, are sidelining the parties at a time when there is increasing popular dissatisfaction with the slow progress in economic reconstruction, rising corruption and continued insecurity. This is worrying since it was marginalisation and intolerance of political opposition that stunted the development of a pluralistic system, and was largely responsible for past violence in Afghanistan. If current laws constraining party functioning are not changed, political stability will be illusory.

In the absence of strong pluralistic and democratic institutions to mediate internal tensions, political bargaining and the competition for power will most likely continue to occur outside the institutions of government. Because of their past shortcomings, however, many Afghans regard political parties with suspicion. Yet, post-Taliban Afghanistan has witnessed the emergence of many small democratic parties that offer a break with this past, and the means to create a stable and democratic parliament. And many Afghans, especially young people, now recognise parties as an essential component of the legal democratic process.

The government of President Hamid Karzai would be best served by bringing any political party, regardless of its political leanings, into the legal fold if it demonstrates a willingness to work peacefully and democratically. In particular, it should:

clarify Article 6 of the Political Parties Law relating to ethnic, racial and sectarian discrimination and violence;

revise the Political Parties Law to remove unnecessary curbs on party formation and functioning and to clarify apparent contradictions with the application of sharia (religious law) regarding women's rights;

simplify the registration process;

ensure an even playing field in the September 2005 parliamentary elections by shifting oversight of parties from the ministry of justice to an independent election commission; and

support healthy political development by providing government funds to parties so as to reduce the scope for private interests to buy influence, and by facilitating training to enhance the participation of women in the political system.

The government should also urgently reconsider the possibility of amending its decision to conduct the parliamentary elections under the single non-transferable vote (SNTV) system, which is likely to produce unrepresentative results in a country that lacks well-organised parties.

Major donor countries and the UN Mission in Afghanistan (UNAMA) should support the above measures and should pay special attention to the provision of security for liberal, democratic parties that are operating in an uncertain environment." (ICG, 2 June 2005)

"Since the arrival of spring in March, the Taliban and their allies have increased their attacks in the southern and eastern regions of Afghanistan. The attacks have resulted in the death of hundreds of people, mostly militants.

[...]

Afghan Defense Minister Abdul Rahim Wardak said yesterday that foreign fighters from Arab and neighboring countries are carrying out the attacks with the Taliban. Wardak told reporters that the scope of the violence of the recent months comes as a surprise. "Following the melting of the snow, there has been a significant increase in terrorist attacks, more than we expected," Wardak said.

[...]

Afghan officials have said that the Taliban and their allies are stepping up their attacks in an effort to disrupt upcoming parliamentary and local elections. The elections -- scheduled for 18 September -- are considered another key step in the Afghanistan's path toward peace and stability.

Afghan election officials say three Afghans working in support of the elections have been killed in recent months. Vahid Mozhdeh, an Afghan writer and security expert based in Kabul, believes that the attacks are aimed at creating fear among government forces in order to force them to quit. He adds that the militants also trying to create difficulties for the U.S. forces based in Afghanistan." (RFE/RL 11 July 2005)

"Despite significant progress on preparations for autumn polls, some candidates of Afghanistan's upcoming parliamentary elections are still linked with armed groups and some are holding stocks of weapons, the United Nations and a local human rights body warned. The concern was raised after the United Nations Assistance Mission in Afghanistan (UNAMA) and the Afghan Independent Human Rights Commission (AIHRC) released a joint report on the verification of political rights prior to the Wolesi Jerga [lower house] and provincial council elections slated September.

"The challenge and vetting process was met with disappointment. Of the 208 suspected candidates with links to armed groups, unfortunately only 11 were disqualified," Sima Samar head of AIHRC said on Monday. Samar said, however, that 4,052 weapons had been collected from candidates with links to armed groups. The disarmament of the candidates and their armed affiliates was still seen as less than complete and most of the candidates still possessed stocks of arms and ammunition. There are in fact few verified cases of direct intimidation from these candidates but some commanders are attempting to dominate the electoral process, as reflected in the report, added Samar. The verification process shows that the greatest threat to the elections continues to come from anti-government elements. According to the new report, an escalation of violence against candidates has been seen in the east, southeastern and southern parts of the country. "Fortunately these threats have not disrupted the elections process but there is a concern that it could have an impact on candidates' ability to campaign," Samar noted." (IRIN, 24 August 2005)

"The Taliban vowed on Wednesday to step up their holy war against foreign troops in Afghanistan and dismissed legislative polls held at the weekend as an American drama rejected by the Afghan people. The U:N: vote organisers daid about ha f of the 12 million registered Afghans voted on Sunday's national assembly and provincial council polls, which were hailed by Kabul's allies as a step forward for democracy. Taliban spokesman Abdul Latif Hakimi said only four million hgad voted, less than 15 per cent of a population he put at 30 million. "The Afghan parliament will be a subordinate body of the United States," he told Reuters from an undisclosed

location. "This institution does not represent Afghan people ... the Taliban are thankful to the Afghan people for jrejecting the U.S. drama". (Reuters, 21 September 2005)

"Afghan election results finalized"

The UN-Afghan Joint Electoral Management Body (JEMB) on Saturday (November 12) announced final certified results for the September 18 Afghan parliamentary and provincial council elections for all 34 provinces across the country and for the Kuchis (nomads). Making the announcement, JEMB Chairman Bissmillah Bissmil said, "With the certification of final results for Kandahar and the country-wide Kuchi constituency, we have now completed certification of all final results for both the Wolesi Jirga and the Provincial Council elections." He said the announcement of the final results marked an important milestone in Afghanistan's transition to a stable and strong democracy. He said the government's plans for the Meshrano Jirga (upper house of parliament) elections were progressing well, and most Provincial Councils, except Kandahar and Helmand, had elected their representatives for the 102-member Meshrano Jirga. Bissmil said he was confident the elections in the remaining provinces for Meshrano Jirga would be completed in the next few days, and the results would be finalized by the end of this month. JEMB plans to hold a concluding press conference on the elections once all elected members of the Afghan National Assembly, including 68 Meshrano Jirga representatives, 249 Wolesi Jirga representatives and 420 Provincial Council members, have been certified. Afghan officials hope to have the first session of the newly elected parliament by the third week of December." (BAAG, 18 November 2005)

See also: Afghanistan elections: Endgame or new beginning? IGC report, 21 July 2005

POPULATION FIGURES AND PROFILE

General

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)

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

An estimated 153,000-160,000 IDPs as of October 2005 (November 2005)

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

There is evidence that returnees, both IDPs and refugees, are re-displaced upon their return, either because of the lack of economic oppurtunities 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.

It is here considered that the total number of IDPs in Afghanistan vary between 157,000 and 200,000.

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	Shotgara	1606	30	150	0%
Balkh	Alborz		26	130	0%
Balkh	Chintal		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%
North Region			894	4,470	3%
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%
South Region			23,837	119,064	78%
Pakdia	Gardez	0701	189	1,133	1%
Khost	Khost(Matun)	3201	1,406	10,646	7%
Southeast Region			1,595	11,779	8%
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%
West Region			2,868	14,479	9%
Kabul	Kabul	101	585	3,600	2%
Central Region			585	3,600	2%
Total			29,779	153,392	100%

(Source, UNHCR, September 2005)

Note on UNHCR's methodology

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). UNHCR also assumes that those who have returned since end-2001 or locally integrated have attained at least a minimal level of self-sufficiency and are therefore excluded from the IDP statistics.

Renewed displacement due to the unsustainable returns of both IDPs and refugees (see '[Out of sight, out of mind](#)', Amnesty International, June 2003) is ignored.

Other estimates

160'000 IDPs as of November 2005, according to the COE-DMHA

"The recognized IDP population is about 160,000 with 125,000 in the south, including 48,500 in the Zhare Dasht camp near Kandahar, 17,000 in the west, mostly in Herat's Maslakh camp, and 12,000 elsewhere. In 2005, IOM is returning IDPs from the Zhare Dasht camp in the south; IOM will return about 2,500 from Maslakh camp." (COE-DMHA, 4 November 2005, p.3)

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

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

"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." (UNGA, 3 December 2003, para. 66)

"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." (AI 23 June 2003, p. 6)

"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." (Inter-Agency Missions 19 June 2003, pp. 1-2)

"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." (BAAG April 2003, p. 7)

"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." (UNAMA 30 March 2003)

Displacement before and after September 2001 (2002)

The UN estimates that the total number of people displaced at the end of 2000 ranges between 600,000 and 800,000 persons and includes displacement caused by drought and conflict. The total number of conflict-induced IDPs at the end of 2000 was estimated to range between 300,000 and 400,000. (UNICEF 8 March 2001; USCR 2 February 2001; IRIN 8 February 2001). Included in the conflict-induced figures are an estimated 100,000 people displaced since 1999 such as those in Kabul, the Panjshir valley or northern Hazarajat (Office of the UN Coordinator for Afghanistan 19 January 2001).

Distinguishing between drought and conflict-induced displacement has not been easy especially in regions such as Mazar-e-Sharif or Kabul where both groups of victims are mixed together. Internally displaced are integrated with host populations making identification difficult to the extent that some members of the local population have also been known to masquerade as IDPs in order to obtain assistance. The frequent movement of IDPs has also complicated estimates. (OCHA 17 October 2000)

Finally, ongoing displacement and limited access to needy populations in several regions of Afghanistan (i.e. Dar-e-Suf), due to bad weather or volatile security conditions, further complicate the task of getting a comprehensive picture of the situation in terms of figures.

"(...)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 (UNHCR, 14 July 2000)

Displacement in 2001:

According to OCHA up to 1,000,000 people were displaced either by conflict or drought before the September 11, 2001 events in the U.S.

Kabul :100,000 IDPs

Herat and the West: 200,000 IDPs

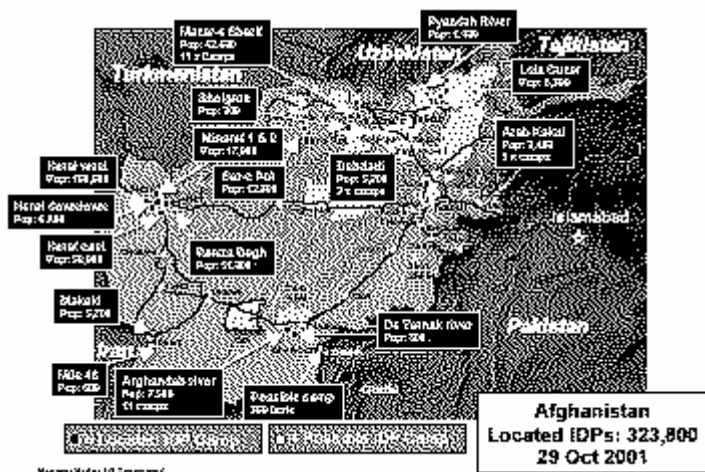
Kandahar and the South: 200,000 IDPs

Mazar-I-Sharif and the North: 500,000 IDPs

At the end of September the threat of the U.S. attacks had started to trigger population movements away from most urban areas towards remote villages and border regions. Eastern and central regions have been particularly affected (OCHA 3 October 2001). As of October 19, the total number of IDPs (displaced by conflict and/or drought) is estimated at 1,160,000 (DFID 19 October 2001)

The military campaign started on October 7 has created new population movements of uncertain scale so far. Recent reports have described increasing number of people fleeing the military strikes and arriving at Iran or Pakistan borders that only the women, children and elderly are allowed to cross. A number of camps have been set up along the borders but within Afghanistan territory to accommodate the displaced.

(Click the map below for a full scale U.S. Government map showing the IDP situation as of 29 October 2001. (pdf 296 kb))



With the borders with all neighbouring countries being closed it is projected that over 1,000,000 persons will be further displaced bringing the total displaced population to an estimated 2,250,000 (see "Projected Displacement in and around Afghanistan - Planning figures", UNDP, 28 September 2001)

The total number of vulnerable people in need of humanitarian assistance and protection inside and outside of Afghanistan is estimated at 7,500,000 people

**Populations in need of humanitarian assistance/protection
(All figures should be treated with caution)**

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

Source: WFP 1 October 2001

Number of IDPs at the end of 2001

"It is variously estimated that around five million Afghans remain displaced, either internally (some 1 million) or as refugees in neighbouring countries and elsewhere (nearly 4 million). These numbers have been generated over the past two decades in three basic phases. Whereas in the 1980s, large displacements resulted from the Soviet invasion and the ensuing war, internecine

conflict was the main cause during the 1990s. Over the past four years, displacement has been a consequence of the effects of a prolonged and severe drought, that was most acute in the western and northern regions, and continuing internal conflict between Taliban and Northern Alliance forces along the north-eastern frontline and in various pockets in the central and highlands regions.

Prior to September 11, 2001, the number of IDPs was estimated by UNOCHA at some 900,000, with particularly heavy concentrations of newly displaced persons in the north and west. Their number is believed to have risen as a result of the conflict during October and November 2001 to around 1.2 million – much of the increase being experienced in the central and southeastern regions and along the Pakistan border. However, given the fluidity of the situation over the past 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." (IDP Unit-OCHA 28 March 2002, pp. 2-3)

Displacement figures for 2001 and 2002

Number of IDPs at the end of 2001

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Geographical distribution

General

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

"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." (UNHCR, July 2005, p.1)

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.¹² 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)

In 2003, UNHCR provided an overview of IDP populations per region. The numbers are outdated but the document provides a good impression of the current displacement situation (see list of sources, UNHCR, 15 October 2003)

Vulnerable groups

UNHCR focus on humanitarian assistance to residual vulnerable IDPs (November 2004)

- Residual assistance to the most vulnerable IDPs in camps or settlements is one of the three components of the national strategy for IDPs
- Assistance will take place in the form of material support, health services, assistance to extremely vulnerable cases and community development
- The hope is that such assistance will in time foster the conditions for a concrete solution for those IDP groups

In 2005, UNHCR will continue to pursue the national strategy for IDPs elaborated in July 2003 within the framework of the Consultative Group on Refugees and IDPs, envisaging three mainlines of action: the prevention of further displacement, the pursuit of durable solutions appropriate to specific IDP groups and the residual assistance to the most vulnerable IDPs in camps or settlements. While pursuing the first two goals through specific activities of protection and human rights monitoring and strategic interventions with the governmental authorities, UNHCR will still provide some form of basic humanitarian assistance to the most vulnerable IDPs, particularly in the camps/settlements in the Southern region of Afghanistan.

This assistance will take the form of material support (food and non food items), health services, assistance to extremely vulnerable cases, community development activities such as vocational trainings and small IGA assistance. Through the latter type of interventions, in agreement with the local representatives of the key ministries, UNHCR will try to increasingly promote a strategy of self-reliance for the IDPs. This approach will permit UNHCR to gradually reduce its assistance engagement, to encourage the Government to assume responsibility for the IDPs and to empower the IDPs.

This may in turn foster the conditions for a concrete solution of the displacement phenomena for some categories of IDPs, either through the voluntary return to the areas of origin or through some forms of local integrations in consultation with the local authorities." (UNHCR, November 2004, p. 11)

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 livestyle 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.

"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'." (IOM, 9 July 2005)

"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 be found so that a large majority of Kuchi not remain 'internally stuck' at their present locations." (Inter-Agency Missions 19 June 2003, p. 10)

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

"Afghanistan faces perhaps the most daunting challenge in terms of women's rights. She says poverty, lack of education, and the damage left by decades of conflict are often cited as the prime causes for the current situation in Afghanistan.

'Afghanistan is very unique in terms of the destruction it has experienced, physical as well as social destruction. All of the countries that I have been to have a working system -- we may not be satisfied with the way it is working, we may be critical of the legislative structure, and in many countries of course there is the problem of gender discrimination, but there is at least a system within which one can work and which offers ways to intervene and improve things. In Afghanistan, this is lacking,' Erturk said.

[...]

The Afghan Independent Human Rights Commission (AIHRC) estimates that between 60 percent and 80 percent of marriages in the country are forced marriages which the woman has no right to refuse. Many of those marriages, especially in rural areas, involve girls below the age of 15. The UN rapporteur on violence against women says forced marriages make it far more likely that women will be subjected to domestic violence, including sexual abuse.

'Little girls as young as 6 years old can be married off in return for bride money, and of course this is a very exploitative, vulnerable situation. So this seems to be the root of the problem, but of course we have to put it in the context of Afghanistan's overall destruction, where not only physical infrastructure but the social fabric of the society has been seriously damaged. All protective mechanisms have withered away. So a rule of power has really become reinforced at all levels. And of course, women and children -- who hold the least power -- have suffered the most,' Erturk says.

Violence upon return

"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)." (UNHCR, 1 March 2005, p.3)

"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." (AI 23 June 2003, pp. 24-25)

"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." (Farr, G. 1 September 2001 pp. 132-135)

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

"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." (IRIN, 27 June 2005)

PATTERNS OF DISPLACEMENT

General

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.

"Afghanistan has experienced conflict for much of the past 25 years, both externally generated and internally induced and has also suffered serious drought conditions in recent years. The Soviet military occupation of 1979-89 brought about large scale displacement, both within Afghanistan and to Pakistan and Iran. The subsequent conflict between the Mujahidin for control of Kabul over the 1992-96 period meant that the population of the capital was frequently on the move as fighting made one neighbourhood after another insecure. There were also episodes which led people to flee the city in their tens of thousands. The efforts of the Taliban, from 1994-2001, to achieve a total conquest of Afghanistan resulted in a targeting of particular populations, notably those in the Shomali Valley to the north of Kabul and in the north-east of the country. The US-led military intervention of October 2001 generated an immediate but temporary flight of part of the population but it also compounded fears among drought-affected populations that aid would not reach them and led large numbers to opt for the relative food security offered by IDP camps. The intervention also created conditions which led to ethnicity-based reprisals against the Pushtun populations of the north, leading to a large exodus to camps in southern Afghanistan. These same ethnic tensions aggravated the situation of the nomadic population, known as the Kuchi, who, as Pushtun, were denied access to grazing lands they had previously used. This compounded economic hardship brought on by drought conditions and has meant that a significant proportion of the present IDP population are Kuchi who cannot easily resume their previous nomadic existence.

