

UNHCR INPUT TO HR UNIVERSAL PERIODIC REVIEW

Overview

From the start of UNHCR repatriation operation in 2002 to the end of 2007, over 5.3 million refugees have returned to Afghanistan, some 4.3 million of which with UNHCR's assistance. The total figure of Afghans that have been assisted to return in 2008, until end October, is 273,187 individuals. The vast majority (269,635) have returned from Pakistan, particularly from the North West Frontier Provinces (NWFP) (229,513). Despite gradual improvements in the delivery of public services, notably in the health and education sectors, Afghanistan is still one of the poorest countries in the world. The social and economic situation for the Afghan people has deteriorated in the midst of an extremely severe winter, the global food crisis, and the persistence of drought. Returnees need jobs and livelihood activities, access to basic services such as health and education, and availability of minimum physical infrastructure such as roads, bridges and electricity. The main needs, as expressed by returnees, are land, shelter and water as well as livelihood opportunities, access to education and health facilities. These issues are disproportionately affecting returnees and IDPs acting as an impediment to the return of the refugees. The deteriorating security situation in the country is severely affecting the humanitarian space that continuously is growing smaller and thereby impedes the access to the Afghan population by the humanitarian and development actors.

The economy and infrastructure of Afghanistan is not able to absorb existing returnees, let alone those arriving in future waves. Without an adequate standard of living and livelihood opportunities as well as the deteriorating security, some returnees are seamlessly transformed into IDPs upon return to Afghanistan. In 2008, some 4,706 (around 28,000 individuals) families have settled in five spontaneous temporary settlements in the provinces of Nangarhar and Laghman in the Eastern region of Afghanistan. The returnees claim that they cannot return to their places of origin due to landlessness, tribal conflicts, and insecurity from anti-government elements, personal enmity, land disputes and limited socio-economic opportunities. In the last three months, more than 4,100 families (around 20,700 individuals) have fled the fighting in Bajaur Agency of Pakistan's Federally Administered Tribal Areas (FATA), into Kunar province in eastern Afghanistan. The majority (over 60 percent) are Pakistanis. All displaced families are living with their relatives and friends. Currently there are an estimated 235,000 IDPs in Afghanistan. Despite nuances, the problems facing returnees and IDPs are similar; these problems are also the main reasons that prevent refugees from returning.

Winterisation

The impact of the harsh winter continues to be the most predictable humanitarian challenge in Afghanistan. The winter of 2007/08 was particularly severe and a lessons learned exercise conducted by UNHCR indicated lack of inter-agency coordination in assistance that may have led to the exclusion of some vulnerable groups, late assistance delivery, inadequate assistance packages and comparative neglect of populations in less accessible areas. In order to be well prepared for the impending winter, UNHCR is supporting UNAMA and the Humanitarian Country Team to initiate preparations. Initial estimations indicate a planning figure of approximately 35,000 vulnerable families that UNHCR is aware of that could be affected by this winter throughout Afghanistan, including returnee and IDP populations. UNHCR is contributing non-food item assistance such as plastic sheeting and blankets, as well as winter clothes and shoes in certain regions, as part of an inter-agency package which better matches assistance with needs. It is hoped that winterization assistance can eventually be reoriented from emergency response to emergency prevention through a well coordinated inter-agency annual project to assist vulnerable communities to survive the winter with minimum hardship.

Neighbouring Countries

Some 2.5 million registered Afghans are remaining in Pakistan and Iran. Since 2001, some 3.4 million Afghans have returned from Pakistan and 860,000 Afghans have returned from Iran to Afghanistan, leaving a population of some 1,568,020 registered refugees in Pakistan and 930,000 in Iran.

In the region, the main push factors reported by returnees include the high cost of living and lack of job opportunities in countries of asylum, camp closure and the deteriorating security in parts of Pakistan, and in some cases fear of security forces. The main pull factors identified by interviewed returnees were an improvement in the security situation in Afghanistan (in the north and parts of the central region), expectations regarding employment opportunities, the land allocation scheme, shelter programmes, improved health and education facilities and the increased UNHCR assistance package.

Pakistan

The Government of Pakistan is now reviewing its three-year strategy for the repatriation of Afghans. During the 16th Tripartite Commission meeting in late August, between the Government of Pakistan, the Government of Afghanistan and UNHCR, the government of Pakistan announced it would review its strategy to repatriate all Afghans by the end of 2009, as it was originally planned. It will now adopt a time bound medium-term approach to return, with agreed annual planning figures.

