

October 26, 2009

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# PAKISTAN: PROTECT PEOPLE FIRST

Pakistan is facing a complex humanitarian crisis. Recent military offensives against militant groups have displaced several million civilians and left thousands dead. While many have returned home, the new offensive in South Waziristan is currently displacing hundreds of thousands more. The UN's activities are limited by both the insecure environment and restrictions by the government of Pakistan, but it must do a better job at adopting a principled approach to humanitarian assistance. As for the U.S., if it wants to help stabilize Pakistan, it needs to insist that the government prioritize the protection of civilians.

## A DIRE HUMANITARIAN PICTURE

The humanitarian and displacement situation remains dire in Pakistan and a comprehensive response is still required to identify needs and ensure that resources are available to respond. Even though the major military offensive against militant groups is officially over in parts of the North West Frontier Province (NWFP) and in the Bajaur and Mohmand agencies of the Federally Administered Tribal Areas (FATA), pockets of violence remain, causing continued civilian displacement. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimates that up to one hundred families were displaced in Bajaur during the week of October 12 alone. Because of the ongoing conflict and difficulties in access, international organizations struggle to monitor new displacement and assist vulnerable civilians. FATA in particular remains a "black hole," with very few agencies able to access the populations in need.

The UN and the government of Pakistan believe that 2.4 million civilians were displaced over the past year by the violence. According to OCHA, around 1.7 million have returned, leaving approximately 700,000 still displaced. On October 16th, OCHA reported in its humanitarian

update that there were still 12 camps operating and many displaced were still being hosted by relatives in safer communities. The UN refugee agency (UNHCR) is currently undertaking an assessment to determine how many people are still displaced, and what their needs are.

## POLICY RECOMMENDATIONS

- The U.S. and other donors should fully fund the UN humanitarian appeal for 2010.
- The U.S. should provide \$60 million in funding over five years to the RAHA project.
- The U.S. should push for a permanent presence of an OHCHR representative in Pakistan.
- The U.S. and the UN should work with Pakistani government officials on a legislative framework for a national IDP policy.

The UN and international organizations know very little about the situation of those who have returned, as access to return areas is severely limited. There has been no comprehensive assessment looking at basic conditions or sustainability of return. Return monitoring is taking place in few communities, while secondary displacement goes largely unnoticed because of the lack of assessments. With winter coming, many returnees will need assistance. Livelihoods have been severely affected by the military offensive which destroyed crops before the harvest. Refugees International visited IDP families from Swat who went home, only to be displaced again. “We were receiving no assistance, were under curfew and have no jobs. We simply couldn’t stay,” a mother of six told Refugees International.

Many question the success of the military offensive and argue that districts affected are far from stable. Moreover, the expansion of the military offensive is uprooting more people. In Khyber agency, more than 10,000 families have been displaced in the past couple of months, while the offensive in South Waziristan, launched on October 17th, has already displaced 200,000 civilians, and threatens to uproot many more. Access to the displaced and other vulnerable civilians is an even bigger problem in these areas, as insecurity and government restrictions on movements impede humanitarian work.

The UN is currently working on a humanitarian appeal for 2010 that seeks to address the needs of actual and potential internally displaced people, returnees, and other vulnerable civilians affected by conflict. It is essential the U.S. and other international donors fully fund the appeal and provide separate funding for NGOs to work with the displaced and other affected groups. NGO response has been uneven until now, with most of the international attention focused on Swat district, resulting in 60 NGOs establishing programs there, while only a handful work in FATA. Donors must encourage aid groups to respond to all needs, irrespective of geographical origin or Pakistani government preferences.

While the internal conflict and the IDP crisis have been the focus of most donors, they should not forget that Pakistan is still hosting two million Afghan refugees, who will most likely never return to Afghanistan. The current security concerns in Pakistan have led to the scapegoating of Afghan refugees, and the Ministry of Interior has unsuccessfully lobbied the Pakistani government to send all Afghans back home.

Donor governments and international agencies must send a strong message of support to the government of Pakistan by reiterating their commitment to refugee protection and by fully funding the UN Refugee Affected and Hosting

Areas (RAHA) project. Refugees International has been advocating for full funding of RAHA for the past year, which would allow for increased integration of Afghans and assistance for their host communities. The U.S. has only provided \$2 million, whereas Europe plans to contribute more than twenty times this amount. Germany alone provided over €10 million. There is a current \$60 million gap over five years, which the U.S. should commit to funding.