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. Herat was chosen because of its economic opportunities, because many men from Maymana were imprisoned there by the Taliban and because of its function as a transit point to Iran.

(...)

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).

Uzbek IDPs, like others, are continuously reassessing their options on the basis of different scenarios. The trigger to start moving again – and how, where to and for how long – can be influenced by violence and harassment, a lack of economic opportunities and gender and age-linked roles and responsibilities. They show a wealth of livelihoods strategies throughout their displacement history.

(...)

Further, intra-household dynamics play a key role in the decision making – in particular when different places are home to different people within a household. Uzbek women definitely have a say in this, and sometimes determine the decisions ultimately made.

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." (AREU August 2004, pp. 1-3)

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.

Pastoralist Kuchis displaced by drought in the south and Pashtuns displaced from the north are the two main IDP group

"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."(Inter-Agency Missions 19 June 2003, p. 2)

"Since October 2001, over 60,000 Afghans have been living around the town of Chaman on the southern Pakistan-Afghan border. Half of them fled because of the drought and the warfare in the south. Many of these are Kutchis. The other half comes from the north. These are Pashtuns, trying to escape the ethnic tensions that erupted shortly after the war against terrorism began. Uzbeks and Tajiks took revenge on the local Pashtuns because they suspected them of supporting the Taliban. The Pashtuns fled towards the south, where their tribe is in the majority, and ended up in the border area along with the Kutchis; looking for help and protection.

The first group, a few ten thousand, were lucky. Though Pakistan had officially closed the border it was still allowing a lot of Afghans through. These were taken to various official refugee camps on the Pakistani side of the border, where they received the help they were entitled to. MSF runs health programs in two of these camps: Rhogani and Lande Karez.

Another group of around 25,000 Afghans were less fortunate when they attempted to cross the border at Chaman in February 2002. They were stopped and since then have been stuck in a piece of no man's land, practically on the border but just on the Pakistani side. They have been living in a chaotic camp where it took a long time to organize assistance. MSF was present there from the very start to provide the people with medical support (vaccinations, basic healthcare) and to tackle malnutrition among the children.

Then, there is a third group of some 35,000 Afghans on the Afghan side of the border, dispersed over five camps around Spin Boldak, near Chaman. As they are still inside Afghanistan, they are not official refugees but internally displaced persons. MSF runs a health clinic in Spin Boldak." (MSF 7 October 2002)

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

General

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.

"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." (UN Secretary-General, 12 August 2004, pp. 13-14)

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

"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." (DIS March 2003, pp. 39-40)

"In the last 25 years of fighting, over two million people have been killed in Afghanistan, most of them civilians. There are few sources of protection for displaced persons. There is no responsible government to which the displaced can appeal and the presence of international agencies is limited. Those agencies that have been able to operate in Kabul have called upon the Taliban government to protect internally displaced persons, but those calls have, in general, been poorly received. The Taliban are not the only threat to security, however. Guerrilla groups have also been involved in killing and harassing Afghan citizens.

Since the displaced are largely unarmed civilians, they must either rely on hiding or fleeing, or seek protection with sympathetic resistance commanders. By agreeing to side with either the Taliban government or one of the various resistance groups, the displaced can win some measure of protection. To some degree, a displaced person's choice of protective political group depends on his ethnic background. The Pushtun have generally sided with the Taliban, and the non-Pushtun groups--the Tajik, Uzbeks, and Hazara--have sided with groups hostile to the Taliban. Many non-Pushtun groups have also joined the Taliban, but it is unclear whether this choice was made freely or not." (Farr, G. 1 September 2001 pp. 131-132)

The continuing influence of warlords is an important barrier to the protection of human rights in parts of the country (January 2005)

- Continuing power of warlords put human rights at risk
- US has implemented a "warlord strategy" to relieve it from its security and human rights responsibilities.

- Beyond Kabul poor security, generalized criminality, and limited regard for basic human rights have marked the history of Afghanistan since the fall of the Taliban

"Political repression, human rights abuses, and criminal activity by warlords—the leaders of militias and remnants of past Afghan military forces, who were brought to power with the assistance of the United States after the Taliban's defeat—are consistently listed as the chief concerns of most Afghans. However, the marginalization of two major warlords—Marshall Fahim, the first vice president and defense minister, and Ismail Khan, self-styled Emir of Herat—raised hopes that President Karzai and the international community had begun to reverse their policy of relying on warlords to provide security.

Local military and police forces, even in Kabul, have been involved in arbitrary arrests, kidnapping, extortion, torture, and extrajudicial killings of criminal suspects. Outside Kabul, commanders and their troops in many areas have been implicated in widespread rape of women, girls, and boys, murder, illegal detention, forced displacement, and other specific abuses against women and children, including human trafficking and forced marriage. In several areas, Human Rights Watch documented how commanders and their troops seized property from families and levied illegal per capita "taxes" (paid in cash or with food or goods) from local populations. In some remote areas, there are no real governmental structures or activity, only abuse and criminal enterprises by factions.

In July 2004, President Karzai dropped Mohammad Qasim Fahim from the vice president's spot on his presidential ticket. The first vice president and minister of defense for most of 2004, Marshall Fahim, is a factional leader and for the last three years has resisted many efforts to disarm his forces or to replace factional commanders whom he appointed to high-level positions in the ministry.

The western city of Herat descended into violence on two occasions after President Karzai dismissed the the main warlord there, Ismail Khan, from his post in September 2004. The factional violence led to the temporary suspension of U.N. and NGO humanitarian operations. Ongoing factional rivalries impede aid delivery and development in several provinces in the north and west of the country.

Many districts remain insecure because of violence caused by factions ostensibly affiliated with the government. The medical aid organization Médecins Sans Frontières (MSF, Doctors Without Borders), decided to pull out of Afghanistan after five MSF workers were killed in the northwest of the country in June 2004—a momentous decision given that MSF worked in Afghanistan through the worst violence of the early 1990's. Overall, nearly fifty aid workers and election officials were killed in 2004, far higher than in any previous period.

In the south and southeast of the country, Taliban remnants and other anti-government forces outside Afghanistan's political framework have continued to attack humanitarian workers and coalition and Afghan government forces. As a result of attacks, international agencies suspended many of their operations in affected areas, and development and humanitarian work has suffered as a result. In some areas—like Zabul and Kunar province—whole districts are essentially war zones, where U.S. and Afghan government forces engage in military operations against Taliban and other insurgent groups. Hundreds of Afghan civilians were killed in 2004 during these operations—in some cases because of violations of the laws of war by insurgents or by coalition or Afghan forces.

In many areas around Afghanistan, poppy production has reached record highs, and many factions—including Taliban and anti-government forces—are suspected of engaging in drug trafficking. U.N. and U.S. officials estimated that in 2004 Afghan-produced opium and heroin

accounted for approximately 75 percent of the entire world supply, and approximately 90 percent of that consumed in Europe. The drug revenue amounts to approximately U.S.\$2.5 billion—half of Afghanistan Gross Domestic Product. The inflated profits provide warlords with an independent source of income which make it especially difficult to establish rule of law." (HRW, 15 January 2005)

Physical security

100 victims of landmines each month in Afghanistan (June 2005)

- There are currently an average of 100 mine victims each month
- 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.
- The known mine/UXO contaminated area is estimated to total approximately 737 million square meters of land in 206 districts of 28 provinces

"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." (UNAMA, 23 June 2005)

"Landmines and unexploded ordnance (UXO) affect some 6.4 million Afghans living in, or who plan to return to, one of 2,400 landmine-contaminated communities. The names of new victims and survivors from landmines and UXO are added to the list of past victims and survivors, a number now thought to be in excess of 100,000 people according to the best estimates. Some 25 years after their initial deployment, these weapons continue to terrorize the Afghan people.

Landmines were first used in Afghanistan during the Soviet occupation (1979-1989). Landmine and UXO contamination continued to occur during the period of the pro-Soviet ruling government (1989-1992), during fighting between various factions from 1992-1995, and during the Taliban era, in fighting with resistance forces from 1996 to September 2001. Some very limited contamination also continues to occur as a result of military operations by and against the American-led coalition since October 2001 and also as a result of ongoing factional fighting.

During 2003 and 2004, there were few reported cases of newly planted mines. Of the incidents reported, many were said to have occurred in areas of the country where it was unsafe to deploy teams due to on-going conflict. It is assumed that some UXO contamination also occurred in the conflict zones. Other reported incidents involved interpersonal disputes.

An alarming trend that emerged in 2003 was the use of landmines as the basis for Improvised Explosive Devices, used to target Afghan government officials, national and international aid workers—including mine-action personnel—and international troops operating within the coalition and the United Nations-sanctioned International Security Assistance Force (ISAF). This trend highlights the need for action to address the issue of stockpiled landmines and munitions in Afghanistan ." (Mine Action, 2004)

"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." (UNSC 12 August 2004, p. 16)

"Mine action operations were virtually brought to a halt following 11 September 2001. The mine action infrastructure suffered greatly during the subsequent military conflict, as some warring factions looted offices, seized vehicles and equipment, and assaulted local staff. Four deminers and two mine detection dogs were killed in errant U.S. air strikes. Military operations created additional threats to the population, especially unexploded U.S. cluster bomblets and ammunition scattered from storage depots hit by air strikes, as well as newly laid mines and booby-traps by Northern Alliance, Taliban, and Al-Qaeda fighters.

(...)

The known mine/UXO contaminated area is estimated to total approximately 737 million square meters of land in 206 districts of 28 provinces. Of this, some 360 million square meters are classified as high priority land for clearance. The areas affected include vitally important agricultural land, irrigations systems, residential areas, grazing land, and roads. Priority areas include those where there is a high risk of accident, high repatriation, and the area is vital to meet the basic needs of villagers." (ICBL August 2002)

Living conditions for IDPs largely stabilised, while human rights abuses continue to be an issue (September 2005)

- Despite stabilisation of the living conditions of most IDPs, returns in 2005 have been slower than expected
- From its returnee monitoring activities, UNHCR concludes that returnees (refugees and IDPs) face similar hardship and human rights abuses as the rest of the population
- Instability and deteriorating security situation has made returns of refugees and IDPs unsustainable and forced some into renewed displacement.
- Returnees are subject to illegal taxation by local commanders in their village of origin.
- Forced recruitment in the north and protection concerns is causing new displacement.
- Some IDP families were forced to sell their daughters into marriage or sell their child to survive.

"Heavy winter snowfall and more frequent rains have ended drought conditions in many of the areas of origin of IDPs currently living in camps and settlements in Southern Afghanistan. Political developments in the Northern provinces, progress in the disarmament process as well as the expansion and deployment of ANA (Afghan National Army) and ANP (Afghan National Police) to more areas of the country, have also created opportunities for IDPs to return to their places of origin in safety and dignity. However, the return of IDPs has remained limited this year. Against a planned figure of 55,000, some 7,000 individuals from the remaining four IDP settlements in the South (Zar-e-Dasht, Mukhtar and Panjwai) and the West (Maslakh) have returned to their places of origin.

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).

["The findings of returnee monitoring in the past years show that returnees and the communities to which they return largely face similar problems, including human rights violations and abuses." (UNHCR, 23 August 2005)] In order to address the issue of human rights more effectively and to contribute to the strengthening of the national capacity to monitor, document and address abuses, UNHCR entered into a partnership for field monitoring with the Afghan Independent Human Rights Commission (AIHRC). A joint methodology, as well as a database, has been developed to improve the collection of information, and subsequent actions to address human rights violations. Field monitoring units have been established in the ten AIHRC Regional and Provincial Offices across the country.

AIHRC and UNHCR have conducted over 4,500 interviews with Afghans in 83 districts across the country. An initial analysis suggests a similar pattern of abuse exists in most regions. The main perpetrators are local commanders who are reported to be engaged in activities such as land occupation, illegal taxation and illegal detention. Cases of land disputes in which police authorities and district and provincial courts are unable to enforce the rule of law are also regularly reported. In addition to forced and under-age marriage and domestic violence, women face problems over inheritance of property and retaining tenure over land after the death of a male relative. Cases of discrimination in access to education for girls were also found in which the State failed to provide access to primary school facilities for girls on level equal to boys." (UNHCR, September 2005)

"Most returnees and IDPs interviewed by Amnesty International had been negatively affected by the deteriorating security situation, which has drastically reduced the sustainability of return, and in some cases has caused renewed displacement. As the fighting continues and escalates, more people are leaving their homes in search of security, either within Afghanistan or to neighbouring countries. In Archi district in Kunduz, 12 returnee families had returned to Pakistan in February 2003, complaining about the policies of exploitation of local commanders.

Returnees are also subject to illegal taxation by local commanders upon their return to their villages of origin. This is now rife in many areas of the north, where such taxation often takes the form of a proportion of the UNHCR reintegration package.

The precarious security situation had a far-reaching impact on the protection concerns of returnees, furthering affecting the sustainability of return. In the north of the country, local

commanders are forcibly recruiting men and boys to participate in the internecine fighting. The local representative of the Ministry of Refugees and Repatriation in Jawzjan province alleged that as many as 2000 families had left Afghanistan in recent months following attempts by the rival *Jamiat-e Islami* and *Jonbesh-e Melli Islami* factions to forcibly recruit men and boys. Other families had been compelled to send their sons away, most often to Iran and Pakistan, to escape forced recruitment. Still others have been forced to sell their houses in order to pay the local commander not to recruit their sons.

Another protection concern is the prevalence of forced and premature marriages of girls in order to receive dowry. In Badakshaukat IDP camp outside Kunduz city, Amnesty International was told of two families that were forced to sell their daughters, aged 4 and 7 years, into marriage. One returnee in Kabul also told Amnesty International of having to sell one child in the last months of 2002 in order for the rest of the family to survive through the winter." (AI 23 June 2003, p. 23)

"At the end of 2002 the monitoring system of UNHCR covered 27 provinces, only excluding Uruzgan, Paktia, Paktika, Khost and Nuristan. However, not all the districts of the 27 provinces were covered. The gaps were mainly related to security concerns on the ground.

Problems related to the unstable security situation were highlighted as the main concern for returnees and IDPs. The insecurity – primarily arising from the presence of irregular armed groups in the provinces – does not only affect the returnees and IDPs, but being in transitional phase the latter become extra vulnerable and often have a limited network to cope with the situation. Among the violations identified was extortion of money, excess taxation, rape, kidnapping and forced recruitment by the armed groups (especially in the North-Western area and the Central Highlands).

In addition disputes over land ownership, water rights and housing were emphasised as a key concern.

The problems are enhanced by the limited availability and functioning of dispute settlement mechanisms. The formal judicial system outside Kabul has all but disappeared and the strength of informal systems – to counter the influence of the warlords – varies greatly across the country. The involvement of local shuras/jirgas has in some instances provided an alternative, however, this to some extent presents a dilemma given that many shuras/jirgas base their decisions on traditional customary law, which tends to be interpreted in a conservative manner. An option would be to invest more in training and supervision of the shuras to enhance their skills. These issues should be discussed with the Judicial Commission and the CG on Rule of Law.

UNHCR highlighted three mechanisms, which had proven rather successful in addressing the concerns of returnees and especially IDPs:

- 1) The Return Commission for the North West which consisted of representatives from the Ministry of Refugees and Repatriation (chair), the Afghan Independent Human Rights Commission, UNAMA, UNHCR and the three main faction in the Northern part of Afghanistan (Jumbish, Jamiat and Wahdat). The objective of the commission is to identify obstacles to the return for the population, who has fled the North and the adoption of appropriate actions to remove these obstacles. The commission should furthermore establish a dialogue with the IDPs and refugees in their areas of displacement. The work of the commission and the corresponding working group has been progressing in a promising manner (the working group has conducted assessment missions in Jawzjan, Faryab, Sar-I-Pul Balkh and Samangan) and the latest report on the situation in Faryab province contains some very blunt observations. It remained to be seen to which degree the full commission will take action based on these reports.

2) A Return Shura has been established in Bamyan with a mandate to follow up on problems related to the return of especially Tadjik IDPs. This has according to UNHCR had a positive effect on the assessment made by the Tadjik IDPs who are now returning in greater numbers.

3) A number of Human Rights and Protection working groups had been established in the provinces. The working groups included representatives from UNAMA, UN agencies, AIHRC and NGOs being active in the field. This had proven to be a good mechanism to secure better information sharing and more consolidated interventions. The work in Mazar, Herat and Kabul was highlighted in this respect. UNAMA is preparing a strategy on this issue, which can be shared with members of HRAG, once it has been discussed internally." (HRAG 12 June 2003)

Freedom of movement

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
- Returnees and IDP movements were fewer than expected; the movements that occurred were mainly from rural to urban areas, due to insecurity, drought and lack of opportunities
- Ethnic Hazaras prevented some Kuchis from returning to their traditional grazing lands
- Around 100,000 Pashtuns remain displaced

"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.