Of the four refugee camps slated for closure in 2007 (Kacha Garhi and Jalozei in NWFP and Jungle Pir Alizai and Girdi Jungle in Balochistan), the two in NWFP are now closed. While Kacha Garhi was closed in July 2007, the elders of Jalozei negotiated an extension until spring 2008 and Jalozei was finally closed on 30 May. Out of the total registered population of 109,934 in Jalozei, some 56,000 Afghans repatriated between 1 March and 30 October. Authorities estimate 20,000 Jalozei residents self-relocated mainly to the surrounding urban areas or to other locations to live with relatives. Many of these have since repatriated due to the economic situation and soaring prices.

A massive deportation drive of Afghans from Pakistan would likely result in a massive humanitarian crisis. Presently, the only way forward is to work towards improving conditions in Afghanistan that would eventually provide the impetus for the refugees living in Pakistan to voluntarily return.

Iran

All registered Afghan refugees who returned from Iran in 2008 (3,142 individuals) were from urban areas outside camps. Due to the slow pace of repatriation, the Government of Iran opted not to renew the Tripartite Agreement at present. Like their Pakistani counterparts, the Iranian authorities have expressed concerns regarding progress in supporting sustainable reintegration in Afghanistan.

The Government of Afghanistan and UNHCR have set 19 November 2008 as the date for an international conference on return and reintegration. The intention of the Conference is to mobilize support for existing return and reintegration/development activities, as outlined in the sector strategy on refugees, returnees and internally displaced persons of the Afghanistan National Development Strategy (ANDS).

In 2001, Iran began its program to deport all those without a work permit. Though the vast majority of Iranian deportees are not refugees, genuine refugees do get caught up in the process. More than 320,000 Afghans have been deported in 2008.

Landlessness

A deteriorating security situation, landlessness, and limited livelihood opportunities are the factors preventing the reintegration of IDPs and returnees as well as the return of refugees. The lack of security in large swathes of Afghanistan makes a return to the place of origin often impossible. Several regime changes during the period of conflict created a network of conflicting land claims. Many of the “commanders” and “warlords” grabbed tracts of land to be distributed among their tribes and soldiers. During their period of forced migration, families have nearly tripled in size, which may prevent them from going back to their place of origin as they have left behind a small plot of land and a small house. Additionally, many of those who fled Afghanistan had no land to begin with and find it difficult to make a daily wage upon return to their place of origin. The pervasive lack of economic opportunities makes return to the place of origin either impossible or undesirable. Most individuals who are unable to return to their place of origin due to a lack of livelihood options or landlessness migrate to the cities to join the ranks of the urban poor.

The Land Allocation Scheme

The Afghan government’s Land Allocation Scheme (LAS) was formally launched in 2005 under the Presidential Decree 104. After many difficulties, including unrealistic expectations, an excessive number of proposed sites, poor site planning, deteriorating security conditions and problems with beneficiary selection an Oversight Committee (OC) has been established. It is led by the Ministry of Refugees and Repatriation (MoRR), with other relevant ministries, donors, UN agencies and NGOs operating in the LAS sites participating. Members have agreed on the need for transparency in beneficiary selection and topographical, geographical, geophysical, and hydrological surveys as well as site feasibility studies before any work is undertaken. They also agreed to examine livelihood concerns and employment opportunities before moving beneficiaries to the sites. The establishment of the Programme Implementation Unit (PIU) supported by UNHCR and USAID has made identifiable progress in overcoming critical early management issues such as site planning, beneficiary selection, and coordination. It has recruited and mobilised technical personnel providing MoRR with much needed field engineering capacity.

Priority is now being given to 11 selected sites and work is ongoing to varying degrees, some are still at the level of plot demarcation while others are building schools and health units. The LAS in 8 provinces, Farah, Kabul, Parwan, Takhar, Balkh, Wardak, Paktya, and Kapisa, has received government funding for implementation of 40 water points and 13 kms of link road. These interventions are all contracted and are under implementation. They will provide improved water supply to the LAS beneficiaries and enhance livelihood opportunities. However, the deteriorating security situation has resulted in implementation being suspended in the two LAS in Paktya and Kapisa. So far more than 32,500 families have received temporary land ownership deeds, of which more than more than 4,000 (12.3%) have moved to the settlements as of 1 August 2008. The news of these sites attracts the return of refugees from as far as Peshawar and Islamabad.