## **PROVIDE AID ACCORDING TO NEED**

The Pakistani government has been very reluctant to acknowledge the humanitarian toll the conflict has taken on civilians. Pakistan did not like the idea of the UN issuing a humanitarian appeal, and has refused to recognize the violence in the country as a civil conflict, fearing it would give legitimacy to insurgents. It also refused to talk about internally displaced people, preferring to use the term “dislocated” to circumvent its responsibilities under international humanitarian law.

The government has made some efforts to respond to humanitarian needs. Yet, the choice of retired General Farooq at first, then General Nadeem to coordinate the relief efforts over the last six months, reflects the power of the military in Pakistan and its predominance over Pakistani civilian institutions. It also points to the lack of a national IDP policy and legislative framework that would determine which civilian institutions are in charge of responding to internal displacement and how the army should relate to the overall effort.

With the government in charge of responding to the needs of the victims of a conflict they are party to, assistance is often used as a tool to advance military or political objectives. The U.S and the UN must address this issue, and ensure that assistance is delivered based on needs, and protection of civilians takes precedence over military strategy.

The Pakistani government has coordinated registration of the displaced, which determines who is entitled to IDP status and assistance based on their area of origin, not on vulnerability. As a result, arbitrary and discriminatory decisions are made, leaving displaced families unable to access humanitarian assistance because they come from the wrong district. Refugees International interviewed a government official in Jalozaï camp, near Peshawar, who told us that the displaced from Khyber could not register because there was no conflict there, just a “police operation,” and the government had not given civilians permission to leave. Meanwhile, the displaced from Khyber told us they left because of shelling of their villages and fear for their lives.

Aid agencies report discrimination against civilians who did not flee during the fighting, as the military considers them “collaborators” of the insurgents. The insistence that humanitarian organizations use government beneficiary lists to conduct distribution of aid has also been problematic. The government expelled The International Committee of the Red Cross (ICRC) from Swat in July in part for wanting to operate independently and conduct its own assessments.

According to a senior UN official, the government holds the view that civilians from certain areas, including those who fled, are “all insurgents who deserve to be punished.” Civilians from FATA are the primary victims of these policies, with aid groups reporting that wounded civilians are kept from leaving Khyber agency to go to Peshawar hospitals. As for the new military offensive in South Waziristan, the government’s strategy seems to be to cordon off the area, restrict civilian movements, and keep aid groups away. A major international aid organization was escorted out of D.I. Khan, Waziristan’s neighboring agency, when it tried to conduct an assessment there. A senior diplomat told Refugees International that in this “dirty war” it has waged, the government wants “to keep all ears and eyes away.” This is resulting in a policy of containment, with civilians kept from leaving, and only members of the Mehsud, the tribe of the insurgents, allowed to register as internally displaced people. NGOs also report being kept from distributing assistance to internally displaced people from South Waziristan.

The management of returns has also been problematic. Seen as part of a stabilization strategy, returns have been strongly encouraged by the government. On July 10th the government decided to organize returns on July 13th, and many question whether the returns were voluntary or safe. A major international organization conducted a survey in a camp in Swabi at the beginning of July, where 80% of respondents stated they wanted to return, but not anytime soon. Two weeks later, the camp was nearly empty. Refugees International interviewed displaced people from Swat who, to receive government assistance, had to sign a statement in English expressing their intention to return quickly. According to a UN official, about “a third of returns were not conforming to international principles.”

## **SUPPORT THE UN POLITICALLY**

The humanitarian community in Pakistan has had to make a difficult adjustment in the last few months. It has ramped up its presence considerably, sometimes to the detriment of the principles it professes to abide by. In particular, the United Nations finds itself in a tight spot. Up until recently,

the UN was in Pakistan to help the country’s long-term socio-economic development. There was no Humanitarian Coordinator and no OCHA, while UNHCR was managing small programs for Afghan refugees.

In response to the displacement in NWFP, in just a few months humanitarian operations grew to half a billion dollars. With the Pakistani government legitimately taking the lead in the relief effort — through a civilian body at the provincial level but led by an active military general at the federal level — humanitarian actors have been forced to find a balance between outright collaboration with the government and opting out of the assistance framework, as with the ICRC and Médecins Sans Frontières. While the Humanitarian Country Team (HCT) drafted operational guidelines which promoted impartial delivery of aid, this initiative was undermined by the lack of coherence in the operational approaches of the various humanitarian actors.

In particular, UN officials mention tensions inside the HCT because some agencies collaborate closely with the government. Food aid, which represents a third of the humanitarian appeal, is particularly contentious. The World Food Program (WFP) is said to have used government-drawn lists for its distributions, leaving out unregistered families and vulnerable families from designated non-conflict areas. Many aid organizations express concerns over policy decisions that clearly prioritize political and military objectives over humanitarian considerations, but see the ability to deliver aid to a segment of the population as a more acceptable option than refusing to operate. The UN needs greater operational coherence, but also greater support from the U.S. and the international community to respond to the current crisis more effectively.