There were estimates that up to 165,000 persons were displaced internally. However, during the year, over 750,000 refugees and a modest number of IDPs were resettled. Since 2002, over 3 million citizens have returned to the country. Women and children constituted 75 percent of the refugee population. Refugee returnees settled primarily in urban areas and placed additional strain on the cities' already overburdened infrastructures. There were further population movements from rural to urban areas due to drought, insecurity, and inadequate assistance in rural areas.

Sporadic fighting and related security concerns, as well as the drought, discouraged some refugees from returning to the country. For example, in mid-August, refugees returning from Iran were stranded for several days due to fighting between different provincial governors and warlords in and around Herat Province (see Section 1.a.).

Ethnic Hazaras prevented some Kuchi nomads from returning to traditional grazing lands in the central highlands for a number of reasons, including allegations that the Kuchis were pro-Taliban and thus complicit in the massacres perpetrated against Hazaras in the 1990s. Hazaras also found difficulty in returning to the country. In December, a local leader from Karukh district in Herat blocked the return of approximately 200 Hazara refugees from Iran.

According to the U.N., 100,000 Pashtuns, displaced from northern areas after 2001 because their ethnic group was closely associated with the Taliban regime, remained displaced." (USDS, 28 February 2005)

SUBSISTENCE NEEDS

General

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

"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." (UNGA report, 9 September 2005, p.14)

As observed in a number of documents, it is difficult to clearly establish and delimitate 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 attention is mostly focusing on the return process. This fact is reflected in this section on Subsistence Needs, which focuses mainly on the needs of IDP and refugee returnees.

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.

After camp closure in Pakistan, returnees face great subsistence needs while waiting to return (October 2005)

- In August 2005, the Pakistani government closed a number of refugee camps in the Federally Administered Tribal Areas (FATA)
- Between August and October 2005, an estimated 30,800 individuals voluntarily repatriated with an assistance package from UNHCR
- Local authorities want to avoid the creation of new IDP camps and promote the return to areas of origin
- In the meantime, many returnees are regrouped in camp-like situations where there is reportedly an acute lack of shelter, and lacking access to drinking water and sanitation
- A land allocation scheme for the most vulnerable returnees (not only from the FATA caseload) is in preparation

"The Pakistani government decided to effect its decision made in 2004 to close Afghan Refugee camps in the Federally Administered Tribal Areas (FATA) when it announced the closure of over 30 Afghan refugee camps by the end of August 2005.

Mr. Jehangir Khan, head of the Pakistan Commissionerate of Afghan Refugees (CAR) announced that as of 31 August, all the Afghan refugee camps in Kurram and Bajaur agency would be closed. However, the camp residents could avail themselves of the UNHCR's assistance package for repatriation back to Afghanistan. According to CAR, about 105,000 Afghan refugees living in 32 camps would be affected by the closure. Many of these families first crossed into Pakistan in the 1970's during the Soviet-Afghan conflict and have therefore been in exile for more than 25 years.

UNHCR estimates that during the period starting 15th August approximately 5,400 families (30,781 individuals) UNHCR Preliminary Plan of Action dd. 30th September (Attachment III). This indicator was measures the number of persons registering at the Mohmand Dara Enchasment Centre at the Pakistan border. There are families that have not passed through the centre and returned independently. families voluntarily returned to the eastern region of Afghanistan. According to the agency's data approximately 3,129 families (as at 16th October) have returned to the Nangarhar province and that "54% returned either to their place of origin or to their community/families. The remaining 46% settled in clusters and government allocated areas" ibid NRC's team found that the new returnees have settled in the following settlements:

- a) 240 families in the Hisarshahi cluster on Jalalabad Torkham Highway,
- b) 1200 families in Shaikh Misry cluster in South West of Jalalabad and
- c) 220 families in Tangi Behsood North East of the city
- d) In addition 1500 families are located in Kunar province

UNHCR is currently coordinating the relief efforts of the humanitarian community and has developed a gap analysis in the form of the Action Plan for Jalalabad that is attached as Attachment III of this report.

According to UNHCR between August 15th and October 2nd 2005, approximately 104,000 Afghans (19,187 families) returned to Afghanistan form the Bajaur and Kurram agencies, out of whom the large majority (some 17,200 families) went back to the five provinces of Khost (5,146), Paktya (5,025), Nangarhar (3,129), Kunar (2,288), Logar (1,578) and Kabul (1,347).

Coordination

The local authorities are adamant on assisting returnees to return to their place of origin and are reluctant to create new "IDP Camps". Access to assistance is therefore coordinated through local authorities. UNHCR is working closely with the local authorities to ensure the protection of returnees and the engagement of international NGOs is a process that is currently taking momentum in the Nangarhar province.

From individual interviews that were conducted at the two largest returnee clusters the team reported the following:

- A significant number of people in both clusters were concerned about hygiene. There are limited latrine facilities and family's improvised with self made toilets next to their tents. This poses a potential health risk in the area.
- There is a desperate need for temporary shelter assistance. Currently families are living under tents and plastic sheets provided by UNHCR.
- The Department of Public Health (DoPH) established mobile teams to visit clusters every four days to provide medical services. Also the DoPH is chlorinating in the water reservoir and the

tanks to make sure the water is healthy. This requires further support. DoPH has also drafted a proposal to UNHCR to assist in provision of latrine facilities to solve the open defecation problem.

- Potable water is another huge problem for the returnees in the Hesarshahi cluster. Families pay organisers of the neighbouring "Kabul Camp" a monthly charge of 100 Afghanis for one bucket of water/family/day. In Shaikh Mesri cluster people are getting water from a dam nearby which is not healthy. The government seeks support for permanent water supply to areas that they've allocated for settlement. There is no short term solution to the water needs of the returnees.
- UNHCR reported that the DoRR is planning to allocate land for 10,000 plots for extremely vulnerable families in Shaikh Mesri and 30,000 plots in Gimbiri. Land allocation scheme will not be exclusive to the FATA caseload and will be also assist other extremely vulnerable returnees.

Food

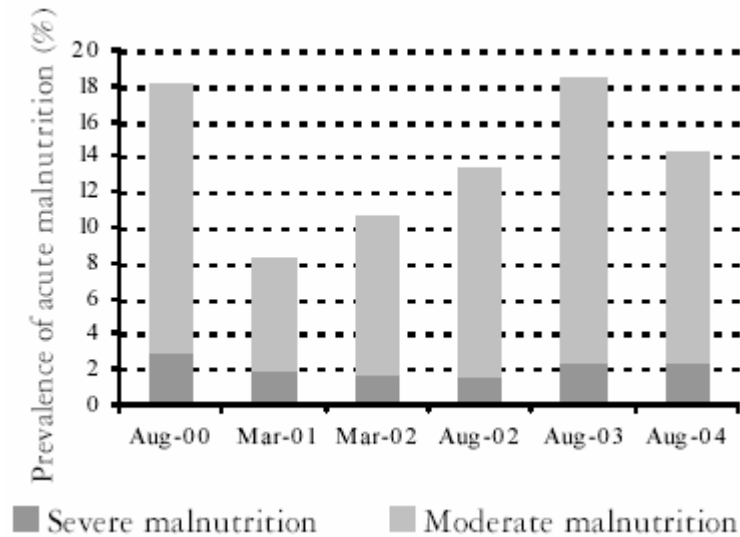
Overall nutrition situation stabilising (February 2005)

- The nutrition situation is still precarious in Northern Shamali and Southern Panjshir, with mortality rates below the alert threshold
- Overall, 6 million people are estimated to be food-insecure in 2004-2005
- In the provinces of Nimroz, Kandahar, Paktika, Zabul, Kunar, Logar and Faryab, over 50 per cent of the population could not meet their basic food needs in Winter and Spring 2005
- About 17,000 households were displaced during summer 2004 due to a lack of drinking water or irrigation water, or to food shortages
- The nutrition situation in Kabul seems to have stabilised
- Vulnerability in Kabul is mainly linked to access to facilities and services which are not equally accessible

"A random-sampled nutrition survey was conducted in four districts of Kapissa province, three districts of Parwan and two districts of Panjshir in August 2004 (ACF-F, 07/04). The survey indicated a precarious situation: 14.3% (11.3-17.9) of the children were acutely malnourished, including 2.3% (1.2-4.3) severely malnourished. This seems to be a slight decrease when compared to August 2003. The prevalence of malnutrition is traditionally higher during summer than winter. Mortality rates were below alert thresholds: CMR = 0.39/10,000/day, under-five MR = 0.62/10,000/day. The presence of goitre was assessed among 6 month to 15 year-old children (2226) and among women from 15 to 45 years. Seventeen percent of the 6 month to 15 year olds had goitre; girls were significantly more affected than boys: 19.7% vs. 14.3%. Forty percent of the women had goitre, which is a very high level. The use of iodized salt seemed, however, to have increased in 2004.

Shamali plain is very fertile but the area was the stronghold of the resistance against the Taliban and has suffered from destruction and blockades. It seems that little assistance is delivered to the area, which would benefit greatly from food security interventions.

Prevalence of acute malnutrition, Northern Shamali, Southern Panjshir



NICS November 2004

The 2004 harvest was poor, due particularly to insufficient rainfall. The cereal harvest is estimated at 3.06 million MT, which is 43% down on the bumper harvest of 2003 and 18% down on the average harvest of 1998 (FAO/WFP, 08/09/04).

[...]

It is estimated that more than six million people will be food insecure and will require support. Among them, four million will have access to assistance through government programmes, while 2.3 million people will be targeted by WFP's emergency programme (FAO/WFP, 08/09/04).

The most affected provinces are Nimroz, Kandahar, Paktika, Zabul, Kunar, Logar and Faryab, with more than 50% of their population who will not be able to meet their basic food needs during winter and spring (MRRD, 09/04).

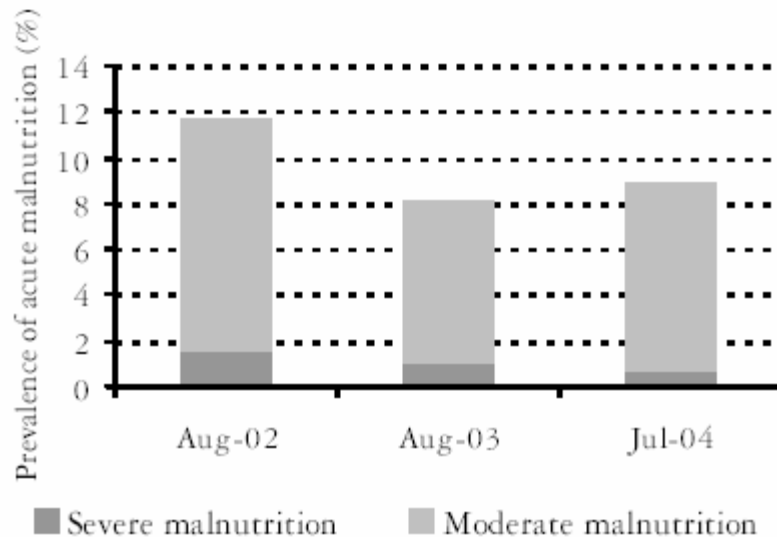
About 17,000 households were displaced during summer due to a lack of drinking water or irrigation water, or to food shortages (FEWS, 30/09/04).

Refugee repatriation continues. About 373,000 and 366,000 people were repatriated from Pakistan and Afghanistan so far this year: the total number of returns since 2002 amounting to about three million (UNHCR, 07/11/04).

Average situation in Kabul city

A random-sampled nutrition survey was conducted in Kabul in July 2004 (ACF-F, 08/04). Among the families surveyed, 65% were residents, 30% were returnees and 5% were displaced. **The prevalence of acute malnutrition was 8.9% (6.6-12.0), including 0.6% (0.1-2.0) severe acute malnutrition. The mortality rates were under control: CMR= 0.3/10,000/day and under five MR= 0.63/10,000/day.** Measles vaccination coverage was average: 85.2%. The prevalence of acute malnutrition is higher during summer months than during winter. Compared with the previous two years, at the same season, the nutrition situation seems to have been stable (figure 6).

Figure 6 Prevalence of acute malnutrition, Kabul, Afghanistan



A random-sampled nutrition survey was also carried out in May 2004, among the under six-month-olds as they represent a significant proportion of admissions to TFCs (ACF-F, 05/04). Among the 507 infants measured, 18 had a height of less than 49 cm and therefore their weight-height index could not be calculated. Seven of these children had a weight lower than 2.5 kg. Among the remaining 489 infants, only two cases of moderate malnutrition and no cases of severe malnutrition were recorded. The mean weight-height was -0.15 Z-scores.

[...]

A vulnerability mapping analysis conducted in Kabul in January 2004 showed that access to infrastructure and services was key to vulnerability and was not equally available throughout the city (ACF-F, 01/04). Neighbourhoods left out of the municipality master plan were especially at risk. It also appeared that the status of the families (residents, displaced or returnees) was a less important factor of vulnerability than the stability of income resources, the network, the composition of the household and the housing situation, with the highest vulnerability among those who had to rent a house. The study recommends that comprehensive long-term plans on urban planning, health care, transportation and sanitation network be put in place as soon as possible, and that in the short to medium-term, rehabilitation of destroyed housing, income generation schemes, and public infrastructure be enhanced in highly vulnerable areas.

NICS August 2004

Refugees

About 450,000 refugees, 242,000 from Iran and 210,000 from Pakistan, have been voluntarily repatriated to Afghanistan so far this year (UNHCR, 20/07/04). The high number of returns from Iran may be linked to increased pressure from the government of Iran on the refugees, such as demanding high fees for education or health care (RI, 09/07/04). In Pakistan, UNHCR stopped the aid provided to 194,000 refugees settled in "new camps" established after the American intervention in Afghanistan along the border in unsafe areas (UNHCR, 20/07/04). 82,000 refugees were voluntarily repatriated to Afghanistan whilst others were moved to another camp (UNHCR, 07/09/04).

An estimated 20,000 refugees were obliged to flee Pakistani army operations in South Waziristan (AFP, 23/07/04). They were given a 72 hours notice to leave. They have fled to Paktika province, a stronghold of the Taliban, where UN and humanitarian agencies have little access (IWPR, 20/08/04).

Internally Displaced Persons

As of late July 2004, the IDPs' caseload was estimated at 145,000 in the south, 20,000 in the west, 9,000 in the north and 5,000 in both east and south-east provinces (BAAG, 31/07/04). Spin Boldak IDP camp was expected to close at the end of August. As of July, 20% of the IDPs wished to be transferred to Zhare Dasht camp; only 2% wanted to return home and the remaining wished to stay in Spin Boldak and were therefore no longer considered as IDPs (UNHCR, 05/07/04).

Drought

An appeal was launched by the Afghan government and the UN for combating the consequences of the drought (GTISA, 01/09/04). According to a recent study, 37% of the population are thought to be food insecure, a doubling in the past 12 months. Poorly distributed precipitation and the early and rapid depletion of the snow pack owing to higher than normal temperature are responsible for ground water levels dropping, scarcity of access to water and to an expected crop failure (FEWS, 12/07/04). The south of the country is the most affected (see map).

Districts affected by water shortage, Afghanistan, July 2004 (FEWS, 12/07/04)



Steady decrease in malnutrition in Kabul in the past years (January 2004)

- Nutrition situation in Kabul has markedly improved since 2002, although absolute figures remain high due to population density.
- At the end of 2003, worrying levels of malnutrition were recorded in southern Kapisa and the northern Shamali-southern Pansheer

"The latest nutritional survey carried out by ACF in November 2003 confirmed a consistent decrease in malnutrition levels over the past years, as evidenced in the table here below.

These results point to an improvement in the nutrition situation of the population of Kabul in recent years with a marked improvement since 2002, even though absolute figures remain high due to population density. Nutrition survey results also highlight an annual peak of malnutrition during summer, which is most probably correlated to the increase of diarrhoeal diseases at this time of year. Figures on diarrhoea cases in 2002 and 2003 compared to the number of admissions in ACF's supplementary feeding centres underlines this parallel between diarrhoea cases and malnutrition, with a peak for both in summer: the increase and decrease of the

diarrhoea being slightly earlier than that of malnutrition. For 2003, it seems that the number of both diarrhoea and malnutrition cases is lower than in 2002." (ACF January 2004, p. 19)

"Nutritional status

Several random-sampled surveys were carried out during the summer. The results showed average to worrying nutritional status (see table). In Kabul city, the nutrition situation has remained average since last year

In southern Kapisa and the northern Shamali-southern Pansheer, worrying levels of malnutrition have been recorded; in Pansheer valley, the nutrition status has deteriorated when compared to last year at the same period (see figure). RNIS does not have, however, sufficient information to be able to give an explanation about this high prevalence of malnutrition. Mortality was under-control (see table)." (RNIS 43, November 2003, p. 28)

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

Health situation remains dramatic in most parts of the country, despite some progress (September 2005)

- Despite progresses, health situation remains dramatic
- Most Afghans do not have access to basic nutrition and health services
- One third of health services are concentrated in Kabul province, where only 7 per cent of the population live
- 40% of existing health facilities do not have female staff, which means that women are very unlikely to access those facilities.
- More than 80 per cent of the services that do exist are provided by NGOs.
- Average life expectancy in Afghanistan is just over 42 years.

"61. Owing to the exceptionally high maternal mortality rates in Afghanistan, UNICEF recently declared a state of acute emergency for the women and children. About 20 per cent of Afghan children die before their fifth birthday and about 1,600 out of every 100,000 Afghan mothers die while giving birth or because of related complications. UNICEF has estimated that 700 children below the age of 5 die each day and 80 per cent of these deaths are due to preventable diseases. Women in Afghanistan are 60 times more likely than women in developed countries to die from pregnancy-related conditions. The life expectancy of Afghans is 44.5 years (with a healthy life expectancy at birth of only 33.4 years) and with men living longer than women.