IDPs and Protection Cluster

Under the auspices of the National IDP Task Force, co-Chaired by the Ministry of Refugees and Repatriation (MoRR) and UNHCR, the Afghan Independent Human Rights Commission (AIHRC), and interested government/donor agencies, a national report was completed in August 2008, profiling the IDP situation across Afghanistan. The preparation of the report was a direct response to a recommendation of the Representative of the Secretary General on the Human

Rights of Internally Displaced Persons following his visit to Afghanistan in August 2007. Its purpose was two fold: to know how many people were internally displaced where and why and; to better understand their assistance and protection needs, as well as displacement trends, so as to assist the government to develop a comprehensive and integrated national IDP strategy which addresses the needs of IDPs relating to assistance, protection and durable solutions, with particular attention to the needs of vulnerable groups. In addition, such a profiling was intended to assist the humanitarian community to respond more effectively to IDP needs, security conditions permitting.

What the profiling makes clear is that Afghanistan is highly complex with different displacements having occurred at different times, in different parts of the country and for different reasons. Thus, finding durable solutions will be neither easy nor quick. There is a protracted caseload of 166,000 displaced as a result of conflict in the period prior to and after the fall of the Taliban in 2001, or as a result of drought which impacted severely on Kuchi (nomads) in the north, the west and the south. These IDPs are largely living in camp-like settlements in the south, the west and the southeast. There are new IDPs that have fled their homes as a result of conflict, insecurity and human rights violations since 2002. This includes those impacted by fighting, largely in the southern, but also in the southeastern, central and eastern regions, between the international forces and the Afghan National Army (ANA) on the one hand, and anti-government elements (AGEs) or the Taliban on the other. Many thousands of “battle-affected” were displaced in 2007 and additional thousands in 2008. Numbers are difficult to determine because most of these are short-term IDPs who return to their homes after the fighting. Moreover, verification is difficult because of insecurity in the “war zones.” Some people are unable to return because their houses or livelihoods have been destroyed or because they have been targeted as collaborators by the insurgents. There are also others in displacement as a result of conflict between different tribal or ethnic groups or even conflicts within a single tribe, often exacerbated by disputes over land and property or access to scarce resources such as pasture or water.

There are also, as previously mentioned, some 50,000 returnees in displacement, unable to return to their places of origin for security reasons, landlessness, or lack of basic services or work opportunities. Finally, though the numbers are hard to determine, there are others in displacement as a result of the severity of the continuing drought, coupled with the high cost of food, which has forced families to leave their villages in search for assistance or other livelihood options. While such migration, together with the practice of sending men to seek work in the cities or in the neighboring countries (Iran or Pakistan) are traditional coping mechanisms, the scale has been magnified by the hardships faced by rural populations in severely affected areas in the West and the North.

To respond to IDP issues, the Government, through its Departments of Refugees and Rehabilitation (DoRRs) in all provinces, works in close cooperation with the humanitarian community to address the needs of displaced persons to assistance i.e., to food, water, shelter, health, and education, as well their protection concerns, with particular attention to especially vulnerable individuals and families. In April 2008, the Government welcomed the decision of the UN Humanitarian Coordinator to introduce the Cluster System into Afghanistan, including a Cluster on Protection, which covers IDPs and returnees, to bring greater coherence, predictability and accountability into the humanitarian response.

Next steps

The Government of Afghanistan must develop and implement practical steps to resolve the land disputes that make it difficult for IDPs and returnees to go back to their places of origin, and to

assure security of tenure for both Afghanistan's rural and urban households who do not own the land on which they are living.

The Government of Afghanistan has to develop a long-term coping strategy to address food insecurity. The policy of return should be combined with a policy of relocation, allowing both IDPs and returnees to settle elsewhere outside of their places of origin when necessary.

The Government of Afghanistan must invest in developing water resources. All steps must have long-term solutions to Afghanistan's crises.

Afghanistan's situation must become more economically strengthened in order to integrate returnees and IDPs and to allow more refugees to return.

UNHCR Kabul
3 November 08