The recent appointment of Jean-Maurice Ripert as Special Envoy for Assistance to Pakistan is positive. His role in coordinating the humanitarian, recovery and reconstruction needs will be critical, especially in ensuring predictable funding in the coming months. However, his role should not be confined to donor relations. Mr. Ripert will need to liaise with the Humanitarian Coordinator and address problems with the relief operation with both the international community and the government of Pakistan. His experience and position within the UN give him the necessary political clout to access high ranking Pakistani officials and express concerns from the humanitarian community and the UN. His first task should be to help depoliticize the aid efforts, and underscore the importance of responding to the needs of all vulnerable Pakistanis. Mr. Ripert, to be successful, will need the full backing of the international community, the U.S. in particular.

## SHOW U.S. CONCERN FOR PROTECTION OF CIVILIANS

President Obama just signed into law a bill authorizing \$7.5 billion in non-military assistance to Pakistan over the next five years. The “Kerry-Lugar” bill has been controversial in Pakistan because of its conditions on military assistance, which Pakistanis both in and out of government view as infringing on the country’s sovereignty. The opposition to the bill is fanning the flames of anti-western sentiments in Pakistan — a mix of nationalism, resentment of American drone attacks, fear of American military intervention and mistrust of the UN. The U.S. will need to communicate clearly and repeatedly what its objectives are, in particular when it comes to this new development money.

Ambassador Richard Holbrooke’s announced intention to channel U.S. aid money through Pakistani organizations and the Pakistani government has generated tensions within USAID and in the U.S. development community. The discussions center on the capacity of Pakistani institutions to manage large grants and respect high transparency and accountability standards. Ambassador Holbrooke’s objective to strengthen the civilian government and empower Pakistani organizations is important, but sequencing is crucial. The handing over of U.S.-funded projects to Pakistani institutions should be done carefully and be closely monitored. It must be recognized, however, that the reliance on U.S.-based organizations brings with it high transaction costs, the inability to access insecure areas, and the complications of further subcontracting to Pakistani organizations. Much of the current resentment towards Ambassador Holbrooke’s plan can be reduced by better communication and coordination between the State Department, USAID and Congress.

The U.S. has encouraged the Pakistani army’s crackdown on Taliban militants, and the country remains a top foreign policy priority for the Obama administration. While U.S. humanitarian assistance was forthcoming and generous during the summer, it is important that the U.S. lends its political weight on ensuring the protection of civilians. In particular it should ensure that relief assistance is provided to vulnerable individuals and that they receive protection from the Pakistani government, regardless of their geographic origin or allegiances. It should ensure the UN has the independence to assess where and how it should work, and in particular that food distributions are delinked from government lists.

In the medium term, the Pakistani government should develop a national policy for internal displacement, ensuring a clear chain of command and responsibility at federal and provincial levels. The establishment of ad-hoc governmental bodies leads at times to conflicting policies and discrimination in the provision of assistance. The U.S. can play a positive role by pointing to the provisions of the Guiding Principles on Internal Displacement and legislative models in other countries. Both can be used as a basis to ensure the protection of displaced families.

Local and international civil society groups have documented human rights abuses on the part of the Pakistani military, including forced enrollment into lashkar militia, torture and extra-judicial killings. The U.S. should encourage international human rights monitoring through the hospices of Walter Kälin, Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, and the Office of the High Commissioner for Human Rights (OHCHR). The OHCHR should have a permanent presence in Pakistan and should tap into the work of the Pakistani human rights community – so as to bring their investigative work to international attention.

## CONCLUSION

The current operating environment for humanitarian agencies in Pakistan is difficult. The recent bombing of the WFP offices in Islamabad is just the latest attack on the humanitarian community. It is an unjustifiable act, which will only hamper the effective delivery of aid.

With humanitarian organizations under siege, donor governments have repeatedly failed to provide them the requisite political support. To avoid further disrupting relations with a key ally in the war on terror, the U.S. and the European Union have not insisted that humanitarian aid be provided to the most vulnerable and they have remained silent in the face of discrimination in the provision of assistance and reports of human rights abuses by the Pakistani military. If the goal is to earn the allegiance of the population, this is a mistake. Enabling humanitarian organizations to provide relief impartially is not only principled, but may prove to be good politics as well.

*Kristèle Younès and Patrick Duplat assessed the humanitarian response to displaced people in Pakistan in October 2009.*