62. WHO reported that one third of the health professionals are concentrated in the province of Kabul, where only 7 per cent of the population live. However, according to the Ministry of Public Health (MoPH), a basic package of health services is presently available across 77 per cent of the country geographically. The lack of female doctors means that rural women continue to be deprived of basic health care as they are too ashamed or not allowed by their spouses or male guardians to be treated by male doctors. Insecurity in the country has also prevented many women, especially those in rural areas, from travelling outside their homes to seek health care.

63. Thirty-one persons are reported to be living with HIV/AIDS in Afghanistan although MoPH has estimated that the actual number could be between 600 and 7,000. One in five people suffers from mental health problems. The opportunities for psychosocial support are almost non-existent.

64. According to a 2004 report by the Government, only 23 per cent of the people have access to safe water and only 12 per cent have access to adequate sanitation. Children are most at risk." (UNGA, 9 September 2005, p.15)

"Over the past two years, significant achievements have been made in the health sector. The Ministry of Public Health, together with other ministries and international agencies, has made considerable progress in policy and institutional reform, as well as in service delivery. Through successful mass vaccinations, the number of confirmed polio cases was reduced to 7 in 2003. A measles vaccination campaign reached more than 90% of children between 6 months and 12 years old, resulting in an estimated 30,000 lives saved. In the area of nutrition, the first large-scale iodised salt production plant has been established to tackle iodine deficiency, and 300,000 malnourished women and children have received support. Within the Ministry, a Grants Management Unit has been established to manage the Health budget and coordinate with donors.

Despite these achievements, the health situation in Afghanistan remains dramatic. Most Afghans do not have access to basic nutrition and health services that impact on health and well-being. Forty percent of existing health facilities do not have female staff, which means that women are very unlikely to access those facilities. More than 80 per cent of the services that do exist are provided by NGOs. The average maternal mortality rate is 1,600 per 100,000, while in the north eastern province Badakhshan, the rate is 6,500 per 100,000—the highest ever reported globally. The infant mortality rate is 165 per 1000, the highest in Asia, while the under-five mortality rate is 257 per 1000. The average life expectancy in Afghanistan is just over 42 years.

Notwithstanding the success of recent campaigns, routine immunization coverage (DPT3) is estimated at only 30 per cent country-wide. The rate of chronic malnutrition (moderate and severe stunting) remains around 50% reflecting a combination of livelihood factors, such as poor caring practises, micronutrient deficiency, and chronic food insecurity. The country also has the highest rate of iodine deficiency in the world.

Among children, diarrhoea, acute respiratory infections, and vaccine preventable illnesses likely account for 60% of deaths. Among adults, tuberculosis accounts for an estimated 15,000 deaths per year with 70% of detected cases being among women.

Currently, the most significant constraint to improving public health and nutrition is the lack of basic health services. Even simple and effective interventions, such as routine immunization, are only slowly becoming available. Major challenges to improving service delivery include: (i) the shortage of skilled health staff in rural areas, particularly of female staff; (ii) the lack of managerial capacity, especially at provincial level; and, (iii) the existence of managerial and organizational structures that do not provide incentives or accountability for results.

Preventive health practices are weak, due in part to lack of information and to inadequate practices in hygiene, nutrition, water-related health behaviour, and simple disease prevention (mosquito nets). Weak prevention underscores the fundamental importance of education as a factor in improving public health, particularly the education of women as primary care givers in the home. It also raises the need for better informed, better trained primary health staff within the national system.

There are also several cross-cutting issues that impede improvements in health status, inter alia the lack of physical security and accompanying human rights violations, the low social status afforded to women, and the extremely low availability of basic infrastructure in rural roads, electricity, safe water, and sanitation systems. Poor education, particularly female education, and the increasing problem of narcotics addiction also have an adverse impact. The absence of a secure, long-term expenditure framework is yet another constraint." (TISA, ADB, UNAMA, UNDP, WB, 17 March 2004, pp. 25-26)

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

"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." (UN SSCN February 2004)

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 Shadayee 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.

"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." (AlertNet 28 May 2003)

"(...) 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." (RI 8 January 2002)

MSF concerned about the relocation of 12,000 IDPs from Shaidayee to Maslakh camp (June 2003)

- There is concern that the phasing out of food distribution is happening without a comprehensive understanding of the IDPs' coping mechanisms.
- 16,000 IDPs in Shaidayee camp and 29,000 IDPs in Maslakh camp.
- Govt plans to close Shaidayee camp in the coming months.
- MSF is worried that the relocation of 12,000 IDPs from Shaidayee to Malsakh camp will disrupt their lives and employment.
- MSF thinks closure of the camp will result in mental and physical damage for the Shaidayee camp IDPs.

"In Hirat, IDP protection in the camps has improved over the situation a year ago. Currently, however, IDPs are facing possible forced relocation from Shaydayee camp to Maslakh camp because the governor is 'restituting' most of the camp lands to the military. Because Maslakh is much further from Hirat town, such relocation runs contrary to the expressed goal of achieving durable solutions as relocated IDPs risk losing their already limited livelihood options and access to urban employment. At the same time food distribution is being phased out and the mission noted that there is much concern among many of the international community that this is occurring without a comprehensive vulnerability analysis being completed and a fuller understanding of the existing coping mechanisms of IDPs being reached. Thus, WFP is encouraged to revisit its plans for targeting assistance to the residual IDPs pending the completion of a planned vulnerability assessment later this summer." (Inter-Agency Missions 19 June 2003, p. 8)

"We estimate there are 16,000 internally displaced persons in Shaidayee. Mashlak is much bigger, with around 29,000 people living there. This is likely to change dramatically in the coming weeks when the U.N. agencies and Afghan government relocate the population of Shaidayee to Mashlak. The government's plan is to completely close Shaidayee in the coming months. Around 12,000 internally displaced persons are being relocated. We are worried about this because of Mashlak's capacity to receive such a large number. The move could potentially disrupt the lives and employment developed by people living near Shaidayee. Once the camp closes their income will disappear.

(...)

There is an atmosphere of uncertainty and anxiety among the population. Most of them have already been through two decades of wars and three or four years of the worst drought Central Asia has seen for 30 years. Now they are being told they cannot go home because of warfare, lack of employment and an absence of shelter. They hear that the international community will not provide for them anymore and on top of that they will soon lose whatever kind of life they have

built in Shaidayee camp. The closure will only worsen the precarious level of mental and physical health found in many of our patients." (AlertNet 28 May 2003)

Water and sanitation

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

"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-born diseases are still the leading cause of death and the lack of safe drinking water contributes to high morbidity rates in Afghanistan." (UNHCR, Water, September 2005)

"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." (IRIN 5 June 2003)

"Water (both potable and for irrigation) and shelter were noted to be the two primary reintegration needs – not least because participants noted that many of their houses had been destroyed during the looting after the fall of the Taliban. The participants also called for further consideration of a governmental policy for the allocation of land to landless persons, although again did not enter into details of how such a policy could be implemented." (UNHCR 15 November 2003, p. 4)

Access to safe water and other urban services in the main cities is limited (March 2004)

- Kabul and many other cities in Afghanistan has witnessed a sharp increase in population with the return of IDPs and refugees.
- Urban services are lacking or are inadequate.
- Access to safe water in Kabul is only about 30 per cent, compared to 13 per cent in 2000.

"Urban services are critical for well-functioning cities and towns, which in turn support sustained economic growth. Conflict, drought, and returning refugees have contributed to massive urbanization in Afghanistan. Kabul's population has increased from some 400,000 in the 1970s to an estimated 1.7 million in 2000 and 2.8 million in 2003. Other cities have seen similar proportional growth in population. Total urban population is likely to nearly double by 2015, at a growth rate twice that of Afghanistan's population as a whole. Ironically, the very urban services that draw refugees and migrants to the cities are inadequate if not lacking. Over 60 per cent of Kabul's urban roads have been destroyed, as well as much of its housing; no more than 60 per cent of solid waste is collected, and access to safe water in the city is only about 30 per cent. In 2000, Afghanistan was at the bottom in access to safe water (13 per cent) and sanitation (12 per cent) among comparable countries (Table 3.1). Waste-water collection by sewerage systems is limited to a few large cities and is only partially treated. Intermittent piped water service, inadequate water treatment, and contamination of groundwater have resulted in a precarious sanitary situation. Summary information on urban service delivery in Afghanistan's main cities is shown in Table 3.7.

Key issues: The urban challenges facing Afghanistan include rapid urban growth, massive service delivery backlogs, property rights disputes, and weak urban management. Developable urban land (in terms of legality and availability of services) is in extremely short supply. Most new urban residents - including substantial unprecedented new categories such as unsupported widows - have to settle in unplanned and therefore un-serviced areas of the cities. Land property

rights remain somewhat precarious; almost half of the residents of Kabul are under the threat of eviction or relocation. This insecurity of property tenure militates against development of an efficient land market, equity in access, and preservation of the environment. Major urban management challenges include institutional fragmentation and unclear functional responsibilities and roles between the Ministry of Urban Development and Housing (MUDH) and municipalities, poor governance, and the weak capacity of municipalities to generate revenue to fund the provision of local public services.

A number of issues must be urgently addressed in order to ensure the sustainability of investments in Water Supply and Sanitation (WSS). MUDH needs to be strengthened particularly in sector policymaking, oversight, and coordination and monitoring. The legal status of the main sector institution, the Central Authority for Water Supply and Sewerage (CAWSS) needs to be clarified. CAWSS operations have historically been centralised in Kabul, with little operational autonomy in the provinces. At present, no institution monitors or regulates the allocation of water resources across sectors, so disputes among users may arise. While financing for reconstruction and extension needs to be provided by donors, improved cost recovery will be required to finance an increasing share of operations and maintenance. Cost recovery will also be essential for improved demand management thereby addressing general water scarcity issues." (TISA, ADB, UNAMA, UNDP, WB, 17 March 2004, p.56)

For more information on the situation in Kabul, see:
[Kabul Vulnerability Mapping](#), Action contre la Faim, January 2004

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

"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." (ACF January 2004, p. 20)

"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."(ACF January 2004, pp. 21-22)

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 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.

There are three types of wells constructed, depending on the hydro-geological conditions of the area. Dug wells can reach a maximum depth of 30 meters with a 1.5 meters diameter. They are normally constructed by the community itself, with the materials and supervision provided by UNHCR and its partners. The second type is a tube deep well, which is mechanically drilled to a depth of 40 to 70 meters. Both types of wells are equipped and managed with hand pumps. This simple technology was chosen by the Government of Afghanistan considering that children are often the ones collecting the water for their families. On average, such wells serve 150 persons. A third type is the pipe scheme taking the water from the spring by means of a gravity system. It often benefits several villages or communities. UNHCR relies on partner organizations for the implementation of water and sanitation programmes. Starting in 2004, MRRD, UNHCR and UNDP have formed joint technical monitoring teams (JTMT) to monitor the implementation both at the central and regional levels. [...] In most instances, Water Committees are established in communities. The committees participate in the construction process, ensure maintenance of the wells and set up a spare part supply system. Similarly, basic hygiene education is provided to keep the minimum sanitation standard and to avoid water-borne diseases. Women are consulted to the extent possible in the selection of sites for wells as they and their children are traditionally the ones who collect water.

UNHCR's water activities are community-based 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.

The returnee figure represents returnees from Pakistan and Iran as well as returning IDPs

All IDP camps have been provided with safe drinking water facilities (December 2003)

- MRRD, in collaboration with UNICEF and UNHCR has provided safe drinking water and sanitation facilities in all IDP camps.
- Low funding response from donors and shortage of implementing partners are major constraints to the health sector.

"58. The Ministry of Rural Rehabilitation and Development in collaboration with UNICEF, UNHCR and several non-governmental organizations has been providing safe drinking water and sanitation facilities to schools, vulnerable villages affected by drought, communities experiencing

high numbers of refugee returns and camps for internally displaced persons. In addition, UNICEF, WHO and the World Food Programme (WFP) are working with the Ministry of Health to reduce the steep rise in the incidence of diarrhoeal diseases, especially in major cities, through public awareness campaigns and the chlorination of drinking water. This year, all camps for internally displaced persons have been provided with these facilities, but only a third of the 3,500 schools and less than 5 per cent of the vulnerable villages targeted have received these services. The main constraints of the sector are the low funding response from donors, the shortage of sufficient implementing partners and appropriate drilling equipment, and insufficient capacities to plan and manage the sector." (UNGA 3 December 2003)

Access to water for irrigation sometimes determined by political allegiance (May 2002)

- The connections among food security, ethnicity and political allegiance are important, especially at local levels.
- While connections to local level commanders and authorities bring benefits linked to increased food security, lack of influence over these same actors increases vulnerability and heightens risk.
- The landowner's political connections to those in power may increase his food security, while members of the displaced communities lack the political allegiances or power needed to ensure protection and maintain access to the services provided in the IDP camp

"The connections among food security, ethnicity and political allegiance are important, especially at local levels. The collapse of the Taliban regime brought a sudden shift in power relations, increasing stability in some areas while contributing to upheaval in others. The populations once favored politically under the Taliban, such as the Koochi pastoralists and other Pashtun communities in the north, are facing renewed threats that have direct implications for food security. One example is access to water for irrigation, which is determined not only by wealth and geography but also by political allegiance. In contrast, those who were persecuted under the Taliban regime, such as Tajik and Uzbek supporters of the Northern Alliance, are once again receiving benefits due to ethnic and/or affiliations with local and national power structures.

Last year's political transition brought a rapid change in land tenure and access to water in many areas, as communities abandoned or reclaimed areas from which they had been forcibly uprooted during earlier conflicts. In irrigated areas in the north, for instance, Tajik and Uzbek groups have recently returned to land lost under the Taliban, and have since denied downstream communities access to irrigation water, saying 'This was done to the us in the past, so why shouldn't we the same to others now?' While connections to local level commanders and authorities bring benefits linked to increased food security, lack of influence over these same actors increases vulnerability and heightens risk. For example, one landowner in Sar-e-Pul has used his political connections to lobby the local authorities for access to his fields where an IDP camp has been established. As a result, the governor and local commanders have been adamant in 'encouraging' the IDPs to return to their home areas, many of which have no source of drinking water. The landowner's political connections to those in power may increase his food security, while members of the displaced communities lack the political allegiances or power needed to ensure protection and maintain access to the services provided in the IDP camp." (Feinstein International Famine Center May 2002, pp. 25-26)

Shelter and non-food items

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.

"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." (UNHCR, September 2005)

"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." (IRIN 12 September 2003)

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 15.5m²
- In 2002, it was estimated that 20% of the 500,000 refugees who have returned to Kabul were living in abandoned or destroyed buildings or in open space.

"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 15.5m². 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." (ACF January 2004, p. 23)

"The UN reports that over 500,000 refugees have returned to Kabul. It notes that, while most of the returning population have been able to find accommodation with relatives or other residents or have returned to their areas of origin, an estimated 20% are living in abandoned or destroyed buildings or in open space without protection from the elements and with limited access to water and with poor hygiene. A survey of destitute people carried out by the municipality, in conjunction with UN HABITAT, found that around 20,500 families (approximately 143,500 people) would need major assistance with shelter and relief packages to help them over the winter. It was noted that this number might eventually increase when more information on the conditions of the housing of the poorest resident population had been collected and analysed. Account would thus be taken of the fact that those who have found accommodation with others would place strains on the already limited income of their hosts. Account would also be taken of threats to health arising from overcrowding and heavy pressure on water supplies." (BAAG 31 August 2002)

IDP's face subsistence needs in Kabul winter - UNHCR provides limited assistance for fear of encouraging urban migration (January 2003)

- Among the returnees, some 4,000 IDPs face difficult conditions in Kabul, with many lacking food and shelter.
- In Chaman Huzuri, one of the 10 IDP camps established in the city in the last 8 months, housing has become a critical issue. Other problems include lack of winter clothing, fuel, drinking water and access to health care.
- Assistance has not been regular as UNHCR's strategy is to focus on rural areas in order to prevent too many people from heading to the cities in search of assistance.

"As winter temperatures drop, conditions for some 4,000 internally displaced persons (IDPs) within the Afghan capital, Kabul, remain bleak. The city has seen a major influx of returnees, many of whom lack adequate shelter and food.

[...]

Chaman Huzuri is one 10 IDP camps established in the city over the past eight months and, according to Mohammad Halim, an inhabitant of the camp, the number of displaced families arriving there has been rising; housing has become a critical issue for most Kabul residents.[...] Asked what their main problem areas were within the camps, most families interviewed by IRIN pointed to a severe lack of winter clothing, fuel, drinking water and access to health care.

'There has been very little assistance from aid agencies,' Halim said, noting that whatever help had arrived had been very irregular. "We have not received any regular assistance so far." Like many residents, Halim complained that the office of the United Nations High Commissioner for Refugees (UNHCR) had neglected them, an accusation the agency denied to IRIN on 23 January. While recognising that conditions within the camp were adverse and unsuited to coping with winter conditions, a UNHCR spokeswoman, Maki Shinohara, told IRIN that UNHCR was working with a number of agencies in the provision of assistance to help affected families get through the winter.

She emphasised, however, that UNHCR wanted these people to return to their places of origin. 'Once we start giving out a lot of aid, it will undermine the whole purpose,' she said, adding that some people in the camps were trying to seem more visible to attract attention for assistance. She reaffirmed that UNHCR's strategy was to try and focus assistance on rural communities where possible, with a view to curbing the flow of IDPs into the city. Shinohara noted that over the past year Kabul Province alone had seen an influx of some 650,000 returnees - the vast majority from neighbouring Pakistan.

Meanwhile, Zubair Omari, a programme officer for the UK-based NGO, Islamic Relief-UK (IRUK), told IRIN the 4,000 or so people inhabiting the 10 camps in Kabul were in urgent need of non-food related items such as clothing and heating facilities. 'Their condition is worsening as the weather gets colder,' Omari asserted, adding that IRUK had begun distributing winter clothing to the families last week." (IRIN 27 January 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.

"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." (DIS March 2003, pp. 41-42)

ACCESS TO EDUCATION

General

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

"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." (UNHCR SO Kandahar, July 2005)

"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." (AI 23 June 2003, p. 27)

Despite significant progresses, many challenges remain (March 2004)

- Despite significant achievements in terms of student enrolment and female participation, many challenges remain.

- Quality of education needs to be raised as well as the infrastructure, equipment and services.
- Gender disparities are prevalent across both regions and levels of education. In many provinces, the rate of school age girls attending primary school is well below 15%

"The first two years of reconstruction in Afghanistan have witnessed a significant leap in student enrolment; especially in Grades 1-2 (see Figure 2.2 below). According to the Ministry of Education, 4.3 million students have enrolled in Grades 1-12 in 2003, of which 3.9 million are in primary schools. This figure is by far the largest in the history of Afghanistan. Female participation in primary schools exceeded the pre-Taliban period, though it still remains nearly half that of boys (see Figure 2.3 below). In 2003, 54% of school-aged children (40% girls) were enrolled in primary schools. Enrolment targets are set for 70% (60% girls) by 2006, and 85% (75% girls) by 2010, with the overall aim of approaching as closely as possible the MDG target of universal primary enrolment by 2015. Higher Education has also seen a substantial increase in the number of students, which jumped from 4,000 students in 2001 to 31,000 in the fall of 2003. Currently, all 17 higher education institutions in the country are operating. As in primary education, a large majority of students (69%) are attending first and second years.

Despite these achievements, fundamental challenges remain. First, available indicators show that the content and quality of education must be raised substantially. This will require substantial investments to improve teacher qualifications, strengthen curricula and the quality of textbooks, and enhance the quality of learning spaces. Second, infrastructure, equipment and services are not sufficient to meet current and future demand. Emergency measures to date, such as renting buildings or using tents, employing partially qualified teachers, and instituting multiple shifts, have been useful. These must be replaced by substantial longer-term investments which, in turn, will need to be sequenced so as to satisfy evolving demand over time. Medium term investments will also need to address acute regional and urban/rural disparities in the supply of education infrastructure and services.

Gender disparities are prevalent across both regions and levels of education. In Kabul, 81 % of school age girls attend primary school. In many provinces, however, the rate is well below 15%. Likewise, female attendance in schools and higher learning facilities drops dramatically as girls progress towards higher grades. Closing the gender gap in education will require concerted efforts to strengthen "cultural" demand for girls' education in the provinces and at advanced levels, while ensuring that opportunities to attend (supply of learning spaces, female teachers) are well in place." (TISA, ADB, UNAMA, UNDP; WB, 17 March 2004, pp. 21-22)

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self reliance

Most Afghans live in poverty and deprivation (March 2004)

- Overall rural poverty in Afghanistan is estimated at nearly 53 percent.
- Households asset have been eroded by years war, destruction, drought and displacement.
- To secure a cash income and in the absence of licit non-farm income opportunities, many farmers have been forced into narco-agricultural production.
- To address the wide range of needs, the government has initiated a strategic shift beyond humanitarian relief to a more integrated and programmatic approach

"As a result of decades of conflict and political instability a significant proportion of Afghans live in extreme poverty, risk, and deprivation. According to preliminary estimates, overall rural poverty is nearly 53 percent. (Box 2.1) The cumulative effects of war, destruction, drought and displacement, have contributed to the successive erosion of households' asset base, greatly affecting their ability to manage risks and frequently leaving families in deteriorating circumstances without adequate support. Due to the prolonged conflict in Afghanistan, legal, social, physical and financial infrastructure has been negatively affected, generating a fertile environment in rural areas for an explosion in illicit opium poppy cultivation. The absence of licit non-farm income opportunities has forced many Afghans, a large proportion of whom are landless, into a narco-agricultural production which has increasingly been counted on to provide a relatively secure cash income.

The Government has sought to initiate a strategic shift beyond purely humanitarian relief to a more integrated and efficient programmatic approach, providing sustained support to poor people so that they are better able to protect their assets and rebuild their livelihoods. Through the provision of immediate and tangible assistance across Afghanistan, the Livelihoods and Social Protection Public Investment Programme (LSP PIP) has performed a crucial legitimising function for the Government. Significant achievements of 1382 are highlighted in Table 2.7 below.

Significant Achievements in 1382

National Emergency Employment Programme (NEEP): The NEEP generated 8 million labours day through the establishment of a nationwide employment based safety net for the construction of rural infrastructure (including 5000 km of rural roads) using mainly cash payments.

National Solidarity Programme (NSP): The launch of the Afghanistan's flagship programme to provide resources through block grants for community managed small-scale reconstruction and development in rural areas, and to promote more participatory and inclusive decision making and governance at the village level. The target is to cover the country's approximately 20,000 villages over a four year period. Implementation is currently in progress in 1,450 villages.

Comprehensive Disabled Afghan's Programme (CDAP): The delivery of services to 30,000 disabled people in Herat, Farah, Kandahar, Ghazni, Mazar and Takhar. Stipend paid to around 300,000 disabled and martyred persons.

Community Based Rural Water Supply and Sanitation Programme (CBRWSS): The construction of over 12,000 water points across the country with prioritisation given to areas where pressure on host communities resulting from returning refugees and IDPs has resulted in particularly acute needs for safe water and sanitation facilities.

National Risk and Vulnerability Assessment (NRVA): The design and implementation of the first nation-wide NRVA building on the WFP Countrywide assessment in 1381 to ensure the inclusion of women at all levels of data enquiry from community Shuras, wealth groups and households and expanded coverage to address the situation including short and long-range migratory Kuchis.

National Area Based Development Programme (NABDP): The formulation and implementation of immediate recovery and development projects in areas where the local economy has been particularly damaged, based on local resources and existing / historical skills and productive enterprises.

Micro-Finance Support Facility in Afghanistan (MISFA): The establishment of MISFA following a National Micro-Finance Workshop in February to provides funds for the competitive contracting of specialist professional agencies to sustainably deliver financial services to poor Afghans." (TISA, ADB, UNAMA, UNDP, WB, 17 March 2004, pp. 29-30)

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

"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." (UNHCR SO Kandahar, July 2005)

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.

"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." (AREU August 2004, p. 1)

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.

"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. As one young head-of-household, who had returned from many years residing in Taxila, Pakistan, noted:

"We came back with high hopes and had heard that things would be fine here. There was word from the government that 'we will do this for you-we will do that for you.' But look at our lives now. I want to go back to Pakistan, and my former employer in Taxila has recently sent word that he wants me back."

Similar to the findings of Tutron and Mardsen, both men and women in this small sample were questioning why they had returned to Afghanistan and felt disappointed in what they discovered upon returning, particularly with the lack of employment, affordable shelter and basic services in Kabul." (AREU February 2004, pp. 4-7)

Returnees and IDPs put pressure on the overstretched resources of Kabul (January 2004)

- In 2003, around 400,000 IDPs and refugees arrived in Kabul increasing the strain on the already limited infrastructures and services.
- Kabul remains heavily affected by years of war within the country and suffers from an economy that lies in ruins.
- Security in the city and its surrounding area has been tense, with reports of various attacks on the city itself.
- The enormous number of displaced and returnees are also serving to put additional pressure on the city's already over stretched resources. In particular, the issue of water has been highlighted as being especially important, with much of the city suffering from vastly inadequate access to potable water.

"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.

By and large, the city managed to absorb the bulk of the returnee population and the considerable number of rural families drawn to the urban centre. Although newcomers contributed directly to the economic dynamism of the city, the assimilation of such a massive population influx has come at a high cost, increasing the strain on the already limited infrastructures and services available. Kabul had to cope with one of the largest and most rapid assisted return movements since 1972 (Turton and Marsden, 2002). It now has to cope with the fact that this population is here to stay, as confirmed during this study. The extent to which services, jobs and resources can be shared on the long run by residents and newcomers without jeopardising future development is at question." (ACF January 2004, p. 10)

"Since the ousting of the Taliban regime, Kabul has been the hub of humanitarian activities within Afghanistan. However, it remains heavily affected by years of war within the country and suffers from an economy that lies in ruins. The southern and western quarters of the city have been

particularly affected and lie largely in ruins. The establishment of the new Afghan government is an encouraging step in the rebuilding of both the city and the country at large. Security in the city and its surrounding area has been tense, with reports of various attacks on the city itself, possibly by parties attempting to destabilise the fledgling administration and government. One of the greatest challenges ahead is the regeneration of the economy, which has been reduced to small traders and scattered market stalls. Industry is non-existent and much of the population remains unemployed. The enormous number of displaced and returnees are also serving to put additional pressure on the city's already over stretched resources. In particular, the issue of water has been highlighted as being especially important, with much of the city suffering from vastly inadequate access to potable water. This is particularly concerning as past data has clearly demonstrated a clear correlation between diarrhoea, particularly during the summer months, and an increase in malnutrition (ACF 30/04/02). The RNIS does not have any recent nutrition surveys from the city but the situation is assumed to be poor and a rise in malnutrition over the summer period can be expected." (RNIS No. 38 July 2002, pp. 43-44)

Overcrowded job market and lack of cultivated land make return unsustainable (June 2003)

- Lack of access to employment opportunities due to an overcrowded job market is making returns unsustainable.
- Lack of land to work on in rural areas means that many returnees end up in IDP camps or in urban areas

"Another very common obstacle to sustainable return is the lack of access to employment for the vast majority of returnees. Most of the returnees interviewed by Amnesty International asserted that they had been unable to find jobs in an overcrowded job market. Akim, crippled in his right arm, explained that he had been unable to find a job since returning from Pakistan in the summer of 2002. Others spoke of having been forced to take jobs that were not commensurate with their skills level. Abdul Maram, who was employed as a driver in Pakistan, is engaged in manual labour as this is the only job he can find to feed his family in Kabul.

Sharecroppers returning to the land on which they had worked previously have found that the landlord had employed other labourers in their absence. Due to the fact that there is less land being cultivated in Afghanistan at the moment, on account of the drought as well as persistent insecurity, returnee sharecroppers have in many cases been forced to move to IDP camps or to urban centres in search of alternative employment." (AI 23 June 2003, p. 24)

See also a 2002 study by the Feinstein International Famin Centre on food insecurity and the tense employment situation between 1999 and 2002, which affects in particular the internally displaces and which, according to the FIFC, has deteriorated significantly between 1999 and 2002.

Access to land

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

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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.

"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." (MoRR & MRRD October 2003, pp. 4-5)

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.

"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 Bamyān 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." (UNHCR 1 September 2003, p. 3)

Female headed households do have access to land under certain circumstances (December 2004)

- Contrary to conventional wisdom, Afghan women do have some access to land, mostly through the Koranic-based Civil Code and inheritance law (widows)

Conventional wisdom that Afghan women are entirely landless is not correct. Certainly custom, and Pashtun custom in particular, does not admit women as equitable landowners any more than it encourages them to actively farm or herd livestock. Nonetheless the Koran and the Koranic-based Civil Code recognise women as entitled to own land in their own right and directs at inheritance that they are included — although inequitably. Moreover, women may inherit from their fathers and their husbands. Inheritance is the main means of land transaction and for women virtually the only route. Few purchase land outright. The field studies found that most villagers acknowledge these Shari'a principles and apply them — but usually only in name. Daughters in particular generally hand over their land to their brothers, if not immediately, then after a respectable period, within which it is established that the land does rightfully belong to the daughter and should be regarded as a generous gift. Brothers tend to reward their kind sisters with presents at this point and pledges to be always there for them. Widows less routinely hand over their shares to their sons. Instead her land share remains within the family holding or where the widow is not living with her sons, may remain more definitively her own property. Widows are in particular the core landholding groups among women and even now are seen to acquire land in their own right (particularly in urban areas).⁶⁹ Every village has numerous widows following years of war and there is always a handful of women who own houses and farms. They rarely if ever farm these directly although they may influence how the plot is cultivated and by whom. NRVA data tend to confirm that Afghan women do own land, albeit in less measure than men. Fifty-six percent of female-headed households own land, significantly less than the mean for farm ownership overall (75%).

There is also the reality of family holdings routinely encountered in the Bamyān and Faryab studies. Many — and perhaps most in many areas — rural households perceive the family as landowner, not necessarily the male household head. The AREU longitudinal livelihoods survey echoes this reality, with 31 percent of its sample recording land sharing with females. The notion of family holding is quite widely reflected in the Books of Integrated Ownership and Taxation compiled in the 1970s, although by repute not in legal documents of entitlement where these are prepared or in cadastral records. Within this land sharing context women are shareholders.

Public participation

IDPs in camps and those integrated with communities are allowed to participate in the elections (July 2003)

- IDPs in camps as well as IDPs who have integrated with communities will be registered to take part in the elections.

"The IDPs can be categorized into two groups, the first living in the camps and the second being integrated within the communities. The latter group will be registered along with the community with whom they are living, excepting those who state that they intend to move to their 'home' in another location before the election. Their registration will be dealt with as in the case of the returnees at the encashment centre with the "tick" mark indicating their IDP status. The IDPs in the camps will also be registered in a similar manner as the returnees at the encashment centre, with IDP entry "tick" marked in the form. However, if the IDPs prefer to remain in the camps during the time of elections, they will be registered in the normal manner with the name of the camp as the name of the village, and there will be no code for the camps." (UNAMA 31 July 2003, p. 28)

PROPERTY ISSUES

General

The controversial issue of land and property rights and underlying causes (April 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

"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.

In April 2002 President Karzai's administration banned all further distribution of Government-owned land, in recognition of the fact that powerful regional warlords would simply grab it for themselves and their supporters. However, disputes over land distributed under previous regimes remain a substantial part of the ILACs' caseload. Over the last 30 years, for example, a piece of private land could have been compulsorily purchased, expropriated or re-designated as belonging to the Government; granted to another individual through a statutory decree; privately transacted between different individuals, using official or customary documents; forcibly seized or abandoned by its owner and then illegally occupied by another party; or sold, leased, exchanged, gifted, inherited, or otherwise transferred on to others.

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, April 2005, p.12 and 13)

"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. " NRC June 2004, pp.1-3)

Access to housing and land rights poorly managed by Afghan state and puts vulnerable groups at 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
-

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." (UNGA, 9 September 2005, pp.15 and 17)

Landlessness affects a large proportion of the population, in particular returnees, and correlates to poverty (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

"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." (AREU, December 2004)

Disputes over land and property ownership affect IDPs, and in particular women (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

"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." (IWPR 5 July 2004)

"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." (AI 23 June 2003, pp. 25-26)

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

Occupation of houses and property by commanders affects groups and individuals country wide (September 2003)

- Occupation of houses and property by commanders or ethnic groups closely affiliated to them is one of the most widespread features country wide.
- Occupation is sometimes accompanied by acts of looting.
- Weaker members of the society, such as female heads of households are particularly vulnerable to abuse illegal confiscation of their property.
- In some cases, disputes also extend to the harvest of the land, rather than the land itself.

"The occupation of houses and property by commanders is one of the most widespread features country wide, affecting groups and individuals alike. Plenty of examples exist in this regard. In Nawabad Kohistan village, Kohistan district of Kabul province, it was reported that 130 houses and 1200 jeribs of land owned by exiled and displaced Pashtun families were still occupied by armed Pashayi groups.

Close affiliation with commanders has often been taken as a pretext by some ethnic groups to occupy the property of others. In Khan Afghanistania village of Almar village of Faryab district, the farming land in the desert is forcibly occupied by an Uzbek from Kaftar Khan Uzbekia village, who is allegedly linked to the local commander. The occupation of property has also often been accompanied by acts of looting. In other instances, the property was not directly occupied, but its owners were forced by the particular commanders to lease their land to the ethnic group affiliated with them. In the Central region, the returnees complained that they were forced to lease their fruit crop to powerful Tajik neighbours at a minimal price compared to the other offers. Commanders have used their occupation of the land of returnees as a tool to pressurise their victim in order to reach a political end. Weaker members of the society, such as female heads of households are particularly vulnerable to abuse illegal confiscation of their property. In the Istilaf district of Kabul province, the house of a pashtoon widow was unlawfully occupied by a Tajik commander from another village.

This is not to say that vulnerable individuals always lose out to the powerful. In some cases though few, the vulnerables' right to property was effectively protected. In Deh Yak district of Ghazni province; a returnee widow faced difficulties upon return to access her land. The local court investigated the merits and ruled in the widow's favour. The caretaker of her land accepted the decision, signed it in the presence of the villagers and the head of the village.

[Returnees and IDPs also returned home to find their homes and land occupied by other landless or displaced persons]

E. Occupation of Property while in Exile

Take the example of Gorteepa, a Pashtoon village in Dasti Archi district of Kunduz province, with a small Uzbek minority. Around 5 years ago, the entire population of the village was displaced due to fighting in the district, and many spent several years in Baghi Shirkhat IDP camp. While they were displaced, Uzbeks from the neighboring villages who did not have land moved in and started to cultivate the vacant farmland. When an average number of 60-70 families returned last year to the village, and were only able to get some of the harvest but the bulk of the dispute is still ongoing.

(...)

In some cases, these disputes also extend to the harvest of the land, rather than the land itself. For example, in Dasti Archi district of Kunduz province, the entire population of one Pashtun village was displaced to Bagh Shirkat IDP camp in 1997, due to the heavy fighting in the area. Consequently, Uzbeks from neighboring villages moved in and cultivated the farming land that was left vacant. When the Pashtun refugees returned in early 2002, the Uzbeks had already farmed the land, and kept the harvest. Though the Uzbeks eventually gave the Pashtuns a portion of the harvest, the dispute is still ongoing.

Conflict over harvest is not limited to group disputes, but features also quite prominently among individuals. Many absentee families had given permission to other families to use their land while they were in exile. Upon return, the rightful owners of the land have experienced problems in recovering it. This was the case in Shirin Tagab district, Faryab province, where Pashtun families claim to have granted local Uzbeks and Aran farmers the permission to use their land and were unable to reclaim a share in the harvest.

Exceptions to the rule have occasionally known to exist. In Khoshi district of Logar province and in Bagrami district of Kabul formal written tenant arrangements had been recorded between owners who were still in exile, and the returnees or resident populations." (UNHCR 1 September 2003, pp. 4-6)

Institutions

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

"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, April 2005, p. 13)

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." (NRC June 2004, p. 3)

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

"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.” (UNHCR 1 September 2003, pp. 10-11)

Law and policy

Overview of the relevant bodies of law (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.⁷¹ 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 1923.⁷³ 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.⁷⁴ These principles were already in place in 1964 or earlier.⁷⁵ 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).⁷⁶ 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.

New legal developments have been slow and patchy: example of the Property Disputes Resolution Court (April 2005)

- Property Disputes Resolution Courts 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

"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." (AREU, December 2004)

The creation of the Special Property Dispute Resolution Court was based on the necessity for returned refugees to be able to re-gain access to their land. The legislation with relation to this 'Special Court' is that it 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 administration. (NRC, September 2005)

"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." (AREU, December 2004)

PATTERNS OF RETURN AND RESETTLEMENT

General

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

"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." (IRIN, 25 February 2005)

Different groups who could be considered IDPs in Kabul:

"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." (Danida, December 2004)

UNHCR relocates some 8,000 IDPs from Spin Boldak to Zarhe Dasht camp (September 2004)

- Following the government's decision in May 2004 to cease assistance to Spin Boldak camp, UNHCR undertook a survey of its 20,000 residents to determine if they would prefer relocation to another camp, return home or to stay in Spin Boldak camp and integrate locally.
- 8,000 IDPs opted for local integration, 4,400 IDPs decided to go back and 8,400 IDPs were relocated to Zahre Dasht.
- 12,000 IDPs remained in the Spin Boldak area

"The UN High Commissioner for Refugees together with its partners agencies completed the relocation of almost eight and a half thousand Internally Displaced Persons (IDPS) from the camp of Spin Boldak, in Kandahar Province, last week. On 28th August, the last convoy of 72 families (432 people) arrived to their new place of residence in Zhare Dhast's camp.

In late May 2004 the governor of Kandahar, together with UNHCR and its partner agencies, announced that they would cease assistance inside Spin Boldak as of end of August as we have also done in Chaman across the border.

The Spin Boldak IDP camp, like the Zhare Dhast camp, was established in late 2001 to shelter Afghans fleeing the war between Taliban and US-led forces. After the decision to cease assistance was taken, internally displaced Afghans living at Spin Boldak were given the option to return to their place of origin, to relocate to Zhare Dhast, or to stay in the Spin Boldak area and integrate within the local community there. The registration deadline for relocation was 22nd July.

Of the 20,850 individuals (3,819 families) registered at Spin Boldak, almost 8,000 (1,597 families) have opted for local integration, 4,399 (633 families) have decided to go back to their places of origin and 8,466 (1,589 families) were relocated to Zhari Dasht, where they will continue to receive assistance until durable solutions are found for them. UNHCR also plans to start providing a reintegration package for those who have bought land in Spin Boldak and have decided to locally integrate. More than 12,000 IDPs are still in the Spin Boldak area. " (UNHCR 5 September 2004)

Only 17,000 IDPs assisted to return from January to August 2004 (September 2004)

- IOM has assisted 15,181 IDPs to return home, while UNHCR has assisted with the return of 1,658 IDPs.
- Only 150 Pashtun families returned to their homes in the northwest.
- UNHCR hoped in early 2004 to return some 90,000 IDPs

"In 2003, UNHCR assisted over 60,000 IDPs to return to their homes in the North, Center and East. This year, UNHCR and IOM have assisted 16,839 IDPs to return home. The breakdown is 1,658 persons by UNHCR as of 15 August and 15,181 persons by IOM as of 30 August. Pashtuns from Faryab, Jawzjan and Sar-I-Pul remain protection IDPs in settlements in the South and West and are unable to return to their places of origin. Only about 150 Pashtun families returned this year to the Northwest.

Only about 17,000 IDPs were assisted to return this year, out of a planning figure of 90,000 IDPs. The obstacles include continuing drought, including water-shortages and crop-diseases (sun-pest in districts of Faryab) and continuing human rights abuses by commanders in some areas of origin, in particular land-issues such as illegal cultivation of pasture land and land confiscation, - occupation in parts of the NorthWest. However, other factors impacting on the wish to return to places of origin are access to sources of income and a level of self-reliance of IDPs, both in the West and the South, in particular work in customs and with the border-trade respectively." (UNHCR September 2004)

Over a thousand IDPs return home from Khost province (May 2004)

- In May 2004, IOM and UNHCR helped over 1,000 IDPs in south-eastern Khost province to return to their homes in the north.
- 9,500 IDPs remain displaced in the province

"More than 1,000 internally displaced Afghans have returned to their home areas from south-eastern Khost province in a series of convoys organised by the UN refugee agency and its partners in a nationwide effort to boost stability in Afghanistan.

Two separate convoys organised by UNHCR and the International Organization for Migration (IOM) in recent weeks have helped many homeless Afghan families to go back to seven central and northern Afghan provinces.

Over the last 25 years, repeated waves of Afghans have passed through Khost province while escaping the fighting and drought that ravaged their homeland for the security of neighbouring Pakistan.

Two years ago, as people began to repatriate to post-Taliban Afghanistan, Khost again became one of the main crossing points for returning refugees. Due to fragile conditions in many parts of the country, many opted to stay in the area rather than go straight home. In the process, these internally displaced persons, or IDPs, created a new burden in the poor, remote border province. (...)

Located behind Khost's customs house is a makeshift encampment that hosts more than 9,500 displaced Afghans. The camp is part of the cycle of poverty and urbanisation that complicates the post-war effort to help Afghans return to their communities of origin. Mostly occupied by people originating from other areas of Khost province, they appear content to remain there for the time

being so that they may access aid and occasional employment more easily." (UNHCR 3 May 2004)

Policy

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

"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." (MoRR & MRRD October 2003, p.p. 9-11)

Registan Kuchis

"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." (MoRR & MRRD October 2003, pp. 12-15)

Non-Registan Kuchi

"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." (MoRR & MRRD October 2003, pp. 16-18)

Drought-affected non-Kuchi

"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." (MoRR & MRRD October 2003, pp. 18-19)

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.

"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 selfsufficiency.

[...]

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, September 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, July 2005)

"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."(UNHCR 15 October 2003, p.13)

IDP representatives visit northwest to assess conditions for return (February 2004)

- Go-and-see visits to Faryab province in the northwest have been organized in early 2004 to allow 16 IDP representatives from camps in the west and south to assess conditions for return.
- More visits are planned in March to Jowzjan and Saripul provinces.

"Displaced Afghans began today a go-and-see visit to north-west Afghanistan's Faryab Province that will give them a first-hand look at conditions there and decide if returns are possible two years after thousands fled ethnic violence in the area.

Sixteen representatives of displaced Afghans residing in the south and west of the country and refugees from Pakistan started a tour organized by the UN refugee agency and the Afghan government to Faryab Province that will allow them to exchange views with provincial and local officials, commanders, recent returnees and minority communities.

[...]

Today's mission intends to help boost returns to the north-west. It includes IDP leaders and representatives from the Shadayee encampment near Herat and Bala Murgab and Gormach, also in Herat Province. Kandahar Province's IDP communities are represented by 10 persons from Zhare Dasht camp.

[...]

General Ahmed Rashid Dostum's commitment before last December's Constitutional *Loya Jirga* or Grand Council to facilitate the return of IDPs to the north is expected to give a big boost to the effort of the Afghan government, UNHCR and other agencies to help resolve the plight of displaced persons from the north.

Over the next week, the IDP leaders will break up into groups, with one visiting Qaisar District, others visiting Almar, Khuja Musa and Khwaja Sabz Posh districts, and a fifth visiting Shirin Tagab and Dawlatabad districts.

[...]

Over the next month, the authorities and UNHCR plan to organise a series of visits by displaced persons to Jowzjan and Saripul provinces in order to try to give IDPs an impression of life in their home regions. And to allow regional leaders and local commanders a chance to hear the concerns of local residents who fled in early 2002.

The Badgis Return Task Force consisting of leaders from that province, recently visited Maslakh IDP camp to meet with some of the more than 11,000 people still encamped on the plains west of Herat." (UNHCR 12 February 2004)

Government foresees a gradual increase of operational focus from repatriation to reintegration during 2003 (November 2003)

- As of November 2003, the National Solidarity Programme has been initiated in all provinces with 24% of its budget resourced.
- National Emergency Employment Programme (NEEP) was officially launched on 28 Sep 2003. Its 1382 budget is over-resourced at 115%
- Gradual increase of operational focus from repatriation to reintegration during 2003 with linkages to MRRD development programmes.
- During 2003, greater integration and coordination of present and future efforts targeting returnees and IDPs will be sought so as to ensure a smooth transition from relief to reconstruction.
- Initial reintegration assistance will include: construction/repair of 100,000 rural houses and 60,000 houses in 6 main cities, provision of drinking water and related sanitation, provision of employment activities for returnees in both rural and urban areas, provision of technical advice and agricultural inputs to food production, ensure that returnees enjoy equal access to health and educational services as their host communities.

"Update on the main reintegration programmes by MRRD

The reform in MRRD is continuing, with priority on improvement of information management and coordination.

In terms of actual programmes, the following progress was noted:

a. National Solidarity Programme: has been initiated in all provinces, with 97 projects having been approved (at least one project in 30 provinces). 24% of the 1382 budget of USD 98 million has been resourced. NSP offices have been opened in Herat and Farah Provinces and more staff have been deployed to assist the respective NSP Oversight Consultants in Parwan, Bamyan, Wardak and Paktika.

b. National Emergency Employment Programme: The NEEP-Rural Access was officially launched on 28 Sep 2003. Its 1382 budget is over-resourced at 115%. The NEEP team is operational in MRRD. A set of draft guidelines and procedures for contracting, planning, social targeting and budget allocation has been developed. Furthermore, 70 projects have been approved for implementation in the provinces under NEEP 1, to be funded by the ARTF. Implementation of 13 other (large-scale) projects under Labour Intensive Public Works and Japanese Social Development Fund is ongoing.

c. National Area Based Development Programme: 66 projects are ongoing in Balkh, Faryab, Jawzjan, Kabul, Khost, Laghman, Nangahar, Paktya, Parwan, Samangan and Takhar. In addition, 79 projects have been designed to respond to needs identified via the Provincial Planning Exercise (including 6 in poppy eradicated areas). Finally, it has been concluded that Ogata Initiative funds will cover water needs in Nangahar, Balkh and Kandahar via NABDP channels.

d. Provincial Planning Exercise: The exercise has resulted in the design of 227 projects, most of which will be implemented through national programmes (64 by NEEP and 79 by NABDP)." (UNHCR 10 November 2003)

From repatriation to reintegration

"42. The 1382/2003 programme foresees a gradual increase of operational focus from repatriation to reintegration. As per the National Development Framework (NDF), one of the main components for national recovery and reconstruction is the sustainable reintegration of returnees.

43. As indicated under the Institutional Framework, further efforts will be required for the establishment of regular consultations with key constituencies (donors, international agencies, NGOs) to identify and agree upon key elements of strategy, programme design, and resourcing. Appropriate linkages with relevant MRRD programmes, such as the National Area-based Development Programme (NABDP) supported by UNDP, and the National Solidarity Programme (NSP) supported by the World Bank and the National Emergency Employment Programme (NEEP) supported by ILO and several donors.

44. The prime focus for the concerned Ministries of the TISA during 1382/2003 should be to encourage greater integration and coordination of present and future efforts targeting returnees and IDPs among implementing agencies, so as to make sure that the transition from relief to reconstruction is carried out smoothly.

45. Among the 2 million returnees who have come back to Afghanistan during 1381/2002 are a number of returnees classified as persons with special needs. After so many years of destruction, there are no public, social welfare support systems. A referral system established in the previous year will be further strengthened during 1382/2003.

46. During 1381/2002, the existing network for returnee monitoring will continue to be reinforced and expanded to provide accurate information on the conditions of return and the progress of reintegration including security and assistance needs. Close collaboration with mandated agencies (e.g. ICRC and OHCHR) and UNAMA will be essential in particular in the field of detention of returnees, family tracing, minority issues and the monitoring of the conditions of human rights, including women's rights, in areas of return. Links with the newly established Afghan Independent Human Rights Commission will be sought and consolidated.

Initial reintegration assistance

Shelter: House construction and repair for vulnerable returnees and IDPs. Nationwide a total of 100,000 rural houses are expected to be constructed or repair. MoRR is in charge of this component. In 6 main cities, 60,000 houses will be self-built under the Urban Reconstruction Plan. MUDH and Municipalities will coordinate.

Linkages: ECHO, UN-Habitat.

Water: To ensure that returnee areas have adequate sources of drinking water and alternative sources for domestic purposes. Related sanitation interventions (targeting both men and women) would be carried out under the MRRD National Water Supply Programme. In urban areas water supply will be incorporated into the Urban Reconstruction Plan. *Linkages:* GTZ, UNICEF, USAID, WB

Employment Creation and Income Generation: Providing off-farm labour-intensive, fast employment activities in returnee dense rural areas under the NEEP. Also, support for small business, micro-finance initiatives, and employment skills training. It is expected that at least 60% of the returnees will have access to employment opportunities both in urban and rural areas.

Linkages: ADB, ILO, UNDP, UNOPS, WB, NEEP.

Food security: Through technical advice, agricultural inputs (crops and livestock), market support and cash related inputs to food production would be encouraged in areas of high refugee and IDP return.

Linkages: FAO, UNDP, WB, WFP, USAID

Social support: In conjunction with line Ministries, to ensure that returnees enjoy at least equal access to health and educational services as their host communities, Support will be provided through major national programmes with focus on both urban and rural areas.

Linkages: JICA, UNICEF, UNODC, WB, WHO." (TISA March 2003, p. 9)

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.

"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." (MoRR & MRRD October 2003, pp. 7-9)

Obstacles to return and resettlement

IDPs cite unemployment and lackin access to drinking water as main impediments to return (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 IDPs in 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 still 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." (UNDP, February 2005)

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 Pastuns have fled the persecution and ethnic tensions in the north since 2001.

"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." (Pete Spink, September 2004)

Absence of rule of law is illustrated by slow progress made in the disarmament, demobilization and reintegration of factional forces

"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." (UN Secretary-General, 12 August 2004, p. 9)

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

"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)

In June 2003, 20 per cent of IDPs in the south cited insecurity as the main reason for not returning to their homes

"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)

Lack of access to land and housing is the most prevalent obstacle to return (December 2003)

- 900,000 refugees and IDPs expected to return in 2004.
- The most prevalent obstacles preventing return is the lack of access to land and housing.
- During 2003, IRC has undertaken research on property-related obstacles that are preventing return.
- Among the main obstacles identified are: destruction of homes, the presence of landmines, the paucity of arable land, hostile property occupation, interethnic tension, gender discrimination, fraudulent deeds, inequitable social and financial relations and the lack of effective property recording systems or adequate dispute resolution mechanisms.
- Main difference between Afghanistan and other countries is that landlessness is a much larger concern than property restitution.

"Millions of Afghan refugees and internally displaced Afghans have returned home since the fall of the Taliban, hopeful that their country has finally escaped a quarter century of war. The U.N. refugee agency (UNHCR) expects another 900,000 or more to repatriate in 2004 as economic and security conditions continue to improve.

Still, for various reasons, millions of displaced Afghans are unable to go home. And perhaps the most prevalent -- and certainly one of the most complex -- obstacles preventing return is the lack of access to land and housing. The magnitude of the problem led the IRC to hire a property law expert, John Dempsey, to focus on the issue and advocate changes that would have lasting impact on the lives of all Afghans.

During the past year, Dempsey and a team of Afghan national lawyers working for the IRC have engaged in a number of projects, including researching property-related obstacles that are preventing the return of uprooted Afghans. The main concerns identified are the destruction of homes, the presence of landmines, the paucity of arable land, hostile property occupation, interethnic tension, gender discrimination, fraudulent deeds, inequitable social and financial relations and the lack of effective property recording systems or adequate dispute resolution mechanisms.

For many Afghans, the problem is a combination of these factors.

'The 15 jeribs of farmland I abandoned in Kunduz when I fled to Pakistan has been in my family for generations,' explained an elderly man currently living in Pakistan's Kohat Refugee Camp. 'But now, just because we are ethnic Pashtuns, everyone back in my village claims I am part of al Qaeda, so my family can't go back. But my ancestors and I are farmers! We're not terrorists! And because our land is occupied by Tajiks, who have the support of powerful commanders, we are stuck in this camp, working to make bricks 12 hours per day for virtually no pay.'

Dempsey and his colleagues heard similar sentiments from dozens of refugees, indicating how various factors -- occupation of land, ethnic and political tensions, lack of the rule of law -- can contribute to making property disputes some of the most intractable in Afghanistan.

Dempsey points out that one major difference between Afghanistan and other post-conflict countries is that in Afghanistan, landlessness is a much larger concern than property restitution.

'The real issue for most returnees is not ownership of property but access to property,' says Dempsey. 'Most refugees didn't own land in the first place but instead worked as sharecroppers

and laborers on others' land. With little hope of getting their jobs back, they're hoping the government might allocate plots to them.'

IRC and UNHCR jointly intervened early in 2003 in a few property cases of displaced persons, but a weak judiciary and police system in the country made resolving these cases fairly difficult. More often than not, corruption and intimidation played a role in the outcome." (IRC 17 December 2003)

See also below the Amnesty International report "Out of sight, out of mind" (2003)

See also:

Land and the Constitution, Current Land Issues in Afghanistan, AREU, August 2003

Land Rights in Crisis: Restoring Tenure Security in Afghanistan, AREU, March 2003

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.

"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." (DIS March 2003, p. 40; 45)

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.

"'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." (Spink, Pete, September 2004, p. 35)

"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." (Inter-Agency Missions 19 June 2003, p. 3)

Insufficient assistance upon return can lead to renewed displacement, return not always a viable option (September 2003)

- Whether IDPs return, resettle or choose to integrate in a displacement area, settlement resources such as land, housing and water are crucial to put an end to the displacement situation. Lack of such resources will lead to secondary displacement.
- The idea of a 'self-selected community of choice' recognises that return is not a viable option for everyone.
- This could also apply to a camp situation like Zhare Dhast, where 50% of camp residents are hoping to reside permanently should the central government give rights for the use of land

"Whether IDPs are in a displacement location, are resettled or choose to return to their area of origin, they need certain settlement resources in order to establish a place – resources such as land, water and/or housing. For instance, housing is a key issue for displaced people. Often people in IDP camps who live in tents but have the opportunity to build homes will consider themselves 'settled' once the home is built. This is the case in Zhare Dhast IDP camp in Kandahar as well as the Chaman Waiting Area on the border of Pakistan. IDPs who return to their place of origin without land or are unable to recover lost property will often not settle in their place of origin but go to relatives in another area who have a house or land. A lack of settlement

resources will lead IDPs to become secondary migrants, seeking 'a place' elsewhere. This phenomenon has been duly noted in Cambodia.

This question of 'establishing a place' can also be applied to nomads, who in Afghanistan for example suffer most from insufficient water resources. When Kuchi transhumants in IDP camps in southern Afghanistan were asked whether they had a place of origin or a place to which they wished to return, many would say that they wished to relocate to Helmand province because there is "water in that place" or they have distant relatives who are settled there. Others wanted to remain in the IDP camp for an indefinite period. Recognising that water and animals would be scarce to come by for some time, someone said he wished "to keep the house I built here in Zhare Dhast and learn to work".

The idea of a 'self-selected community of choice' recognises that return is not a viable option for everyone and that other forms of forced settlement, such as villagisation in Rwanda, should not be an acceptable standard of settlement by the international community. This idea of a self-selected community could also apply to a camp situation like Zhare Dhast, where 50% of camp residents are hoping to reside permanently should the central government give rights for the use of land." (Petrin, Sarah September 2003)

Local integration of IDPs is hampered by the reluctance of local authorities to allocate land (September 2003)

- A significant portion of Afghan are landless and are occupying government land.
- A sizeable number of IDPs wish to permanently settle in their current displacement locations in the South-western region and have filed an application with Kandahar's provincial authorities for land allocation. Only temporary permission has been given.
- In urban areas, the problem is compounded by the fact that IDPs also occupy government buildings.
- In Herat, many of the IDPs are currently being forcefully relocated from Shadayeh camp to Maslakh camp because the governor wants to restitute most of the land to the military.
- Other similar cases are to be found in various areas of the country, affecting many IDPs.

"(...) Given that the majority of the Afghan population is landless, a fair number of them seem to be residing on government land. As one would imagine, their presence is tolerated in some cases and deeply contested in others.

Kandahar City is the site of a controversial application for land allocation filed by a group of IDPs who have occupied government land, and have expressed their interest to resettle there either temporarily or permanently. While these cases cannot be treated as land disputes as such, they raise major concerns with regards to the implementation of a durable solution for the significant population displaced persons in the Region. Initial reports have revealed a sizeable number of IDPs, wish to permanently settle in their current displacement locations in the South- western region. The most obvious case in point is that of Zhari Dasht IDP settlement for which currently only a right of use has been granted by the provincial authorities of Kandahar. The problems becomes more pronounced in the urban areas, where in addition to occupying government land, returnees and citizens are also occupying government buildings.

As expected, the authorities have reaffirmed their control over public land in some cases, to the detriment of the groups that are residing there, and who often, has no alternative places of residence. In Herat for example, many of the IDPs are currently facing the threat of forced relocation from Shaydeh camp to Maslakh camp because the governor wants to restitute most of

the land to the military. In Nangarhar province, the authorities have already demolished the houses of 95 families along the Jalalabad canal, on the pretext that their houses are built on governmental land. A recently created land committee has ordered the demolitions. This is a temporary body whose declared purpose is to preserve government owned land from illegal occupancy. There are strong indications that other areas will be targeted. One of the most likely sites for such an activity is reportedly Farma Hadda Camp, a settlement hosting thousands of Afghans that have come as IDPs from other provinces throughout the various periods of fighting, and have later integrated.

A similar scenario is unfolding in Laghman province in the East, where several families have received an expulsion order from the Governor. Though the families claim that this land has been allocated to them under Dawud Shah, the provincial authorities affirm that this land is government land, and that it is illegally occupied by 810 families." (UNHCR 1 September 2003, pp. 11-12)

HUMANITARIAN ACCESS

General

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

"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." (Reuters, 20 June 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, 9 September 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." (UNGA, 12 August 2005)

Security has deteriorated in many areas of the country during 2004 (September 2004)

- Increasing instability in the country was illustrated by the withdrawal of MSF in July 2004 following the killing of 5 of its staff.
- In August 2004, the UN staff union requested the withdraw all international employees from the country.
- 17 aid workers were killed in the first 6 months of 2004, compared to 14 in all 2003.
- Afghan security forces are still being formed and local commanders still control largely armed militias.
- Only 13,000 out of 60,000 soldiers have been demobilized as of August 2004

"The security situation in Afghanistan has deteriorated steadily over the past six months, a trend that is expected to continue as the election draws near. Perhaps the most vivid illustration of the tenuous stability in the country was the recent withdrawal of the Nobel-prize-winning nongovernmental organization (NGO) Médecins Sans Frontières (MSF) from Afghanistan in late July, two months after five of its employees—three Europeans and two Afghans—were killed in a brazen attack attributed to the Taliban. The announcement sent shock waves through the aid community, as MSF had been a mainstay in Afghanistan for over 14 years, having endured both the brutal civil war and oppressive Taliban rule. A sense of pessimism has since descended upon the UN and NGO community, prompting many to consider scaling back their operations or withdrawing altogether. Such sentiments culminated in a late August request by the UN staff union for the United Nations to withdraw all international employees from the country. In light of growing frustration and heightened sensitivity to risk, any major security incident involving foreign workers in the coming months could result in a major disruption in international assistance. One need only glance at security statistics from the first half of 2004 in Afghanistan to grasp the severity of the situation:

23 U.S. soldiers were killed from hostile fire in half of 2004 compared to 12 in all of 2003.

179 Afghans were killed by anti-government insurgents in the first six months of 2004 compared to 119 in all of 2003.

17 international aid workers were killed in the first half of 2004 compared to 14 in all of 2003.

Taliban resurgence is largely responsible for the upsurge of violence in 2004.

(...)

In spite of the rising incidence of Taliban activity, President Karzai has identified warlordism and the persistence of private militias as the greatest threat facing Afghanistan. In July 2004 he signed a decree stipulating that any warlord who did not comply with the ongoing disarmament, demobilization, and reintegration (DDR) process, known as the Afghan New Beginnings Program (ANBP), would be "considered disloyal and rebellious" (EurasiaNet, July 29, 2004). Karzai emphatically claimed that the time for persuasion and accommodation is over and "the stick has to be used" (New York Times, July 12, 2004). The problem is that no one knows where this stick will come from. Afghan security forces, still at a nascent stage in their development, are not capable of enforcing compliance, and the U.S.-led coalition has displayed an unwillingness to engage in so-called "green-on-green" disputes (that is, clashes between rival warlords or between warlords and the central government). The UN-supported ANBP has proceeded at a deliberate pace since the end of the pilot phase. Approximately 13,000 of Afghanistan's 60,000 soldiers have been demobilized as of August 2004. At this rate the program will be hard-pressed to meet its targets of demobilizing 40% of the country's militiamen by the presidential election and an additional 20% by the parliamentary balloting in May 2005." (FPIF September 2004)

17. The security situation in Afghanistan is volatile, having seriously deteriorated in certain parts of the country. Attacks on national and international forces and on electoral, government and humanitarian workers and their premises in southern Afghanistan have intensified. At the same time, in a disturbing development, several of the most serious acts of violence since the start of the Bonn process took place in the north and west of the country, areas that had been considered low-risk. The protagonists of this destabilizing activity range across a gamut of interests hostile to the peace process, from extremist elements (Al-Qaida and the Taliban, whose numbers include cross-border insurgents), to factional forces and criminals, including some involved in drug trafficking." (UN Secretary-General, 12 August 2004, pp. 6-7)

Volatile security situation hampers access to IDPs and constrains relief and development activities (July 2004)

- Ongoing insecurity in southern and eastern provinces has led to a reduction of aid and reconstruction activity in the region generally.
- It is dangerous to go to IDP camps near Kandahar because of threats of attacks.
- Insecurity and lack of rule of law are major constraints to comprehensively addressing the needs of most of the residual IDP population.
- All UN activities have been suspended in Uruzgan, Zabul and northern Helmand provinces and restrictions on movements have recently been imposed on southern Helmand and parts of Kandahar province.
- Insecurity impacts on most dimensions of the international community's support to IDPs.
- Limited access by the international community and inadequate Government mechanisms for challenging impunity by violators means that adequate protection cannot be provided and many violations remain unreported
- Deteriorating security in parts of Afghanistan is hampering return programmes for refugees IDPs and jeopardising the sustainability of past and future returns.

Insecurity in the south and south-east makes it difficult to access IDP camps

"A state of war in south and southeast Afghanistan exacerbates already precarious living conditions for people in more than a third of the country. Public services are devastated and the vast majority of people have little or no access to essential health services. To reach the infectious disease ward of Kandahar hospital, for example, patients must travel great distances through highly insecure areas and often arrive too late: more than half of the deaths at the hospital, the only referral facility in the area, occur within 24 hours of admission. Aid programs to displaced people at risk of malnutrition in Zhare Dasht camp are insufficient and often interrupted.

Basic emergency aid is not reaching those who need it in these areas because insecurity makes it nearly impossible to provide meaningful assistance. Anti-US forces have deliberately targeted aid workers, forcing many agencies to scale back the reach and level of their programs. Since January 2003, 25 aid workers have been killed in criminal attacks. MSF has had to withdraw its international staff from all areas except Kandahar, while its programs in Ghazni are run by national staff who are only marginally less at risk." (MSF July 2004)

Security concerns throughout the country cause the suspension of many UN missions

"In the north, UN missions to Gusfandi and Kohistanat districts in Saripul province remained suspended. An improvised explosive device was discovered near UNAMA office in Mazari Sharif and removed safely. The anti-drug operation launched by the Coalition in the northeast is causing security concerns, including stopping and searching of UN vehicles. Sixteen WFP trucks were stopped and searched by armed police on the road between Fayz Abad and Kunduz.

In the east, military operations in Kunar and Nuristan provinces continued and all UN missions remain suspended throughout the region, including Nangarhar and Laghman provinces.

UN missions to southeastern and southern provinces remained impeded due to insecurity with missions on the Kabul-Gardez road, in the vicinity of Kandahar city and in Lashkargar district in Hilmand province, being cleared on a case-by-case basis. Several security incidents took place during the week in Kandahar city: Two bomb explosions killed 14 and injured 70 people. Two hand grenades exploded at the compounds of UNHCR and the Coordination of Afghan Aid, a local NGO, with no casualties.

In the west, UN missions on Shindand-Dilaram highway and to Bakwa and Bala Buluk districts in Farah province remained suspended. Two incidents of armed robbery involving international NGOs' vehicles with national staff took place on the road from Hirat to Baghdis." (WFP 15 January 2004)

"Security conditions remain dissuasive to returns in much of the southern (Kandahar, Helmand) and south-eastern (Khost, Paktiya, Paktika, Uruzgan, Kunar, Logar and Zabul) provinces of the country. This is evidenced by the fact that returns to these regions are far lower than any other region of the country. Although large scale displacement of ethnic *Pushtun* from the north has largely ended, continuing abuses by local commanders make the security conditions in a number of provinces unstable discouraging many IDPs and refugees from returning to their homes. Until these developments are arrested and reversed, they will remain an obstacle to reconstruction and assistance efforts and thus to repatriation prospects. Implementing partners have also been affected by periodic insecurity and direct attacks on humanitarian personnel, particularly in the South and Southeast. As a result, access to certain areas has been limited, constraining activities which require regular presence such as rehabilitation projects, aid delivery and returnee monitoring" (TISA January 2004, p. 15)

Theats of attacks in the south limit access to IDP camps

"The truck bomb on Tuesday and the assault on UNHCR's premises are the latest in a series of assaults increasingly hampering aid and reconstruction work in Kandahar province, former base of the ousted Taliban movement. Ongoing insecurity in southern and eastern provinces has led to a reduction of aid and reconstruction activity in the region generally.

'Our [UNHCR's] operation is already very, very limited because of the general security situation. Of course the environment is not very good for working down there and we have to be very careful,' the assistant information officer said, adding the agency had already withdrawn its international staff from southern provinces following the murder of a UNHCR international staff member in the southern city of Ghazni in mid-November.

'The international staff are in Kabul and occasionally go to the regional offices. National staff work [but] within limitations because it is dangerous to go to IDP [internally displaced persons] camps because of threats of attacks,' he maintained. Farhad said UNHCR's chief of mission in Afghanistan was going to go to Kandahar on Wednesday to further investigate the situation.

'In any case we are not going to close [activities] and we cannot limit our operations any further as it is already too limited. We work through our partners in the camps to keep the operations going, however, it is becoming more and more difficult,' he said." (IRIN 6 January 2004)

Prevailing pattern of targeted attacks on the aid community limit UN international presence in the field

"The UN is reviewing the number of international staff it will permit to operate in Afghanistan following the assassination, on 16th November, of a young French woman employed by UNHCR. She was shot dead at close range by a man on a motor cycle while being driven through Ghazni bazaar. The perpetrator and an accomplice were immediately captured and were later identified as being members of the Taliban militia.

This incident is clearly linked to the prevailing pattern of targeted attacks on the aid community and on those involved in reconstruction programmes. Responding to the attack, the Head of UNHCR reported that UN activities, in general, had been dramatically scaled back with field missions suspended and activities reduced to avoid exposure. He added that UNHCR would move its international staff out of Kandahar, Gardez (which includes Ghazni) and Jalalabad. He noted that a dialogue was ongoing with the government of Afghanistan to bring about better security so that aid organizations could work safely. Noting that repatriation had been halted in Pakistan, he indicated the UNHCR wanted to send a message to the Pakistan and Afghanistan governments that it could not carry out its work without proper security and that these governments had to do more." (BAAG 18 December 2003, p. 1)

Insecurity impacts on most dimensions of the international community's support to IDPs

"Insecurity and lack of rule of law are major constraints to general long-term development in Afghanistan and by extension to comprehensively addressing the needs of most of the residual IDP population. Throughout much of the country the rule of law is at best weak and at worst non-existent. Presently, all UN activities have been suspended in Uruzgan, Zabul and northern Helmand provinces and restrictions on movements have recently been imposed on southern Helmand and parts of Kandahar province which have seriously reduced access to IDP camps and other informal settlements. In parts of the south and southeast, even NGOs have significantly scaled-back their operations in recent months due to increased insecurity. There is growing concern that international staff is being targeted by radical opposition factions in the south and southeast. Thus, national staff is increasingly being utilized for implementing programmes. However, even they are increasingly at risk of being targeted and their deployment to high-risk areas must therefore be closely monitored. The dramatic growth of poppy cultivation throughout the country has added a further dimension to insecurity and risk.

Insecurity impacts on most dimensions of the international community's support to IDPs. Comprehensive assessments cannot be undertaken in many areas, in turn, constraining planning and project development. Lack of security limits the extent and effectiveness of monitoring IDP needs and providing them with protection. Operations are frequently subject to interruptions or suspension due to security incidents or risks thereof. The limited presence of 'development' actors in many regions is also attributable, at least in part, to insecurity. Hence, both the quality and geographic coverage of support to the authorities for IDP protection and provision of services is seriously compromised in areas of insecurity.

Human rights violations remain widespread and often occur with impunity. Limited access by the international community and inadequate Government mechanisms for challenging impunity by violators means that adequate protection cannot be provided and many violations remain unreported. While traditional conflict and dispute resolution mechanisms are still generally in place, and do indeed often succeed in upholding a degree of rule of law, particularly with respect

to competing claims for access to land, these mechanisms are often sidelined with impunity by local commanders.

Until such time when a better trained and unified police force is in place, the judicial reform process runs its course, the Afghan National Army is strengthened and deployed countrywide, and the disarmament and demobilization programme becomes fully operational, it is unlikely that many of the current security constraints will abate. To date, ISAF has not been deployed to areas of high insecurity beyond Kabul. It is also unclear whether the deployment of Provincial Reconstruction Teams (PRTs) by the coalition forces will have any significant effect on reducing insecurity." (Inter-Agency Missions 19 June 2003, pp. 3-4)

Visibility of IDPs in settlements in Kabul makes them easier to assist than returnees scattered over the city (January 2004)

- In 2003 MSF conducted a survey in Kabul and identified 17 temporary squatter settlements also called 'returnee' or 'IDP' settlements.
- The visibility of these settlements made it easier to provide its residents with assistance.
- Those who are living in similar conditions but scattered over the city are much more difficult to identify, therefore also to assist.

"Over the course of this survey the team identified and visited several temporary squatter settlements, often labelled 'returnee' or 'IDP' settlements. Médecins Sans Frontières conducted a survey, which found 17 such temporary settlements throughout the city. As a result, in 2003, MSF along with the UNHCR, provided a winterisation package to these groups in the form of latrines, doors, windows, plastic sheeting and some shallow wells.

To a certain extent however, the visibility of these settlements have made them easier to identify and to target for assistance over the last two years. The other hundreds of thousands of returnees who have resettled throughout the city are in essence hidden and thus will not necessarily benefit from such 'package-type' interventions.

In fact, rapid assessments and interviews confirmed that the households living in these sites are, like many others in Kabul (whether they arrive from the countryside or from abroad), looking for opportunities in the city. Indeed, in Wasal Abad the many tents planted on the hillside is an alarming sight, but these people, like many others, have simply moved in and settled on illegal land and are now starting to build their houses. Similar to other households throughout the city, their housing situation is precarious and the lack of services an issue. As with the returnees, this study chose to present structural vulnerability within the different neighbourhoods of the city, without specifically focusing on these settlements." (ACF January 2004, pp. 14-15)

NATIONAL AND INTERNATIONAL RESPONSES

National response

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

International response

Activities of UN agencies

UNHCR

UNHCR's activities in Afghanistan focus mainly on return and reintegration of refugees and IDPs. While between March 2002 and mid-November 2004, it assisted over 3 million refugees from Pakistan and Iran, an estimated 160,000 persons remain displaced within Afghanistan.

UNHCR aims to achieve three main goals:

- facilitating a safe and voluntary return and reintegration in communities of origin;
- ensure equal access to rights and to the protection by the State for IDPs and returnees;
- advocating for the consideration of returnee and IDP issues within the long-term development strategies for Afghanistan.

Since 2002, UNHCR's activities have been structured in five main areas:

- support the actual return (transportation and return cash-grant)

- initial reintegration assistance

- humanitarian assistance to residual camp based IDPs

- returnee and IDP protection monitoring

- Government capacity building.

For 2005, UNHCR planned to focus particularly on enhancing government ownership of the return and reintegration process, and on the integration of returnee and IDP issues into the general development agenda. The organization expected the total number of returned refugees and IDPs to be 790,000 for 2005, a number which proved too high.

Other UNHCR activities for 2005 were the provision of water for returnees, income generation activities, humanitarian assistance to residual vulnerable IDPs (thereby continuing to pursue the July 2003 National Strategy for IDPs), and the central issue of access to land. (UNHCR, November 2004)

Specific protection activities of UNHCR in Afghanistan include returnee monitoring and interventions (e.g. advocacy and legal aid), which should in turn inform UNHCR's approach in Afghanistan. In order to address the various human rights abuses returnees and local populations face similarly, UNHCR has entered a partnership agreement with the Afghan Independent Human Rights Commission (AIHRC) (UNHCR, Protection, 23 August 2005).

In 2004, UNHCR established the **ACSU** –Afghan Comprehensive Solutions Unit, which was to conduct studies to further the understanding of population movement dynamics to and from Afghanistan, and examine the different options for the future management of displacement after 2005. The Unit coordinates UNHCR policy formulation, sustains dialogue and exchanges with key stakeholders, drafts policy and analytical documents and provides technical support. It is expected to function for 24 months, until November 2005. The Unit operates under the supervision of the CASWANAME Director and in full coordination with the relevant geographical Desks and the UNHCR field offices in the region. The ACSU had three main objectives:

- deeper analysis and knowledge of key aspects of population movements to and from Afghanistan;
- broader working partnerships with agencies and institutes in the fields of migration and development;
- examining with key constituencies the different options for the future management of refugees and displacement. (UNHCR, 26 January 2004; ECHO, April 2004)

In **2002**, UNHCR and its partners established a returnee monitoring network covering most provinces of Afghanistan in an effort to support the newly created government structures in ensuring the protection of returnees and IDPs, and their socio-economic reintegration into communities of their choice. Some 4,000 missions to returnee villages were conducted to gain a better understanding of the problem related to return of refugees and IDPs (UNHCR 5 July 2003, pp. 2-3).

Various UN and inter-agency missions to Afghanistan drew the international attention to the ongoing insecurity in the country and to continuing obstacles to durable solutions for returning refugees and IDPs. A Security Council mission in November 2003 called for the respect for the rule of law in the north, for the removal of militia forces and the strengthening of judicial institutions. Deployments of PRTs were seen as insufficient and the mission called for ISAF deployment throughout the country (BAAG, 18 December 2003).

An inter-agency mission to Afghanistan in late May, early June 2003 set out to identify the gaps in the response to the IDP situation and suggest how to address them. The mission report concluded that although the majority of IDPs had returned 18 months since the return movements have started, the residual caseload needed specific attention. It recommended that the care and maintenance programmes should shift to sustainable solutions programmes and that the large group of non-protection IDPs (drought-displaced Kuchi) needed to be addressed specifically by UNAMA and the development community, particularly UNDP. The mission report encouraged the development community to heighten its support to national and provincial authorities regarding local integration (Inter-agency mission, 19 June 2003).

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§ion=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

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)

Coordination

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.

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." (TISA January 2004, pp. 17-18)

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.

"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." (MoRR & MRRD October 2003, p. 4)

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)

Selected NGO activities

NRC provides IDPs and returnees with legal aid and conselling (2005)

NRC provides IDPs and returnees with legal aid and counselling (September 2005)

NRC established the fifth of ultimately eight legal aid centres in Maimana, Fayryab province in April/May 2004. The aid centres are part of a regional Afghanistan/Pakistan project supported by the European Communities Humanitarian Aid Office (ECHO), the Royal Norwegian Government and the United Nations High Commissioner for Refugees (UNHCR). The centres provide free assistance, including direct legal representation by local Afghan lawyers, to people who have been forced to flee their homes or who have recently returned. They also provide information and advice about the current situation in places of origin so that people can make an informed decision about whether to return. The centres work closely with protection staff of the UN High Commissioner for Refugees (UNHCR), the UN Assistance Mission to Afghanistan (UNAMA) and the Afghan Independent Human Rights Commission (AIHRC). (NRC, January 2004)

NRC organised 2 training seminars for judges and provincial officials in May 2004: one in Mazar-i-Sharif and one in Jalalabad. The trainings related to issues of property law, in relation to which there is considerable confusion in Afghanistan. A recent NRC publication on property law is intended to create more clarity (NRC, March 2005)

Three legal aid centers were opened by NRC in 2003, the only of their kind in Afghanistan.

IDPs and refugees returning are provided with free legal advice and representation when confronted with land and property disputes. Information is also provided on the current situation in areas of origin so that people can make an informed decision to return. The demand for such legal aid is very high. (NRC, May 2004, p.1)

NRC Afghanistan has recently made a first assessment mission to the Zahre Dasht IDP camp near Kandahar, and we are currently also doing an assessment of the IDP concentrations in the west. NRC plans to start a return facilitation program in 2006, in particular looking at possibilities for return to the north of conflict affected Pashtuns. The security situation in the south is of course not helpful, but the possibilities for return are maybe more hampered by specific security concerns in the north, and lack of livelihood in other areas. (NRC, email exchange, September 2005)

Assistance gaps

Assistance gaps

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

Known reference to the Guiding Principles on Internal Displacement as of December 2003

- 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
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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

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Recommendations

Need for a coherent policy of land reform together with a restoration of peace and security (June 2004)

"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." (NRC June 2004, pp. 20-21)

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.

"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." (UNHCR 15 November 2003, pp.5-6)

Conditions for return should be assessed in close association with the IDPs themselves (September 2003)

- ICMC carried out an Informed Decision Making (IDM) project in Kandahar from November 2002 to May 2003, aiming at determining whether IDPs originating from the western provinces and displaced in the south, wished to return, remain in their displacement location or seek alternative settlement solutions.
- UNHCR offices in Kabul, Herat and Kandahar believed that conditions were safe to return basing their decision on the fact that fighting in these areas had ended and no major protection problem had been reported.
- However, the IDM project found out that more than half of the IDPs in Zhare Dhasht camp feared local commanders who took their women, homes, animals and other possessions during the period of Taliban-Northern Alliance fighting. Before returning they were asking if these commanders were still in place.
- UNHCR preferred to disregard this information and did not verify the information provided by the IDM project. However, several weeks after reporting the IDPs' concerns, fighting broke out between commanders in two districts of Badghis which led the UN to evacuate its staff from the entire province.
- Factors by which displaced people make the decision to return or not are more intricate than those which can be determined from a checklist survey, therefore, Sarah Petrin recommends to better involve the IDPs themselves before making decisions regarding the safety in the areas of origin of IDPs.

"Let us look at the example of Afghanistan more closely, drawing from the Informed Decision Making (IDM) project carried out by the International Catholic Migration Commission (ICMC) in Kandahar under the auspices of UNHCR from November 2002 to May 2003. The project aimed to find those displaced people located in five major camp locations in the south who originated from the western provinces to determine whether they wished to remain in their displacement location, return to their area of origin or seek alternative settlement options.

The IDM programme first began working with camp populations from Badghis province, an area northwest of Herat where fighting between the Taliban and Northern Alliance forces in early 2002 was particularly acute, leading thousands of ethnic Pashtuns from the area to flee to the southern provinces. UNHCR offices in Kabul, Herat and Kandahar believed that Pashtuns from Badghis who were not politically involved in the Taliban regime could return to their communities of origin in safety and dignity. They came to this conclusion for two reasons; firstly because Taliban and Northern Alliance fighting in Badghis had come to an end and secondly because UNHCR's Field Officer in Badghis province reported that no major protection issues in the area impeded the safe return of non-political persons.

As the Programme Manager for the IDM project, I was able to locate substantial information in returnee monitoring reports on whether material, educational and health resources were available at the district level in Badghis. However, I could not locate any factual evidence that there were no ongoing, low-level conflicts in the area. However, such protection indicators were aptly supplied by the IDPs themselves. The project found that more than half of the IDPs in Zhare Dhasht camp feared local commanders who took their women, homes, animals and other possessions during the period of Taliban-Northern Alliance fighting. They wanted to know whether specific individuals were present in their places of origin, whether they were occupying their property and especially if they were part of new government forces.

The IDM project team collected the names of 28 local commanders impeding the return of hundreds of families who would otherwise like to return. This information was given to the UNHCR office in Kandahar, with the suggestion that the UNHCR office in the west provide

information concerning these individuals for dissemination to the IDPs. The information was disregarded, based on the fact that the 'circumstances which led to displacement had fundamentally changed'.

Yet, many IDPs felt that conditions in their place of origin had not fundamentally changed since the time of flight. While they recognised that major fighting between Taliban and Northern Alliance had ceased, they were aware of low-level conflict between commanders that I could not confirm from other sources. Although UNHCR felt this information was not credible, several weeks after reporting the IDPs' concerns, fighting broke out between commanders in two districts of Badghis which led the UN to evacuate its staff from the entire province. An important lesson was learned here. The factors by which displaced people make the decision to return or not are more intricate than those which can be determined from a checklist survey. The quantitative facts that are gathered from asking IDPs more probing questions about the situation in their place of origin can unearth important political indicators that could be easily overlooked without such investigation." (Petrin, Sarah, September 2003)

Inter-Agency mission recommends that UNDP take the lead in finding durable solutions for the non-protection residual IDPs (June 2003)

- UNHCR is advocating for a shift to a more comprehensive development oriented strategy for IDPs who remain affected by loss of livelihoods.
- It has proposed to the Government that responsibility to seek and implement longer-term solutions for the non-protection IDPs - primarily the Kuchi and other drought displaced - be vested with MRRD and supported by UNAMA in close collaboration with the development community.
- Government has commit itself to include IDPs into national development programmes, but it remains reluctant, however, to set up special programmes for local integration of IDPs.
- UNDP's presence is required at the provincial level - in Kandahar especially - in order to galvanize the relevant organizations into an integrated programme approach in support of the provincial authorities' implementation of durable solutions for the displaced.
- 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.

"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. It has proposed to the Government that responsibility to seek and implement longer-term solutions for the non-protection IDPs - primarily the Kuchi and other drought displaced - be vested with MRRD and supported by UNAMA in close collaboration with the development community. The Government has yet to endorse this shift in policy. Given that large sectors of this IDP population are unable and/or unwilling to return to traditional pastoral livelihoods, and consequently will need to be integrated among local populations, it is necessary that the required 'development' responsibilities are assumed by the development actors - MRRD and relevant line ministries in partnership with UNDP, FAO, ILO, UN Habitat, other appropriate UN agencies and NGOs.

Initial response by MRRD to UNHCR's proposal has been to commit itself to mainstreaming those IDPs unable to return to their traditional livelihoods into national development programmes. It remains reluctant, however, to set up special programmes for local integration of IDPs. Clearly some middle ground must be found since the national development programmes such as NEEP,

NSP, NABDP and NCP, are slow to get off the ground and are unlikely to impact areas of Kuchi IDP concentrations for some time to come. In the interim, the Kuchi Commission in MRRD Kabul must broaden its membership to include all actors that can support the integration and mainstreaming of Kuchi into Afghan society.

The mission was frequently advised by informants at the provincial level of the limited visibility of the development community outside of Kabul. UNDP was especially singled out. The mission was pleased to learn that regional advisors are now being deployed by UNDP's NABDP to strengthen the capacities of MRRD, and that NEEP is posting professional staff into each provincial administration. However, it is unlikely that these interventions will have any tangible impact on finding durable solutions for IDPs as part of larger community-based programmes. UNDP's presence is required at the provincial level - in Kandahar especially - in order to galvanize the relevant organizations into an integrated programme approach in support of the provincial authorities' implementation of durable solutions for the displaced. Likewise, UNDP has an important role to play in support of MRRD in other IDP concentrations in the west and north.

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." (Inter-Agency Missions 19 June 2003, pp. 15-16)

Inter-Agency mission recommends establishing a small task force to assist the Gov. develop a policy and operational strategy for durable solutions for all IDPs (June 2003)

- UNAMA has a responsibility for advocating for and coordinating UN system programming, but limited capacity of the office has resulted in little success in promoting integrated programming.
- 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.
- It also 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.

"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's 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.** " (Inter-Agency Missions 19 June 2003, pp. 16-17)

Need to better integrate existing information on IDPs (June 2003)

- 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 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.
- UNAMA's Senior IDP Advisor has played a key role in monitoring and reporting on the on-going IDP situation.
- Mission recommends that this post be maintained for another year and that the recruitment of three national assistants be expedited.

"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.** Responsibility for this should rest with UNAMA management in Kabul as well as with the heads of all UNAMA field offices. There should also be stronger linkages established between AIMS and the Central Office for Statistics.

Over the past six months, UNAMA's Senior IDP Advisor has played a key role in monitoring and reporting on the on-going IDP situation. While based primarily in Kandahar, he has also covered the rest of the country where IDPs are located. The mission ***recommends that this post be maintained for another year and that the recruitment of three national assistants be expedited.*** However, in the light of some of the recommendations made in this report, it will be necessary to review and adjust the TORs of the Senior IDP Advisor. It will also be necessary to clearly define the working relationships with UNHCR that the national assistants are expected to assume. The mission concurs that these three assistants will be posted to Mazar, Kabul and Kandahar. With the placement of these assistants, the Senior IDP Advisor will be in a better placed to spend more time in all areas with IDPs. With the proposed shift in responsibility for longer-term solutions for the non-protection IDPs from UNHCR to UNAMA and the development actors, the Senior IDP Advisor will also have an additional responsibility of ensuring that coordination among UN actors and between them and the relevant national and provincial authorities is sustained." (Inter-Agency Missions 19 June 2003, pp. 16-17)

Government and international community should address the long-term needs of the displaced (June 2003)

- MoRR, MRRD, MBTA (Ministry for Border and Tribal Affairs) and local authorities are responsible for developing strategies for local integration or relocation for IDPs that have no intent or ability to return to areas of origin.
- IDP groups most concerned are the Kuchis and the Pashtuns from north and northwest.
- 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, 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).

"[...], 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). It is suggested that this need be placed on the agenda of the Consultative Group on Livelihoods by MRRD in close collaboration with UNAMA and UNHCR. The Senior IDP Advisor in UNAMA should sustain close working relationships with the project managers of the above programmes to ensure the IDP agenda is being actively addressed by the respective managers while reporting to the UNCT regularly on progress made and/or unresolved issues." (Inter-Agency Missions 19 June 2003, pp. 6-7)

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